Deepening Democracy

Institutional Innovations in Empowered Participatory Governance

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Introduction

Thinking About
Empowered Participatory Governance[1]

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As the tasks of the state have become more complex and the size of polities larger and more heterogeneous, the institutional forms of liberal democracy developed in the nineteenth century — representative democracy plus techno-bureaucratic administration — seem increasingly ill-suited to the novel problems we face in the twenty-first century. "Democracy" as a way of organizing the state has come to be narrowly identified with territorially-based competitive elections of political leadership for legislative and executive offices. Yet, increasingly, this mechanism of political representation seems ineffective in accomplishing the central ideals of democratic politics: facilitating active political involvement of the citizenry, forging political consensus through dialogue, devising and implementing public policies that ground a productive economy and healthy society, and, in more radical egalitarian versions of the democratic ideal, assuring that all citizens benefit from the nation's wealth.

The Right of the political spectrum has taken advantage of this apparent decline in the effectiveness of democratic institutions to escalate its attack on the very idea of the affirmative state. The only way the state can play a competent and constructive role, the Right typically argues, is to dramatically reduce the scope and depth of its activities. In addition to the traditional moral opposition of libertarians to the activist state on the grounds that it infringes on property rights and individual autonomy, it is now widely argued that the affirmative state has simply become too costly and inefficient. The benefits supposedly provided by the state are myths; the costs—both in terms of the resources directly

absorbed by the state and of indirect negative effects on economic growth and efficiency—are real and increasing. Rather than seeking to deepen the democratic character of politics in response to these concerns, the thrust of much political energy in the developed industrial democracies in recent years has been to reduce the role of politics altogether. Deregulation, privatization, reduction of social services, and curtailments of state spending have been the watchwords, rather than participation, greater responsiveness, more creative and effective forms of democratic state intervention. As the slogan goes: "The state is the problem, not the solution."

In the past, the political Left in capitalist democracies vigorously defended the affirmative state against these kinds of arguments. In its most radical form, revolutionary socialists argued that public ownership of the principle means of production combined with centralized state planning offered the best hope for a just, humane and egalitarian society. But even those on the Left who rejected revolutionary visions of ruptures with capitalism insisted that an activist state was essential to counteract a host of negative effects generated by the dynamics of capitalist economies -- poverty, unemployment, increasing inequality, under-provision of public goods like training and public health. In the absence of such state interventions, the capitalist market becomes a "Satanic Mill," in Karl Polanyi's metaphor, that erodes the social foundations of its own existence.[2] These defenses of the affirmative state have become noticeably weaker in recent years, both in their rhetorical force and in their practical political capacity to mobilize. Although the Left has not come to accept unregulated markets and a minimal state as morally desirable or economically efficient, it is much less certain that the institutions it defended in the past can achieve social justice and economic well being in the present.

Perhaps this erosion of democratic vitality is an inevitable result of complexity and size. Perhaps we should expect no more than limited popular constraint on the activities of government through regular, weakly competitive elections. Perhaps the era of the "affirmative democratic state" — the state which plays a creative and active role in solving problems in response to popular demands — is over, and a retreat to privatism and political passivity is the unavoidable price of "progress." But perhaps the problem has more to do with the specific design of our institutions than with the tasks they face as such. If so, then a fundamental challenge for the Left is to develop transformative

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[2] Karl Polanyi, *The Great Transformation* (New York: Rinehart & Co., 1944). The phrase appears originally in William Blake's *Jerusalem: The Emanation of the Giant Albion* (1804).

democratic strategies that can advance our traditional values—egalitarian social justice, individual liberty combined with popular control over collective decisions, community and solidarity, and the flourishing of individuals in ways which enable them to realize their potentials.

