CHAPTER 33

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DEMOCRATIZING THE POLICY PROCESS

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ARCHON FUNG

The danger of modern liberty is that, absorbed in the enjoyment of our private independence, and in pursuit of our particular interests, we should surrender our right to share in political power too easily.

The holders of authority are only too anxious to encourage us to do so. They are so ready to spare us all sort of troubles, except those of obeying and paying! They will say to us: what, in the end, is the aim of your efforts, the motive of your labours, the object of all your hopes? Is it not happiness? Well, leave this happiness to us and we shall give it to you. No, Sirs, we must not leave it to them.

(Benjamin Constant, 1816)

What is the role of citizen participation and deliberation in modern governance and policy making? The tension between expertise and popular voice in contemporary polities remains unresolved by students of politics, policy, and administration. Direct democracy strikes many as both undesirable and unfeasible. It is not desirable because the public virtues of political engagement have no special place in modern values and conceptions of the good life.[1] Even if it were desirable, it is not feasible

[1] See Constant 1995/1816; Kateb 1981; Hibbing and Theiss-Morse 2002; Posner 2003.

because the challenges of complexity and scale rule out familiar kinds of participatory democracy such as the New England town meeting (Bryan 2004; Mansbridge 1980) and the ancient Athenian *ekklēsia* (Sinclair 1988; Ober 1991).

There are grounds for thinking that the first claim is overdrawn—that there are many contexts in which modern citizens desire greater voice over decisions that affect them or are made in their name because that influence is the essence of democracy (Pitkin and Shumer 1982). In the pages that follow, however, I concede this claim arguendo. Everything that follows supposes that most citizens of modern industrial democracies do not value political participation for its own sake. The experiences discussed below illustrate, however, that citizens do participate in substantial numbers given motive and opportunity. Nevertheless, participation requires time and energy that might be better devoted to private aspirations and enjoyments. Citizens' energies should not be consumed by the potentially extravagant demands of participatory governance when public business can be delegated to a class of professional representatives and administrators who reliably advance their interests. But the vision of a responsive and just government run by elites for the benefit of citizens is as utopian as full-blown participatory democracy (Cohen and Fung 2004). In many contexts, the policy-making apparatus of political representation and expert administration—the very machinery developed over the past two centuries to govern well without requiring too much from citizens—exhibits certain acute failures. These failures can be addressed with mechanisms of citizen participation and deliberation. Belying the second skeptical claim regarding the feasibility of participatory democracy, experiences in local governance have combined representative and participatory mechanisms in hybrid configurations that make government more responsive and just than either pure form.

These experiences suggest that the historic antagonism between proponents of representative and participatory democracy confuses more than it illuminates. A contemporary, pragmatic challenge for democratic theory and practice is to identify the contexts in which received governance mechanisms exhibit serious and systematic democratic deficits, and then to devise appropriate institutional remedies. This chapter pursues a part of that challenge by illuminating characteristic deficits of the conventional representative and professionalized policy-making process and then suggesting how novel combinations between representation and administration on one hand, and participation and deliberation on the other, can, and in some cases have, addressed those deficits. This exploration surveys several of the ways in which participation and deliberation can address shortcomings of a minimal representative policy process. There are certainly other ways to address those shortcomings that do not involve popular participation; we focus here on the subset of solutions that deepen democratic engagement. Furthermore, important criticisms of participation and deliberation that claim, for example, that such processes exclude particular perspectives or interests, or that they reinforce patterns of domination and inequality, lie outside the scope of this treatment (Fraser 1992; Sanders 1997; Young 2000).

1. DEMOCRATIC DEFICITS IN THE POLICY PROCESS

As a basis for the discussion that follows, consider a highly stylized view of the policy process in capitalist democracies that connects the interests of citizens to the outcomes of government action. This scheme can be called a *minimal representative policy process*; it has no place for direct citizen participation or deliberation. Though its abstraction begs many important issues, many beginning texts for students of politics and policy feature some variant of this schematic depiction. Figure 33.1 is modified from the variant that appears in Przeworki, Stokes, and Manin's volume on representation and accountability (1999). Briefly, in this scheme citizens have (1) interests and (2) preferences over policy options that they think will advance those interests. They (3) signal these preferences to government by voting in periodic elections for parties and politicians whose programs most closely match their preferences. These electoral signals generate mandates for representative politicians to make (5) policies to advance these interests. Under the separation of powers between legislative and executive functions, (6) agencies staffed by professional administrators are charged with executing these policies, which generate (7) outcomes that advance the (1) interests that begin this process.

