

COLLABORATION AND THE ECOLOGY OF DEMOCRACY



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IN THE SUMMER 2009 ISSUE of the *Kettering Review*, the Charles F. Kettering Foundation began to explore the value of applying complex-systems analysis to the study of democracy. In the closing essay in that issue, David Mathews wrote of the “need to know more about where there are spaces or opportunities for deliberative decision making and civic learning to occur.” As Mathews noted, “We suspect that this is in what we have been calling the political wetlands.” Explaining that “the structures and practices of the political wetlands are more organic than institutional,” Mathews concluded that “the best strategy for stimulating democratic practices is probably to build on what is already ‘growing.’”¹

This paper is offered as a contribution to that strategy. Specifically, we will explore various democratic features and implications of citizen-driven, multiparty collaboration, viewed as one emerging species within the “ecology” of democracy. To anticipate the core of the argument: we believe that the kind of problem-solving collaboration we will be examining is democratic in the most fundamental sense of that word, because it is nothing more nor less than the effort of people to shape the conditions under which they live, rather than leaving that shaping to someone else.

The primary inspiration for this paper is the authors’ practical experience in collaboration, politics, and public policy. We also draw on democratic theory, multiparty negotiation theory, and a growing literature on collaborative conservation.

We want to be clear at the outset that we are not attempting here to provide a primer on collaborative governance, nor a comprehensive analysis of collaborative practices in public land and natural resource settings. For a concise and very helpful introduction to the principles of

¹ David Mathews, “Afterthoughts,” *Kettering Review*, Vol. 27, No. 2 (Summer 2009): 69-70.

collaborative governance, we suggest Chapter 2 of Carmen Sirianni's *Investing in Democracy: Engaging Citizens in Collaborative Governance*.² For an overview of the use of collaboration in natural resource and public land settings, two good sources are *Finding Common Ground: Governance and Natural Resources in the American West*³ and *The Western Confluence: A Guide to Governing Natural Resources*.⁴

Before turning to our analysis of collaboration as an emergent form of democracy, it may be helpful to provide an example of what we mean by multiparty collaboration. From the hundreds of readily available instances of citizen collaboration, we offer one from our own part of the world. Our intention at this point is not to present this case or its background in detail, but simply to provide a brief, concrete example of what we mean when we refer to multiparty collaboration.

The National Forest Management Act requires the United States Forest Service to review forest plans for each national forest at least every 15 years.⁵ In keeping with that requirement, the Forest Service published a draft of a new forest plan for the Beaverhead-Deerlodge National Forest in southwestern Montana in 2006.

Reactions to the draft plan were mixed, at best. The owners of the locally owned lumber mills still operating in the area, already hard-pressed by global competition, were concerned that the proposed plan would drive them out of business because it would not allow them to harvest enough timber from the national forest to keep their mills running. Conservationists, on the other hand, were convinced that the proposed plan was short on wilderness designation and that the proposed fish and wildlife programs were not protective enough of threatened species.

These conservationists and timber interests had a shared history of deep antagonism, in which they had typically taken diametrically opposed positions at public hearings on

² Carmen Sirianni, *Investing in Democracy: Engaging Citizens in Collaborative Governance* (Brookings Institution Press, 2009).

³ Ronald D. Brunner, et al., *Finding Common Ground: Governance and Natural Resources in the American West* (Yale University Press, 2002).

⁴ Matthew McKinney and William Harmon, *The Western Confluence: A Guide to Governing Natural Resources* (Island Press, 2004).

⁵ *National Forest Management Act*, U.S. Code 16 (1976) § 1600 et seq.

anything proposed by the Forest Service. One of those old warriors was Sherm Anderson, the founder and owner of Sun Mountain Lumber, Inc. in Deer Lodge, Montana. Anderson had spent his life in the timber industry, beginning to drive log trucks when he was 15, and eventually, through sheer determination and hard work, creating a business that in good times employed over 300 people, including several members of his own family. As the owner of the largest business in the county, Anderson was a natural choice to represent his neighbors in the state legislature, where his politics were dependably conservative. Serving as president of the Montana Logging Association in the 1990s, Anderson spent his fair share of time at public hearings, battling the environmentalists who contested nearly every timber sale proposed by the Forest Service. In the space of a decade, environmental activism and Forest Service policy had reduced the amount of public timber coming into Anderson's sawmill from 90 percent of his feedstock to 5 percent. Those supply problems, coupled with fierce competition from Canadian mills, had driven a steady stream of small sawmills out of business in the last few years. Anderson, operating at a loss even before the bottom dropped out of the housing market in the recession of 2008, had every reason to fear that he would be next. That was why the draft forest plan, with its further tightening of timber supplies, worried him so much.

One of the people who had battled Anderson in many of those public hearings was Tom France, long-time leader and chief litigator for the Northern Rockies office of the National Wildlife Federation (NWF). Protecting the habitat of threatened and endangered species like grizzly bears and wolves was what NWF members paid France to do, and he had done it well. Over the years, he and other environmental advocates had persuaded the Forest Service (often by first persuading federal judges) that the amount of logging occurring on national forests like the Beaverhead-Deerlodge was contributing to the decline in the population of grizzlies and other species. Meanwhile Trout Unlimited argued that soil erosion from logging operations



degraded trout habitat, while the Montana Wilderness Association pushed for official wilderness designation for thousands of acres of national forest land, which would ban timber harvesting on those landscapes altogether. To Sherm Anderson, these organizations and the people (like Tom France) who ran them had always been the enemy.

But if Anderson had built his business by being tough and persistent, he had also built it by being able to adapt to changed circumstances when nothing else would do. Pressed now from all sides, he began paying more attention to one change that some other sawmill owners were slower to recognize. He saw that some of the most successful environmental advocates, not least Tom France, had begun to spend almost as much time talking to their old enemies

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as fighting them. France had been a key player in negotiating an agreement with some Idaho sawmills for an innovative approach to grizzly bear management along the Idaho-Montana border. If working with people like Tom France was what it would take to keep his mill open, Anderson was willing to give it a shot. When he signaled that willingness at a con-

gressional hearing in Missoula, both Tim Baker from the Montana Wilderness Association and Bruce Farling from Trout Unlimited responded.

Eventually, representatives from five Montana lumber mills began meeting with local representatives from the National Wildlife Federation, the Montana Wilderness Association, and Montana Trout Unlimited to explore whether they might collectively find more mutually beneficial outcomes for forest management than those being proposed by the Forest Service. This collaborative effort became known as the Beaverhead-Deerlodge Partnership. The partners found common ground when some of the conservationists acknowledged that logging itself wasn't necessarily bad for wildlife and water quality, if done in the right way and at the right scale. They hammered out ways of fitting fish and wildlife restoration into a sustainable

timber harvesting program. The timber interests, meanwhile, were willing to acknowledge that substantial portions of the forest should not be logged, but would be better protected as wilderness. The Partnership's laborious collaborative efforts were eventually incorporated into legislation introduced by Senator Jon Tester and are currently pending in Congress.⁶

It is this kind of citizen-driven problem solving across deep ideological and interest group divides that we believe has become an important, but still emerging form of democracy. We will provide additional examples as the analysis proceeds. First, though, we need to explain what we mean by an “emergent form of democracy.”

“EMERGENCE” AND THE EVOLUTION OF DEMOCRACY

The concept of emergence derives primarily from complexity theory. In this context, emergence is the process by which systems or patterns arise out of a rich multiplicity (a complexity) of relatively simple interactions. Examples of emergent structures range from hurricanes to sand dunes to a school of fish swimming or a flock of birds flying in a tight pattern, moving as one body. Complexity theorists stress that it is inherently impossible to provide in advance a rule or algorithm that will produce the structure or pattern that in fact emerges. Nothing commands the system to form a pattern, let alone this pattern. Instead, the interaction of each part with its immediate surroundings (including other parts) results in a complex chain of processes that eventually leads to some recognizable pattern or ordered structure. So, for example, Stuart Kauffman describes the origin of life itself in these terms:

Life, in this view, is an emergent phenomenon arising as the molecular diversity of a prebiotic chemical system increases beyond a threshold of complexity. If true, then life is not located in the property of any single molecule—in the details—but is a collective property of systems of interacting molecules. . . . Life, in this view, is not to be located in its parts, but in the collective emergent properties of the whole they create. . . . The collective system is alive. Its parts are just chemicals.⁷

⁶ *National Forest Jobs and Recreation Act*, S 268, 112th Cong., 1st sess. *Congressional Record* (February 3, 2011): S 543.

⁷ Stanley Kauffman, *At Home in the Universe* (Oxford, 1995), 24.

Emergent or self-organizing phenomena arise in the social as well as the physical realm. Markets, for example, comprise a form of social interaction that seems to arise spontaneously out of the inescapable conditions of being human. While individual markets can be intentionally created, and while any market can be subjected to externally imposed rules and regulations, the market as a feature of human society appears and persists in history as something far more akin to self-organizing hurricanes or sand dunes than to intentionally manufactured artifacts like clocks or computers. Cities are similarly emergent, seeming to come with the territory of human society. And with the city (the *polis*) comes another

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emergent form of human engagement: politics.

As with markets or cities, politics seem, at some point, to emerge naturally out of the human condition. In order to deal with the range of challenges that confront any complex human society, decision structures and power arrangements are inescapable, and certain characteristic forms of these have emerged

in different settings. By the time Aristotle wrote his *Politics*, those forms had recurred often enough that he could create the same kind of taxonomy of politics that he had developed for many dimensions of the natural world. One of those characteristic political forms (not much favored by Aristotle) was democracy. This trail of emergent forms, leading from the appearance of life itself, to human life, and eventually to the emergence of politics, continues with the long and still ongoing evolution of democracy.

In the millennia since its emergence in ancient Greece (and especially in the last two centuries), democracy has become pervasive and well established enough to engender various characteristic forms of its own, including representative democracy, direct democracy of the town hall variety, and the kind of plebiscitary democracy manifested in referendum, initiative, and recall

mechanisms. As the bureaucratic state matured throughout the 20th century, it produced its own characteristic set of mechanisms for “participatory democracy,” including public notice and hearings, comment periods, and administrative appeals.⁸ Toward the end of that century, a widening desire for more authentically engaged and constructive citizen involvement produced new, less structured forms of deliberative and collaborative democracy.

With this thumbnail history of democracy in mind, we will examine some of its major developments in terms of the metaphor of an ecology of democracy. Our major objective will be to find clues to why and how collaboration has made its appearance in this ecosystem, and what challenges and opportunities it may present.

First, though, it may be helpful to say a word or two about the ecological metaphor itself. Is the idea of “political ecology” or “the ecology of democracy” analytically useful, or is it only a metaphor? One could argue that no good metaphor (no metaphor “worth its salt”) is ever only a metaphor. Useful metaphors establish themselves and persist because of some strong, often compelling connection or parallel between the natural phenomenon named by the metaphor and the referent phenomenon the metaphor is meant to elucidate. In the case of political ecology, it is clearly the world of nature that provides us with the metaphor of ecology. But we have already seen that the concept of emergence provides a more-than-merely-metaphorical bridge from the world of nature to the political world, since there is an unbroken continuum from the progressive emergence of life forms studied by evolutionists to the emergence of social forms characteristic of the human species.

