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## **Creating Deliberative Publics:**

### **Governance After Devolution and Democratic Centralism<sup>1</sup>**

#### **1. The Persistent Problem of the Public**

In the *Public and Its Problems*, John Dewey lamented the stagnancy of democratic political forms in the face of rapidly changing economy and society.<sup>2</sup> Citizens in pre-industrial America may have been able to keep abreast of public affairs and express their will through the machinery of parties and elections, but these institutions had proved woefully inadequate to the challenges of modern governance with its large scale, diversity, and technical complexity. The problem of the modern public—and the cause of its incoherence—was that citizens, alone and together, were for the most part

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<sup>1</sup> This ideas offered here draw heavily upon an ongoing, and expanding, series of collaborations to explore participatory democratic renewal. Some previous and related products of that collaboration are Charles Sabel, Archon Fung, and Bradley Karkkainen, “Beyond Backyard Environmentalism,” *Boston Review*, Vol. 24, No. 5 (October/November 1999): 4-11; Charles Sabel, Dara O’Rourke, and Archon Fung, “Open Labor Standards” (Prepared for the Annual Meetings of the World Bank 1999, on file with author); Archon Fung and Erik Olin Wright, “Experiments in Empowered Deliberative Democracy: Introduction,” (June 1999, manuscript on file with author).

bewildered when they contemplate affairs of state and their relationship to it. An effective and democratic public would be one in which citizens felt the actions of government on them, understood the relationship of politics to these effects, discussed the connections between these ends and means, and in turn were connected through democratic arrangements to a state that respected their discussions. In contrast to this ideal of civic engagement, he thought that available social and political institutions did not enable citizens to organize themselves into publics capable of understanding, responding to, and directing their state in this way, and so governance was cut loose from the tether of democratic guidance. The spheres of state and society had lost their reciprocal linkages. His reflections on the symptoms of this disjunction ring eerily familiar to the contemporary ear: low voter turnouts, distrust toward government, and a cynical sense that “the whole apparatus of political activities is a kind of protection coloration to conceal the fact that big business rules the government roost in any case.”<sup>3</sup>

Over the seventy years since Dewey penned these apprehensions about modern democracy, the difficulty of forming democratic publics remains unsolved. Indeed, it has grown more intractable as complexities and barriers compound. The electoral machinery of democratic engagement remains, in its essentials, unchanged from the forms that Dewey criticized and seem even less capable of constituting coherent publics. While Dewey and his age held the technical capacities of the state and its experts in high regard, contemporary critics focus as much on the debilities of bureaucratic agencies as on their ends. Partially as a result of this additional difficulty, contemporary reform debates skirt around the problem of constituting pragmatic publics and for that reason have not

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<sup>2</sup> John Dewey. *The Public and Its Problems* (Athens, OH: University of Ohio Press, 1927), esp. Chapter 4.

<sup>3</sup> *Ibid.*, 118.

managed to solve it. Improving governance, for example, has largely focused on administration rather than democracy; in many modern treatments, this in turn means increasing the satisfaction of clients as consumers of government largess, not its citizens.<sup>4</sup> Various liberalisms shun the notion of popular democratic direction<sup>5</sup> or have focused on the principles and rather static conditions of justice and equality rather than searching out alternative institutions that would advance the more demanding requirements of democratic direction. Others have targeted the erosion of civil society and its discourses as a problem for effective governance (administration)<sup>6</sup> on one hand and legitimation on the other, but they have not for the most part offered new, more fitting, political institutions a way to shore up civil society and reconnect its citizens to one another and to their state.

Mostly under the radar of these theorists and practitioners, a number of recent innovations have responded to practical failures by reorganizing agencies and constituting capable publics. In the course of addressing limits to technical expertise and effectiveness, some reformers have developed institutional strategies to address the problem of the public that Dewey pointed out so long ago. These political reforms, occurring in areas such as basic education, community policing, and ecosystem management, at once create and depend upon an active citizenry with a depth of knowledge and experience that enables them to act with, and on a par with, professionals and officials on difficult questions such as how to run a school or save an endangered

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<sup>4</sup> See, for example, David Osborne and Ted Gaebler, *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*. (Reading, Mass: Addison-Wesley, 1992).

<sup>5</sup> See Riker William, *Liberalism Against Populism: A Confrontation between the Theory of Democracy and the Theory of Social Choice* (Prospect, IL: Waveland Press, 1982) and George Kateb, "The Moral Distinctiveness of Representative Democracy," *Ethics* 91 (April 1981): 357-74.

species. Empowered and engaged citizens in these reforms contribute resources and contextual information to solve governance challenges on one hand and, on the other, steer it when they make their priorities known and monitor state actions. Thus far, these reforms have been isolated and engaged limited numbers of citizens. Nevertheless, because they arguably succeed when earnestly pursued and because of the dearth of such strategies, they warrant exploration as a practical approach to regenerate democratic publics by reorganizing the institutions of political participation.

The basic elements of this public-creation strategy are straightforward. Its first principles are participation, deliberation, empowerment, and equality: invite citizen participation in the direct determination of state action, organize that participation through deliberation between both citizens and directly involved officials, empower citizens by driving state action with the results of these deliberations, and assure that all citizens have equal opportunities to deliberate, participate, and exercise power in this way.

The following sections explore this strategy for creating publics at the levels of principle, institutional design, and concrete practice. The next section explores devolution and centralization as the dominant poles for conceptualizing political participation and administrative organization. Much of the lay and professional debates on reform swing like a pendulum between these poles of state organization, yet both seem, and it is argued are, congenitally incompatible with capable democratic publics. Section 3 names *empowered deliberation* as a form of both political participation and state structure that creates and depends upon Deweyan publics. This form is neither centralized nor

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<sup>6</sup> See the recent work of Robert Putnam, especially *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993) and “The Strange Disappearance of Civic America” *The*

decentralized, and so demands fundamental reconstitution of administrative apparatuses and both center and periphery. Section 4 offers three examples of reforms that have each adopted major portions of empowered deliberation in their institutional design to show how it works in practice. Section 5 assesses some of the prospects and pitfalls of this strategy in light of their short empirical experiences. In conclusion, we speculate about whether empowered deliberation is necessarily limited in scope, and so can at best build just a few effective publics, or whether it can be applied more generally to the task of deliberative democratic reconstruction.

## **2. Democratic Centralism and Devolution: Dead Ends of Rational Ignorance and Oligarchy**

The obvious path for regenerating democratic publics would be one that reinvigorates familiar centralized democratic political arrangements: the canonical contest for official power that occurs through election of political leaders and interest group dealing. If there were some way of inducing citizens to form themselves into publics that discussed the promise and success of general party platforms or crucial interest group positions and ramifications, solving the problem of the absent public would require no deep modifications to the venerable political forms that Dewey thought so misfit to modern governance challenges. When a political center is charged with issuing decisions that affect multitudes, however, the challenge of engaging those multitudes in informed reflections about the effects of past decisions and implications for what ought to

be done next—the task of creating a public—presents potentially insurmountable difficulties that have been long pointed out by critics of strong democratic forms.

Famously, Schumpeter pointed out the folly of viewing electoral democracy as, or wishing for it to be, a system in which ordinary citizens form coherent opinions about what their government ought to do either alone or in public. For, he wrote, “the typical citizen drops to a lower level of mental performance as soon as he enters the political field. He argues and analyzes in a way which he would readily recognize as infantile within the sphere of his real interests.”<sup>7</sup> One intuition behind this view, sensible enough and entirely consonant with Dewey’s view, is that the objects of state action and its effects are far from the direct experience of most citizens, and so difficult for them to cogitate. Rational ignorance<sup>8</sup> further decreases the political intelligence of citizens. For when power is democratically centralized, the actions of any particular citizen has negligible impact and so she has little incentive to expend the energy or resources necessary to form prudent perspectives. These two timeless factors are further compounded by increases in the scope, diversity, and technical complexity of problems that modern governments must solve. Specific electoral reform strategies such as disciplining political parties,<sup>9</sup> introducing third parties into two-party systems,<sup>10</sup> or campaign finance reforms might vastly increase political competition and even political equality, but they have more limited resources to address these fundamental concerns

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<sup>7</sup> Joseph A. Schumpeter. *Capitalism, Socialism, and Democracy* (New York: Harper and Row Publishers, 1950): 262.

<sup>8</sup> See, for example, Anthony Downs, *An Economic Theory of Democracy* (New York: Harper and Rowe, 1957).

<sup>9</sup> For one highly noted proposal, see Committee on Political Parties, “Toward a More Responsible Two Party System,” *American Political Science Review* (supplement) 44, no. 3 pt 2 (Sept 1950): 1-98.

