
PART III

Commentaries

Practice–Thought–Practice

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The theory and cases presented here constitute a major step forward in the theory and practice of participatory democracy.

As sometimes happens with the most original forms of theory, this new theory derives from acute observation of practice. People who were actually engaged in trying to make democracy work tried first one form of practice and then another until they evolved a set of institutions that came closer to meeting their needs. Fung and Wright, with the theory advanced in this book, have schematized and brought to conscious articulation the understandings that evolved from this incremental evolution in practice. Their theory can now serve as a further guide to practice.

The individuals in the conference that inspired this book have already begun taking the next step, using the new theory as a guide for people who continue to be engaged in making the institutions of democracy work. The step as yet untaken would require repeating the original observation of practice. It would require asking what sense people make, in practice, of the new institutions that follow from the new theory, and revising the theory from their new experience. The old formula, “practice–thought–practice,” works best if repeated over and over.

To aid in future observation and theory-making, I first sketch what I see as the origins of the original and important “recombinant” feature of Empowered Participatory Governance in theory and practice, and suggest some remaining problems. I then identify silences in the theory of deliberation, as exemplified in past work, in Fung and Wright’s introduction, and in the case studies in this volume. Theory is usually silent when theorists fail to see what does not fit. Observations from practice give us clues on how to fill the silence – by expanding what we mean by deliberation to incorporate self-interest, emotion, conflict, inequality, and informal representation.

Each subsequent section of this chapter addresses one of these issues, suggesting questions that practitioners might want to ask themselves and that researchers might now address when they return to scrutinize the practice.

First, the chapter urges expanding the concept of deliberation to include a greater normative role for *self-interest*. As participants in deliberation, we cannot understand ourselves or others, or work out just resolutions to many conflicts, if we cannot formulate relatively accurately and express relatively well some conception of our own narrow self-interest. At the same time, we need to learn how to transform our interests in order to forge a common good. The normative, psychological, and institutional trick lies in finding ways to move in both, not necessarily contradictory, directions at once.

Second, the chapter urges expanding the concept of deliberation beyond reason-giving to encompass many interactions based in the *emotions*. It also urges designing institutions to provide non-destructive venues for certain expressions of emotion.

Third, the chapter urges expanding the normative aims of deliberation and deliberative institutions to make uncovering and expressing *conflict* a valued goal.

Fourth, it urges incorporating *inequalities* in our conception of legitimate deliberation. It suggests criteria for judging which inequalities among individuals and groups significantly undermine the normative legitimacy of the deliberative process and which can be ignored without great harm.

Finally it urges incorporating *informal representation* in our understanding of deliberative democracy. It suggests criteria by which one can judge the quality of the representation that those who engage in deliberation provide to those who are absent.

I Recombination

The original theory of participatory democracy simply devolved power to the lowest possible level. Our chant in the streets was “power to the people!” And we meant it. The Port Huron Statement, which brought the phrase “participatory democracy” into the language, was written by students who had never themselves had the experience of political power. It was written in the midst of an era, much like today, in which decisions that potentially involved global nuclear holocaust were being made by people whose names most citizens did not even know. In the words of C. Wright Mills, whose works inspired several Port Huron

writers, the people “feel they live in a time of big decisions; they know they are not making any.”¹ The Port Huron Statement called for a democracy in which citizens participated actively – a democracy that would “bring people out of isolation into community.”²

The young political philosopher Arnold Kaufman, who coined the term “participatory democracy” and first enunciated its theory, stressed its positive effects on the citizens themselves. As he put it, wielding political power would improve the citizens’ capacities for “thought, feeling and action.”³ As a young professor in the philosophy department at the University of Michigan, Kaufman worked with Tom Hayden and other students from Michigan who collectively wrote the Port Huron Statement. Kaufman himself was an acute observer of practice. Before he died prematurely in a plane crash only a few years later, his own experience with fledgling participatory democracies led him to formulate what he called the “paradox of participatory democracy.” The paradox is that although participation in democracies helps people increase their capacities, those who have not yet had the experience of participation will sometimes not have sufficient capacity to bring off a successful democracy. What they need is precisely what, because of their need, they cannot get.⁴

Over the years other democrats have run into various versions of Kaufman’s paradox. Urban reformers who instituted decentralization to increase the power of the people, for example, sometimes found that the newly decentralized units became so incompetent or corrupt as to alienate even those who exercised considerable power in them.⁵ In 1988 the school reformers in Chicago explicitly tried to find solutions for problems like these, which had been raised by the school reform in New York and other places twenty years earlier.

The theory of “recombinant” participatory democracy thus emerged from many years of experiment and learning. Archon Fung’s study of the newly decentralized school system in Chicago led him to articulate and name this new form of participatory structure – one in which participation at the grass roots works interactively with facilitative regulation, monitoring, and sanctioning at a higher level. In this model, the entity on the lower level experiments, innovates, draws from local knowledge, and engages local individuals in potentially transformative kinds of participation, while the entity on the higher level monitors for quality, sanctions when standards of quality are not met, and shares innovation among lower-level entities. The goal is to capture the positive features of local participation without some of the previously experienced drawbacks.

Once the theory is formulated explicitly and its elements articulated,

we can see that the principles behind the theory have implicitly informed a great deal of federal practice, at least in the United States. In state–local relations in New England, for example, state governments require that towns hold their meetings at least once a year at a specified time. Some states require that certain items must appear on the “warning,” or agenda, of the meeting. States or voluntary associations provide training for the town moderators. Outside New England, states set other procedural requirements that towns and cities must meet or face sanctions. In a parallel manner, the federal government monitors the state governments, holding them, for example, to certain requirements in the electoral process.

The temptations at the higher level are always to promote the interests of the whole even when they differ from the interests of the part, and to impose the vision – and sometimes, consciously or unconsciously, the interests – of the “experts” or of sectors that are more powerful at the higher level, suppressing the experimentation, vision, and interests of the local participants. The temptations at the lower level are to promote the interests of the part even when they differ from the interests of the whole, and to impose the vision – and sometimes, consciously or unconsciously, the interests – of the most active or most powerful at the local level, ignoring the needs of the less powerful, other locales, or the whole. Only trial and error will suggest ways to gain most of the benefits of recombination while avoiding its greatest costs. At the moment, the theory of recombinant participatory democracy produces a notable advance over the original theory of participatory democracy because it introduces an interaction between levels of government that can be synergistic, creative, and mutually reinforcing.

II Deliberation

The observation and theory of deliberation are also in their infancy. At the moment, we know relatively little about what makes for good deliberation in a democratic assembly. Informally and in the theory so far, we currently judge good deliberations on the basis, among other things, of the degree of mutual respect, recognition and acknowledgement among the participants, their openmindedness and willingness to listen, the consistency in their arguments and the accuracy of their facts, their “economy” in disagreement (seeking rationales that minimize the rejection of an opposing position and avoid affronting the deepest commitments of others), their capacity to bring to light most of the relevant considerations, their capacity to discover or forge common interests

and values, and the space the deliberative arena itself provides for the expression of authentic feeling. As meta-criteria for judging deliberations, I suggest that deliberations should be as likely as possible to make the participants 1) aware of the implications of their own preferences and interests, the preferences and interests of others, and the interests of the polity as a whole, and 2) capable of transforming their interests in ways that they themselves, looking back on that transformation from a state of reflection and awareness, would approve.⁶

Some easily identifiable lacunae in current analyses of deliberation involve the relation between the common good and self-interest, the use of emotion, the handling of conflict, the appropriate stance toward inequalities, and the criteria by which to judge informal representation.

II.1 Incorporating Self-Interest

As Fung and Wright point out, the guiding norm in public deliberation, even in small groups, ought to be the overall good of the group. Most arguments should be made in those terms. Indeed, the arguments that carry the most weight will usually be made in those terms.

This issue is, however, not as open and shut as it appears either in Fung and Wright's theory or in the writings of most earlier democratic theorists.⁷ A single focus on the common good tends to make the assertion of self-interest illegitimate. Yet recognizing and asserting self-interest helps advance distributive justice. Recognizing and asserting self-interest helps one figure out oneself what one wants. Recognizing and asserting self-interest helps in becoming understood (and respected) for what one wants and needs. Finally, recognizing and asserting self-interest helps unveil hegemonic understandings of the common good when those understandings have evolved to mask subtle forms of oppression.

II.1.1 Self-Interest and Distributive Justice

Whether or not the background circumstances are relatively just, participants should have – or develop during deliberation – a reasonably good sense of what their own self-interest (including the most narrow sense of that self-interest) is.

Even when the background conditions are relatively unjust and therefore the chances that the outcome will be substantively just are slim, the deliberations themselves can still be relatively good or bad. If, as I suggest later, we expand what we mean by deliberation to encompass the discussion of irreconcilable conflict as well as the search for a common good, then we can consider as a form of deliberation even the

negotiations between two states, one of which has acquired its greater power relatively unjustly. In cases like these, and particularly when conceptions of justice themselves are contested and those conceptions coincide with material interests, it may not be possible to engage in a good-faith search for a common good that is acceptable to all. It is surely critical, in such cases, for all parties to have a solid sense of their own self-interest – including their most narrow and material interests.

The failure to reach consensus on a just or good outcome does not automatically mark a bad process of deliberation. A good deliberation will clarify both conflict and commonality, even if the final decision is to go to war. If, short of war, the participants can agree to a relatively legitimate procedural mechanism for settling the conflict, the deliberation can clarify the conflict and conclude in a form of decision, such as a majority vote, that does not produce a consensual outcome. Whether the outcome is war or a vote, we must judge separately from a normative perspective the quality of the *deliberation* (on criteria such as those listed earlier), the quality of the *decision procedure* (on criteria such as that it institutionalizes a legitimate allocation of power in the decision-rule), and the quality of the *outcome* (on criteria that derive from a standard of justice independent of the deliberative or decision-making procedure).⁸

When the background conditions are relatively just, communities can also face irreconcilable conflict. For example, they may need to distribute, relatively justly, scarce goods that many want. Many such cases are zero-sum, so that a good for me inevitably entails the loss of a good for you. A budget process with a fixed income often has this characteristic. To allocate zero-sum goods justly (that is, accounting for relevant considerations), a group needs to know what its different segments need. In this process, the different segments usually have to articulate what they need. It is not useful in this process to have norms that no individuals or groups should think about or articulate what they need in terms of their own self-interest.⁹

Consider a couple deciding whether to move to Chicago or Boston, when one member of the couple has a good job offer in Chicago and the other a good job offer in Boston. One or another city may be best for both members of the couple in the long run. If so, those arguments should be made and should carry great weight. But those arguments may not be dispositive. Then the norms of discussion should allow both individuals to recognize and articulate where their individual self-interest lies, in order to work out some fair arrangement. For example, if the couple moves to Boston, the one who has to turn down the job in Chicago might gain some offsetting good or accumulate “credit” for

a future decision. Both individuals could agree on the fairness of the overall bargain even when their more proximate interests came in conflict.

If in such a deliberation neither member of the couple thinks it legitimate to recognize and articulate his or her self-interest, the two may end up making the decision entirely on the basis of a “common good” that does not encompass all of the issues involved. They may, for example, phrase the entire deliberation in terms of what is good for the children. In this case their discussions of what is good for the children will probably be freighted, at least unconsciously, with the other issues that have normatively been ruled off the table. Ideas about the “good of the children” will take on an intensity the basis of which the parents will not let themselves recognize. Although not articulating individual self-interest may produce a communal spirit, that spirit will come at the risk of future problems. It is also likely to result in injustice to the individual who accepts a loss without compensation or explicit acknowledgement.

To move from a dyadic to a slightly larger deliberation, consider an academic department to which the dean gives one new faculty position. In the discussion over where to allocate that position, the greatest weight should be given to arguments that allocating that position to one or another subfield in the department will promote the reputation or good functioning of the department as a whole. But it may not be obvious which allocation will be best for the department. When no greater good of this sort is clear, the good of the department may be best served by giving one subfield the position and either giving the others some other good or promising them the next available free position.

This kind of thinking and negotiation rightly constitutes much of the deliberative work of parliaments as well as couples and academic departments. It is likely to appear in participatory budget processes and to a lesser degree in all the cases discussed in this volume. It does not further our capacity for analysis, I believe, to exclude this kind of thinking from what we mean by “deliberation.”

Creating a “deal” of this sort often involves expanding the scope of the decision-making either into more substantive areas or to a longer time horizon (e.g. adding future decisions into the mix). When the specific choices at hand have individually a zero-sum character, the deal produces an aggregate or composite “common good” rather than a unitary common good on which everyone can substantively agree.¹⁰ The discussion of how to compensate in other areas or extend the trade-offs over time is a central feature of such a deliberation.

Other central features of such a deliberation include discussing the

meaning and implications of the components of the possible deal and the intensity of preferences around each component. In these circumstances, deliberation promotes self-understanding, mutual understanding, and a useful understanding of the world only when individuals can try to understand not only what common interests can be forged, but also their own and others' self-interest. The individuals in the deliberation should use their talk to help find out 1) what they really want and need from each thing that they think they want, 2) what others really want and need, 3) what everyone's wants and needs imply for other things, 4) where the indissoluble conflicts lie between their wants or needs and those of others, and 5) what commonalities can be forged between their own wants or needs and those of others. It is not always easy to understand what one really wants even within the horizon of one's own narrow self-interest. It becomes harder as one expands the horizon of self-interest to encompass experiencing the good of others as one's own. Even in trying to figure out what *you* want, thinking alone can get you only so far. At some point you need your friends, at least as a sounding board and also for their shared experiences, emotional resonance, and analytic capacities. On issues appropriate to public discussion, you usually also need the thoughts of those who are not your intimate friends, even including the thoughts of those who stand to lose by your gains and gain by your losses.

In a dyadic negotiation, for example, each negotiator has an incentive to help the "opposing" negotiator find ways of satisfying his or her constituency's needs at less cost and more gain to the needs of the first negotiator's constituency than either had originally imagined. Assume that you need x and y , and come into the negotiation thinking that to satisfy these needs you need x^1 and y^1 , which are costly to me. If I can show you correctly that x^2 and y^2 will satisfy your needs equally well or better at less cost to me, then we can settle for x^2 and y^2 and both be better off. In this interchange I have an incentive to work with you creatively to see if we can together come up with x^2 and y^2 .

Discussions like this are often contrasted with "deliberation" and given a lower, or even negative, normative status. When Jürgen Habermas or Fung and Wright label these kinds of discussion "strategic" and their outcomes "bargains," they want to save the terms "communicative" and "deliberation" for discussions of a more unitary common good.¹¹ I contend, however, that a form of deal-making in which I work with you, for my own narrow self-interest, to help you find a form of your narrow self-interest that costs me less or gives me greater gain, is a process that – in a non-manipulative setting – can deepen your self-understanding, our mutual understanding, and our understanding of

the world. It is thus an important and integral component of deliberation properly understood.

Greater awareness of self-interest also improves deliberation in instances of “the Abilene paradox,” in which each member of a group goes along with a suggestion because he thinks it will help the others even though he does not want that outcome himself.¹² This paradox is one form of the larger phenomenon of “group-think” in which members of a group come to agree with what they perceive as a group consensus even though each of them harbors unexpressed doubts about the wisdom of that consensus.¹³

Finally and crucially, greater awareness of self-interest is absolutely required for good deliberation when a hegemonical definition of the common good makes less powerful members either unaware of their own interests or convinced that they ought to suppress those interests for the common good even when others are not doing their just share.

One critical normative issue is the degree of power that may legitimately be deployed in reaching a decision. To summarize a much longer discussion, power (the threat of sanction or the use of force) should ideally be absent in a deliberation, although influence (getting others to do something they would otherwise not do by making a good argument) should be present and may legitimately be very unequal. In practice, power can never be fully absent, but its absence remains a standard at which to aim. When deliberation cannot produce agreement on a substantive common good and the polity must craft a consensual democratic bargain, the goal is still absence of power. In majority rule, a legitimate outcome depends normatively on equal individual power – again a goal not fully achievable in practice but which serves as a standard at which to aim.¹⁴

II.1.2 Self-Interest in the Process of Personal Transformation

If, as I urge, we include in deliberation deals made to achieve distributive justice, we see why it is important in such deals for the parties concerned to be aware of their interests – including their most narrow, material self-interests – and to communicate those interests effectively to others. Indeed, deliberation ought to make people more aware of these interests and the ways they may conflict with those of others, as well as more aware of potential commonalities. Transformations ought to occur in the direction of recognizing conflict as well as in the direction of forging commonality.¹⁵ Ideally, only *after* these considerations have been brought to light and to the table should one ask the participants to vote “not for the option that best advances his self-interest, but rather for the choice that seems most reasonable.”¹⁶

Previous deliberative theorists, however, have focussed largely on the undeniably important process of forging more unitary forms of the common good. The practice evident in the cases presented in this book should allow theorists to go further than this in probing the norms of participatory transformation.

In Porto Alegre, for example, activists – at least from the poorer districts – seem to have articulated a major part of what they are doing in terms of local material group interest. One commented, for example, that his “district has benefited a lot” from the Participatory Budget,¹⁷ and another that, “We were able to get part of the street paved but we are still going to go back because there is a lot we still need.”¹⁸ The first of these activists, described as being from “the poorest district of the city,” revealingly reported that the districts develop associations “to *fight* through the Participatory Budget and . . . to go and make their *demands* in the Participatory Budget.”¹⁹ Although the subject of the “fight” that he envisioned is not clear from the short quotation, he probably had in mind a fight against the central government, seen as the holder of large amounts of money, and not against the other districts, which also had important needs in implicit conflict with his own. He may, however, have thought that because his district is the poorest, almost any amount allocated to it would be just even if other districts must thereby lose. Or he may have thought that the deliberation legitimately incorporated some sort of fight of all against all. We do not know whether the weapons he envisioned using in the fight are good arguments or the amassing of power through organization and votes, although we do know that he considered these fights and demands to be motivated by “good intentions.”²⁰ Here we see little that relates to personal transformation. Returning to the practice enriched by theory, researchers might now ask the participants what transformations they have seen or experienced. What conception did they have before and after the deliberation of their own self-interest, their local group interests, the interests of other groups, the interests of the city as a whole, and the way all of these interact?

Three of the experiments reported in this volume – Porto Alegre, Kerala, and Chicago – employed “trainers” to help the citizens transform themselves in capacities not fully specified. Trainers could in theory help solve the paradox of participatory democracy that Kaufman identified. As Fung and Wright report, “Leading reformers in each of our experiments realized, or learned through disappointment, that most non-professionals lack the capacities to participate effectively in functionally-specific and empowered groups.”²¹ Returning to practice, it would be useful to find out precisely what capacities the

non-professionals lacked and what the trainers who worked to improve the citizens' capacities in Porto Alegre, Kerala and Chicago thought they were doing. When the trainers give "training in democratic process,"²² what do they think they are teaching? What did the citizens they trained think they were learning and why? What were the results of all this training in the deliberations themselves?

Based on their own observations of practice, democratic theorists have argued that democratic deliberation does and should transform "I" into "we."²³ Accordingly, one trainer in Porto Alegre comments explicitly that one function of the training

is to preserve and help diffuse certain values. The participatory budget demands the construction of cooperation and solidarity, otherwise the logic of competition and "taking advantage" becomes established.²⁴

We now want to ask: How does the trainer accomplish this task of constructing cooperation and solidarity? In what contexts does such a construction lead some people to fail to understand properly their own narrow self-interests? On reflection, when the trainers think through the goals and methods that they are teaching, do they have any hesitations or caveats they would like to introduce? What have they learned in practice? What do the citizens themselves think of this training? In the trainers' eyes (and other measures), do the groups trained in cooperation and solidarity engage in better deliberation than the untrained? What are the criteria for "better?" Did the citizens trained in cooperation and solidarity have more satisfying experiences or see themselves as better people after this training, or after the deliberations?²⁵

Neither democratic theorists nor empirical political scientists or sociologists have much evidence on the actual, as opposed to the theoretical, effects of democratic transformations. These experiments provide one form of such evidence, in the form of retrospective and introspective reports. In Porto Alegre, for example, we read that participants "often" reported that the process "had compelled them to broaden their horizons."²⁶ One individual, who had the position of "delegate and councilor," reports that he or she became "a person who has to respond not only to your association but also to the district as a whole and the city as a whole." Since that time, the activist says, "I have worried about the city as a whole. I learned not to look only at the district, but that you have to look at the city as a whole."²⁷

This transformation toward "largeness" of view, in the words of John Stuart Mill,²⁸ is one of the major positive transformations that Mill and later democratic theorists have predicted. In my own

experience, transformations in this direction occur most often among those who have been in some way formally selected to be responsible for others. (The theory would predict, for example, such movement among those selected to be chair of a department.) Any such transformation undoubtedly also depends heavily on the norms that govern the interaction, including the norms inherent in the instructions given to those who are responsible for others. These norms and transformations are critical to promoting a just and efficient system of governance in which most citizens can rely on the basic goodwill and broader perspective of those to whom responsibility has been delegated. It would help to make explicit these norms and hopes for transformation. It would also help if citizens immersed in practice and researchers returning to it scrutinized these norms and any explicit training that promotes them for possibly imposing an understanding of the common good that implicitly benefits those with more power or follows the vision of “experts” in the field while marginalizing the experiences of the citizens themselves.

