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## Varieties of Participation in Complex Governance<sup>2</sup>

### *§1. Thinking About Participation*

How much, and what kind, of direct citizen participation should there be in contemporary democratic government? One familiar approach in political theory attempts to develop the answer deductively, beginning from democratic first principles such as political equality, individual autonomy, and the importance of reason in collective decisions.<sup>3</sup> Another approach begins inductively, by examining the operations of specific mechanisms — such as worker controlled enterprises,<sup>4</sup> the New England town meeting,<sup>5</sup> deliberative polls,<sup>6</sup> citizen assemblies and juries,<sup>7</sup> pub-

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<sup>3</sup> See, for example, Robert Dahl (1991) and, in a very different way, Joshua Cohen (1989).

<sup>4</sup> Pateman (1970).

<sup>5</sup> Mansbridge (1980); Bryan (2004).

<sup>6</sup> Fishkin (1995).

<sup>7</sup> See, for example, Dahl (1991); Leib (2004); Gastil (2000); Smith and Wales (2000).

lic hearings,<sup>8</sup> and neighborhood associations and councils<sup>9</sup> — in order to gain more general insight regarding the contributions and limitations of citizen participation in democratic governance. In this paper, I want to suggest that a third experimentalist approach to participatory democratic theory that uses the comparative empirical investigation of institutional outliers to explore and re-elaborate normative issues. I call this approach “experimentalist” because, like the second approach, it seeks out natural experiments in participatory democracy. Innovations like the British Columbia Citizen Assembly and the Participatory Budget in Porto Alegre are the equivalent of particle accelerators for the democratic theorist. It is by observing the unfolding of individual and institutional patterns in these rarified environments that we can gain grounded insight into possible and desirable democratic worlds. Unlike many who follow the inductive approach, I am skeptical about the extent to which useful empirical or normative generalizations can be made about citizen participation *as such* in modern democratic governance.

A more qualified and less categorical approach is needed. The complexity of contemporary governance structures and the challenges they face frustrates both the deductive and inductive approaches to theorizing about participation. Deductive approaches have produced compelling views of democracy as, for example, the fair aggregation of enlightened preferences or deliberation about the common good. It has been less successful, however, at producing policy or institutional reforms that might realize those views.<sup>10</sup> The suggestions—for example socialization of investment decisions, worker control of enterprise, popular input facilitated by communication technologies, and the large scale redistribution of the material means of political influ-

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<sup>8</sup> Kemmis (1990).

<sup>9</sup> See, for instance, Kotler (1969); Berry, Portney, Thomson (1994); Fung (2004).

<sup>10</sup> Typical among recommendations are worker control of enterprises, redistribution of material resources, and wider ranging political education and socialization.

ence—of deductive democratic theorists frequently seem impractical or irrelevant to the most pressing democratic governance challenges. Contemporary political thought has failed to develop an integrated division of labor between normative and empirical work. To those who are familiar with the kinds of democratic innovations discussed below, the reform prescriptions of deductive theorists seem to rely upon obsolete institutional imaginaries out of ignorance of more promising actual developments.

Inductive cases studies face the opposite limitation. Individual mechanisms of participation are designed to address particular problems under specific conditions. The patterns of participation, decision-making, and action within such a mechanism frequently illuminate the consequences of particular institutional designs and policy problems rather than the essence of “participation” as such. Indeed, no clear generalizations—other than the recognition that there are a great many untapped possibilities for citizen engagement—emerge from juxtaposing a variety of excellent recent case-level analyses of participatory budgeting, deliberative polling, neighborhood governance, environmental management, regulation, and co-production.

This diversity of participatory innovations—though theoretically challenging—is unsurprising in light of the complexity of contemporary democratic governance. As an empirical matter, mechanisms of direct political participation do not typically emanate from some ideal (Athenian or other) of democracy, but rather emerge in response to more or less urgently felt problems. The forms of participation that we see serve a variety of proximate purposes that include providing information and feedback to officials, rendering public judgement, easing the implementation of policy, co-producing various kinds of public goods, solving public problems, and increasing official accountability. These forms, furthermore, occur in very different institutional locations

that include the informal public sphere, public agencies, judicial mandates, and even as part of legislative processes. This diversity of participatory phenomena defies attempts to deduce particular institutions from general democratic principles or to induce general insights from particular experiences.

Contemporary conditions of governance demand a theory of direct citizen participation that is appropriately complex in at least three ways. First, unlike the small New England town or even the Athenian city-state, there is no canonical form of direct participation in modern democratic governance; modes of contemporary citizen participation are, and should be, legion. Second, citizen participation advances multiple purposes values in contemporary governance. Master principles such as equal influence over collective decisions and respect for citizens' autonomy are too abstract to offer useful guidance regarding the aims and character of citizen participation. It is more fruitful to examine the range of more proximate values that mechanisms of participation seek to advance and the problems that they seek to address. I will consider the illegitimacy, injustice, and ineffectiveness of particular clusters of governance arrangements as such proximate problems below. Third, mechanisms of direct citizen participation are not (as commonly imagined) typically a strict alternative to political representation or expertise, but rather complement them. As we shall see, citizen participation at its best operates in synergy with representation and administration to yield more desirable practices and outcomes of collective decision-making and action.

The tasks of a contemporary theory of citizen participation are thus to describe the range of feasible participatory institutions and then to sort out which elements of that possibility set can be deployed to address the range of pressing problems and deficits of conventional governance

(political representation and public administration). The best way to move forward on these tasks is, I believe, to examine a wide range of actual participatory innovations. The empirically grounded character of this approach is a source of constraint and liberation. It is limiting because the most promising institutional possibilities may not be rendered in experiments and so escape notice. But the capacity to assess the consequences of concrete innovations—to kick the tires of participatory democratic mechanisms—frees the experimental approach from the ethereal and speculative tendency of many discussions of participatory democracy.

This may seem an objectionably, even ruthlessly, instrumental approach to participation.<sup>11</sup> But unlike the Pericles' Athens, many—perhaps most—citizens in modern democracies regard political participation as a cost rather than a benefit and they might be right to do so.<sup>12</sup> Supposing that it is a cost, institutions that require citizen participation should be justified by the benefits they produce. Upon inspection, many institutions of participation can be justified on the grounds that they deliver certain widely desired goods better than non-participatory alternatives. I reject neither the intrinsic value of participation nor the importance of the politically educated and democratically socialized citizenry that participation is said to produce. To the contrary, these venerable reasons remain compelling. But they are not the best, nor most widely shared, reasons to favor participation. Many reject these values or find their importance outweighed by the costs of participation. These hard-nosed moderns and traditional participatory democrats alike should be more attentive to the instrumental benefits of citizen engagement.

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<sup>11</sup> This discussion has been informed by Philippe Van Parijs' (1998) "Rawls-Machiavelli" instrumental approach to democratic institutional design.

<sup>12</sup> See Hibbing and Theiss-Morse (2002).

In the pages that follow, I begin the task of constructing a contemporary theory of participation by developing a framework with which to understand the range of institutional possibilities. I propose that there are three important dimensions of difference along which initiatives in direct participation vary. The first concerns who participates in deliberation. Some participatory processes are completely open to all who wish to engage while others invite only elite stakeholders such as representatives of peak associations. The second dimension specifies how participants exchange information and make decisions. In many public meetings, citizens simply receive information from officials who announce and explain policies. In others, citizens testify and express their preferences. A much smaller set of meetings are actually deliberative in the sense that citizens take positions, exchange reasons, and sometimes change their minds in the course of discussions. A third dimension describes the link between discussions on one hand and policy or public action on the other. At the low end of this spectrum, citizens gain individual, educative benefits from participation and no more. In the middle, a great many public deliberations provide advice to officials. A few venues of participatory deliberation are actually vested with authority. These three dimensions — the scope of participation, mode of communication and decision, and extent of authorization — constitute a space in which any particular mechanism of citizen participation can be located.

Then, in a more illustrative and tentative way, I show how regions of the institutional design space are suited to addressing important three problems of democratic governance: legitimacy, justice, and effective governance. No single participatory design is well suited to solving all three problems: there are trade-offs, for example, between intensive and competent participation on one hand and extensive and inclusive participation on the other.

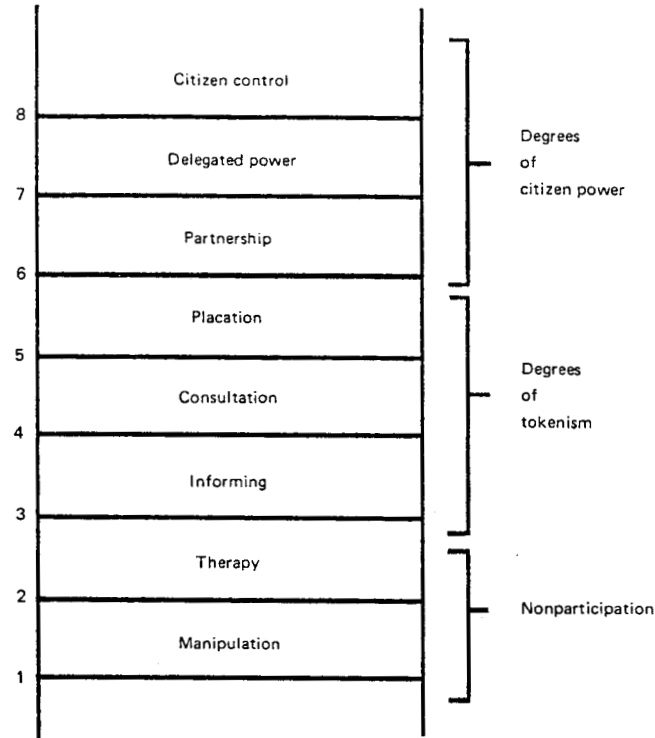
## **§2. Participatory Designs: The Democracy Cube**

If there is no canonical form or institution of direct citizen participation in the contemporary democratic context, then one important task is to understand the feasible and useful varieties of participation. In what remains perhaps the most cited work in the literature on participatory democracy, Sherry Arnstein developed an influential typology in her 1969 “A Ladder of Citizen Participation.”<sup>13</sup> Arnstein offers an elegant diagnosis of the failures of participatory initiatives during the War on Poverty. She argues that participation is valuable to the extent that it “is the redistribution of power that enables the have-not citizens... to be deliberately included in the future.” Most actual participation programs do not effect such redistribution, and the universe of programs can be categorized according to the degree that they confer power to citizens. The rungs on this “ladder” of empowerment are: manipulation, therapy, informing, consultation, placation, delegated power, and finally citizen control:

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<sup>13</sup> For those who count, the Social Science Citation Index lists 491 works citing Arnstein’s piece, compared for example to 131 works that cite Benjamin Barber’s *Strong Democracy* (1984).

