

Reflections on Public Participation

Lessons Learned from Practices of Mediated Negotiations and Public Dispute Resolution

John Forester
Cornell University (USA)

Participatory processes of collaborative problem-solving – inclusive, expert-informed, action-oriented – can improve policy analysis. Three American cases – a waste incinerator proposal, Native gathering rights, State parks protection – illustrate process design: Negotiation comes after inventing, learning, convening, diagnosis. Poor design risks deliberative malpractices: ignoring problems, excluding parties, misusing expertise, finding (lose, lose) options, missing joint gains. Careful design avoids ad-hominem attacks, encourages joint inquiry, shifts blaming to crafting policy proposals.

Riflessioni sulla partecipazione pubblica. Lezioni apprese dalle pratiche di negoziazione mediata e risoluzione pubblica delle controversie

Il processi partecipativi di risoluzione collaborativa dei problemi – inclusivi, informati da competenze esperte e orientati all'azione – possono migliorare l'analisi delle politiche. Tre casi americani – una proposta per un inceneritore di rifiuti, i diritti di raccolta dei Nativi americani, la tutela dei parchi statali – illustrano il design dei processi: la negoziazione interviene dopo fasi di ideazione, apprendimento, convocazione degli attori e diagnosi. Una progettazione inadeguata comporta il rischio di pratiche deliberative distorte: ignorare i problemi, escludere le parti interessate, fare un uso improprio delle competenze, individuare opzioni perdenti per entrambe le parti, non cogliere i vantaggi comuni. Una progettazione accurata evita attacchi ad personam, promuove l'indagine congiunta e sposta l'attenzione dall'attribuzione di colpe alla costruzione di proposte politiche.

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Introduction

I hope to show how participatory processes can improve public governance rather than disrupt business as usual. Planners and public officials might not only shape “public hearings,” or enrich “listening sessions” and neighborhood meetings, but more significantly still, they might use their substantial discretion to assemble “advisory committees,” “task forces,” “sub-committees,” “sounding boards,” and so on. Officials can and do convene such ad-hoc groups to inform judgments to improve public actions. Although officials

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might deflect responsibility to these bodies (“Even the sub-committee told us to go ahead!”), other officials can have more constructive purposes as they assemble advisory bodies animated by diverse concerns, competences, and stakeholder diversity: they might wish to probe for concerns, to test proposals, to get astute advice, and more.¹

These advisory groups or “task forces,” then, reflect forms of public participation that are not typified by single, contentious, “public hearings” in which officials “listen” to those affected for three minutes each. Instead, such advisory bodies can have histories that reflect careful designs: they meet, develop agendas, gather information, and analyze it to shape public action. Often more informal than rigidly prescribed, task forces can arise from administrative discretion, while “open meeting” laws still discourage deal-making. But the convening and assemblage of such advisory bodies can present surprising opportunities for public and civil society bodies, too, to promote public learning, trust-building, and serious policy analysis as well.

In a deservedly famous article, Sherry Arnstein presented a cartoon that conjugated the verb, “to participate”: “I participate, you participate...they profit” (Arnstein 1969). Indeed, many in the broader public may similarly feel, “We may participate, but they – the powerful, the expert, the resourced, the connected – they decide.” My argument here hopes to be more constructive. I wish to show that if we can be less conflict-averse, we can learn from diverse dispute-resolution processes and draw important lessons: i) public participation can enable public discovery and learning, not only cathartic voice; ii) outcomes of participatory processes can depend upon careful, detailed, and anticipatory “process designs” to engage conflicting interests and values in joint inquiries to adapt to changing understandings of problems, the process, and interests at hand; and iii) process designs that integrate joint fact-finding with moral deliberation, dialogue, and mediated negotiation practices can transform participatory processes into de facto policy analysis. As my colleague, David Laws, suggested, “Participation can become a form of policy analysis – in which the facts are inquired into jointly (with the varied benefits that generates) and that can produce an outcome that enjoys broad support, as opposed to framing a choice for ‘decision-makers.’”²

I will build upon my own research exploring practices of urban planners and public dispute mediators. In seven books I have assessed “practice-focused oral histories,” first-person accounts of practitioners who provide not “the last word” on participatory processes but a serious first word³.