In fact, political theory has carried at least hints of this ecological dimension from its inception. The very word *ecology* derives from the Greek word *oikos* or “household,” and it is with the household that Aristotle begins his examination of politics. Assuming that politics is, as its name implies, simply the organized life of the polis, Aristotle argues that the household is the source and model of all politics and that indeed the polis was a naturally evolved (or as we might say, an emergent) collection of households, or *oikoi*. “Hence it is evident,” Aristotle writes, “that the polis is a creation of nature, and that humans are by nature

⁸ Thomas Dietz and Paul C. Stern, *Public Participation in Environmental Assessment and Decision Making* (National Research Council, 2008).

political animals.”⁹ Athenian democracy falls far short of any standard we might set for a modern democracy, primarily because women and slaves were excluded from the process. Nevertheless, the Athenian polity was democratic in the fundamental sense that decisions were made by the assembled people, citizens controlled the entire political process, and a large proportion of citizens were involved constantly in public business. Pericles put it unforgettably in his funeral oration, following an early battle of the Peloponnesian War:

Our constitution is called a democracy because power is in the hands not of a minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law; when it is a question of putting one person before another in positions of public responsibility, what counts is not membership of a particular class, but the actual ability which the man possesses.¹⁰

If we superimpose our own understanding of how nature works, both in evolutionary and emergent terms, on Aristotle’s analysis of the natural origins of politics, we can recognize the appearance of Athenian democracy as an adaptive and emergent response to the particular challenges and opportunities of that time and place. One of those challenges, which any regime of any kind faces, is that of legitimacy—how does it ensure that people will obey the law? Pericles argues that Athenian democracy meets this test: “We are free and tolerant in our private lives; but in public affairs we keep to the law. This is because it commands our deep respect.”¹¹ Concern over legitimacy will follow democracy throughout its historical progress; it is, for example, at the heart of Jefferson’s “consent of the governed” argument. We will see that it also plays a part in the emergence of collaborative democracy.

Pericles makes another argument for democracy that gets even closer to the theme of this paper. “We Athenians,” he reminds his listeners, “do not think that there is an incompatibility between words and deeds; the worst thing is to rush into action before the consequences have been properly debated.”¹² In evolutionary terms, this would amount to saying that democratic deliberation has significant survival value. We will meet this theme again when we discuss the recent emphasis on deliberative and collaborative forms of democracy.

⁹ Aristotle, *Politics*, Book I, Chapter 2, in: *The Basic Works of Aristotle*, ed. Richard McKeon (Random House, 1941), 1129.

¹⁰ Pericles’ funeral oration is recounted in Thucydides, *History of the Peloponnesian War* (Penguin Books, 1954), 154.

¹¹ *Ibid.*

¹² *Ibid.*, 147.

But Pericles' most impassioned argument runs even deeper: in effect, he argues that Athenians are more fully human in every way because they are in charge of their own destinies:

Taking everything together, then, I declare that our city is an education to Greece, and I declare that in my opinion each single one of our citizens, in all the manifold aspects of life, is able to show himself the rightful lord and owner of his own person, and do this, moreover, with exceptional grace and exceptional versatility.¹³

It was this deeply humanistic dimension of classical Athenian politics that commanded the attention of the Renaissance political theorists and practitioners whom we next encounter on our rapid transit through political history. Of particular interest for our purposes was a theme that we might now call a “problem in democracy”: what the Florentine Renaissance writers, following Aristotle, called the problem of “the one, the few, and the many.” In *The Machiavelian Moment*, J.G.A. Pocock carefully traces this theme from ancient Athens and Rome to Renaissance Florence, England, and finally America. For Aristotle, the ideal political form would be the one that brought as fully into play as possible the unique strengths and abilities (the “virtues”) of each separate segment or dimension of society. Democracy (“the many”) brought to bear the virtues that Pericles so memorably described, but it could also bring passions and instability that a well-bred aristocracy (“the few”) were thought to be ideally positioned to moderate. And at least in some cases, a single leader (like Pericles) might be needed to bring the focused will of “the one” to bear on the challenges facing the polis. In the political soil and climate of Renaissance Florence, these ancient ideas sprang to life once again, and as Pocock demonstrates, they produced political species that would flourish in revolutionary America, with its peculiar but hardy blending of the interests of the one, the few, and the many.

CONCERN OVER LEGITIMACY WILL FOLLOW DEMOCRACY THROUGHOUT ITS HISTORICAL PROGRESS; IT IS, FOR EXAMPLE, AT THE HEART OF JEFFERSON'S “CONSENT OF THE GOVERNED” ARGUMENT.

¹³ Ibid.

We are by no means attempting to trace a comprehensive history of democracy here, but simply to note how that history has produced the political ecosystem out of which new democratic forms (like collaboration) might emerge. We began with Aristotle's contention that "the polis is a creation of nature, and that humans are by nature political animals." This ecological dimension of political theory became more explicit during the Enlightenment, especially when the French political theorist Montesquieu argued in his classic work *The Spirit of the Laws* that many forms of human society, including political forms, were fundamentally shaped by loca-

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tion and even by climatic conditions.¹⁴ Not only were political forms influenced by the places that generated them, but the republican form depended fundamentally on people in a particular place having a face-to-face relationship with one another. "It is natural for a republic to have only a small territory," Montesquieu wrote, for in that setting, "the interest of the public is more obvious,

better understood, and more within the reach of every citizen."¹⁵

Montesquieu's work was deeply influential with the founders of the American republic. Both the defenders and the opponents of the newly drafted U.S. Constitution agreed that the nation it established far exceeded the "small territory" that Montesquieu had prescribed. Montesquieu's authority as a political theorist was great enough, however, that James Madison had to go to some lengths in the *Federalist Papers* to explain how the "extensive republic"

¹⁴ Montesquieu, *The Spirit of the Laws*, Book VIII, Chapter 16 (London: G. Bell & Sons, Ltd., 1906).

¹⁵ Ibid.

envisioned by the Constitution could escape Montesquieu's conclusion that republicanism was only suitable for small states.¹⁶

In fact, Montesquieu had identified a very important feature of the ecology of democracy. The Periclean ideal of direct, face-to-face democracy had been, to a large extent, re-created in the town meeting democracies of New England, where Montesquieu would undoubtedly have agreed that democracy could indeed flourish. But what the Founders and successive generations of American political leaders had to do in order to make the "extensive republic" work was to replace face-to-face democracy with a representative form of government (already well-developed in England) where the problem of the one, the few, and the many was addressed by allowing sovereignty to be exercised by a subset of the people (the few), chosen by the many through the mechanism of election. Under representative democracy, elected representatives constitute the governing body or bodies and are expected to act in the people's interest. We will return to representative democracy in some depth later, as we examine the relationship of collaboration to this dominant life form in the ecology of democracy.

The problem of scale that Montesquieu had posed only deepened as the American republic followed its Manifest Destiny westward until it stretched from one coast of the continent to the other. Meanwhile, the increasing complexity of 19th-century industrial and commercial society challenged the capacity of existing governing institutions to keep up. The end of the 19th and beginning of the 20th centuries produced a number of significant adaptations to these new circumstances. The birth of the bureaucratic state was one inevitable result, with representative bodies increasingly passing regulatory responsibility to appointed officials. This introduced a new elite into the matrix of the one, the few, and the many, by giving a handful of agency experts of various kinds a much more prominent role within the governing framework.

The Progressive movement championed the cause of expertise with a vengeance, but it also contributed to other fundamental changes in the ecology of democracy. Progressivism had arisen in large part as a response to the emergence of new forms of economic organization, especially corporations operating on a national scale. Progressives urged that political power

¹⁶ *Federalist Papers*, No. 10 (New York: New American Library, 1961).

be mobilized on the same scale in an effort to hold these economic forces democratically accountable.¹⁷

Meanwhile, another set of progressive reforms gave new levers of power to the many. The thoroughly plutocratic nature of the U.S. Senate during the Gilded Age was addressed head-on by the eventually successful effort to require that senators be elected directly by the people rather than by state legislatures. And in many states those legislatures were forced by state constitutional amendments to share their law-making powers with the people, in the form of initiative and referendum mechanisms.

As it happened, the region where these new forms of direct democracy most strongly predominated was also the region that would be most deeply affected by a substantive offshoot of the Progressive movement: the protection of millions of acres of Western land from settlement, and the establishment of national jurisdiction over these public lands. Here the elements of bureaucracy, professional expertise, and national democracy converged, in a blend that would become a major seedbed for the later emergence of a new form of democracy: citizen-driven collaboration. To understand the genesis of that democratic form, we need to take a closer look at how the themes we've been examining had evolved by the end of the 20th century.

As that century unfolded, the bureaucracies that had begun to emerge during the previous century now spread across the governmental landscape. Efforts to keep this growing corps of unelected decision makers accountable to the democratic polity produced a steadily thickening fabric of proceduralism as the century progressed.¹⁸ As legislative bodies delegated more and more decisions to government agencies, citizens began to feel shut out of those decision processes. The Administrative Procedure Act (and its state-level equivalents), and the entire

¹⁷ Among the most compelling arguments for this mobilization of democratic energy and political will on a national scale were Herbert Croly's *Promise of American Life* (1909) and Theodore Roosevelt's "New Nationalism" speech in Osawatimie, Kansas, on August 31, 1910. One of the (largely unintended) side effects of this focus on national democracy was a gradual concentration of power in the hands of the president. This development would bring the role of the one in the old framework of the one, the few, and the many into play in a new form. By the 1970s, Arthur Schlesinger Jr. was writing about the "imperial presidency," and three decades later, Supreme Court nominations were turning in part on the nominee's stand on the theory of the "unitary executive."

¹⁸ Daniel Kemmis, *Community and the Politics of Place*, Chapter 5 (University of Oklahoma Press, 1990).

structure of public notice and public hearings with which we are now so familiar constitute an effort to democratize the bureaucratic state by guaranteeing citizens the right to participate in this crucial range of decision making. “Sunshine laws” and constitutional provisions guaranteeing citizens the right to know about and participate in these decisions fit in this same category of procedural democracy.¹⁹

That solution has only been marginally successful. It works tolerably well as a means of addressing the realities of a pluralistic society, in that it gives various interests (and interest groups) an assortment of opportunities to make their voices heard. It has not been nearly as successful, however, in promoting the pursuit of the common good.

The mechanisms of procedural democracy were designed to ensure that individual or group interests were kept informed of decision processes as they unfolded, and that they would have an opportunity to express opinions about the matter at hand, but those

mechanisms were never designed to enable those separate voices to find or fashion common ground. That was simply not their purpose.