<sup>10</sup> See Theodore Lowi, “Toward a More Responsible Three-Party System,” *PS* Vol.16 (Fall 1983), pp. 699-706.

about the incentives and cognitive limitations they place on individuals. These obstacles to public formation in the context of centralized political power seem daunting.

Perhaps, if administrative insulation and political centralization are necessary to render the state effective, concerns about the capacities and coherence of democratic publics ought to be subordinated to these practical considerations. In at least some areas of state action and in some places, we need not face this impossible choice. Throughout public regulation and public service delivery, centralized administrative and political authority has itself suffered mounting criticisms on the very ground of its ineffectiveness. Critics argue that forces at the center impose incoherent or poor rules on subordinates that constrain them, those subordinates ought to be authorized to respond to local exigencies or changing circumstance, or that where conditions vary across space the uniform solutions generated by central powers cannot be very effective.

A common response to these performance concerns has been to decentralize state operations through some combination of marketization, administrative devolution, and political decentralization. In their pure forms, none of these is very promising as a strategy to constitute citizens into effective publics. Whatever its other merits, imposing market organization on state agencies such as schools and other services designs away the need for cognizant citizens. The question of what the state should do is answered by citizens in their capacity as consumers through prices and purchasing and not through any public deliberation. Administrative devolution<sup>11</sup>—authorizing lower agencies and levels within agencies to make decisions that were previously determined from higher-up—also holds no special promise for the democratic public. Such reforms may empower street

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<sup>11</sup> For example, see Herman Goldstein, *Problem Oriented Policing* (Philadelphia: Temple University Press, 1992).

level officials and those officials may even tend to be more responsive to public concerns than their superiors. But because they do not alter political forms or create new avenues of engagement, the situation for citizens, and the prospects of public formation, are largely the same as in centralized forms. Political decentralization—for example the devolution of power and responsibility from national to state or state to local governments—may seem to offer more promise for publics because it shrinks the scale of the state and brings it closer to the felt lives of citizens.<sup>12</sup> From the perspective of a citizen, however, the actions of even a medium sized city government are likely to escape her perceptual horizon; the still substantial size of the electorate there does little to allay concerns about rational ignorance.

One hybrid form, the combined decentralization of political and administrative power, seems more promising for the public. Consider programs of *participatory devolution*, such as neighborhood government,<sup>13</sup> in which officials close to the implementation of state decisions enjoy substantial latitude *and* citizens near them participate in the exercise of this public power. In such arrangements, citizens are close enough to state actions to feel its effects and understand the chains of causation that led to them. When they have real input into common decisions whose results they suffer or enjoy, they have strong incentives to learn and think hard about the problems they face and how to address them. Participatory devolution, then, may spur the formation of citizens into effective publics.

Two general difficulties, however, plague this approach. The first, drawn by Madison in the tenth Federalist paper and many others after him, is the tendency of small

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<sup>12</sup> Robert Dahl, “The City in the Future of Democracy,” *American Political Science Review* 61, no. 4 (Dec 1967): 953-70.

polities to be dominated by oligarchs and factions. Whether some local notable dominates by virtues of his status wealth or office, some entrenched small group from its special knowledge or position, or even a majority by virtue of its numerical superiority, domination destroys publics. A public, after all, is made up of citizens who come together to reflect upon collective affairs and state actions in to jointly discover and create new, more effective approaches and possibilities. Domination, a condition in which some group simply imposes its views or preferences upon others, precludes such open consideration. This tendency for small groups that begin as open publics to degenerate into local tyrannies or oligarchies lodges a forceful objection to participatory devolution as a strategy for creating effective and modern publics.

A second problem with participatory devolution revolves around considerations of effectiveness rather than democracy. Compared to centralized arrangements that operate at larger scale, they may be much less able to address technically complicated and variegated public problems. With tasks like controlling toxics substances, managing delicate ecosystems, educating children, and maintaining public health or order, isolated action units may not be able to incorporate useful discoveries and innovations that originate outside of themselves or be able to draw on relatively poor pools of skill and leadership. Where problems overlap between jurisdictions, localized arrangements, no matter how internally democratic and transparent, may lack the institutional wherewithal to band together. Beyond these intractabilities, the distribution of capacities, resources, and luck is likely to be very uneven across local units in any particular application of participatory devolution. Since these factors figure centrally in the competence of local units, their performance of public tasks is likely to be uneven as well. The system overall,

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<sup>13</sup> See Milton Kotler, *Neighborhood Government* (New York: Bobs-Merril, 1969).

then, may imply substantial inequalities in the enjoyment of public goods and thus further advantage those who are already well off while leaving the worst-off behind.

Neither of these gross tropes of democratic centralism or devolution, then, seem particularly attractive as organizational strategies for reinvigorating democratic publics nor even, increasingly, for effectively solving the public's practical problems. Decision-making under democratic centralism generally offers citizens few reasons to seriously engage themselves in social contemplation or action because an individual's impact vanishes in all but microscopic polities and because the chains of cause-and-effect that issue from those decisions eludes most citizens. While this popular demobilization may have once purchased effective expert governance, the capacities of centralized administrations come increasingly under fire as the complexities they face further compound. Various flavors of devolution, the most common response to these democratic and practical failures, faces similarly consternating obstacles. Tendencies to faction and eventually minority or majority dominion jeopardize democratic inclusion and popular deliberative engagement, while amateurishness, unequal resource distribution, and brute luck hamper the effectiveness of devolutionary reforms.

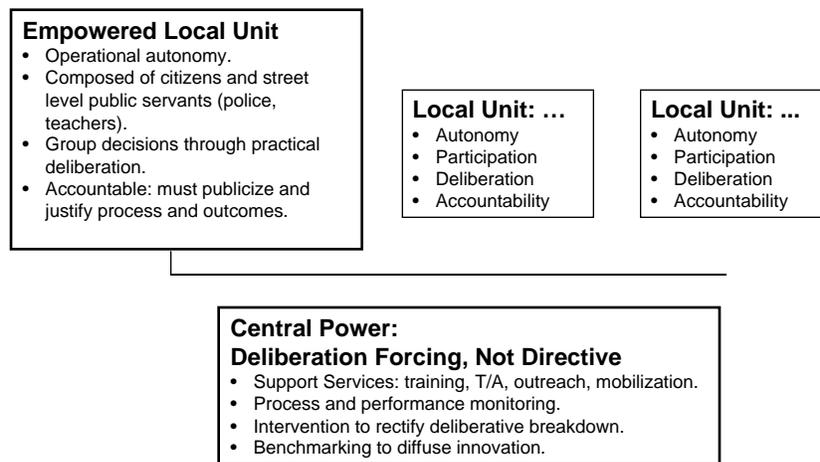
### **3. Empowered Deliberation: Reconstituting Center and Periphery**

To escape these dual dead-ends for both deep citizen engagement and effective institutional performance, Empowered Deliberation abandons this familiar frame of reference that sorts organizations according to whether power issues from the center or is diffused. The strategy begins by recognizing that for an increasing number of social

problems, participatory and decentralized decision structures offer substantial practical advantages over top-down hierarchies mentioned above: the potential to utilize local knowledge, ingenuity, and opportunities and the latitude to tailor public action to suit diverse circumstances and particular priorities. Beyond this, however, empowered deliberation recommends the re-conceptualization of central authority in relation to its field offices in the periphery. First, centralized support and supervision should check the tendencies toward parochialism and inequity that accompany dispersion of power. Second, devolution triggers parallel processes of practical local governance and problem solving that yield rich, field-tested experiences. Through various monitoring activities, central office staff can potentially pool these diverse experiences and reflect upon them to draw actionable lessons.

The organizational form of empowered deliberation, then, might be drawn as the pyramid of hierarchy turned on its head. Instead of a compact directorate at the top, the bulk of the power is exercised by its numerous local units, or field offices. In the ideal, the bulk of the power to define tasks lies with those who execute them: “street-level” officials such as frontline social service staff, field biologists, teachers, principals, and police beat officers. As with participatory variants of devolution, these officials are joined by proximate citizens whose welfare depends upon the quality of public action or whose knowledge and support impel its success or failure. Groups of officials and citizens together would then constitute micro-polities tasked to advance various public ends—educational improvement, public safety, environmental management—typically through familiar deliberative techniques of collaborative planning and problem solving.