By examining public dispute resolution practices, I will suggest how constructive, non-ritualistic public participation can inform public policy analysis. I will explore deliberative processes always informed by the use but not the autonomy, of expertise. Experts should be on tap, not on top, significant participants, not ultimate decision-makers. So, “policy-focused participation” might result neither organically nor from a “hidden hand,” but from the careful staging, or “process design,” of those seeking to improve public policy. But participatory designs can go wrong. So, I hope, too, to clarify the risks of “deliberative malpractices,” the ways that public administrators might undermine public deliberations, producing not public learning but senses of public dismissal and disrespect, humiliation or exclusion.

We can begin in Canada with an incinerator dispute. We will consider next a policy conflict over Native gathering rights in Hawaii. We can then review a contentious environmental protection case in California.

1. Responding to the Incinerator Proposal

In a small municipality not far from Toronto, the city council faced a financial and environmental problem. If the elected leaders signed an agreement with a national firm who proposed to build a local waste incinerator, they might supplement the tax base, create local jobs, and deal with waste disposal all at once. Several councillors were intrigued. But once the media announced this news, local residents feared environmental and health consequences and distrusted city officials’ mixed motives. Citizens began to organize to oppose the incinerator proposal.

The Mayor responded to public concerns by announcing an open “public debate” over the incinerator proposal to be held in several weeks in a local hockey arena capable of seating 700 people. Anticipating a

1 Cf. On discretion and improvisation, Forester (2023); Evans and Hupe (2020).

2 Private correspondence, 1/27/2026; cf. Laws and Forester (2007).

3 See, e.g. Forester (1999; 2009; 2013; 2021); Laws and Forester (2015), Reardon and Forester (2016), De Leo and Forester (2018). I note for Italian readers the path-breaking work on conflict resolution and participatory processes in Italy by Marinella Sclavi (2003; 2008; 2018); Sclavi and Buraschi (2022); Sclavi and Susskind (2016) and Iolanda Romano (2008; 2018), founding member of *Avventura Urbana* (cf. Sclavi 2002), as well as Laura Saija (Saija *et al.* 2017) and Giusy Pappalardo (2018) in participatory action research. My own reflections on these issues have grown from twenty years of conversation, joint research, and teaching with David Laws (e.g. Laws and Forester 2007; 2015) – as well as from the towering work of Lawrence Susskind (eg. Susskind *et al.* 1999).

contentious meeting, the Mayor asked the Royal Canadian Mounted Police to be on hand. But who might the Council find to manage such a potentially heated and difficult public meeting? They asked a local architect-planner and public dispute mediator, Laurence Sherman, for help.

Sherman agreed to facilitate the meeting if the city council would meet two conditions. First, they would immediately change their publicity to reframe the “public debate” to be “an open public discussion” of questions concerning the incinerator proposal. Second, city councillors would be present, not to make speeches but to be visibly and attentively taking notes, listening carefully to public concerns. Local media could ask any questions of several introductory speakers.⁴ The council agreed.

Sherman later recalled, “The place was packed. I opened by outlining how the meeting would go, and saying that there was one thing that we all in this room had in common: we all needed more information, and we all needed to hear more opinions about the proposition and the process that must occur for a decision to be made – and that was why we were all here tonight, for an exchange, not a lecture or a debate.” He continued,

“I could instantly feel the room of 700 people settle down. I had touched upon everyone’s assumptions and anxieties, and they saw their roles and now they understood what was going to take place. The discussion went off very peacefully. Everyone who had something to ask or say was recognized, pro and con: much information and opinion was exchanged, and when people left, they all knew they had had the opportunity of being heard, and they left with a better idea of what next steps were to be taken and how they might participate. The proposition was ultimately rejected by a special referendum that council decided to hold, once they had listened very carefully that night.” Forester (2013, 18-19).

We see two views of public deliberation competing here, the politicians’ and Sherman’s alternative. Both sought to identify important issues, to hear from experts, and to consider next steps. But the Council’s idea is curiously more academic: a “debate” surfaces the better argument; as a rationally disciplined competition of ideas. Sherman’s idea is less abstract, more grounded: real people will be threatened, scared about possible consequences, hardly trusting that either project proponents or city officials will serve the public’s interests. Sherman does not denigrate public distrust of government as irrational, but he anticipates that fearful, vulnerable, and skeptical residents will be angry and will demand to be heard and respected.

Even the Mayor anticipated the Council’s idealization of public debate – so he called the police! Sherman understood deliberation as rational, but human. He knew that when people face uncertainty, they need to learn before making decisions (Schön 1983). But he also knew that *how* any participatory meeting is convened matters deeply.