As it turned out, representative democracy itself was undergoing changes that made it better at reflecting the increasing pluralism of American society, but at a cost to the pursuit of the common good. One reform which on its face seems totally laudable may in fact have been a mixed blessing in these terms. The court-imposed “one-person-one-vote” rule was applied to representative institutions at all levels of government following the U.S. Supreme Court

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¹⁹ Many of the features of what we are calling “procedural democracy” were intended to broaden citizen participation in governmental decision processes. Those features are often referred to as “participatory democracy.” We have chosen to reserve that term for the stronger forms of participation found in deliberative and collaborative activities. We will therefore refer to the cluster of democratic practices described here as “procedural democracy.”

decisions in *Baker v. Carr*²⁰ (holding that federal courts had jurisdiction over state reapportionment issues) and *Reynolds v. Sims*²¹ (holding that the Equal Protection Clause of the U.S. Constitution demanded “no less than substantially equal state legislative representation for all citizens”). While this constitutional doctrine resulted in much greater equality among citizens in terms of voting power, it had the unintended but often marked side effect of reducing the power of place in the electoral process. Whatever else single-member voting districts may be, they are very rarely meaningful *places* in the sense that was so important to republican theorists like Montesquieu. When a state legislator says she represents “House District 68,” she is naming a bounded territory whose chief characteristic is that it contains the same number of residents as every other district in the state. None of the residents of that district ever think of them-

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selves as citizens of District 68, nor is their behavior in any way influenced by that geography. As a result, representative institutions, like the bureaucracies they had created, became much more attuned to interests and ideologies than to either real places or to the common good that arises from “common ground.”²²

What seemed to have disappeared almost entirely from the democratic landscape of late 20th-century America was that one fundamental feature of democracy that Pericles had so proudly identified in his funeral oration: the power and effectiveness of democratic deliberation. If nature indeed abhors a vacuum, it isn’t surprising that this vacancy began to draw forth new life forms, very tentatively at first, and then with increasing urgency and vitality.

One response was the development of various forms of “alternative dispute resolution.” Rather than relying exclusively on judicial or administrative mechanisms to resolve disputes,

²⁰ *Baker v. Carr*, 369 U.S. 186 (1962).

²¹ *Reynolds v. Sims*, 377 U.S. 533 (1964).

²² See Kemmis, *Community and the Politics of Place*.

some disputants began exploring the possibility of resolving them directly, face to face (although usually with the assistance of a neutral third-party facilitator or mediator). At first, almost no one recognized these developments as having anything at all to do with democracy; they were simply new mechanisms for resolving particular disputes. One leader in the field, Lawrence Susskind, provided a more nuanced view and an incisive analysis of the relationship of alternative dispute resolution to deliberative democracy, in an article in *Dispute Resolution* magazine entitled, “Can Public Policy Dispute Resolution Meet the Challenges Set by Deliberative Democracy?” What Susskind has helped us see beneath the surface of alternative dispute resolution is that ancient and fundamental democratic truth: given the right circumstances, ordinary people have a substantial capacity to overcome differences and discover common ground.

If the growing field of alternative dispute resolution did not immediately recognize the democratic implications of its work, another emergent set of activities reflected much greater awareness of those implications. Beginning in the early 1980s, organizations like Public Agenda and Kettering Foundation began to experiment with new mechanisms (especially the National Issues Forums, or NIF) to bring the power of citizen deliberation to bear on a variety of public issues. Eventually, National Issues Forums were joined by Study Circles (now Everyday Democracy), by James Fishkin’s practice of deliberative polling, and then by *AmericaSpeaks*, in a cascading emergence of deliberative forums.

Meanwhile, yet another new democratic life form began to emerge in the open spaces left by the older, established democratic forms of representative, procedural, and direct democracy. Multiparty collaboration partakes of elements of alternative dispute resolution and deliberation, but it also exhibits unique features that justify its treatment as a separate species of democracy. In terms of the evolving ecology of democracy, collaboration seems to have arisen as a direct response to some of the shortcomings of the late 20th-century framework of procedural democracy. Whatever else public hearings might accomplish, they almost never created an opportunity for anything resembling democratic problem solving. Yet with increasing frequency, the stakeholders who for decades had battled each other in public hearings began to engage in serious, face-to-face, problem-solving work of the kind we described earlier in our account of the Beaverhead-Deerlodge Partnership. What has moved so many people to take on this hard work of collaboration has been the widespread perception that, in all too many cases,

the existing governing framework was proving itself incapable of getting the job done. To put it bluntly, the problems that people expected the government to solve were not getting solved.

We are reminded of Pericles' assertion that Athenians were more successful in solving problems and devising strategies because they brought many minds and diverse points of view together and took the trouble to discuss issues thoroughly before reaching a decision. We will argue that it is the marginally greater effectiveness of collaboration that has primarily accounted for its expansion within the ecology of democracy.

But the emergence of collaboration has also brought into focus in a new way the problem of scale and the importance of place that had commanded Montesquieu's attention. In fact, the phrase *place-based collaboration* occurs so frequently in the literature that we have to ask whether there is something about collaboration itself that makes it particularly well suited to solving place-specific problems. We are not here claiming that a focus on place is a necessary condition for meaningful collaboration. But because so much collaborative experience to this point has been place-driven, it seems worthwhile to explore what there is about place-focused problems that would have produced so much of this emergent democratic form.

To that end, we turn our attention to the remarkable spread of collaborative practices in our own place—the American West—and to a range of collaborative activities arising within a setting with which we are personally familiar from our own practical work. That setting is characterized by contentious, fairly localized natural resource issues on or near public lands in the western United States. Our hope is that, by examining how collaboration has emerged and matured in this rather narrow niche within the ecology of democracy, we can develop some useful methodologies for studying what catalyzes, enables, constrains, and sustains its existence (or what might cause its failure to thrive) in other settings.

A CASE STUDY: GOVERNING PUBLIC LANDS

There are two especially salient components of this particular niche in political ecology. One is literally ecological: these collaborations, without exception, revolve around the uses to be made of very specific landscapes and of the soil, water, flora, and fauna of those landscapes. Part or all of each of these landscapes consist of public land, usually administered either by the U.S. Forest Service or the Bureau of Land Management. In most cases, the parties to the

collaboration include, on the one hand, extractive users of the public land in question (timber or grazing interests, for example) and on the other, conservationists seeking to protect the land or the species inhabiting it. A fundamental feature of the dynamics behind collaboration in these cases is the simple fact that different people or interests have different objectives for what should happen on one particular piece of ground.

The second key component of this setting is the existing decision-making system that constitutes the governing framework for the public lands. This decision structure is breathtakingly complex, comprising a broad range of statutes such as the National Environmental Policy Act of 1969 (NEPA), the Endangered Species Act of 1973 (ESA), the National Forest Management Act of 1976 (NFMA), the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA).²³ These statutes (and many others) are fleshed out by a corresponding and even more voluminous set of agency regulations, by multiple layers of appeals, including frequent recourse to federal courts, and by the case law emerging from that litigation. This is the “procedural republic” in all its glory!

The increasing problems with this governing framework have been extensively noted and analyzed. Former Secretary of the Interior, Cecil Andrus, has described the public land governance system as “the tangled web of overlapping and often contradictory laws and regulations under which our federal public lands are managed.”²⁴ Congressman Scott McInnis, former chair of the Subcommittee on Forests and Forest Health, decried “a decision-making apparatus that is on the verge of collapsing under its own weight.”²⁵ Former Forest Service Chief Jack Ward Thomas calls this governing framework “the blob.”²⁶ In June 2002, Forest Service Chief Dale Bosworth presented to Congress a report entitled, “The Process Predicament,” describ-

²³ For an in-depth presentation of this statutory framework, see Sarah Bates, *The Legal Framework for Cooperative Conservation* (Public Policy Research Institute, The University of Montana, 2006).

²⁴ Andrus Center for Public Policy, *Policy after Politics: How Should the Next Administration Approach Public Land Management in the Western States*, 2 (June 1, 2000).

²⁵ *Conflicting Laws and Regulations—Gridlock on the National Forests: Oversight Hearing before the Subcommittee on Forests and Forest Health of the House Committee on Resources*, 107th Cong. (2001).

²⁶ “The Lubrecht Conversations,” *Chronicle of Community* (Autumn 1998): 9.

ing the effects of regulatory and administrative gridlock on national forest management.²⁷ The report focused heavily on the agency's increasing inability to fulfill its primary duties.

Collaborative democracy has emerged so profusely in this setting because many of the people with the strongest stakes in the landscapes in question have concluded that the existing decision system cannot reconcile those competing stakes as effectively as can the stakeholders themselves, acting on their own initiative. This response has been especially prevalent in the vast reaches of the West where public lands are so prevalent. Here, in what is often referred to as the "public lands West," we have seen a steadily growing number of local agreements among environmentalists, ranchers, loggers, miners, and recreationists about how the public land or natural resources should be managed in their particular river drainage area or ecosystem. More and more Westerners on both sides of the political fence have come to believe that they can do better by their communities, their economies, and their ecosystems by working together outside the established, centralized governing framework than by continuing to rely on the cumbersome, uncertain, underfunded, and increasingly irrelevant mechanisms of that old structure, which had only taught them how to be enemies.

The collaboration movement is a pragmatic response to the slowly accumulating evidence that our historical experiment with proceduralism has had mixed results at best, and at worst, simply does not work. It either does not produce good and lasting decisions, or it gets so lost in its own procedural maze that it cannot produce any decisions at all. The more statutory and regulatory layers that have been added to any particular issue, the denser the maze and the higher the likelihood that the system will malfunction around that issue. It is not surprising, then, that the public lands West, where more layers have been spread across each other than anywhere else, is the place where the search for an alternative decision-making structure has been most intense. It is because the existing system is so pervasively and palpably unworkable there that Westerners have been willing to put so much work into fashioning an alternative.

²⁷ U.S. Forest Service, "The Process Predicament: How Statutory, Regulatory and Administrative Factors Affect National Forest Management," <http://www.fs.fed.us/projects/documents/Process-Predicament.pdf> (accessed June 2, 2011).

There is simply too much at stake to let the prevailing system prevail—and consistently fail. It is this set of circumstances, above all, that has propelled the collaborative movement in the West.

As the collaborative method of resolving public land and resource issues has spread across the region, it has come into relationship with the existing governing structure in a number of different ways, some of which we will examine in more detail later. But since its earliest emergence, this form of democracy has been quintessentially organic. While agencies now promote collaboration in a variety of ways, this particular “wetlands of democracy” has not established its foothold on the landscape at anyone’s direction or by anyone’s design; in its native form, it has been almost entirely undirected and has most often occurred without any official sanction or any clear way of connecting to the existing decision structure. We will begin our tour of this landscape, then, with the most feral examples of collaboration and then move on to more domesticated instances.

Jan Brown ran a guest lodge in southeastern Idaho, on a blue-ribbon trout stream near Yellowstone Park. Her livelihood depended on the fact that there were big trout in the Henry’s Fork of the Snake River and that her guests liked to catch them. But the river was threatened from many directions. Cattle grazed near it, wearing down the banks that the big fish liked to slip under. State fish and game managers allowed more fish to be caught than the population could ultimately sustain. Even worse, hydroelectric developers were forever eyeing the river’s swift current, hoping for a chance to dam it for the purpose of driving electric turbines.

