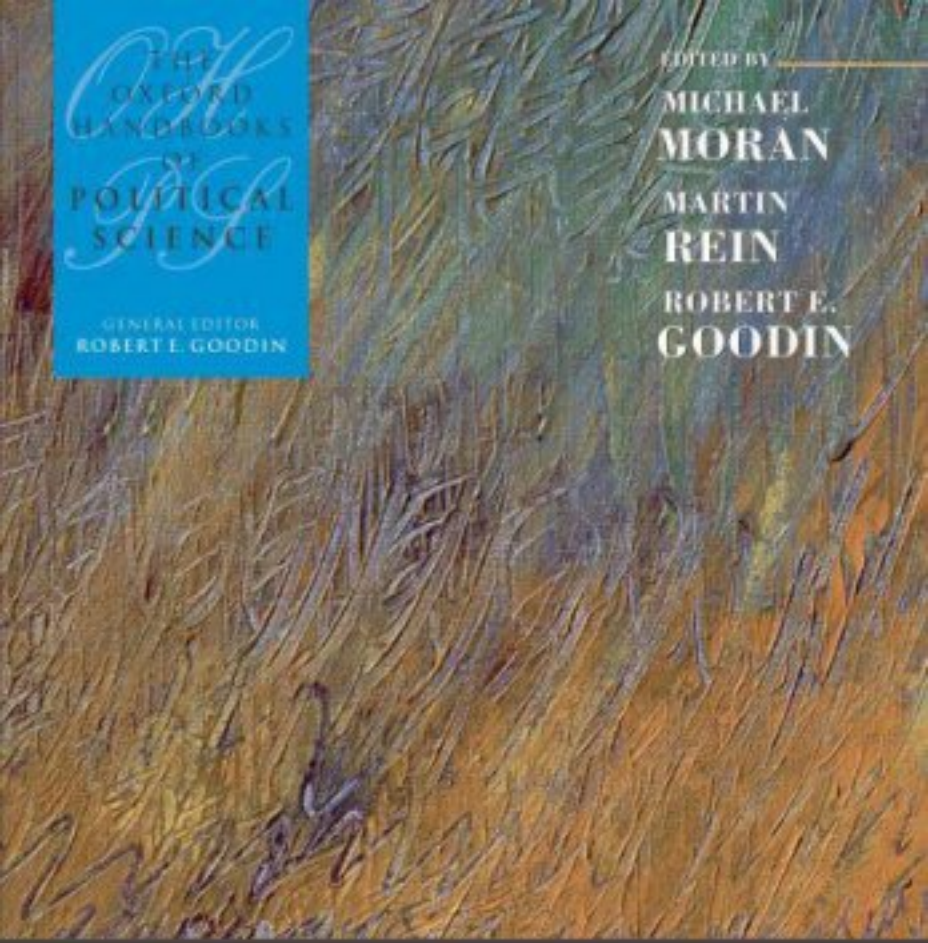

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toward severance, and better to the extent that it establishes and renews connections between constituents and representatives, and among members of the constituency" (Young 2000, 130). Jane Mansbridge suggests that political representatives often act in anticipation of what the responses of their constituents will be in the next election, rather than being instructed by the prior one. Such "anticipatory representation," she argues, works better when elections are joined with mutually educative interactions that enable citizens develop their preferences and representatives to gauge them (Mansbridge 2003).

These conceptions of representation provide a contingent argument for direct participation and deliberation. Campaigns and elections provide quite thin, and infrequent signals about citizens' preferences and interests (see D2 in Fig. 33.2 above). Elections fail to give the people voice on new issues that arise between campaign seasons, that lack public salience, or when major decisions have been delegated to independent administrators rather than politicians. When elections fail to articulate citizens' voices, participation and deliberation before and between elections can work to thicken communication between constituents and representatives.

In the United States, common mechanisms to gauge the public temperament include public hearings, notice and comment requirements, focus groups, and surveys. These devices often produce discussion and argument that fails to elicit a rich sense of public sentiments and educates neither citizens nor officials. Public hearings and meetings, for example, typically are organized in ways that allow well-organized opposing sides to testify before decision makers without facilitating exchange (Kemmis 1990). Deliberative practitioners in civil society organizations have responded to the shortcomings of deliberative and participatory techniques for reconnecting constituents to representatives by applying insights from the fields such as alternative dispute resolution, organizational design, and group process facilitation. In some cases, politicians and administrators have adopted their methods to create non-electoral, participatory, and deliberative mechanisms that inform and reauthorize their policy choices.