This volume explores a range of empirical responses to this challenge. They constitute real-world experiments in the redesign of democratic institutions, innovations that elicit the enerergy and influence of ordinary people, often drawn from the lowest strata of society in the solution of problems that plague them. Below, we briefly introduce four such experiments:

- *Neighborhood governance councils* in Chicago address the fears and hopes of inner city Chicago residents by turning an urban bureaucracy on its head and devolving substantial power over policing and public schools.
- *Habitat Conservation Planning* under the Endangered Species Act convenes stakeholders and empowers them to develop ecosystem governance arrangements that will satisfy the double imperatives of human development and the protection of jeopardized species.
- *The participatory budget* of Porto Alegre, Brazil enables residents of that city to participate directly in forging the city budget and thus use public monies previously diverted to patronage payoffs to pave their roads and electrify their neighborhoods.
- *Panchayat reforms* in West Bengal and Kerala, India have created both direct and representative democratic channels that devolve substantial administrative and fiscal development power to individual villages.

Though these four reforms differ dramatically in the details of their design, issue areas, and scope, they all aspire to deepen the ways in which ordinary people can effectively participate in and influence policies which directly affect their lives. From their common features, we call this reform family *empowered participatory governance* (EPG). They are participatory in their reliance upon the commitment and capacities of ordinary people; deliberative because they institute reason-based decision-making; and empowered since they attempt to tie action to discussion.

The exploration of empowered participation as a progressive institutional reform strategy advances the conceptual and empirical understanding of democratic practice. Conceptually, EPG presses the

values of participation, deliberation, and empowerment to the apparent limits of prudence and feasibility. Taking participatory democracy seriously in this way throws both its vulnerabilities and advantages into sharp relief. We also hope that injecting empirically centered examination into current debates about deliberative democracy will paradoxically expand the imaginative horizons of that discussion at the same time that it injects a bit of realism. Much of that work has been quite conceptually focussed, and so has failed to detail or evaluate institutional designs to advance these values. By contrast, large and medium scale reforms like those mentioned above offer an array of real alternative political and administrative designs for deepening democracy. As we shall see, many of these ambitious designs are not just workable, but may surpass conventional democratic institutional forms on the quite practical aims of enhancing the responsiveness and effectiveness of the state while at the same time making it more fair, participatory, deliberative, and accountable. These benefits, however, may be offset by costs such as their alleged dependence on fragile political and cultural conditions, tendencies to compound background social and economic inequalities, and weak protection of minority interests.

  We begin by briefly sketching four reform experiments.[3] Each of these will be examined extensively in the chapters that follow. We then lay out an abstract model of Empowered Participatory Governance that distills the distinctive features of these experiments into three central principles and three institutional design features. The next section explains why, in principle, such arrangements will generate a range of desirable social effects. We conclude this introduction with an agenda of questions to interrogate cases of actually-existing EPG.

I. Four Experiments In
Participatory Deliberative Governance

  These institutional reforms vary widely on many dimensions, and none perfectly realizes the democratic values of citizen participation, deliberation, and empowerment. In its own way and quite imperfectly, however, each strives to advance these values and to an extent succeeds.

  These cases can be usefully grouped into two general categories: first, reforms that primarily address failures of specific administrative and regulatory agencies, and second, reforms that attempt to restructure

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[3] These five cases were presented at a conference in the *Real Utopias Project* held at the University of Wisconsin, Madison, in January 2000.

democratic decisionmaking more generally. Two of the cases fall under the first rubric. They attempt to remedy failures of state agencies by deploying participation and deliberation as tools to enhance effectiveness. One consists of functionally specific administrative reforms geared to improve the performance of the police and public education systems in the city of Chicago. The second attempts to balance human development and the protection of endangered species through stakeholder governance under reforms to the U.S. Endangered Species Act. The other two cases concern more broadly scoped reforms in which left-wing political parties have captured state power and employed EPG forms to advance their social justice agenda. These aim explicitly at the problems of inequality and lack of democratic accountability. Participation and devolution are instruments toward those ends. One of these is an urban budgeting experiment in the city of Porto Alegre, Brazil. In the other, a left wing parties in the Indian state of Kerala created popular, participatory village governance bodies to supplant many of the functions performed by centralized administration.