Since the early 1980s, the Henry’s Fork Foundation (HFF), a nonprofit conservation organization, had done its best to protect the river. The group’s aggressive advocacy had brought

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it into direct conflict with area ranchers, as it sought to remove cattle from the public lands abutting the river, where the ranchers had grown accustomed to leasing the public land. The resentment aroused by this threat to ranchers' leases was a big part of the working environment into which Jan Brown stepped when HFF hired her as its executive director in 1991. She remembers one public hearing, where a farmer compared her to Saddam Hussein, and many hearings and meetings so contentious that they regularly left her sick to her stomach. She refused to be daunted, though, and under her leadership, the organization grew to 2,000 river-loving members, spread across the country and indeed around the world.

That broad-based constituency had enabled HFF to persuade Congress to ban any new hydroelectric development on the most cherished stretch of the river, but the organization could not prevent the federal Bureau of Reclamation from managing an existing reservoir in a way that flushed over 50,000 tons of fish-killing sediment into the river. With fishing so poor, the tourist trade took a nosedive that summer, and Jan Brown decided she needed some new allies. She turned in a most unexpected direction to find them.

One of the people with whom she had locked horns repeatedly during those stomach-churning hearings was Dale Swensen, the executive director of the local irrigation district. The farmers he represented lived in constant dread that an environmental organization capable of banning cattle from the river's banks might also find a way to prevent them from taking water out of the river to irrigate their crops. But all this fighting with the farmers had provided Jan Brown with an education in their operations, and she knew they didn't like the sediment dump much more than her members did, since that much mud could seriously clog up irrigation ditches, not to mention irrigation pipes. Brown took a deep breath and asked Dale Swensen what he would think about trying to see whether they might share other common or overlapping interests in the river and its management. Swensen agreed to give it a try, and before long, he and Jan Brown were cochairing a new organization, the Henry's Fork Watershed Council (HFWC).

Still going strong and still meeting monthly nearly two decades later, the HFWC has steadily, persistently, brought together all the competing interests in the watershed—farmers, ranchers, anglers, outfitters and guides, environmentalists—providing a forum where they can address

whatever new challenges arise on the Henry's Fork. Operating explicitly on the eminently democratic maxim that "none of us are as smart as all of us," the 150 or so members of the council have become increasingly skilled at tapping that collective intelligence. Much of this skill rests on paying closer attention to the details of each others' interests or operations, as Jan Brown had done when she learned how harmful sediment could be to irrigators. A few summers later, Dale Swensen learned a similar lesson in reverse when low flows in the river made the water so warm that the fish began to die. When Brown explained how the fish depended on cool water, Swensen persuaded his irrigation district and the Bureau of Reclamation to release enough water from the cool depths of the reservoir to refresh the fish. "Lots of times we find that when we get more educated, we can set aside philosophical differences and get on with things," Swensen told a reporter. "Recently, I was called an

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environmentalist. It was quite a shock to my system."²⁸ That shock to Swensen's system might be taken as a metaphor for the metamorphosis that such collaborative efforts have wrought in watersheds across and beyond the West.

For, in fact, over the last two decades, stories like this have multiplied across the region, reaching into nearly every watershed and ecosystem. The Beaverhead-Deerlodge Partnership, described earlier, is a fairly typical example of a collaborative effort that arose organically and that had its origins outside the established governing structure. An earlier, well-known example was provided by the work of the Quincy Library Group in the early 1990s. The detailed

²⁸ "Idaho Learns to Share Two Rivers," *High Country News*, May 13, 1996.

history of this group would present individual stories not unlike those we've described in the case of the Henry's Fork Watershed Council or the Beaverhead-Deerlodge Partnership. Mutually dissatisfied with a management plan proposed by the Forest Service, a group of loggers, environmentalists, citizens, and local government officials from the area around Quincy, California, came up with an alternative 5-year management plan that would preserve old growth, endangered species habitat, and roadless areas for 2.5 million acres of forest surrounding Quincy, and still keep the town's local sawmills in business. Unable to persuade the Forest Service to adopt the plan, the group enlisted the support of their congressional delegation and eventually got their bill through Congress in 1996.

As this kind of citizen-initiated collaboration has gained momentum in the public lands and resources arena, government agencies have themselves sometimes been invited to become collaborating partners. Consider, for example, the Blackfoot Challenge. This collaborative group of private landowners, federal and state land managers, local government officials, and corporate landowners now coordinates much of the management of the Blackfoot River, its tributaries and adjacent public and private lands—approximately 2,400 square miles in western Montana. The mission of the Blackfoot Challenge, according to its website, is “to coordinate efforts that conserve and enhance the natural resources and rural way of life in the Blackfoot Watershed for present and future generations.” The Blackfoot Challenge is now known nationally as a model for preserving the rural character, ecological health, and natural beauty of a watershed. When the Obama administration launched its America's Great Outdoors initiative in 2010, it staged its first public event on the ranch owned by Jim Stone, the chair of the Blackfoot Challenge board, as a way of underscoring how important the collaborative efforts of groups like this have become in the recent history of American conservation.

To understand how the Challenge gained that reputation, it may be helpful to recount the story of the organization's treasurer, Denny Iverson. Iverson's parents moved their family from Minnesota to the ranch they had bought in the Blackfoot Valley in 1975. He was in high school at the time, and he tells how his father, whose dream had long been to own a ranch in Montana, turned out not to have much of an idea of how to make this dream ranch pay. As Iverson remembers it, he and his brother, Les, “had to work like hell to keep the ranch from

going broke.” Iverson was just waiting for the time when he could break free, and even when he and his brother bought their parents out in 1991, they agreed that as soon as they could, they would sell the ranch. But as Iverson talked about that plan one evening with his wife, Charlotte, their two young girls, Courtney and Ashley, suddenly broke in on the conversation. “You can’t sell the ranch,” they told their parents. “This is our home!” As he tells the story, this expression of passion and determination from his daughters gave him a whole new perspective on the ranch, and his relation to it. “I realized that I was going to have to get much more creative about how to keep the ranch intact and profitable,” he says. And he relates that realization directly to his involvement with the Blackfoot Challenge.

Iverson would not readily have chosen to sell the ranch or any part of it to a developer, who would then subdivide it and sell “ranchettes” to people looking to move to a beautiful mountain setting like this stretch of the Blackfoot. But that kind of subdivision was happening in mountain valleys across the West, as more and more ranchers saw it as the best opportunity to either save the ranch or pass its value on to their children. The Blackfoot Valley was a prime target for that kind of development. No small part of the motivation for creating the Blackfoot Challenge had been to help ranchers figure out how to make their ranches pay so that subdividing didn’t become their only option.

Many ranchers were already employing creative ways to preserve their properties. For example, like many of their neighbors, one way the Iversons had kept their ranch in the black was by leasing some of the surrounding public land for their cattle to graze on. As with hundreds of other ranchers across the West, the profitability of their ranch depended in part on the availability of those leases. But public land grazing had become a target of several national

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environmental groups, and unless grazing could be done in an environmentally benign way, the threat that their leases would not be renewed hung like Damocles' sword over ranchers' heads as it had along the Henry's Fork.

Another way the Iversons had kept their ranch solvent was by spending a fair amount of time in the woods, supplying timber to local sawmills. Some of that timber came from private land, like their ranch, but some of it also came from Forest Service land. As with public land grazing, some national environmental groups were seeking to end all commercial harvesting of

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timber from public land. If successful, those efforts would reduce the thin margin that enabled the Iverson ranch to support the family. Whether it was grazing or logging, then, the Iversons and their neighbors (including the neighboring sawmills) were learning that they had to become conservationists if they were to preserve their way of life. It is primarily the Blackfoot Challenge that has enabled them to do that. Above

all, it has given them a new way of working with conservation organizations like the Nature Conservancy or Trout Unlimited and with government agencies like the Forest Service.

Both federal and state land management agencies have seats on the board of the Blackfoot Challenge, so Denny Iverson spends a lot of time working with them. When we asked him whether his involvement with this collaborative group had changed his view of government at all, Iverson said, "It's changed it in a big way. Before, I was just trying to scratch a living out of the ground. I was a pretty right-wing conservative, with very little use for government, especially the federal government." He hasn't changed any of his principles, but he says he's

“more middle of the road now, because I’ve learned how government works—or maybe more important, how it can work.” Part of the change in his view of government, he says, is that the agencies he works with have also changed as a result of their involvement with the Challenge. “They’ve become more efficient, more responsive,” he says. For his part, Iverson sees that his involvement with the Blackfoot Challenge has enabled him to “sit down with agency folks, and I’ve learned that they’re just pretty much like me or my neighbors. Their moms die; their kids play soccer. When the meeting’s over, we’ll buy them a beer. In fact, we’d never have gotten to know each other so well if we hadn’t started going to Trixie’s Antler Saloon together.”

It’s doubtful that they talk about the Blackfoot Challenge’s mission statement at Trixie’s, but Denny Iverson’s story, going back to the day the girls said, “You can’t sell the ranch; this is our home!” is the kind of story that gives meaning to that mission: “To coordinate efforts that conserve and enhance the natural resources and rural way of life in the Blackfoot Watershed for present and future generations.”

Here again, then, as with the Beaverhead-Deerlodge Partnership, the Henry’s Fork Watershed Council, or the Quincy Library Group, a diverse group of citizens has taken the initiative to conserve a place that is near and dear to their hearts. More clearly than is evident in some similar efforts around the American West, however, this “coalition of the unlike” in the Blackfoot Valley has concluded that the best way to realize the promise of its hard work is through the existing decision-making system—which means that the collaborating partners have sought to engage the people and institutions that have the formal authority to adopt and implement their proposals.

In contrast to this citizen-driven type of collaboration, public land management agencies themselves now routinely invite or encourage collaboration among various stakeholders. To illustrate this type of collaboration, consider the ongoing process to develop a new planning rule for the U.S. Forest Service. The National Forest Management Act, which governs land and resource management in the national forests, requires the agency to develop plans for all national forests and grasslands. The agency adopted the first set of rules to guide the development of these plans in 1979. The planning rules were revised in 1982. Since then, there have

been four attempts to revise and update the rules, but they have all failed. Thus, all existing forest plans have been developed under the aegis of the 1982 rule.

In 2009, at the direction of the Obama administration, the U.S. Forest Service launched yet another effort to revise and update the planning rule. Collaboration has been a hallmark of this new process. According to the official website, “The Forest Service is committed to developing a new planning rule that endures over time. We believe a transparent and participatory method is the best way to accomplish this. We’ll be working hard to gather input collaboratively throughout the development of a new planning rule.”

This approach to rulemaking is an example of how government agencies now frequently use collaboration. In this case it is being used to develop administrative rules, but agencies also increasingly use collaboration to develop policy proposals, management plans, and site-specific work plans.²⁹ In some situations, collaboration is now even mandated by Congress.³⁰ The government’s use of collaboration is not limited to natural resources and environmental policy and is increasingly invoked at every level—local, state, and federal—to formulate (via the legislative branch) and implement (via the executive branch) public policy.

These government-sponsored efforts are a welcome addition to the ecology of democracy. However, they represent a qualitatively different kind of collaboration than the type of citizen-initiated collaboration illustrated by the Beaverhead-Deerlodge Partnership or the Blackfoot Challenge. Our experience has convinced us that, at least in the public lands arena, collaboration would never have been widely employed by agencies, let alone mandated by legislative bodies, had it not initially emerged in a completely organic, nondirected way and if it had not proven its viability on the challenging political landscape that produced it. It is this organic, citizen-initiated form of collaboration, reflective of David Mathews’ “wetlands of self-rule,” that we mean when we speak of “collaborative democracy.”