A small community in Idaho called Kuna, for example, has adopted a kind of two-track policy process.[9] On the minimally participatory electoral track, representatives and administrators dispose of routine matters without elaborate communication or reauthorization from citizens. Where public sentiments are unclear and on issues that are likely to prove controversial, officials and community organizations frequently convene a process of Study Circles in which citizens are invited to learn about the issue in more detail and deliberate with one another and with officials about the merits and costs of various options over the course of several days. Following the national study circles model, participants in these events are given briefing materials and organized into small, facilitated discussion groups. In these groups and in large group discussions composed of the whole, members develop opinions about the issues and options at stake and prepare questions and recommendations for policy makers. These popular deliberations sometimes validate decision makers' views and

[9] Information in this paragraph is drawn from the field research of Joseph Goldman, unpublished.

galvanize community members in favor of certain policy positions. Sometimes, however, the deliberations reveal objections and latent preferences that cause representatives and other officials to modify their proposals. Citizens often come to understand and appreciate the reasons that favor various proposals and positions in their deliberations with officials. Between one and several hundred residents typically participate in these study circles. Over the past five years, Kuna has convened study circles on issues ranging from multimillion-dollar school bonds to student drug testing, local tax policy, and town planning.

A popular deliberative track was also deployed to the very different challenge of rebuilding the area of lower Manhattan destroyed in the 11 September 2001 attacks on New York City (Kennedy School of Government 2003). Two regional agencies—the Port Authority and the Lower Manhattan Development Corporation (LMDC)—were charged with leading the effort to rebuild the World Trade Center site. But multiple and conflicting goals and visions—such as commercial versus residential interests, speedy reconstruction versus deliberate and inclusive consultation, and the desires of the families and friends for the victims to be appropriately honored—would make it impossible for these agencies to meet these challenges through technocratic approaches alone. The regional authorities agreed to join with several civic organizations and convene a series of large-scale public discussions on the site's fate. These public engagement efforts culminated in a large meeting, drawing more than 4,000 participants, held at the Jacob Javitz Convention Center in July 2002 called "Listening to the City." The event was organized by AmericaSpeaks according to their "Twenty First Century Town Meeting" methodology. Instead of the conventional talking heads or public hearing format, the event created hundreds of more intimate, yet focused conversations. The main floor of the convention center contained 500 tables of ten seats each. On each table was a computer that was in turn hooked to a central bank of computers. Throughout the day, discussions from each table were relayed to a central "theme team" that attempted to pick out views and themes recurring for the large group as a whole. In addition to recording table conversations, each participant had his or her own "polling keypad" through which votes and straw polls would be recorded throughout the day. The aim of all of this technology was to create a form of public deliberation that combined the benefits of small group discussion with the power of large group consensus. The consensus of this particular group rejected key elements of the plans that the LMDC and Port Authority had prepared in favor of bolder architecture, greater priority on a memorial for the fallen, reduced emphasis on commercial priorities, and greater attention to affordability and the quality of residential life. The event received substantial media coverage—forty-nine articles in northeast regional newspapers, eighteen of those in the *New York Times*—almost all of it highly favorable.[10] The combination of public feedback and communicative pressure from media and civic

[10] Author's Lexis Nexis search on 25 June 2004 of articles published in 2002 containing "Listening to the City" in northeast regional news sources.

organizations compelled the two agencies to begin the planning process anew and adopt many of the values and preferences articulated at "Listening to the City".

4. Popular Accountability

The democratic policy process is more seriously threatened still when the interests of professional representatives depart systematically from that of their constituency and when the electoral mechanism is too weak to compel representatives to respond to the interests of citizens rather than using political power to advance their own ends (see D3 in Fig. 33.2 above). The problem of harnessing the energies of political elites to popular interests is perhaps the central challenge of democratic institutional design. In many sociopolitical contexts, the mechanism of regular elections has been only partly successful in meeting that challenge. Consider two common and systematic obstacles to electoral accountability: administrative delegation and political patronage relationships.

Public bureaucracies conduct much of the business of modern government. The growth in the size, complexity, and insulation of these administrative agencies "poses important problems in a democracy because it creates the possibility that unelected officials can decisively impact policy, potentially in ways that disregard public preferences" (Dunn 1999). Career administrators may enjoy substantial advantages over elected officials and civic organizations in information, capability, and energy (see Friedrich 1940; Stewart 1975; Lowi 1979). Such agencies, furthermore, may have agendas—rooted in organizational needs or professional habits and discourse—that depart from public interests and preferences (see Fischer 2003; Hajer and Wagenaar 2003). Reforms in administrative law, in particular the Administrative Procedures Act regulating federal rule making, create opportunities for affected parties to engage directly with federal agencies in ways that bypass structures of political representation (Stewart 1975; Sunstein 1990).