In Kerala, the organizers discovered that “there is nothing spontaneously democratic about a general assembly.” They realized that they had to divide the assembly of several hundred people into small groups (it is not clear from the report how small), with a “semi-formal discussion format and provide a trained facilitator for each group.”²⁹ This process took a great deal of time. It probably took money as well to organize “a hundred thousand volunteers” to facilitate these deliberations.³⁰ And it certainly took labor. Because in the first year “a significant proportion” of the local projects had technical and financial weaknesses,³¹ retired technical experts and professionals were encouraged to volunteer to give the local groups technical assistance “at least one day a week.”³² The supply of voluntary labor, not surprisingly, fell short of what was needed.³³ In the third year of the project, a “state-wide” training program was instituted to help task force members gain the technical information required to produce an effective local product. The resulting “elaborate training program . . . has become one of the largest non-formal education programs ever undertaken in India.”³⁴ The personal transformations involved perhaps included only the accumulation of technical knowledge. But researchers returning to the field might investigate the degree to which lessons about deliberation were explicit or implicit in the more technical training, and particularly what the training for and by the facilitators implied about the relation between self-interest and solidarity.

These cases are better designed than any I know to elaborate and begin to test the theory that good deliberation can act as a school for

democracy. As Fung and Wright point out, discovering whether and in what circumstances participants actually become “better deliberators” or “increase their disposition to be reasonable” will take “closer examination of actors’ actual behavior.”³⁵ We do not know at the moment how important or likely are the “independent desiderata”³⁶ of personal transformation and better deliberation. We do not even know exactly which transformations and deliberations are “better” and why. For now, simply recognizing that closer examination is required and gathering cases in which that closer examination can take place constitute major advances. We may now return to practice to ask, for example, whether the citizens themselves think that building solidarity is an important goal and, if so, what techniques develop reliable feelings of solidarity and what techniques build that solidarity with the whole at the expense of other values, such as recognition of one’s own (or one’s small group’s) interest.

Even processes that at least one participant in one process thought were “really not designed to help people develop a new or redirected self-interest,” such as the Habitat Conservation Planning process,³⁷ may have some transformative effects as a by-product.³⁸ Only attentive observation and questioning back in the field can bring to light the kinds of transformation these deliberations produce, if any, and the problems these transformations may entail – such as dampening an appropriate attention to self-interest.

II.1.3 Combining Self-Interest and the Common Good

Democratic theorists have not parsed out fully the appropriate relation in democracy between power motivated by narrow self-interest and power motivated by a concern for the common good. An easy way to handle this relation is simply to declare power motivated by narrow self-interest democratically illegitimate. Most theorists have taken this route, as have Fung and Wright, with their conclusion that a participant in EPG should vote (that is, exercise coercive power) not “for the option that best advances his self-interest, but rather for the choice that seems most reasonable.”³⁹ This normative stance, however, makes illegitimate a good part of what goes on in the voting booth in most liberal democracies. The relatively recently forged theory of “adversary” democracy, by contrast, provides that when no common good can be forged and the choice devolves simply down to whose ox will be gored, I am normatively allowed to vote that his ox be chosen and he to vote that it be mine, so long as, in the long run, I win on some of these issues and he wins on some.⁴⁰

In all existing liberal democracies some people vote on election day

for what will benefit them, others vote for their view of the common good, and still others vote for some inchoate mixture of the two. As Brian Barry pointed out a while ago, this procedure mixes apples and oranges.⁴¹ Barry suggested that in such circumstances everyone should vote his or her self-interest, so that the vote could become a rough gauge of which policy would bring the greatest good to the greatest number. His suggestion, based on what some people already think is the norm, did not catch on. Fung and Wright suggest, by contrast, that everyone should vote for the policy they think is “reasonable.” Their suggestion, also based on what some people already think is the norm, is also unlikely to convince every voter. This difficult normative question is still open. No one has succeeded in making much normative sense of the mixed system that, as a consequence of these mixed norms, prevails in most Western democracies.

It is hard to find ways to count self-interested and non-self-interested votes in a common metric. It is equally hard to create good deliberations in which considerations of the good of the whole do not diminish appropriate considerations of self-interest and vice versa. It is particularly hard to create personal transformations in which participants’ understandings of their selves and their interests become both more communal *and* more conflictual when appropriate. To develop a better understanding of each of these conundrums, we might usefully now return to practice to investigate what people think who are themselves engaged in an experiment in which the explicit instructions are to vote “not for the option that best advances your self-interest, but rather for the choice that seems most reasonable.”

II.2 Incorporating Emotion

If emotional as well as rational commitments are required for people to experience the good of the whole even when their narrow self-interest conflicts with that good, then emotions must play a legitimate role in deliberation. Indeed, many theorists now agree that the simple equation of good deliberation with “reason” is false. Yet no one has fully parsed out what emotions a deliberation should discourage and encourage. Simply approving what psychologists call “positive” emotions and disapproving “negative” ones will not suffice, as we would expect most deliberations to be undermined by expressions of the “positive” joy felt in winning when someone else in the deliberation must lose, yet sometimes bolstered by “negative” anger directed at injustice. Participants in deliberation are often uncomfortable with the emotions used to express intensity of conviction or need, but few

would want to exclude the emotions associated with altruism, group spirit, or self-sacrifice.

Judging the expression of emotion is further complicated by its role in challenging or reaffirming received statuses. Men, more educated participants, and anyone who takes the status quo position may find it easier than others to adopt a non-emotional style. Over time, the cultures and habitual practices of groups privileged in these ways may accustom their members to providing “reasons” for their actions, even when the actions are motivated by far more than the surface rationality that is adduced.⁴² When this easy access to reason-giving seems to suppress other perspectives, and when emotional, sometimes angry, appeals are needed to draw attention to these perspectives, good deliberation requires developing and making explicit norms that allow “non-rational” forms of communication. Fung and Wright fail to ask how such forms of communication might count normatively as deliberation or might further the goals of deliberation in practice. In this they follow many earlier theorists and lay practitioners of deliberation, whose conceptions of a “deliberate” endeavor simply exclude most forms of emotional expression. Because in many cultures (particularly the Anglo-American) “reason” is associated with men and “emotion” derogatorily associated with women, feminist scholars have often been quickest to understand and explore the appropriate uses of emotion in deliberation.⁴³

Over the course of our history, human beings have worked out many useful rules for “rational” discussion, including, for example, demands for logical consistency. We still need to work out some practical understandings for the appropriate use of emotions in deliberation. Returning to practice in a set of cases like this, which include differing national cultures and many differing subcultures, could further the inductive search for effective norms in the deliberative uses of emotion.

II.3 Incorporating Conflict

Good deliberation, as we have seen, requires trying to move toward consensus while retaining and refusing to downplay or suppress existing elements of genuine conflict, either in opinion or in interests.⁴⁴ This task is not easy. Future deliberators would benefit from understanding the practice of deliberating groups that have appropriately maintained both sides of this tension. In my experience, at least three factors contribute to a group’s capacity to sustain the recognition, acceptance, and productive nurturing of conflict while searching for outcomes that will attract genuine consensus. These factors include cross-cutting

cleavages, a mixture of relatively consensual and relatively conflictual issues on the agenda, and a membership whose experiences and personalities allow them to feel 1) equally at ease with both sharpening conflict and crafting compromise, and 2) equally at ease with both recognizing their own self-interest and experiencing the good of others as their own.

Groups with cross-cutting cleavages are probably more likely than groups with segmented interests to create a productive deliberative arena. Cross-cutting cleavages encourage individuals to ally first with one set of others and then with another set on different issues. This process allows each to see the others more in the round – as individuals (or groups) with recognizable weaknesses and strengths, forms of blindness and acuteness, and interests that both conflict and are congruent with their own. Cross-cutting cleavages also encourage informal consultation, because members of a group formed around one issue are likely to find in an opposing group friends or at least acquaintances with whom they are on working terms through alliances formed on another issue. Cross-cutting cleavages do not preclude the discussions within specific groups that help their members become more aware of their interests and their conflicts with other groups.⁴⁵ But cross-cutting patterns of interests tend to prevent those conflicts from becoming fatally entrenched through the familiar process of exaggerating similarities among the in-group and differences with the out-group.⁴⁶

A second factor, collective decision-making on problems susceptible to solutions that are good for all, also adds an important leaven to problems in which important interests conflict. A town meeting that has discussed the question of the right materials for the new fire department building, resolving the issue when one participant tells of a sale on materials in the next town, creates in this small way a history of successful action and mutual respect on which it can draw when it reaches more divisive issues. In an academic department, when people work together on a problem to which they can come up with a successful solution – even a relatively small problem such as the timing of graduate examinations – they often acquire a mutual respect that serves them well when their interests clash on another issue.

Political theorists, however, sometimes divide the issues before a polity into two groups – “administrative” and “political.” They consider “administrative” all the issues that require only investigation and consensual decision. They consider “political” only the issues derived from conflicting opinions or interests. This division may serve useful analytic purposes, but in practice, most productive politics mixes both. Moreover, more consensus arises in “politics” and more disagreement

in “administration” than many accounts would have us believe. Most participants in the cases in this volume would find it strange to have only their more conflictual (or only their more consensual) issues demarcated as “political.”

In my experience, productive deliberation requires mixing problems that begin with conflicts in opinion and interest with other problems that begin with open questions whose resolution is likely to produce consensus, mutual respect and a productive history. At least in the United States Congress, in state legislatures, in town meetings, and in department meetings – the only deliberative assemblies with which I am familiar – the dynamics of decision-making include both kinds of problem, not demarcated into two separate groups but intermingled in ways that I believe are healthy for deliberation and decision-making. Here, as with cross-cutting cleavages, it would be useful to have reports from practice, in a range of participatory democracies, on the degree to which successes in less conflictual areas lay the emotional and cognitive groundwork for successes in the more conflictual ones.

The kind of deliberation in which a group engages has much to do with the kind and degree of internal conflict it expects to face. The cases in this volume do not usually specify whether the deliberating group expected to end its decisions by a vote or by consensus, or how conflictual they expected the process to be. One would expect these dimensions to affect the kind of deliberation that ensued, as would whether or not the deliberation was expected to end in a binding decision that affected the participants directly or whether the result was advisory and more general. Future researchers might note the ways deliberations are affected by the expected decision rule, the likelihood of significant conflict, and the degree to which the deliberation produces a binding decision.

Finally, deliberation benefits greatly from many different individual capacities – to engage without fear in a process of making conflict more visible and clear; to think through and craft compromises acceptable to others; to probe and understand one’s own self-interests; and to experience the good of others and the whole as one’s own. Some individuals have the capacity to say what they think in a conflict in a way that does not leave lasting wounds. Others (particularly in a large group, where one has to screw up one’s courage to speak) may not speak up at all until they “get mad,” but then are not in full control of their words and phrase their thoughts in extreme language.⁴⁷

Returning to practice, the trainers of the deliberative groups featured in this volume might have useful thoughts on what individual capacities facilitate good deliberation, how to build these individual

capacities, and how to craft group norms that facilitate the building and expression of these capacities. The capacities and problems involved are likely to take very different forms in different cultures.

II.4 Incorporating Inequalities

Individual differences in the ability to articulate strong disagreement in ways that do not provoke enmity are only one example of the kinds of individual difference that produce inequalities in influence, and even power, in deliberative groups. Other differences not frequently noted include differences in fear of conflict, differences in fear of speaking, and differences in whether one is on the intense or diffuse side of a conflict.

In an adversary framework, inequalities are most serious when they coincide with differences in interest and produce inequalities of power. Because adversary democracies settle issues by, ideally, taking a vote in which each individual's interests carry equal weight, inequalities that might, for example, disproportionately prevent the carriers of one kind of interest from showing up for a vote undermine the normative legitimacy of the final decision.

In a deliberative framework, inequalities are most serious when they coincide with differences in perspective that would help in producing good solutions to communal problems. Because deliberations ideally take from each relevant perspective the insights necessary to solve a common problem, inequalities that prevent one or another perspective from emerging in the deliberation undermine the normative legitimacy and the practical usefulness of the final decision.

In a participatory framework that emphasizes individual growth and equal respect, any factor is important that either prevents individuals from taking advantage of the opportunities for participation that will help them develop their faculties or makes some individuals feel less respected than others.

Inequalities that have none of these consequences may be relatively safely ignored.

Fung and Wright thoughtfully enumerate many of the problems with inequality in deliberative democracies.⁴⁸ The cases suggest that training may provide some potential solutions. But training is not likely, for example, to overcome major differences in power outside (and usually therefore inside) the assembly. Nor is it likely to overcome deep individual differences such as fear of conflict or the ability to handle conflict. At least in the United States, many people avoid talking about and being involved in "politics" because they want to have

friendly, non-conflictual relations with their neighbors. People in New England towns avoid going to town meetings because when you get involved in conflict, “you make a lot of enemies.”⁴⁹ As a result, what looks like “apathy” is sometimes a conscious choice not to get involved in “a disagreeable situation.” When training cannot eliminate inequalities such as these, it helps to have a theory – based in aggregative, deliberative, and participatory values – as to which inequalities produce the most serious problems for democracy.

For example, even with training, the perpetual and continuing entrance of untrained and unsocialized individuals into a deliberative process creates a source of frustration for many more seasoned participants. In Porto Alegre “one of the more experienced activists” described the patience required in terms “that tell of an activist calling:”

Those who come for the first time are welcome, we have a lot of patience for them . . . we let them make demands during technical meetings, they can speak their mind and their anxieties. We have patience for it because we were like that once.⁵⁰

These sentiments are fine from an experienced activist, committed ideologically to the process and to bringing in new people. One would not expect the average member of the group, who had made a huge effort in the way of childcare and other arrangements to get there that evening, to show such patience. Ongoing participatory democracies with complex questions to handle must find some way of restricting at least some of the “technical meetings” and often many others to those who already understand most of the issues.⁵¹ The major inequalities that result require explicit justification. Future deliberators would benefit from knowing more about the techniques that present practitioners use to limit participation and the justifications they advance.

II.5 Incorporating Informal Representation

I suggest thinking of the individuals who do attend deliberative assemblies as informal representatives of those who do not attend. As with formal representation, these representatives ideally ought to meet the criterion for adversary democracy that conflicting interests be represented in proportion to their numbers in the population. They ought to meet the criterion for deliberative democracy that useful perspectives be represented in sufficient critical mass and internal variety to inform the deliberation on relevant issues. Finally, they ought to meet the participatory criteria that the arrangements of the polity give all citizens an

opportunity to develop their faculties and that inequalities in participation do not generate, or map heavily onto, inequalities in respect. We must apply this three-part analysis to the cases at hand to understand whether these assemblies advance an acceptable form of informal representation or whether they reproduce and amplify harmful underlying inequalities.

If we think of those who attend the meetings as informal representatives of those who do not, normative issues familiar from the study of formal representation – such as transparency and accountability – become important.⁵² Here too, however, we have much to learn. Transparency is not always good. When complex bargains must be struck, closed doors let negotiators speak freely, try out potential solutions that on reflection they may not want to stick with, and forge relationships out of the spotlight of publicity. Accountability is also problematic. Not everyone attending a meeting will want to see him or herself as the informal and accountable representative of those who do not attend. Attenders pay a cost in time, energy, and the emotional costs of interaction, even if they get many benefits back. They are likely to think that the people who fail to attend are shirkers, who “sit back and complain, but [do not] do anything about it.”⁵³ It may be going too far to ask the attenders to change their behavior in order to represent more accurately the needs and desires of those who do not attend. In that case, the only answer is to structure the participatory assemblies to attract in some way more of those who would otherwise not attend (e.g. dividing the assembly into small groups, as in Kerala, to facilitate women’s participation). Creating more formal representative arrangements may serve a similar purpose.

In some of the cases reported here, formal representation plays a role unforeseen or rejected in the original participatory vision. In Porto Alegre, some individuals “wound up being elected” as delegates of the participatory budget.⁵⁴ In Chicago, many members of the school boards were elected in a formal election. Community leaders who decide to enter and who survive this process do not usually have the same personality traits or skills as those who decide not to become active. Yet in the right circumstances the bodies to which they are elected can meet the adversary, deliberative, and participatory criteria for representation. The practice in these cases and the conclusions of both their elected and non-elected participants might illuminate when various forms of formal and informal representation best meet those criteria.

III Theory from Practice

The moment at which individuals are engaged, with good intentions, in a self-conscious experiment to deepen democracy is a moment when theorists can learn from their experiences. When activists and lay-people committed to the ideal of democracy put their lives on the line, create new institutions and try to make those institutions work, their struggles may teach both those who participate in them and the theorists who draw lessons from these experiments.

One kind of moment is particularly productive for theory. It is the moment when people insist more strongly than usual on putting an ideal into practice. Insisting on actualizing an ideal almost always puts strain on a system, because most systems have evolved incrementally to work on a less than ideal level. Pushing the ideal increases the pressure on the system, and that pressure often makes the underlying relations clearer, the way clenching your fist makes the veins stand out from the flesh.

In this volume Fung and Wright and their co-authors have seized the experimental moment, analyzed the patterns of democratic interaction, compared the practice to the ideal, and formulated an original theory of participatory democracy that reflects the lessons learned both recently and over the past thirty years. The next stage in practice and thought is in the hands of the people who are still putting parts of their everyday lives into the task. It is in the hands of future researchers, who can return to learn from the people immersed in the process. It is also in the hands of the readers of this volume – whether academic theorists, trainers and facilitators, participants in similar deliberations, students, or casual readers – whose own experiences and insights may help improve our still fledgling understanding of how to deliberate better. The issues need all the thought and practice they can get.

Notes

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1. C. Wright Mills, *The Power Elite*, New York: Oxford University Press (1959, originally 1956), p. 5.

2. "The Port Huron Statement," in Paul Jacobs and Saul Landau, eds., *The New Radicals*, New York: Random House (1966, originally published 1962), p. 156.

3. Arnold Kaufman, "Human Nature and Participatory Democracy," in Carl J. Friedrich, ed., *Responsibility: NOMOS III*, New York: Lieber-Atherton (1960), p. 277.

4. Arnold Kaufman, "Participatory Democracy: Ten Years Later," *La Table Ronde*, no. 251–252 (1968), pp. 216–28, reprinted in William E. Connolly, ed., *The Bias of Pluralism*, New York: Atherton Press (1971).