²⁹ See the USIECR website for cases on the variety of ways in which collaboration is used on other natural resource and environmental issues.

³⁰ Sarah Bates Van de Wetering and Matthew McKinney, “The Role of Mandatory Dispute Resolution in Federal Environmental Law: Lessons from the Clean Air Act,” *Journal of Environmental Law & Litigation* 21(1) (2006): 1-45.

COLLABORATIVE DEMOCRACY

Having outlined the widespread emergence of multiparty collaboration in one particular part of the country and one issue arena, we can now more fruitfully ask some key questions that have been hovering in the background. Why view collaboration as a form of democracy at all? And if it is a species of democracy, what kind of democracy is it, and how does it relate to other democratic forms? Our answers to these questions are once again informed substantially by our experience of watching the rise and spread of collaboration as a problem-solving approach in the particular settings described earlier. Whether the problem is how to keep the water in the Henry's Fork cool enough for the fish or abundant enough for the farmers, how to continue harvesting enough timber in the Beaverhead to keep the sawmill in Deer Lodge operating, or how to help ranchers in the Blackfoot earn enough to avoid subdividing their ranches, these collaborations are always and everywhere about solving real, immediate, on-the-ground problems. Our experience has convinced us that the one thing that has contributed most significantly to the steady expansion of the use of collaborative problem solving is the fact that, in so many circumstances, *it works*, and, in fact, it works better than other available democratic mechanisms. In evolutionary terms, this is a straightforward example of natural selection: what works well survives and thrives. Collaboration has gained a foothold in certain niches of our political ecology because it has brought a kind of selective advantage to those settings.

This element of adaptiveness becomes more striking when we consider the myriad factors that militate against collaboration. For example:

- Most of the parties to collaborative efforts have spent years using more adversarial means of dealing with the kinds of issues they now seek to address collaboratively. This is a new, unfamiliar, and often intimidating way of proceeding.
- It requires learning to deal in a new way with people you have spent years treating (and thinking of) as enemies.
- It subjects those who make this leap to suspicion, if not outright hostility, from other members of their own "tribe."
- Successful collaborative efforts are almost always very time-consuming.

- The established decision system rarely provides any space or encouragement for collaboration.
- Even highly productive collaborations are often overturned by the established system.

The survival, and indeed the spread of collaboration against these barriers, is a vivid testament to its effectiveness. And it is in the context of this harsh, putting-to-the-test

environment that the democratic credentials of collaboration have been established. People only go to all the trouble that collaboration entails because they have a real and substantial stake in the matter at hand, and presumably no better means of advancing their interests. Their work is therefore democratic in the most fundamental meaning of that word: it is the dead-serious, determined effort of people to shape the conditions under which they live, rather than leaving that shaping to someone else.

IT IS ONLY BY EMPLOYING MANY OF THE TECHNIQUES AND SKILLS OF DELIBERATION THAT COLLABORATIVE STAKEHOLDERS HAVE ANY CHANCE OF FINDING MUTUALLY SATISFACTORY SOLUTIONS TO THE VERY CHALLENGING PROBLEMS THEY SO OFTEN TAKE ON.

If collaboration is, at its core, an exercise in democratic self-determination, one important set of questions immediately arises: how does collaboration relate to other, more familiar forms of democracy?

Collaborative, deliberative, and direct democracy. As we noted earlier, collaborative and deliberative democracy are relative newcomers to the ecology of democracy. Both have the potential to contribute significantly to the practice of democratic citizenship. These two forms of democratic practice are sometimes regarded as synonymous, and indeed there is substantial overlap between them. At a minimum, collaboration cannot work without a heavy dose of deliberation. It is only by employing many of the techniques and skills of deliberation that collaborative stakeholders have any chance of finding mutually satisfactory solutions to the very challenging problems they so often take on. A clearheaded, unbiased framing of the key issues

is indispensable, for example, and this often requires reframing the issue in different terms than it may have presented within the established, adversarial framework. In the case of the Pawcatuck Borderlands of Rhode Island and Connecticut, for example, The Nature Conservancy initially defined the scope of a proposed regional conservation project in terms of forest cover, its primary conservation interest. During subsequent conversations, other stakeholders argued that watersheds and commute-sheds were more appropriate benchmarks for defining the region. After a healthy round of dialogue, deliberation, and reframing, the participants eventually agreed that the boundaries of the Borderlands would vary depending on the specific issue and interests in question.

Collaboration also depends on many of the same communication skills familiar to the practice of deliberation. Collaborative efforts around contentious problems will never get off the ground unless the parties are able to hear and, in some sense, appreciate one another's perspectives and, above all, one another's core interests. Something like appreciative inquiry, then, is of fundamental importance in both deliberative and collaborative settings.³¹ Along with it must come a genuine open-mindedness, a willingness to entertain new ideas from people one might once have thought incapable of producing good ideas. This is exactly what we've encountered in the stories of Jan Brown and Dale Swensen on the Henry's Fork, or of Sherm Anderson and Tom France in the Beaverhead-Deerlodge, and it's what we would encounter if we could dig into the personal stories behind any meaningful collaboration. In every case, a key ingredient of the success of the collaboration has been the unexpected experience of understanding more of the details of one's neighbor's (or one's former adversary's) concerns or operations, and reaching within oneself to find ways of addressing those concerns without sacrificing one's own interests. In short, collaboration is, to a substantial extent, a deliberative practice, and one that calls to mind the advantages to governing effectiveness and human satisfaction that Pericles claimed for Athenian democracy.

In these terms, both deliberative and collaborative democracy stand in fairly sharp contrast to direct democracy in its most prevalent modern forms of initiative and referendum. One of the most compelling criticisms of these plebiscites is the fact that they present voters with a stark, either-or choice. Either you are for the proposition as presented, or you are against it.

³¹ See David L. Cooperrider and Diana Whitney, *Collaborating for Change: Appreciative Inquiry* (Berrett-Koehler Publishers 1999).

Once an issue is placed on the ballot, it can be debated, but there is no room for deliberation or collaboration. It is true that ballot initiatives could (and occasionally do) emerge from a deliberative or collaborative process, but in most cases ballot issues are crafted by interest groups at one end of the ideological spectrum or the other, and thus become part of the adversarial political system. It would be worth tracking whether deliberative or collaborative processes are becoming more common at the front end of these forms of direct democracy, since there is certainly no room for them at the back end, when the voting occurs.

While deliberative and collaborative democracy are similar in some ways, and stand in a similar relationship to direct democracy, there are also significant differences between deliberation and collaboration.

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To understand the strengths and weaknesses of either collaborative or deliberative democracy, it is important to understand their different origins and modes of operation. One difference is reflected in the nearly universal use of the term *stakeholder* to describe the parties to collaborative efforts. This is far more than a matter of semantics; indeed it relates directly to what we have identified as the one feature of collaboration that most

clearly establishes its democratic credentials. Collaboration has secured its foothold in the ecology of democracy, against all the barriers it faces, because the people who have developed the practice of collaboration have, without exception, had a real and substantial stake in the matter at hand. Those people do not operate out of a merely casual or abstract interest in the problem they are seeking to resolve. They have enough individual or group interest immediately at stake to get them to the table and keep them there.

This suggests one possible difference between deliberation and collaboration, which might be framed as the distinction between simply discussing *issues* and actually solving *problems*. Collaboration is inherently focused on solving immediate, concrete problems, while delibera-

tive democracy, at least in its early stages, was often focused on a more abstract, less action-oriented discussion of issues. In recent years, though, the field of deliberative democracy has itself moved steadily toward more practical problem-solving methods of engagement. The change is at least symbolically reflected in the change of the name of Study Circles to Everyday Democracy. The National Issues Forums Institute has also broadened its work to provide more tools to local groups and communities seeking to use deliberative methods to address local problems that the existing decision structure has failed to resolve. And from its inception, *AmericaSpeaks* has been assiduous in its efforts to legitimize its projects by engaging decision makers up front and throughout the process.

It should also be noted that, within the domain of deliberative democracy, distinctions have been drawn that can make certain forms of deliberation look much more like the kind of collaboration we have been discussing. In particular, Noëlle McAfee has developed a typology of deliberative theories that is both incisive and highly relevant to our topic.³² McAfee identifies three strains of deliberative theory, which she names the preference-based, the rational proceduralist, and the *integrative* models. She evaluates each of these models in terms of its contribution to democratic practice.

A leading example of the preference-based model is the deliberative polling procedure developed by James Fishkin.³³ As McAfee explains, “This model offers policymakers a snapshot of what a deliberative public thinks.” She argues, though, that this public is still made up of individuals who bring to the table only their individual preferences. Deliberation may enable the individuals to reexamine and restate their preferences in response to what they have heard from their neighbors, but the outcome is still comprised of individual (as opposed to collective) preferences.

In the rational proceduralist model, on the other hand, “citizens are guided to come up with universalizable norms.”³⁴ This view of deliberation is fundamentally Kantian, with 20th-century roots in the work of Jürgen Habermas and John Rawls. According to McAfee, “In this model, *deliberation is a way in which individuals collectively decide whether a policy is legitimate*.”³⁵ McAfee criticizes this model for what might be called its political naiveté:

³² Noëlle McAfee, “Three Models of Democratic Deliberation,” in *Public Thought and Foreign Policy*, ed. by Robert J. Kingston (Kettering Foundation Press, 2005).

³³ James S. Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform* (Yale University Press, 1991).

³⁴ McAfee, *op. cit.*, 96.

³⁵ *Ibid.*, 97. Emphasis in the original.

This model seems to lose sight of the reason people enter into public deliberations—because their communities are wracked by problems that politicians cannot seem to solve. In actual community deliberations, participants are not looking for which claim is normatively right, but which picture of the problem is most telling, and which courses of action have promise.³⁶

McAfee sees in the integrative model of deliberation a solution to the democratic deficiencies of the other two models. She traces the intellectual origins of this model from John Dewey and Hannah Arendt to Benjamin Barber, Daniel Yankelovich, and David Mathews. McAfee focuses on NIF³⁷ as a leading example of this form of deliberation.

McAfee describes her own work with Mathews in developing NIF discussion guides. Drawing on Yankelovich's theory of deliberation as "choice work," she explains that "the aim was for citizens to consider an array of policy options, and, on each one, to spell out the costs and consequences of each approach as well as the trade-offs that would need to be made if any one approach were adopted."³⁸ McAfee then takes her description of the integrative model a step further and a step deeper into democratic theory:

The public dimension of deliberation is indispensable to the task of fathoming problems and forming a public that can respond. Instead of seeing politics as bargaining about preferences, [deliberating citizens] see politics as a difficult matter of deciding what kinds of communities they are making for themselves. Instead of merely *preferring*, deliberators *choose*.³⁹

Conceptually, at least, McAfee has pinpointed the democratic center of gravity of a deliberative process like the National Issues Forums. "In the integrative model," she writes, "participants are motivated by their sociality to meet with others they may neither like nor understand in order to find solutions to problems that vex what they do care about dearly, the public world that they all inhabit, the world they will leave for their children and future generations."⁴⁰ Language like this describes precisely what motivates citizens to engage in the collaborative processes we have been discussing, and it identifies the fundamentally democratic motivation behind that collaboration.