Sherman knew that the language, the practical rhetoric, of public “debate” was ambiguous at best, incendiary at worst. Fearful, distrusting, even rationally uncertain participants could easily interpret the invitation to debate as an invitation to argue, to refute opponents, to defend one’s own views. Indeed, just because various publics might interpret the invitation to debate as an invitation to fight, officials had called for a police presence. So, too, Sherman anticipated, the more that participants would come to fight, the less they would listen and learn.

This explains both the conditions he had set forth, and his opening to clarify the purpose and norms of the meeting: everyone’s questions deserve to be recognized; the politicians will not proclaim their good intentions but will listen; everyone will review what is presently known and what open questions remain. Then the Council will follow up.

So, what Sherman knew that the Council did not, was that a productive public conversation often requires what we can call a “process design” – from the very framing of the *invitations* to the fairness and inclusivity of the norms of the conversation. His practical help began well before the public meeting ever began.

2. A Participatory Process Following a Supreme Court Decision: Advising the State Legislature

In Hawaii, the State Supreme Court had granted Native or Indigenous Hawaiians the right to go onto private properties to pick herbs needed to celebrate their traditional rituals. Real estate interests and bankers,

4 Sherman’s story appears in Forester (2013, chapter 1); it is discussed in Forester (2018). In English speaking contexts, the invitation to debate is an invitation to a competitive argumentation of winners and losers; in France or Italy, this same invitation, to “debate,” is one to discuss and explore arguments. Sherman’s insight was that the very language of the politicians’ invitations will shape attendees’ presumptions and expectations of their roles: competing with others or learning from them, arguing to defend oneself and prevail, or discussing options freely and without vulnerability (cf. Forester 2022).

private property owners and sellers were incensed, while indigenous residents organized vociferously to defend their traditions. The State Planning Office turned for help to respected planner-mediator Peter Adler.⁵ Adler explained,

“The legislature had tried to remedy what they thought was a problem, and they got a lot of backlash, and then they said, ‘We don’t quite know what to do. Let’s do some kind of process.’ They turned to the State Planning Office, and they said, ‘You come back to the next legislative session and tell us what to do.’”

He continued, “I was retained by the State Planning Office to help them figure out a process and help to facilitate that, potentially. What I did was spend a bit of time talking with some very smart planners at the state office, and in a series of widening conversations, I talked to different Native Hawaiians and business people. I asked, ‘If we were to have some intelligent conversation about this, to try to work on this issue, who should be at the table? Who could we bring to the table? What would those conversations need to look like to be comfortable for you? What are some of the specific issues?’”

Adler soon convened “a study group” to address these questions. In a first phase, the study group would try to develop possible recommendations for action. In a second phase, participants would present their work to their constituencies for comment and revision. In a third phase the study group would reconvene, consider gaps and needed revisions, and try to make recommendations to the legislature.

Meeting with Adler, I wondered about his calling this “a study group.” He replied that he did not want to call it a “mediation” because he did not want people to come to make deals, to negotiate. He hoped representatives would meet, listen and learn – to study which issues mattered and what the options for action might be. His account details his efforts to help the group overcome their initial presumptions:

“Everyone comes in with their own predilections about what’s the issue, what’s the question, and what the answer is going to be. Everybody’s got that. What I’m trying to do is defer that answer for a while and see if there are joint questions to which they can seek a joint answer, and set the stage for that over a period of time, over a period of meetings. This changes them from their original presumptions, that they’re walking in with and their original mindset.”

What I had found surprising was the simplicity, even the elegance, with which Adler worked to transform a collection of adversaries into, in part, a group devoted to a joint inquiry, to learning together. He explained his deceptively simple strategy this way:

“Another piece that I love...is trying to put information on the table and getting questions framed. What I mean by that is, ‘What technical, scientific, economic, legal, or political information is lacking around the table? For us to talk more intelligently about this issue and be more informed, what information don’t we have?’ I’ll ask it just like that, ‘What information don’t we have?’”

He says, “I won’t ask it right away, not until we’ve done some things, but I will ask the group, ‘What is the information that is missing for us to have a reasoned conversation, or a good conversation, or a thorough conversation, or an intelligent conversation?’ Inevitably, “no group has all the information it thinks it needs. So, can we figure out some common pieces of information that are most crucial for us to have a second discussion? Who’s going to get that, and how can we get it?”