The discipline of elections is thought to create two dynamics—representation and accountability—that ensure the integrity of the link between citizens' interests and policy outcomes. Prospectively, citizens' votes select the politicians who they think will represent them—those who will know and champion their preferences (2) by advancing appropriate policies (5). Retrospectively, the requirement that politicians stand periodically for election allows citizens to punish those who have failed to secure satisfactory outcomes (7) by ejecting them from office (3) in favor of others who might do better. These dual mechanisms of representation and accountability may produce responsive and just government with only modest citizen participation in many domains of law and policy under favorable circumstances such as competitive elections, strong parties with clear platforms, vigorous public vetting of contentious policy alternatives, an informed electorate, sufficient insulation of state from
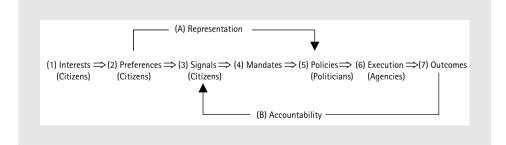

Fig. 33.1. The minimal representative policy process

economy, and a capable executive state apparatus. For many public problems and under less favorable conditions, however, this minimal institution of periodic elections fails to secure a level of political representation and accountability that makes government responsive.

Consider four characteristic difficulties, or democratic deficits, that prevent electoral institutions from making government responsive. For many public issues, citizens have *unclear preferences* regarding the public policies that best advance their interests. Or, they have preferences that are *unstable* in the sense they would change easily upon exposure to new information, arguments, or perspectives (D1). When popular preferences are underdeveloped in these ways, then the subsequent consequences of political and policy choice rest on highly unstable foundations. Even when the rest of the electoral and executive machinery has great integrity, 'garbage in produces garbage out.' When citizens do have stable preferences, electoral mechanisms provide only *blunt signals* to politicians and parties regarding the content of those preferences (D2).[2] Absent a thicker, continuing relationship between political elites and their constituents than periodic elections provide, politicians often misunderstand their constituents. This kind of misunderstanding is especially likely on the wide range of issues that do not figure prominently in campaigns leading up to elections. Politicians who do not understand their constituents cannot represent them well. Third, electoral mechanisms may prove too weak to hold the political and administrative machinery of government *accountable* to citizens when they have clear preferences (D3). On many state decisions, the interests of politicians and administrators may differ from those of the majority of citizens. It is difficult for citizens to use elections to compel politicians to act to advance popular interests rather than their elite ends when elections are uncompetitive, when narrow interests oppose diffuse ones, or when outcomes are difficult to monitor and assess. Accountability problems are compounded by the fact of widespread delegation of power and authority to administrative agencies in modern states. Even if citizens can hold politicians accountable, politicians may not be able to control and monitor the administrative apparatuses that implement, and often make, policy. Finally, even when electoral devices of representation and accountability allow citizen-principals to control their political and administrative agents, the state itself may lack the capacity to produce outcomes that advance citizens' interests well (D4). In areas such as economic development, for example, successful outcomes depend not only upon law and public policy, but also upon the actions of actors in the economic sphere. In areas such as environment, education, and public safety, outcomes depend upon engagement and contributions from individual citizens as well as public policy. These democratic deficits, and their positions in the policy process, are depicted in Fig. 33.2.

The chains between principals (citizens), agents (politicians and administrators), and outcomes in contemporary democracies are long indeed. The four links

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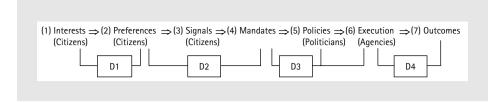[2] See Przeworski, Stokes, and Manin 1999; Goodin 2000.

