

*Cover note excerpt:*

*Tom: Here it is. I hope this provides the background you were looking for. Thanks for the assignment. I really enjoyed it. Our simply researching this subject has stimulated new interest on the part of Maclean's. Editor Bob Lewis told me he thinks it's time to do a follow-up. -- Larry*

## **Where 'The People's Verdict' Came From**

A Report for the Co-Intelligence Institute

Covering interviews with Bruce Wallace, Robert Marshall, and Roger Fisher  
(Bob Lewis interview appended)

by Larry Shook

Thursday, June 17, 1999

### **Insights and Excerpts from the Bruce Wallace Interview**

*(Mr. Wallace reviewed all the video footage and wrote the blow-blow account of the proceedings.)*

Kevin Doyle, former editor of *Maclean's*, was the visionary behind this project. Now an editor at *Bloomberg's*, Doyle was highly respected by his *Maclean's* reporters, a real journalist's editor. It took courage to run the elaborate cover story package because of the considerable expense involved. Clearly, Doyle enjoyed considerable latitude at *Maclean's* in order to initiate such a project.

Still, this reporting did not involve a case of *Maclean's* getting out ahead of its readers, trying to influence a social direction not already clear to most observers. The 1991 'Verdict' report came 11 years after the jarring 1980 separatist referendum over Quebec. Canada, not a land of divisive politics, had previously experienced only one national referendum in its history, regarding conscription during the Second World War. The voter turnout over the Quebec question in '80 was huge, and the spirit of dissent clearly still charged the air when Doyle conceived the 'Verdict' project; the very next year, in 1992, there was yet another referendum, this one over constitutional issues, also drawing high voter response. (In 1997, Quebec again was to mount a referendum with massive voter turnout of over 90 percent.) Moreover, *Maclean's* reporting at this time rode the wave of anti-elitist sentiment sweeping the country. One tangible expression of this was the emergence of western Canada's Reform Party -- it grew from a movement to become the official opposition party -- which has its roots in referendum and the right of recall, the politics of confrontation. It was in this climate that 'the Tories got turfed so brutally from power in '93.

So Kevin Doyle was acting as an astute and aggressive editor, but he wasn't trying to lead a charge with his efforts. He was simply responding to Canada's mounting dissatisfaction with its status quo and its attendant appetite for change.

The intellectual basis of the project was the belief that state of the art conflict resolution techniques could be used to shape political consensus. The driving editorial idea wasn't about consulting people per se. The editors, instead, hoped to show that if you could select a representative group of citizens precisely because they disagreed in important ways, then guide them through a process that led out of the abyss of entrenched positions, that model could be

applied to the much larger venue of governance.

But while 'The People's Verdict' attracted a great deal of national attention, both among the public and Canada's governing elite, it didn't measurably impact Canadian politics. This was because real world electoral issues -- political agendas, personalities -- held sway and maintained business as usual patterns.

*Maclean's* reporting of the process facilitated by Fisher was accurate and took no journalistic license to make it look more difficult or dramatic than it actually was. The exercise 'got to the brink of disaster and crawled back.' Fisher may have 'cut some corners' to get a deal, but it was an authentic and impressive performance nonetheless. Fisher was proud of the outcome, which was no hothouse orchid. This method would work in the real world if given more of a chance. While the principles are simple, they can't be fully grasped by merely reading about them. You have to see them in operation. They graphically demonstrate how 'two opposing views, if they don't move, are doomed to collide for an infinite amount of time. [Fisher] demonstrates to you how powerfully you feel about your arguments. And then makes you understand that the other side feels equally powerfully about theirs. Since you're not about to give, why do you assume they're about to give? And so, therefore, why can't we find some third way, some alternate path? It's not simply a question of 'You've got to give up this, you've got to give up that.' It's, 'Let's find another way and stop banging heads.' Which all makes immanent sense and takes about ten seconds to describe, but it's valuable for people who are involved in a negotiation to see that happen. And I think it's valuable whether it's countries coming apart or how to resolve an office dispute to a certain degree.'

And the emotion *Maclean's* reported as Fisher's process came to an end? It was 'extraordinary to see... It was real... It was hard to be cynical about...'

The latter is an interesting observation, because reporters as seasoned as Bruce Wallace often don't have a hard time being cynical about anything.

Pressed for an explanation about what might have caused the catharsis experienced by these individuals who had been handpicked -- scientifically picked -- for their deep differences, Wallace could only say, 'People came together and they kind of liked one another. Maybe it's just nicer to agree than to walk away mad. People may be looking for ways to get along instead of looking for ways to break up.'

