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Mediation Styles and Participants' Perception of Success in Consultative Councils: The case of Guadalajara, Mexico

Abstract

This article entails a comparative study of municipal consultative councils in Guadalajara, Mexico, to explore the mediation styles employed by those in charge of conducting the councils' deliberation, which I call *Mediators of Deliberative Process* (MDP). Through the construction of an indicator called *Participants' Perception of Success*, the article evaluates the relationship between the mediators' styles and the degree to which participants think that the consultative council (CC) has been successful in achieving its purported goals. The results suggest that 1) MDPs exert different levels of directiveness that change over the course of the mediation according to the type of decision-making under deliberation; 2) that participants have a higher perception of the CC's success in the case where the MDP is an expert in the subject matter of the council, resorts to a more directive approach to mediation, and deliberation is more oriented towards the outcomes of the mediation; and 3) that participants perceive the CCs as successful spaces to communicate with public officials, but least successful in having an influence over public policies.

Author Biography

David López García is a doctoral student in the Public and Urban Policy Ph.D. program at The New School, in New York. He holds an MA in Comparative Public Policy from FLACSO, campus Mexico. He is a research fellow at the Observatory on Latin America (OLA) and the Global Urban Futures Project (GUF), at The New School. Before joining the doctoral program, David was in public service for eight years in positions ranging from transparency and public participation advisor to the chief of staff at the Ministry of Planning and Evaluation of the State of Jalisco.

Keywords

democratic innovations, consultative councils, mediation styles, participants' perception of success

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Introduction

The purpose of this article is to contribute to the existing literature on consultative councils (CC), defined as deliberative spaces where experts, representatives, and citizens may give opinions on specific issues and share their perspectives with authorities on the decision-making processes of particular government agencies (Hevia & Isunza, 2012). CCs aim at including the public in the design, implementation, and/or evaluation of public policies. A search for the words *consultative council* in the Participedia website shows that this mechanism is widespread in the practice of deliberative civic engagement. There are 179 ongoing consultative councils registered in the database, based mostly in Europe, North America, Latin America, Australia, and less frequently in Asia and Africa (“Participedia,” n.d.).

How can the success or failure of CCs be explained? The specialized literature contributes to understanding the influences of both the political willingness of governments to engage citizens in public affairs and the institutional arrangements enabling participation over the success or failure of CCs (Avritzer, 2008; Fung, 2006; Fung & Wright, 2003; Progrebinschi, 2012; Schneider & Welp, 2011). However, little attention has been paid to the influence of the interactive processes that take place inside the CCs, where the actors involved must use the existing institutional frameworks to resolve differences, interpret situations, propose solutions and play a key role in promoting actions directed at resolving specific problems. In his classic book on democratic innovations, Smith (2009) highlights the fundamental role that facilitation plays in deliberative democracy. He concludes that a more careful consideration of the facilitation of democratic deliberation is needed to further the understanding of the factors determining the effectiveness of democratic institutions. According to Smith,

Citizens do not necessarily come fully formed in a deliberative sense: facilitators continually shape and reshape the conditions for deliberation. This is perhaps more striking in the regional (participatory) budget forums (...) where facilitators play a role in motivating delegates to not only consider their own neighborhoods' interests, but to develop more solidaristic judgments about the needs of other neighborhoods, the region and (in some cases) the city itself. Analysis in the practice of facilitation can help in better understanding the way in which often explicitly self-interest motivations are at times transformed into a more public-spirited orientation. (...) Such theoretical elaboration is strangely absent from the literature. (p. 197)

In an attempt to narrow this gap in the literature, this research concentrates on the facilitation styles employed by individuals in charge of moderating deliberation in a consultative council, whom I will call the *Mediators of Deliberative Process* (MDP). There is a growing literature in the field of public deliberation that approaches the analysis of deliberative spaces by describing them as multiparty mediation processes assisted by facilitators (Forester, 2007; Spada & Vreeland, 2013; Susskind, 2006; Susskind & Cruikshank, 1987). It was the seminal work of Susskind and Cruikshank (1987) that urged new approaches to resolving public disputes involving consensus building among stakeholders. In the authors' words,

Consensus building requires informal, face to face interaction among specially chosen representatives of all 'stakeholders' groups; a voluntary effort to seek 'all-gain' rather than 'win-lose' solutions (...) and, often, the assistance of a neutral facilitator or mediator" (p. 11).

Although there is not necessarily a conflict between the parties, deliberative spaces do imply the presence of multiple actors who have to reach a consensus, and whose preferences and attitudes toward the issues being discussed are not necessarily aligned. As the number of parties involved increases, the complexity of negotiations increases. Only when all parties feel that their interests have been met "will agreements be reachable and durable enough to withstand the difficulties of implementation" (Susskind, 2006, p. 1). According to Forester (2007), governance processes can be improved by "integrating inclusive voice and representative participation with efficient and well-informed, practically oriented negotiations" (p. 10).

As it will be further discussed in this article, being the MDP of a deliberative process is not an easy task. Involving the public in a deliberative space for governance, planning, or public management "seems as easy to preach, as it is difficult to practice" (Forester, 2009, p. 133). Levine, Fung, and Gastil (2005) hold that good deliberation is not self-generating, and that achieving high-quality deliberation implies that "someone must organize a discursive process, choose a topic, recruit the participants, prepare background materials, (and) invite speakers" (p. 3). Mediators of deliberative spaces must have sensitivity and technique, skill and thick skin, and artistry in negotiation and politics (Forester, 2009). Conducting a multi-actor deliberation toward a consensus is a skill that mediators must have, as "getting the talking-listening-deciding sequence right is hard" (Susskind, McKernan & Thomas-Larmer, 1999, p. 7).