Figure 1: Eight Rungs on a Ladder of Citizen Participation (reproduced from Arnstein 1969).



Arnstein's classification still usefully provide a healthy dose of reality to discipline exalted expectations about the potential of citizen participation. As an analytical tool, however, it is obsolete and defective for two main reasons. First, it improperly fuses an empirical scale that describes the level of influence that citizens have over some collective decision with normative approval. According to her account, institutions that offer citizen control are more desirable than those that provide only consultation because officials fail to advance the interests of the disenfranchised. It may have been the case during the quasi-revolutionary conditions of urban revolt in 1960s America that more direct popular control was always better (but probably not even then).<sup>14</sup> One finds few contemporary defenders of that view, however. There may indeed be contexts in which citizen empowerment is highly desirable, but there are certainly others in which a

<sup>14</sup> See Alan Altshuler (1970) and Greenstone and Peterson (1973).



consultative role for citizens is more appropriate than full “citizen control.” Therefore, a more useful framework for analyzing direct forms of citizen participation must separate considerations regarding the form of participation (e.g. how much influence participants have or how they interact with one another) from the normative goals (e.g. justice or effective governance) that participation may advance.

Second, there have been many advances in the theory and practice of participation since Arnstein penned “A Ladder of Citizen Participation.” The distinction between aggregative and deliberative forms for decision-making, for example, had not yet been developed. Various devices for selecting participants — such as random selection and even targeted recruiting — were unknown. Though the extent of influence — of citizen power — remains an important aspect in the analysis of any participatory institution, it is now clear that many other considerations are important. Out of these many ways in which citizens come together to discuss public matters, three questions of institutional design are particularly important for understanding the potential and limits of various forms of citizen participation: *Who participates? How do they communicate and make decisions? What is the connection between their conclusions and opinions on one hand and public policy and action on the other?* Given the complexity of contemporary participation, there is no single ladder that can adequately characterize participatory mechanisms. I offer three dimensions rather than a single one. Putting these three dimensions together yields a space, or a “cube,” of possible participatory mechanisms. This section describes these design dimensions in turn, and the remainder of this paper considers the relationship of design to certain normative objectives of democratic institutions.

### *Participant Selection*

The principal reason for enhancing citizen participation in any area of contemporary governance is that the authorized set of decisions-makers — typically elected representatives or administrative officials — is somehow deficient. They may lack the knowledge, competence, public purpose, resources, or the respect necessary to command compliance and cooperation. Or, if you like, those officials may fail to treat citizens as political equals, respect their autonomy, serve their interests, or heed their rights. Whether or not the direct participation of citizens in governance can remedy one or other of these deficiencies depends in large measure upon who participates. Were they appropriately representative of the relevant population or the general public? Were important interests or perspectives excluded? Did they possess the information and competence to make good judgments and decisions? Were participants responsive and accountable to those who did not participate? Therefore, one primary feature of any public decision-making device is the character of its franchise: who is eligible to participate and how do individuals become participants? In the universe of directly participatory mechanisms, there are five common mechanisms of participant selection.

The vast majority of public participation mechanisms utilize the least restrictive method for selecting participants: they are open to all comers. Actual participants, therefore, are a *self-selected* subset of the general population. Complete openness strikes many as the fairest, most defensible choice for participant selection. In practice, however, those who choose to participate are frequently quite unrepresentative of any larger public. Individuals who are wealthier and better educated tend to participate more than those who lack these advantages. Public meetings also

tend to draw those who have special interests in the subjects on the agenda as well as those with stronger views.<sup>15</sup>

Two alternative participant selection methods address this difficulty. Some mechanisms that are open to all *selectively recruit* participants among subgroups who are less likely to engage. For example, some community policing and urban planning initiatives employ community organizers to publicize meetings in low income and minority communities. Selective recruitment can also occur passively by providing structural incentives that make participation more attractive to those who are ordinarily less likely to participate in politics. Some venues that address crime or sewers, for example, are particularly inviting to disadvantaged citizens because those issues are less urgent for wealthy ones. This second method therefore maintains the attractiveness of open forums while attempting to address the biases that result from mere openness.

While selective recruitment may mitigate some demographic distortions, those who have special interests in some question — for example organized senior citizens in discussions about the future of social security — may exploit the open-to-all character of public meetings to stack participation in their favor. *Randomly selecting* participants from among the general population is the best guarantee of descriptive representativeness. Though it was commonly used to compose political bodies in ancient Athens,<sup>16</sup> random selection strikes many modern readers as a bizarre way to organize public participation or political decision-making. The most familiar contemporary institution utilizing random selection is the legal jury.<sup>17</sup> Initiatives such as deliberative

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<sup>15</sup> On polarization and participation, see Morris Fiorina (1999)

<sup>16</sup> See, for example, Ober (1991).

<sup>17</sup> Abramson (2000).

polling, Citizens Juries, and Planning Cells randomly select participants to discuss various public issues.<sup>18</sup>

A fourth method engages *lay stakeholders* to participate in public discussions and decisions. Lay stakeholders are unpaid citizens who have a deep interest in some public concern and are thus willing to invest substantial time and energy to represent and serve those who have similar interests or perspectives but choose not to participate. Lay stakeholders are commonly selected by volunteering themselves or by running in not very competitive elections. The boards of neighborhood associations and school councils, for example, are composed of lay stakeholders.

Finally, some governance processes that have been described under such labels as regulatory negotiation, grassroots environmental management, and collaborative planning bring together *professional stakeholders*. These participants are frequently paid representatives of organized interests and public officials. Though such processes sometimes include citizen representatives, it is debatable whether such processes count as *citizen* participation. However, the reasons that justify greater citizen participation also sometimes favor the creation of such professional stakeholder bodies.

These five mechanisms of popular participation all intentionally generate discrete bodies of citizens who gather to discuss or decide matters of public concern.<sup>19</sup> These devices contrast with two more familiar mechanisms of selecting individuals who occupy positions in the state itself: competitive elections that select *professional politicians* who supposedly represent our interests and professional civil service mechanisms that select the technical, *expert administrators*

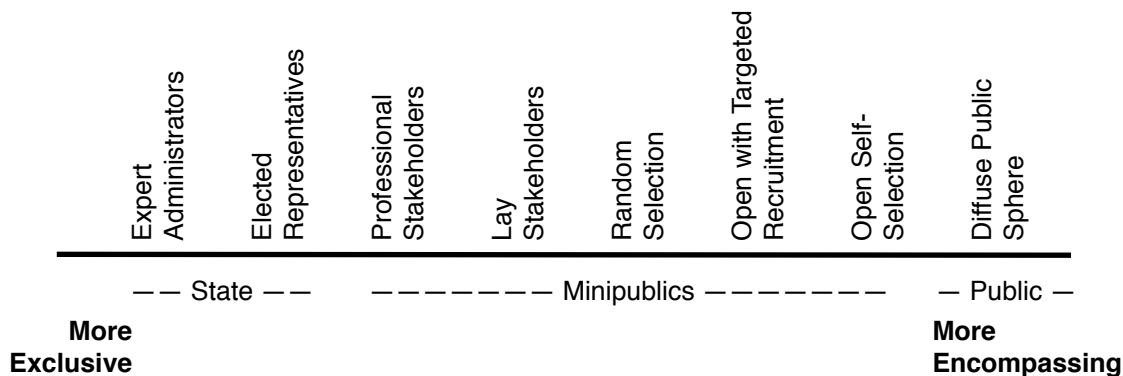
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<sup>18</sup> See Fishkin (1995).

<sup>19</sup> Elsewhere, I have called these occasions for citizen participation “minipublics.” See Fung “Recipes for Public Spheres” (2003).

who staff our public bureaucracies. Minipublics also contrast with the public (perhaps “macro-public”) properly speaking — the *diffuse public sphere* of mass media, secondary associations, and informal venues of discussion that has been analyzed by Jürgen Habermas, among others.<sup>20</sup> These eight mechanisms for identifying or selecting the actors who participate directly in discussions or decisions about public matters can be arrayed schematically from most exclusive to most encompassing in a single dimension as shown in figure 2 below.

Figure 2. Participant Selection Methods



### Communication and Decision

The second crucial dimension of institutional design concerns how participants interact within a venue of public discussion or decision. Informed by the political imaginary of the Athenian forum or the New England town meeting, many treatments of citizen participation implicitly presume that individuals should interact in ways that approximate some deliberative ideal: participants engage horizontally with one another and conclude their discussions by selecting one alternative — perhaps through mutual assent or voting — over the other possibilities. But the

<sup>20</sup> See Habermas (1989, 1996).

vast majority of institutionalized public discussions do not occur in this way, nor is it clear that they should. If the main reason for direct participation is one that John Dewey once gave — that the man who wears the shoe, not the shoe-maker, knows best where it pinches — then participants need do no more than complain to policy-makers.<sup>21</sup> There are six main modes of communication and decision-making in participatory settings.