As we move downward in the organization chart, the tree narrows, funnel like, to the regional or central offices that serve local units and connect them with one another. In this design, the main purpose of ordinarily commanding bodies such as downtown headquarters of a school system or police department, or the regional office of a federal agency, shifts from directing field units to assuring the fairness and effectiveness of their internal creative processes. These functions are activities that local units cannot, or likely would not, provide for themselves such as support, accountability, and institutional learning. A minimal schema for empowered deliberation might look like this:



Beginning at the bottom of this figure, consider the functions of centralized authority whose main function is not to issue specific directives, but to support and force local planning. Transitions to both decentralization and empowered deliberation create new challenges for officials and citizens in local units that many, acting alone, would be unable to overcome. Central power can mitigate these predictable pitfalls by providing, or underwriting, various supportive services. For example, effective problem solving and

local governance requires issue specific skills as well as more general capacities for social deliberation. Central offices can provide training and technical assistance that helps citizens and local officials develop these abilities. Beyond this, the success of empowered deliberation depends upon the quality of public collaboration, but citizens themselves may be generally unaware of these institutions or unmotivated to join in them from apathy or skepticism. Centrally initiated efforts at media outreach and community mobilization can mitigate these tendencies and boost participation. Finally, empowered deliberative reforms typically occur against a background of inequality in which some localities and offices enjoy much greater resources than others. Since the success of deliberative governance depends on, among other factors, the deployment of human, social, and monetary capital, central offices might usefully inject resources into needy areas for the sake of fairness and to even performance throughout the system by leveling upward.

Beyond servicing localities, central offices are uniquely positioned to hold them accountable to the principles of open deliberation in their processes and for producing satisfactory outcomes in terms of performance. Deliberation is not license, and local units are responsible on both of these dimensions not only to citizens who participate directly, but also to those affected by the public power they wield but absent at moments of decision, to inspectors and supervisors in central administration, and to the public at large. Non-local officials can establish mechanisms that allow local offices to be held accountable from each of these three directions. The dangers of exclusion and domination, discussed above, is that some factions or parties will hijack and capture ostensibly deliberative processes to advance their own ends and prevent others from fair

engagement. Supervisory officials can check this danger by building accountability “from below,” from citizens themselves via their direct participation, by assuring that deliberative processes remain open, permeable, and responsive to non-participants through active monitoring mechanisms as well as through “fire-alarms”<sup>14</sup> that allow any citizen to lodge public allegations of local domination. They can also build accountability “from above,” to official inspectorates and supervisory bodies, through process and performance reporting requirements, audits, and site-reviews that grade the quality of planning, implementation, and correction. Finally, central offices can further increase accountability through transparency mechanisms such as open data warehouses that store records, plans, and audits, “report cards” that evaluate schools or other local units, and public accessibility requirements on meetings and documentation. Such transparency might then enable individuals or interest and watchdog groups to scrutinize and rank the actions of local units and, when necessary, exert pressure on those judged to be substandard.<sup>15</sup>

Much of the monitoring that assures accountability, in turn, can also generate data that feeds reflection and institutional learning. By pooling and then mining the concurrent plans, experiences, and outcomes of local units, analyst-practitioners can identify opportunities for improvement. For example, outcome measures might identify leading innovators who have developed techniques that would be useful in other locales.

Conversely, performance ranking would also identify laggards, for whom modest outside

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<sup>14</sup> See Mathew D. McCubbins and Thomas Schwartz, “Congressional Oversight Overlooked: Police Patrols versus Fire Alarms,” *American Journal of Political Science* 28 (1984): 165-79.

<sup>15</sup> For a discussion of such transparency forcing mechanisms and their effects in the context of environmental regulation, Archon Fung and Dara O’Rourke, “Reinventing Environmental Regulation from the Grassroots Up: Explaining and Expanding the Success of the TRI” (forthcoming 2000, *Environmental Management*).

assistance to master even basic operating routines might yield large performance gains. More systemically, central office analysis might also identify broader patterns of success or common obstructions. Here, a system-wide institutional modification might facilitate the many local problem solving efforts at once by creating an implicitly demanded common-pool resource or by removing a shared obstacle. In Chicago's site-based school governance program, for example, many schools found teacher's time schedules too constraining and wanted to alter them. However, a city-wide collective bargaining agreement between the teacher's union and the city imposed uniform scheduling requirements that prohibited such modifications. Recognizing that the collective bargaining agreement constituted a common blockage, the central schools office negotiated a waiver whereby any particular school could exempt itself from the uniform agreement if teachers at the school supported the exemption. The general principle at work here is that reflection upon many decentralized problem-solving efforts can reveal common obstacles or opportunities that then drive constructive modifications in the problem-solving framework itself.

These new functions for administrative centers and their frontline offices and the altered relationships of authority and information flow between them work together to realize four democratic principles: participation, deliberation, empowerment, and equity. These principles, in turn, define one way in which modern citizens can come together in publics that feel, reflect, and then alter state actions that attempt to improve their common, complicated predicaments.

*Participation*

Participation is the first principle of the public under empowered deliberative reform. The assertion is that institutions that offer real opportunities for citizens to voice their view on the everyday operations of public institutions such as schools or other public services also creates incentives for citizens to become conversant in the operations, techniques, successes, and failures in those arrangements. In other words, appropriately participatory avenues can help overcome obstacles to public-formation such as rational ignorance and apathy.

The devolutionary moment of empowered deliberation makes such participation possible first by locating decision-power at very local levels. This institutional design choice reduces the territorial scope and complexity of public problems to a scale more easily grasped and immediately felt by ordinary citizens. Unlike a distant bureaucracy whose impacts are difficult to accurately discern and decision processes incomprehensible and unalterable from the point of view of those in the periphery, public actions in empowered deliberation issue from officials and offices that are, for better or worse, close at hand. Then, it invites citizens, perhaps as consumers of services or representatives of community groups, to join in the exercise of this power by creating formal channels of direct participation. As we shall see in the next section, particular provisions vary from case to case, but include forms such as elected neighborhood councils, regular open meetings between frontline officials and citizens, and stakeholder groups.

The actions of central authority then supplement these opportunities for participation with through measures, described above, aimed to increases the level and

quality of participation as well as insure that it remains open. Many citizens in areas that lack social networks that ordinarily transmit information about community affairs may, for example, remain unaware of these new reform institutions. Central office personnel can alleviate this communication deficit through media outreach and community organizing efforts. In diverse areas where factions of citizen might be divided against one another across cultural, racial, or economic divides, one faction may attempt to capture these processes and reduce the quality of participation by excluding those they oppose by packing meetings, capturing positions of power, and the like. Headquarters staff can check these tendencies by providing facilitation and adjudication services. This back-and-forth dynamic thus initiates participation by creating local points of access and then attempts to continuously improve its quality by monitoring how citizens utilize those points and then respond with super-ordinate guidance and support.

### *Deliberation*

The second principle is that decision-making ought to occur, at all levels, through deliberation. Most political institutions, such as voting, aim to make social choices by aggregating the preferences of individual or groups. Hierarchies such as administrative agencies make decisions primarily by issuing commands based upon expertise or position. When groups make decisions through deliberation, but contrast, participants compose and consider proposals aimed to secure the support of all. Instead of “lining up the votes” or relying on the authority of status or knowledge, participants develop proposals and justify them to others by showing how they might advance the group’s common interest better than other proposals. Deliberative processes asks each participant,

at the minimum, to consider for herself how each proposal will or will not advance some common interest such as public safety, effective schools, or sustainable development. They also offer any participant opportunities to substantively modify proposals by arguing for alternatives priorities or strategies. By allowing citizens to engage local officials on an even par, the scheme demands that they become informed and formulate responsible positions because what they say will influence public action, and in turn affect their own well being. Deliberative decision processes thus impel citizens collectively to gain the capacities of publics—knowledge of the intentions and effects of public action—and provides discursive arenas for them to further strengthen and exercise these skills.

Ideally, decisions at both administrative centers and their local units occur through deliberation and the actions of one reinforce deliberation in the other. Local units are typically charged with specific, practical tasks such as improving educational performance at a school, public safety in a neighborhood, or preserving a habitat. There, deliberation occurs in the course of debating priority problems, setting agendas, developing strategies to address urgent issues and capitalize on available resources and opportunities, and codifying these discussions into plans of action. Later stage deliberations address the quality of implementation and degree of success of those plans, and in most cases will lead participants to alter priorities and strategies as they gain experience and worldly knowledge. Centralized actions can cultivate effective local deliberation in several ways. Administrative reporting requirements build routines for deliberation and oblige it by requiring local units to submit plans, usually in standardized formats, that document their proposals and justifications. Additionally, monitoring and

information pooling allows participants in particular localities to improve the quality of their planning by drawing on the experiences of peers elsewhere. Central offices can further enhance the quality of deliberation by providing training and other technical assistance, targeted especially to those who have difficulty formulating effective plans and strategies.

As local units deliberate about how to solve specific practical problems, central offices should deliberate to improve its performance of support, monitoring, and institutional inquiry functions. In the area of locality support services, for example, departments of training, finance, technical assistance, or outreach should engage in the same general problem-solving and planning processes used by localities to determine the strengths and weaknesses of their current product offerings, paths of likely improvement, and then outcome measures (e.g. the number of frontline officials and citizens trained, participation rates, the quality of plans or budgets that depend on training, and the like) to gauge the success of their efforts.