5. Learning through experience has also produced innovations in advocacy groups (Carmen Sirianni and Lewis Friedland, *Civic Innovation in America*, Berkeley: University of California Press (2001)) and in smaller and more radical forms of participatory democracy (see Jo Freeman, "The Origins of the Women's Liberation Movement," *American Journal of Sociology*, vol. 78 (1973), pp. 792–811; Jane Mansbridge, *Beyond Adversary Democracy*, Chicago: University of Chicago Press (1980); Stephanie Riger, "Challenges of Success: Stages of Growth in Feminist Organizations," *Feminist Studies*, vol. 20 (1994), pp. 275–301; Myra Marx Ferree and Patricia Yancey Martin, eds, *Feminist Organizations: Harvest of the New Political Women's Movement*, Philadelphia, PA: Temple University Press (1995); Robin Leidner, "Stretching the Boundaries of Liberalism: Democratic Innovation in a Feminist Organization," *Signs*, vol. 16 (1991), pp. 263–89; Robin Leidner, "Constituency, Accountability, and Deliberation: Reshaping Democracy in the National Women's Studies Association," *National Women's Studies Association Journal*, vol. 5 (1993), pp. 4–27; Carmen Sirianni, "Learning Pluralism: Democracy and Diversity in Feminist Organizations," in Ian Shapiro and John Chapman, eds., *Democratic Community: NOMOS XXXV*, New York: New York University Press (1993a); Carmen Sirianni, "Feminist Pluralism and Democratic Learning: the Politics of Citizenship in the National Women's Studies Association," *National Women's Studies Association Journal*, vol. 5 (1993b), pp. 367–84).

6. For these criteria, and other more problematic criteria such as publicity, accountability, freedom, equality, and aiming at a rationally motivated consensus, see Iris Marion Young, *Inclusion and Democracy*, Oxford: Oxford University Press (2000); Amy Gutmann and Dennis Thompson, *Democracy and Disagreement*, Cambridge, MA: Harvard University Press (1996) and other works cited in Jane Mansbridge, "On the Idea that Participation Makes Better Citizens," in Stephen L. Elkin and Karol E. Soltan, eds., *Citizen Competence and Democratic Institutions*, University Park: Pennsylvania State University Press (1999), pp. 221–7. For an early study of deliberation in practice, see Tali Mendelberg and John Oleske, "Race and Public Deliberation," *Political Communication*, vol. 17 (2000), pp. 169–91; for a summary of the psychological literature, Tali Mendelberg, "The Deliberative Citizen: Theory and Evidence," in Michael Delli Carpini, Leonie Huddy, and Robert Y. Shapiro, eds., *Research in Micropolitics, Volume 6*, New York, Elsevier Press (forthcoming).

7. E.g. Jürgen Habermas, *Theory of Communicative Action*, trans. Thomas McCarthy, Boston: Beacon Press (1984) and Joshua Cohen, "Deliberation and Democratic Legitimacy," in A. Hamlin and Phillip Petit, eds., *The Good Polity: Normative Analysis of the State*, Cambridge: Basil Blackwell (1989).

8. On the quality of deliberation see note 6 above and notes 43 and 44 below. On the legitimacy of procedures, see among others Charles Beitz, *Political Equality: An Essay in Democratic Theory*, Princeton: Princeton University Press (1989); Robert Dahl, *Democracy and its Critics*, New Haven: Yale University Press (1989); Mansbridge, *Beyond Adversary Democracy*. On the justice of outcomes, see among others John Rawls, *A Theory of Justice*, Cambridge, MA: Harvard University Press (1971).

9. In a direct parallel, Jon Elster, in "Selfishness and Altruism," in Jane Mansbridge, ed., *Beyond Self-Interest*, Chicago: University of Chicago Press (1990), p. 45, points out that self-interest is in one sense "more fundamental" than altruism. Logically, if no one had "first-order, selfish pleasures," altruists would have no one toward whom to direct their altruism.

10. James Buchanan and Gordon Tullock, *The Calculus of Consent: Logical Foundations of Constitutional Democracy*, Ann Arbor, Michigan: University of Michigan Press (1965), for example, recommend "sidepayments" to create consensus in zero-sum situations. See also Lani Guinier, *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy*, New York: Free Press (1995) and Arend Lijphart, *Patterns of Democracy*, New Haven: Yale University Press (1999) for solutions such as taking turns or proportional outcomes.

11. Habermas, *Theory of Communicative Action*; Fung and Wright, Introduction to this volume, pp. 18–19.

12. Jerry Harvey, *The Abilene Paradox*, Lexington, MA: Lexington Books (1988), pp. 107–110.
13. Irving L. Janis, *Groupthink: Psychological Studies of Policy Decisions and Fiascos*, Boston: Houghton Mifflin (1982).
14. For the ideal of absence of power in deliberation, see e.g. Habermas, *Theory of Communicative Action*, p. 25. For the distinction between power and influence, see Stephen Lukes, *Power: A Radical View*, London: Macmillan (1974), drawing on Peter Bachrach and Morton Baratz, “Decisions and Non-Decisions: An Analytical Framework,” *American Political Science Review*, 57 (1963), pp. 632–42. Lukes points out that influence applies in cases of common interest, power almost always in cases of conflicting interest. “Force” here refers to any form of constraint. It need not be intentional or noticed, and does not include “influence.” For the legitimacy of unequal influence and majority rule, see Jack Knight and James Johnson, “Aggregation and Deliberation: On the Possibility of Democratic Legitimacy,” *Political Theory*, no. 22 (1994), pp. 277–96, Jack Knight and James Johnson, “What Sort of Political Equality Does Democratic Deliberation Require?” in James Bohman and William Rehg, eds., *Deliberative Democracy*, Cambridge, MA: MIT Press (1968), and Mansbridge, *Beyond Adversary Democracy*.
15. Peter Bachrach, “Interest, Participation and Democratic Theory,” in J. Roland Pennock and John W. Chapman, eds., *Participation in Politics: NOMOS XVI*, New York: Lieber-Atherton (1974).
16. Fung and Wright, Introduction to this volume, pp. 17–18. “Reasonable” is a less loaded and even more ambiguous word than “just.” It is therefore probably more useful in a practical context in which both theorists and participants are engaged in an incremental search for the appropriate norms.
17. Baiocchi, this volume, p. 60.
18. Ibid.
19. Ibid.
20. Ibid.
21. Fung and Wright, Introduction to this volume, p. 29.
22. Ibid.
23. E.g. Benjamin Barber, *Strong Democracy*, Berkeley: University of California Press (1984).
24. Baiocchi, this volume, p. 56.
25. Research with Deliberative Opinion Polls is making major headway on this issue (see Robert C. Luskin and James Fishkin, “Does Deliberation Make Better Citizens?,” paper presented at the meeting of the European Consortium for Political Research, Turin, Italy (March 22–27, 2002)). Yet in the immediate future no one is likely to get sufficient funding to mount a research design in the field with sufficient numbers of cases and a control group to measure actual transformations in citizen attitudes, character, or behavior as a result of participation in existing democratic institutions. Most participatory theorists since Tocqueville and many simple observers of events such as jury duty think that participation in collective decisions that affect oneself and others does increase, as Kaufman hoped, one’s “powers of thought, feeling and action.” But because these changes are relatively subtle, we are only just beginning (with the Deliberative Opinion Poll data) to be able to document them with the existing tools of social science (Mansbridge, “On the Idea that Participation Makes Better Citizens”). We can, however, measure relatively easily whether or not people think in a given instance that they have had a satisfying or transformative experience.
26. Baiocchi, this volume, p. 61.
27. Ibid.
28. John Stuart Mill, *Considerations on Representative Government*, ed. with an Introduction by Currin V. Shields, Indianapolis: Bobbs-Merrill (1958, originally published 1861), p. 53.
29. Thomas Isaac and Heller, this volume, p. 91.
30. Fung and Wright, Introduction to this volume, p. 14.
31. Thomas Isaac and Heller, this volume, p. 95.

32. Ibid.

33. Ibid., p. 98.

34. Ibid., p. 83.

35. Fung and Wright, Introduction to this volume, p. 32.

36. Ibid., p. 27; Thomas Isaac and Heller, this volume, p. 100.

37. Thomas, this volume, p. 159.

38. Jon Elster, in *Sour Grapes: Studies in the Subversion of Rationality*, Cambridge: Cambridge University Press (1983), pp. 91–100, rightly points out that improvements in citizen skills and character are a “by-product” of processes primarily designed to make good decisions. He is wrong, in my view, in discounting the value of that by-product on the grounds that it is not the central aim of the endeavor. Because participatory procedures have great costs as by-products as well as gains, a full analysis of their worth should take into consideration the probably important by-products of improved citizen skills and character, even though these cannot easily be measured.

39. Fung and Wright, Introduction to this volume, pp. 17–18.

40. When one group wins all the time, majority rule on the basis of self-interest cannot be legitimate, and must be replaced in adversary theory with some form of power-sharing or consensual bargain (Mansbridge, *Beyond Adversary Democracy*, pp. 265–8; Arend Lijphart, *Patterns of Democracy*, New Haven: Yale University Press (1999)).

41. Brian Barry, *Political Argument*, London: Routledge & Kegan Paul (1965), pp. 62–5.

42. Iris Marion Young, “Communication and the Other: Beyond Deliberative Democracy,” in Seyla Benhabib, ed., *Democracy and Difference: Contesting the Boundaries of the Political*, Princeton: Princeton University Press (1996).

43. For problems with the traditional distinction between reason and emotion, see Amélie Oksenberg Rorty, “Varieties of Rationality, Varieties of Emotion,” *Social Science Information*, vol. 24 (1985), pp. 343–53 and Martha Craven Nussbaum, “Emotions and Women’s Capabilities,” in Martha Craven Nussbaum and Jonathan Glover, eds., *Women, Culture, and Development*, Oxford: Oxford University Press (1995). For the association between the male/female and the reason/emotion dichotomies in twenty-eight cultures, see John E. Williams and Deborah L. Best, *Measuring Sex Stereotypes*, Beverly Hills, CA: Sage (1982), reanalyzed in Jane Mansbridge, “Feminism and Democratic Community,” in John W. Chapman and Ian Shapiro, eds., *Democratic Community: NOMOS XXXV*, New York: New York University Press (1993). For more detailed discussions of the appropriate role for emotions in deliberation, see Lynn M. Sanders, “Against Deliberation,” *Political Theory*, vol. 25 (1997), pp. 347–76; Iris Marion Young, “Communication and the Other: Beyond Deliberative Democracy,” in Seyla Benhabib, ed., *Democracy and Difference: Contesting the Boundaries of the Political*, Princeton: Princeton University Press (1996); Iris Marion Young, *Inclusion and Democracy*, Oxford: Oxford University Press (2000); Jane Mansbridge, “A Deliberative Theory of Interest Representation,” in Mark Petracca, ed., *The Politics of Interests: Interest Groups Transformed*, Boulder, CO: Westview Press (1992); Jane Mansbridge, “On the Contested Nature of the Public Good,” in Walter W. Powell and Elisabeth S. Clemens, eds., *Private Action and the Public Good*, New Haven: Yale University Press (1998). Young in particular argues for the virtues of “greeting,” or public acknowledgement; “rhetoric,” in the non-manipulative sense; and “narrative,” or storytelling. On emotion see also George E. Marcus, *The Sentimental Citizen: Emotion in Democratic Politics*, University Park: Pennsylvania State University Press (2002); Douglas Walton, *The Place of Emotion in Argument*, University Park: Pennsylvania State University Press (1992); Jon Elster, *Alchemies of the Mind: Rationality and the Emotions*, Cambridge: Cambridge University Press (1999a); Jon Elster, *Strong Feelings: Emotion, Addiction, and Human Behaviour*, Cambridge, MA: MIT Press (1999b); Michael Lewis and Jeanette Haviland-Jones, eds., *Handbook of Emotions*, New York: Guilford (2000).

44. On the importance of conflict, see in particular Iris Marion Young, *Inclusion and Democracy*, Oxford: Oxford University Press (2000), Jack Knight and James Johnson, “Aggregation and Deliberation: On the Possibility of Democratic Legitimacy”; on

retaining suppressible conflict, see Bonnie Honig, *Political Theory and the Displacement of Politics*, Ithaca: Cornell University Press (1993).

45. On the uses of “enclaves” of the like-minded, see Jane Mansbridge, “Using Power/Fighting Power: The Polity,” in Seyla Benhabib, ed., *Democracy and Difference*, Princeton: Princeton University Press (1995) and Young, *Inclusion and Democracy*, p. 143.

46. John C. Turner, in *Rediscovering the Social Group: A Self-Categorization Theory*, Oxford: Basil Blackwell (1987), points out that the phenomenon of “meta-contrast” – highlighting similarities within the group and differences with outsiders – is inherent in the conceptual framing of a “group.” He also shows that the more salient the self-categorization, the greater the “perceptual accentuation of intra-class similarities and inter-class differences” (ibid., p. 49). See also Marilyn B. Brewer and Rupert J. Brown, “Intergroup Relations,” in D. Gilbert, S. Fiske, and G. Lindzey, eds., *Handbook of Social Psychology* (1998) and Michael C. Dawson, *Behind the Mule: Race and Class in American Politics*, Princeton: Princeton University Press (1994).

47. Mansbridge, *Beyond Adversary Democracy*.

48. See also Young, *Inclusion and Democracy*, especially “Democracy and Justice.”

49. Mansbridge, *Beyond Adversary Democracy*, p. 64. More than a quarter of the people I interviewed of a random sample in a relatively typical small town suggested that the conflict they experienced in town meetings upset them. See also John R. Hibbing and Elizabeth Theiss-Morse, *Stealth Democracy: Americans’ Beliefs about How Government Should Work*, Cambridge: Cambridge University Press (2002) for fears of conflict in U.S. democracy.

50. Baiocchi, this volume, p. 69.

51. On the disadvantages of repeating decisions when newcomers join a group, see essays in Patrick Coy, ed., *Conflicts and Consensus Decision-Making in Social Movements*, Volume 24/5 of *Research in Social Movements, Conflicts and Change*, Elsevier Science/JAI Press (forthcoming).

52. See Fung and Wright, Introduction to this volume, pp. 36–7.

53. Mansbridge, *Beyond Adversary Democracy*, p. 351, n. 2.

54. Baiocchi, this volume, p. 61.

Reflections on What Makes
Empowered Participatory
Governance Happen
*Rebecca Neaera Abers**

The case study literature on experiments in direct citizen participation in governance is on the whole pessimistic. There are, loosely speaking, two basic critiques. The first is that such experiments typically are not “empowered” when the state initiates them. Since Selznick’s study of citizen participation in the Tennessee Valley Authority,¹ numerous observers have noted that supposedly participatory fora tend to have little actual power, serving instead as spaces in which governments create the illusion of popular control while real decisions continue to be made elsewhere. Even when politicians in office are ideologically committed to promoting participatory decision-making, they often find practical and political limitations to doing so. Put simply, those accustomed to influencing decisions – political and economic elites, bureaucrats, and so on – resist losing control. Since they are powerful, they usually succeed.

The second critique is that such experiments are not actually “participatory.” They do not bring “ordinary citizens” into the public sphere, but, rather, draw the same groups that normally have influence over decision-making. The poor are less likely to participate, not only because they lack time and resources, but also because they do not perceive participating in such fora as worthwhile. Instead, those with more money, stronger organizations, and more information tend to dominate.

Three of the four case studies presented in this volume (with the HCP case as an exception) are examples that apparently counter the pessimistic tone of this literature. Yet, with the exception of the article by

Fung, the case studies provide little insight into how deliberative decision-making is politically possible. Here I believe we must return to the two central critiques just mentioned: why would governments transfer decision-making power to deliberative spaces in which “ordinary people” have influence and why would those ordinary people, most of whom have little political experience beyond the occasional vote, voluntarily subject themselves to time-consuming and often frustrating deliberative processes?

While most of the studies in this volume touch on both of these questions, none answers both fully. Baiocchi discusses why the participatory budget attracts women and the poor but does not satisfactorily explain why the government would give so much power to them. Thomas Isaac and Heller pay more attention to the politics of the participatory process, noting that the reforms fit into a strategy for increasing political support for the CPM in Kerala, but do not explain what motivated so many people to participate in the Campaign. Thomas’s study clearly shows how the lack of government commitment to promoting participation by “ordinary people” limits the likelihood that HCPs will actually exemplify EPG, but does not explore why, given the chance, such people might actually want to participate. Fung goes most in depth in analyzing both aspects, telling the “political history” of the Chicago reforms and showing that neighborhoods and school zones with greater problems and needs were best able to mobilize participation. But he does not explain why the reforms became politically robust (why did they last?), nor does he explore how people in needy neighborhoods became convinced that their problems might be addressed through participatory fora.

With these comments, I hope to contribute to the discussion of EPG initiated in this volume, using my own research on the participatory budget in Porto Alegre. I argue that the success of participatory institutions depends on a dual process of commitment-building. Unless both state actors (ranging from politicians to bureaucrats) and ordinary people are motivated to support, take part in, and respect EPG experiments, those policies are unlikely to become either empowered or participatory.

I Participation as an Alternative Political Strategy

Case studies of participatory experiments suggest that even when governments have the “political will” to create participatory mechanisms of decision-making, their efforts create political and practical burdens

that most governments cannot withstand. Politically, the attempt to transfer power to fora in which “ordinary people” have influence usually means taking power away from those that both have it and also possess the ability to resist such changes. In Brazil, a number of PT municipal administrations with participatory platforms faced devastating boycotts from the media and from economic groups that disapproved of the policies. The bureaucracy also usually resists handing over decisions to people they perceive as having no technical expertise. Practical problems also occur, especially when the government administration is inexperienced and under-funded: participatory decision-making requires money to organize the process and financial, operational and legal capacity to implement its results. In Brazil, participatory budget experiences were undermined in several cities run by the PT after the first round of discussions, when participants made colossal lists of investment demands that eclipsed financial resources.²

Porto Alegre avoided this fate because participatory decision-making functioned there as a political asset to the administration instead of operating as a “burden to be overcome.” Not fully a result of political intentions, over the course of the first administration (1989–92) the participatory budget became a central part of the PT’s strategy for re-election. Put simply, rather than attempting to compete on traditional grounds, where favor exchanges and pork barrel politics rally support, the Porto Alegre administration successfully built an alternative political coalition.

In the first place, the policy responded to the demands of neighborhood leaders who had traditionally relied on clientelist favor-exchange mechanisms by focussing initially on community-based infrastructure. Thus gaining the support of neighborhood leaders, a large portion of whom were linked to the populist–clientelist opposition party (the PDT), the administration gained bargaining power with the city assembly to pass critical tax legislation that increased city revenues. This, in turn, enabled the administration to continue to attend to the material demands of participants.

Second, a key sector of the economic elite – the construction companies – provided veiled support to the administration (also pressuring the city assembly to support property-tax increases) because they benefited from massive and unprecedented investments in public works. To acquire this support, the administration made a critical decision not to reject alternative proposals for construction often supported by the Left, such as working with local labor cooperatives.

Third, and possibly most importantly, the policy acquired the support of a middle class that wished for a government associated with

social justice, transparency, and the battle against corruption. Certainly, the fact that the policy was initiated at a political moment when major national corruption scandals (such as the one that culminated in the impeachment of the nation's president in 1992) had mobilized huge street demonstrations throughout the country. The wave of popular optimism about eliminating corruption certainly benefited the administration.

The fact that the participatory budget gained international attention over the course of the second administration further increased its popularity among the middle class. The administration worked hard, and successfully, to build an image as an "international innovator," bringing famous intellectuals from around the world to highly publicized events. Symptomatically, expressions like "Porto Alegre: The Capital of Democracy" appeared on billboards, pamphlets, and the administration's Internet homepage, clearly targeting middle-class public opinion.

Fourth, and more subtly, the policy helped the government coordinate its actions and contributed to the PT's reputation for administrative competence. Here, centralization of all budget decisions by the Municipal Budget Council was essential. Traditionally, in Porto Alegre (as in most Brazilian cities), city agencies had a great deal of autonomy to use their budget allocations as they wished. To facilitate budget discussions with the Council, the administration created mechanisms to organize information and control agency spending. Perhaps surprisingly for a North American audience, it was in the context of the participatory budget that, for the first time, the administration created a municipal information system that tracked expenditures in all city agencies. A new Planning Office with direct ties to the mayor increased the authority of the Council to ensure that the agencies implemented its decisions. The result was that the participatory process, rather than complicating city governance, actually helped bring a highly fragmented administration under central control.

The administration would not have been able to increase its governance capacity through the participatory budget were it not for the program's eminent practicality. The administration began with decisions well within its administrative competence and with small-scale public works that required little external funding or technical capacity. Furthermore, the administration was able, over the course of its first terms, to significantly increase city revenues, partly as a result of Constitutional changes that increased transfers from the state and federal levels and partly as a result of the tax legislation mentioned above. Only after the policy gained momentum on this relatively simple and small

foundation were large public works, and the non-capital components of the budget, included in the scope of the participatory budget.