³⁶ Ibid., 98.

³⁷ See <http://www.nifi.org> (accessed June 2, 2011).

³⁸ McAfee, 100.

³⁹ Ibid. Emphasis in the original.

⁴⁰ Ibid., 104.

In these terms, McAfee's analysis raises two questions for us. First, her description of the integrative model of deliberation would challenge our distinction between deliberation as being focused on discussing issues, while collaboration focuses on actual problem solving. But to what extent does McAfee's integrative model actually describe what happens in deliberative processes like NIF? Do participants in those forums see themselves as attempting to solve concrete problems, or do they perceive themselves as being engaged in a more abstract exercise? We are not familiar enough with this format to venture an answer to that question; rather, it is posed as a very explicitly open question. What we do know is that the deliberative forum originally called Study Circles changed its name in 2008 to Everyday Democracy, in what one analyst describes as an effort "to reflect its increased attention to collective action and public problem solving."⁴¹ This may reflect a more widespread shift in the field of deliberative democracy in the direction of actual problem solving.

THE DELIBERATIVE FORUM ORIGINALLY CALLED STUDY CIRCLES CHANGED ITS NAME IN 2008 TO EVERYDAY DEMOCRACY, IN WHAT ONE ANALYST DESCRIBES AS AN EFFORT "TO REFLECT ITS INCREASED ATTENTION TO COLLECTIVE ACTION AND PUBLIC PROBLEM SOLVING."

Meanwhile, McAfee's essay also opens up the question of how any form of deliberation connects with representative government. She writes, for example, that the integrative model of deliberation "understands that deliberators want to have a hand in shaping policy, indeed that the 'shaping' is central to deliberation itself."⁴² Again, this gets to the democratic heart of the matter, but it also begs the question of *how* these deliberating citizens are going to shape public policy. That has been and continues to be a vexing question within the field of deliberative democracy. For our purposes here, what matters is that it is also a live issue within collaborative democracy. What we will argue is that the key role of stakeholding within collaborative processes enables collaboration to engage more effectively with the representative system than most deliberative processes have managed to do.

⁴¹ "Everyday Democracy" in *Participedia* at http://www.participedia.net/wiki/Everyday_Democracy (accessed June 2, 2011).

⁴² *Ibid.*, 102.

Collaborative, representative, and procedural democracy. In the public land and natural resource arena, where we have witnessed so much collaborative work over the past several years, there is an ongoing debate about how these collaborative activities fit, don't fit, or should fit into the statutorily constructed decision-making framework that has been established in this arena. One strongly held point of view has been deeply hostile to the use of collaborative processes in this field. Thus, for example, Michael McCloskey, the longtime executive director and later board chair of the Sierra Club wrote in 1995 to his board: "A new dogma is emerging as a challenge to us. It embodies the proposition that the best way for the public to determine how to manage its interest in the environment is through collaboration among stakeholders, not through normal governmental processes."⁴³ George Coggins, a leading authority on environmental law, put the matter in equally stark terms: "The federal government is the only federal government we have. It owns the federal lands and resources and it must be responsible for allocating them in the fashion that a national majority—not a local group or partnership—deems appropriate."⁴⁴

In Coggins' view (and he is by no means alone), there is one legitimate form of democratic decision making in this arena, namely the representative system established by the U.S. Constitution. Congress, in turn, has established certain avenues for participation in the public lands arena, including statutes like the National Environmental Policy Act, the National Forest Management Act, and the Federal Land Policy and Management Act. These, and the regulations adopted under them, establish clearly defined means by which any American citizen can have a say in the decision making of the agencies that Congress has authorized to manage these public lands and resources. This process of providing input and advice to designated decision makers, both elected representatives and appointed agency officials, is the legitimate, legally constituted framework for democratic participation in this arena. It is therefore not surprising that some people have viewed the intervention of self-appointed stakeholders with suspicion or outright hostility.

This resistance to the widespread use of collaboration in the public lands arena is heightened, and its democratic point is sharpened, by the often-repeated reminder that these lands and resources belong to all the people in the United States, while many of the collaborative

⁴³ Michael McCloskey, Memorandum to Sierra Club Board of Directors, reprinted in *High Country News*, 28, No. 9, May 13, 1996.

⁴⁴ George Cameron Coggins, "Of Californicators, Quislings and Crazies: Some Perils of Devolved Collaboration," *Chronicle of Community*, vol. 2 no. 2 (Winter 1998): 30.

groups seeking to resolve conflicts around the public lands are drawn from the locality in question. As George Coggins puts it with his customary flair: “The public lands are public. They are the property of all of the people, not just those who live in their immediate vicinity. They are national assets, not local storehouses to be looted in the deregulation riots.”⁴⁵ Coggins’ hyperbole aside, the tension between duly constituted national democracy on the one hand and a largely extralegal and highly localized form of collaborative democracy on the other has to be given serious consideration. In a sense, this is another instance of the age-old problem of the one, the few, and the many, with people like Coggins arguing that local collaborations around public land issues amount to a few self-appointed local citizens taking into their own hands democratic activities that rightly belong to the many. If it were not for the persistence and the frequent productiveness of these collaborative efforts, they might simply be dismissed as extraneous and corrosive to the established democratic system. But they do persist, and they persist largely because they work.⁴⁶ That simple fact mandates a closer look at the legal and institutional landscape within which collaboration has so aggressively established itself.

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If those perceptions were confined to one end of the political spectrum or the other, they might be more easily dismissed, but since collaboration, by its nature, requires the participation of a broad range of stakeholders, it is necessary to take the sometimes implicit but clearly broad-based criticism of the established system more seriously. This is not an appropriate venue for examining in detail the particular shortcomings of that system that have given so much impetus to the collaborative alternative, but it does suggest the value of further research to determine how important a role such pervasive deficiencies in the established decision

⁴⁵ George Coggins, “Devolution in Federal and Land Law: Abdication by any other name . . .” *Hastings West-Northwest Journal of Environmental Law* Vol. 3 (Winter 1996): 213.

⁴⁶ On the success of collaborative efforts focused on public lands and resources in the Rocky Mountain West, see Matthew McKinney and Patrick Field, “Evaluating Community-Based Collaboration on Federal Land and Resources,” *Society and Natural Resources*, 21:5 (2008): 419-429.

framework in any policy arena play in the emergence of collaboration in that arena. In the public land and resource context, they have clearly played a major role, but whether that is a universal component of the ecology of collaboration is a matter for further study.

Turning from the genesis to the results of collaboration, public land and resource issues provide further grist for the examination of the relationship between collaborative and representative democracy. Because collaboration has often produced good results, it has sometimes led to the drafting and occasionally the adoption of specific legislation. A well-known example was provided by the work of the Quincy Library Group, described earlier, which resulted in congressional action to implement the collaborative group's work. In 2002, then Senate Majority Leader Tom Daschle successfully sponsored legislation enacting the results of a similar collaboration on the Black Hills National Forest in South Dakota. Currently, Montana Senator Jon Tester is sponsoring legislation that would give statutory approval to three separate collaboratively produced forest plans in Montana. While none of this legislation has been free of legitimate criticism, it does show the potential for a fruitful intersection of collaborative and representative democracy, at least under certain circumstances.⁴⁷

A major factor in the success of any of this legislation has been the fact that so many varied interests, deeply committed to the results of their collaborative work, have provided the political will to secure statutory approval for that work. Both halves of this formula contribute to the result. Passion and commitment from one end of the political spectrum will rarely carry the day, but neither will a broad consensus arising out of abstract or academic discussions. When collaboration bears fruit in the political arena, it is because it brings to that arena both the breadth of the collaborative partnerships and the fact that all the partners have so much at stake.

In spite of these examples, the translation of place-specific collaborative results into legislation remains more problematic than otherwise. One observer has noted, for example that "if replicated more broadly, the place-based approach to forest management could further disaggregate the national forest system."⁴⁸ This concern was echoed by Undersecretary of Agriculture Harris Sherman when he testified on Senator Tester's bill to the effect that it "establishes a potentially harmful precedent because it may lead to multiple site specific legisla-

⁴⁷ See the results of the study by McKinney and Field and the observations on how the role of government and technical experts is being reformed.

⁴⁸ Martin Nie, "Place-Based Legislation as a Method of Resolving Multiple-Use Conflicts on National Forests," *Ecology Law Quarterly*, 37(1) (2010).

tive efforts transferring much needed resources from other units of the National Forest System where priority work must also be accomplished.”⁴⁹ Here again, the difficulty may be viewed as a manifestation of the old problem of the few and the many. This may be where collaboration could benefit from the addition of some of the well-developed forms of democratic deliberation. If the perspective of a more broadly representative, but genuinely deliberative, public could be brought to bear on some of these situations, it could expand the range of public involvement without necessarily losing the problem-solving impetus that had led to the collaborative solution in the first place.

If the enactment into legislation of place-based collaborative results is both promising and problematic, another way of combining collaborative and representative democracy (namely the mandating of collaboration) is also double-edged. One of the strongest tributes to the effectiveness of collaboration in the public land and resource arena is the fact that the practice itself is more and more often blessed, if not mandated, by both statutes and agency rules and procedures.⁵⁰ One good statutory example is the Valles Caldera Trust. In 2000, Congress acquired the privately owned Baca Ranch in northern New Mexico. Instead of giving one of the existing land management agencies responsibility for this newly acquired public land, Congress mandated that “an experimental management regime should be provided by the establishment of a Trust capable of using new methods of public land management that may prove cost-effective and environmentally sensitive.”⁵¹ Specifically, Congress established a diverse, multiparty governing board for the land, and in effect mandated that it be managed collaboratively. Three years later, in the Healthy Forests Restoration Act of 2003, Congress again called collaboration into play as it sought to “reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects.”⁵²

Many other examples of statutory and regulatory mandating or encouragement of collaborative approaches to public land management could be listed, all adding up to a clear recognition

⁴⁹ Testimony before the Senate Committee on Energy and Natural Resources, Subcommittee on Public Lands and Forests (December 17, 2009).

⁵⁰ On the merits of mandating collaboration in federal natural resource and environmental policy, see Bates Van de Wetering and McKinney, “The Role of Mandatory Dispute Resolution in Federal Environmental Law: Lessons from the Clean Air Act.”

⁵¹ *Valles Caldera Preservation Act* (Public Law 106-248) 16 U.S.C. 4601-9.

⁵² *Healthy Forests Restoration Act of 2003* (Public Law 108-148). 16 U.S.C. 1531 et seq.

that this form of problem solving has repeatedly proven its usefulness in this arena. That usefulness is further documented by the McKinney and Field study, which concluded that the role of government is changing in the context of collaborative problem solving. While government becomes more of an enabler and resource, most collaborative groups still need government to provide resources and technical expertise and recognize that established decision-making channels—both administrative and legislative—are still the only way to implement changes in public policy.

