

Collaboration: Rethinking how we think about the politics of regulation
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Over a year after the Japanese earthquake, tsunami, and nuclear disaster at Fukushima Dai-ichi, the crisis continues in daily uncertainty about radiation levels, financial stability, and political accountability. Almost 16,000 people died in the disaster, leaving 4,000 people missing and many others still living in shelters. Sorting through the newest numbers and measurements of the crisis continues to be part of the daily routine for many people. A lengthening list of calculations offers little comfort in recovery.

These recent disasters have compounded a deepening financial crisis in Japan and worldwide. The recent financial crisis affected many people, including many who have little to no understanding of the highly technical and complex instruments that broke down the illusory stability in financial markets. Further, deregulatory policies imposed burdens on market transactors that made the financial crisis all the more personal and painful, and party politics offer little help in the recovery process. We are still feeling the effects of this massive collapse in national unemployment rates, consumer confidence, diplomatic relations, and personal lives. The devastation unsettled notions of what is stable policy and what makes sense.

The questions raised by people in Japan apply more broadly. What would have been needed to prevent this devastation? What is there to do in the aftermath? If the vulnerability of one market endangers markets in other areas, what kind of regulatory response can address the international processes that have local impacts? What venues of communication would offer the most appropriate forum for addressing global and intertwined market processes?

The problematique challenges us to approach regulation as part of social and political processes rather than a patchwork of fixes to failures. If the challenge is to think in terms of processes, how does this online conference format allow us to translate specific and diverse experiences and knowledge into collaborative moments? How do we avoid writing past each other?

Although global regulation reform is one of the most pressing issues today for legal practitioners, market participants, scholars, and more, finding the words to discuss reform is difficult on its own. Questions of global impact require not only the input of specialists from various fields but also a coherent way of discussing these issues between fields. In addition to the exclusionary effects of technical jargon, using different languages in different parts of the world poses significant challenges to international collaboration. Further, understanding each other at the level of translation threatens to overlook what gets lost in the process, as one language attempts to incorporate the contents of another. Translating each other into our own words falls short of working together and threatens to impose old categories that preclude rather than articulate the critical questions.

Responses to questions of global impact have been insufficient in part because they miss crucial details of local regulatory cultures as well as exclude high-quality scholarship. Existing venues and formats for discussion offer little help in avoiding impasse, and conversations about what should be done have led to deadlock, as though each participant commits to championing a

specific agenda at the exclusion of challenging ideas. Is this a failure with the way we communicate internationally?

The distances between us—geographic, intellectual, linguistic, etc.—seem to hinder more than help. Increased specialization in our fields of expertise prevents us from truly understanding the details and context of each other's descriptions and recommendations. The reality of our busy schedules pulls us away from the many pressing issues of current events and inhibits our participation in collaborative solutions. Our lack of availability and accessibility can also lead to distrust in each other's knowledge. The inadequacy of current forums for cross-disciplinary and multilingual exchanges prevents us from the kind of innovative thinking that current problems require.

The online conference model answers some geographic and time constraints on accessing and engaging with each other's work. Participants may access the essays and conversations without leaving their homes or worksites or changing their schedules. Written material may be reread and comments may be reevaluated in light of new responses. Participants may listen to recordings more than once, catching ideas they may have missed at first. These conveniences allow participants more opportunities to review the presentations and interact with each other than they would likely have at an in-person weekend conference. The online conference model allows for something different than an enhanced translation or exchange of information.

One variation of the online conference model is expressed in Meridian 180—a new experimental genre of scholarly project in transpacific, comparative legal studies headquartered at the Cornell Law School. Since the recent disasters in Japan, Meridian 180 has provided a confidential, online platform for scholars, business professionals, lawyers, activists, government officials, graduate students, translators, and more to work on difficult questions together. Members of Meridian 180 aim to integrate multiple disciplinary perspectives in a single conversation about a specific, concrete topic or set of pertinent questions. The experiment is to craft a way of talking with each other without excluding or alienating each other from our specialized knowledge. The project attempts to identify the weaknesses and deficiencies of current collaborative frameworks that block or hinder our communication.

Our members come from a variety of professions and geographic regions. Because of this diversity in experience and specialized knowledge, Meridian 180 members have access to intellectual resources of great breadth and depth. The key idea here is that when collectively faced with a difficult issue each member may hold a piece to the puzzle that cannot be seen from any one perspective. From the emerging picture of the issues and pertinent questions, our members can address each other with particular focus on the complex problem at hand. By speaking in terms of a cross-cultural, interdisciplinary community, members may reduce or avoid the local political pressures that can affect and shape analysis.