Could Roger Fisher's 'getting to yes' process, as reported by *Maclean's*, be incorporated into the world's politics? Clearly, that's a 'yes' worth striving for.

### **Insights and Excerpts from the Robert Marshall Interview**

*(Mr. Marshall wrote the introductory overview and worked extensively with the research firm that provided the data for the panelists' selection.)*

'The People's Verdict' never transitioned from an editorial idea of *Maclean's* magazine to a larger sense of possibility for Canada as a whole. Because politicians never took ownership of it, the subject created a momentary stir, then the country simply returned to business as usual -- even though the magazine stretched its resources to the limit to fund the project, and a good television documentary was made that enjoyed wide viewership. While the participants made it clear that they would be willing to sustain their participation in the effort, *Maclean's* simply didn't have the resources to do more than the rather extraordinary cover package it published in its July 1, 1991 issue.

That the effort didn't bear more fruit was disappointing to *Maclean's*. The magazine hoped to demonstrate with its reporting that Canadian public life could be made more effective by providing for substantive national dialogue on difficult issues. For a few years there was a 'tremendous upsurge' in town halls. Then the prime minister was 'hammered' in a few of the forums and accused the CBC of fixing questions to make him look bad. He became a critic of the process, suspecting impure political motives by the process's advocates.

Even so, Marshall says those who covered the event saw real magic take place among the participants. There were such major philosophical differences among some participants that initially they couldn't even contemplate one another's views. Two lawyers, powerful personalities, on opposite sides of the Quebec separation question epitomized this stalemate. After locking horns from the outset, they ultimately came away friends, each nurturing a genuine respect for the other's perspective.

'Both of them were marveling at the end of the weekend how much more they understood about the opposite point of view. Neither one of them changed their mind, but they found lots of common ground.'

*Maclean's* wanted to test two theories. One involved the notion that simply promoting travel among Canadians would improve the sprawling country's understanding of itself. This idea had long enjoyed official support in Canada -- without any real indication of success. *Maclean's* test involved bringing people from across Canada together for extended interaction and see what happened. The other theory was that factoring in the expertise of conflict resolution pioneer Roger Fisher could supply the catalyst for people to understand and move beyond their differences to develop greater understanding, reconciliation, and solutions.

If the project didn't ultimately help reform Canadian politics and governance into a more consultative, conciliatory process, the dozen panelists seemed to sense its potential to do just that. 'Canadians are not flag wavers,' says Marshall. 'In fact, we take a sort of determined pride in not being flag wavers. But that doesn't mean we can't be touched by references to our country.'

Fisher led the panelists through a grueling process, '... and when they got something [an agreement] that they felt strongly about... and it seemed to them to represent some sort of key to keeping their country together, they found that very emotional... These people were also socializing in the evening, they were getting to know each other, and hanging around the bar and really having a very, very good time of it. They ended up forming some very good friendships, kept in touch with each other afterwards... They reached a kind of climax in their quest and sort of broke emotionally.'

Nevertheless, even as *Maclean's* was probing the frontier of a more consultative form of political life and governance for Canada, and broadcasting the people's voice in its pages and the television documentary it helped produce, the magazine saw the signs that the voice would fall on 'deaf ears' among Canada's elected officials. The magazine reflected that possibility in the sidebar headlined 'Elected People Must Decide,' printed on page 48 of the 7/1/91 issue.

Who's running Canada -- multinational companies or the elected government? -- is a big question in Canada today, reflected in the increasing frequency of recall elections mirroring the public's frustration.

Could 'The People's Verdict' process create a form of government capable of surviving the collision of corporate greed and public interest? Marshall doesn't know, but he says it's as hot an issue in Canada as it is in the U.S. He notes that 'the socialist national party, the Democratic Party, makes a big issue of that in any election. They constantly are making the point that from their perspective on government is in the hands of the major corporations. Globalization has made that problem even worse, and in fact the government's hands are being tied not even by Canadian companies but by the big multinationals.'

The Multilateral Agreement on Investments, says Marshall, caused panic throughout Canada about Big Money's role in the nation's affairs. Even so, conservative, pro-business governments keep getting elected in Ontario, and the liberal Ottawa government also stays in lockstep with corporate interests, says Marshall, having managed to co-opt both the social and economic agendas.

Journalistically, Marshall considers 'The People's Verdict' to have been a resounding success. It generated buzz, won a lot reporting awards, and raised the magazine's public profile. Nevertheless, he's not sure the magazine would attempt the project again, because of the daunting social change it implicitly advocated.