Notice here that Adler has asked no party for a concession, to compromise; he asks them all what information *they* need to do better, what information they need to address their problems. He went on,

“I’m having people address their uncertainty together to say, “Yeah, we would all be better off if we knew this.” So, in a way, posing an uncertainty brings them together. Now, people are brought together because their common enemy is ignorance – but you’ve got to get them into that mode where they are willing to entertain that and where they will sit still and be patient with a discussion that asks, ‘What are the questions that we should be asking?’ or ‘What is the information that we need to gather?’”

5 For Adler’s story, see Forester (2013, chapter 3). Among Adler’s many publications, cf. Adler (2024).

The parties are present together, ‘participating’ in the first place, he knows, because they are interdependent; they cannot just act unilaterally: If any of them could get what they wanted by themselves – in court, or through organizing, or through other forms of power and politics – they would not be there trying to work out a path forward. Uncertainty is their common threat; ignorance is their common enemy. But their interdependence also helps would-be facilitators or mediators to keep their discussions moving forward. Adler goes on,

“I’m hoping, by designing something – even in the naming of a process, and by the kinds of meetings...and the kind of expectations that get set in the beginning, and the kinds of exchanges that take place both emotionally and intellectually – that people will move through a process in which they are acquiring new understandings and information about each other, their views, and their positions. I’m hoping that they will be able to stay pretty tolerant for a while – as opposed to acting on their instincts, which are to do drive-by solution seeking...hit and run.”

He acknowledged difficulties:

“But if someone’s sitting there saying, ‘Who needs all that? I’ve got the answer,’ and [if] we’re still in that mode, it’s tough...I might talk with them privately, or I might deal with this right in the spot. I might call a break, talk privately with them, and say, ‘You may have an answer, but can you sell it?’”

This process had led to a curious conclusion Adler recounted: “What was so interesting was that the group hadn’t fully come to its conclusions by the third phase, so the public process actually did lead to what, I think, is the actually pretty amazing outcome of this process, which was that the group went back to the legislature and said, ‘Do not pass any laws.’”

He continued,

“The business guys who had first gone in and said, ‘We want laws to regulate this,’ came out of this and said, ‘No, no, don’t do that.’ Everybody held hands on this and said, ‘If you pass a law right now, you will exacerbate the issue; we’re not sure about the extent of the depth of the problem, and it’s way too premature to have any kind of law on this...’”

So, here was an outcome refuting the common presumption that mediated or facilitated groups might bias decisions toward the “build” rather than the “no build” option!

In our first case Sherman changed the game of “participation” by rejecting the “public debate” framing and staging of the process – so he could, instead, encourage parties to convene to learn, not to fight, to ask better questions rather than to argue about their fears and presumptions. In our second case, Peter Adler convened participants to face uncertainty and ignorance and learn as well. Over successive meetings, Adler’s group went further to explore options for action, even if ultimately the “no action” option prevailed. In our third case, mediated participation and deliberation involved actual negotiations over state regulatory policy as well.

3. A Participatory Process Following 20 Years of Acrimony: Resolving a California Environmental Controversy

In California, off-highway-vehicle users (motorcyclists) had been riding in the wilds of public lands for years to the dismay and anger of environmentalists and recreationists – from hikers and hunters to fishermen and equestrians – who found State parks and sensitive wildlife areas threatened and disrupted. These parties had been attacking each other in the press, in the courts, and in diverse political processes for twenty years. Then the State Parks Department leadership convened affected parties to try a mediation process. They brought in a labor mediator from a State agency. In short order, after a second meeting or so, the parties fired the mediator. That had not gone well.

So, the State then turned to Lisa Beutler, a staff member of the Center for Collaborative Policy. Beutler had worked in State government, but, earlier, she had been a motorcycle police officer with the State Parks Department. As a result, she understood the bureaucracy, she knew parks, and she appreciated motorcycles.

Beutler met first with the parties – having just fired the first mediator – to see if they would give her a chance to begin a series of problem-solving conversations. Her story involves inheriting years of acrimony, launching a process of learning about technical issues of sound, soils, and motorcycle design, assessing

environmental impacts of OHV use in the parks, and, not least of all, making a persistent effort to search for jointly crafted solutions rather than reiterating strategies of blame.⁶ Beutler had begun with ‘the (State’s) original vision...to convene an advisory committee of interests that wanted to oversee the management of OHVs (off highway vehicles) in California,’ but she went on to manage a process that informed changes in State regulation and drew national attention. Her practice repays careful study. Following my lecture on her work to an Australian “Safe Cities” audience, the first question was, “What’s Lisa’s phone number?”