1. Functionally Specific Neighborhood Councils in Chicago, USA.

Our first experiment concerns public education and policing in a city characterized by great poverty and inequality: Chicago, Illinois, whose 2.5 million residents make it the third largest city in the United States. In the late 1980s, the Chicago Public School system suffered attacks from all sides — parents, community members, and area businessmen charged that the centralized school bureaucracy was failing to educate the city's children on a massive scale. These individuals and groups formed a small but vocal social movement that managed to turn the top-heavy, hierarchical school system on its head. In 1988, the Illinois legislature passed a law that decentralized and opened the governance of Chicago schools to direct forms of neighborhood participation.[4] The reform law shifted power and control from a centralized city-wide headquarters to the individual schools themselves. For each of some 560 elementary (grades K-8) and high (grade 9-12) schools, the law established a Local School Council. Each Council is composed of six parents, two community members, two teachers, and the principal of the school, and its members (other than the principal) are elected every two years. The Councils of high schools add to these eleven members one non-voting

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[4] The Chicago School Reform Act, P.A. 85-1418, affects only schools in the city of Chicago, which is its own school district.

student representative. These councils are empowered, and required by law, to select principals, write principal performance contracts that they monitor and review every three years, develop annual School Improvement Plans that address staff, program, infrastructure issues, monitor the implementation of those plans, and approve school budgets. These bodies typically meet monthly during the school year, and less frequently in the summer. This reform created the most formally directly democratic system of school governance in the United States. Every year, more than 5,000 parents, neighborhood residents, and school teachers are elected to run their schools. By a wide margin, the majority of elected Illinois public officials who are minorities serve on these councils.

Despite initial exuberance, the weaknesses of their decentralization soon became apparent. While many schools flourished through their new powers, other foundered from lack of capacity, knowledge, internal conflict, or bad luck. New regulations and departments within the Chicago Public Schools were refashioned to address these problems. For example, 1995 legislation required each Local School Council member to undergo three days of training, on topics such as budgeting, school improvement planning, principal selection, group process, and council responsibilities. The same law also created accountability provisions to identify the worst performing schools in the city. These schools receive additional management supervision, resources, and in some cases disciplinary punishment.

The Chicago Police Department restructured itself in the mid-1990s along deeply decentralized and democratic lines that resemble (but were conceived and implemented quite independently from) that city's school reform. In response to the perception that conventional policing practices had proved largely ineffective in stemming the rise of crime or in maintaining safety in many Chicago neighborhoods, the Mayor's office, several community organizations, and officials inside the police department began to explore "community policing" ideas in 1993. By 1995, reformers from these groups had implemented a wide ranging program, called the Chicago Alternative Policing Strategy, that shifted the burden of maintaining public safety from police professionals to hundreds of joint-partnerships between police and neighborhood residents.

This program divides the city into some 280 neighborhood "beats," the administrative atom of policing. It opens public safety operations in each of these beats to the observation, participation, and direction of neighborhood residents. Interested residents and the police officers serving the area attend "community beat meetings" held monthly in each

of the city's beats. The strategy also redefines the "how" of policing. In these meetings, neighborhood residents and police discuss the neighborhood's public safety problems in order to establish, through deliberation, which problems should be counted as priorities that merit the concentrated attention of police and residents. They then develop strategies to address these problems; often, responsibilities are divided between police (e.g. obtaining and executing search warrants) and residents (e.g. meeting with landlords to discuss building dilapidation). At successive meetings, participants assess the quality of implementation and effectiveness of their strategies, revise them if necessary, and raise new priorities.

As with the school reform experiment, the police department has joined with other public agencies and non-profit organizations to support and manage these decentralized problem solving efforts on a city-wide basis. In the areas of citizen capacity and community mobilization, the city has hired community organizers and trainers to rove throughout the neighborhoods to teach group problem solving skills. The strategies and plans developed in community beat meetings have been incorporated into ordinary reporting, evaluation, and management routines.