That consideration aside, Marshall says the process *Maclean's* experimented with -- profiling the national psyche, selecting representatives of it, facilitating dialogue -- still fascinates him. Not only did it seem inherently worthy, to the best of his recollection no one took exception to its value or *Maclean's* decision to devote so much energy to the effort. That in itself is a rare experience in any reporter's life.

### **Insights and Excerpts from the Roger Fisher Interview**

*NOTE: I wasn't particularly successful in 'managing' this interview, which happens sometimes (at least to me) when interviewing someone of the brilliance and stature of Professor Fisher. Fisher IS professorial, and he wanted to give me his own account of things more than merely responding to my questions. Nevertheless, I feel the information here is fascinating, and, at the end, quite moving. Listening to the tape itself, I feel, is worthwhile. LS*

In Canada, Fisher followed his usual procedure. He gathers the parties, gets them talking (not negotiating!), then helps them build a working relationship so they can address the same problem together. 'No one is negotiating. They may not make a commitment on behalf of anyone else. They can commit themselves -- 'I'll recommend this when I get home, I'll propose that when I get home' -- but to make the conversation easy, what they say is not a commitment, it may not be quoted outside the room without their permission...'

The presence of cameras at *Maclean's*, of course, compromised this principle. Fisher felt the exercise was basically successful, because it spread the understanding that solutions are not the answer. Process is the answer. The way people work together to solve problems is the answer. This is the gospel according to Roger Fisher.

Conflicting interests and perceptions are integral to life's experience, stresses Fisher. 'The difference between war and peace is how we deal with those conflicting interests and perceptions.'

The cornerstone of Fisher's process, the first rule, is to interact as fellow human beings, as people united in the common dilemmas of life, not as individuals divided by national boundaries, political ideologies, etc. For most participants, to simply experience this common humanity, one gathers from Fisher's stories, is like breathing sweet mountain air after choking on the smog of conflict.

Fisher tells the story of helping Ecuador and Peru resolve a hitherto insoluble border conflict, one that had resulted in death and suffering on both sides for many years. He gathered six representatives of each nation at Harvard, a dozen altogether, and seated them side by side. He gave them 30 minutes to get to know one another, after which they had to take turns presenting one another to the group.

The Peruvian admiral who was to begin the process couldn't introduce his counterpart -- the rector of Guayaquil University -- because in 30 minutes of sharing he'd only learned details too intimate to share with the group. They needed more time to learn where each other had gone to school, etc. Then, while doing that, the rector discovered the admiral had almost missed the meeting because he had to care for a retarded daughter.

'You have a retarded daughter?' said the rector. 'So do I.' So they ended up comparing notes on that.

Once everyone was introduced, Fisher had the pairs take another 30 minutes questioning each other to uncover their misunderstandings of each other. They interviewed each other honestly, took notes, experienced surprise about what they hadn't comprehended. Then these counterparts presented each other's concerns to the group as a whole. Discussion and clarification followed until consolidated statements of interest were drafted, with everyone's participation, to majority agreement.

This, then, is the method to Fisher's madness. Call it applied empathy. To some degree it

seems to be inherently transformational because of its systematic removal of polemics, its facilitation of the participants' remembering, or discovering, their humanity -- and setting the rest aside.

Fisher had the *Maclean's* participants use this method, too.

Once the sides thoroughly understand what each other cares about -- religion, language, border matters, security concerns, whatever -- they brainstorm solutions, collectively inventing new possibilities. This is another critical component of the Fisher method. It scrupulously separates brainstorming from commitment. They're two different things, Fisher emphasizes. The former requires that opponents engage with one another's interests. The latter requires more elaborate efforts at winning the consent of constituents.

Participants next partner up to take specific ideas and turn them into what Fisher calls 'yessable propositions, operational decisions that could be made by somebody.'

All of this is non-committal, proceeding from a clarification of interests, to general possibilities, to detailed options. The process automatically yields 'a pretty good understanding.'

Fisher had misgivings about the media's participation in Canada, particularly having TV camera's there, because the media feeds on conflict and Fisher's goal is to systematically neutralize it.

Actually, 'neutralize' probably isn't the best term. Through the alchemy of dialogue, Fisher's techniques seem to convert conflict into a nutrient for mutual creativity. Co-intelligence?

Ordinarily, Fisher doesn't let reporters anywhere near his efforts. Of the *Maclean's* reporting that resulted, he says: 'It came out better than I feared.' He gives much credit for this to *Maclean's* editor Kevin Doyle. Doyle carefully shepherded the experience. Still, there were exchanges that noticeably chilled the proceedings, Fisher saw, when cameras showed up at sensitive moments.