Which mediation approach is the best fit to improve both the results of the CCs and to improve citizens' participation experience? Consultative Councils are

useful sites for researching mediation styles in deliberative settings. This is so because despite the fact that the MDPs operate within the boundaries of institutional arrangements, they still have the freedom to choose which style of mediation to resort to while conducting the CCs' activities. The underlying assumption is that institutional designs define what MDPs are able to do within the CCs, but that they have a certain degree of control in regard to defining the mediation approach that they will use, which, in turn, can produce different results.

This research entails a comparative study of two municipal CCs in Guadalajara, Mexico, to 1) propose a theoretical framework based on mediation theory to assess the mediation styles employed by MDPs, and 2) to explore the relationship between the mediation styles employed by MDPs and participants' perception of the CCs' success. A *Participants' Perception of Success* (PPS) indicator is constructed for the latter objective. The case of Guadalajara conveys a useful research setting for the study of mediation styles in deliberative spaces because of the cultural context in which their CCs operate. Following Wall & Dunne (2012), the cultural context of a mediation process comprises the self-definitions, norms, attitudes, beliefs, roles, social structures, and values that determine social behavior. This context dictates “not only how mediators will behave but also who will become a mediator. Frequently, it is difficult to determine why the culture makes its choices” (p. 221). In the case of Guadalajara, norms, values, and beliefs impede the hiring of professional mediators by the local government to lead the activities of deliberation in the CCs. If this were done, participants might assume that the government is trying to sway deliberation in its favor. Instead, the MDP must be selected from the group of participants, belonging to civil society, in an honorary and unpaid position, typically without any previous training or experience in mediation.

The findings presented here seek to contribute empirical evidence about the way in which deliberative spaces are mediated and to provide useful input for deliberative practice. The results of this research suggest that 1) MDPs exert different levels of directiveness that change over the course of the mediation according to the type of decision-making under deliberation; 2) that participants have a higher perception of the CC's success in cases where the MDP is an expert in the subject matter of the council, resorts to a more directive approach to mediation, and deliberation is more oriented toward the outcomes of the mediation; and 3) that participants perceive the CCs as successful spaces to communicate with public officials, but less successful in having an influence over public policies.

The article is organized as follows: the first section explores the theoretical framework used to assess the mediation styles employed by the MDPs; the second section offers a theoretical framework to assess participants' satisfaction with the results obtained by the CCs; the third section presents the research design of the study, explains the procedure for the sample selection, the method to assess participants' perception of success, and the steps to model the mediation styles employed by the MDPs; the fourth section shows the results obtained after conducting the field research; the last section discusses the implications of these results for deliberative practice.

Assessing Mediation Styles in Public Deliberation

Following Nabatchi, Blomgren, and Moon (2010), the field has largely accepted three models of mediation: evaluative, facilitative, and transformative. In his seminal work, Riskin (1994, 1996) introduced the dichotomy between evaluative and facilitative mediation models. On the one hand, evaluative mediators assume that parties want and need the mediator to provide guidance as to the appropriate grounds for settlement, and that the mediator is qualified to do so by virtue of her or his training, experience, and objectivity. On the other hand, facilitative mediators assume that their principal mission is to clarify and enhance communication between the parties so that they can decide by themselves what to do (Riskin, 1994, 1996). Bush and Folger (1994) qualified the evaluative and facilitative models as problem-solving approaches where the primary goal of mediators is for the parties to reach an agreement. To Bush and Folger (1994, 2005) this was problematic because it could potentially increase the risk that mediators would exert influence over the mediation, which would hinder parties' self-determination. To overcome this caveat, Bush and Folger (1994, 2005) proposed the transformative model of mediation, where the main goal is not to resolve conflicts but to transform the relationship between the parties and their position toward the issue of conflict, which in turn is expected to result in an agreement and a settlement (Nabatchi, Blomgren & Moon, 2010).

However, there is debate over the feasibility of differentiating between the evaluative, facilitative, and transformative models of mediation. McDermott and Obar (2004) found empirical evidence to claim that in some cases mediation can be purely facilitative, while in mediation programs labeled as facilitative there are some mediators that engage in evaluative techniques. To Birke (as cited in McDermott & Obar, 2004), any mediation necessarily involves both evaluative and facilitative techniques. Stempel (as cited in McDermott & Obar, 2004) argues that the facilitative-evaluative dichotomy is unrealistic because it is both theoretically and empirically erroneous. Furthermore, there is debate over the

appropriateness and the level of directiveness that mediators may exert over either the process or the outcomes of the mediation. In the evaluative approach, it is accepted that mediators exert directiveness, whether over the process or the outcomes of mediation, while in the facilitative and transformative styles, it is accepted that mediators exert directiveness over the process, but not over the outcomes (Bush & Folger, 1994, 2005; McDermott & Obar, 2004; Nabatchi, Blomgren & Moon, 2010). Moore (2014) argues that, in practice, transformative mediation is perhaps the less directive approach. Nonetheless, Moore (2014) also holds that the frequency of the mediator's directive or elicitive behaviors "may change over time during the mediation process to meet changing needs or demands posed by the parties, their dynamics, and issues in dispute" (p. 38).