The vast majority of those who attend events such as public hearings and community meetings do not put forward their own views at all. Instead, they participate as *spectators* who receive information about some policy or project and they bear witness to struggles between politicians, activists, and interest groups.

There are few public meetings in which everyone is a spectator however. Almost all of them offer opportunities for some to *express their preferences* to the audience and officials there. Typically, citizens and activists line up at a microphone to pose pointed questions or say their piece. Typically, only a small minority of those who attend such events take this opportunity, but sometimes they voice important contending perspectives and arguments.

While these modes of spectating and expressing preferences are ubiquitous, discussions that are organized in ways that encourage participants to *explore, develop, and perhaps transform their preferences and perspectives* on public issues are far less common. There is no doubt that some people alter their views after participating in typical public hearings and meetings, but those formats are not organized in ways that facilitate such shifts. More innovative public discussions utilize techniques that are designed to encourage such learning and, if appropriate, transformation. They do so by posing several policy choices or alternatives, through face-to-face ar-

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<sup>21</sup> See *The Public and Its Problems*, in John Dewey. *The Collected Works of John Dewey, Later Works*, Vol. 2, p. 364.

gument or prepared materials, and focus participants' discussions on understanding and considering the trade-offs between those alternatives. Furthermore, participants discuss these issues with one another (typically organizing discussion in small groups) rather than only listening to experts, politicians, or advocates. Organizers hope that horizontal, peer-to-peer, discussions enable participants to engage issues more deeply and to entertain alternatives more seriously.

Mechanisms employing these first three modes of communication often do not attempt to translate the views or preferences of participants into a collective view or decision. In most public hearings, for example, officials commit to no more than receiving the testimony of participants and considering their views in their own subsequent deliberations. Some venues, however, do attempt to develop a collective choice or view. They do so using one or a combination of three methods of decision-making.

The most common of these is *interest-based voting or bargaining*. In this mode, participants know what they want and a venue's decision-making processes aggregate their preferences. The addition of bargaining here allows participants to shape alternatives that fit the conflicting preferences and trade-offs that they have. A decision at a New England town meeting operates in this mode when the townspeople have polarized over some heated issue prior to the meeting and use the final vote simply to reckon their antecedent views.

*Deliberation* is a second mode of decision-making. Whereas participants engage in interest-based voting or bargaining to get what they want in a political arena, they engage in deliberation in order to figure out what they want individually and as a group. In mechanisms designed to create deliberation, participants typically absorb educational background materials and exchange perspectives, experiences, and reasons with one another in order to develop their views

as individuals. In the course of developing their individual views in a group context, deliberative mechanisms often include procedures to facilitate the emergence of agreement and the clarification of persisting disagreements. It is common for a collective decision to be settled by vote, but the distinguishing feature of the deliberative mode is the process of interaction, exchange, and — hopefully — edification that precedes this final determination. Deliberative decision-making is typically accompanied by preference developing communication, the third communicative mode described above.<sup>22</sup>

Many, perhaps most, public policies and decisions are determined neither through aggregation nor deliberation, but rather through the *technical expertise* of officials whose training and professional specialization suits them to solving particular problems. This mode does not typically involve citizens. It is the domain of planners, regulators, social workers, teachers and principals, police officers, and the like. I include it here because decision-making by citizens frequently emerges from dissatisfaction with the results of expert decisions.

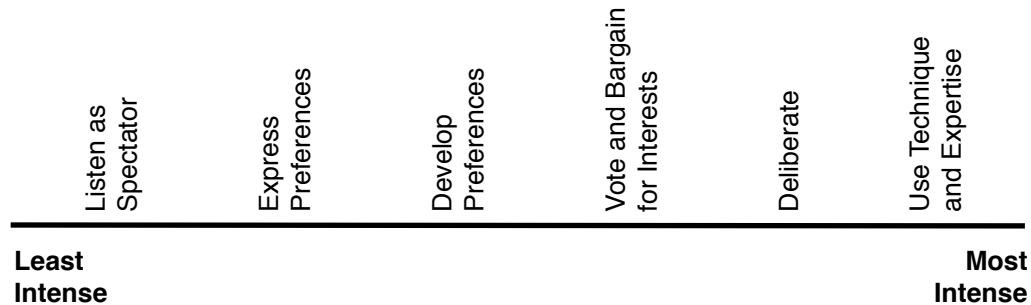
These six modes of communication (first three) and decision (second three) can be arrayed on a single dimension that ranges from least intensive to most intensive where intensity indicates roughly the level of investment, knowledge, and commitment required of participants.

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<sup>22</sup> There are of course many more detailed accounts of deliberation. See, for example, Gutmann and Thompson (1996).



Figure 3. Modes of Communication and Decision



### *Influence and Authority*

The third important dimension of design gauges the impact of public participation. How is what participants say linked to what public authorities or they themselves do? Venues such as the New England town meeting lie at one end of the spectrum. The decisions that participants make automatically become policy. Far more common are venues that lie on the other side of the spectrum: participants have no real expectation of influencing public action at all. Arnstein's presumption that empowered forms of participation are more desirable than those with less influence is, however, unwarranted as a general matter.<sup>23</sup> Considerations about competency, representativeness, and legitimacy can make citizen empowerment inappropriate. Along this spectrum of influence and authority, five categories of institutionalized influence and authority emerge.

In many, perhaps most, participatory venues, the typical participant has little or no expectation of influencing the policy or action over the issue addressed. Instead, he or she participates in order to derive the *personal benefits* of edification or perhaps to fulfill civic duty. Though they fall far short of the expectations of strong democrats, such forums constitute an important channel through which many citizens learn about the content of laws and policies. Furthermore, such

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<sup>23</sup> Arnstein (1969).

forums compel officials to publicly account for their actions. Forums that principally affect participants rather than policy and action employ the first three communicative modes (listening, expressing preferences, and developing preferences) and not the three more intensive decision-making modes described above.

Many participatory mechanisms exert influence upon the state or its agents indirectly by altering or mobilizing public opinion. They do so by *reporting to the general public* the results of their discussions and decisions. For example, while the 9/11 Commission (officially the National Commission on Terrorist Attacks Upon the United States) was created by Congress to offer recommendations to lawmakers, its principal source of influence was arguably the enormous public interest and support that the final report generated. Similarly, Listening to the City project (described below) brought together some 4,000 individuals to discuss plans for the redevelopment of the World Trade Center site in lower Manhattan. The results of those deliberations received enormous attention from local and national media. That attention created a degree of communicative pressure that compelled public authorities to respond.

Providing *advice and consultation* is a third common mechanism through which participatory forums exert influence upon public authority. In this mode, officials preserve their authority and power but commit themselves to receiving input from participants. The stated purpose of all public hearings and many other public meetings is to provide such advice.

It is less common for those who engage in public participation mechanisms to exercise authority directly. Elsewhere, I have called such institutions empowered participation.<sup>24</sup> It is useful to distinguish between two levels of empowerment. In some venues, citizens who participate

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<sup>24</sup> Fung (2004) and Fung and Wright (2003)

join in a kind of *co-governing partnership* in which they join with officials to make plans and politics or to develop strategies for public action. Each public school in Chicago, for example, is jointly governed by a Local School Council that is composed of parents and community members on one hand, and the school's principal and teaching staff on the other. Jointly, professionals and representatives of parents and community make decisions about educational priorities, physical plan, budget, and management.

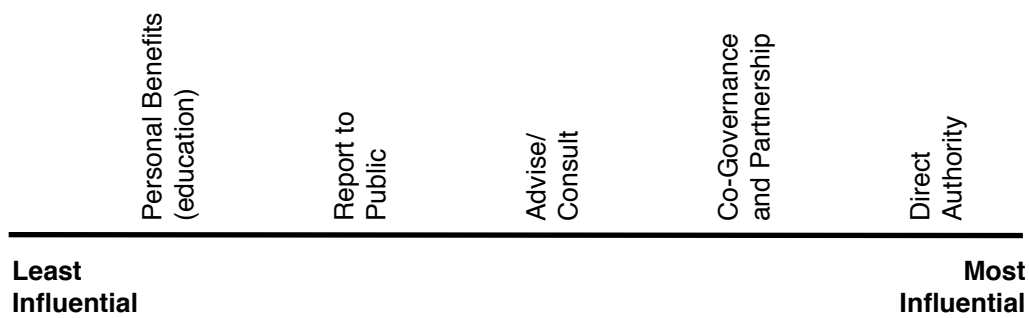
At a higher (though not necessarily more desirable) level of empowerment, participatory bodies occasionally exercise *direct authority* over public decisions or resources. The New England town meeting provides the classic example of direct participatory authority. In urban contexts, neighborhood councils in some cities in the United States control substantial zoning authority or financial resources that allow them to control, plan, or implement sub-local development projects.<sup>25</sup>

These types of influence and authority are idealized points on the spectrum depicted in figure 4 below. Many actual forums exercise more than one type of influence. Well publicized public meetings, for example, can exert influence both through the advice they provide to officials and through their impact on public opinion.