If you have media and political figures, Fisher explains, his process is denatured because the politicians have no choice but to play to the media to ensure that constituents hear only the kind of packaged responses that are likely to preserve constituent support.

This seems to be a sensitive issue -- this politicking of politicians -- worth a moment's reflection. In the embrace of Fisher's carefully orchestrated process politicians are able to loosen the grip on their positions in the pursuit of mining the rich vein of possibilities available only to those who are willing to go to the trouble of understanding and respecting the interests of adversaries. It would be unrealistic to expect constituents, who are not privy to Fisher's ministrations, to understand this enterprise. It would be all too easy for them to suspect their political representatives of selling out when in fact they are trying to be of much deeper service than our familiar politics ordinarily makes possible.

*Communications, relationships, interests, options, criteria (with which to judge the options for meeting interests), the substance of the negotiation (once the matter is understood so commitments can be made, or you go to ...) best alternative to a negotiated agreement (BATNA).* These are the seven elements of Fisher's conflict resolution model. This was the structure of the *Maclean's* project in Canada.

Typically, says Fisher, conflict resolution breaks down because the parties focus on their positions rather than each other's real needs and ways to meet them. Two options result: I win or you win. It's a win/lose proposition. There in a nutshell is the heartbreak of the human condition, suggests Fisher, the wound from which much of history's blood has flowed.

[It's not germane to this report, but at this point in the interview Fisher digresses to an interesting aside about Kosovo, a major conflict he's worked on. He cites it as a classical example of problems not turned into possibilities. With Kosovo's images so raw at this moment, and with the U.S. media so chauvanistically oblivious to the ways in which this tragedy might have been averted, it's worth listening to Professor Fisher's thoughts.]

Fisher did the *Maclean's* project because he's trying to spread the skills of dealing with differences. This seems to be his life's mission. His non-profit Conflict Management Group is

independent of Harvard, and it is through its auspices that Fisher travels the world, from Canada to South Africa, from Ecuador to Ossetia, an erudite Johnny Appleseed of understanding and accord.

Why didn't Canada leap on the example of super democracy the *Maclean's* reporting seemed to reveal? Why doesn't the U.S. and every other democracy in the world use this hybrid model of profiling a society's psyche, selecting representatives of the psyche's dominant strains, then facilitating accord using methods like Fisher's?

Fisher actually had reservations about the sampling process itself, because he felt it tended to be based on people's positions, not their interests. Remember, "getting to yes" requires understanding interests. Understanding interests takes a kind of work that is not presently an integral part of the world's politics.

Fisher cites an example from his work with Ecuador and Peru. There had been a bloody battle over a remote, strategically insignificant jungle village. For both nations the place had assumed enormous symbolic significance. Practically speaking, neither the place nor the battle over it had any real meaning to the vital interests of either nation. Yet, noted Fisher, opinion polling in Ecuador showed that 90 percent of the public was unwilling to give up the settlement, and 75 percent of Peruvians felt the same way. An important treaty was snagged on these entrenched positions of Ecuadorians and Peruvians alike. Result: the interests of both societies were being sacrificed to a dispute over a subject of no real importance.

Using the method demonstrated in Canada and reported by *Maclean's*, Fisher was able to help Ecuadorian and Peruvian leaders clarify their countries' real interests, brainstorm possibilities, and invent a creative solution that polling or fighting would never have unearthed: The village would be officially in Peru and the square kilometer around it would be owned by Ecuador -- "like you'd own an embassy building or something".

Fisher considers the global zero sum habit of mind his primary nemesis. He cites as an example U.S. Secretary of State Madeline Albright's recent statement: 'We're not negotiating. We're bombing.' The implication of this sentiment, says Fisher, is that negotiation is a sign of weakness. He contends that this is a totally false assumption: his work shows over and over that negotiation is a sign of confidence, because it reflects the understanding that by clarifying interests, mutually acceptable solutions can be discovered.

The best way he has found to make this point is by example. Even in such deadly and tragic environments as South Africa during the reign of apartheid, Fisher has found that if he can just bring people together, array them side-by-side, escort them into real listening and real talking, he can help them experience their humanity and shared wisdom. What almost always results -- new possibilities -- might fairly be called a miracle. In any case, it is often deeply moving to those who experience it and witness it up close.

[Listen on the tape to Fisher's account of a meeting involving the African National Congress and the all-white deKlerk government.]

Fisher says his next book is going to be called 'Negotiating With Emotions,' in order to discuss the moving change that takes place in people's hearts when they participate in true negotiation. What happens? People find their humanity, says Fisher. Even in the words of this most cerebral of men, this coolest of customers, this most seasoned of negotiators, it sounds like the description of some spiritual birth. Or re-birth.