2. Stakeholder Ecosystem Governance Under the U.S. Endangered Species Act

The next experiment moves away from the reconstruction of municipal government to the problem of species preservation. For most the time since its establishment in 1973, the U.S. Endangered Species Act has been the antithesis of deliberative action. Section 9 of that Act prohibits the "taking"—killing or injuring—of any wildlife listed as an endangered species through either direct means or indirect action such as modification of its habitat. In practice, this often imposed a strict bar on any development or resource extraction activities in or near the habitats of endangered species. This law had two main defects.[5] First, it stopped productive development projects that may have had marginal impact on the ultimate viability of endangered species. Because the law protects only the those species that receive administrative recognition,[6] it created

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[5] Charles Sabel, Archon Fung, and Brad Karkkainen,. *Beyond Backyard Environmentalism*, forward by Hunter Lovins and Amory Lovins (Boston: Beacon Press, 2000).

[6] In 1999, almost 1,200 species were on the federal endangered species list, but only 120 of those had a designated "critical area" of habitat necessary to trigger strict protection. See Thomas F. Darin, "Designating Critical Habitat Under the

a listing process that frequently amounted to a high stakes political battle between developers and conservationists. As a result, too few species receive protection and some are nearly decimated by the time they do qualify.

In 1982, Congress created an option to escape these deep deadlocks called an "incidental take permit." Under this provision, an applicant can obtain a waiver from strict enforcement by producing a "Habitat Conservation Plan" (HCP) that allows human activity in the habitat of an endangered species so long as "take" occurs only incidentally, the plan includes measures to mitigate take, and the human activity does not impair the chances of the species' survival and recovery. For a decade, however, this relief option was little used because permitting procedures were unclear and plan production costs high. Only 14 HCPs were produced between 1982 and 1992. Since 1993, however, these plans and their associated permits have proliferated. By April 1999, 254 plans covering more than 11 million acres had been approved and 200 more were in various stages of development. This explosion in HCP activity grew out of an effort by Interior Secretary Bruce Babbitt and several associates to use incidental take permit provision to avoid the lose-lose outcomes generated by strict application of the Endangered Species Act's section 9. Under the new process, developers, environmentalists, and other stakeholders could potentially work together to construct large-scale, eco-system conservation plans.

The most advanced HCPs have served this ambition by incorporating significant elements of the design of EPG. For example, large acreage, multi-species Conservation Plans in Southern California were developed by stakeholder committees that include officials from local and national environmental agencies, developers, environmental activists, and community organizations. Through deliberative processes, these stakeholders have developed sophisticated management plans that set out explicit numerical goals, measures to achieve those goals, monitoring regimes that assess plan effectiveness through time, and adaptive management provisions to incorporate new scientific information and respond to unforeseen events.

Beyond devolving responsibility and power for endangered species protection to local stakeholders, recent improvements to the national Habitat Conservation Plan regime proposed by the U.S. Fish and Wildlife Service attempt to create centralized learning and accountability devices to mitigate the defects of excessive localism.[7] It has been widely

Endangered Species Act: Habitat Protection Versus Agency Discretion," *The Harvard Environmental Law Review.* Vol. 24, no. 1 (2000), 209-235.
[7] Federal Register, Vol. 64, No. 45 (March 9, 1999), 11485-11490.

recognized that high quality HCPs possess common features such as quantitative biological goals, adaptive management plans, and careful monitoring regimes. Yet a study[8] of more than 200 plans revealed that less than half of all plans incorporate these basic features. In a proposed guidance, the Fish and Wildlife Service would instruct field agents to require these plan features in the development of HCPs and a condition of permit approval. To make Habitat Conservation Plan provisions and performance a matter of transparent public accountability and enable stakeholders of different HCPs to assess and learn from each other, this same Fish and Wildlife Service guidance attempts to establish an HCP information infrastructure that tracks the details of HCP permits as well as plan performance.