Fig. 33.2. Democratic deficits in the policy process

described above are particularly weak in many contexts. The next four sections describe how participatory and deliberative democratic mechanisms can repair these deficits. Some approaches seek to improve the dynamics of preference forma-tion, representation, and accountability by supplementing elections with direct participation and deliberation. Other approaches seek to reduce the role of political representatives by making agencies and state action more directly responsive to citizens. The case for participation and deliberation below is a tempered and pragmatic one. I do not claim that directly democratic strategies are the only, or best, way to address these democratic deficits. Rather, I aim only to articulate the ways in which they can make government more responsive to citizens' interests, and to show how they have been used to do so in actual cases. This analysis suggests that the optimal configurations of decision-making institutions will vary across policy domains, but in many cases should combine both representative and participatory mechanisms.

2. Deliberative Preference Articulation

On policy matters for which there are prominent, diverse, and developed perspec-tives in the public debate—for example legalization of abortion or the distribution of wealth—citizens may have policy preferences that are clear and stable. On many other matters—where one or a few perspectives dominate, where misinformation abounds, those that are remote from the perceived interests, where having a sensible opinion requires substantial cognitive and informational investments, or issues that simply fail to capture the attention of many citizens—popular preferences may be unclear or unstable (see D1 in Fig. 33.2 above). The people can hardly be said to rule when policies have such fickle foundations. On such matters, institutions that contribute to the development and stabilization of preferences by making them more clear, coherent, rational, and reasonable therefore deepen democracy and potentially make government more responsive to citizens' interests.

The quality of citizen preferences in democracies depends in large measure upon the quality of the institutions of the public sphere—media and secondary associations—through which political perspectives and debates reach citizens.[3] Beyond general improvements to the public sphere, which lie beyond the scope of this chapter, several innovative efforts aim to improve the quality of citizens' preferences by convening groups of them to deliberate with representatives, other public officials, and each other.

Deliberative Polling1 is among the most prominent of these. Its inventor James Fishkin describes the effort this way:

Select a national probability sample of the citizen voting age population and question them about some policy domain(s). Send them balanced, accessible briefing materials to help inform them and get them thinking more seriously about the same subject(s). Transport them to a single site, where they can spend several days grappling with the issues, discussing them with one another in randomly assigned, moderated small groups and putting questions generated by the small group discussions to carefully balanced panels of policy experts and political leaders. At the end, question the participants again, using the same instruments as at the beginning. (Luskin, Fishkin, and Jowell 2002)

Fishkin argues that these deliberations often have profound impacts on the opinions of those that participate. In a 1994 deliberative poll on crime in the UK, for example, participants became much less likely to think that strong punishments deter crime and they became more sympathetic to criminal defendants (Luskin, Fishkin, and Jowell 2002). He shows similar opinion shifts for deliberative polls on issues such as energy utility policy, adoption of the euro in Denmark, and metropolitan governance. These opinion shifts may be the result of participants adopting more informed, coherent, and reasonable positions out of their deliberations with one another.

It should be noted that Deliberative Polling is not itself a form of deliberative *democracy* when that term is understood as a method of making social choices. Deliberative democracy is often defined as a system in which citizens make collective decisions by offering reasons to one another for the sake of consensus, or perhaps to illuminate conflicts, rather than, say, simply voting for proposals that best advance their interests. In Deliberative Polling, participants discuss the merits of various positions, but there is no effort to reach consensus or reach a collective choice. Its designers fear that requiring consensus would distort individual preference formation by introducing pressures to conform. This absence of collective decision perhaps makes Deliberative Polling best suited to address the unstable preference deficit of many policy processes.

Deliberative Polling is one member of a family of civic and policy interventions that convene citizens to deliberate with one another in the effort to improve public opinion and action. Its siblings share a commitment to participation and deliberation, but differ in the design of their processes. Citizen Juries1 for example, also use random selection, but typically convene smaller groups than deliberative polls and meet for several days rather than just a weekend. Citizen Juries also issue collective

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[3] Treatment of the public sphere generally lies beyond the scope of this article.

findings and recommendations (Smith and Wales 2000; Gastil 2000; Leib 2004). Twenty First Century Town Meetings2, invented by an organization called AmericaSpeaks, convene thousands of citizens and organize deliberations through an inventive use of technology and facilitation.[4] They dispense with random selection in favor of open meetings and heavy recruitment from subgroups that are likely to be under-represented otherwise. The Study Circles sponsored by the Topsfield Foundation are community-wide deliberations on specific issues that occur over several months.[5] Among these efforts, pre- and post-deliberation surveys exist only for Deliberative Polling and so little is known about the extent of changes in participants' preferences and views in other processes. Even the careful research on Deliberative Polling has focused upon the magnitude of opinion change, rather than impact upon the stability, coherence, rationality, or reasonableness of preferences.[6] Though these intentional projects in preference articulation are promising additions to electoral mechanisms, many dimensions of the micro-dynamics of political deliberation remain uncharted.