Participatory and deliberative forums in which citizens engage with each other and with officials can strengthen popular accountability and so address the dilemmas of administrative delegation. The "Listening to the City" case of reconstructing lower Manhattan, discussed above, illustrates this possibility. In the course of the reconstruction planning, the authorized public agencies developed particular policy preferences that seemed related to their organizational priorities. For example, the Port Authority derived revenue from the economic activity at the site, and its directives to planners stressed reconstruction of commercial space. If the results of the deliberations at the public participation events in the summer of 2002 reflected broader sentiments, the Port Authority's agenda and initial plans failed to respond to popular desires. Whereas many public meetings fail to discipline officials, "Listening to the City" did seem to impose accountability upon these agencies. The agencies

subsequently altered the guidelines for reconstruction in ways that incorporated the public preferences articulated at the event, and they initiated a public competition for design concepts. The participatory-deliberative event increased official accountability because it was embedded in larger, highly visible debates about lower Manhattan occurring in popular media. "Listening to the City" was a large-scale discussion, open to all citizens, without a carefully controlled agenda, and transparent to anyone who cared to report on it. It was not a report from a special agency or press release from particular interest groups. These participatory democratic features of the process endowed its conclusions with a distinctive legitimacy that journalists and their readers found highly compelling. Subsequently, agency officials and their political masters could not ignore them. Political elites could, however, avoid making the same mistake twice. They notably declined to sponsor similar events in later parts of the planning and reconstruction, and subsequent decision making was substantially less participatory.

"Listening to the City" illustrates how occasional public deliberation can supplement the pre-existing structure of electoral-cum-administrative accountability in episodes where popular accountability is especially threatened. In more challenging contexts, however, electoral mechanisms reproduce and reinforce elite domination rather than checking it, and so popular accountability can only be achieved through thorough-going reforms of a corrupted policy process. The experience of popular participation in public budget decisions in the Brazilian city of Porto Alegre illustrates this trajectory (Baiocchi 2003; Abers 2000; Avritzer 2002*a*). In 1989, the left-wing Workers' Party (Partido dos Trabalhadores, or PT) was elected to the mayoralty in part on a platform of empowering the city's community and social movements. Over the next two years, this promise was transformed into policy through a highly innovative mechanism called the Participatory Budget (Orçamento Participativo, or OP). Fundamentally, the policy shifts decision making regarding use of the capital portion of the city's budget from the city council to a system of neighborhood and city-wide popular assemblies. Through a complex annual cycle of open meetings, citizens and civic associations meet to determine local investment priorities. These priorities are aggregated into an overall city budget. The budget must be ratified by the elected city council, but ratification is largely a formality due to the enormous legitimacy generated by the popular process that produces it each year. The rate of participation in the OP has grown substantially since its initiation. By some estimates, some 10 per cent of the adult population participates in the formal and informal gatherings that constitute the process. Furthermore, participants are drawn disproportionately from the poorer segments of the population.

One major accomplishment of the OP has been to replace a system of political patronage and clientelism with popular decision-making institutions that make public investments more responsive to citizens' interests. In surveys, the number of civic leaders who admit client–patron exchanges of benefits for political support declined from 18 per cent prior to the OP (Baiocchi 2005, 45–6). Another study by Leonardo Avritzer found that 41 per cent of associations secured benefits by directly contacting politicians prior to the OP, but none relied on such unmediated channels

after its establishment (Avritzer 2002*b*). The substantive results of reduced clientelism and enhanced political accountability are striking. Poor residents of Porto Alegre enjoy much better public services and goods as a result of the OP. The percentage of neighborhoods with running water has increased from 75 to 98 per cent, sewer coverage has grown from 45 to 98 per cent, and the number of families offered housing assistance grew sixteenfold since the initiation of the OP (Baiocchi 2003).

To develop participatory institutions that circumvent the representative process may seem an extreme solution to the problem of electoral accountability. For the vast majority of cities in developed countries, where corruption and clientelism are exceptions rather than the norm, such an extravagant participatory reform may be disproportional to the extent of deficits of political accountability that it would address. Where patron–client exchanges are highly stable, entrenched, and reinforcing dynamics of a policy-making process, however, thoroughgoing participatory reform may be an effective corrective.