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<sup>25</sup> Berry, Portney, and Thomson (1994); Fagotto and Fung (2004)

Figure 4. Extent of Influence and Authority



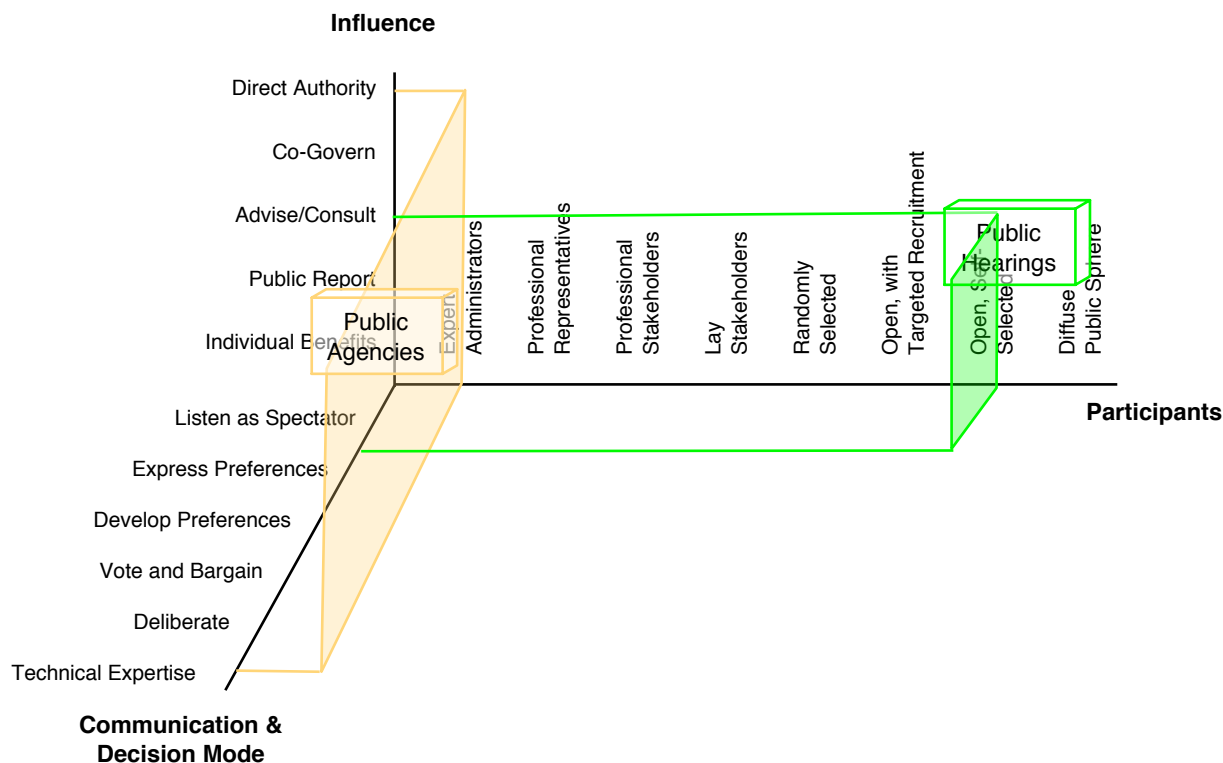
### *The Democracy Cube*

Putting these three dimensions of participant selection, communicative mode, and extent of influence yields a three dimensional space — a “democracy cube” — of institutional design choices according to which varieties of participatory mechanisms can be located and contrasted with more professionalized arrangements. Figure 5 below plots two familiar mechanisms of governance on this three dimensional space. In the typical public agency, trained experts utilize their technical expertise to make decisions that they are authorized to execute. The typical public hearing is open to all who wish to attend. While many in the audience listen to educate themselves, a few participants express their views in the hope that these preferences will be taken into account and thus advise the deliberations of policy-makers. These two mechanisms lie on nearly opposite sides of the cube in terms of who participates, how they communicate, and the extent of their influence on public action.

The next three sections utilize this rubric of a three dimensional institutional space to explore the kinds of participatory mechanisms that are suited to addressing various problems in contemporary governance. In particular, I contend that different varieties of citizen participation

are suited to advancing three different core democratic objectives — legitimacy, justice, and effectiveness — and that those varieties occupy different regions of the space depicted in figure 5.

Figure 5. Democracy Cube



### §3. Legitimacy

A public policy or action is legitimate when citizens have good reasons to support or obey it. The standard poll question “Is government run for the benefit of all or for a few big interests?” captures one aspect of legitimacy. If government really is run for the benefit of a few big interests, then that is one strong reason that many citizens should not confer their support to it. Citizen participation can address two distinct kinds of legitimation deficits.

Some problems of legitimation stem from unintentional rifts between officials and the broader public of their constituents. For emergent issues that arise between elections or for issues that cut across the platforms and ideologies of parties and candidates, elected officials and public administrators may be unable to gauge public opinion and will. The potential for this disconnection grows as the circles in which political decision-makers operate become more distant from those of ordinary citizens. These rifts create the danger that politicians will act from reasons, perspectives, and preferences that they perceive their constituents to have rather than those that they actually hold.

Iris Marion Young has indicated one solution to this kind of legitimation problem in her idea of communicative representation.<sup>26</sup> In this view, the process of political representation requires continual interaction and mutual education between political representatives and their constituents in part to minimize such rifts. The regular practices of community meetings and public hearings that occur in local, state, and federal government — depicted schematically as “public hearings” in figure 5 above — can be understood as attempts to address this problem by thickening the lines of communication between the public and decision-makers.

These practices, however, exhibit two characteristic difficulties in their attempt to connect official decisions with good reasons. First, most of these events are completely open and tend to attract the participants who have special interests or intense views. The reasons that they offer and preferences they express may not resemble those of the public generally. Second, those who participate in typical public meetings may have what James Fishkin calls “raw preferences”

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<sup>26</sup> Iris Marion Young (2002).

that are uninformed or unreflective.<sup>27</sup> Given these two problems, the typical public hearing fails to elicit the kinds of reasons that improve the legitimacy of decision-making.<sup>28</sup>

A number of initiatives seek to address these two problems by designing participatory forums that are more inclusive and representative on the participant dimension and more intensive on the communicative dimension. James Fishkin's Deliberative Polls, for example, seek descriptive representation through random selection and seek to shift the mode of communication from preference expression to preference development by providing background materials and facilitating conversations among participants. In a small town in Idaho, officials have adopted a kind of two-track policy process in which they seek wide public advice on issues that may prove controversial or for which they lack a sense of public sentiment. On this participatory track, they have rejected the ordinary public hearing format in favor of a model developed by the Study Circles Resource Center in which participants — recruited with diversity in mind — are organized into small groups for parallel discussions on some controversial issue. These small group conversations are facilitated and participants are usually given background materials that pose policy alternatives and their respective trade-offs. These Study Circles have facilitated the development of public consensus on previously divisive issues such as school funding bonds, student discipline policy, and growth management.

Many other civic innovators have attempted to improve upon the highly problematic standard public hearing process.<sup>29</sup> Figure 6 below depicts the institutional design differences between the public hearing and initiatives such as Deliberative Polls and Study Circles. Almost all

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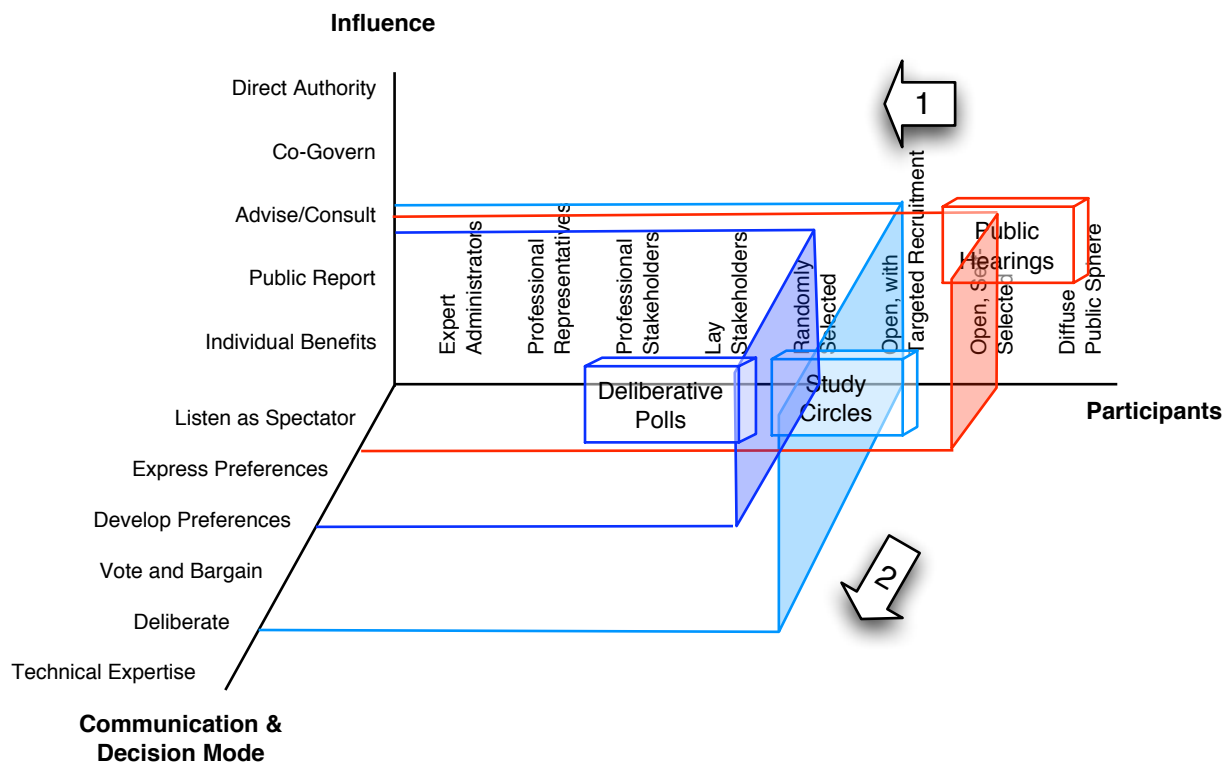
<sup>27</sup> Fishkin (1995).