Efforts such as Deliberative Polling and Citizen Juries typically aim to improve the quality of public opinion on issues that emerge within conventional policy-making institutions. In this way, the agenda of issues that they consider usually comes from policy makers themselves. But the schedule of issues for which citizens have articulated preferences, and those for which they do not, is itself a source of democratic concern. In particular, citizens are more likely to have articulate preferences in areas where they perceive that they have real choices, but less so in areas that they perceive to be outside of their influence. For example, many residents of neighborhoods in urban and suburban America have quite articulated preferences regarding the character of their residence, the school to which they send their children, choice of grocery, and the like. But in other areas, where outcomes are important but depend upon the choices of remote agencies or the market decisions of developers or others—such as whether there is a park in their neighborhood and what it is like, the character of nearby businesses, and how the neighborhood relates to its city or town—residents may have less clear views while those other public and private actors have well-developed preferences. When the actions of those external forces become threatening—gentrification or the construction of 'locally undesirable land uses' (LULUs) such as shelters for the homeless or hazardous waste facilities—reactionary 'preferences' of rejection commonly emerge.

But the areas of life over which citizens exercise control—and so the depth of citizens' preferences—is itself determined by prior institutional choices. In 1990, the city of Minneapolis, Minnesota, initiated a Neighborhood Revitalization Program (NRP) under which $400 million were allocated to some sixty neighborhood associations.[7] In order to spend these funds, neighborhood groups had to develop priorities, plans, and projects, and many did so in a deliberative way that engaged

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[4] See www.americaspeaks.org/.   [5] See www.studycircles.org/.

[6] For a more skeptical view about the effects of deliberation upon preference formation, see Cass Sunstein (2002).

[7] Section 5 below discusses the Minneapolis NRP in more detail.

many residents. In some neighborhoods, the planning requirement and the resources associated with successful planning encouraged residents to develop much clearer, sometimes shared, preferences regarding the character of their neighborhoods. One Minneapolis neighborhood association, for example, developed a comprehensive, professionally executed, long-term plan for the neighborhood that incorporates all major aspects of neighborhood development. Deliberations around the use of NRP funds triggered the desire to articulate neighborhood preferences more clearly:

This area is undergoing major redevelopment right now. People wanted not just to react to proposals [for redevelopment] that will be coming down the pike. They wanted to have a professional set of guidelines that express what the neighbors want, so that when a developer comes along, hopefully at a very early stage before the developer gets too far along, we can hand them this master plan and say to him 'this is what we're looking for architecturally and with respect to land use, where we want the green space, where we want residential [units].' It gives a nice vision.[8]

In order to contribute to the articulation of popular preferences, deliberative and participatory efforts should seek to involve as many citizens as possible. One substantial limitation of efforts such as Deliberative Polling and neighborhood associations is that they directly involve only a tiny fraction of relevant constituencies. These efforts all aim to involve others through indirect means such as media coverage, but citizens who participate directly in deliberations—for which preference development may be quite profound—are in all of these cases only tenuously connected to other citizens and the broader public sphere.

3. COMMUNICATIVE REAUTHORIZATION

Participatory democrats have criticized representative government on the ground that it relegates most citizens, most of the time, to passive roles of spectator and subject.[9] But other democratic theorists argue that representation should be conceptualized as a relationship in which both parties—constituents and professional politicians—are active participants. It is a mistake to think of those who are represented as passive or dominated. Plotke analogizes political to market representation. 'My representative in the market is *authorized* to make certain agreements. In turn I am *obligated* by his or her actions. I communicate with my representative, and I can replace him or her . . . If x represents y, y is guiding and constraining x, enabling and authorizing him' (Plotke 1997, 28). Similarly, Iris Marion Young argues that 'A representative process is worse, then, to the extent that the separation tends toward

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[8] Interview with Minneapolis neighborhood association staff member, 7 Apr. 2004.

