Deliberative public participation and hexachlorobenzene stockpiles

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ABSTRACT

This paper is concerned with the quality of citizen involvement in relation to the governance of industrial risks. Specifically, it explores the hexachlorobenzene (HCB) case relative to best practice public participation, which is consistent with deliberative democratic theory. The case could be judged a public participation failure given that the community committee in combination with the corporate sponsor was unable to agree on a mutually acceptable technological pathway. This stalemate might have been attributable in part to the time spent on the task of *review*. A diligent *participation* working party could have created a much more effective public participation plan, grounded in the core values of professional public participation practice.

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1. Introduction

This paper is concerned with the quality of citizen involvement in relation to the governance of industrial risks. Specifically, I explore the hexachlorobenzene (HCB) case, which is covered elsewhere in this special issue, relative to best practice public participation. I will also situate this practice within the broader field of deliberative democracy.

The policy actors[1] in the hexachlorobenzene (HCB) controversy[2] probably believe that they live in a democracy. Democracy, however, is a perplexing concept and possibly an unattainable aspiration in the Western political landscape with the word being invoked so routinely that it has been stripped of its meaning. The daily experience indicates that something different from democracy is taking place. Western countries most often take oligarchic form (or rule by a few) and could be described more accurately as (un)representative systems of government. They share some significant democratic attributes such as voting in elections but they are 'audience democracies' (Manin, 1997) with self-selecting candidates indulging in elaborate, electoral contests to charm their mostly passive audience, in productions that are increasingly funded by corporate benefactors (Brennan and Hamlin, 2000).

What has democracy got to do with the HCB dispute? Perhaps, quite a lot. Others in this special issue have covered the formal, regulatory and institutional arrangements that impact upon the HCB dispute and these formalities are imposed by government. This analysis is set within a defined historical period, between 1997 when a community committee was established and hope existed for a successful outcome, and 2002 when a stalemate emerged. This 5-year snapshot is viewed through the lens of a public participation practitioner and researcher operating within a Western system of representative government, with no knowledge of hexachlorobenzene (HCB). My interest is in analysing public participation possibilities that exist and how these possibilities were either grasped or overlooked during this 5-year period.

Governments are assumed to be both regulators and custodians of a democratic decision making system. However, citizens' trust in government is in decline (Barbalet, 1998; Fukuyama, 1995; Warren, 1999). Theorists speak of the possibility of active trust built on bottom-up decision making that "depends upon a more institutional 'opening out'" (Giddens, 1994: 187). Decision makers are removed from the decisions that impact on voiceless constituencies, often miscalculating what citizens want (Glazebrook, 2001). Governments, too, have been condemned as ineffectual and subservient to corporate capital (Tabb, 2002).

Governments and corporations can become intimately entwined, with politicians and corporate heavyweights presenting a united front that is difficult for citizens to confront. Corporations are finding themselves under the penetrative microscope of the popular media through documentaries such as The Corporation (2003) and Outfoxed (2004) and the detail that is revealed is disturbing. Corporations have argued successfully through corporate law for the status of human beings and now see their corporate 'personality' diagnosed as psychopathic or sociopathic; some corporations have been shown to display callous unconcern for feelings of others, reckless disregard for the safety of others, an incapacity to maintain enduring relationships and so on

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[1] Industry representatives, organised activists, academics, government officers etc.
[2] The dispute has been comprehensively covered elsewhere in this special issue. Therefore this paper assumes the reader has some knowledge of the details of that dispute.

(Bakan, 2004). Against this back drop of corporate miscreants any community could be forgiven for being cynical about the likelihood of a corporation sincerely approaching residents with a view to undertaking genuine consultation. Corporations too often engage in consultation practices to mollify citizens even though this is likely, ultimately, to enrage rather than appease. They might do it because they are required to do it, by governments, and in rare cases they might do it because they wish to exercise corporate social and environmental responsibility. Making a decision to consult does not mean that corporations or other sponsors know *how* to consult, but more about this later.

Despite the glaring absence of genuine democracy and the frustrations associated with defining and achieving the democratic ideal, theorists and practitioners continue to speculate on democratic possibilities. Perhaps humans have a 'democracy gene' because citizens who have been reduced to manipulated consumers continue to ask: what would a society be like if people could indeed determine their own destinies, if they could be involved in making the policy decisions that affect them? These questions create the collision point for theorists of deliberative democracy and citizen engagement practitioners, that site where academics and consultation professionals share their skills, knowledge and experience.

The field of deliberative democracy is relatively freshly planted. The Ancient Greeks (around the time of Pericles) from whom we in the West are said to have inherited the democratic pursuit did not engage in deliberative democracy[3]. They experienced direct democracy. Ancient Greeks stood passively in the *agora* (the centre of Ancient Athens), listening to rhetoric and voting in much the same way as we do now. The technology has changed, of course, but we tune in, equally passively, to printed and electronic media and express our preferences through the ballot box (Urbinati, 2000). What was distinctive about Ancient Greece, besides its exceptional, early foray into citizen-based decision making, was the novelty of selecting voters by lot (Hansen, 1991). The randomly selected citizens (adult males who were not foreigners or slaves) considered this attendance in the public space and their public participation in decision making to be their civic duty. However, group dialogue or deliberation was not necessarily part of the process.