<sup>28</sup> See Kemmis (1990) for a critique of the adversarial public hearing process.

<sup>29</sup> See. Gastil and Levine (forthcoming).

of them attempt to improve the representativeness of participants either through random selection (e.g., Citizen Juries, Planning Cells) or targeted recruitment (e.g., Twenty-First Century Town Meetings), as marked by arrow “1” in figure 6. All of them also aim to make discussions among participants more informed and reflective, as marked by arrow “2” in figure 6. When they address problems of official misunderstanding and misperception, such mechanisms need not possess formal powers of either co-governance or direct authority. Like the public hearing, these mechanisms usually exercise an advisory and consultative level of influence.

Figure 6. Legitimacy Enhancing Deliberation



Less benign problems of legitimation arise when officials’ motives lead them to systematically disregard the interests of their constituents. This kind of problem commonly arises, for example, in decisions about electoral boundaries, voting procedures, and other rules of the game.



Whereas many citizens have an interest in a competitive electoral system that offers ample choices and opportunities to make officials responsive and accountable, politicians have strong motives to use momentary advantages to entrench their own positions. Processes in which politicians have the authority to set the rules of the political game therefore have suspect legitimacy because there are strong reasons to believe that legislators will not act from right reasons. In one excellent study of redistricting practices in the United States, Michael McDonald found that 30 states rely upon sitting legislatures exclusively to formulate state and congressional redistricting plans. Almost all of the remaining 20 utilize some form of bipartisan commission. He finds that both forms of decision-making tend to benefit incumbents either by enlarging the reliable share of seats for the majority party or by enacting bargains that secure safe seats for members of both parties.<sup>30</sup>

This experience highlights the difficulty of insulating allegedly neutral bodies from improper influence in quasi-constitutional decisions. Recently, Liberal Party government of British Columbia, Canada has created a participatory mechanism to address this legitimacy problem.<sup>31</sup> They have created a Citizen Assembly to recommend whether B.C. should alter its current system of single-member, plurality-winner provincial electoral system to another voting system. The Citizen Assembly is composed of 161 citizens who were randomly selected from provincial voting lists. In order to assure a degree of descriptive representativeness, the selection was stratified

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<sup>30</sup> McDonald (2004).

<sup>31</sup> Information in this paragraph drawn from British Columbia Citizens' Assembly on Electoral Reform (2004).

by region and gender.<sup>32</sup> The Assembly convened every other weekend for day-and-half long meetings over the course of one year. Their deliberative process consisted of an educational component in which they learned about various electoral designs, a consultative phase in which they attended open meetings throughout the province to solicit the views of other citizens, and a decisional phase in which members deliberated about the merits of various alternatives, including the *status quo*. Attendance at the meetings was very high -- around 94%. Each member dedicated approximately thirty days to the Assembly process over the course of one year.

In the course of their deliberations, members decided that B.C.'s electoral system ought to serve three fundamental values: fairness, understood as proportionality in the allocation of legislative seats; local representation, understood as the connection between an elected representative and her geographic constituency; and choice, understood as the number of candidates and parties from which voters select. At the end of the process, Assembly members voted between two alternatives — a mixed member proportional (MMP) system and a version of the single transferrable vote (STV). The STV option defeated MMP by a 123 to 31 in a vote of Assembly members. Bypassing the legislature, the citizens of British Columbia considered this recommendation in a provincial referendum in May 2005. A “double-majority” of (i) more than 60% of the total ballots cast and (ii) more than 50% of the ballots cast in 48 of the 79 constituencies (i.e., a simple majority in more than 60% of the ridings) was required for passage. The measure obtained a majority in all but two of the constituencies, but it garnered only 57.4 percent of the total

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<sup>32</sup> The composition of the Citizen Assembly was relatively complicated. The convening organization invited 23,000 randomly selected individuals to participate via letter. From these, 1,715 responded positively. These individuals were then invited to selection meetings across the province, and 964 of them attended. The Assembly process was explained to them, and those who wished to be considered entered their names into a lottery. Out of this pool, one woman and one man were selected from each electoral district, yielding 158 people. First Nations peoples were not represented in this list, and the conveners added two members, one man and one woman, who were of aboriginal status. The addition of the Assembly's chair then brought the total to 161 members.

vote falling just short of the required super-majority threshold. At this writing, the fate of electoral reform in British Columbia is unclear — many media observers and several leading politicians have called for further public deliberation in light of public support for the Assembly's work.

Using the framework of the democracy cube, three institutional design choices help to explain why the British Columbia Citizen Assembly should be regarded as a more legitimate body than the legislature for decisions about voting rules. On the dimension of participant selection, the random draw yields individuals who are unlikely to have a special interest or to derive particular benefits from one choice over another. On the communicative dimension, the Assembly process included painstaking educational, preference developing, and deliberative components. These elements are crucial because ordinary citizens who command only a background level of fluency with voting systems would be unable to make a competent choice among alternatives. Finally, and crucially, the Citizen Assembly enjoyed a remarkable degree of formal authority and influence. While not quite directly authorized to impose its preferred voting system on the province, it was empowered to make the single recommendation that the broad mass of citizens, unmediated by elected officials, in turn judged in a direct referendum. When legitimacy deficits stem from the suspect motives of officials, participatory processes can only address those deficits by shifting the locus of power and influence away from those officials toward citizens themselves.

#### **§4. Justice**

Injustice often results from political inequality. When some groups cannot influence the political agenda, decision-making, or gain information relevant to assessing how well policy alternatives serve their interests because they are excluded, unorganized, or too weak, they are likely to be ill served by laws and policies. There are many modalities of injustice. Some stem from iniquities in the electoral machinery: the role of money and other private resources in campaigns, special relationships between some interest groups and candidates, persistent legacies of racialized and gendered exclusion from political offices and organizations, and the narrow spectrum of alternatives offered by a two-party system come to mind. Others stem from aspects of the interest group system and the ecology of secondary associations. Concentrated interests can organize themselves more easily than diffuse ones (e.g., producers vs. consumers). The strength of groups typically mirrors background social and material inequalities. Most interest groups are not democratically organized, but rather highly professionalized<sup>33</sup> or oligarchic.<sup>34</sup>

While many strategies to increase political equality focus upon directly improving the nature of the electoral or group system, participatory mechanisms can increase the justice of democratic governance in two ways. They can either replace authorized decision-makers whose actions have become systematically unjust with direct citizen participation or they can create popular pressures that compel authorized officials to act justly.

One celebrated example of the first kind of justice-enhancing reform is the budgeting process of the Brazilian city of Porto Alegre.<sup>35</sup> In 1989, the left wing Workers' Party (Partido dos

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<sup>33</sup> Skocpol (2004).

<sup>34</sup> Lipset, Trow, Coleman (1956) and Michels (1962).

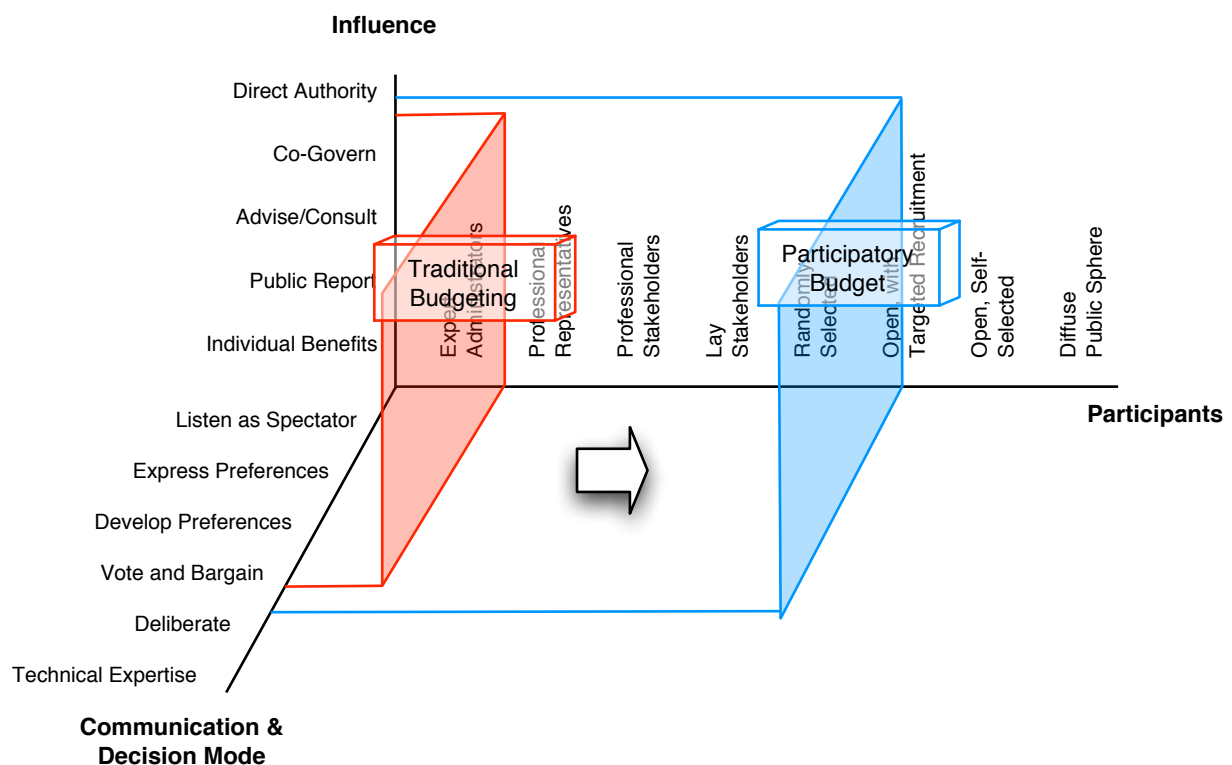
<sup>35</sup> Baiocchi (2003); Abers (2000); Avritzer (2002).