Taking into account the analytical and empirical difficulties to assess mediation styles in terms of the evaluative, facilitative, or transformative models, in this study mediation style in public deliberation is theoretically approached by assessing the level of directiveness of the MDPs over the outcomes or the process of the mediation. To do so, the study draws in two dimensions of analysis.

Mediator's level of directiveness

The first theoretical dimension is the mediator's behavior in regard to the degree of directiveness that she or he exerts during the different moments of the mediation. Riskin (2003) revisited his original proposal of mediation orientations, strategies, and techniques, recognizing that the evaluative-facilitative terminology had caused confusion. Many scholars treated these categories as if they were alternatives, as a dichotomy. Riskin acknowledged that this was incorrect, as "many—probably most—mediators engage into behaviors that fit both categories" (p. 14). He then posited that when he created the term *evaluative* he meant to create a term that included

a certain set of predictive or judgmental or directive behaviors by the mediator that tend (or by which the mediator means) to direct (or influence or incline) the parties towards particular views of their problems, towards a particular outcome, or towards settlement in general; and I believe that such behaviors often or typically interfere with party self-determination. In contrast, I meant the term *facilitative* to include a variety of actions by the mediator—not involving such influences—that tend (or that the mediator intends) to help, or allow, the parties to find their own way and make their own choices based on their own understanding. (p. 18-19)

Thus, to overcome the confusions caused by the evaluative-facilitative dichotomy, Riskin (2003) proposed to substitute this terminology with directive-elicitive, which, in his view, is more useful to anchor the role-of-the-mediator continuum. This is so, the author claimed, because the terms directive-elicitive more closely focus on the impact of the mediator's behavior on the parties' self-determination. The term *directive* is more general than the term *evaluative* and therefore it conveys a wider range of the mediator's behaviors (p. 30). This new terminology helps the analyst to better understand the range of mediator's behaviors "by focusing on the extent to which *almost any conduct* by the mediator *directs* the mediation process, (...) on the one hand or, on the other, elicits the parties' perspectives and preferences" (p. 30).

Types of Decision-Making

The second dimension relates to the different types of decision-making that mediation can engage with. Riskin (2003) also recognized that his original proposal failed "to distinguish between the mediator's behavior in two aspects: (1) dealing with the substance of the dispute, (i.e. understanding and addressing substantive issues); and (2) decisions that concern the procedures employed in the mediation" (p. 26-27). As his classification lacked this distinction, he claimed that it failed to recognize that the mediators' approach could be radically different in these two spheres. That is, that a mediator can be very directive in determining aspects of how the procedure of the mediation will work, while being very elicitive in mediating the actual substance of the mediation. In addition, the author acknowledged that the evaluative-facilitative dichotomy fails to capture the reality that the mediator's behaviors can vary from moment-to-moment, ignoring the fact that mediation is not static but dynamic, and any mediation is composed of many stages. To overcome these limitations, Riskin (2003) proposed broadening the analysis to any of a wide range of decisions that take place during any mediation. This is done by including a dimension of analysis which he called *types of decision-making*, dividing them among substantive decision-making, procedural decision-making, and meta-procedural decision-making.

Substantive decision-making refers to "trying to understand substantive issues, such as what happened to give rise to the dispute, and trying to make agreements intended to resolve the dispute" (p. 34). It also includes establishing the subject of the mediation. Procedural decision-making includes "deciding what procedures will be employed to reach or address the substantive issues" (p. 35). Among the procedural issues to be addressed are the location and time of the mediation; the pre-mediation submissions; who gets to attend the mediation and the role of attendants; procedures to defining the problem to be mediated and to decide on

the purposes of the mediation; when, how, and by whom the options for settlement will be developed; the mediator's role in the mediation; and so forth. Meta-procedural decision-making refers to "deciding how subsequent procedural decisions will be made. The participants could make agreements, for instance, about who or what would determine any of a range of procedural issues" (p. 37). Further developments in the literature have synthesized Riskin's classification to establish two moments or types of decision-making: the *outcomes* and the *process* of the mediation (Moore, 2014). In Riskin's terms, the outcomes refer to the substance of the mediation, while the process refers to the procedure and the meta-procedural decision-making moments.

Assessing Participants' Perception of Success

According to Gutrhie and Levine (1998), "a party is likely to report high levels of satisfaction with mediation if it meets or exceeds her prior expectations" (p. 888). Thus, assuming that each CC under study has goals, and that participants' expectations are to see those goals fulfilled, the assessment of the CCs' success in this study is based on participants' perceptions about the degree to which they think the CC has achieved its intended goals. What, then, is it that deliberative spaces are supposed to achieve? Advocates of deliberative civic engagement offer two broad rationales for its implementation: its *intrinsic value* and its *instrumental benefits*. According to Nabatchi (2012), "many point to the intrinsic value of democracy and assert that deliberation and civic participation are ends in themselves (...) and should be judged separately from other benefits such processes might produce" (p. 9). Others point to the instrumental benefits of public deliberation "for individuals, communities, government institutions, and the broader process of governance and policy-making" (p. 9). The instrumental benefits for individuals and communities are beyond the scope of this study and will not be further discussed here. In regard to the instrumental value for government institutions and the broader process of governance and policy-making, proponents claim that deliberative civic engagement

is a mechanism available to governments for improving policy effectiveness. (...) deliberation gives governments a better understanding of people's evolving needs by responding to greater diversity in society and addressing inequalities in policy-making processes and public services. Governments can then leverage information, ideas, and resources held by citizens, civil society organizations, and the private sector as drivers for innovation to tackle complex policy challenges and improve the quality of public services. (Barret, Wyman & Schattan, 2012, p. 183).