While well managed agencies are accustomed to these continuous improvement efforts, improving monitoring through deliberation is less straightforward. To monitor action units, central authorities must first develop metrics that indicate the quality of deliberative processes (e.g. reporting requirements) and also the concrete successes or failures, the outcomes, of local implementation (e.g. standardized test scores, crime rates, number of problems selected and solved, etc.). Then, they must develop methods to collect this data. Since performance metrics will always only imperfectly indicate the actual capabilities of local units or proxy the desired public outcome (e.g. student test scores vs. learning), the task of developing better measures and methods of measuring is

an urgent one that demands constant attention because it cannot be solved with finality. As we shall see below, some instances of empowered deliberation ask subordinate units to develop and submit their own performance metrics. On this path, tasks of central supervision become holding localities accountable to their own self-developed performance measures and then comparing the various metrics that units have submitted in order to discover the most promising ones. Alternatively, central administrations can develop their own performance metrics and methods (arms-length reporting, surprise inspections, on-site peer-reviews, and the like), demand that localities adopt them as an initial monitoring method, and then engage in evaluations and modification of these standards with localities.

Deliberative improvement of accountability and institutional learning requires similar experientially based dialogues between central administrations and their frontline offices. Central accountability requires detection of under-performing groups and then intervention to rectify their deficiencies. The latter can take the form of heightened scrutiny, active coaching and facilitation, sanction, and even imposition of receivership. Developing effective methods for these various intervention strategies and criteria for when some rather than others are appropriate, is a delicate matter of continuing discussion between those at the center who implement them and those in the localities who are the intended beneficiaries of these operations but to whom they frequently appear as meddling intrusions. In this multi-leveled dynamic, actions of the center reinforce the quality of deliberation, and hence democracy, in the local units at the same time that their activity feeds deliberation about ways to improve the framework—

support, monitoring, accountability, and institutional learning—of local planning and implementation.

### *Empowerment*

Empowerment is a third principle of this institutional design for public regeneration and distinguishes it from other forms, such advisory panels or deliberative polls,<sup>16</sup> that feature both citizen participation and deliberative decisions. In those programs, citizens have no firm expectations that choices they make will affect government action or yield practical outcomes. Under empowered deliberation, however, citizens participate on an equal footing with officials, and together they exercise substantial latitude in planning, problem-solving, and implementation of efforts. Indeed, they deliberate not just about the values that should drive public action or its ends, but about *how* precisely they can use available means to achieve these ends and what outcomes they might realistically expect. Devolution authorizes local entities to execute the content of their deliberations, and so participants expect at a minimum that what they say affects what the state does, at least in their corner of the world. In a second sense of empowerment, citizens furthermore expect that the public power exercised in this way will yield concrete, measurable improvements. In community policing, then, they not only expect that officers will abide by deliberatively generated plans and agreements, but that those actions will have a discernable results on neighborhood safety—for example less harassment and visible drug trafficking. If at first their plans do not yield these results, then subsequent deliberations would seek to understand why not and devise more

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<sup>16</sup> See James Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform* (New Haven: Yale University Press, 1991).

efficacious courses. In a quite immediate sense, these group deliberations and actions are laboratories in which participants test and refine their informal social theories about whether particular actions will yield desired responses. These groups build one kind of collective power by improving their actionable knowledge in this way.

As with participation and deliberation, interactions between centers and localities constitute and compound these two kinds of power—to compel public action and achieve concrete results—through mechanisms of accountability and learning. One typical problem is that breakdowns in deliberation at the local level might impede the exercise of citizen power. For example, citizens and officials might reach agreement on particular plans, but then one side or the other fails to carry through on their obligations to implement those plans out of a conscious desire to obstruct matters or advance private interests, or from simple lack of will. To check such tendencies, central authorities ought to exercise their accountability prerogatives and hold all participants true to deliberative norms of honoring consensus commitments with action. In this supervisory capacity, officials perform an updated version of the necessary but unpleasant function of “forcing citizens to be free,” that is true their own deliberations.<sup>17</sup>

In addition to correcting defects in street-level deliberative processes, central officials also bolster power by providing resources that increase local capacities. Centralized information pooling can generate valuable information that increases the quality of local planning by bringing distant yet similar experiences and lessons to bear. Institutional learning and subsequent reorganization can also connect local problem solvers with resources that prove especially useful in their planning and problem solving. The instances discussed above in which centralized negotiations between the Chicago

public school system and its teachers' union to create local exemption provision illustrate this dynamic. Central administrations can also alter the disposition of other, more conventional public agencies, powerful private actors, and statutory law for the sake of effective local problem solving.

### *Equality*

These three principles above each affect political equality, the fourth and final principle. Empowered deliberation advances an idea of political equality in which all citizens enjoy roughly equal opportunities to participate in these deliberative forms and in the exercise of power associated with them. This is a deliberative equivalent of the slogan "one person, one vote." From the perspective of building publics with capacities to understand and steer state action, the principal of equality holds that publics are defective to the extent that they systematically exclude any citizens from democratic discourses even as they equip others to take part. Beyond this, empowered deliberation advances a substantive notion of equity in which the benefits generated by its institutions ought to be fairly distributed.

One obstacle to both of these equality goals is the devolution of power that makes deep participation and deliberation possible. Participatory decentralization, some argue, is the enemy of equality because those who gain under such arrangements are those who are already well off and have the material and social wherewithal to utilize the new opportunities. Meanwhile, such reforms might leave the worst off, who typically participate at lower rates and less effectively, even further behind. While it is true that participation in most varieties of political influence such as voting and interest group

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<sup>17</sup> See his *Social Contract*, Book I, Chapter 7, Paragraph 8.

action are heavily biased toward the wealthy and well educated, empowered deliberation may, counter-intuitively, exhibit more even participation patterns. When engagement in these local institutions promises real influence over important institutions such as police or schools, those who are less well off may be powerfully drawn to participate because they lack many of the alternatives of voice and exit available to the wealthy. Since the severe constraints of lack of time, deliberative skills, and inability to pay information costs pose countervailing factors, actual patterns of participation and judgements about appropriate responses must be settled empirically.

One response to this danger would be to engage in redistributive measures that level the background conditions against which deliberative action occurs. Certainly, reducing the inequality between rich neighborhoods and poor ones would go far in addressing these concerns about fair participation and benefit. Unfortunately, as a practical matter, such methods are simply not available to most of the reformers who attempt to establish various flavors of empowered deliberation. For them, fidelity to the principle of equality more often demands that they use available administrative means to them to redress the tendencies to inequality rooted in unequal background conditions, historical variations in capacity, or brute fortune.

With an understanding of the institutions of empowered deliberation as reconstituting relations and functions of central and frontline offices, the principles these institutions aim to advance, and the relationship of these to the more general problem of forming democratic publics, the next section reviews how four recent reforms have implemented central elements of this program.

#### 4. Three Reforms

##### *Local School Governance in Chicago*

In the mid 1980s, the Chicago Public Schools had fallen under severe criticism from both local and national audiences for its failure to provide basic levels of education for most children in the city.<sup>18</sup> Under pressure from parent, business, good government, educational organizations, and eventually the state legislature, the Chicago Public Schools (CPS) underwent a series of reforms beginning in the late 1980s that set into place some of the basic planks of empowered deliberation.<sup>19</sup> The first of these was a state law, affecting only the city of Chicago, that shifted substantial governance powers from the head office of the CPS to elected bodies, called Local School Councils (LSCs), at each of the some 560 elementary and high schools. Each LSC is composed of six parents, two community representatives, two school staff members and school's principle.<sup>20</sup> They are empowered to make decisions over crucial areas of school operation such as the organization of the school day, physical plant and building, curriculum, long term planning, principal hiring, and budgets. LSCs exercise these powers through an ongoing deliberative process called School Improvement Planning (SIP) in which members and others in the school community develop a common vision of the school, goals that would reflect the realization of that vision, strategies to reach those

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<sup>18</sup> Chicago Tribune Staff. *Chicago Schools: 'Worst in America.'* An Examination of the Public Schools that Failed Chicago (Chicago, IL: Chicago Tribune, 1988).

<sup>19</sup> For a full discussion, see Fung and Wright 1999 and Archon Fung. *Street Level Democracy: A Theory of Popular Pragmatic Deliberation and Its Practice in Chicago School Reform and Community Policing, 1988-1997* (MIT Department of Political Science, Ph.D. Dissertation, February 1999).

<sup>20</sup> LSCs in Chicago High Schools have an additional non-voting student member.

goals, metrics to gauge the success of various strategies, and appropriate resource allocations and capacity acquisition plans.