Trabalhadores, or PT) was elected to the city executive based in part on its promises to empower the city's community and social movements. Over the next two years, they developed a highly innovative mechanism called the Participatory Budget (Orçamento Participativo, or OP). The mechanism shifts decisions over 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. Though it is a procedural reform, it was born of a substantive motive to "invert" public spending priorities by shifting them away from the wealthy areas of the city to poor neighborhoods. It has achieved this substantive goal remarkably well. 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 percent, sewer coverage has grown from 45 to 98 percent, and the number of families offered housing assistance grew sixteen-fold since the initiation of the OP.

In the framework of the democracy cube, the Participatory Budget increases justice in public governance by changing the actors who are authorized to make decisions. The OP shifts the site of decision-making from bodies — financial bureaus and an elected city council — that had been corrupted by clientelistic practices to a structure of open citizen participation that affords more equal opportunities for political influence. In figure 7 below, the "who" of participation shifted from a closed group of experts and professional politicians rightward to open forums for direct citizen engagement. Rather than redress injustice, one might expect such open structures to reproduce inequality because participation often correlates with social advantage. Though the structure is formally open and so participants select themselves, actual participation

patterns in the OP do not exhibit the familiar patterns of over-representation of those who are wealthier, better educated, and otherwise advantaged. Indeed, those who have lower incomes are more likely to participate.<sup>36</sup> The explanation for this surprising pattern is that the OP addresses public problems that are much more urgent for the poor — sanitation, basic urban infrastructure, housing, and other so-called “rice and beans” issues — than for the wealthy. This issue focus creates a structural incentive that engages the disadvantaged. Because of this structural incentive that mitigates positive SES participation bias, the OP is plotted as having an open structure of participation with targeted recruiting (structural incentives that target the poor).

Figure 7. Participatory Budget Reform



<sup>36</sup> Baiocchi (2003)

As a general matter, participatory mechanisms that enhance justice by altering who makes particular decisions and policies occupy a region of the democracy cube near that of the OP in figure 7. On the dimension of who participates, they respond to failures of experts or politicians to respect political equality by shifting decision-making rightward, toward citizens themselves. Institutions of open participation with incentives for the disadvantaged to participate—exemplified by the OP—offer one strategy of equalization. Participation mechanisms that employ random selection or even lay stakeholder involvement may also enhance political equality if properly implemented. Other mechanisms for participant selection, however, are less promising in this regard. Completely open mechanisms with self-selected participants are likely to reinforce background social inequalities and exclusions, as are less open mechanisms such as those that employ professional stakeholders. On the influence and empowerment dimension of institutional design, mechanisms that increase justice in this way can only do if they exercise direct authority over relevant decisions. Because they typically address structures of corruption and exclusion that generate benefits for the advantaged, the recommendations offered by merely advisory mechanisms will typically be ignored. On the third dimension of communication and decision, justice-enhancing participatory mechanisms need not be fully deliberative. So long as disadvantaged participants are included in decision-making, processes of interest-based bargaining and voting will increase justice. Indeed, it is almost certainly the case that actual institutions such as the OP include substantial bargaining and negotiation as well as deliberation. Its distinctive feature is that poor people and other previously excluded groups are included in sub-local processes of fiscal allocation and planning. Justice results from the proper counting of their voices rather than from deliberation.

A second path through which mechanisms of citizen participation can address injustice is by mobilizing popular pressure that compels authorized decision makers to respond to claims made by those who are marginal, excluded, or otherwise politically disadvantaged. Such mechanisms create localized direct discussions in which only a few — perhaps hundreds or a few thousand — citizens participate. If those discussions generate strong criticisms of officials or policies that then permeate broader public discussions, officials can be compelled to alter their decisions or actions. Instances of directly participatory mechanisms that operate through this path are uncommon because the “minipublic” or “micropublic” of intentionally organized citizen deliberation is seldom well articulated to the “macropublic” of mass media and informal discussion that constitutes the public sphere.<sup>37</sup> These connections typically depend upon third parties — such as advocacy groups or mass media organizations — who draw attention to the minipublic and exploit its results for their own purposes.

One example of how such intermediaries can link micropublic to macropublic comes from public deliberations about the redevelopment of the area of lower Manhattan that was destroyed by the attacks of September 11, 2001. Two public agencies, the Port Authority and the Lower Manhattan Development Council, were charged with developing and implementing redevelopment. As part of the planning process, they sponsored several consultations with both stakeholder groups and the public at large.<sup>38</sup> The most important and impressive of these was a large public meeting in Manhattan’s Jacob Javitz center that drew more than 4,000 participants on July 11, 2002. The event was organized by a group called AmericaSpeaks according to their

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<sup>37</sup> For a helpful discussion of the role of interest groups in making connections between deliberative micropublics and the macropublic, see Hendriks (2005).

<sup>38</sup> This account from Fung (forthcoming).



“21<sup>st</sup> Century Town Meeting” methodology. Organizers sought to engage participants in hundreds of intimate conversations about the underlying values that should guide the World Trade Center site development. Participants sat in dinner-table arrangements totaling five hundred tables of ten seats each. Throughout the day, discussions from each table were relayed electronically through laptop computers to a central “theme team” that attempted to pick out the views and themes that emerged at many tables simultaneously. 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 consensus of this group rejected key elements of the plans that the LMDC and Port Authority had prepared. Many participants concluded that officials’ proposals served commercial interests at the expense of other priorities such as the quality of residential life, memorializing those who were killed by the attacks, and the aesthetic appeal of the development. Participants were not at all sanguine about their own efficacy. At the end of the day, only one-third said that they were “confident” or “very confident” that decision-makers would take their input seriously. However, the event received substantial and highly favorable media coverage—forty-nine articles in northeast regional newspapers (eighteen of those in the *New York Times*).<sup>39</sup> The combination of public feedback and communicative pressure from media and civic 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.<sup>40</sup>

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<sup>39</sup> Author’s Lexis-Nexis search on 6/25/2004 of articles published in 2002 containing “Listening to the City” in northeast regional news sources.

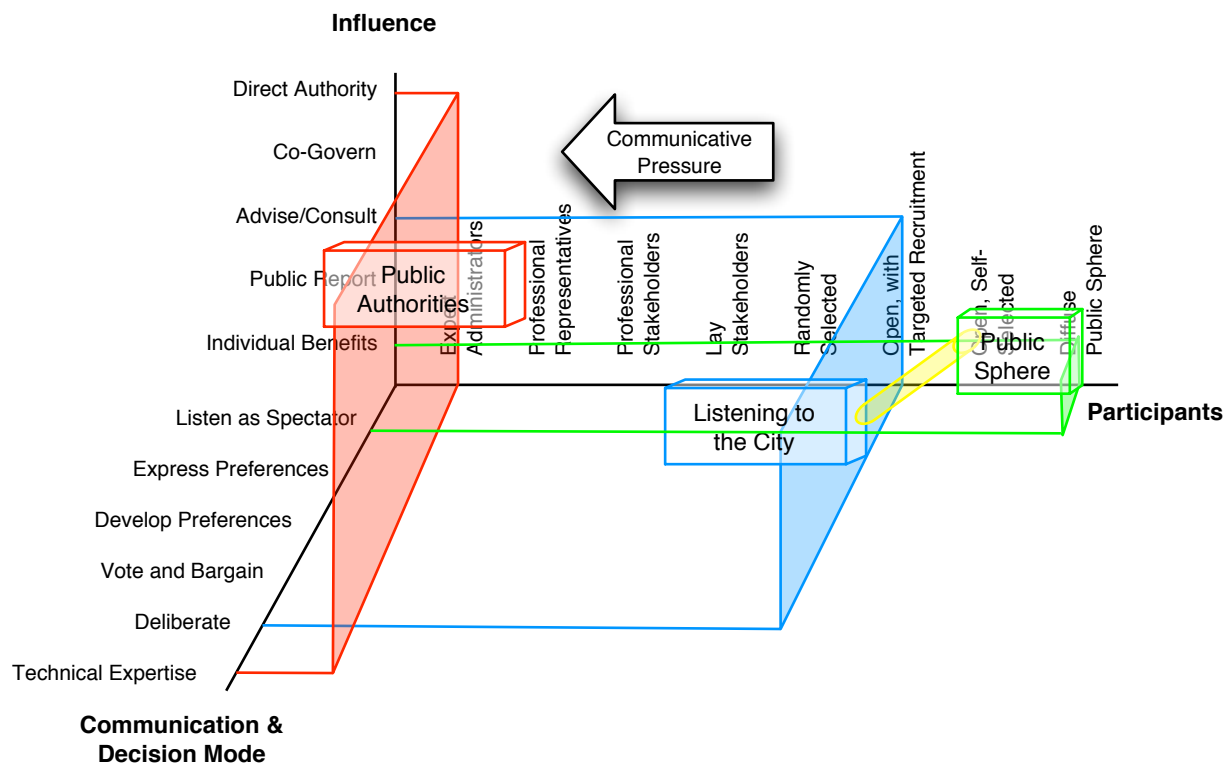
<sup>40</sup> Critics have been highly critical of more recent stages of the planning process in which the older practices of development -- hidden from public scrutiny and unresponsive to public concerns -- seems to have again taken hold. See Filler (2005).