Unfortunately, the literature does not provide a definitive and comprehensive review of the mechanisms through which consultative councils are supposed to fulfill their intrinsic and instrumental goals. To overcome this caveat, this section offers a literature review of deliberative processes aiming to identify specific mechanisms through which deliberation in consultative councils might fulfill its purported goals. Given that the cases of study in this research are located in Mexico, the literature review concentrates on studies of deliberative spaces in Latin America that identify mechanisms through which deliberative spaces are able to fulfill their intrinsic value and deliver instrumental benefits.

Intrinsic Value

Deliberation is linked to the contribution of citizen participation in enhancing democratic processes and representation. Taking part in deliberation aims to fulfill citizens' participation rights. According to the Ibero-American Charter on Citizen Participation in Public Management (Latin American Center for Public Administration [CLAD], 2009) the public authorities of Latin American countries are committed to promote the creation, maintenance, and proper functioning of the institutions and mechanisms that make possible the exercise the right of citizens to participate in public affairs. According to Cameron, Hershberg and Sharpe (2012), deliberation spaces are new forms of political and popular participation that give a voice to groups in society that are rarely heard in electoral processes or the system of political representation. Other scholars argue that participation enhances the representativeness of policy decisions because the decisions reached through a deliberative space are supported by the majority of its members, thus making them representative (Cantó, 2010; Font, Blanco, Gomà & Jarque, 2000).

It is also argued that deliberation can increase citizens' trust in their government. Del Tronco (2012) holds that in the case of Mexico, citizens' mistrust in government stems from their perception that government representatives are low-performing. By including citizens in deliberative spaces, it is expected that this perception will improve. Lastly, there is consensus in the literature that citizen participation conveys legitimacy to the government agencies that design and implement public policies (Bazdresch, 2003; Cantó, 2010; Font et al., 2000).

Instrumental Benefits

Deliberation is related to the possibility of CC's revealing citizens' preferences toward decision-making. According to Cantó (2010), participation conveys information about the social environment in which policies are to be decided,

which, in turn, allows public officials to understand how citizens think and feel about the issues being discussed. In addition, participation in deliberative spaces is said to efficiently reveal the preferences of policy users (Cantó, 2010; Font et al., 2000). Valverde (2007) holds that public participation in deliberation facilitates access to the social issues that should be the most relevant in the government's agenda. Lastly, it is argued that the engagement of citizens in deliberation contributes to the design of innovative approaches to face the challenges of development (Evidence and Lessons from Latin America [ELLA], 2012).

The success of deliberation is tied to the extent to which participation contributes to shaping public policies. It is argued that citizen participation increases the responsiveness of public policy (ELLA, 2012). Deliberative spaces can help to better reveal the preferences of policy users, thus contributing to policy efforts being focused on the real needs of their target populations. According to Lahera (2002) and Cantó (2010), citizen participation can help to improve the effectiveness and efficiency of policies. Lastly, it is argued that citizen engagement in public policy contributes to avoiding policy failure (Bazdresch, 2003; Cantó, 2010; Font et al., 2000).

Before going any further, it must be acknowledged that several scholars have raised critiques of the practice of deliberative civic engagement. Authors like Collingwood and Reedy (2012) have raised theoretical and practical criticisms. Their theoretical critiques include the claims that: citizens are often not motivated to participate; deliberative democracy is too idealistic in its goals of participation by the citizenry; deliberation favors some groups of society over others; and that because people are prone to preconceptions and prejudices, deliberation often leads to disagreement and a deepening of existing divisions. Their practical critiques include the arguments that: no single model of deliberation is most effective; the structure of deliberation events can introduce bias; participation is often disconnected from the policy process; deliberation may have negative individual-level effects; deliberation is too costly for regular use; and that deliberation detracts from efforts to address more fundamental conflicts among groups of society (p. 234-235).

Other critiques bring into question the potential of deliberative democracy to transform the structures of society that generate the problems that deliberation is intended to address in the first place. Lee, McQuarrie, and Walker (2015) argue that, "much contemporary participation, even when carried out with the best of intentions, is shaped by socioeconomic inequality" (p. 7). To the authors, most deliberative participation takes place in contexts of great inequalities of wealth,

income, and organizational resources, resulting in their conclusion that the “structural problems of modern societies (...) limit the potential for true democratization” (p. 7). It should be noted that this study only inquires about the extent to which participants perceive CCs to have achieved their intended goals, but it does not investigate the underlying mechanisms of the above and other critiques.

Other Factors Influencing CCs’ Success

As will be discussed further in the methodology section of this article, the research design employed in this study requires isolating, as much as possible, participants’ perception of success from the influence of omitted intervening or interacting variables. What then are the factors that can potentially influence the success of a CC, and thus participants’ perception of success? The literature in the field has identified that the CCs’ *institutional design* and the *political context* in which participation takes place are both key factors explaining the success of participatory processes (Avritzer, 2008; Fung & Wright, 2003).

On one hand, there are scholars researching the influence of institutional design as a key factor to explain the success of participatory spaces (Fung, 2006; Fung & Wright, 2003; Smith, 2009). Examples of empirical research furthering the study of the influence of institutional design on the success of participatory developments can also be found in Souza Rocha (2011), Goldfrank (2011), Duque Brasil and Carneiro (2011), and Hevia and Isunza (2012).