Members tell us that they participate for a variety of reasons. Some participate to test out a new concept and receive feedback from their peers in other professions. Others participate to express ideas and engage in conversations that their professions might otherwise disapprove of or sanction. One person expressed that, in the immediate aftermath of the disasters in Japan, the

online platform awakened a personal sense of hope that a transpacific community of experts cared to listen.

The online platform structure of Meridian 180 aims to nurture the elements of a good conversation—being heard, being taken seriously, and having the ability and freedom to speak. An online conversation begins when a member opens a forum with a comment of under 1,000 words in length. After this initial post, members may respond to it with their own brief comments. A team of post-doctoral students translate every comment into Japanese, Chinese, and English, before posting the comment in the forum. The total translation time is under 24 hours after the submission. The goals of translations and the word limits are to minimize communication barriers between members and foster inclusivity. As access to the contents of the forum is restricted to the members, the website creates a safe space for participants to try out their ideas and practice being in conversation with a group of specialists and experts whom they might not have otherwise worked with on projects for their professions.

Although the translations are central to the goals of Meridian 180, the project extends beyond translations between the languages of regions and professions. Methodologically, the Meridian 180 project may vex the distinction between informant and ethnographer because each forum requires collaborative moments. As the translations allow more members to listen to each other, members are responsible for figuring out a way of building off of each other's ideas on specific issues. The commitment to offer expertise and reach out to others creates a space where ideas may link and combine with each other in unanticipated ways. Even though a conversation between disciplines may lead to an impasse outside of the forum, a commitment to the Meridian 180 project is a commitment to identify and work on points of commonality.

Because the expertise of our membership is so diverse, the forum topics have ranged from technical, scholarly material on regulating central banking to a single keyword intended to generate thoughtful questions for inspiring new conversations about risk. Each forum directs attention to a specific set of issues or questions of global impact that are especially problematic for businesses, legal professionals, and government officials. The hope is that by sponsoring a frank interdisciplinary discussion, a forum will spark an unforeseen way of confronting the proposed problem. As members cultivate their trust and terms of engaging with each other, they become better prepared to respond to the crises of the day.

Some of the challenges of our transpacific, online communication are the limitations of written communication and translation times. Posting a comment on a website is simply not the same as talking in person to a group of people. Although members may be reading every posted comment, a writer cannot see or hear an immediate reaction as might a speaker sees and hears a reaction from an audience or interlocutor. Body language that signifies understanding or comprehension in an in-person conversation is missing from the structure of written comments and responses. Additionally, a written conversation that is translated into two other languages inserts more time between responses than would occur in an in-person conversation. Although the website increases opportunities for engaging with each other, other factors constrain the online communication of Meridian 180 members.

At this point, the forums are closed conversations for Meridian 180, which consists of several hundred members and a handful of staff support. By participating in the project, members are obligated to keep the forums confidential so that each member feels safe to engage in real, honest dialogue. With the dual commitment of confidentiality and generous and serious engagement with each other, the project aims to remove the reluctance to participate by assuaging the fear of being misrepresented or belittled. The purpose of the closed space is to protect experimentation with ideas so that the focus of conversation is on the idea, not the personality or political affiliations of the participant, and that members may trust that criticism is honest feedback. Although some have suggested opening the community to the public, members have generally agreed that confidentiality is beneficial for the conversations at this stage of the project. Although many of the conversations are confidential, Meridian 180 posts a summary of each forum on our public website. The summaries serve to document the tenor of agreement between comments, preserving a synthesis of the conversation that may be held up to the public for continued review, scrutiny, and inspiration.

Although the Meridian 180 community routinely works on online conversations, the project also links the online platform with in-person conversations at conferences and workshops as well as on conference calls. By using both face to face and online platforms, Meridian 180 overcomes some of the challenges of each. Recent conferences and meetings suggested improvements to the online forums, reevaluated the vision, mission, and goals for the project, and asked what work remains for the project. The dynamic linking of in-person and online conferences about topics in international comparative law and regulation with reflections on the Meridian 180 online platform allows a way to unsettle exclusionary perspectives, however comfortable or infallible they may seem to be, and call on members to craft terms open to the entire community.

This is only one example of a new kind of intervention in what the problematique calls “the art of the possible.” What we wish to emphasize here is that one of the pleasant side-effects of the fact that financial governance is now explicitly politicized is that we can now begin to think explicitly about what kind of politics—what kind of conversation—we now require. Our own experiment suggests that our existing tools for this collaborative rethinking are disarmingly thin. Under such conditions, it becomes the responsibility of all of us to lead toward a new kind of collective engagement.