At the same time that the CPS devolved power to citizens and staffs of individual schools, regional and city headquarters, frequently in cooperation with Community Based Organizations and educational consultants, began to re-organize themselves to provide various support and accountability services. Those on all sides were concerned that newly elected parents and even educational staffs would lack the knowledge and skills necessary to govern effectively, and so groups within the CPS and non-profit organizations like the Chicago Association of Local School Councils provided short courses in school financing and curriculum planning to new LSC members. A 1995 educational reform law made it mandatory for all LSC members to receive 18 hours of training in areas such as school improvement planning, principal selection, group process, and budget formulation.

To both support and monitor local deliberative planning processes, CPS central administration has required schools to submit uniform School Improvement Plans (SIPs) that supervisors then review. An open form with almost no substantive requirements, this reporting requirement forces LSCs, or at least those members charged with producing SIPs, to engage in an orderly consideration of how they ought to deploy their resources and to what ends. It allows central authorities, on the other hand, to know at least what individual units are trying to accomplish in terms of educational practice and evaluate their proposed means for doing so. SIP requirements thus provide both specific guidance to school personnel on what deliberation means and how to go about it, and then allows

central authorities a point of purchase in holding them accountable to programs that they themselves developed.

Thus another important element of the CPS reorganization are a set of accountability measures established in 1995 as a response to the widespread perception that many schools had failed to use their increased discretion to substantially improve educational outcomes. From the governance perspective, its core used student standardized test scores to measure school performance and then imposed additional supervision on upon poorly performing schools. Schools where less than 15% of students scored above national testing norms are placed on a “probation” status that required them to undergo an operational review from central office administrators and consultants. They then developed, in conjunction with intervention team members, new school improvement strategies based upon the review. In this scheme, the quite imperfect indicator of student test scores alerts central authorities to the weakest points in the system, where the expenditure of their limited resources would be most helpful.<sup>21</sup> At these points, they frequently attempt to exercise a deliberation-bolstering intervention that forces local actors to more carefully consider the flaws in their operational habits, alternatives to them, and then to incorporate these changes into a better informed forward-looking plan than local actors themselves had previously devised.

Have these reforms in the CPS succeeded in advancing the values of empowered deliberation and constituted effective publics around that city’s educational system? Not surprisingly, there is no unequivocal answer, and space permits only a quick summary of pertinent facts. Regarding participation, LSC seats are usually uncontested and seldom

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<sup>21</sup> See, for example, Elizabeth Druffin. “Spotlight Brings Focus: One School’s Probation Story.” *Catalyst*. Vol. 9 No. 9 (June 1998): 12-15.

vacant, with about 1.5 candidates per opening. Thus more than 5,000 Chicagoans participate quite intensively in school governance matters who would not have the opportunity to do so under more centralized, less directly-democratic arrangements. Though no study has directly established the percentage of LSCs that are actually deliberative in the strict senses discussed above, those who have examined these processes throughout the city conclude that a minority degenerate into factional conflict while most engage in constructive governance efforts.<sup>22</sup> Case level studies of governance processes within individual schools, moreover, shows first that decision making does frequently follow the norms of deliberation. When it does, the joint contributions of parents and school professionals brings information and resources, and generates distinctive strategies, that professionals alone would have been unlikely to muster. When deliberation breaks down into bitter conflict or factional domination, the CPS has on occasion successfully intervened to restore reasonable deliberation.<sup>23</sup>

To what extent are LSCs empowered publics capable of directing these local institutions according to their common will? Many of them have used governance powers to generate and implement distinctive reform programs customized to local sensibilities, needs, and objectives. One school, for instance, reinvented itself into an Afro-Centric institution in through changes to its curriculum, extracurricular activities, physical plant, and even name in order to build staff, parent, and student morale and commitment around a set of values held throughout the local community. Another chose technological literacy and excellence as its organizing theme and tailored its labs, classes, and staff accordingly.

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<sup>22</sup> Bryk, Anthony S., John Q. Easton, David Kerbow, Sharon G. Rollow, and Penny A. Sebring, *A View from the Elementary Schools: The State of Reform in Chicago. A Report of the Steering Committee, Consortium on Chicago School Research*. (Chicago: Consortium on Chicago School Reform, July 1993).

<sup>23</sup> See Fung (1999), Chapter 15.

Another, perhaps more demanding, measure of success asks whether these governance changes have produced palpable improvements in the education of students; whatever else they might want and however they might refine the concept, all LSCs want their students to learn more. Here, the evidence is less persuasive. According to carefully calibrated measures of the impact of school on student learning based upon standardized tests, researchers have concluded that the Chicago Public Schools have become more effective since reform began in 1988.<sup>24</sup> This finding should be treated with caution, however, because the trend is not a strong one and correlation does not imply causation. Nevertheless, these results offer basis for optimism that LSC governance creates opportunities for local publics concerned with education to decide what they want and then empowers them to pursue those ends.

Despite these sweeping changes to both the administrative center and schools in the CPS, it has thus far for the most part failed to implement two central components of empowered deliberation. First, though schools in particular regions of the city, sometimes spurred by non-profit foundation initiatives, have developed connections with each other in order to discover their own best practices, the CPS headquarters has for the most part failed to implement concerted mechanisms of institutional learning to identify particularly successful schools and then, where appropriate, diffuses their successful educational practices. There is no analog of the probation program to identify leading educational reformers. Such a program might yield more definitive gains in school performance by building a pool of successful and field tested improvement practices from which all LSCs could select and implement as their situations warrant.

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<sup>24</sup> See Anthony Bryk, Thum, Yeow Meng, Easton, John Q., and Luppescu, Stuart. *Academic Productivity in Chicago Public Elementary Schools: A Technical Report* (Chicago: Chicago Consortium on School

Like the other reforms discussed in this section, empowered deliberation in Chicago's local school governance have been created and adopted in pieces rather than as a part of a coherent institutional design. Different ideals of governance motivated various stages of reform, with actual institutional forms diverging substantially from the ideas that motivated their construction. So, the initial devolution was driven in part by notions of community control and decentralization, though elements of central support and accountability were present throughout. Ideals of strong, efficient, and expert central control motivated the accountability reforms of 1995, though in substance those reforms aimed to make LSCs more competent and accountable rather than to disempower them. As a result of this pragmatically responsive construction, however, empowered deliberation as manifest in the CPS may lack political or architectural bases of stability.

In the ideal model, deliberation at the center—about how to construct the most effective measures for support, monitoring, and institutional learning—reinforces local deliberation even as the latter feeds empirical material to the former. The CPS, however, for the most part does not make these decisions about the framework of local governance through deliberative methods, but through more conventional bureaucratic prerogatives or political considerations. Since there is no special commitment to the norms of deliberative exploration regarding the framework of school governance, short term political exigencies—the desire by high officials to appear tough in the face of educational complexities by providing attractive, simplistic, but ultimately proven solutions such as high-stakes testing or uniform curricula developed by educational “experts”—may easily reverse trends toward empowered deliberation in the CPS.

*Community Policing*

Just a few years after this school governance reform, the Chicago Police Department quite independently reorganized itself along strikingly similar lines. Like most police departments in the United States since the middle of this century, policing in Chicago involved two major tasks: patrolling the streets in marked cars and responding to emergency “911” calls for assistance. As officers continued to apply these techniques through the decades, satisfaction with police service declined in many American cities, especially in poor and minority communities. Crime seemed to be rising despite the addition of more police officers and stricter sentencing. Residents of minority communities often felt that police were slow to respond to their needs, or, far worse, that they more often abused their authority than used it for protection and service.

In response to these and other complaints, the city adopted its Chicago Alternative Policing Strategy (CAPS) in 1994. It promised to create partnerships for public safety between the police officers that served individual neighborhoods and the residents who lived there. In the language of Empowered Deliberation, CAPS attempted to form neighborhood level publics composed of police officers and residents capable of forming coherent collective views about neighborhood safety and the public actions necessary to establish or preserve that.

The two central institutional forms that constitute these publics under CAPS are neighborhood beat meetings and beat plans. In each of the 280 neighborhood beats in the city, police officers now hold open meetings with residents, usually monthly, at which they jointly determine priority problems (e.g. house with frequent narcotics trafficking, a dangerous park, or hazardous abandoned buildings), develop strategies to address those

problems, allocations of tasks necessary to implement the strategies, and then review prior actions and their results. Similar to the SIPs of school governance, officers document these sequences of deliberative action and evaluation in standardized “beat plans” that both guide discussion and record it for later review.