On the other hand, by studying participatory developments in the Latin American context, Avritzer (2008) holds that explaining the success or failure of participation spaces requires an assessment of the ways in which the institutional design articulates within the political context in which it takes place. The author contends that variations in the success of participatory institutional designs are related specially to two factors of the political context, namely, the degree of organization of civil society in regard to the issue under discussion, and the political will of governments to take into account the inputs of participatory innovations (p. 46-47). Empirical research studying the influence of the political context in participatory processes can be found in Schneider and Welp (2011), Progrebinschi (2012), and Montambeault (2012).

Research Design

This section describes the method used to select the sample, the criteria used to analyze the mediation styles employed by the MDPs, and the method used to

measure participants' perception of the CCs' success. The units of observation are CCs of Guadalajara, Mexico. The sample selection was made based on an evaluation of 17 CCs under municipal regulation. Qualitative research methods were used. The data collection was done through the analysis of the CCs' ordinances, in-depth interviews with key informants, and a survey of the CCs' participants.

Sample Selection

The research design of this study is based on the comparative method known as *most similar systems*, which is based on the assumption that “systems as similar as possible with respect to as many futures as possible constitute the optimal samples for comparative inquiry” (Przeworski & Teune, 1970, p. 32). Similarities and differences among systems are the focus of the most similar system design. Common similarities between systems are to be controlled for, while differences are conceived of as the explanatory variables. The characteristics to be controlled in the sample are those that previous research has identified as having an intervening relationship between the explanatory and dependent variables of the study. The number of common characteristics to be controlled for is maximal, while the number of characteristics not shared is minimal (Przeworski & Teune, 1970).

As discussed above, the dependent variable of this study is the participants' perception of the CCs success in achieving its intended goals. The independent variable is the mediation styles used by the MDPs. As discussed above, the strategy to assess participants' perception of success will be built upon the degree to which participants believe that the CC has achieved its intended goals. To avoid the influence of possible omitted variables, the most similar system research design requires the sample selection to be controlled for the variables that could potentially have an influence over the CC's results, thus influencing participants' perception about the results obtained by the council. As discussed in the previous section, the variables to control for in the sample selection are the CC's institutional design, the government commitment to the councils' activities, and the public support of the issues being discussed.

Controlling for the type of institutional design was achieved through an analysis of the CC's ordinance. Based on a system created by Fung (2006), CCs were classified into three different types of institutional design: informational, advisory, and empowered. An informational institutional design is where the council is limited to acting as an informative instrument, and the role of the participant is

that of a passive spectator who does not have the ability to influence the policy discussion. An advisory institutional design is where participants are consulted to provide opinions to the authorities, but the authorities are not obligated to follow participant recommendations. An empowered institutional design is where authorities are obligated to adhere to the council's decisions.

Assessment of the governmental commitment and the public engagement with the CCs was done through in-depth interviews with the chairperson of the city's Citizen Participation Committee. The interviewees were asked to assess both the level of city government commitment and public support to each CC, which then was translated to the scale of low, medium, or high. It must be noted that responses to these two last variables are nothing but the perceptions of the chairpersons interviewed, but due to their experience in practice, their knowledge is a reliable source of data for the study. With this information, a classification of CCs was constructed based on the variables of interest for the sample selection.

The potential observation units for this study consisted of 17 municipal councils with ordinance in Guadalajara. Only two of them were comparable enough for the study. The sample selection was made considering a variety of factors. On one hand, the CCs with empowered institutional design seemed appealing for the study. However, none of them had high levels of support from either the city government or the public, and therefore were not functioning at the time of the study. None of the CCs with low or medium levels of support from the government or the public were actually functioning. There were two CCs with high levels of commitment and engagement from both the municipal government and the public, and both of them had an advisory type of institutional design, thus being comparable cases. Therefore, the sample for the study is composed of two CCs. In order to guarantee anonymity of the study's participants, the CCs of the sample will be called CC1 and CC2. In both cases, the MDP was selected from among the council's lay participants, and no previous training or experience in mediation was a pre-requisite for their appointment. In the case of the CC1, the council's participants themselves elected the MDP. In the case of the CC2, it was the city government who invited the MDP to accept the appointment, a decision based on the MDP's expertise in the subject matter of the council.

Finally, there are two limitations of the sample selection that must be addressed. The first is that the variation in the policy issue of each of the CCs can potentially undermine the most similar systems research method. There is a chance that the policy concentration of a CC may have an influence in the results obtained by the council, thus affecting participant's perception of success or their assessment of the MDP performance. The second limitation lies in the small sample of the study.

It would have been desirable to compare as many cases as possible. However, the availability of comparable cases in Guadalajara limited the sample size to only two. While the results of this study bring empirical evidence to further the discussion of mediation styles in deliberative spaces, they cannot be conclusive or generalized.

Modeling Mediation Styles in Consultative Councils

The method for analyzing mediation styles is based on the mediator's behavior regarding exerted level of directiveness and the various types of decision-making in which the mediation takes place. The data was collected through in-depth interviews with the MDPs and the CCs' participants. The MDP of each CC was interviewed twice. The CCs' participants were interviewed using a snowball sampling strategy, with follow-up interviews in some cases. In total, 16 in-depth interviews were conducted, nine in CC1 and seven in CC2.