This complicated dynamic of two weak publics<sup>41</sup> interacting to alter state action is depicted in figure 8 below. The carefully designed “minipublic” of the Listening to the City event had demographically representative participants who engaged in structured and facilitated deliberations in order to provide advice to public authorities. Given that authorities seemed more disposed to heed developer interests and to seek commercial revenues to maintain their own organizations, it is doubtful whether such advice would have altered the course of planning by itself. However, because of the high degree of broader public interest in the World Trade Center site, the deliberative minipublic received extensive media coverage and arguably affected debate in the broader public sphere of citizens who consume media messages. Unlike most other minipublics, the Listening to the City event was connected with broader public debate. While the organizers of the event were quite savvy in their efforts to attract media attention, it would have been impossible to make this link absent the special nature of the issue itself. However, context itself is not sufficient. If the Listening to the City event had been less well designed — if it had attracted only the usual planning advocates and activists or if the process itself had been characterized by bickering and bargaining rather than thoughtful and engaged deliberation — it may not have been as well received by the journalists who covered it and their audiences.

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<sup>41</sup> See Fraser (1992).

Figure 8. Minipublic and Macropublic in Listening to the City



**§5. Effectiveness**

Even when public decisions are just and legitimate, state agencies may be incapable of implementing those decisions. Public hierarchies can lack the necessary information, ingenuity, know-how, or resources to address social problems effectively.<sup>42</sup> Nonprofessional citizens possess distinctive capabilities that can improve public action. In the provision of public services such as education and human development, for example, the involvement of clients in “co-production” may dramatically increase the quality of some services. Properly structured citizen participation can belie the common view that direct democracy, whatever its other merits, is highly inefficient. In areas such as public safety and environmental regulation, citizens may pos-

<sup>42</sup> See discussion in, for example, Cohen and Sabel (1997).

sess essential local knowledge that comes from close exposure to the context in which problems occur. In all of these areas and others, citizens may be able to frame problems and priorities in ways that break from professional conceptions, yet more closely match their values, needs, and preferences. Similarly, non-professionals may be able to contribute to the development of innovative approaches and strategies because they are free from the received but obsolete wisdom of professionals and the techniques that are embedded in their organizations and procedures. Consider two examples from urban politics and policy that illustrate how the direct involvement of citizens can contribute to the effectiveness of public action.

Beginning in 1994, the Chicago police department shifted its organizational structure from a classic hierarchy designed to execute traditional policing strategies to a form of accountable autonomy. Now, rather than insulating professional operations from public scrutiny and influence, residents in each of 280 neighborhood police beats meet with the police officers who serve their areas in open “beat meetings.” The program has been quite well received by city residents. In surveys, more than one in ten residents claim to have attended a community policing beat meeting. However, in most beats, a few residents are heavily involved while others participate much more occasionally. Like the Porto Alegre reforms, residents from poor neighborhoods participate at rates greater than those from wealthy ones because the institution addresses a problem — crime — that plagues the disadvantaged.<sup>43</sup>

Case studies have shown that when these deliberative processes are well facilitated and supported by the police department and community organizations, they produce innovative and effective problem solving strategies that harness the distinctive capacities and local knowledge of

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<sup>43</sup> See Fung, *Empowered Participation* (2004).

residents.<sup>44</sup> Four factors make this structure of citizen participation effective. First, the dramatic shift to participatory policing has forced officers to look beyond standard, comfortable, but ineffective approaches such as preventative patrolling, emergency response (answering “911” calls), and retrospective investigation of crimes. Relatedly, when citizens engage in searching deliberation with police officers, they often develop different priorities and approaches than professional police officers would have developed on their own. Third, neighborhood residents provide distinctive capabilities and resources that make different kinds of public safety strategies possible. For example, residents can monitor “hot spots” such as parks, liquor stores, or residential drug houses with more scrutiny and constancy than a handful of thinly spread police officers. Finally, the discipline of deliberative problem-solving focuses and coordinates a host of other relevant but previously unharnessed city resources such as city attorneys, building regulation, streets and sanitation, and the parks department to address public safety concerns. In the rubric of the democracy cube, the Chicago community policing reforms enhance effectiveness by creating institutions in which a core of active residents who have taken a deep interest in public safety in each neighborhood constitute “lay stakeholder” participants deliberate with one another and co-govern the use of policing and other city resources (see figure 9 below).

Quite a different illustration of effectiveness enhancing participation comes from the city of Minneapolis.<sup>45</sup> In the mid-1980s, that city suffered an exodus of residents who fled problems of the urban core for suburban green fields. In order to staunch these departures and address the quality of urban life generally, the city and state created a policy to allocate \$400 million over 20

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<sup>44</sup> 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).

<sup>45</sup> This account of the Minneapolis Revitalization Project is drawn from Elena Fagotto and Archon Fung (2005).

years for neighborhood development projects. The distinctive feature of this policy, called the Minneapolis Neighborhood Revitalization Program (NRP), is that it distributes funds among sixty-six neighborhood associations. NRP's centralized allocation formula is highly progressive: poor neighborhoods receive much more funding than wealthy ones. Associations allocate their funds among various projects that are specified in "Neighborhood Action Plans" that they develop in consultation with city staff. The NRP has funded a wide range of activities that include revolving loan funds for home improvements, human services, new housing construction, commercial corridor revitalization, and school and park construction and improvement.

The participatory and decentralized structure of the NRP arguably made the city's revitalization efforts more effective on several fronts. As with the Chicago community policing initiative, residents in neighborhood associations developed plans that coordinated the activities of various independent city agencies. One project, for example, coordinated the activities of the parks department and the school system to develop a new school with a community playground. Residents testify that they supported several commercial and housing projects that they would have otherwise opposed because NRP enabled them to tailor these projects in ways that suited their tastes and values. Finally, NRP has catalyzed tens of thousands of volunteer hours from neighborhood residents who participate in planning activities and community events.

Whereas many neighborhood associations were moribund prior to NRP, the program's resources and incentives re-energized these sub-local bodies. As with Chicago community policing, there is in most neighborhoods a small core of NRP activists who do the lion's share of work in developing plans, negotiating with city staff, and monitoring project implementation. All neighborhood associations provide mechanisms for broad participation that include general

meetings, surveys, and focus groups. But deep engagement with NRP is very demanding and so limited to a few in each neighborhood. Activists who serve on neighborhood association boards and committees frequently invest dozens of hours per month and develop para-professional levels of planning expertise. A major criticism of NRP is that these few activists are quite unrepresentative of Minneapolis residents at large. They are typically white homeowners who are insensitive to concerns of minorities, renters, and less-well off residents.

As a general matter, some features of participatory forums that enhance the effectiveness of governance may not lend themselves simultaneously to advancing social justice. In particular, making public action effective typically requires the intensive involvement of relatively small numbers of citizens who are willing to invest many hours and to acquire substantial expertise in specific policy areas. The Minneapolis NRP requires neighborhood activists to develop a knowledge of planning and to be able to navigate the city's complex tapestry of agencies. The most active residents in Chicago's community policing program invest many hours per month and gain a facility with police procedures, the courts, and various city services. Therefore, participatory institutions geared toward enhancing effectiveness are likely to draw a relatively small number of "lay stakeholders" who have a sufficiently deep interest in the problems at hand to make the required sacrifices (see figure 9 below). In the best of circumstances, these citizen activists generate public goods such as safe and vibrant neighborhoods that others enjoy. Recruiting methods such as random selection and open general meetings with large numbers of participants are unlikely to enhance effectiveness because participants will fail to develop the requisite competencies. Participatory mechanisms are often thought to produce justice by organizing extensive par-

ticipation that includes many diverse perspectives. But, as discussed above, institutions that enhance effectiveness require less extensive and more intensive kinds of participation.

On the communicative and decision-making dimension, both Chicago community policing and the Minneapolis NRP operate through a kind of problem-solving deliberation in which citizens engage in a searching discussion of alternative strategies, settle on those that seem most promising, and compose beat plans or neighborhood action plans that render those strategies into sub-local policy. Generally, participatory mechanisms that enhance the effectiveness of governance must be pragmatically deliberative in this way. If citizens mimicked the expert processes of professional administrators, they would do so less well. Furthermore, participation is in most cases a response to the failure of expert decision-making. The other possibility is that participants attempt to solve problems through a process of interest-based bargaining. For any complex public problem such as governing a school, developing the commercial prospects of a neighborhood, or reducing chronic crime, it is very difficult to imagine a decision by vote that was not preceded by a discussion that constructed various possible courses and their relative merits.