[9] Introducing a similar line of thought, Rousseau wrote famously that 'The people of England regards itself as free; but it is grossly mistaken; it is free only during the election of members of parliament. As soon as they are elected, slavery overtakes it, and it is nothing' (*Social Contract*, book III, ch. 15).

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.[10] 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

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

galvanize community members in favor of certain policy positions, and sometimes 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 multi-million-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 an group called America Speaks 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 north-east regional newspapers, and eighteen of those in the *New York Times*—almost all of it highly favorable.[11] The combination of public feedback and communicative pressure from media and civic

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[11] Author's Lexis-Nexis search on 25 June 2004 of articles published in 2002 containing 'Listening to the City' in north-east 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 socio-political 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).

In addition to such mechanisms, participatory and deliberative forums in which citizens engage with each other and with officials can strengthen popular accountability and so address the dilemma 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 2002a). 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 in the city 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, 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 of 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 deliberation 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 address 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.

References

ABERS, REBECCA NEAERA. 2000. *Reinventing Local Democracy: Grassroots Politics in Brazil.* Boulder, Colo.: Lynne Rienner Publishers.

AVRITZER, LEONARDO. 2002a. *Democracy and the Public Space in Latin America.* Princeton: Princeton University Press.

—— 2002b. New public spheres in Brazil: local democracy and deliberative politics. Unpublished MS, fall.

BAIOCCHI, GIANPAOLO. 2003. Participation, activism, and politics: the Porto Alegre experiment. Pp. 45–76 in *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*, ed. Archon Fung and Erik Olin Wright. London: Verso Press.

—— 2005. *Militants and Citizens: The Politics of Participatory Democracy in Porto Alegre.* Stanford, Calif.: Stanford University Press.

BOOHER, DAVID E., and JUDITH E. INNES. 1999. Consensus building as role playing and bricolage: toward a theory of collaborative planning. *Journal of the American Planning Association*, 65: 9–26.

—— —— 2002. Network power in collaborative planning. *Journal of Planning Education and Research*, 21: 221–36.

BRYAN, FRANK. 2004. *Real Democracy: The New England Town Meeting and How It Works.* Chicago: University of Chicago Press.

COHEN, JOSHUA, and ARCHON FUNG. 2004. Radical democracy. *Swiss Journal of Political Science* (forthcoming).

—— and CHARLES. SABEL. 1997. Directly-deliberative polyarchy. *European Law Journal*, 3: 313–42.

CONSTANT, BENJAMIN. 1995/1816. The liberty of ancients compared with that of moderns. Pp. 309–28 in *Constant: Political Writings*, ed. Biancamaria Fontana. Cambridge: Cambridge University Press.

DUNN, DELMER. Mixing elected and nonelected officials in democratic policy making: fundamentals of accountability and responsibility. Pp. 297–325 in *Democracy, Accountability, and Representation*, ed. Adam Przeworski, Susan Stokes, and Bernard Manin. Cambridge: Cambridge University Press.

FISCHER, FRANK. 2003. *Reframing Policy Analysis: Discursive Politics and Deliberative Practices*. Oxford: Oxford University Press.

FISHKIN, JAMES. 1995. *The Voice of the People*. New Haven: Yale University Press.

FRASER, NANCY. 1992. Rethinking the public sphere: a contribution to the critique of actually existing democracy. Pp. 109–42 in *Habermas and the Public Sphere*, ed. Craig Calhoun. Cambridge, Mass.: MIT Press.

FRIEDRICH, CARL. 1940. Public policy and the nature of administrative responsibility. *Public Policy*, 1: 1–24.

FUNG, ARCHON. 2004. *Empowered Deliberation: Reinventing Urban Democracy*. Princeton: Princeton University Press.

—— and ERIK OLIN WRIGHT, eds. 2003. *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*. London: Verso Press.

GASTIL, JOHN. 2000. *By Popular Demand: Revitalizing Representative Democracy through Deliberative Elections*. Berkeley and Los Angeles: University of California Press.