The data coding method of the mediators' behavior in regard to their degree of directiveness was classified as follows:

High – The mediator continually exerts predictive or judgmental or directive behaviors trying to direct, or influence, or incline the parties toward a particular view of problems, a particular outcome, or settlement in general.

Medium – The mediator occasionally behaves in a directive way.

Low – The mediator avoid directiveness and helps, or allows, the parties to find their own way and make their own choices based on their own understanding.

The data coding method of the types of decision-making that the mediation entails was based on Riskin's (2003) and Moore's (2014) classifications:

Outcomes – Establishing the subject of the mediation, understanding what gave rise to the dispute, and trying to make agreements intended to resolve the dispute.

Process – Deciding what procedures will be employed to reach or address the substantive issues, and deciding when and how subsequent procedural decisions will be made.

The interview protocol for CC participants and the MDPs can be consulted in Appendix 1 of this document. The data coding for assessing mediation styles is presented in Appendix 2.

Modeling Participants' Perception of Success

The method for modeling participants' perception of success is based on the theoretical approach discussed above. Participants' perception is assessed by the degree to which participants believe that the CC has (a) allowed for an enhancing of democratic processes and representation, and (b) has had an effect on improving public policies. The data collection method consisted of a survey given to CC participants during a CC session. In total, 20 surveys were collected; 10 in CC1, and 10 in CC2. The survey consisted of 12 questions asking participants to assess the degree to which they believed the CC had achieved the goals presented in section two of this document. This was measured using a scale ranging from one to five, with one being the lowest and five being the highest.

Once the surveys were completed, for every CC the average ratings for each dimension of the analysis were calculated based on the individual ratings of each participant. By averaging the above-mentioned scores, the level of participant perception of success with the results obtained by each CC could be assessed. This indicator constitutes the dependent variable of this study, and it will be referred to as *Participants' Perception of Success* (PPS). The results of the survey are presented in Appendix 3 of this document.

Research Results

The empirical evidence collected by this research suggest that participants show a higher degree of satisfaction with the CC's activities in the case of CC2, where the MDP exerts a medium/high level of directiveness mainly over the outcomes type of decision-making. In the case that resulted with a lower degree of participants' satisfaction, that of CC1, the MDP exerts a low level of directiveness, and deliberation has mainly concentrated on making decisions about the process of the mediation. Table 1 shows the results of the CCs' participant surveys, as well as those from the in-depth interviews.

Table 1

<i>Participants' Perception of Success (PPS) and Mediation Styles</i>			
	CC1	CC2	Average
Intrinsic value	3.3	4.1	3.7
Instrumental benefits	3.2	4.0	3.6
Participants' Perception of Success (PPS)	3.25	4.05	3.65
Mediator's level of directiveness	Low	Medium/High	
Main type of decision-making	Process	Outcomes	

The following sections discuss separately the results regarding participants' perception of success and the mediation styles employed by the MDPs of each case study.

Participants' Perception of Success

In regard to participants' perception of success, on the scale from 1 to 5, the average PPS for both CCs is 3.65, which can be qualified as an acceptable overall evaluation by participants of the CCs' success in reaching their purported goals. Although the sample of this study is too small for testing statistical significance ($N=2$), the survey shows that participants in one of the CCs have a greater perception of success than those in the other. CC2 obtained a score of 4.05, while CC1 obtained a PPS of 3.25, showing that participants in CC2 are more satisfied with the functioning of the council in which they participate than those of CC1.

In both cases of study participants gave equal scores to each dimension of the PPS: intrinsic value and instrumental benefits. This suggests that participants perceive that the CCs have achieved their intrinsic and instrumental goals in the same proportion. Nevertheless, a closer look at the scores derived from questions measuring the instrumental benefits shows that participants perceived the CCs to have been more successful in giving them an opportunity to express their preferences to officials than in actually influencing public policies. Table 2 shows these nuances in participants' perceptions.

Table 2*Selected questions from the Instrumental Benefits
Section of the Survey*

	CC1	CC2
Provide information about the social environment.	3.2	4.4
Reveal user preferences more efficiently.	3.6	4.2
Improve responsiveness of the policies.	3.3	4.0
Contribute to improving the effectiveness of public policies	2.8	3.6
Avoid policy failure	2.8	3.4

These results are an indication of partial success in the achievement of the instrumental benefits of the CCs, and suggest that following through on policy influence of participation would increase participants' satisfaction with the CCs.

Mediation Styles

The empirical data gathered by this study show that the MDPs in both CCs exerted diverse levels of directiveness during different moments of the mediation. In CC1, the MDP exerted low levels of directiveness both over the process and the outcome types of decision-making. In the case of CC2, the MDP exerted a high level of directiveness over the outcomes of the mediation, while exercising a medium level of directiveness over the process decision-making.

In the case of CC1, the MDP claimed to exert no directiveness at all in the outcomes of the CC. The opinions of interviewed participants were consistent with the MDP's claims, which reported no degree of directiveness by the MDP. CC1's mediator commented that his lack of directiveness had caused him difficulties at the beginning of the process because, by making no decisions on the outcomes at all, his authority was consistently put into question by participants.