WHILE GOVERNMENT BECOMES MORE OF AN ENABLER AND RESOURCE, MOST COLLABORATIVE GROUPS STILL NEED GOVERNMENT TO PROVIDE RESOURCES AND TECHNICAL EXPERTISE AND RECOGNIZE THAT ESTABLISHED DECISION-MAKING CHANNELS—BOTH ADMINISTRATIVE AND LEGISLATIVE—ARE STILL THE ONLY WAY TO IMPLEMENT CHANGES IN PUBLIC POLICY.

Encouraging as this trend of governmental adoption of collaborative methods may be, it does also raise questions about how readily collaboration can be transposed into settings that vary substantially from those in which it emerged. To extend the ecological metaphor a step further, these efforts to create or encourage collaborative approaches to public land and resource issues by the use of legislation or administrative prac-

tice could be viewed as the equivalent of domesticating animals or plants that had originally emerged and evolved in the wild. Useful and often lovable as these domesticated strains can be, it nevertheless remains true that a dog is not a wolf, nor a cat a tiger. Even while we promote and encourage collaboration in a number of constrained institutional settings, there are sound arguments for preserving space, and if possible native habitat, within which collaborative democracy can continue to flourish and evolve in its own organic, nondirected way.

In fact, over the past decade or so, there have been a number of proposals for the establishment of formal experimental frameworks in the public land and resource arena. A major motivation behind these proposals is to maintain space for the continued development and

exploration of organically generated collaborative processes. Two examples are the Region 7 proposal and a more recent proposal to create a competitive grants program to promote large-landscape conservation.

Region 7 is a proposed initiative that would facilitate experimentation and collaboration on national forest lands.⁵³ Because of past regional consolidation, there has not been a Region 7 in the national forest system since 1965. This nongeographical region would house experimental projects on national forest lands, testing new, innovative approaches to forest management while focusing on collaborative governance structures and other mechanisms to overcome some of the problems that now beset the current system of national forest governance. Such an experimental approach would not attempt to change the entire national forest system but would recognize problems and invite and test innovative solutions in a few carefully chosen settings.

The first step would be to conduct a national competition for the selection of experimental projects to test new models of management or governance. A blue-ribbon commission would be organized to solicit proposals for alternative approaches to public land management and governance, select promising projects, and guide the implementation process. The projects selected would make up the new Region 7.

Meanwhile, a recent policy report from the Lincoln Institute of Land Policy has recommended a competitive grants program to encourage collaboration in the arena of large-landscape conservation.⁵⁴ To participate in the national competition, regions—as defined by stakeholders, including agency officials—would complete a strategic assessment that (1) explains their needs, interests, objectives, and current practices relative to six key issues: biological diversity, ecosystem services, economic vitality, community resilience, amenities, and climate change; (2) demonstrates their civic, political, and organizational capacity to work across boundaries; and (3) articulates a plan to measure progress, adapt strategies as appropriate, and sustain the enterprise over time.

⁵³ See Daniel Kemmis, “Region 7: An Innovative Approach to Planning on or Near Public Lands,” *American Land Use Law and Zoning Digest*, Vol. 55, No. 8 (August 2003).

⁵⁴ Matthew McKinney, Lynn Scarlett, and Daniel Kemmis, *Large Landscape Conservation: A Strategic Framework for Policy and Action* (Lincoln Institute of Land Policy, 2010).

The commission would review, evaluate, and select the most promising efforts using the following criteria: creativity and novelty in conception; strategic significance; measurable effectiveness; transferability across jurisdictions; and the ability to endure over time.

Once selected, regions would prepare a large-landscape conservation strategy consistent with their initial strategic assessment. In return for their participation, regional coalitions would be eligible for federal matching grants that could be used in a flexible way to develop and implement large-landscape conservation plans, including convening and coordinating multiparty dialogues, sustaining governance processes, and supporting ecosystem restoration, land acquisition, youth conservation programs, recreational access, and so on.

These experimental proposals, with their deliberately open-ended results, call to mind once again David Mathews' evocation of the "wetlands of self-rule." One of the reasons we choose to preserve wetlands and other wild lands is that we are never entirely sure what new ecological patterns or even new life forms might emerge from them. This is surely part of what Henry David Thoreau meant when he wrote, "In wildness is the preservation of the world."⁵⁵ And this, once again, is the very essence of the concept of emergence—the most wonderful and adaptive patterns are the ones that organize themselves. Stuart Kauffman waxes lyrical on this subject:

For what can the teeming molecules that hustled themselves into self-reproducing metabolisms, the cells coordinating their behaviors to form multi-celled organisms, the ecosystems, and even economic and political systems have in common? The wonderful possibility . . . is that on many fronts, life evolves toward a regime that is poised between order and chaos.⁵⁶

To the extent that collaboration is a form of democracy that has emerged in response to a relatively dysfunctional decision-making framework, we should not be too eager to confine its creative energy within the bounds of that very framework. Rather, we should pay the closest kind of attention to the ways in which this emergent phenomenon is manifesting its life-giving adaptability. By studying, documenting, and nurturing that adaptive capacity, we may discover some of the most exciting work yet to be done in both democratic theory and practice.

⁵⁵ Henry David Thoreau, "Walking," *The Atlantic Monthly*, Volume 09, No. 56 (June 1862).

⁵⁶ Kauffman, *op. cit.*, p. 26.

COLLABORATIVE DEMOCRACY AND GOVERNANCE

Where the ongoing emergence of collaborative democracy might lead is as inherently unknowable as any other emergent trajectory. But within complexity theory there are two related concepts that might give us a clue about where to look: attractors and fractals. Start with attractors. While it is true that, in a genuinely complex setting, it is inherently impossible to predict exactly which patterns (if any) will emerge, when patterns do start to emerge, they seem to congregate around certain literal or figurative points (“attractors”) in the operative landscape.⁵⁷ It may be that the congregation of so many collaborative efforts around place-based problems is an example of an emergent pattern around a specific attractor (in this case, place). This becomes especially intriguing if we consider a particular side effect of attractors: the phenomenon of fractals.

Fractals may be thought of as “patterns within patterns within patterns.” Look on the surface of a sand dune, and you will see small sand dunes making up that surface, and even tinier dunes on the surface of the small dunes. Notice how often spirals appear in nature, from spiral nebulae to hurricanes to your draining bathtub. Complexity theory says that these forms play back and forth on one another: what happens at a large scale is related to what happens at a much smaller scale, but not in a Newtonian billiard-ball way. Rather, in this fractal form of emergence, new forms suddenly begin to emerge simultaneously, often on several different scales at once, the way crystals emerge within crystals in a super-saturated solution. Here is how one complexity theorist speaks of these fractal patterns emerging around “strange attractors”:

One of the unexpected patterns of order found in strange attractors is that they are self-similar. A self-similar system has the same basic pattern repeated at different levels. When you look at a picture of desert sands, you cannot tell whether you are looking at the sand from a distance of five meters or 500 meters. The picture could be a close up or a distant shot. The basic shape of the sand dunes looks similar at all distances. It is said to be “self-similar” or “scale free.” Its shape is similar to itself at different levels of viewing and no matter from what scale we look at the fractal it has a similar appearance.⁵⁸

⁵⁷ Ibid., 78.

⁵⁸ <http://complexity.orconhosting.net.nz/fractal.html> (accessed June 3, 2011).

There is one pervasive fractal pattern in nature that brings us squarely back to the analysis of collaboration. All around the world, watersheds provide a ubiquitous example of how fractals look and operate.⁵⁹ The language quoted above about sand dunes applies precisely to watersheds, in that major rivers represent exactly the same image as their tributaries, and those tributaries take precisely the same form as their own smaller tributaries. To paraphrase: When you look at a picture of a watershed, you cannot tell whether you are looking at the landscape from a distance of 5 miles or 50 miles. The picture could be a close up or a distant shot. The basic shape of the watershed looks similar at all distances.⁶⁰

The arid West, which we are using as a case study for our analysis of collaboration, presents an intriguing historical snapshot of the relationship between watersheds, collaboration, and governance.⁶¹ John Wesley Powell, an acute observer of the West and later director of the U.S. Geological Survey, argued well over a century ago that, because of the aridity of the interior West, it would be especially important to organize human activity—including political jurisdictions—according to the lay of the land and the particularities of the place, not according to an artificial, straight-line, square-cornered grid, or to top-down management from the East Coast. In 1878, Powell published his *Report on the Lands of the Arid Region of the United States* in which he set forth a remarkably broad and complex set of interlocking recommendations about public policy for the region. Powell proposed that the grid system so familiar on Eastern landscapes be replaced by surveys based on topography, letting farms be as irregular in shape as they had to be to give everyone access to water.⁶² Powell went on to argue that these individual watershed-shaped homesteads would be much more likely to prosper if they joined together within their larger watersheds to form grazing and irrigation cooperatives.

⁵⁹ Kauffman actually uses watersheds as the metaphor by which he describes attractors. “We can roughly think of an attractor as a lake,” he writes, “and the basin of attraction as the water drainage flowing into that lake.” Kauffman, 78.

⁶⁰ For a visual illustration of this idea, see the 2010 special issue of *National Geographic* and the associated map of watersheds around the world, <http://ngm.nationalgeographic.com/2010/04/water/water-animation> (accessed June 3, 2011).

⁶¹ By “governance” we mean the style or method by which decisions are made and conflicts among actors are resolved.