Of course, Beutler did not “solve” this public policy problem, but as a facilitator and mediator she helped the negotiating parties craft agreements that worked for them. Mediators do not create agreements any more than midwives make babies. But midwives help mothers give birth, and mediators do help parties create healthy agreements. Just as the parents make the babies, the negotiating parties – however divided and quarrelsome – sign and own their negotiated agreements.⁷

Beutler’s work suggests many lessons, but space allows us to consider only three. The first involves what she called “mind-mapping;” the second involves working with anger, and the third concerns shifting from retributive blaming to problem-solving.

First, then: mind-mapping. Early on, Beutler worked to gain the contentious group’s agreement upon an agenda. The parties had agreed to try to craft an optimal program, not settle for someone else’s idea of such regulations. But what, then, might they find crucial to discuss together? Beutler asked the group to do a simple exercise. Standing before the blackboard, she mapped out what the group identified as the essential chapters if they were to write a book about creating an optimal program. She hoped to learn, with the parties, she said, not only about the “universe of issues” but where participants “had an interest in paying attention and doing some work.” She said, “I was looking for a space where there was energy to work collaboratively, where there...was a shared interest.”

But more significantly, she explained:

“The mind map did a couple of things that were very helpful with the contentiousness of the process. The energy was directed at the wall, not at each other...If I had asked about their issues instead of about the book, they’d have spoken about their “beefs.” [But] when I’m writing a book on a program, one of the chapter headings is not, ‘Joe is a jerk.’ But if I ask you what your issues are, one of your issues might be that Joe is a jerk. It’s a way of framing the conversation to make it...less adversarial.”⁸

Otherwise, Joe, of course, would be quick to reply in kind.

So, what Beutler did not ask – the naively simple, conventional, direct question, “What are your issues?” – was just as important as what she did ask, a question still eliciting important concerns but seeking to circumvent personal, ad-hominem attacks. This mapping of issues allowed the group to identify, and then bring in experts to address, the substantive chapters: the questions of soils, sound, trail grade, mitigation measures, land use regulations and more. Beutler was managing a process of discussion and inquiry that paralleled Adler’s “study group,” so the parties could move from learning from experts to negotiating actions, proposing regulations and sound modifications, as well.

Beutler’s second lesson concerned working with anger. I had hoped to learn how Beutler handled the contentiousness still present after 20 years of bad blood between parties. I remarked, at one point, that few of my planning colleagues would wish to walk into a room of stakeholders with such a history of animosity dividing them; they’d have little confidence in working with such an angry group. How could Beutler do this?

I can still hear her reply: “Well, yeah, they’re angry, but we can get something done. Whenever there is conflict in the room, it means there’s energy to work on something – conflict is always better than apathy. So, now, if I’m angry...I’m angry because I don’t think something is working right – and I want things to work right.”⁹ Her job, she was telling me, was to help to channel that energy to get things to work right.

Far from shunning anger as irrationality in a deliberation, Beutler argued that anger can be a resource, a reservoir of energy and commitment to learn and to devise strategies for actual change, not merely for restating positions. I repeated Beutler’s comment about anger and energy later that day to my cousin, a child psychiatrist. He smiled broadly and said, “That’s just what a good psychiatrist would say,” anger reveals energy for change.

6 For Beutler’s account, see Forester (2013, chapter 4) and the analysis in (Forester 2006).

7 For fuller discussion of these practices, see Forester (2009).

8 Forester (2013, 65).

9 *Ibidem*, p. 74

But this was not easy. Yes, Beutler had a deep reservoir of anger to work with, but here was her third lesson: she had to persist, to listen, to acknowledge previous injuries and to remind parties continually, as she put it: “There isn’t a single thing I can do about the fact that people in this room have been shot. [I can only work with] the reality of today:...that this situation isn’t working for you. Period – for all of you. If there’s anyone in this room that thought this situation was working for you, you wouldn’t be [here]. So... your big question, that you have to ask yourself, is, ‘Am I willing to not be in this situation anymore, and if I am...what am I willing to do about that? Am I willing to take the risk to be in a conversation?’”¹⁰

Beutler emphasized, “I will say that to them...twenty times. You have to say it constantly – because that’s really what it’s about – is it worthy of your time, to cease your suffering?”