CC1 Mediator of Deliberative Process: Those who wanted to maintain the same paradigm of a linear, almost military organization, required and asked for direction. (...) At the beginning, they demanded that I make

decisions. If I did not, my authority as the coordinator was in question. And now, after two years, they tell me that they understand why I have been this way. (...) (Through) the process developed over the last two years, they (the participants) have come to the conclusion that they can obtain better results, are more responsible, and have more initiative when they are not directed, but instead are given the opportunity to reach a consensus by themselves. (...) What we seek is to foster understanding among the council's participants so that everyone can understand and respect everyone else's position, allowing us to find ways to cooperate. (...) We do not want a unanimous consensus, what we want is to harness our differences in order to find new pathways towards a solution.

Regardless of the low level of directiveness, the mediation in the CC1 has been mainly focused in the process type of decision-making. In fact, the discussion on how to improve the functioning of the council has been central stage in the council's activities, consuming a significant amount of the sessions' time. Salient issues reported by participants include making adaptations in practice to the rules of the council, deciding on new rules for situations not foreseen by the council's ordinance, and debating the prospects of a complete remaking of the council's ordinance. The next excerpts convey the degree to which the council has been engaged in the process decision-making.

CC1 Mediator of Deliberative Process: We faced the problem of not having the legal quorum to have our sessions, but we designed a strategy to overcome this problem. We agreed to modify the call for the sessions to state that if there was no legal quorum, we would be able to have a second session one hour after the one just cancelled, and that the decisions taken in the second session would be legally binding regardless of the number of participants.

CC1 participant #2: We had the problem that everyone wanted to speak his or her mind at the same time and that caused conflict. People were saying, "you have spoken too much, and I have not been able to say anything." We decided to appoint a moderator for the discussions (a moderator different from the MDP), who allocates speaker's time.

In the case of CC2, the level of directiveness of the MDP can be characterized as high in regard to the outcomes type of decision-making, and medium in regard to the process of the mediation. CC2's MDP argued that participants needed the expertise from those in the council with more experience on the subject matter of the council. He stated that, due to the fact that some participants have no

background in the policy area, their lack of experience could potentially hamper their participation in the council. Given the technical complexity of the topics being discussed, which often involve legal processes and a deep knowledge of intergovernmental relations, participants need the MDP's expertise to engage in deliberation.

CC2 Mediator of Deliberative Process: Because of some participants' backgrounds, there are times when they do not successfully grasp the technical dimension of the discussions. (...) On one hand, there are citizens that engage for the first time and lack experience on the subject matter. On the other hand, there are other participants who are public officials, or have been involved for a long time and have more experience. In this regard, it is necessary to guide participants on the issues of the policy being discussed.

CC2 participant #5: One of the problems that we had to face was participants' lack of expertise on the subject matter of the council. They did not have previous training in those kinds of affairs.

The notion of reaching a useful consensus for the implementation of the policy being addressed by the council was important both for the MPD and for participants. Interviewees agreed that not every consensus was useful for them, and they seemed to value the guidance of the MDP in helping them to reach agreements that would be really useful to the policy under discussion.

CC2 Mediator of Deliberative Process: There are times in which participants do not fully understand the legal dimensions of the issues being discussed, so we have to explain it to them. (...) Reaching a consensus is important. However, if at the end of the day the results to which they agree are not the ones needed, the ones that we are looking for, then what is the merit of reaching a consensus?

CC2 participant #4: I have a great impression of him (the MDP), he is a very smart person, very skillful. You can read 30 or 50 pages and not understand anything, but he can explain it to you in 3 minutes in a way that you will understand.

In regard to the type of decision-making under discussion, and unlike CC1, CC2 has been more active in deciding issues related to the public policy that they are intended to address. Interviewees brought up two cases in which participants had the opportunity to decide directly over policy issues. In the first case, participants

had to decide on selecting the individuals who would be part of a newly formed city government's committee. In the second case, CC2's participants designed a program responding to a specific emergency and achieved its implementation by the public agencies with a seat at the council. This is not to say that CC2 has not spent time discussing decisions about the process of mediation. In fact, when the council started activities in 2014, they did so without having a legal ordinance for their functioning and engaged in a deliberation to design an ordinance for their activities.

Implications for Deliberative Practice

There are three implications for deliberative practice that can be drawn from the findings of this research.

First, the evidence of this study shows that, in practice, mediators of deliberative processes resort to levels of directiveness that change over the course of the mediation according to the type of decision-making under deliberation. No clear-cut theoretical category in the mediation literature is sustained consistently and unchanged by either of the two MDPs of this study. Both mediators showed different levels of directiveness over the outcome/process of their consultative councils. These findings suggest that those with the responsibility of being mediators of a deliberative process must continuously analyze the kind of deliberation in their councils and adapt their mediation style according to the needs of the moment.

Second, although the sample of this study is too small to conduct tests of statistical significance, the results obtained suggest that participants in CC2 have a higher perception of success than participants in CC1. Assuming that this difference is not random, it could be said that participants tend to have a higher perception of the CC's success when the MDP is an expert in the subject matter, exerts some level of directiveness over deliberation, and deliberation is more oriented towards the outcomes type of decision-making. This finding suggests that the support for an MDP with subject matter expertise and a more directive style is likely explained by the type of policy issue being addressed by the consultative council, and the requirement of background and expertise to play the role of the MDP, which lay participants often lack. If so, it appears that subject matter is key for knowing when participants will favor a more directive mediation style.