'I think you have to design a system where both good brains and human feelings can take over,' says Fisher.

Fisher seems to have done that. And once his students experience the effect, their native genius for recognizing the deep humanity of erstwhile adversaries usually takes over.

At the signing of the agreement resolving the festering boundary impasse between Ecuador and Peru in Brasilia the Peruvian leader was first to speak. He said:

"There are many people to be congratulated and thanked for the help they have given us in settling this 57-year-old boundary dispute. But the one I want to thank the most is the woman

who raised her son to be the president of Ecuador."

'And he left the lectern and he went down to the second row where the president's mother was sitting down,' says Fisher, 'and gave her a very Latin kiss. And 800 people went wild. They couldn't believe it.'

'If people argue over the past, or if they quarrel about the future, they're quarreling as to which is the right answer,' says Fisher. 'There are no answers that will end all conflicting interests and perceptions. The answer is how we deal with others when we have differences... I think the co-intelligence -- the common sense -- "common" in the sense of applying to both sides -- is what we're looking for. It needs our articulation. It needs to be spelled out in understandable terms.'

And finally, Mr. Atlee, here is your assignment, from non other than Roger Fisher, if you choose to accept it: 'I'd like the Co-Intelligence Institute to articulate the assumptions that are being made that are wrong, which underlie why we go to war in Kosovo and why we think that some anti-missile missile is the salvation of the United States. Look at those assumptions, then look at some better ones. Then the question is, how do spread the better ones around? How do you make people realize them? That's a good challenge they [the staff of the Co-Intelligence Institute] have.'

Listening to Roger Fisher, even in this late millennial hour, even with the shadow of terrible weapons and stark environmental problems hanging over humanity, it is possible to believe that the best is yet to come.

Larry Shook  
June 17, 1999

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### **Insights and Excerpts from the Bob Lewis Interview**

*NOTE: Bob Lewis was Maclean's managing editor at the time of "The People's Verdict" initiative. Larry Shook did not summarize his Bob Lewis interview, so this review of it is by Tom Atlee.*

Bob Lewis estimated that the People's Verdict initiative cost *Maclean's* \$75-100,000, with costs split approximately 50/50 between the magazine and Canadian TV.

He stressed that *Maclean's* didn't know how it would come out - although they were immensely curious. He says that, as journalists, they would have reported it in detail even if it had been a total disaster.

He joined the other interviewees in noting that the process was "amazingly emotional... the atmosphere was electric. And that includes all of us hard-bitten journalists, too. We were very moved to see this." He figures part of this emotional intensity arose from the fact that Canadians felt so powerless and frustrated with the parade of "men in suits on television" and "bickering politicians" and endless meetings that never resolved anything and that, "for once this group felt, well, here's *our* chance to show these buggers that we can do it differently." "They damn well wanted to succeed where these men in suits wouldn't... couldn't and didn't." Underlying it was "a quiet patriotism in this country which is not of the flag-waving, hand-on-the-heart American variety, but it's fairly profound". When the group overcame their nation's divisiveness among themselves, this deep patriotism came bubbling out.

Lewis was quite aware that their achievement was particularly significant because of the diversity of the participants. *Maclean's* had "picked the people quite intentionally through a kind of

exhaustive system of cluster analysis and regional balance and gender balance and you name it. It was a pretty representative group." But despite lots of head-banging... we were able to come out of it and actually draft a document at a time when the governments in the country couldn't do it." And that was "a real eye-opener" and "contributed to a softening in hard-line positions. I think people were able to see that men and women of good faith could come together, recognize their differences, and try to work around them and sort out problems."

He was fascinated by the fact that the participants "had become this mini little institution." "There was a sense of empowerment for a few days and a lot of pride in what we produced and what they produced, a real sense that they had made a difference. They all left that place feeling they had made a real contribution. And you could sense that in the follow-up afterwards. They kept in touch. They sent each other clippings and they were interviewed in their local communities. A lot of them had profiles in their own communities once they had gone home, and they would be interviewed on subjects when it was appropriate."

He saw this initiative as manifesting and contributing to a rising anti-elitist populist trend in Canadian public opinion. Although "it would be wrong to say that we solved Canada's national unity issue,... we went a good way down the road to shedding light and understanding on some of the more arcane elements of the debate. And I think most important of all, we demonstrated that good will between people with different points of view is probably key to the whole thing. If we were going to resolve the thing for good, I think it's going to have to be this kind of spirit that brings people together."

Finally, Lewis reveals that *Maclean's* "had a second session with this same group at a different place. And then we did one on deficits and the budget" that was done very differently.