Beutler’s persistent question works no magic, but it poses a crucial question about an injured party’s willingness to turn from past-focused retribution to future-focused proposals. This re-minding effort represents a mediator’s move to resolve – but not to banish or erase, not to deny or forget – a pressing conflict. The question is practical, for it addresses the parties’ lack of unilateral alternatives. For when several parties turn from long-standing threats of retribution toward problem-resolving negotiation, it can be as surprising as to seem magical, as parties begin to do things together after previously being convinced, “They’ll never consider that”.¹¹

Beutler’s work led the State to devise new regulatory standards – in particular a novel place-based sound standard – and to institute a standing roundtable bringing interested parties together to monitor strategies for land use regulation and OHV use in State Parks. State officials created a new mechanism to consider issues, study alternatives, and make recommendations for legislative action which drew national attention.

4. Lessons from Mediation Practices for Participatory Public Policy Cases

In these cases from Toronto, Hawaii, and California, participatory processes directly informed prospective public policies: the response to the incinerator proposal, the follow up to newly granted Indigenous gathering rights, the regulation of off-highway vehicles to protect public parklands. These participatory processes were neither self-designing nor organically spontaneous; they were carefully managed with an eye to i) public inclusion and transparency, ii) an openness to, and embrace of, technical, legal, and financial concerns, iii) careful process design, and not least of all, iv) a sensitivity to public emotions of fear and anger. In each case, state officials or civil society actors contributed to the staging, framing, support and encouragement of participatory processes, for better or worse.

In the Toronto case, important work happened well before the public meeting ever began. Sherman shows us that the very rhetorical invitation to a “public debate” can be incendiary or, as he reframed it in his welcoming introduction in the meeting, it can be reassuring. This involved no “neutrality” with respect to the proposed incinerator; it involved anticipating the conditions under which a productive and edifying conversation about a controversial public matter could take place. To ignore public fears and fail to anticipate the bedlam that might ensue in the meeting, even if police would attend, would throw caution to the winds; such failure to listen *for* public concerns would risk creating not neutrality but further distrust of governance, heightened senses of public vulnerability, and entrenched defensiveness rather than collaborative problem-solving.¹²

Sherman’s introduction to the public meeting echoed practices of Adler’s and Beutler’s as well: he acknowledged that participatory processes often begin with individuals facing uncertainty and substantial ignorance – ignorance of what others really want as well as ignorance of technical, legal, and financial issues at hand. So just as Sherman began with an appeal to a shared interest, “We are here tonight to learn about this proposal,” so Adler also spoke of ignorance as the common enemy, as a common threat the parties must address. Like Sherman, too, Adler respected his parties as “able to learn,” not as “ignorant” or “uninformed,” and in so doing he provided parties with a form of recognition and appreciation, neither condescension nor dismissal.

But then Adler used a wise and practical technique. Asking participants what they needed to learn to help them do better, he asked no-one for concessions. Quite the contrary, by asking as parties sat together, “What do you need to learn?” his question about individual ignorance led to a joint learning agenda. A sense of “you” became one of “we.” So, the group could see, “Yes, if we knew more about costs (or legislative

10 Emphasis added, jf.

11 Forester (2009); Cf. Susan Podziba’s chapter 8 in Forester (2013).

12 David Laws notes (personal correspondence, 9 Feb. 2026) “acknowledging that fear and anger can [also] inform efforts to get to other emotions that have been raised.” See also note 18.

plans, or legal issues), we might all be better off.”

Adler echoed Sherman and Beutler, too. He convened a “study group,” not a “mediation,” so parties might come to learn more than to make deals. Beutler took care how to ask about stakeholder concerns: she asked not, “What are your issues!?” which risked evoking personal attacks, but in effect, “What are the topics/chapters we need to learn about?”

So, these participation managers, call them facilitators or mediators or planners who can convene advisory groups, carefully promoted joint listening and learning, attentiveness and questioning, rather than only debating and arguing. They anticipated listening with patience, not resignation, to passionate parties who might lead first with their presumptions, favored strategies or solutions, but also with their fears and anger. They focused first on questions to pursue rather than initial answers to defend, so that experts might then constructively address these issues for the stakeholder groups.