These political successes brought re-election to the PT and legitimacy to participatory decision-making in Porto Alegre. These factors, in turn, allowed the government to create a number of “sectoral” participatory decision-making fora in areas such as housing, human rights, city planning, and so on. This process seems to be completely different from the “big-bang” dynamic described by Thomas Isaac and Heller in Kerala, in which a massive participatory campaign was inaugurated in a single year. In Porto Alegre, a city-wide system of participatory governance grew and expanded from a relatively modest endeavor that worked.

II Participation as Worth the Effort

Key to understanding why that relatively modest endeavor worked so well is that the community-based infrastructure of the participatory budget in its early form attracted participants. Baiocchi’s study confirms my own research: the participatory budget drew the poor into the decision-making process. The participants were on average poorer and less formally educated than the population as a whole and poor regions of the city participated with more intensity than middle-class regions. In the first years of the policy, a few regions of the city that had strong histories of neighborhood organizing participated most intensely, but over time, impoverished regions with little prior history of civic organizing came to participate with greater intensity. In fact, the policy helped build new participatory civic associations in areas of the city previously dominated by clientelist-neighborhood politics.

My own explanation of this pattern supports Baiocchi’s: the participatory budget addressed the needs that the urban poor prioritized even before the policy was initiated. Mobilizing participants, which is usually difficult where interests are diffuse (such as for environmental protection, economic planning, and the like) was relatively easy in Porto Alegre because the program initially focussed on local issues that were important to neighborhood residents. Just as in Chicago, where crime-ridden neighborhoods had no problem attracting participants, there was no need to convince poor Porto Alegre residents that basic sanitation, flood control, street pavement, bus service, schools, and health posts were important to their lives.

We must keep in mind, however, that the Porto Alegre poor had little access to information about government actions, that the electronic

media made no effort to inform them, and that in general, the urban poor in Brazil are pessimistic (with good reason) about the will and capacity of governments to respond to their needs. How, then, did unorganized neighborhood residents know that participating in the budget assemblies might actually be worth it? Two factors help explain why the budget policy was successful at mobilizing neighborhoods that did not previously have strong civic associations.

The first is that the budget policy itself had a “demonstration effect.” In the early years of the policy, the main participants and beneficiaries of the policies were historically organized neighborhood associations. As highly visible public works – such as paved roads – were built in these neighborhoods, residents of less organized neighborhoods recognized that participation actually yielded returns. This reflects again on the thematic focus of the policy: visible infrastructure projects that could be implemented within a year.

Second, the administration hired activists from neighborhood movements to help organize the process. When neighborhood residents came to the administration to demand infrastructure, they were connected with community workers who helped them call meetings to organize participation in the following year’s budget process. In many cases, they visited neighborhoods that had not yet participated, sought out potential leaders and helped them organize from scratch. The literature on urban social movements has always noted the key importance of “external agents” for mobilizing groups with few resources and little access to information. In Porto Alegre, the government itself created a band of community organizers that played this role.

III From Self-Interest to Deliberation

It should be clear that my approach to participation attempts to connect institutional change to interests. It seems most likely that EPG will work when both government and participants are convinced that a participatory system will benefit their interests: to build political support on the one hand and to resolve perceived problems on the other. This leads me to conclude with some reflections about the link between self-interest and deliberation.

In their introductory chapter, Fung and Wright seem at times to distinguish quite harshly between deliberation and decision processes characterized by competition among interests. I would argue that deliberative processes are most successful, however, when they are initiated, at least, by self-interest. In the Porto Alegre example, people are

not drawn into the process because they wish to deliberate, but because they wish to get infrastructure for their own neighborhoods, to improve their lives. Typically, new participants have almost no perception and little concern for other neighborhoods' needs. They mobilize their neighbors because the more people that go to the meetings, the more likely they will be able to win the prioritizing vote that determines which neighborhoods will benefit first. That is, the participatory budget has an extremely competitive component which is precisely what gives it its vitality: if it did not provide the prospective of providing returns to their specific needs or concerns, most people would not go to the meetings. The same, I am sure, is true for the other cases described in this volume.

Here the importance of participatory fora as civic learning spaces is critical. Through the participatory process itself, people begin to perceive the needs of others, develop some solidarity, and conceptualize their own interests more broadly. Forced to confront their needs with others, argument and reason come to the fore, although usually not totally replacing "strategic bargaining that is intended to give maximum advantage to one's own interests."³ I doubt very much that purely deliberative processes ever occur in participatory fora, except where issues are not particularly contentious. Nevertheless, in the Porto Alegre fora I studied, deliberation became more and more common over time as participants gained experience with public debate. Competitive participation, I would argue, initiates a learning process from which deliberation results, and which leads to continued learning as participants develop their capacity to argue and reason. Or, put simply, to get deliberation, you need self-interest.

I highlight this fact because all too often idealistic designers of participatory processes fall into a trap. Requiring that decision-making result from reason and solidarity, rather than self-interests, usually means that very few "ordinary people" will be motivated to participate. Critics of the Porto Alegre participatory budget, for example, complain that the process focusses too much on the immediate and the local. Yet the portrait I just drew suggests that it is precisely this focus that attracts people into the budget fora. The real problem is not that in policy arenas where the interests of "ordinary people" are apparent, self-interest will dominate over deliberation. It is that ordinary people are much less likely to participate in policy arenas where interests are diffuse.

In Brazil, for example, there is a growing trend to create "Watershed Committees" that bring together government agencies, big water users, and civic groups to discuss water policy. One of the main difficulties

these committees face is how to mobilize “ordinary people” who do not perceive water supply and water quality as major problems. Not surprisingly, the committees work best in places where pollution and scarcity have reached dramatic proportions, while in areas where there is great need for preventative measures to avoid such problems in the future, they face greater difficulty in getting the general public involved. These difficulties echo those described by Thomas in promoting participation around environmental protection.

I conclude, therefore, with the question of how the lessons of successful EPG experiments might be transferred to other decision-making arenas. The participatory budget and the Chicago reforms (and perhaps the Kerala campaign as well) worked with small-scale decisions of direct interest to local people which lay within the competence of local governments. But broad-based issues around which ordinary people only have diffuse interest and which are beyond the full capacity of local governments to resolve might also benefit from EPG (if it worked), since incorporating the knowledge and concerns of ordinary people and making government more transparent and accountable is needed in many policy arenas. One insight from the Porto Alegre experiment is the value of starting small. Participatory decision-making can gain legitimacy on the small scale and participants can learn about political life and broaden their interests to other spheres. However, bringing EPG to other spheres would probably require a redoubled effort to help “ordinary people” understand how the issues at hand were related to their everyday concerns and to convince governments that participation would yield political benefits for them.

Notes

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1. Phillip Selznick, *T.V.A. and the Grassroots*, Berkeley: University of California Press (1949).

2. Rebecca N. Abers, “From Ideas to Practice: The Partido dos Trabalhadores and Participatory Governance in Brazil,” *Latin American Perspectives*, vol. 91, no. 23 (1996), pp. 35–53.

3. Fung and Wright, Introduction to this volume, p. 42, note 23.

Toward Ecologically Sustainable Democracy?

*Bradley C. Karkkainen**

Archon Fung and Erik Olin Wright sketch an appealing vision of a participatory democratic alternative to the familiar hierarchical, bureaucratic institutions that came to dominate the public sphere in the nineteenth and twentieth centuries. They see novel experiments in localized participatory governance emerging across highly varied domains of public decision-making. Accompanying this wave of devolution, they argue, are opportunities for democratic renewal.

Fung and Wright cite the emergence of Habitat Conservation Planning in the United States as a leading example of this thrust toward devolved and locally empowered participatory governance. As Craig Thomas correctly points out, however, Habitat Conservation Plans (HCPs) in practice often tend to be messy political compromises, seldom matching the highly idealized participatory and deliberative model Fung and Wright describe. Nonetheless, while we may quibble over the particulars, I shall argue that larger trends now reshaping environmental regulation and natural resource management in the United States are broadly congruent with the major themes sounded by Fung and Wright.

I The Policy Logic of HCPs

Habitat Conservation Plans (HCPs) allow landowners to escape the rigidities of a notoriously inflexible command-style rule, the “no-take” provision of the Endangered Species Act (ESA), by drawing up conservation-oriented land-use plans fitted to their own particularized circumstances. The HCP planning process thus establishes a new locus for policy-making within a regulatory program heretofore defined

almost exclusively by centrally imposed, nationally uniform, categorical rules. In principle, this approach offers some distinct advantages. By localizing decision-making, it invites attention to a level of fine-grained, place-specific contextual detail that ordinarily lies beyond the resolution of generic rule-making. It thus can lead to better-informed policies fitted to the unique local circumstances of varied habitats and ecosystems, and avoid the problems of over- and under-inclusiveness that routinely attend categorical regulation. This approach also creates opportunities for local actors – landowners in the first instance, but other “stakeholders” as well – to draw upon their own problem-solving skills and knowledge of local conditions to propose tailored solutions to seemingly intractable and generic “economy versus environment” conflicts. In some cases, the results may be beneficial both to wildlife and to landowners.

A seminal example is the San Bruno Mountain HCP. In that case, the ESA’s “no-take” rule would have prohibited modification of one of the last remaining fragments of habitat for the endangered mission blue butterfly, thwarting the landowner’s plans to develop a suburban mountainside outside San Francisco. But the butterfly habitat was in a badly degraded condition, a situation the “no-take” rule would do nothing to address. A committee consisting of the landowner, a local environmental group, and federal, state, and local government officials was convened to search for a solution. Under the plan devised through this collaborative process, the landowner would scale back development to one portion of the tract, and transfer the remaining land to public ownership for permanent protection as butterfly habitat. The plan further called for upgrading the remaining butterfly habitat by removing invasive plants and replanting native species upon which the mission blue butterfly depends, with the work financed by development fees on the newly developed lands. From the perspective of the Fish and Wildlife Service, trading off a fraction of the protected acreage in exchange for qualitatively superior butterfly habitat and a long-term funding source for habitat management looked like a good bargain. Congress ultimately agreed, and amended the Endangered Species Act not only to authorize the San Bruno Mountain plan but also to permit similar incidental “takes” of listed species in exchange for site-specific HCPs promising conservation benefits. Out of a simple but innovative case of collaborative, location-specific problem-solving, the national HCP program was born.

What has the HCP program wrought in the years since its enactment? Is it, as Fung and Wright claim, the harbinger of a democratic transformation of environmental decision-making, until recently a

largely top-down, expert-driven, rule-bound affair? Is it, as some of its environmentalist critics contend, a give-away program to accommodate landowners and real-estate developers at the expense of endangered species and protected habitats? Or is it, as some landowners and developers see it, a license for the federal government to engage in legalized extortion, forcing property owners to cede portions of their land to “national zoological use”¹ under threat of Endangered Species Act enforcement that could have devastating economic consequences?

The answer, I submit, lies somewhere between these various extremes, but also somewhere beyond them.

II Two Models of HCPs

Craig Thomas’s thoughtful chapter in this volume provides a useful point of departure. Thomas offers a useful corrective to some of the more hyperbolic claims made by enthusiastic boosters of the HCP program, among whom I count not only Fung and Wright but also myself, among others.² Canvassing the entire HCP program, Thomas concludes that although HCPs empower local actors (principally landowners), they should be counted neither as “deliberative” nor as “democratic” because in most cases they involve limited public participation.

It is difficult to disagree with the particulars of Thomas’s critique, which in his usual style is backed by careful research. But while not disputing the underlying facts, I would depart from his main interpretive conclusions. Like Fung and Wright and, indeed, most commentators on the HCP program, Thomas paints with too broad a brush. Although he acknowledges that HCPs come in many shapes and sizes, he, too, elects to characterize the program in sweeping generalities that do injustice to the most interesting and innovative elements embedded within it.

I submit that it is more useful and revealing to think of the HCP program as encompassing two distinct regulatory models, each serving its own distinctive purposes:

Type I: Bilateral Plans

In the first model, an HCP is a simple bilateral deal for a partial waiver from an otherwise applicable regulatory requirement. I will call this the “Type I” HCP. Arguably, this model is what Congress had in mind when it amended the Endangered Species Act in 1982 to permit the

“incidental taking” of listed species in exchange for an approved HCP.³ Type I HCPs are typically neither broadly participatory nor collaborative, nor is this required under the statute. In many cases, they are not even especially deliberative. Instead, they represent a compromise, “split-the-difference” outcome of self-interested bargaining by a single landowner with a Fish and Wildlife Service field agent, subject to veto by the field agent’s regional supervisor. They are also typically narrow in scope and limited in geographical scale, aiming to mitigate harm to a single listed endangered or threatened species on a single parcel of land. Some Type I HCPs involve affirmative conservation efforts that produce a net benefit to the listed species, though this, too, is not required. In many cases, the goal is a more modest one: they permit economic activity to proceed in some portion of otherwise protected but often qualitatively marginal habitat if the resulting incidental harm to the listed species is judged to be minor, especially when balanced against the economic burden the landowner would otherwise incur. Type I HCPs, then, represent a kind of “safety valve” to mitigate the harshest economic consequences of an otherwise inflexible regulatory rule, and thereby to ameliorate political opposition to the endangered species program itself. However useful they may be as a device to introduce a measure of regulatory flexibility, Type I HCPs hardly portend the democratic transformation of environmental policy that Fung and Wright envision.

Type II: Multi-Party Adaptive Management Plans

In the second and more recent model, developed and enthusiastically promoted during Bruce Babbitt’s tenure as Secretary of the Interior, HCPs are broadly collaborative and decidedly ambitious ecosystem conservation planning efforts at large regional landscape scales. These “Type II” HCPs aim well beyond the species-specific concerns of the Endangered Species Act itself and their simpler Type I cousins. Their goal is nothing short of proactive and scientifically informed management of entire communities of species (both listed and non-listed) and the ecosystems of which they are part.⁴ At their most ambitious, they employ advanced techniques of biological monitoring and adaptive management, seeking to generate and continuously fine-tune affirmative conservation measures of a kind and at a level of attention to ecosystem-specific detail not achievable through centralized rule-making. Not surprisingly, given their scale, sophistication, and ambition, Type II HCPs typically involve (indeed, require) participation by multiple parties, public and private, landowners and non-landowners

alike, including various tiers and agencies of government, conservationists, independent scientists, and other interested citizens. Unlike Type I HCPs, they do not depend upon fixed, split-the-difference, bargained-for outcomes, but rather demand open-ended commitments by diverse parties to participate over the long haul in jointly exploring and continuously reassessing innovative solutions to complex problems. To that extent, they require a kind of practical deliberation and expansive openness to experimentation that is likely to be absent from the Type I model. The HCPs that emerged out of California's Natural Communities Conservation Planning (NCCP) process,⁵ particularly those in the coastal sage scrub of San Diego, Orange, and Riverside Counties, most clearly fit this description,⁶ though others, including some of the watershed-scale salmon habitat restoration plans now under development in the Pacific Northwest, approximate this model as well. Type II HCPs are self-consciously transformative, seeking to permanently alter the landscape of environmental regulation by reorienting it toward integrated environmental and natural resources management at ecosystem scales. With their proactive, multi-species, ecosystem-protective orientation, they arguably lie in a legal nether region, stretching and possibly exceeding the bounds of the narrower Type I HCP program Congress appeared to have had in mind when it amended the Endangered Species Act in 1982. Indeed, in crucial respects Type II HCPs appear to have more in common with other large, landscape-scale, collaborative initiatives in regional ecosystem management, like the Chesapeake Bay Program, the South Florida Ecosystem Restoration project, the Northwest Forest Plan, or the CALFED Bay-Delta program, than with their simpler, single-landowner, single-species Type I HCP cousins.

These are, of course, ideal types. Some HCPs may not fall squarely into either type, but instead embrace a mix of Type I and Type II features. For example, the San Bruno Mountain HCP, progenitor of the national program, looks in most respects like a Type I HCP, involving a single landowner, a single species, and a relatively small geographical scale (2,500 acres). Yet the San Bruno Mountain HCP was negotiated through a collaborative multi-party process, and thus embodies a key characteristic of Type II. Despite this minor classificatory complication, however, I believe the typology is a useful device to allow us to sort and analyze the differences among HCPs. Most will fall roughly into one of the two broad types, or lie somewhere on the continuum between them.

III Recent HCP Policy: Proliferation of Type I, Emergence of Type II

Bruce Babbitt's tenure as Interior Secretary saw a dramatic increase in both types of HCP; indeed, prior to this time, only a small handful of Type I HCPs had been negotiated. Type I HCPs are by far the more numerous, but because they usually involve small acreage, marginal habitat, and minimal harm to listed species, they tend to operate at the fringes of the endangered species program. There, one hopes, they will amount to little of ecological consequence, individually or in the aggregate – though this is far from certain.⁷

Although fewer in number, Type II HCPs tend to operate over much larger geographic scales, and implicate far more complex and far-reaching ecological and economic issues. They also lie much closer to the center of environmental policy as it emerged during the Clinton–Babbitt years.

There are some very simple and straightforward reasons for the comparative numerosity of the simpler Type I variant. If given the option, self-interested landowners would generally prefer to deal solely with an FWS field agent empowered to grant them partial exemption from the ESA “no-take” rule, than to collaborate with a broader, more diverse, and potentially more troublesome cast of participants, some of whom might be intent on seeking more ambitious conservation measures and affirmative ecological benefits. Parcel-specific planning is also, by its nature, a less complex, less information-intensive, and lower-stakes undertaking than the regional-scale coordination required for Type II HCPs. Moreover, since Type I HCPs typically involve small acreages and marginal habitat, they often attract less public attention and political controversy than the large regional HCPs. “Flying beneath the radar” of environmental politics, they can often be negotiated in relative obscurity, even secrecy, and in many cases on terms quite favorable to the landowner.

Large regional ecosystem-scale Type II HCPs, on the other hand, tend to attract a good deal of attention and controversy. Because they usually involve multiple parties, multiple species, and the full range of competing land uses within the region, they are politically, institutionally, and scientifically more complex, and farther-reaching in their economic and environmental implications. Consequently, both the initial negotiating process and ongoing governance arrangements may be messy, cumbersome, time-consuming, and resource-intensive. Numerous parties may seek to intervene, using a variety of legal and political leverage points to influence or upset the process.

Why, then, would anyone bother with a Type II HCP? For the Department of the Interior, the answer is straightforward: only through regional-scale land use planning and integrated management of all the parts of the ecosystem can we begin to move in the direction of proactive conservation of ecosystems and ecologically sustainable patterns of development. Indeed, it might be argued that a series of separate, parcel-specific deals is fundamentally incompatible with a policy that seeks integrated, holistic, coordinated, and ecologically sound management.

Nonetheless, parcel-specific deals – Type I HCPs – may also be attractive to the Department of the Interior for other reasons: they provide economic and political benefits, ease dissatisfaction among landowners, and reduce the intensity of opposition to the endangered species program and conservation initiatives more generally. Thus it appears that the Department of the Interior has reasons to favor both types of HCP.⁸

For landowners, the logic compelling participation in a Type II HCP is equally straightforward: sometimes they have no choice. As Secretary of the Interior, Bruce Babbitt was not shy about using the Endangered Species Act as a coercive “hammer” to force landowners, local governments, and others to engage in landscape-scale ecosystem planning and management when he believed it was necessary and he had the political and legal leverage to make it stick. Once again, Southern California provides the clearest case. Regional habitat conservation planning was triggered there by Babbitt’s decision to list the California gnatcatcher, a small songbird native to the coastal sage scrub, as a threatened species. Listing would invoke the “no-take” provision and effectively bar adverse modification of the coastal sage scrub habitat upon which the gnatcatcher depends, thereby undercutting the prospects for future real estate development in one of the nation’s fastest-growing regions. Babbitt seized on this threat as an opportunity to compel landowners and local governments to work out a comprehensive regional plan to curb and redirect real-estate development in ways that would be compatible with conservation of the remaining coastal sage scrub, an ecological goal that could not be achieved through piecemeal deal-making, one landowner at a time. In short, landowners and local governments faced an ultimatum – either they cooperated in working out a satisfactory, forward-looking regional conservation plan, or they accepted the potentially devastating economic consequences of Endangered Species Act enforcement.