GOODIN, ROBERT. 2000. Accountability—elections as one form. Pp. 2–4 in *International Encyclopedia of Elections*, ed. Richard Rose. Washington: Congressional Quarterly Press.

HAJER, MAARTEN, and HENDRIK WAGENAAR, eds. 2003. *Deliberative Policy Analysis: Understanding Governance in the Network Society*. Cambridge: Cambridge University Press.

HIBBING, JOHN R., and ELIZABETH THEISS-MORSE. 2002. *Stealth Democracy: Americans' Beliefs about How Government Should Work*. New York: Cambridge University Press.

KATEB, GEORGE. 1981. The moral distinctiveness of representative democracy. *Ethics*, 91: 357–74.

KEMMIS, DANIEL. 1990. *Community and the Politics of Place*. Norman: University of Oklahoma Press.

Kennedy School of Government. 2003. Listening to the City: rebuilding at New York's World Trade Center site (Case 1687.0 and 1687.1).

LEIB, ETHAN. 2004. *Deliberative Democracy in America: A Proposal for a Popular Branch of Government*. University Park, Pa.: Penn State Press.

LOWI, THEODORE. 1979. *The End of Liberalism: The Second Republic of the United States*. New York: Norton.

LUSKIN, ROBERT, JAMES FISHKIN, and ROGER JOWELL. 2002. Considered opinion: Deliberative Polling in Britain. *British Journal of Political Science*, 32: 455–87.

MANSBRIDGE, JANE. 1980. *Beyond Adversary Democracy*. New York: Basic Books.

—— 2003. Rethinking representation. *American Political Science Review*, 97: 515–28.

OBER, JOSIAH. 1991. *Mass and Elite in Democratic Athens*. Princeton: Princeton University Press.

PITKIN, HANNA FENICHEL, and SARA SHUMER. 1982. On participation. *Democracy*, 2: 43–54.

PLOTKE, DAVID. 1997. Representation is democracy. *Constellations*, 4: 19–34.

POSNER, RICHARD. 2003. *Law, Pragmatism, and Democracy*. Cambridge, Mass.: Harvard University Press.

Przeworski, Adam, Susan Stokes, and Bernard Manin, eds. 1999. *Democracy, Accountability, and Representation.* Cambridge: Cambridge University Press.

Sabel, Charles, Archon Fung, and Bradley Karkkainen. 2000. *Beyond Backyard Environmentalism.* Boston: Beacon Press.

—— and James Liebman. 2003. A public laboratory Dewey barely imagined: the emerging model of school governance and legal reform. *NYU Review of Law and Social Change*, 23(2): 183–304.

Sanders, Lynn M. 1997. Against deliberation. *Political Theory*, 25: 347–76.

Santos, Boaventura de Sousa. 1998. Participatory budgeting in Porto Allegre: toward a redistributive democracy. *Politics and Society*, 26: 461–510.

Sinclair, R. K. 1988. *Democracy and Participation in Athens.* Cambridge: Cambridge University Press.

Skogan, Wesley G., and Susan M. Hartnett. 1997. *Community Policing: Chicago Style.* New York: Oxford University Press.

—— —— Jill Du Bois, Jennifer Comey, Marianne Kaiser, and Justine Lovig. 1999. *On the Beat: Police and Community Problem Solving.* Boulder, Colo.: Westview Press.

Smith, Graham, and Corrine Wales. 2000. Citizens' Juries and deliberative democracy. *Political Studies*, 48: 51–65.

Stewart, Richard B. 1975. The reform of administrative law. *Harvard Law Review*, 88: 1667–813.

Sunstein, Cass. 1990. *After the Rights Revolution: Reconceiving the Regulatory State.* Cambridge, Mass.: Harvard University Press.

—— 2002. The law of group polarization. *Journal of Political Philosophy*, 10: 175–95.

Weber, Edward P. 2003. *Bringing Society Back in: Grassroots Ecosystem Management, Accountability, and Sustainable Communities.* Cambridge, Mass.: Massachusetts Institute of Technology Press.

Young, Iris Marion. 2000. *Inclusion and Democracy.* New York: Oxford University Press.