Sherman, Adler, and Beutler were not trying to erase, neglect, or dishonor the parties’ painful histories, but they did not wish to put the match to gasoline either; they structured conversations to generate proposals, not blame, to acknowledge difficulties and threats but not to pre-empt the search for solutions. A planner involved in community mapping along Sicily’s Simeto River, Giusy Pappalardo captured this sensibility aptly as she wrote of saying to aggrieved parties, “OK, that’s the problem? What do you think could be the solution?...What do you think, how can we overcome that?”¹³ This deceptively simple question crucially shifts attention from past to future, from attributing blame to crafting proposals, from insisting upon ready-made solutions to making exploratory offers.

These process organizers respect parties’ abilities to learn. They treat stakeholders as caring, responsible actors. They welcome them and engage them as potential problem-solvers, rather than dismissing them as problems themselves. Notice too that all three cases illustrate the emotional responsiveness that encouraging participation can require. Even as police have been called, Sherman took careful steps to defuse a gathering potentially full of anger and fear, vulnerability and distrust, aggression and ad-hominem attacks. Adler responded to over-confidence and distrust, indigenous defensiveness and the realtors’ and bankers’ anger, and the impatience of parties pressing their ready-made solutions. Beutler recounted not only her shrewd response to anger, but also her insistence (and the parties’ recalcitrance) with which she had to acknowledge past pain and loss, to ask parties not just to rehearse blame but to “be in conversation with” one another. In each case, because both conversation and inquiry were vulnerable, the “managers” (“convenors,” “facilitators,” or “mediators”) took careful steps to protect and support those meetings, those interactions, so they could yet inform policymakers.

We learn from these cases, too, and from the literature on mediated negotiations, about the components and the temporal sequencing of careful process design. We see that carefully conducted participatory processes develop over time, through several phases, in which, perhaps counter-intuitively but crucially, negotiation comes last, not first. Before parties can begin to negotiate – to explore where giving a little might gain much more, to trade across priorities, to fashion proposals and agreements – they must be able to invent, to devise possible options. To be practical, these options must be informed by what they have learned from their engagement with experts and with each other. And before they can invent or learn, parties must have convened, have come together. But even such convening requires a prior diagnosis of issues to see who, which parties, might care enough to meet together. Such a diagnosis, done well, can provide a context to (i) convene the relevant parties, and (ii) help them learn together, so they can (iii) invent options, and so (iv) fashion proposals to which the parties can commit.¹⁴

Sherman, Adler, and Beutler all knew that negotiation, decision-making or problem-solving are most possible and most valuable at the later rather than the earlier stages of a participatory process. They distrusted presumptive solutions in which answers came before questions; they protected time and space for learning from experts. They resisted the idealization of argument or debate (as first imagined in Sherman’s case) because they recognized how readily anger and fear can lead to ad-hominem attacks that punish joint inquiry instead of furthering public learning. They recognized public uncertainty and ignorance not as human flaws or public inadequacy but as opportunities to learn together. They all designed processes that would take time, that they tried to manage carefully, so that they would discourage parties from jumping to

13 See De Leo and Forester (2018, 154); Cf. Saija *et al.* (2017), and Forester (2025).

14 Cf. Forester (2009); Laws and Forester (2007); see especially the many volumed work of Lawrence Susskind, e.g. (Susskind *et al.* 1999). For a compelling introduction to Susskind’s seminal insights, see his early account in Forester (2013, chapter 12). In a recent 2026 podcast, Susskind prefers “collaborative problem-solving” to “public dispute mediation.” (Cf. In conversation with Lara Land, “Beyond Trauma,” podcast available via iTunes and Spotify).

conclusions and instead help them to frame shared questions. More generally, such mediated negotiations that engage participants in addressing their ignorance together to learn and craft options have been documented and reflected upon as “joint fact-finding,” participatory processes that replace the adversary science of wars between experts with joint inquiry.¹⁵

To speak of these general “phases” – of diagnosis, convening, learning, inventing, and then and only then negotiating or deciding – enables us to re-frame “participation” and deliberation as temporally evolving, managed and adaptive social and political processes that can achieve far more than expressing differences in voice, in perspective, or in argument. In this framework, public participation becomes far more than a raw, cathartic, emotionally charged practice of “decide-announce-defend,” that citizens turn to when they know that they will have only three minutes to speak in a public hearing.