IV Sorting out the HCP Commentary

Unfortunately, the popular and academic commentary has thus far not recognized the distinction I outline here between two markedly different models of HCP. The result is not only a great deal of confusion, but also much misdirected hostility toward the HCP program as a whole. By conflating two innovative regulatory programs – Type I and Type II HCPs – we make a hash of public discourse, effectively foreclose opportunities for informed, critical evaluation of either approach, hand everyone a reason to dislike HCPs, and undercut political support for innovative and attractive elements of the program, even in quarters where those innovations might be expected to garner the most sympathy.

Focussing on the perceived pathologies of the Type I model of bilateral backroom dealing between landowners and FWS field agents, some environmentalists warn that the HCP program represents a short-sighted, politically motivated, unprincipled, and cumulatively damaging erosion of our public commitments to endangered species protection, in favor of private landowner interests. Compounding the problem, in their view, is a process that appears to involve a dangerous lack of transparency and accountability. If the environmentalist critique were leveled against Type I HCPs, it might have considerable merit. But these concerns do not arise in precisely the same way in Type II HCPs, which tend to be much more visible, transparent (at least in the localities in which they are negotiated), open to participation by non-landowner parties, and less tilted in favor of landowner interests. This is not to say that all issues of transparency, accountability, procedural fairness, and adequacy of public participation have been resolved in Type II HCPs. These continue to be matters of critical importance, but in the large regional HCPs the crucial question is typically not *whether*, but rather *how* and *by whom* non-landowner viewpoints will be represented.

Landowners and the ideological champions of the primacy of private property rights, on the other hand, emphasize Bruce Babbitt's skillful use of the "hammer" of ESA listing to force Southern California politicians and landowners to the bargaining table in a Type II ecosystem planning process. They fear this portends the erosion of private property rights under the coercive hand of a distant, unaccountable, power-mad eco-bureaucracy, intent on using the Endangered Species Act to bludgeon concessions out of landowners. Although greatly exaggerated, this fear is not entirely without foundation. The Type II HCP process is neither well defined nor clearly

constrained by statutory standards, procedural rules, or administrative precedent. Under such circumstances, concerns about the potential for overreaching by zealous government officials may be legitimate. A strong case can be made for the need to clarify and regularize the procedures that govern regional, multi-species HCP planning. Yet the landowner-property rights critique ignores the fact that most Type I HCPs are landowner-initiated and distinctly landowner-friendly in their terms. Whatever we might think about Type II HCPs, the HCP program as a whole cannot be characterized as an anti-landowner conspiracy. It is, perhaps by Clintonesque design, a mixed bag, pairing an aggressive pilot program for large-scale ecosystem protection (Type II) with an aggressively expanded version of a moderately pro-landowner program (Type I), apparently with the hope that the latter would afford the former some measure of political cover. In fact, however, the result has been to trim enthusiasm for all parts of the HCP program in virtually all quarters.

For their part, conservation biologists look across the landscape of the HCP program and register grave concern that only a fraction of HCPs employ independent scientific review and rigorous, science-based techniques like biological monitoring and adaptive management.⁹ Careful reading of the scientific critique, however, reveals that sound scientific baselines, peer review, and scientifically defensible management techniques are emerging as the norm in the larger and more sophisticated Type II HCPs, those involving the largest acreages and the most ecologically sensitive lands. In these cases, such measures are likely to be economically and technically feasible, and because they are necessary elements of ecologically sound management, they arguably should be made mandatory for Type II HCPs. It should not be surprising, however, that single-landowner, small-scale Type I HCPs would not employ such sophisticated scientific methods, which most landowners would find technically challenging and prohibitively costly. Yet I do not undertake to defend the lack of scientific grounding for Type I HCPs. If neither the government nor the landowner can afford to base a Type I HCP on sound science, should we then proceed on the basis of willful scientific ignorance? Most in the scientific community, and many others as well, would answer that question in the negative, especially since it also appears that little attention is currently being paid to the cumulative ecological impacts of multiple small-scale HCPs.¹⁰ This argues for a careful rethinking of Type I HCP policy.

Finally, the more radical devolutionaries among us – Fung and Wright, myself, and others – tend to seize upon the Type II model as emblematic of the emergence of a new era of enlightened environmen-

tal regulation, integrated ecosystem management, and localized participatory governance. If our exuberance were explicitly confined to Type II HCPs, we might invite a serious debate on these points. By failing to make that distinction clearly, however, we invite the rejoinder (here made by Craig Thomas) that most HCPs do not fit this model, instead representing nothing more than a series of modest bilateral deals, tweaking the background “no-take” regulatory rule at the margins in a mildly pro-landowner direction. Thomas is right, of course, as far as his criticism goes. But if the Fung and Wright claim were properly understood to be restricted to Type II HCPs, the Thomas response would be seen as a non sequitur that does not really advance the debate.

All these various commentators are right in some measure. But all have contributed to the confusion surrounding the HCP program by making exaggerated and misleading claims, conflating two quite distinct regulatory phenomena that march together under the common banner of the HCP program.

It should be noted that proposed legislation circulating on Capitol Hill, especially a bill introduced by Representative George Miller in the 106th Congress,¹¹ would go some distance toward clarifying the distinction between these two types of HCP, and regularizing procedures appropriate to each. That bill would establish one set of standards and procedures for small-scale HCPs, which need not be participatory or collaborative under the Miller proposal. Large-scale, multi-party HCPs would be governed by a different set of standards and procedures, requiring the Secretary of the Interior to establish opportunities for robust and diverse public participation.

V Are Type II HCPs an Example of Empowered Participatory Governance?

Fung and Wright argue that the “most advanced” HCPs “incorporat[e] significant elements” of their model of empowered participatory governance.¹² Thomas replies that most HCPs do not fall into the empowered participatory governance model, or indeed come anywhere close to it. But once we understand the HCP program as encompassing not one regulatory model but two, Thomas’s observation should hardly be surprising or disturbing. Indeed, the more surprising result would be that the Type I safety valve HCPs did fit the model, for they are non-participatory almost by definition.

The more interesting question is not whether all, or even most,

HCPs fit the Fung–Wright model, but whether Type II HCPs as a group approximate the model; or, indeed, whether any of them do. If even a few Type II HCPs fit this model, then we might further inquire to what extent and under what conditions they do so, and on that basis we might experiment with replicating those conditions so as to expand the possibilities for democratic participation in other locales, or in other regulatory arenas. Yet there is not a sufficiently thick description of Type II HCP processes in either the Fung and Wright introductory chapter, or in the Thomas critique, or in the commentary on HCPs that has appeared elsewhere, to fairly answer those questions. We are left, then, with an intriguing and provocative assertion, and not much more. What is required is a much more thorough, detailed, on-the-ground examination of particular HCPs, and the nature of the processes of governance and public participation that occur there.

More fundamentally, however, this shortcoming in the academic debate is rooted in a crucial deficiency in the HCP program itself as it has developed to date. As Thomas correctly notes (and as my own research has found), precious little information is presently available to government officials or to other interested parties, including academics, about HCP processes or outcomes. The federal government does virtually no central monitoring, oversight, or coordination of the HCP program, and provides no central repository of HCP information. Consequently, although individual Type II HCPs may be highly visible in their own communities, the program as a whole lacks transparency, accountability, systematic pooling of information, benchmarking and diffusion of best practices, systemic learning, and opportunities for institutional self-improvement, whether it be with regard to the conditions of public participation or any other critical operational element. Under those circumstances, it is difficult to determine whether genuinely democratic and participatory governance practices have emerged. Moreover, even if such practices were to appear in some locales, these could be accidental and isolated developments; there is no documentary evidence suggesting that it is the goal of the HCP program to propagate such practices, nor is there any mechanism for doing so. In this regard, the HCP program differs markedly from the other examples of empowered participatory governance described by Fung and Wright and discussed elsewhere in this volume. In each of those cases, popular democratic participation appears to be an integral, deeply embedded, and consciously implanted element of the overall design of the program, not only as the preferred mechanism for implementing public policy reforms but also as a central goal in its own right.

The lack of any concerted, systematic effort on the part of the federal government to monitor, evaluate, learn, and diffuse the lessons derived from the successes and failures of disparate HCP experiments has consequences far beyond complicating our work as academics, of course. It reveals a deep limitation in the program's capacity to develop beyond its current stage. The need for an experimental approach to policy-making in the context of highly complex problems like ecosystem management is now widely appreciated, in both academic and policy circles. But experimentation without rigorous and systematic observation, analysis, and interpretation of the results is not really experimentation at all. It wastes opportunities to learn and to inform subsequent rounds of experimentation with new learning, invites policy drift, and sharply reduces the likelihood that successful models will be developed, refined, and replicated. Indeed, persistent refusal to learn from experimentation would threaten the intellectual and policy justifications for the very existence of an experimental Type II HCP program.

VI HCPs in a Larger Context: Collaborative Ecosystem Governance

Despite these programmatic deficiencies, the emergence of HCPs, and Type II HCPs in particular, is congruent with larger trends that are reshaping the face of environmental regulation and natural resource management in the United States and elsewhere. We are rapidly shifting from a model based on top-down, piecemeal, command-style regulation, toward a model based on locally or regionally tailored, broadly integrative, collaborative, and self-consciously experimental ecosystem governance arrangements.

This new model explicitly recognizes that ecosystems are complex dynamic systems that must be managed as systems, employing an integrated and holistic approach. It emphasizes the need for governance structures matched to the scale of the ecological resource to be managed, typically a scale that does not map well onto conventional political and administrative boundaries and therefore requires, at a minimum, a high degree of intergovernmental coordination. It grapples with complexity, acknowledging the need for continuous experimentation and dynamic adjustment in response to new learning. These challenges are typically addressed through hybrid public-private governance structures that feature broad pooling of information, expertise, and competencies; systematic monitoring of ecosystem

conditions and the outcomes of policy measures; and collaborative problem-solving among parties representing diverse interests at multiple, nested spatial scales, from the immediately local (e.g. the landowner) to the national, international, or even global.

This new model can be discerned in such diverse areas as:

- the watershed approach to aquatic ecosystem management, as exemplified by the Chesapeake Bay and Great Lakes Programs, California's Bay-Delta Program, and literally hundreds of smaller collaborative watershed management initiatives;
- new directions in public lands management in places like the Everglades, the Greater Yellowstone ecosystem, and the old-growth national forests of the Pacific Northwest, in response to the recognition that protection of environmental values on public lands is often possible only through broader, ecosystem-scale collaborations; and
- regional collaborative efforts to protect coastal seas, estuaries, and other critical marine ecosystems.

Like Type II HCPs, these efforts are multi-party collaborations operating at more localized scales than conventional categorical, command-style, top-down regulation. Thus they involve many more local actors in the policy-making and implementation process, drawing upon local expertise and empowering parties previously shut out of any meaningful role in shaping environmental policy. Yet for all that, they do not appear to involve the kinds of large-scale, direct popular participation that Fung and Wright envision, and which can be discerned in their other examples of empowered participatory governance.

In part, this may be simply a question of scale. The Chicago, Porto Alegre, West Bengal, and Kerala reforms operate at the level of the urban neighborhood or village, typically comprising several thousand people. At that level, direct participation by large numbers of people is possible – though even in those cases, the skeptic might fairly question what fraction of the local population actually participates in governance activities, and by what mechanisms the views and interests of non-participants are represented. In contrast, collaborative ecosystem governance, whether through HCPs or any of the other initiatives outlined above, tends to operate over much larger geographic scales, in regions with much larger populations. The San Diego County Multiple Species Conservation Plan, for example, covers an area of nine hundred square miles in San Diego County – with three million residents, the second most populous county in California. The South Florida

Ecosystem Restoration initiative encompasses an area of eighteen thousand square miles, home to six million people. The Chesapeake Bay Program is even larger, attempting to manage a sixty-four thousand square-mile watershed with fifteen million residents. While policy-making at these levels might be “local” in contrast to national rule-making, it is not nearly so intimately local as the Kerala village or the Chicago or Porto Alegre neighborhood, where presumably conditions are conducive to direct, face-to-face popular participation. Nor is it easy to translate ecosystem management to such immediately local scales. The boundaries of ecosystem management are dictated by the laws of ecology, which would divide territory into ecologically linked bundles of interacting species and the common physical substrate upon which they depend. Such boundaries typically do not map well onto existing human institutions. Indeed, the driving ambition of ecosystem management is to create new human institutions matched to the scales of crucial ecological processes – which often extend far beyond the bounds of the human village or neighborhood.

On the other hand, many of the better-developed regional ecosystem governance projects have found it advantageous to operate at multiple scales simultaneously, recognizing that ecological processes themselves operate at multiple “nested” scales. Under this approach, one set of region-wide institutions is responsible for overall planning and coordination, while more localized coordinating bodies are “nested” within the regional framework, and vested with the responsibility to manage particular habitat patches, tributaries, or other ecologically or hydrologically defined subareas. These local units often have a good deal of discretion to devise locally tailored approaches and solutions, so long as they are consonant with the broad goals and objectives set by the regional plan. Activities at these more localized scales appear to provide greater opportunities for public participation. Within the regional coordinating framework of the Chesapeake Bay Program, for example, citizens are involved in such localized activities as tributary-based water quality monitoring, local habitat restoration projects, and tributary-specific planning and management coordinated by “tributary teams” and some three hundred watershed organizations active across the region. Even at these local levels, however, most activities appear to be organized across larger geographical scales and population bases than the typical Kerala village or Porto Alegre urban neighborhood. Moreover, although figures are not available, it appears that even in the Chesapeake Bay region, a relatively small fraction of the total population participates directly in ecosystem management activities. In contrast, the case studies of citizen participation in village-level

economic development in Kerala and participatory budgeting in Porto Alegre suggest (but do not document) significantly higher rates of direct popular participation.

Beyond questions of institutional scale and participation rates, regional ecosystem governance institutions appear to diverge from Fung and Wright's other examples of empowered participatory governance in another crucial respect. In contrast to the Chicago, Porto Alegre, West Bengal, and Kerala models, which apparently seek to mobilize direct and unmediated popular participation, regional ecosystem governance is conducted primarily through what I shall call "hybrid" institutions, comprising collaborative arrangements among government agencies, non-governmental organizations, and purely private entities, including business organizations. Intergovernmental and inter-agency coordination often lies at the core of these hybrid arrangements. The San Diego County MSCP, for example, describes itself as "a cooperative effort between the County of San Diego and 12 other local jurisdictions and agencies such as the U.S. Fish & Wildlife Service and California's Department of Fish & Game . . . working with various private landowners."¹³ Similarly, the core institutions of the Chesapeake Bay Program and the Everglades restoration initiative are primarily intergovernmental and inter-agency arrangements, with various federal and state agencies in the most prominent roles.

Clearly non-governmental actors are also a significant force within some of these hybrid institutions, but it appears that citizen participation is only one strand in a more complex web of institutional reconfigurations and realignments in which traditional government agencies remain leading players. And even where it does occur, citizen participation is typically mediated through the citizen's affiliation with an issue-defined non-governmental organization, community group, business or property interest, or some other institutional vehicle. This institutional or interest-group affiliation is thought to confer the status of "stakeholder" on the individual participant, and becomes a badge entitling its bearer to participate in the inter-institutional collaborative process. Because such local institutions are often more than happy to welcome like-minded persons as new members, the entry barriers may be quite low in practice. Nonetheless, this model of local participation through intermediary institutions can be distinguished from the model of direct and unmediated popular participation that appears to be characteristic of the other cases in this volume.

What is the significance of this distinction? At this point, it is difficult to draw firm conclusions. Fung and Wright's analysis is a useful starting point, but only that. Unfortunately, they do not define what counts

as “participation” in their model, and the notion upon which they implicitly rely appears vague and underdeveloped. This prevents them from identifying different kinds of participation and evaluating the implications of each. Future research on the nature and extent of popular participation and the roles of various kinds of intermediary organization in collaborative ecosystem governance can make a valuable contribution toward clarifying, refining, extending, or revising Fung and Wright’s analysis.

Nonetheless, at least in a general way, the emerging hybrid ecosystem governance institutions appear to exhibit many of the principles and design properties identified by Fung and Wright. These institutions are locally devolved (relative to the *status quo ante*), practically oriented, collaborative, and “deliberative” in the practical problem-solving sense of that term. Consistent with Fung and Wright’s central claims, these institutions set out self-consciously to transform state power by reassembling and fusing its elements into new configurations that transcend established jurisdictional, territorial, and functional boundaries. In ecosystem governance, however, direct popular participation is not the only, or even the primary, mechanism by which this transformation is carried out.

VII Conclusion

In its broadest outlines if not in all its finest details, the Fung and Wright model of empowered participatory governance appears to capture many of the features of collaborative ecosystem governance as it is emerging in the United States. Some HCPs, specifically those I have characterized as Type II HCPs, are part of this larger trend. Yet there is much we do not yet understand about this new model of environmental regulation and natural resources management. Additional research is needed to identify its most important characteristics and enabling conditions, to draw critical distinctions and comparative lessons among experiments, and to learn from their successes and failures.

Notes

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1. See *Babbitt v. Sweet Home Chapter of Communities for a Greater Oregon, U.S.* (Scalia, J., dissenting), 515 U.S. 687 (1995).

2. See Bradley C. Karkkainen, Charles Sabel, and Archon Fung, *Beyond Backyard Environmentalism*, ed. Joshua Cohen and Joel Rogers, foreword by Hunter Lovins and

Amory Lovins, Boston: Beacon Press (2000); Bradley C. Karkkainen, Archon Fung, and Charles F. Sabel, "After Backyard Environmentalism: Toward a Performance-Based Regime of Environmental Protection," *American Behavioral Scientist*, vol. 44 (2000), pp. 692–711.

3. See Endangered Species Act 16 U.S. Code, Chap. 35, Sec. 1531 et seq.

4. See George Frampton, "Environmental Law Faces the New Ecology: Ecosystem Management in the Clinton Administration," *Duke Environmental Law and Policy Journal*, vol. 7 (Fall 1996), pp. 39–48.

5. The Natural Communities Conservation Planning Act (NCCP) is a California state statute that prescribes a collaborative approach to landscape-scale conservation planning, aimed at protecting "natural communities" of plants and animals.

6. See, e.g., Marc J. Ebbin, "Is the Southern California Approach to Conservation Succeeding?" in *Ecology Law Quarterly*, no. 24 (1997), p. 695. The San Diego County Multiple Species Conservation Plan (MSCP), for example, covers an area of some nine hundred square miles.

7. Laura H. Watchman, Martha Groom, and John D. Perrine, "Science and Uncertainty in Habitat Conservation Planning," *American Scientist*, vol. 89 (2001), p. 351.

8. It remains to be seen, however, whether ambitious Type II HCPs of the kind launched in the Clinton–Babbitt administration will survive the present Bush presidency.

9. See Watchman *et al.*, "Science and Uncertainty" (in a study of forty-three HCPs involving 97 species, few were based on thorough baseline studies of population size, only 18 percent included biological monitoring sufficient to evaluate the success of the HCP, and only about a third included built-in adaptive management measures).

10. See *ibid.*

11. Endangered Species Recovery Act of 1999, H.R. 960, 106th Congress, introduced by Representative George Miller, March 3, 1999. The bill would create separate categories of "low effect, small scale plans" and "multiple landowner, multispecies conservation plans," subject to different procedures and standards. See *ibid.*, §108. Miller has not reintroduced the bill in the 107th Congress.

12. Fung and Wright, Introduction to this volume, p. 10.

13. County of San Diego, Multiple Species Conservation Program, *Plan Summary* (1998). Available at http://www.co.sandiego.ca.us/cnty/cntydepts/landuse/planning/mscp/1_plansum/1_plsum.html (accessed on July 25, 2002).