Third, the results show that participants have an equal perception of success regarding the intrinsic value and the instrumental benefits of the CCs. However, participants found the CCs more successful as mechanisms to communicate their

preferences to public officers, and less successful as spaces to actually have an influence on public policies. These results are an indication of partial success of CCs in fulfilling their potential instrumental benefits. It suggests that more efforts are needed to increase participant satisfaction with the ways in which the activities undertaken in the consultative councils actually connect with public policies. Designers of deliberative spaces and MDPs should make additional efforts to ensure that what is decided in deliberative processes can be effectively connected with what governments actually do, that participants perceive that their input to deliberation has a real influence over public policies, therefore increasing their perception of the CCs success.

Finally, this study brings empirical evidence to the discussion of the approaches employed by those in charge of conducting deliberation in consultative councils. However, more research is needed to fully understand the role and influence of the mediators over the outcomes and the process of deliberation. This study could be replicated with a larger sample that allows for statistical techniques to be applied, aiming to test if the findings of this study are valid to other contexts and places. In addition, further studies on the topic of mediation styles of deliberative spaces should take into account the kind of public policy under deliberation, as diverse mediation approaches can potentially be more suitable for different policy issues.

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Appendix 1. Interview Protocols

Project purpose: This study aims to understand the ways in which deliberation is conducted in consultative councils, the processes through which the council reaches agreement, and the ways in which deliberation helps to resolve conflicts.

Interviewee:

Date:

Location:

Guiding questions for open-ended interview with: MDP

1. How is a council session? Can you describe one to me?
2. What are the procedures to reach agreement in the council?
3. What is the kind of decisions that you have had to negotiate in the council?
4. What has been the greatest challenge that this council has faced to reach agreement, and how did participants managed to resolve it, if at all?
5. Do participants want and need your direction and your expertise?
6. What is more important for you, reaching consensus whatever that is or a specific result? Why?
7. Can participants reach the best decisions by themselves, or do they need to be oriented? Why and how?

Guiding questions for open-ended interview with: CC participant.

1. How is a council session? Can you describe one to me?
2. Can you tell me about the mediator and her/his style to conduct deliberation?
Probes: Have you felt directed or pressured to take a specific decision?
Has she/he tried to influence the council's decisions?
3. What is the kind of decisions that you have had to negotiate in the council?
4. The council has an ordinance that sets rules for participation. How are these rules useful to resolve conflicts?
5. What are the procedures to reach agreement in the council?
Probes: What can you tell me about the performance of the mediator in helping to reach agreement?
Have you ever felt directed towards a specific agreement? How?
6. What has been the greatest challenge that this council has faced to reach agreement, and how did participants managed to resolve it, if at all?

Appendix 2: Construction of the independent variable: Mediation style in public deliberation

		CC1						CC2						
Interviewee #		1	2	3	4	5	6	Frequency	1	2	3	4	5	Frequency
Moderator's level of directiveness	High	-	-	-	-	-	-	0	X	-	-	-	X	0.40
	Medium	X	-	-	-	-	-	0.16	-	X	X	X	-	0.60
	Low	-	X	X	X	X	X	0.83	-	-	-	-	-	0
Type of decision-making	Outcome	-	X	-	X	X	X	0.66	-	X	X	X	X	0.80
	Process	X	X	X	-	X	X	0.83	X	-	X	-	X	0.60

Appendix 3: Construction of the dependent variable: Participants' Perception of Success (PPS)

Survey #	CC1										CC2											
	1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7	8	9	10		
Guarantee the right to participate in public affairs.	2	2	3	3	3	4	4	5	4	5	3.5	4	3	4	5	4	5	5	4	4	5	4.3
Give a voice to sectors of society that are rarely heard.	2	2	5	3	5	5	4	5	2	5	3.8	5	4	5	4	3	5	5	4	3	5	4.3
Provide representativeness in policy decisions.	4	3	3	3	2	4	5	4	3	3	3.4	4	4	4	4	3	3	5	4	5	5	4.1
Contribute to increase citizen's trust in government institutions.	2	3	2	4	3	2	4	2	4	4	3.0	5	5	3	4	4	3	5	4	3	2	3.8
Legitimize public policies and the institutions generating them.	1	2	4	2	3	3	4	2	3	5	2.9	4	4	5	4	5	3	5	4	4	2	4.0
Dimension : Intrinsic value											3.3											4.1
Provide information about the social environment.	2	2	4	3	4	3	4	2	3	5	3.2	5	4	4	4	5	5	4	4	4	5	4.4
Reveal user	4	2	3	3	4	4	5	1	5	5	3.6	4	5	4	4	2	4	5	4	5	5	4.2

preferences more efficiently. Orient policy objectives toward the more relevant social problems.	1	2	4	4	4	3	4	2	3	5	3.2	4	4	4	4	4	5	5	3	4	2	3.9
Develop innovative strategies to face the challenges of developme nt	1	3	5	3	4	4	4	2	4	5	3.5	4	3	5	4	4	5	4	5	5	3	4.2
Improve responsive ness of the policies.	2	2	5	3	3	4	4	2	3	5	3.3	4	4	5	4	3	5	4	3	5	3	4.0
Contribute to improving the effectivene ss of public policies	1	1	4	3	2	2	5	2	3	5	2.8	4	4	5	4	3	2	5	4	4	1	3.6
Avoid policy failure	2	2	3	1	3	4	4	2	3	4	2.8	4	4	4	4	4	2	3	3	5	1	3.4
Dimension :											3.2											4.0
Instrumental benefits											3.2											4.0
Participants Perception of Success (PPS)											3.2											4.0
											5											5