5. Alternative Governance and Public Problem-solving Capacity

A fourth characteristic deficit of the representative policy process grows out of the inability of state mechanisms to solve certain kinds of public problems (see D4 in Fig. 33.2 above). State-centered solutions are limited for some kinds of problems that require cooperation and even collaboration with non-state actors. Some observers have coined the term "governance," in contrast to "government," to mark this decentering of public decision making and action away from the boundaries of formal state institutions. Addressing issues such as public safety in violent neighborhoods, the education of children, and many social services, for example, requires not only the active consent, but sometimes positive contributions (co-production) and even joint decision making (co-governance) by beneficiaries and other affected citizens. More broadly, problems that involve interdependent actors who have diverse interests, values, and experiences, such as in many kinds of natural resource management and economic development problems, have often proven resistant to traditional top-down, state-centered mechanisms and methods (Booher and Innes 2002). Furthermore, the complexity of some social problems, stemming from the multiplicity of causes that span conventional divisions of expertise, the volatility of their manifestations across time, or their diversity across space, can make them intractable to traditional state bureaucracies that organize themselves into separate policy disciplines and that presume a certain stability in their problem environments (Cohen and Sabel 1997).

Direct participation and deliberation can help to transcend these limitations on state capacity. Opening channels of participation to public decision making can

bring the energies, resources, and ideas of citizens and stakeholders to bear on complex public problems. Appropriate kinds of deliberation can trigger a search for innovative strategies and solutions (Booher and Innes 1999) and create normative pressure to make collective decisions that are fair and reasonable. Elsewhere, I have characterized such reforms as Empowered Participatory Governance. Such reforms invite citizens to deliberate with each other and with officials to solve concrete, urgent problems (Fung and Wright 2003). To illustrate how Empowered Participatory Governance can expand collective capacities to solve public problems, consider transformations to the Chicago police department (Fung 2004; Skogan et al. 1999; Skogan and Hartnett 1997) in the 1990s. In 1994, the Chicago police department adopted a deep form of community policing. Every month in each of the 280 neighborhood police beats in the city, residents meet with police to deliberate about how to make their neighborhoods safer. They decide which of many local problems should receive concentrated attention and they formulate strategies to address those problems. These neighborhood deliberations produce plans that involve not just police action, but also contributions from other city departments, from private organizations, and from citizens themselves. Such participatory problem solving and cross-agency action marks a substantial departure from traditional, hierarchical police methods that have proven ineffective against problems of chronic crime and disorder. Similar participatory and deliberative governance reforms have also emerged in diverse policy areas such as primary and secondary education, environmental regulation, local economic development, neighborhood planning, and natural resource management (Weber 2003; Sabel, Fung, and Karkkainen 2000). In all of these policy domains, traditionally organized regulatory or service delivery state bureaucracies faced acute performance crises. In some contexts, those crises were addressed through participatory and deliberative reforms that joined the distinctive capacities of citizens and stakeholders to state authority.

Several important differences should be noted, however, in the character of public participation and deliberation that addresses limitations of state capacity. This fourth category of engagement is likely to require more intensive, and therefore less extensive kinds of participation than public engagement to clarify preferences, communicate with officials, or occasionally bolster mechanisms of accountability. In cases like Chicago community policing, residents join with officials in detailed discussions and planning, often over extended periods of time. Citizens who become deeply involved acquire a level of expertise that enables them to interact on a par with professionals. It is unrealistic to expect that a large portion of citizens will invest so deeply in such matters. Furthermore, the particular democratic deficit at issue here is public capacity rather than representation. In such cases, the involvement of a small percentage of citizens or stakeholders—whose involvement generates public goods for the rest—can often make a large difference with respect to problem-solving capacities. Similarly, deliberation in such cases often focuses more upon identifying and inventing effective courses of action rather than upon resolving deep-set conflicts of value that occupy much of the analysis of deliberation in democratic theory.

6. Conclusion

Should public decision making in modern democracies be organized in participatory and deliberative ways or though political representatives selected through periodic elections? This chapter's answer lacks finality: it depends. It depends first of all upon the nature of a particular public issue that a democratic process addresses. Is that issue one on which citizens have informed and stable preferences, communication between representatives and constituents creates mutual knowledge, representatives' actions are aligned with citizen preferences, and for which public bureaucracies possess sufficient capabilities? If all these questions are answered affirmatively, then the minimal democratic mechanism of elections to select representatives may be sufficient to ensure that the state is responsive to popular interests. There are many other issues, however, for which one or more of these conditions fail to hold. Institutions of citizen deliberation and participation can help to repair such broken links in the minimal representative policy process. Rather than conceiving deliberation and participation as alternatives to representation, it is perhaps more fruitful to explore which combinations of institutions and procedures best advance democratic values such as state responsiveness for various issues and political contexts. The pages above have offered several experiences that illustrate such synergies as a first step toward that fuller exploration.

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PART VIII

COMMENDING AND EVALUATING PUBLIC POLICIES