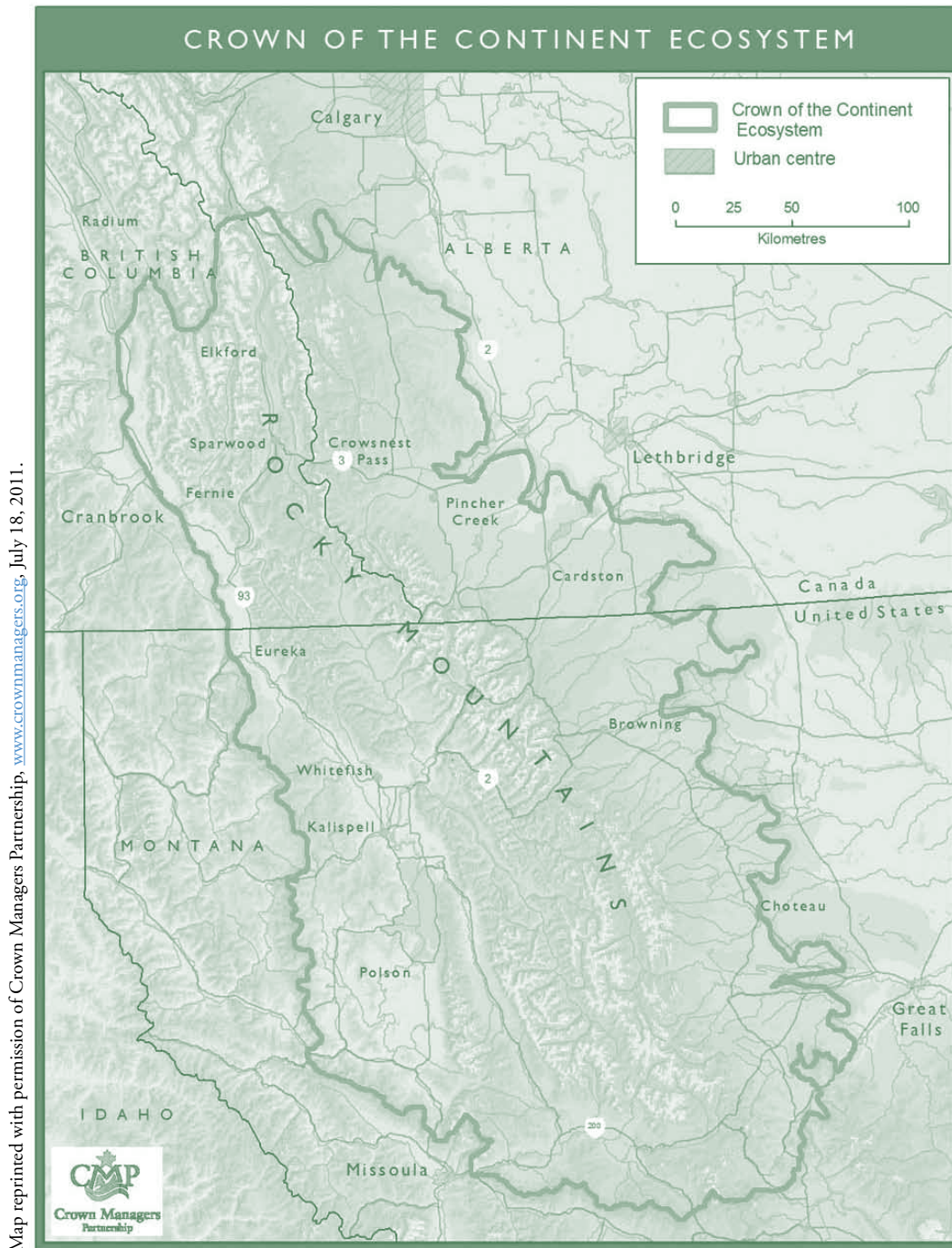
⁶² John Wesley Powell, *Report on the Lands of the Arid Region of the United States*, ed. Wallace Stegner (Cambridge: The Belknap Press of the Harvard University Press, 1962), 38-57.

These two seemingly unrelated elements—cooperation and watershed governance—appear in tandem throughout Powell’s work. Powell was convinced that these arid Western landscapes could not be inhabited (or at least could not be inhabited in what we would now call a sustainable way) without a high level of cooperation among the inhabitants—just as he was convinced that where water was at such a premium, societies, economies, and policies would have to be organized according to the way the water flowed.

Those who actually made the rules and fashioned the governing institutions for the West steadfastly ignored Powell—basically trying for over a century to fit the West into an undifferentiated pattern of national policies and programs, as if it were no different than anyplace else. Yet, beyond all possibility of prediction, the two strands of thought that were so often wound together in Powell’s work—the strands of cooperation and watershed organization—have in the last two decades acquired so much momentum throughout the West that they have begun to emerge as an incipient, alternative form of governance within the region. Watershed councils and other mechanisms of Western collaboration have become both increasingly effective and increasingly incompatible with the prevailing centralized and adversarial decision-making structures on the one hand, or with arbitrarily bounded political jurisdictions of the region on the other. In fact, this close connection between fractally organized geographies and collaboration applies not only to watersheds, but also to ecosystems (such as the Greater Yellowstone Ecosystem and the Crown of the Continent) that sometimes span different watersheds. All these cases provide intriguing signs of the emergence of a new governance structure that might provisionally be denominated as “fractal federalism.”

To understand how this might manifest itself, consider the ecosystem often referred to as the Crown of the Continent, an area that covers 18,000 square miles of land in Alberta, British Columbia, and Montana (about twice the size of Massachusetts).

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Starting at the smallest geographic scale, there are at least 20 watershed groups in the Crown, most of them initiated and convened by citizens. These watershed groups create building blocks within a fractal formation.

Recall, for example, the Blackfoot Challenge, the landowner-based group in Montana that helps to coordinate the management of the Blackfoot River, its tributaries, and adjacent public and private lands. The Challenge is organized locally, but known nationally as a model for preserving the rural character, ecological health, and natural beauty of its watershed. It supports environmentally responsible resource stewardship through cooperation of private and public interests. Private landowners, federal and state land managers, local government officials, and corporate landowners compose the informal membership. All share a common vision of how the Challenge operates in the Blackfoot watershed and all believe that success is most likely to result from building trust by working together.

The Blackfoot Challenge has produced an impressive list of accomplishments over the years. It is a good example of how place-based collaborative efforts often “nest” fractally within one another, since the watershed lies within the much larger Crown of the Continent. During the past eight years, a number of independent and complementary initiatives (including the Blackfoot Challenge) have emerged to promote conservation and community stewardship in this remarkable landscape.

In response to a daunting mix of complicated issues, individuals and organizations throughout the Crown are rising to the occasion and creating new forms of democratic practice. In a formal sense, the Crown of the Continent includes two nations, two provinces, and one state, with more than 20 government agencies exercising some type of authority and management of the landscape. While each of these expert-driven institutions plays an important role in managing natural resources, most of the issues facing the Crown present themselves at a spatial scale that crosses jurisdictional and cultural boundaries. While the formal legal and institutional boundaries delineate ownership and management authority, they also act as dividers between disparate cultures, attitudes, goals, and values. Such divisions stymie efforts to address shared challenges in an effective manner. People who care about the Crown and its future are increasingly looking to bridge these jurisdictional and cultural barriers to address the challenges they collectively face at the spatial scale on which they occur. What is occurring, in fact, is a nested system of political arrangements where people with vision, passion, and capacity are creating new opportunities to name issues, frame options, and take action.

At least nine independent and complementary initiatives have emerged since 1994 to promote and support problem solving at the scale of the Crown itself. While none of these initiatives has any formal authority to make and implement decisions, they each play a critical role in exchanging information, building relationships, and exploring opportunities to work together. Along with the community-based partnerships, they help build the civic and political will to address complex natural resource and related issues that cannot be effectively addressed by any single community, stakeholder group, or government agency.

In 2006, the Lincoln Institute of Land Policy and the Center for Natural Resources and Environment Policy began convening a series of round tables to facilitate communication and

understanding among these various initiatives and to explore opportunities to work together. The round tables create an informal, ad hoc network of networks.

Scaling up even further from the level of the Crown is the Yellowstone to Yukon Conservation Initiative (Y2Y), an effort to protect wildlife core areas and corridors across a 500,000 square mile landscape—nearly three times the size of California. Y2Y began as a network of biologists and conservationists who were concerned about

populations of wildlife “blinking out,” generally on a northward trend. Today, Y2Y continues its networking function, but programmatically focuses on protecting key connectivity areas for wildlife—areas that currently harbor endangered species, such as the grizzly bear, while facing significant threats from habitat loss, invasive species, and, increasingly, climate change. While Y2Y focuses on wildlife corridors and connectivity, it works closely with private landowners, community leaders, and others to address a range of issues related to land use, community and economic prosperity, and wildlife management.

These fractally nested examples of regional collaboration provide some important lessons about how democratic citizenship manifests itself in these place-based settings. The role of networking, for example, is crucial to this particular form of democratic practice. In an essay in

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the Summer 2009 issue of the *Kettering Review* cited earlier, Margaret Wheatley and Deborah Frieze capture the fundamentally democratic, world-shaping role of this kind of networking:

Despite current ads and slogans, the world doesn't change one person at a time. It changes as networks of relationships form among people who discover they share a common cause and vision of what's possible. . . . We don't need to convince large numbers of people to change; instead, we need to connect with kindred spirits.⁶³

This describes precisely what has driven the emergence of the nested regional collaborations we have described here, from the scale of the Blackfoot Challenge to the Yellowstone to Yukon initiative. And, as Wheatley and Frieze explain, emergence is exactly what is at work here: "As networks grow and transform into active, working communities of practice, we discover how life truly changes, which is through emergence."⁶⁴ Wheatley and Frieze recognize the practical roots of this kind of collaboration: networks are based on self-interest. "People usually network together for their own benefit and to develop their own work. Networks tend to have fluid membership; people move in and out of them based on how much they personally benefit from participating."⁶⁵ But out of this complex web of interactions, something unexpected often appears. As people exchange ideas, learn together, and develop a common sense of purpose, "suddenly and surprisingly a new system emerges at a greater level of scale."⁶⁶

The enticing possibility is that this nesting of networked, collaborative initiatives will evolve into new forms of governance. Wheatley and Frieze describe a frequent phase in the process of emergence characterized by "the sudden appearance of a system that has real power and influence. Pioneering efforts that hovered at the periphery suddenly become the norm."⁶⁷

This aspect of emergence has profound implications for regional entrepreneurs. By better understanding the emergent properties of nested, place-based collaborative efforts in a locale like the Crown of the Continent, individuals and organizations will be better positioned to mobilize the political power to facilitate lasting change. Coincidentally, they will also develop

⁶³ Margaret Wheatley and Deborah Frieze, "Using Emergence to Take Social Innovations to Scale," *Kettering Review*, Volume 27, No. 2 (Summer 2009): 34.

⁶⁴ Ibid.

⁶⁵ Ibid., 37.

⁶⁶ Ibid.

⁶⁷ Ibid., 37, 34.

and test new forms of governance and economic self-determination to think regionally and act at whatever spatial scale makes sense.

These, then, are some of the governance implications that seem to be manifesting themselves in conjunction with the ongoing emergence of collaboration (especially place-based collaboration) as a democratic form. While it may be impossible to predict with any precision what new forms of democratic governance might actually emerge, it seems clear that the better we understand the dynamics driving these exciting and promising developments, the better positioned we will be to encourage those most likely to advance the cause of democracy.

CONCLUSION

What we have presented here is very deliberately intended as an exploratory piece of research. By its nature, the subject matter of emergence does not lend itself to a level of precision in analysis or prediction that another approach might offer. At a minimum, we have sought to clarify the place of collaboration within the ecology of democracy. Focusing on citizen-initiated, place-based collaboration, we have attempted to elucidate its relationship to other forms of democracy—representative, direct, procedural, and deliberative. We have also drawn on our experience with place-based collaboration to suggest some new forms of democratic governance that seem to be emerging in conjunction with collaboration.

Given the open-ended nature of this undertaking, we inevitably conclude with several outstanding questions, among them:

- What kind of challenges present themselves as one moves up the geographic scale? Is the practice of collaborative democracy limited in some way by geographic scale and by the corresponding sense of place or of belonging?
- How (if at all) does collaborative democracy address the issue of mobilizing and engaging unaffiliated citizens? This may be one of the links to both direct and deliberative democracy.
- What kind of leadership skills are needed for collaborative democracy?⁶⁸

⁶⁸ This very important topic is unfortunately beyond the scope of this paper. For an incisive examination of one dimension of the subject, see R. S. Morse, “Integrative Public Leadership: Catalyzing Collaboration to Create Public Value,” *The Leadership Quarterly*, Vol. 21, Issue 2 (April 2010): 231-245.

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