Cycles of Reform in Porto Alegre and Madison

*Rebecca S. Krantz**

At the end of their introduction to this volume, Fung and Wright speculate about whether their model of Empowered Participatory Governance (EPG) is “generalizable.”¹ Experiences of participatory planning in Madison, Wisconsin, suggest that the generalizability of the EPG model can be aided by two reorientations. First, I argue that we can view EPG reforms as part of a larger trend toward participatory democratic innovation. Many of the innovations in this larger trend are similar to the EPG reforms, but are occurring in a more partial or gradual fashion than the exemplary cases described in this volume such as the participatory budget in Porto Alegre, Brazil. I will briefly outline a case from Madison to illustrate this trend. Second, similar to Baiocchi’s argument,² I suggest that we treat both EPG reforms and their gradualist counterparts as interventions into larger state–civil society arrangements, and assess them according to their long-term effects on these systems. It is from this larger perspective and longer time-horizon that we can assess the extent to which more gradualist forms of participatory civic innovation might contribute to more widespread adoption of EPG. I will finally argue that if I am right that gradual or partial reforms are similar and related in important ways to the more radical EPG reforms, then evidence from Madison regarding constraints on deliberation due to institutional embeddedness in the state may also be relevant to the long-term success and diffusion of the EPG model.

I Wider Trends in Civic Innovation

In their recent book *Civic Innovation in America* (2001), Sirianni and Friedland document a long-term process of social learning and civic renewal enabling increasingly participatory forms of democratic

citizenship in the United States. They argue that the activists and experiments of the 1960s and 1970s have matured, the activists learning from experience and the early experiments giving way to more sophisticated and strategic forms of participatory decision-making in areas such as urban development, environment, and health.³ In many of these innovative settings, as with EPG, ordinary citizens and stakeholders deliberate about concrete problems, often in devolved local action units, sometimes mobilizing state power and resources to do so. Since this is a process of social learning, where experiences and practices are shared and modified over time and space, and since there is evidence elsewhere of cross-national influences in related phenomena like social movement repertoires,⁴ it is reasonable to assume that the trend Sirianni and Friedland identify may extend beyond the U.S. Thus, although there may be only a small number of cases in the world today where all of the components of the EPG model are in evidence, there are many more settings where some aspects of EPG are in play and others are not, or where an EPG-like model is in the process of being implemented in a more gradual fashion.

Attention to such cases should help us assess the potential for the EPG model and its influence to become more widespread over time. Since the institutional design focus of the Real Utopias framework has a tendency to treat existing designs as *faits accomplis*, attention to cases where actors are in the process of working toward more empowered and participatory governance structures can help us address not only the question of whether EPG is generalizable, but also the time-honored question, “How can it be done?”

II Participatory Planning in Madison, Wisconsin

My research⁵ explores one such “gradualist” case. In it, civic innovation has led to state-sponsored participatory deliberation over concrete local problems, but the level of empowerment to allocate resources and oversee implementation is limited. I will briefly describe characteristics of the area I studied and the history and institutional design of the reform before discussing the relevance of this case to the generalizability of EPG.

The Madison, Wisconsin metropolitan area has a population approaching a half million, is home to the state’s capitol and a large university, and has a tradition of progressive politics and a relatively active citizenry.⁶ The city’s near east side, where my research is focussed, was traditionally a working-class and industrial area, on the other side of

town from the University. It has had small pockets of both affluence and poverty, with wealthier homes concentrated along a lakeshore and the low-income ones in public housing developments. Even now, it is home to several active factories, an airport and military base, and a technical college. Some of the traditionally working-class areas have become middle class, and the areas closer to downtown have an increasing number of university students and professionals. Some of these areas have developed a reputation for being “progressive,” “alternative,” “artsy,” or “gay- and lesbian-friendly.” Largely white for many years, the population of Latino, Southeast Asian, and Black residents in the area increased substantially during the 1990s. The area’s residents face issues such as skyrocketing property values, development pressures, an affordable housing shortage, traffic safety, factory emissions, poverty, race relations, crime, and small locally owned businesses being replaced by large chain stores.

One of the public deliberative spaces in which residents grapple with these issues is called a Neighborhood Steering Committee (NSC). An NSC is a city-government-sponsored public forum designed to increase citizen participation in urban planning decisions. NSCs are empowered to allocate federal community development funds to chosen projects, and they do so through participatory deliberation.

Madison’s neighborhood steering committee program dates back to the 1970s. A city planner, Ellen,⁷ explained to me that during this period, federal dollars were being diverted to state and local levels to encourage citizen participation. At the same time, the city was composing its first official land-use plan. Ellen said, “But the land use plan is general, it doesn’t focus on specific neighborhoods. The central city neighborhoods came in and said this is so general, we want more detailed studies for our neighborhoods . . . It came from the neighborhoods.”⁸

Out of this grass-roots effort, using federal funds, the city developed the neighborhood planning program. When the federal funding for citizen participation was cut by Reagan, Ellen reports, “the city felt it was important to keep it up.” Currently, the program is supported by federal Community Development Block Grant (CDBG)⁹ money as well as city funding.

Each year, one Census Tract¹⁰ is selected by city staff based on CDBG eligibility requirements regarding low- to moderate-income populations, and on proximity to upcoming development or redevelopment projects. In this “concentration neighborhood,” city staff members solicit citizen input by setting up an NSC that acts as a representative deliberative body.

The city staff solicit applications for membership on the committee using a variety of avenues of publicity and networking over two to three months to allow time for personal recruitment of underrepresented categories of people if necessary. The nomination forms include demographic information, which city staff use to select as representative a committee as possible. Since the concentration neighborhoods are supposed to be in areas with a majority of low- to moderate-income residents, they form a committee that has at least half low- to moderate-income representatives. They also seek variation by age, race, gender, length of time living in the neighborhood, geographic area of residence, and “old guard” membership of neighborhood associations versus those newly involved in neighborhood activities. One representative of area businesses is also appointed to the committee.¹¹

The ten to fifteen committee appointees and other volunteers from the chosen census tract meet with city planners approximately biweekly for over a year to learn about, discuss, and set neighborhood priorities for land use, city and non-profit services, traffic circulation, safety, and business development. All meetings are open to the public, and several widely advertised public fora are held during the planning process to obtain further citizen input. A city staff team from fifteen different departments is charged with responding to recommendations coming from the committee and providing information on resources available to help implement its plans. The resulting Neighborhood Plan is then submitted to the city council (the local legislative body) for adoption. The committee is allotted between US\$180,000 and US\$200,000¹² of CDBG funding as seed money to begin to implement some of its eligible planning priorities. Other plan recommendations are taken into consideration in ongoing city and private development projects; when a developer applies for city approval for a plan, it is checked against the neighborhood plan and its chances of approval are considerably higher if the two are consistent.

Although this process contributes to making Madison’s city planning process more participatory than most in the country,¹³ the NSC program fails to meet several EPG criteria. Only one set of neighborhoods at a time participates in the process, the amount of money the committee has the power to allocate is relatively small, the group is temporary, and there is no formal structure to support long-term implementation. However, some leadership development and civic education does result, and further civic innovation like that described by Sirianni and Friedland has occurred. The City of Madison is now in the midst of developing a system of “Planning Councils.” Planning Councils (PCs) are independent non-profit coalitions of neighborhood

associations that receive city and private funds for a small staff and operations, with the goal of supporting neighborhood associations and increasing citizen participation in local decision-making. They will likely help formulate and implement the NSC plans. The first PC in Madison was initiated in 1993, with some of the members having recently served together on an NSC. In 1996 and 2000 the second and third PCs were formed, and many hope that the city will eventually be “covered” by five to ten contiguous PCs.

Planning councils and similar organizations exist or have been tried in a small number of other cities around the U.S.¹⁴ In some cities, they have more power than in Madison, having for example “jurisdiction over zoning, authority over the distribution of various goods and services, and substantial influence over capital expenditures.”¹⁵ While Empowered Participatory Governance as Fung and Wright define it is certainly not everyone’s goal for the PCs in Madison, the knowledge of cities where such groups are city-wide and have actual allocation power over the city budget influences the hopes and goals of some leaders.¹⁶

It appears, then, that the Madison case is characterized by gradual civic innovation toward increasingly empowered participatory deliberation, with deliberative bodies currently receiving moderate support from the state but not completely restructuring or “colonizing” state decision-making. While it is only one case, I suggest that exploring whether and how the Madison system could move further in the direction of empowered participatory governance and comparing it to the dynamics of reform in Porto Alegre can help assess the breadth of applicability of the EPG model. The key to this analysis is a shift in perspective: viewing EPG and related civic innovation as interventions into larger state–civil society systems and focussing on their relationships to the wider political context and the long-term effects on civil society.

III The System Dynamics of Participatory Reform

To understand this perspective, contrast planning in Madison with the Participatory Budget (PB) in Porto Alegre. Baoicchi’s discussion of Porto Alegre emphasizes the importance of the relationship between the PB and the larger political regime and civil society. He describes a “virtuous cycle” that has led to the PB’s increasing success over time. The cycle began when the lead party of a winning electoral alliance responded to deep popular grievances with a major institutional

reform: the participatory budget. The resulting institutional structures were effective on a number of democratic fronts, including redressing grievances and strengthening civil society. These effects made the reforms even more thoroughgoing and legitimized the political regime.

Rather than viewing the EPG reform as a *fait accompli*, a one-time intervention in the institutional design, this perspective emphasizes the cycle of reinforcement and further reform that allows for the longevity of the system.¹⁷ The more gradual participatory deliberation reforms like those in Madison can be viewed in a similar way. Instead of a dramatic win by a leftist coalition, the political context in Madison is mixed, with a history of progressivism, considerable cultural support for participatory democracy, and mild grievances, leading to a less unitary and less visionary reform agenda. The resulting innovation in governance involved both the NSC program and, somewhat later, experimentation with planning councils.

Both of these reforms have some positive long-term effects on civil society. For instance, participation in the NSC process increases participants' knowledge of city government and how to influence it. The process also creates new but often temporary relationships and networks among neighborhood leaders. In some cases, these connections have helped contribute to the creation and success of planning councils. PCs in turn create and strengthen longer-term relationships, networks, and organizations, and build the knowledge and capacity of citizens.

The effects on civil society appear to be more mixed, however, than in Porto Alegre. For instance, the NSC process can at least temporarily divert energy from neighborhood associations; it remains heavily "expert-driven" in some neighborhoods; and political interference with appointments to the committee, staff error, bureaucratic intransigence, and lack of implementation can contribute to cynicism rather than empowerment. The resulting legitimation and expansion of the participatory reform agenda in Madison is thus less strong than in Porto Alegre's virtuous cycle.

The creation of the planning councils and their slow spread suggests that it is possible, however, for gradualist participatory democratic reform and civic innovation to make headway. Our optimism ought to be cautious, for according to Berry *et al.* the exemplary planning-council-like systems in U.S. cities owe their success in part to the fact that they, like Porto Alegre, instituted city-wide systems at the outset and were able to reach strong levels of participation before confronting serious economic or political reversals.¹⁸ Even with these factors, some of these successful systems have experienced setbacks due to funding cuts and conservative political swings. It remains to be seen whether the

cycle of gradual reform in Madison is sufficiently “virtuous” to spread planning councils city-wide, much less lead to full-fledged empowered participatory governance of Fung and Wright’s specification.

The future of Madison aside, this discussion points to a general model with which to understand the long-term and larger-system dynamics of EPG and related forms of civic innovation. In this general model, the political context influences the degree of institutional reform, which results in particular governance structures, which then have particular effects on civil society, which in turn act back upon the political context and the governance reform process. As with any model, of course, there are complexities this does not capture. In particular, there may be countervailing forces or cycles that influence its workings. There may also be thresholds of participation and legitimacy, a “critical mass” or “tipping point,” in such systems that determine how far a reform can go and for how long. Although this analysis does not yet fully answer the question “how can it be done,” it does give us some sense of the further questions we need to explore to do so.

IV Cautionary Tales from Madison

Additional empirical work must be done to assess the extent of similarity between the system dynamics of major reforms like the OP in Porto Alegre and more gradualist efforts like those in Madison. However, if I am right that many differences are a matter of degree rather than kind, then processes that I have observed in Madison may be relevant and important for the long-term prospects for EPG. In particular, I am concerned about the ways deliberation can be constrained when it is institutionally embedded in the state. I have observed several forms of such constraint, including scheduling and other bureaucratic exigencies and the logic of professional planning.

I will focus here on the problematic role of city staff as “experts.” First, however, a few words about the positive side of embeddedness in state institutions. In addition to providing legitimacy and power, institutional embeddedness in the state can improve the deliberative process. For instance, anti-democratic factors such as status hierarchy and self-censorship often impair citizen deliberation. State regulation can help by imposing a more fair and open process.

The democratic effect of this *process* facilitation is impeded, however, when the same city staff also act as “experts” who “educate” citizens on matters of *content* under debate. In Madison, city staff

members play such a dual role in the NSC program: in addition to forming the committee and facilitating the meetings, they are also sometimes the “experts” who teach citizens about the ins and outs of local government bureaucracy and urban planning methods, and make recommendations about specific land uses and other decisions.

Boaventura de Sousa Santos has discussed the role of expertise in the Porto Alegre case.¹⁹ He claims that while technical expertise remains important there, the typical “technobureaucracy” has begun to be replaced by “technodemocracy,” where citizens contest the dominance of the experts and technical staff members learn new ways of communicating with the public.

This effort is very much a contest, however, and its results are contingent, not given. Much of the interaction in the NSCs in Madison appears to stop short of Santos’s hopes for technodemocracy. Many citizens treated “experts” who came to speak to their group as sources of information; only a few were able to critique the limitations of technocratic expertise, or see the solutions to neighborhood problems provided by experts as culturally or bureaucratically constrained. The antidemocratic nature of expertise in the NSC deliberations was particularly problematic, however, when the “expert” advice was being given by the staff member in charge of convening and facilitating the meetings.

An example of this occurred when members of one NSC were discussing the preservation of green space. Residents told Clyde, the city planner in charge of the committee, that they wanted the land to remain open, and ran up against his role as “expert” rather than process facilitator:

Katrina: There’s only one chance to preserve it, that’s it, you can always develop it, can never reclaim it for green space once its developed.

Clyde: If you did have development, how much of it would you keep for a park?

Janet: Clyde, you’re not hearing us, we’re saying all green space, we’re the committee, we’re giving you our input.

Clyde: (pausing) Yes, but I’ve got to balance your input with some professional expertise.

Alan: (seconded by others) What’s your professional expertise about it?

Clyde: It’s going to be developed, land is eventually developed, if you don’t have a plan, you’ll get something you don’t want. I think you should think about trying to balance the real economic forces . . .

In the end, the neighborhood plan recommended preserving only a small fraction of the area as green space. Twenty-two months after this conversation, construction began on this site for a large development that would indeed leave a small corner green.²⁰

In another neighborhood, a few NSC members were less willing to defer to the city planning staff facilitator as expert. For instance, while discussing recommendations regarding changes in zoning, the following exchange occurred between Ellen, the city planner and meeting facilitator, and committee members:

Ellen: My suggestion is to down-zone south of Page Street; this creates a buffer zone, single-family then mixed then commercial . . .

Pete: [points out that this would make owner-occupied 2-units illegal.]

Sandra: But we don't want 8-units.

Pete: Why don't we just say it [in the plan], no more than 3-units, we know the zoning code doesn't say it, but we want to preserve the character of the neighborhood.

Ellen: I want us to look at what kind of tools are available – the zoning code won't change soon [she reminds them this is accomplished through a larger political process, legislative changes].

Pete: I know that.

Ellen: You can say it verbally in your plan.

Frank: “Say it verbally” means it won't be in the plan, not a specific recommendation.

Ellen: It can be in the narrative.

Frank: You look more at –

Ellen: I look at what policy-makers are going to make of it.

Frank: (angrily) Don't policy-makers care what a neighborhood group meeting for fifteen months thinks?

Due to the persistent argumentation of Frank and Pete, occasionally supported by other committee members, a number of recommendations opposed by Ellen did remain in this neighborhood's plan.

Ellen was also responsible for facilitating the meeting and seeing to it that the process as a whole proceeded in a timely fashion, however.

This put her in a position of role-conflict, with potentially anti-democratic results. Frank and Pete frequently disagreed with the majority of the committee about recommendations in the plan. When disagreement among committee members occurred, it was Ellen's decision whether to allow discussion to continue in an effort to reach consensus, or to call for a vote. Since the majority of committee members were more swayed by "expert" opinion than were Frank and Pete, calling for a vote could have the effect, whether intentional or not, of influencing the outcome of the decision in the direction she preferred. It requires yet another level of empowerment on the part of citizens to take control of the meeting process itself. Attempts at such resistance did occur at times in the NSCs I observed, but the results were not always effective.

While the outcomes of these interactions between ordinary citizens and city staff "experts" have immediate consequences for how democratic the resulting neighborhood plans are, they may also have important implications for the long-term impact of the NSC program on civil society, and thus for the dynamic of further reform. Frank and Pete already had some of the knowledge, inclination, and cultural wherewithal necessary to resist the dominance of the "experts" they confronted. While other citizens on the NSC learned much from city staff about the workings of government, they did not necessarily learn that they could challenge the "experts," unless it was from the example of people like Frank and Pete.

If a participatory process educates people about decision-making without allowing them to question the process or the norms of bureaucratic and expert disciplines that constrain decisions, the process is less than fully deliberative, and the net effect on civil society could be one of co-optation rather than empowerment.²¹ In Madison, improved institutional design could address some of these issues, for example by providing a facilitator who attends solely to group process, rather than combining facilitation with content expertise,²² and by expanding the planning councils to increase citizen capacity to engage on a more equal footing with city staff and other experts.

In general, institutional design for participatory governance must not only create deliberative settings, it must do so in a manner that strengthens civil society; as my earlier analysis of the similarities between the system dynamics of reform in Porto Alegre and Madison suggests, such strengthening of civil society is necessary for the participatory reforms to be legitimated and furthered. If the more detailed evidence from Madison provided in this section is generalizable to EPG settings, the implications are that EPG designers ought to take care in

the delineation of staff roles, and provide support for independent civil associations as well as for the more institutionally embedded EPG body itself.

If empowered participatory governance systems are to become more widespread, we must attend to the long-term dynamics of these and more gradual reforms, with special attention to their influence on civil society. Further exploration of the factors that contribute to or inhibit “virtuous cycles” of reform will be necessary, including detailed analyses of the deliberation process itself.

Notes

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1. In this context “generalizable” is used in a normative and practical sense, rather than a descriptive or explanatory one; Fung and Wright’s question is how useful would the EPG institutional design be in a wider variety of settings, rather than how successfully the theoretical model describes or explains a wider variety of settings.

2. Chapter 2 in this volume, “Participation, Activism, and Politics: The Porto Alegre Experiment” by Gianpaolo Baiocchi.

3. They do not, of course, argue that the trend is universal or always unidirectional, and are agnostic as to whether it will eventually hold sway over countertrends.

4. See, for example, Doug McAdam and Dieter Rucht, “The Cross-National Diffusion of Movement Ideas,” *Annals of the American Academy of Political and Social Science*, no. 528 (July 1993), pp. 56–74, and Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*, Ithaca, NY: Cornell University Press (1998).

5. Research is based on fieldwork including participant observation of over two hundred meetings and informal interactions from 1999 to 2001.

6. Thomas W. Still, “Madison Is the Ultimate in Citizen Involvement,” *Wisconsin State Journal* (July 4, 1999), based on a study by Gregory Markus and Hanes Walton Jr., Michigan’s ISR, Harwood Group.

7. All names are pseudonyms.

8. Source: personal interview, June 1, 2000.

9. The CDBG website describes the purpose of the program as follows: “Since 1974 CDBG has been the backbone of improvement efforts in many communities, providing a flexible source of annual grant funds for local governments nationwide – funds that they, *with the participation of local citizens*, can devote to the activities that best serve their own particular development priorities, provided that these projects either (1) benefit low- and moderate-income persons; (2) prevent or eliminate slums or blight; or (3) meet other urgent community development needs.” <http://www.hud.gov:80/progdesc/cdbgent.html>, emphasis added.