Of course, democracy is more than institutional arrangements, more than governments and corporations, and has the potential to 'break out'[4] in the most unlikely sites: kitchens, boardrooms, public spaces. Democracy, beyond structures and systems, is an activity – a verb, not a noun. For that reason I want to focus on the crude intersection between theories of democracy and its manifestation in the policy arena where it can take the form of corporate-sponsored community consultation. I turn to theory first.

Habermas has been one of the most influential modern social theorists in the arena of deliberative democracy because of his focus on communicative reason or communicative rationality and many have followed in his footsteps (Barber, 1984; Benhabib, 1996; Dryzek, 2000; Young, 1996). Like all influential thinkers he has his critics and the *reason* and *rationality* dimensions have been questioned as an insufficient explanation of what does and should occur in a deliberative space.[5] However, deliberative democracy theorists who came after Habermas[6] share a belief in the efficacy and justice

of political decision making that involves citizens, that is discursive, and is not simply the product of a vote (Fung and Wright, 2003; Gastil, 2000; Gastil and Levine, 2005). In discussing the "conditions for deliberative decision making" Joshua Cohen talks about the "the ideal procedure" which should have "three general aspects":

> There is a need to decide on an agenda, to propose alternative solutions to the problems on the agenda, supporting those solutions with reasons, and to conclude by settling on an alternative… [O]utcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals (Cohen, 1989:22).

When researchers wrestle with the ideal of deliberative democracy, that is, political decision making based on reasoned discussion between affected parties, they are often surprised to find that the 'ideal'[7] is entirely achievable, at least in microcosm. This is because practitioners have been 'doing it' while idealists continue to argue, theorize or dream[8]. Consultation practitioners are more likely to ponder definitions of *public participation* than *deliberative democracy* but the similarities are evident. Here is one definition of public participation that resembles the aspirations of deliberative democracy advocates:

Public participation may be defined at a general level as the practice of consulting and involving members of the public in the agenda-setting, decision making, and policy-forming activities of organisations or institutions responsible for policy development (Rowe and Frewer, 2004:512).

Researchers and practitioners are colliding regularly now it seems through associations like the Deliberative Democracy Consortium or the International Association for Public Participation (IAP2). When they do meet, they discover their common conceptual and practical challenges as well as the enormous usefulness of the case study. What could be more illuminating than hearing about an ideal made real (in the hands of practitioners), then allowing that successful case study to withstand scrutiny (by researchers) to establish whether the ideal and real genuinely overlap[9]? Of course, not all case studies are considered to be successful and the failed projects provide a particular richness that successful ones cannot.

To assess success or failure or even to deepen our understanding of a case, a number of tools could be employed and a number of directions considered: is success to be judged by the deftness of the process or the worthiness of the outcome and so on. Practitioners have established core values that they believe should be enacted if their public participation activities are to have integrity. Theorists believe that there are principles that must be evident for practice to be defined as the genuine article. Empiricists relish evaluation tools that can be called upon to 'test' the efficacy of a project[10]. For this reason, I want to consider the HCB case study drawing upon two separate frameworks: (1) my own belief that public participation is most effective when it fulfills three principles (Carson and Hartz-Karp, 2005); and (2) IAP2's seven core values for public participation (www.IAP2.org). That makes 10 values, principles and criteria in all and, even though there is considerable overlap among the 10 (see Table 4), the most scrupulous consultation strategy would have

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[3] Though Aristotle soon after is credited with formulating the classical definition of deliberation, see: Aristotle (1962) *The Nicomachean Ethics*, Indianapolis: Bobbs-Merrill.

[4] Blaug (1999) using this term when he argues that we should create the type of environments that will stimulate democratic 'break outs'.

[5] Especially by feminists who mention other ways of communicating and knowing: see for example, Iris Marion Young's writings.

[6] Political scientists like Joshua Cohen and Jane Mansbridge as well as those writing in the area of environmental planning like Dryzek (1990), Forester (1989) and Fischer (1993). Also, for an overview of critics of deliberative democracy, see Ryfe's (2003) "Deliberative democracy and public discourse".

[7] Habermas (1973) speaks of an "ideal speech situation", for example in *Theory and Practice*, Boston: Beacon.

[8] Blaug (1999) does a fine job of exploring the divide between the real and ideal of discursive democracy in his book: *Democracy: Real and Ideal*.

[9] One of the best recent examples of this meeting of theory and practice is Fung and Wright's (2003).

[10] The best work that I have seen in the area of evaluation of public participation exercises has been completed by Gene Rowe and colleagues – see Rowe and Frewer, 2000; Rowe and Frewer, 2004; Rowe et al., 2004