District and city headquarters staffs of the CPD and other city agencies have begun to provide support, accountability, and monitoring services for beat teams. Like the CPS, however, efforts in this regard are quite incomplete. Since CAPS’ inception, the city has deployed both media professionals and community organizers to mobilize residents to participate in community policing. As a result, . Some 90% of Chicago residents report being aware of the program and more than 5,000 residents attended meetings throughout the city in the average month between 1995 and 1999. Beyond this, the city has also funded the training of both residents and beat officers in the techniques of deliberative problem solving since 1996 in order to enhance the capabilities of local actors to use their powers effectively. As an additional kind of support, various city agencies and their staffs—such as the city’s legal office, housing courts, building inspectors, and the sanitation department—have made often made themselves available to beat teams as problem solving resources.

While these various centralized supports for beat level deliberation are robust, the Chicago community policing reforms offer less in the way of monitoring, accountability, and institutional learning functions. So, supervisors monitor their officers to assure procedural compliance with beat planning requirements, and in some areas supervisors and commanders take pains to improve the quality of their officers’ beat plans and levels of implementation. There are, however, no widespread or generally accepted routines to

encourage excellent or sanction poor deliberation. Unlike the CPS probation provisions, Chicago community policing monitoring does not attempt to measure any concrete outcomes to assess or rank its beat teams (e.g. improvements in crime rates, citizen satisfaction, or calls for service). Admittedly, it would be extremely difficult to develop useful performance measures, but without rudimentary metrics there can be no very articulated accountability or institutional learning measures.

Despite the absence of important components, these reforms have nevertheless made important gains in terms of constituting residents who participate and beat level police officers into deliberative publics competent to comprehend and shape social action. The first gain for deliberation here is increased understandings on all sides: increased mutual understanding between police and residents of each other, and the understanding of both about the nature of public safety and social order in their urban neighborhoods. In neighborhood discussions, for example, residents sometimes gain an appreciation for the constraints on police officers, rationales, and the reasons for the persistence of certain neighborhood problems. Police can begin to appreciate that residents are indeed committed to increasing neighborhood safety, not just complaining about it, even as they begin to understand how resident priorities may differ from their own preconceptions and adjust their actions accordingly.

When these discussions drive the selection of priority problems and the development of joint strategies, as the institutional design of CAPS intends them to do, deliberation can empower residents and police to consciously direct state action and enhance its impact. Prior to CAPS, residents had only very cramped opportunities to direct police action. They could do little more than summon police to respond to a crisis.

By the time police arrived, the crime had been done and the criminal was most often gone. Under CAPS, police and residents focus on persistent *sources* of crime and design action with an eye to preventing crime and disorder at those local roots. So, beat groups often target bars or parks that are sites of frequent violence, “drug houses,” and the like. Residents can thus incorporate their own views about what the police should be working on, and how they should be working on those priorities, into deliberations that drive police action. Beyond this, strategies jointly developed and implemented by police and residents—which often incorporate measures far outside the conventional policing toolbox such as direct citizen protest, enforcement of building and commercial codes, and civil court action—have, according to many testimonials, stemmed local sources of crime, violence, and disorder. While most of the evidence for the impact of these community policing actions relies upon anecdote or subjective opinion, it does suggest that CAPS empowers community policing publics in the demanding sense of enabling them to alter their social conditions through joint action.

Finally, it should be noted that these deliberative reforms in community policing have important distributive consequences. In American cities, residents of poor neighborhoods frequently are the most vulnerable victims of crime, receive the least police service, and have poor relations with police. Participatory community policing, then, to the extent that it builds discursive venues that improve police service and public safety, are especially valuable to residents of poor neighborhoods. The actual benefits that less well off residents derive from CAPS might be offset by the inability of those residents to participate effectively or by the unwillingness of police there to sincerely engage. Nevertheless, empirical studies of actual participation in Chicago show that

residents of poor communities attend meetings at rates greater than those for wealthy neighborhoods, suggesting that the program may channel its benefits to those who need them most.

Based on these considerations, it would be fair to conclude that community policing reforms in Chicago have had limited but important successes in terms of institutionalizing effective publics around neighborhood safety. It has successfully constituted bodies of citizens in most Chicago neighborhoods who deliberate with police about serious problems and about the effectiveness of current and potential problem solving strategies. Many of these strategies are implemented, and some of those turn out to be both innovative and effective. Nevertheless, the extent of deliberation and degrees of success are uneven, and difficult to evaluate, because the system has yet to develop effective monitoring, accountability, and institutional learning measures that would insure that both police and residents plan reasonably, according to deliberative norms, and do so in ways that draw upon the successful experiences of similar groups elsewhere in the city.

### *Habitat Conservation Planning*

As a third and quite different effort to constitute democratic publics, consider recent changes in efforts to protect endangered species in the United States. Since 1973, the Endangered Species Act (ESA) relied upon uniform, top-down regulatory methods. In this arrangement, government officials use ostensibly scientific criteria to determine whether particular species are in danger of extinction. Those found to be in hazard are “listed” as such and thereby receive extensive legal protections. In particular, ESA makes

it illegal for any public or private party to harm, kill, or otherwise “take” a listed species. This Act thus created severe conflicts between environmentalist seeking to protect species and those interested developing lands that provided habitats for these creatures. Arguably, neither side benefited from this system. Since the ostensibly technical process of listing species under ESA was in reality a heated political process in which environmentalists picked their battles carefully, often seeking protection only for “charismatic mega-fauna” for they which they could arouse public sympathy. Where species that were finally listed lived near humans, enforcing the law often had costly consequences in terms of development projects halted and bad feelings engendered.

To address some of these conflicts, the ESA was amended in 1982 to allow parties to obtain “incidental take permits.” Under these provisions, those whose activities might harm a listed species could obtain a waiver from the government to do so in exchange for constructing a “Habitat Conservation Plan” (HCP) to simultaneously attempt to ensure the survival and regeneration of that species in their area. Though only a few HCPs were approved in the first few years of its operation, the provision became extremely popular in the 1990s and by 1999, the Federal Government had approved or was in the process of approving some 450 HCPs covering more than 11 million acres.

The best of these illustrates how this measure can create diverse and democratic publics around the protection of species threatened with extinction and sustainable development.<sup>25</sup> In Southern California, for example, initially hostile groups of

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<sup>25</sup> Information in this paragraph is drawn from Craig W. Thomas “Habitat Conservation Plans: Certainly Empowered, Somewhat Deliberative, Questionably Democratic” (Manuscript 1999 on file with author, prepared for *Real Utopias IV: Experiments in Empowered Deliberative Democracy*); Craig W. Thomas and Charles Schweik, “Regulatory Compliance Under the Endangered Species Act: A Time-Series Analysis of Habitat Conservation Planning.” See also Robert Thompson, “The Coachella Valley Habitat Conservation Plan” in Judith Innes, Judith Gruber, Michael Neuman, and Robert Thompson, *Coordinating Growth and*

environmentalists, developers, and local officials eventually formed a cooperative consensus around a plan to protect the Coachella Valley Fringe-Toed Lizard. With developers threatened by the potentially disastrous strict enforcement of the ESA and local environmentalists unsure that even these measures would be sufficient to save the creature, both sides stood to gain from deliberating with one another in the context of the HCP process. After a lengthy dialogue, these parties and other stakeholders such as local and federal officials and national environmental groups agreed upon a HCP that would both allow commercial and residential development but provide a series of land preserves and “buffer” areas to protect the sandy desert habitat on which the Lizard depends. Since even the most well-intentioned and foresighted schemes are subject to uncertainty and the capricious unfolding of natural circumstance, however, the group also set in place provisions to monitor the condition of the lizard and the ecosystem effects of their measures.<sup>26</sup> In very real senses, the Coachella Valley HCP process advanced all of the values of participation, deliberation, and empowerment in the service of creating a sensate public that quite probably developed a species-protection solution more fair, effective, and legitimate than the prior federal agencies could have done by themselves.

Unfortunately, this HCP and its participants stand out as an exemplary case of how this democratic process should work rather than typifying how they usually do work in practice. Several recent large scale studies of Habitat Conservation Planning have shown that there is large variation in both their scientific and procedural quality. One

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*Environmental Management Through Consensus Building* (Berkeley: University of California Press, 1994): 211-31.

<sup>26</sup> As of this writing, these monitoring efforts have revealed that the Lizard’s critical ecosystem is degrading due to miscalculations in the original HCP. Instead of using this setback as an opportunity to unravel the cooperative ecosystem management agreement, however, all sides seem to be united in their desire to develop and implement corrective measures.

team of researchers found that while some HCPs were formulated through open, inclusive, and collaborative processes, many others were conducted through negotiations between the applicant and official that offer little opportunity for input from environmentalists or other concerned citizens.<sup>27</sup> Though no studies have yet been published on the effectiveness of HCPs, researchers led by Peter Kareiva did examine the quality of the plans themselves, prior to implementation.<sup>28</sup> They found that many plans contained quite poor assessments, and in particular that almost half contained no estimates of the harm likely to be suffered by species due to activities approved in the Plans themselves. Beyond this, almost half of the Plans contained no clear programs to monitor the biological success of the Plans.