10. Census tracts are small, relatively permanent statistical subdivisions of a county, defined by a committee of local data users for the U.S. government, for the purposes of enumerating the population and allocating services. Census tracts usually have between 2,500 and 8,000 persons, average about 4,000 people, and, when first delineated, are designed to be homogeneous with respect to population characteristics, economic status, and living conditions. The spatial size of census tracts varies widely depending on the density of settlement. Census tract boundaries are delineated with the intention of being

maintained over a long time so that statistical comparisons can be made from census to census (http://www.census.gov/td/stf3/append_a.html#CENSUSTRACT and <http://tier2.census.gov/ctsl/ctslinfo.htm#tract>). Census tract boundaries can be very different from “neighborhood” boundaries as defined by the local culture, and can sometimes appear arbitrary to local residents. The NSCs I studied encompassed three or four “neighborhoods” as defined by local tradition and culture.

11. The city has particular difficulty getting racial diversity on the NSCs, and specific appointments are sometimes influenced by political factors. These and other questions as to how representative the NSCs really are inevitably arise, both for researchers and for participants. Any appointed group is potentially subject to the criticism that its members are not democratic representatives. However, given that voting and volunteerism both involve high degrees of self-selection and biases toward more empowered individuals, there is reason to believe that the NSC system, where this deliberate attempt at diversity of appointed representatives is made, is at least as representative as, and perhaps more representative than, many other deliberative bodies.

12. CDBG allocation amounts for Concentration Neighborhoods are 10 percent of the city’s annual CDBG entitlement, allocated over a two-year period. During the period of this study the allocations were in the range given.

13. See the report of a study conducted by the Michelle Gregory, “Anatomy of a Neighborhood Plan: An Analysis of Current Practice,” Chicago: American Planning Association Growing Smart Working Paper (1996), pp. 1–25, for a general assessment of the scarcity and difficulties of collaborative planning in the U.S.; Madison’s uniqueness in this regard was first suggested to me in a personal communication with a Madison city planner.

14. See Jeffrey M. Berry, Kent E. Portney, and Ken Thomson, *The Rebirth of Urban Democracy*, Washington, DC: The Brookings Institution (1993) and Ira Katznelson, *City Trenches*, New York: Pantheon (1981). The planning bodies are variously named. In St. Paul, Minnesota they are “District Councils,” in Dayton, Ohio “Priority Boards,” in Birmingham, Alabama “Citizens Advisory Boards,” and in Portland, Oregon “District Coalition Boards.”

15. Berry *et al.*, *The Rebirth of Urban Democracy*, referring to St. Paul.

16. For instance, the recently hired head of the Department of Planning and Development in Madison worked for many years in Dayton, Ohio and frequently refers to the system there; a prominent aldermanic supporter of the planning councils has focussed on Portland, OR; and the former Mayor whose leadership helped get the PCs started took St. Paul as his model. The city is currently debating the proposed establishment of a city government “Office of Neighborhood Support,” with a mission yet to be determined, creating fruitful ground for such hopes and goals to be discussed. City staff, elected officials, and citizens with experience in NSCs and PCs are using it as a forum to assess the strengths and weaknesses of these programs.

17. See the comment from Rebecca Abers, this volume. p. 200.

18. Berry *et al.*, *The Rebirth of Urban Democracy*, pp. 48–51.

19. Boaventura de Sousa Santos, “Participatory Budgeting in Porto Alegre: Toward a Redistributive Democracy,” *Politics and Society*, vol. 26, no. 4 (December 1998).

20. At an elaborate groundbreaking ceremony the development was touted as a model of successful partnership and collaborative, neighborhood-friendly planning and development – despite the fact that no residents were in attendance.

21. A similar point was made years ago by Sherry R. Arnstein in “A Ladder of Citizen Participation,” *Journal of the American Institute of Planners*, vol. 35, no. 4 (July 1969), pp. 216–24.

22. Strictly separating these roles, at least in time if not in different persons, is considered by many to be a basic tenet of good facilitation. See, for example, Roger M. Schwarz, *The Skilled Facilitator: Practical Wisdom for Developing Effective Groups*, San Francisco: Jossey-Bass (1994).

Power and Reason*

*Joshua Cohen and Joel Rogers***

I Aims

For more than two decades the democratic Left has sought to clarify the content of a “post-socialist” political project. The theory and case studies gathered in this volume are part of that discussion, and their contribution is best understood by reference to it.

The socialist project, including its more common social democratic variant, was defined by a characteristic set of moral–political values and an institutional and political strategy for advancing them. The values were egalitarian and participatory, with a strongly economic inflection. The institutional models included Keynesian macro-economic steering, state regulation of market actors, workplace economic democracy, and some measure of direct state ownership and planning. The political strategy centered on the nation state, which was the chief regulator, macro-economic manager, agent of income redistribution, and sometime owner and planner.

Debate within the post-socialist Left begins from the conviction that this statist and economic approach to advancing egalitarian–democratic ideals is neither plausible nor adequate under contemporary conditions. In part this conviction follows from greater appreciation of the limits of the state, in part from a more expansive understanding of those values themselves.

Appreciation of the limits of state competence and capacity flows from at least two quarters. One, primarily concerning the economy, draws negative lessons from the failures of much socialist planning, and notes the fact that economic globalization – particularly given the current distribution of political and military power – qualifies the capacity of nation states, particularly small ones, to effectively steer the economy within their borders. On the demand side of that national economy, the Keynesian consensus at the foundation of social

democracy has substantially collapsed, leaving states much more cautious as economic actors promoting working-class well-being. On the supply side, central authorities typically lack the local knowledge needed to carry out potentially pro-worker policies in modernization, industrial adjustment, and training.

This last point generalizes beyond the economy to a second skepticism about the state, of great relevance to the work in this volume. These doubts follow from expansion in the scope and diversity of “local” problems that states are now routinely asked to remedy. Typically, though not always, such problems – in the environment, health, education, public safety, or countless other policy domains – present important inequalities in the power of affected actors. So leaving them to narrowly local solution is unacceptable; indeed, it commonly provides the first impetus to state involvement. But almost by definition, that involvement is immediately vexed. The most efficient solution to such problems requires knowledge of local circumstances and flexibility in adjusting general standards to them – something not easily achieved by central states. This problem only gets worse where, as is commonly the case, regulatory solutions in different policy domains or communities of interest are interdependent, and need to be reconciled. Such reconciliation requires a yet higher order of informed and flexible coordination by central authorities, a task that is typically beyond them.

Thus changes in the global economy undermine the state’s capacity as economic manager. And what the state never claimed much capacity for – eliciting and acting on local knowledge, with nearly limitless monitoring and enforcement capacity for regulatory standards and solutions – it is increasingly asked to do. For both reasons, the nation state appears a less plausible agent of egalitarian–democratic advance.

On values, meanwhile, the gradual emergence of a more inclusive, tolerant, cosmopolitan understanding of the political public has undermined the appeal of a politics focussed on economic-class concerns, to the exclusion of interests in gender or racial justice, self-government by national groups, ethnic rights, the environment, and more. An egalitarian–democratic project must respect the heterogeneity of reasonable political demands. But this heterogeneity immediately creates a political problem – how to achieve collective focus, particularly among subordinate groups, on the achievement of any matter of shared concern.

Framed by these shifts in the world, debates in the post-socialist Left about models of a more just society have been dominated by two distinct, though compatible, lines of argument.

The first, growing out of appreciation of the state's limits as an economic manager, combines socialism's commitment to material equality with a renewed respect for markets as the preferred arena of economic coordination. Unlike social democracy, which left initial property positions largely intact, or state socialism, which abolished such positions entirely, it aims to promote greater equality through new forms and distributions of initial property assets,¹ which combine with markets to produce the desired result. In the Real Utopias series, John Roemer provides one example of such "asset egalitarianism." His "clamshell" socialism proceeds from an equalized *per capita* division of productive assets, and permits lifetime stock trades and consumption of dividends, if not principal.² Sam Bowles and Herb Gintis provide another example. Their work offers models that correct for inequalities in existing markets for essential goods not by direct regulation, but by endowing citizen consumers with new assets and special bargaining powers.³

The second line of argument grows out of an appreciation of the more general limits of the state's regulatory capacity. Building on the participatory, radical-democratic strand of traditional socialism, it seeks to construct models in which "local" players can be involved more directly in regulation and collective problem-solving, albeit with some form of center that coordinates local efforts. The idea is that empowering citizens, and then on more equal terms, is an intrinsic good, and a means of ensuring a fairer distribution of material resources. But it is also an important strategy for achieving more effective solutions to collective problems – informed by local knowledge, engaging local energies, and otherwise improving on the performance of a distant command-and-control central state.

Traditionally this radical democratic strand of the socialist project has been associated with ideas of economic democracy, including self-management and worker ownership, as well as more ambitious projects of democratic coordination above the level of the firm. But changes in firm and work organization and career patterns – more fluid firm boundaries, more discrete and shifting "communities of interest" within them, less sustained firm-specific employment, increased payoff to heterogeneous skills, greater integration of work and family life – suggest that the firm may not be the right locus of economic democracy. At the same time, the virtues of participatory, radical-democratic strategies are not confined to the economic arena. They seem to "travel" well to many areas of policy, including those areas of "local" coordination already noted. So the fact of political heterogeneity, while a challenge to socialism's traditionally privileged site for participatory

democracy, here seems to invite its direct extension to a wider area of social life.

The work in this volume, and some of our own, exemplifies this participatory strand in post-socialist thought. Our work on associative democracy, which inaugurated the Real Utopias series with a volume on *Associations and Democracy*,⁴ centered on the idea of improving democratic process and performance by a deliberate “politics of association.” Instead of taking as fixed the strength and distribution of secondary organizations intermediate between state and market, liberal democratic governments would explicitly encourage an associational population better suited to representing underrepresented interests or adding to state capacities for regulation. In the concluding essay to that volume, we came around to the view that the point was not simply to foster associations of suitable kinds, but also to build new arenas for solving problems through citizen deliberation. Thus the idea was both to foster greater equality of power and to discipline the exercise of power directly through the common reason of citizens: to build a more democratic society, and a more deliberative democracy.

The present volume builds on this second strand of argument. Archon Fung and Erik Olin Wright offer a model of “Empowered Participatory Governance” (EPG), very much about the construction and use of citizen arenas for practically inclined democratic deliberation. The contributors then seek to assess the robustness and appeal of that model by considering some contemporary cases that arguably exemplify it. The cases vary widely: from Chicago schools and policing, to participatory budgeting in Porto Alegre, to the design of a range of public programs in West Bengal and Kerala, to the planning of complex regimes of habitat conservation in various parts of the United States. And at the very least, they present impressive evidence of social capacity for political invention. Across radically different circumstances, we see new forms of participation, all devised for attractively mundane purposes: making sure that schools work, that roads and water pipes get built where people need them, that jobs and endangered species both get protected, and that public safety improves in dangerous places.⁵ These innovations are animated by and give evidence for the truth of the hopeful, radical–democratic assumption that explicitly animates this book – that ordinary people are capable of reducing the political role of untamed power and arbitrary preference and, through the exercise of their common reason, jointly solving important collective problems.

In our comments, we explore what more the book tells us about this hopeful assumption. In particular, we focus on the role in EPG of deliberation – the idea of subjecting collective decision to the rule of reason – and its relation to power. We find some important evidence here for the view that deliberative democracy is not, contrary to some of its critics, simply a way to empower the verbally agile and increase the returns to cultural capital, nor is its emphasis on reasons unduly respectful of the *status quo*. But we also criticize the presentation in the book for its inattention to conditions of background power. The cases discussed here differ sharply from one another in those background conditions, and on how they, or their remedy, figure in the activities under discussion here. By treating these cases as all instances of a common model, Fung and Wright may obscure the importance of this difference, and may exaggerate the capacity of deliberation itself to neutralize the effects of unequal power.

II The Empirics of Deliberation

The model of empowered participatory governance (EPG) comprises three conditions: focussed problem-solving, participation, and deliberation. We have EPG when parties who are affected by a certain area of policy come together to deliberate about which policies are most suitable to their case, and the results of their deliberation in fact determine the policies adopted. The ideas of focussed problem-solving and participation raise large questions.⁶ But we put these issues aside here, and focus instead on what the cases tell us about the “deliberation” aspect of EPG.

Briefly, to deliberate means to debate alternatives on the basis of considerations that all take to be relevant; it is a matter of offering reasons for alternatives,⁷ rather than merely stating a preference for one or another, with such preferences then subject to some rule of aggregation or submitted to bargaining. The exchange of reasons that a deliberative democracy puts at the center of collective decision-making is not to be confused with simple discussion, or the revelation and exchange of private information. Any view of intelligent political decision-making sees such discussion and exchange as important, if only because of initial asymmetries in the possession of relevant information. What is distinctive about a deliberative view is that the processing of this information is disciplined by the claims of reason – that arguments must be offered on behalf of proposals, and be supported by considerations that are acknowledged to provide relevant reasons,

even though there may be disagreements about the weight and precise content of those considerations.

Consider, by way of illustration, the case of education. In deciding how to allocate resources, some relevant and potentially competing reasons might be: enabling each student to achieve his or her potential; promoting the performance of those who are performing least well; providing a common educational experience for students of diverse backgrounds. In the case of health care, they might be: benefiting those who are worst off; aiding those who would benefit most from medical resources; assisting the largest number of people; ensuring that all people have fair chances at receiving help, regardless of the urgency of their situation and of expected benefits from treatment.⁸ As these examples suggest, the reasons relevant to particular domains can be complex, varied, and often competing, and there often will be no clear, principled basis for ranking them: reasonable people may reasonably disagree on how they should be weighted. And after the competing reasons are all aired, they may continue to disagree about the right result. Nevertheless, they accept the results of the deliberative process as legitimate in part in virtue of its having given due consideration to the relevant reasons.

The normative attraction of deliberation goes well beyond the prospect of public action based on the most complete relevant information, even the most complete information about possibly principled bases for action. In the ideal case, collective decision-making through deliberation also *neutralizes the political role of arbitrary preferences and power* by putting collective decisions on a footing of common reason. In ideal deliberation, the only power that prevails is, as Habermas puts it, the “force of the better argument”⁹ – and that is a force equally available to all. If a commitment to deliberation in this way neutralizes power and equalizes chances to influence collective decision-making, moreover, it should also tend to produce more equitable outcomes than would otherwise result. The deliberative ideal of using common reason to discipline power and preference thus arguably connects to substantive norms of political equality (fairness of process) and distributive equity (fairness of result).¹⁰

Other effects and virtues are sometimes associated with deliberation: that it changes preferences in desirable, democracy-promoting, ways; that it encourages mutual respect among parties; that its connection to common reason fosters legitimacy in a way that bargaining, or majority rule with a simple counting of heads, do not; that it promotes more information revelation and, finally and simply, more intelligent decisions.¹¹ But the idea that deliberation helps to neutralize power is

fundamental, and provides our focus here. What precisely is this claim, and what do the cases assembled here tell us about the possibilities of its achievement in the real world?

II.1 Two Prefatory Points

Before answering this question, however, we enter two prefatory points.

First, if the cases tell us anything hopeful at all, it will be largely news. Empirical literature on deliberation is thin, and not very promising in observed effects. As Rebecca Abers notes,¹² the “case study literature on experiments in direct citizen participation in governance is on the whole pessimistic,” especially if measured against the standards of democratic deliberation proposed here. Either the full range of those affected by decisions – particularly the poor and less equipped with education and other “cultural capital” – did not actually participate in discussion. Or deliberative bodies were “talk shops,” whose conclusions did not guide final policy decisions. More recent assessments also raise concerns about how deliberation may produce polarization, and about how reticence to express political judgements may lead to inequalities in deliberative participation.¹³ But the concerns about polarization emerge most sharply in settings in which like-minded people deliberate, and the concerns about reticence have been studied in informal settings of discussion different from the problem-solving arenas that provide the focus for the case studies here.¹⁴ One of the great strengths of this volume, indeed, is its wealth of examples from such arenas, presumably the most relevant to taking deliberative democracy seriously in actual public policy.

Second, however, a large caveat needs to be entered on the kinds of inference that can be supported by these cases. In selecting their cases, the editors sought to find illuminating illustrations of EPG, not to test a theory about it. In effect, they have sampled on a dependent variable. Given the immature state of theory and data in this area, this judgement made sense. Its downside, however, is that we lack the variation needed for testing hypotheses.

For example, in his treatment of participatory budgeting in Porto Alegre, Gianpaolo Baiocchi presents suggestive evidence in support of the claim that EPG has helped produce a fairer allocation of public-works spending in that city, one more attentive in particular to the needs of poorer neighborhoods. But the evidence presented, while consistent with this claim for EPG, is also consistent with the hypothesis that this fairer allocation results more directly from the Workers’ Party

(PT) dominance of city government. Absent the pairing of cases with relevant variation – say, Porto Alegre with other cities run by the PT for comparable numbers of years, but without participatory budgeting; or different cities with participatory budgeting but with sustained differences in party control – we cannot decide this issue, or understand EPG’s distinctive contribution. Similarly, the study of Kerala by T.M. Thomas Isaac and Patrick Heller finds increased popular participation as a result of institutionalization of the local grama sabhas, and fairer allocations of public resources following adoption of the Communist Party of India/Marxist’s highly devolved program of economic development. Thomas Isaac and Heller do not find much deliberation in the grama sabhas, which meet infrequently, often at great distance from would-be participants, and are “too large and unwieldy for meaningful deliberation.”¹⁵ So we may simply have evidence for the idea that popular empowerment itself shifts the balance of political power to poorer citizens, and this – rather than reason-giving – generates shifts in public spending. In any case, the selection of cases counsels caution in drawing inferences.

This limitation acknowledged, the cases are instructive on the practical details of popular deliberation. In particular they suggest that at least some familiar objections to democratic deliberation are overstated, and at least some of its promised returns are in evidence – if overdetermined, or perhaps determined solely, by the supportive political organizations and movements that spurred the experiments in the first place.

III Two Common Objections to Deliberation’s Promise

The cases presented here seem to offer good evidence against two common objections to deliberative democracy, or to power-neutralizing claims made on its behalf.¹⁶

III.1 The Power of the Word

The first objection – suggested by Pierre Bourdieu’s skepticism about “linguistic communism” – departs from the observation that reasoning is an acquired capacity, not equally distributed among all. So collective decision-making through reason-giving may not *neutralize* power, but instead create new forms of unequally distributed power: a “logocracy,” in which power goes to the rhetorically or laryngically gifted.

Moreover, this rule of the reasoners (not of reason) is likely to compound existing social inequalities. According to some critics, we can expect a preponderance of the economically advantaged, or men, or those otherwise possessed of cultural capital and argumentative confidence.

But from the evidence of the cases considered here – particularly those concerning the less educated and in the cases considered by Baiocchi (Porto Alegre participatory budgeting), Thomas Isaac and Heller (West Bengal and Kerala economic planning and budgeting), and Fung (Chicago policing and schools) – this objection is less than compelling. It overstates the weight of the feared effect, and underestimates the capacity of deliberative bodies and political officials to recognize and alleviate it, should it arise. Thus Fung finds that citizen participation in Chicago policing efforts is greater in poorer neighborhoods, and that the city, cognizant of concerns about cultural and class bias, invested resources in training participants in policing and schooling efforts. Baiocchi finds high rates of involvement by poorer, less-educated citizens, and a substantial role for women's participation in participatory budgeting bodies. And Thomas Isaac and Heller report high rates of participation by women, the poor, and less educated – indeed, if anything, an overrepresentation of the poor in the grama sabhas, owing to their higher stake in the decisions made there.

The case of Habitat Conservation Planning (HCP) is very different. Noting the great diversity in HCPs, and the difficulty of drawing any crisp lessons from the experience, Craig Thomas observes that many HCPs are “relatively small and elitist,” and that internal deliberation is often dominated by experts, not ordinary citizens. What is not clear from his discussion, however, is whether the arenas are expert-dominated *because* they are deliberative, and thus unwelcoming to citizens who lack rhetorical confidence – or simply because the planning process has few democratic ambitions.¹⁷

Moreover, the cases suggest some support for the claim that decision-making through joint reasoning shifts *outcomes* and not only processes. In Porto Alegre and Kerala, there appear to be substantial shifts in the allocation of public resources to the poor, and in Chicago some redirection of police capacities to more pressing problems identified by citizens. It should be said, however, that Thomas Isaac and Heller do not find a great deal of deliberation in the Kerala case, so it may be that the results come from the dominance of the Left party, or from the sheer fact of broader participation. But deliberation may help in the other cases, and in any case does not seem to have the deficiencies identified by some critics.