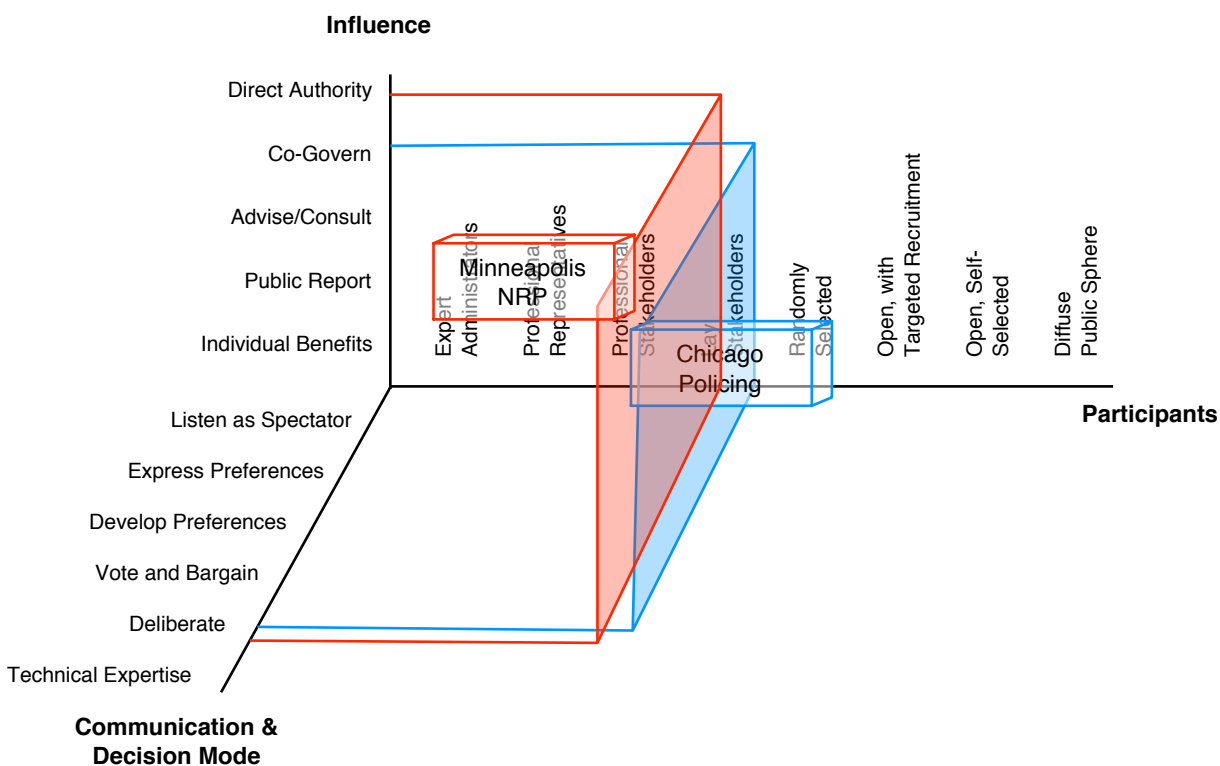
Finally, on the dimension of influence and authority, both the NRP and community policing reforms shift substantial authority to the citizens who participate. NRP delegates spending power to Minneapolis neighborhood associations. Citizens active in Chicago's community policing program jointly determine priorities and strategies in their deliberations with police officers. There are two reasons to think that effectiveness enhancing participatory mechanisms must be substantially empowered in these ways. First, citizens will be reluctant to make the required sacrifices of time and energy unless they are confident that their deliberations will be translated into action. Second, deliberation and action are so deeply intertwined in these processes that merely



advisory deliberations often would be ineffective. For example, residents in community policing deliberations often try one strategy, observe its effects, learn from success or failure, and shift course. If they only advised police officers who could then heed or ignore them, this process of iterated deliberation and learning would be broken or at least much diminished.

These three institutional design choices — lay stakeholder participants who deliberate about how best to solve public problems and are empowered to translate their deliberations into public action — are depicted in figure 9 below. Participatory institutions that enhance the effectiveness of governance reside for the most part in this region of the democracy cube.

Figure 9. Effectiveness Enhancing Participation



**§6. *Limits of Participation***

These diverse participatory initiatives arguably contribute to the legitimacy, justice, and effectiveness of governance arrangements. As exemplary cases, however, they may highlight the most attractive aspects of direct participation at the expense of more critical scrutiny. A thorough analysis of the trade-offs of participation, much less a set of delimiting principles for the scope of participatory institutions, lies beyond the scope of this paper. This experimentalist account of participation nevertheless raises two important questions regarding the desirable extent of citizen participation in modern democracy.

I have cast citizen participation as a family of expedients to address important and common failures of conventional representative governance institutions. Should we expect and hope, then, that institutions of direct participation patch-up democratic deficits only until representative, professional, and bureaucratic mechanisms are repaired and so make participation superfluous? Or, does the experimentalist frame I have offered indicate that there is a more enduring role for direct participation? In the consequential and empirical spirit of this approach, I can only say that it depends. In the fullness of economic and political development, I expect that the participatory budget of Porto Alegre and other Latin American cities could indeed be replaced by professional civil servants and accountable politicians who allocate basic infrastructure resources in a just way, as many other cities already do. If justice through such conventional arrangements becomes feasible for Porto Alegre, its citizens may still prefer the participatory budget due to the intrinsic value of participation. But justice is a more compelling reason to favor participation.

Other participatory experiments address fundamental difficulties of conventional governance arrangements. Elections and devices of representation inevitably create gaps of understand-

ing and frequently of interest between professional politicians and their constituents that enlarge with the scale of government and class inequalities. Constitutional questions are too important to be left to those who happen to hold political power. Under pluralist politics, narrow interests will always organize more easily than diverse ones to influence government. These are perennial difficulties that may be effectively addressed by permanent and substantial institutions of direct citizen participation. But there is no impossibility theorem to show that other, non-participatory, measures — campaign finance reforms, non-partisan expert commission, truly insulated bureaucracies, or as yet unimagined political and social reforms — would not address these democratic deficits more effectively than the institutions of citizen participation that I have described. One must look to the available institutional alternatives and consider their merits as they operate and as they might be improved. There is no durable way to settle such questions. That is why it depends.

Aside from counterfactual alternatives, increasing the role of participation might incur losses that offset the gains that I have alleged or do no better than the institutions they seek to reform. Direct citizen participation, for example, might erode the legitimacy of elected officials and parties by creating a competing basis of authority and political power. Porto Alegre's Participatory Budget and British Columbia's Citizen Assembly both shift decisions from elected bodies to directly participatory ones. Such participatory bodies may have a certain allure that stems from being composed of the *hoi polloi*, yet be illegitimate because they are unrepresentative or fail to abide by good public reasons. This is a common complaint of politicians against direct participation; they deserve the mantle of legitimacy because they were, after all, elected. But the fact of election creates a presumption of legitimacy that can be rebutted by other considerations

— patronage, capture, improper motivation — that supply a rationale for direct participation.

The legitimacy of governance arrangements taken as a whole may in the end be best served by a (neo-Madisonian) institutional competition in which the partisans of participation and representation drawn attention to each other's failings and the proper locus legitimacy is judged in the public sphere rather than anointed by a political theory or constitutional entrenchment.

Two concerns arise with respect to direct participation and justice. Some kinds of injustice arise because advantaged minorities (e.g. real estate developers, contractors) manage to capture part of the machinery of government to advance their interests at the expense of the broader public. The Participatory Budget and New York City's Listening to the City initiative show how direct citizen participation can countervail these tendencies. One objection to this account is that participatory mechanisms are in general no less subject to capture and colonization than legislature or administrative agencies. While it is true that some forms of participation do draw especially interested or advantaged participants (the Minneapolis Neighborhood Revitalization Project is one example discussed above), many other forms—in particular those that employ random selection or targeted recruiting of participants and construct robust deliberation—are resistant to such domination. But it is majority tyranny, not the tyranny of powerful minorities, that has primarily occupied democratic theorists. Elsewhere, I have argued (as have many others) that direct deliberation addresses the problem of majority tyranny through the discipline of public reason.<sup>46</sup> It is difficult, however, to ascertain whether justice for numerical minorities is better served through conventional representative mechanisms or by the participatory innovations discussed above.

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<sup>46</sup> Cohen and Fung (2004).

Hidden costs pose less reason for concern for varieties of participation that address problems of ineffectiveness such as the Chicago community policing initiative and the Minneapolis Revitalization Project. In those and similar efforts, citizens invest substantial energies to improve the quality of public goods that public agencies fail to deliver. Most of them do so not from the intrinsic rewards of participation, but because the public good is important to them. If and when non-participatory, bureaucratic methods of provision provide these goods well, many participants would likely turn their energies to other public problems or private pursuits. Chicago community policing organizers frequently say that “we aim to work ourselves out of a job” by making the streets safe.

### ***§7. Conclusion***

Citizens can be the shock troops of democracy. Properly deployed, their local knowledge, wisdom, commitment, authority, even rectitude can address wicked failures of legitimacy, justice, and effectiveness in representative and bureaucratic institutions. The contemporary ways in which citizens make these contributions, however, assumes neither the forms, purposes, nor rationales of classical participatory democracy. Traditional participatory democratic accounts fail to capture what is most attractive about the cases (and many others besides) described above. Their appeal lies not primarily in shifting sovereignty from politicians and other political professionals to a mass of deliberating citizens.<sup>47</sup> Less still does their attractiveness reside in their potential to educate, socialize, train, or otherwise render the mass of citizens fit for democracy. Instead, these cases mobilize citizens to address pressing deficits in more conventional, less par-

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<sup>47</sup> See Pitkin and Shumer (1982).

ticipatory governance arrangements. One compelling rationale for direct citizen participation is its capacity to solve particular exigent problems — sometimes contingent but often fundamental — in contemporary democracies.

Reaping (indeed perceiving) these pragmatic benefits for democracy, however, requires a footloose analytic approach that jettisons preconceptions about what participatory democracy should look like and what it should do in favor of a searching examination of the actual forms and contributions of participation. Toward that end, I have offered a framework for thinking about the major design variations in contemporary participatory institutions. I then argued that participation serves three particularly important democratic values: legitimacy, justice, and the effectiveness of public action. Furthermore, no single participatory design is suited to serving all three values simultaneously; particular designs are suited to specific objectives. I have attempted to identify the distinct regions of the democracy cube that are suited to advancing each of these. The reasoning in that difficult stage of the analysis proceeded inductively. I identified actual participatory mechanisms that advanced each of these values, traced the institutional design characteristics that enabled them to do so, and mapped these characteristics onto the institutional design space. Far from unfeasible or obsolete, direct citizen participation should figure prominently in complex contemporary democratic governance. Specifying and crafting appropriate roles for participation, however, demands forward-looking empirical sensitivity and theoretical imagination.

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