This framework has practical implications and so, it points to risks. If diagnosis goes wrong, for example, improper tools of follow-up and intervention can be chosen – as in the Mayor’s call for open, “public debate” in Sherman’s case. If convening goes wrong, critical stakeholders can be excluded or dismissed, or convened parties can indulge in ad-hominem attacks rather than addressing their problems: witness Adler’s early interviewing to shape who should, and would be willing to, be “at the table” in the study group. If learning goes wrong, parties can make short-sighted, ill-informed agreements: witness Sherman’s openness to questions, Adler’s stress on what fresh information would help, and Beutler’s mind-mapping exercise to determine what the parties needed to know. If inventing goes wrong, parties can focus prematurely on a limited set of options: witness Adler’s concern with impatient parties’ overconfidence that they have the solutions already in mind. And, of course, negotiations can go wrong: parties can fail to explore possible trades as they presume of others, “Oh, they’ll never ...” Or parties can be so tempted to engage in blame and retaliation that they miss opportunities for problem-solving: witness Beutler’s persistent appeal to parties to acknowledge past pain and have the courage nevertheless “to be in conversation” to resolve their problems.¹⁶

So, these reflections lead to a warning: if we understand “participation” or deliberation too thinly in terms of competitive argumentation or adversarial debate, we can ignore the dangers of producing what we can call “deliberative malpractices.” These are the practices that – often unintentionally – contribute to the disrespect, exclusion, and lack of recognition of parties; the dismissal or humiliation of parties, the presumptive narrowing of inquiry and the squandering of opportunities, the arrogance of allowing “experts” to intimidate citizens having local knowledge, the ways status differences can pre-empt breaking bread together.¹⁷ If a participatory process has not convened affected parties sensitively, it may be convenient for existing officials, but distrusted and suspect in the eyes of broader publics. If the process includes parties that are affected today, but excludes those who may be affected and outspoken tomorrow, it can easily result in tragedy or farce.

I have suggested lessons about “participatory processes” by considering the practices of skillful mediators of public disputes. Sherman’s, Adler’s, and Beutler’s work represented participatory cases in which distinct, anticipatory elements of process design crucially promoted public learning, legitimacy, and decision-making, integrally involving technical expertise and recognizing public fears and passions as well.¹⁸ So, indeed, “this is really a form of policy analysis!”¹⁹ Efforts to continue to study the practices and malpractices of mediating complex public disputes will repay our efforts.

15 See here Laws and Forester (2007); cf. Matsuura and Schenk (2016); Adler *et al.* (2011); McCreary *et al.* (2001).

16 Despite well-founded skepticism over ideals of “win-win” outcomes, unfortunately too many dismiss the persistent threats of “lose-lose” agreements, short-sighted compromises. See Lax and Sebenius (1986); Forester (2009).

17 I begin to discuss deliberative malpractices in a small book I am preparing on our subtle superpower of listening well and paying attention (Forester 2027, in process). But we might say that deliberative malpractices can result whenever public officials may smuggle in what Max Weber, one hundred years ago, recognized as “unbrotherly,” the “aristocracy of the intellect”: which appears as a threat in participatory cases, when experts are exalted and somehow must speak first, when other parties with relevant questions are secondary and lay people are even lower status! (Cf. Weber (1946, 355); Sherman in Forester (2013, chapter 1)

18 Space did not allow discussion here of a fourth, all too literally extra-ordinary, case of newly bridging the St. Croix River bordering Wisconsin and Minnesota. The controversy over the lift-bridge at Stillwater had been a matter of contention for 30 years. But then planner and mediator Mike Hughes managed a process of 28 stakeholders – environmentalists and preservationists, economic development and transportation advocates, local, state, and federal agency representatives – who together actually designed (and found a way to build) the new bridge, the highway engineers being on tap, not on top (See chapter 4 in Forester 2021).

19 So do I still hear the emphatic words of a brilliant student, Flavien Glidja, after a lengthy discussion of Peter Adler’s work in class at Cornell one afternoon. I have tried to develop and follow out Flavien’s lead ever since.

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John Forester

jff1@cornell.edu

John Forester is Professor Emeritus at Cornell University. His explorations of what planners, policy analysts, and mediators actually do have been published in seven books of practice-focused oral histories, including recently, *How Spaces Become Places: Placemakers Tell Their Stories* (NYU, 2021). Better known are his *Planning in the Face of Power* (California, 1989), *Deliberative Practitioner* (MIT, 1999), and *Dealing with Differences* (Oxford, 2009). He is completing a small book on the subtle superpower of attentive listening, tentatively titled, *The Gift of Listening: Paying Attention to What Matters*.