Of particular interest are the arguments that deliberative bodies need not take rates and kinds of participation as given. When biases appear in citizens' capacity to participate, deliberative bodies can undertake affirmative measures to address those biases. In particular, they can help to train participants in the issues decided by the body and in how to frame arguments about the relevant policies. In Kerala, indeed, "a critical component of the Campaign has been an elaborate training program that has become one of the largest non-formal education programs ever undertaken in India,"¹⁸ with several hundred thousand participants involved in multiple rounds of multi-day training focussed on one or another part of the planning process. On this, Jane Mansbridge is right that it would help to know more about the details of training offered to ensure deliberative equality.¹⁹ Is the training really disinterested, and directed at increasing participant skills? Or is it abused for indoctrination or political control? This is a fair concern, perhaps especially when the deliberative body is sponsored by a political party. But then, some version of it might be applied to almost any program of civic education. Here, in any case, the straightforward capacity-building aims of training appear clearly dominant over any "political education."

A final observation on this first line of criticism: it needs to be acknowledged that the favorable findings presented here on the practice of deliberation may reflect something about the specific kinds of deliberative body under consideration. As Fung and Wright emphasize, the deliberative bodies studied in this volume aim to solve relatively concrete problems – to improve policy in relatively well defined areas – not to have open-ended public debate that sets political priorities, or to arrive at principles of political morality. So the cases do not show much about whether remedies for inequalities of deliberative capacity carry over to other cases, where (a critic might argue) inequalities of argumentative skills may be more recalcitrant to remedy. But it does seem that critics of deliberation were too quick to suppose that decision-making through joint reasoning would inevitably empower the verbally agile.

III.2 The Suppression of Self-Interest

A second objection to deliberation is that its conception of reason-giving as the favored form of political speech will work to the disadvantage of subordinate groups. Because those groups are subordinated, their particular interests may not be well understood or included within conventional understandings of the common good. To limit

deliberation to arguments appealing somehow to that good, or to other considerations that are commonly cognized as reasons, boxes members of subordinate groups out of stating their interests at all; norms, according to the critic, reflect power, and are not an alternative basis of collective decision. Rather than playing this rigged game of deliberation, then, subordinate groups would do better to engage in straight-up bargaining. Thus Mansbridge observes that

a single focus on the common good tends to make the assertion of self-interest illegitimate. Yet recognizing and asserting self-interest helps one figure out oneself what one wants. Recognizing and asserting self-interest helps in becoming understood (and respected) for what one wants and needs. Recognizing and asserting self-interest helps unveil hegemonic understandings of the common good when those understandings have evolved to mask subtle forms of oppression.²⁰

But this objection rests on a conceptual confusion about deliberation, and has – at least from the cases considered here – almost no empirical basis.

Deliberation does not preclude statements of self-interest. The deliberative view holds that expressions of self-interest do not qualify as *justifications* for anything – as statements of reasons in the desired sense. But it admits them as ways to present *information*. For example, a relevant consideration in deliberation, and a possible justification or reason for a policy, is that it represents a fair accommodation of the interests of all, or advances the good of those who are in greatest need. But to know that it does either of these things, we need to know what those interests are, and expressions of self-interest by relevant persons are one way to find that out. Where the deliberative norm cuts is simply that saying “this policy is in my (my group’s) interest(s)” is not itself a reason for adopting a policy, but again it may be very relevant information in choosing among different policies.

More immediately still, however, the objection lacks any empirical referent in the cases considered here. Even in those cases involving the most subordinate of groups, they suggest no evidence that members of those groups are reluctant to express their self-interests, or even to bring forth proposals specifically geared to meeting them. Nor is there any suggestion that statements are met with such criticism.

III.3 Why Reason Together?

But it is a third concern about deliberative democracy that needs more attention from proponents. The presentation in the book, however, is not very illuminating on this issue.

According to this objection, deliberation is a ruse unless substantial background equality of position is already assured. Or, conversely, under conditions of substantial inequality of power, a requirement of presenting reasons is unlikely to limit or neutralize power. Because constraints on what counts as a reason are not well defined, the advantaged will find some way to defend self-serving proposals with considerations that are arguably general. For example, they may make appeals to ideas of the common advantage, but press a conception of the common advantage that assigns great weight to the *status quo*. “Common advantage” will then consist in advantage relative to the existing framework of inequality, with that framework itself left off the deliberative table. Or if they fail in this, the advantaged will simply refuse to accept the discipline of deliberation. They will recognize, to paraphrase Hobbes, that reasons without the sword are but words with no force to tie anyone’s hands. So actors with sufficient power to advance their aims without deliberating will not bother to deliberate. Or if for some reason they formally agree to deliberation, we can expect them only to offer “reasons” for action that in fact are purely self-serving proposals.

If this objection is right, then proposals for deliberative democracy that are inattentive to background relations of power will waste the time of those who can least afford its loss: those now subordinate in power. The time and energy they spend in argument, laboring under the illusion that sweet reason will constrain the power that suppresses them, is time and energy they could have spent in self-organization, instrumental efforts to increase their own power, or like efforts to impose costs on opponents.

What to make of this objection?

As a first response, let us be clear that observing the importance of background differences in power is not a criticism of the deliberative ideal *per se*, but a concern about its application. Deliberative democracy is a normative model of collective decision-making, not a universal political strategy. And commitment to the normative ideal does not require commitment to the belief that collective decision-making through mutual reason-giving – particularly reason-giving that expresses the democratic idea of members as equals – is always possible. So it may indeed be the case that some rough background balance of power is required before parties will listen to reason. But observing

that does not importantly lessen the attraction of the deliberative ideal; it simply states a condition of its reasonable pursuit.

Thus, in Habermas's account of the ideal speech situation, or Cohen's account of an ideal deliberative procedure, inequalities in power are stipulated away for the sake of model construction.²¹ These idealizations are intended to characterize the nature of reasoned collective decision-making and in turn to provide models for actual arrangements of collective decision-making. But actual arrangements must provide some basis for confidence that joint reasoning will actually prevail in shaping the exercise of collective power, and gross inequalities of power surely undermine any such confidence. In *Justice as Impartiality*, Brian Barry refers to the social and political conditions needed to actualize idealized deliberation as the "circumstances of impartiality."²² In Barry's account, parties in the circumstances of impartiality need to be well informed, and prepared to listen to reasonable objections, regardless of the source of the objections. So discussion that expresses the deliberative ideal must operate with a background of free expression and association, thus providing minimal conditions for the availability of relevant information. Equally, if parties are not somehow constrained to accept the consequences of deliberation, if "exit options" are not foreclosed, it seems implausible that they will accept the discipline of joint reasoning, and in particular to reasoning informed by the democratic idea of persons as equals. Firms retaining a more or less costless ability to move investment elsewhere are not, for example, likely to accept the discipline of reasoned deliberation about labor standards, with workers as their deliberative equals.

Deliberation, then, is an ideal whose realization has preconditions. In the absence of those preconditions, we cannot expect the force of the better argument to prevail. And equally, when those preconditions are not met, we have a problem in the circumstances, not in the ideal that condemns them.

Specifying the conditions in which it can work is an empirical question, at the very heart of the concerns of this volume: What are the needed conditions? How widely can they be secured? Unfortunately, while the presentation of theory and cases in this book is consistent with acknowledging the importance of such questions – and of the underlying issue of differences in background power – the similar treatment of very diverse cases obscures the issue.

To be sure, Fung and Wright note important differences among the four cases.²³ But their principal emphasis is on *similarities*:

Though each of these cases differs from the others in its ambition, scope, and concrete aims, they all share surprising similarities in their motivating

principles and institutional design features. They may have enough in common to describe them as instances of a novel, but broadly applicable, model of deliberative democratic practice that can be expanded horizontally . . . and vertically.²⁴

And indeed, the cases do share some features. In each case, we have discussion aimed at problem-solving, rather than at the clarification of opinion. In each, the decisions more or less directly affect the allocation of public resources, rather than simply the decisions of non-public bodies. And in each, the participants in discussion are not territorial representatives with general responsibilities of representation, but ordinary citizens participating in person, or representatives with discrete responsibilities and policy bounds.

But on the issue that concerns us here, the relevance of background differences in power to deliberation, little is made of important differences among the cases. Those discussed by Fung (schools, policing) and Thomas (environmental regulation) are set against a background in which imbalances of power are not of obvious relevance to decision-making. Neither suggests that deliberation neutralizes power, but only because inequalities of power are not what stands in the way of achieving reasonable aims in these cases. Such inequalities of course exist in U.S. politics. But in both cases the issue is essentially one of achieving coordination for mutual benefit.

In the Chicago policing case, for example, the large problem is a lack of the information that is needed to target policing efforts. The role of the deliberative bodies is to provide that information, which citizens living in neighborhoods are assumed to have, and to provide it in the context of focussed, practical discussions aimed at addressing neighborhood security needs. But the deliberation does not address a fundamental conflict of interests. Instead it generates information and perhaps fosters greater trust between cops and citizens. And where there are conflicts of interest about neighborhood security – about how much to invest in police, and about the value of policing and other methods of improving community security (economic improvement, for example) – the community policing system described by Fung does not actually address those issues. In the case of HCPs, deliberation does not neutralize power but instead proceeds against the background of power-neutralizing threats of litigation or alternative EPA rule-making or decree available under the Endangered Species Act, a big stick that was “part of the background that brings actors to a common table,”²⁵ and that provided developers, in particular, an incentive to work with environmentalists.

In contrast, deliberative problem-solving arrangements in the non-U.S. cases do not result from such discrete innovations designed to address bounded policy problems – to be solved either through better information or through *de facto* “bargaining in the shadow of the law.” They are instead part of much larger political projects, themselves aimed precisely at changing a more fundamental balance of power between large forces in society. In Porto Alegre and Kerala, the deliberative arenas and practices were established by leftist parties, with a broad social base and a program of mobilizing and activating the poor and dispossessed. The relevant participatory bodies are both effect and cause of a wider political mobilization that enabled groups to participate who had not participated before, and, importantly, those bodies have much wider powers than the more policy-specific bodies considered in the U.S. cases. Whereas the U.S. cases are arguably about achieving mutual gains through better coordination, and the point of the deliberation is to settle on a mutually beneficial plan, the non-U.S. cases are apparently about redistributing power and advantage. Indeed, they are as much about shifting the balance of power to create democratic conditions in the first place – including local democracy in traditionally centralized political systems – as they are about establishing specifically deliberative forms of democratic practice. Indeed, in the Kerala case, Thomas Isaac and Heller find only the empowerment, not the deliberation. In Porto Alegre, the shift in power achieved by the participatory budgeting arrangements appears to establish the social and political conditions that give a point to joint reasoning.

In emphasizing the common features of the different cases considered in this volume, Fung and Wright seem to overlook this difference, a difference that bears on the generalizability of deliberative problem-solving. Precisely because the U.S. cases are instances of deliberation aimed at improved coordination, we may – if we do not attend to the differences – lose the essential importance, in cases of distributive or redistributive politics, of shifting the relations of power as a precondition to enabling public deliberation to work its effects. The problem of generalizing deliberation is not that subordinate groups are unable to hold their own in deliberation, but that those with power advantages will not willingly submit themselves to the discipline of reason if that discipline presents large threats to their advantage.

Perhaps this relative inattention to the differences among the cases is simple oversight. But something more may be at work, and it is worth asking what that might be. That is, is there a more fundamental reason for thinking that deliberation *is* generalizable, making differences in background relations of power are less significant than we are

supposing? Why might someone suppose that deliberation can work its power-neutralizing effects under a very broad range of political conditions, and not simply when there has been an explicit effort to redress profound background inequalities of power?

The most plausible rationale is an argument from uncertainty. Grant that actors will not hold their interests hostage to deliberative problem-solving if they have reasonable assurance of an ability to protect themselves and promote their interests without such submission. But what if they do not have that assurance? What if in fact they do not know yet what their interests are? The willingness to join in deliberation may derive precisely from uncertainty on these essentials.

Here is how this might go. First, even an agent who apparently has large resources and power will want to generate new information. Second, that agent will recognize that other agents have information relevant to his or her own protection and advantage. But then suppose, third, that the environment is not very stable and that information relevant to advancing interests changes rapidly. Then apparently more powerful agents will have strong incentives to elicit the willing cooperation of apparently less powerful agents so that the latter reveal the information they have that bears on the interests of the more powerful. And one strategy for eliciting that cooperation will be to offer reasons rather than force to the subordinate. Moreover, because the relevant information cannot be provided on a one-shot basis (this is the force of the assumption about the shifting environment), the incentive is actually to establish some form of ongoing discussion in which information will regularly be gathered and reported. So even the apparently powerful agents emerge from reflection on the circumstances of uncertainty with an interest in establishing ongoing arenas of deliberative discussion aimed at exploring solutions to practical problems.

Now this uncertainty-based argument may seem not to get us all the way to deliberation. If the aim is simply to elicit information, it may be possible simply to pay for it, that is, to ensure some form of mutual gains, in the way that bargaining does. But the acknowledgement of pervasive, persistent, and profound uncertainty, and the associated recognition of mutual dependence, may throw into question our sense of our own interests. After all, even the powerful come to see their own fate as dependent on securing the willing cooperation of others, as the fate of the weak depends on the willing cooperation of the strong. And this recognition of commonality of circumstance and mutual dependence – of a sense of being “in it together” – may produce a sense of shared identity and shared fate, which in turn changes the understanding of interests. How I think about my good, after all, plausibly

depends on how I understand myself; and the facts of pervasive interdependence, constantly reinforced in arenas of discussion with diverse others, is bound to change that self-understanding.

Or so the uncertainty argument might go.

But note two things about this argument, as it bears our focus on the neutralizing effects of deliberation on power. First, uncertainty's effects here are felt directly, not *via* deliberation. The argument is not about the power-neutralizing effects of deliberation itself, under background conditions of uncertainty, but about how pervasive uncertainty itself undermines differences of power, leading to acceptance of deliberation. Deliberation emerges as a way to pool information and explore strategies of coordination given the power-neutralizing effects of uncertainty. Second, and more to the point, it seems clear that the profound, pervasive, and sustained uncertainty required to achieve this direct effect – that is, to make substantial differences of power only apparent, and of no real effect in protecting and advancing interests – is a very special case. We cannot assume that, as a general matter, uncertainty takes that distinctive form. And if it does not, then gaining the benefits of deliberation may well require direct efforts to address inequalities of power.

III.4 Moving Forward

Creating a deliberative democracy is an important part of the post-socialist, egalitarian–democratic project. And much of the evidence presented in this book indicates that efforts to make democracy more deliberative have considerable promise: they appear not to be vexed by inequalities in deliberative capacities, or to silence historically excluded groups; moreover, the promise of deliberative democracy appears to resonate, under a broad range of circumstances.

But the project of constructing a more deliberative democracy should not be based on naive expectations about the autonomy of reason from political reality or the capacity of reason to defeat naked power. A central aim of the democratic project, indeed one way of expressing the democratic ambition itself, is to ensure a place for the shared reason of equals in practical politics. This place cannot be claimed at all, however, unless the inequalities of power that would thwart an expansive role for such reason are defeated, or at least momentarily kept at bay. The Fung–Wright model of EPG is consistent with this observation, but its application – its like treatment of the very different cases, involving different roles for background differences in power – is insufficiently disciplined by attention to these inequalities.

Cases in which deliberation emerges as a way to exploit possibilities of mutually beneficial coordination differ substantially from cases in which deliberative problem-solving depends on and follows from a broader democratization of social power. The project of deliberative democracy must respect that difference. Neglecting it invites illusions about the present place of reason in our politics, and about what would be required to increase its prominence.

Notes

* We have included all references to other chapters in this volume in notes.

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1. The social democratic project left the inequality of property holdings largely intact, and thereby guaranteed eternal contest over achievement of a passably equal income distribution, which required a “taking” from those who had benefited from initial property inequalities.

2. John Roemer, *Equal Shares: Making Market Socialism Work*, New York and London: Verso (1996).

3. Samuel Bowles and Herbert Gintis, *Recasting Egalitarianism: New Rules for Communities, States and Markets*, New York and London: Verso (1999).

4. Joshua Cohen and Joel Rogers, *Associations and Democracy*, New York and London: Verso (1995).

5. Hannah Arendt might have shuddered to think that the noble activity of political innovation could be brought so low, but so much the worse for Arendt.

6. In his discussion of Chicago policing, Fung says that “17–21 residents generally attend each meeting in addition to five or six beat officers.” With four to six thousand adults living in each beat, these numbers may seem very small, but they are, he says, “more than enough for problem-solving planning and implementation” (p. 128). Without disputing this assertion about sufficiency for solving problems, we might naturally wonder what such low participation rates indicate about democratic promise, and what would be required to show that participants are sufficiently representative or accountable to answer those concerns.

7. Of course, the availability of such shared reason may itself be in doubt. Much of the recent literature on deliberative democracy aims to clarify just what the relevant idea of a reason is, particularly when participants in deliberation are assumed to have basic disagreements in their respective philosophies of life. We will not pursue this issue here, but recommend the wide-ranging and illuminating discussion in Samuel Freeman, “Deliberative Democracy: A Sympathetic Comment,” *Philosophy and Public Affairs*, vol. 29, no. 4 (Fall 2000), pp. 371–418.

8. See Norman Daniels, “Limits to Health Care: Fair Procedures, Democratic Deliberation, and the Legitimacy Problem for Insurers,” *Philosophy and Public Affairs*, vol. 26, no. 4, pp. 303–51.

9. Jürgen Habermas, *Theory of Communicative Action*, trans. Thomas McCarthy, Boston: Beacon Press (1984), p. 25.

10. Joshua Cohen, “Procedure and Substance in Deliberative Democracy,” in Seyla Benhabib, ed., *Democracy and Difference: Changing Boundaries of the Political*, Princeton: Princeton University Press (1996).

11. Freeman, “Deliberative Democracy.”

12. This volume, p. 200.
13. See Cass Sunstein, *Designing Democracy: What Constitutions Do*, Oxford: Oxford University Press (2001), chapter 1; Pamela Johnston Conover *et al.*, "The Deliberative Potential of Political Discussion," *British Journal of Political Science*, vol. 32 (2002), pp. 21–62.
14. Conover *et al.* suggest that some familiar barriers to deliberative discussion – inexperience in argument, failures of education, a general lack of social confidence, and so on – may be remediable through education (*ibid.*, pp. 59–60) and, as we indicate below, the case studies reported in this volume provide some suggestive support for this claim. They also find a large source of reticence in the unwillingness of individuals to state their political views, and expose them to criticism. In the problem-solving settings studied here, that reticence seems not to be in evidence, though it is not easy to tell whether the reduced reticence reflects self-selection or a sense that in these settings reticence is not appropriate and political views are not properly construed as private matters.
15. Thomas Isaac and Heller, this volume, p. 103.
16. For critical discussion of deliberative democracy, see Lynn Sanders, "Against Deliberation," *Political Theory*, vol. 25 (1997), pp. 347–76; Iris Young, "Communication and the Other: Beyond Deliberative Democracy," in Seyla Benhabib, ed., *Democracy and Difference: Contesting the Boundaries of the Political*, Princeton: Princeton University Press (1994); and the essays by Susan Stokes, James Johnson, and James Fearon in Jon Elster, ed., *Deliberative Democracy*, Cambridge: Cambridge University Press (1998).
17. On this point, see Thomas's footnote 23, p. 170 on the guidelines for public participation.
18. Thomas Isaac and Heller, this volume, p. 83.
19. Mansbridge, this volume, p. 185.
20. Mansbridge, this volume, p. 179.
21. See the essays by Cohen and Habermas in James Bohman and William Rehg, ed., *Deliberative Democracy*, Cambridge, MA: MIT Press (1997).
22. Brian Barry, *Justice as Impartiality*, Oxford: Oxford University Press (1995), pp. 99–111.
23. Fung and Wright, Introduction to this volume, p. 5.
24. Fung and Wright, Introduction to this volume, p. 15.
25. Thomas, this volume, p. 161.