Thus far, then, the HCP program has shown limited success in its ability to constitute effective democratic publics for species protection. This incapacity perhaps stems from the decentralized institutional structure in which the implementation of Conservation Planning has occurred, which itself grows out of the policy's historical evolution. Reacting to the highly centralized structure of ESA determinations and enforcement prior to HCP provisions, it is understandable that the federal officials erred on the side of favoring local discretion and autonomy over central oversight and guidance. Furthermore, particular plan details and processes would surely depend on a thousand variations in local ecological and social circumstances, it might seem improper and unwise for administrators housed at the nation's capital to over-rule their field agents and locally situated actors. Thus the administrative structure for protecting endangered

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<sup>27</sup> Steven L. Yaffee, et al. (1998). *Balancing Public Trust and Private Interest: Public Participation in Habitat Conservation Planning*. Ann Arbor, MI: School of Natural Resources and Environment, University of Michigan.

species swung quickly from the democratic centralist to the devolutionist moment. In this particular case, weaknesses endemic to the latter form appeared as frequent exclusion of environmental interests where they were weakly organized and wide dispersion in plan quality due to underlying variations in available technical capabilities. Though HCP policy may never transcend its current decentralized structure, several reform initiatives suggest that agencies responsible for supervising and reviewing may begin to reinvent themselves along the lines of Empowered Deliberation's reconstructed central power. For example, recent administrative guidances have added requirements that plans include locally formulated goals, analyses, and monitoring provisions that many of them now lack. Furthermore, plans must now report basic results to a data warehouse to encourage accountability and information pooling activities that are presently, for the most part, absent.

These three examples illustrate how Empowered Deliberation works in large scale institutional reform projects to constitute, with varying success, democratic publics that formulate public policy and action that is potentially more supple, fair, and effective than that which came before. More importantly, these cases also show that the architecture itself is of quite practical, and not just theoretical, democratic interest. Still, this potential is only partly realized due to shortcomings in the implementation of the reforms and the extent of adoption of the model elements. The next section draws some general observations about the potential for the creation of democratic publics and some prominent dangers that this strategy is likely to encounter.

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<sup>28</sup> Peter Kareiva et. al. *Using Science in Habitat Conservation Plans* (Santa Barbara, CA: National Center for Ecological Analysis and Synthesis, 1999).

## **5. Promises and Pitfalls**

Though the short empirical experiences with the reforms above do not allow any comprehensive evaluation of the promise of Empowered Deliberation as a strategy for reinvigorating democratic publics, they do provide material for very preliminary assessments and, more importantly, sharpen the questions that ought to be asked of this and related participatory strategies. Are citizens willing to participate and competent to do so? If so, do democratic publics contribute to the fairness or the effectiveness of policy outcomes? When failures of participation, deliberation, or effectiveness occur, can it be attributed to defects in the institutional design or to the gap between the extent of actual reforms and the ideal design? Relatedly, when are transformations from conventional democratic arrangements of electoral politics and bureaucratic administration to the institutions of Empowered Deliberation politically feasible?

The first question of any project to construct active democratic publics asks whether the proposal can elicit meaningful participation from citizens who, in modern societies, are often thought to be too wrapped up in private concerns or cynical about public bodies to engage themselves in the body politic. Empowered Deliberation responds with the contention that contemporary modes of participation—electoral representation in a democratic centralist state—create disincentives for citizen engagement (rational apathy) and that an alternative institutional design, one that offers real power, might do better.

The empirical experience with local school governance, community policing, and habitat conservation planning show that these structures can elicit substantial levels of deep citizen participation, but that this participation is limited both to a relatively small number of citizens who care about these issues enough to invest the time and energy required for effective participation and the practical constraints on the size of deliberative groups. So, for example, each neighborhood Local School Council in Chicago has ten elected positions. All of these seats are usually filled by parents, community members, and teachers willing to serve, but most of the seats usually are not contested by multiple candidates. Though not institutionally determined, community policing exhibits similar participation levels; on average seventeen residents attend each monthly neighborhood beat meeting.<sup>29</sup> These numbers are sufficient to conduct the business of problem solving and governance, and indeed many more might reduce the quality of deliberations. Though they are a small percentage of neighborhood populations and even of those affected by their decisions, these reforms create much higher level of active citizen engagement than the bureaucratic and insular arrangements that came before them. Indeed, the number of minority residents serving on LSCs is greater than the number of minorities holding all other elected offices in the State of Illinois combined.<sup>30</sup> Since these multiple factors conspire to limit the number of intensive participants in matters like policing, public education, and species protection to a small ratio of those affected, the institutional design must rely on real opportunities for participation and on mechanisms of transparency to insure that these deliberative fora remain open to all who wish to exercise voice, even though relatively few will do so in any particular instance.

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<sup>29</sup> There are 279 beats in Chicago, and so nearly that many monthly beat meetings in the city.

To what extent are those who do choose to participate capable of acting as an attentive public that deliberates effectively about the collective concerns at hand—for example safety, education, sustainable development—and makes decisions about those sometimes technically complicated issues? More pointedly, do contributions from citizens engaged in this way add anything, perhaps in terms of fairness or effectiveness, to the accomplishments of professional bureaucracy? It should be first noted that citizens as they are, without any sort of orientation or preparation, have often found the challenges of effective decision quite overwhelming. But when these reforms incorporate substantial citizen training and outreach components, as both the community policing and school governance programs do, citizen contributions can improve the quality of public action in several ways. First, they can bring fresh perspectives that generate innovative solutions and governance efforts that reach beyond the repertoire imbued by professional training. These micro-publics also make local preferences and priorities explicit and thereby increase the level of administrative responsiveness to them. In the course of airing concerns and priorities, groups often acknowledge previously silent or minority parties and subsequently respect them according to the norms of deliberation. Once constituted, these publics can also monitor the actions of local officials and private actors and hold them accountable to their own deliberative commitments. Finally, organized citizens often bring resources and energies to public action, monitoring, and reflection that would not be available to officials acting alone.

Now all three reforms discussed above offer examples of publics that improve the quality of public action and its fairness in all of these ways, each also offers examples of

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<sup>30</sup> Susan Ryan, Anthony Bryk, et. al. *Charting Reform: LSCs—Local Leadership at Work* (Chicago: Consortium on Chicago School Research, December 1997)..

micro-publics that have failed. One common mode of failure is civic incapacity; some neighborhoods may not generate substantial citizen participation, or those that do participate may lack the knowledge or capacities to form effective deliberative publics. Another common failure is domination. When parties are divided—perhaps local officials against residents or factions of citizens against one another—some may gain enough power to exclude others or to consistently prevail over them in decision processes. Empowered deliberation depends upon central authority to detect these modal pathologies and to check them through support services, interventions, and by diffusing the fruits of its institutional learning.

Since none of the examples has fully reconstituted its central authority to perform all of these functions, the persistence of these pathological micro-publics might be blamed on the incompleteness of the reforms. Centers that reformed themselves more completely along the lines of empowered deliberation might perform their corrective functions more ably and so prevent many of these failures. Where administrative overseers have taken on more of these corrective functions, as in the Chicago Public Schools, the results of deliberative intervention in cases of sub-par performance have been encouraging. Still, it is impossible to know whether more fully reconstituted supervisory and supportive bodies would be able to satisfactorily combat the tendencies to local oligarchy and limited competence that seem to accompany all devolutionary programs. Those are empirical matters that must await practical reforms that adhere more completely to the model.

A natural next question, then, is whether nascent forms such as those discussed above are likely to develop into fuller realizations of Empowered Deliberation, or

whether obstacles block such evolution and make this evolution generally unfeasible. One such obstacle lies in the realm of motivating concepts and ideas. Like many reforms, these were undertaken not with any clear institutional blueprint, and certainly not with the conceptual vocabulary of this essay. Instead, each step was a piecemeal response to shortcomings in the one preceding it, and the overarching ideas were typically familiar but vague ones such as devolution, community control, stakeholder negotiation, and public or performance accountability. The strength of this “muddling through” approach<sup>31</sup> is that it responds flexibly, unconstrained by inappropriate preconceived notions. The weakness of this tact, and its block to further evolution, however, is that those who set the reform in motion and operate its machinery never quite step back to contemplate its deeper drivers (e.g. deliberation) and how those might be consolidated into a coherent system. Absent such guiding institutional visions, actual reforms become in the best case a patchwork that captures most of the functions necessary to constitute workable deliberative publics, as is arguable the case in the examples above, but in less sanguine instances degenerates into processes characterized by domination or simple incapacity and frustration.

A more substantial cluster of obstacles lies in institutional rather than in conceptual space. The reforms of community policing, school governance, and habitat conservation planning have arguably established, with varying degrees of success to be sure, public deliberation in their respective local units. However, the design also requires deliberation the determination and performance of centralized functions such as training, mobilization, accountability, monitoring, and institutional learning. Here, deliberation

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<sup>31</sup> For a classic treatment, see Charles Lindblom, “The Science of Muddling Through,” *Public Administration Review* Vol. 19, no. 2 (Spring 1959): 78-88..

means both gathering and respecting relevant experience and evidence (benchmarking, audits, surveys, etc.) and then making program decisions through reasoned justification on the other. However, deliberation cannot easily displace the familiar modes of decision that already entrenched at the centers of long-constituted power in city or national government. Officials there are accustomed not to open deliberation, but rather to the exercise of carefully husbanded political power or bureaucratic prerogative. So, decisions about whether activist groups or city agencies should provide citizen training and mobilization services may be based as much on political patronage decisions as on a reasonable consideration of fitness or practical contest. Absent popular or interest group demand, furthermore, neither local nor central officials may have an interest in building mechanisms of monitoring and transparent accountability that, while necessary for institutional learning and experientially based deliberation, will inevitably publicize their failures and so bring painful criticism.

Whether these practical political obstacles are fundamental and insurmountable or merely substantial hurdles is again a question that must be settled later, after these reforms or others mount self-conscious efforts to incorporate deliberation throughout their institutional structures, not only in their peripheries but also at their cores. Still, that they have already installed many of these mechanisms and methods—in the form of reporting requirements, accountability measurements, and data warehousing—even in the absence of overarching institutional blueprints, suggests that the political and bureaucratic barriers to deliberation can be negotiated in time and with diligence. Presuming for the moment that Empowered Deliberation is in this sense feasible, we

conclude now with brief reflections about its attractiveness as a strategy for broader democratic reconstruction.

## **6. Conclusion: How Many Publics?**

This reform strategy where power is devolved yet strongly supported by and accountable to central authorities thus seems successful in the limited goal of constituting groups of citizens who work together with local officials to articulate public policies and programs that, in the best instances, are sensitive to local conditions and needs, fair, effective, and innovative. From one vantage, these gains in both process and performance stem from the ability of these new institutional configurations to constitute micro-publics that are sensitive to the effects of public action at the most local level, capable of deliberating about the defects or shortcomings in that action, creative enough to generate constructive supplements or alternatives, and then empowered to translate those practical ideas into action. Despite some sobering blemishes, these mark important gains for those aiming to democratize urgent areas of public life and social action. Still, these accomplishments and by implication the conceptual program of Empowered Deliberation generally may seem too modest to serve as the basis for a wider program of democratic regeneration that revolves around active citizens coalescing into effective publics.

The first limitation concerns the small number of citizens actually engaged in participating in any of these experiments compared to the total adult population, or even compared to the number who are potentially affected by their deliberations. So, surveys show that some 14% of Chicago residents have participated in *some* community policing

meeting, while the number who regularly participate is far smaller.<sup>32</sup> Even fewer serve on Local School Councils, while the ratio of direct participants in Habitat Conservation Planning to total population is orders of magnitude smaller still. In what sense, then, do these reforms approach any participatory ideal? To begin, they are almost certainly more participatory than the insular administrative forms—designed in part to shield professionals from popular interference—that preceded them. Those conventional channels of citizen influence were weak by comparison: the blunt instrument of voting for candidates who shared one's views on, say school reform or species protection, participation in pressure groups, or perhaps personally contacting administrators or politicians.

Still, these reforms will not have accomplished much for democracy if their principal accomplishment is to grant a few citizens influence over local institutions. Their gains would be more substantial, on the other hand, if those citizens who actually participate are merely the peak of a much larger civic body—other neighborhood residents or those concerned with species protection—whose members choose not to participate. They might have other public or private priorities and know that the good work of governance in those areas is already being done, and that their contributions are not for the moment needed. On this account, meaningful choices about whether and when to engage must be informed by awareness of the institutions, issues, and accomplishments or lack thereof. In the cases discussed above, such knowledge is engendered through informal discussions among neighbors and their associations and communities of interest as well as through more deliberate outreach, publicity, and

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<sup>32</sup> Chicago Community Policing Consortium, *Community Policing in Chicago, Years Five and Six: An Interim Report* (May 1999): 22.

monitoring efforts. Beyond this information, meaningful choice also requires that the institutions of local governance are permeable—that exclusionary barriers do not prevent those who are not involved from engaging in deliberations and joining in the exercise of its powers. The open meetings of community policing and non-competitive elections of Local School Councils realize this ideal reasonably well, but the uneven and under-formalized processes of Habitat Conservation Planning do so less well.

Beyond its modest levels of participation, the strategy of Empowered Deliberation as actually practiced might also be criticized for the limited scope of its decision power. While the education of children, safety in the streets, and environmental protection are certainly urgent issues, they do not begin to exhaust the proper scope of popular sovereignty or participation. The natural response, implied throughout, is that the elements of empowered deliberation could be used to constitute democratic publics around many more issues of urgent concern, and thus that its potential scope is much broader than realized in present practice. While this problem of generalization deserves an exhaustive treatment that cannot be provided here, consider three characteristics that might make public institutions and problem areas promising candidates for empowered deliberative reform. First, there ought to be substantial disappointment with the performance of existing institutions. Otherwise, participatory reforms would be too extravagant because they would unreasonably ask citizens to devote their precious energies to unproblematic areas of public life. Furthermore, the issues to which these institutions are addressed must be sufficiently prominent that they arouse public concern and interest. Otherwise citizens lack the motives that drive participation, and may not widely engage themselves even if real opportunities were to be created. Finally, the

problem area should be one in which the participation of citizens contributes to the fairness or effectiveness of outcomes. Perhaps public action would benefit from their knowledge, ideas, resources, or simply their cooperation. Otherwise, citizens would be wasting their time, and that of local officials as well, in deliberations that add little to non-participatory alternatives. This short list, tentative and very incomplete to be sure, nevertheless delineates a wide potential scope of application for empowered deliberation. Potential reform areas include the formulation of municipal budgets in the cities of developing countries,<sup>33</sup> training of workers and industrial organization,<sup>34</sup> toxics use reduction and pollution prevention, ecosystem governance,<sup>35</sup> and the delivery of social services to the disadvantaged.

The wider application of empowered deliberative reforms in these issue areas at various levels of government would not only create a wider scope for participation and many more democratic publics, but necessitate deeper reflection on our ideals and expectations for citizen engagement. The outdated notion, still lurking in the recesses of our political conceptions, is that of the omni-competent citizen, aware of the day's pressing social concerns and to some extent active in all of them. If this notion was ever workable, the sheer complexity and number of concerns surely makes it obsolete in modern conditions. Instead, the modern reality is one in which very few citizens participate deeply in any area of public life, political engagement seldom exceeds the occasional casting of a ballot, and even that minimal act is in many countries becoming

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<sup>33</sup> See Boaventura de Sousa Santos, "Participatory Budgeting in Porto Alegre: Toward a Redistributive Democracy," *Politics and Society* Vol. 26, no. 4 (Dec. 1998), pp. 461-510.

<sup>34</sup> See Laura Dresser, Joel Rogers, and Scott Zdrzil. "The Wisconsin Regional Training Partnership" (Manuscript 1999 on file with author, prepared for Real Utopias IV: Experiments in Empowered Deliberative Democracy).

<sup>35</sup> Cite Sabel, Fung, Karkkainen (1999).

less common. Empowered deliberation offers an ideal, and institutions to realize it, that falls between those extremes. Every citizen enjoys real opportunities to participate deeply in many areas of public life and most would (given the wider adoption of these institutions) participate in *some* area, but none in all of them. Actual levels and intensities of participation would be determined by the interests of citizens and the urgency of the problems themselves. The greater public, then, would be composed of many active and empowered publics, scattered across issues and territories, forming and fading as needed to allocate their civic resources to practical exigencies. A citizen's duty in this scheme would be to first of all monitor the progress of these publics to know when deeper engagement is warranted, and then occasionally to contribute her energies to social affairs by joining the active publics that needed her.

Of course the gap between this ideal and the present condition is tremendous. The institutional reforms that constitute such publics are substantial, but still rare and few in number. Only time will tell if this ideal is a workable one, whether the institutional configurations possess durable internal integrity, or whether transitions to them are generally politically feasible. But the task of creating democratic publics is as urgent now as when Dewey clarified the problem almost a century ago, and perhaps more difficult. One first steps in accomplishing that task is to formulate a notion of publics and their constitutive institutions that might succeed where more conventional governance arrangements have failed, and that is what I have tried to offer above.