3. Participatory City Budgeting in Porto Alegre, Brazil

Porto Alegre is the capital of the state of Rio Grande do Sul in Brazil and home to some 1.3 million inhabitants. Like many other local and national states in Latin America, a clientelistic government has ruled the city in recent decades through the time-tested machinery of political patronage. This system allocated public funds not according to public needs, but rather to mobilize support for political personages. As a result, "the budget becomes a fiction, shocking evidence of the discrepancy between the formal institutional framework and the actual state practices."[9] Under similar arrangements elsewhere in Brazil, investigators revealed that these patronage-based "irregular allocation of social expenditures amounted to 64 percent of the total [budget]."[10]

In 1988, a coalition of left parties led by the Workers' Party, or Partido dos Trabalhadores (PT), gained control of the municipal government and continued to win successive elections in 1992 and 1996. Their most substantial reform measure, called "Participatory Budgeting" (PB), attempts to transform the clientelistic, vote-for-money budgeting arrangements into a publicly accountable, bottom-up, deliberative system driven by expressed needs of city residents. This multi-tiered interest articulation and administrative arrangement begins with the sixteen

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[8] Peter Kareiva et. al. *Using Science in Habitat Conservation Plans* (University of California, Santa Barbara: National Center for Ecological Analysis and Synthesis, 1998).

[9] See Boaventura de Sousa Santos, "Participatory Budgeting in Porto Allegre: Toward a Redistributive Democracy," *Politics and Society* 26, no. 4 (Dec. 1998), 461-510..

[10] Ibid.

administrative regions that compose the city. Within each region, a Regional Plenary Assembly meets twice per year to settle budgetary issues. City executives, administrators, representatives of community entities such as neighborhood associations, youth and health clubs, and any interested inhabitant of the city attends these assemblies, but only residents of the region can vote in them. They are jointly coordinated by members of municipal government and by community delegates.

At the first of these annual plenary meetings, held in March, a report reviewing and discussing the implementation of the prior year's budget is presented by representatives of the city government. Delegates are also elected from those attending the assembly in meetings conducted over the following three months to work out the region's spending priorities. These delegate meetings are held in neighborhoods throughout the region. Participants consider a wide range of possible projects which the city might fund in the region, including issues such as transportation, sewage, land regulation, day care centers and health care. At the end of three months, these delegates report back to the second regional plenary assembly with a set of regional budget proposals. At this second plenary, proposals are ratified and two delegates and substitutes are elected to represent the region at in a city-wide body called the Participatory Budgeting Council which meets over the following five months to formulate a city-wide budget from these regional agendas.

The city-level budget council is composed of two elected delegates from each of the regional assemblies, two elected delegates each from each of five "thematic plenaries" representing the city as a whole, a delegate from the municipal workers' union, one from the union of neighborhood associations, and two delegates from central municipal agencies. The group meets intensively, at least once per week from July to September, to discuss and establish a municipal budget that conforms to priorities established at the regional level while still coordinating spending for the city as a whole. Since citizen representatives are in most cases non-professionals, city agencies offer courses and seminars on budgeting for Council delegates as well as for interested participants from the regional assemblies. On September 30 of each year, the Council submits a proposed budget to the Mayor, who can either accept the budget or through veto remand it back to the Council for revision. The budget council responds by either amending the budget, or by overriding the veto through a super-majoritian vote of 2/3. City officials estimate that some 100,000 people, or eight percent of the adult population, participated in the 1996 round of Regional Assemblies and intermediate meetings.

4. Democratic Decentralization in India: West Bengal and Kerala

Like the participatory budgeting reforms in Porto Alegre Brazil, a left wing party, the Communist Party of India, revitalized substantive local governance in West Bengal[11] and Kerala, India, as a central part of its political program. Though Indian states have enjoyed many formal arrangements for local self government since independence, these institutions have been doubly constrained. Externally, larger state bureaucracies enjoyed the lion's share of financing and formal authority over most areas of administration and development over this period. Internally, traditional elites used social and economic power to dominate formally democratic local structures. Until 1957, the franchise was restricted on status grounds.[12] But even after universal suffrage, traditional leaders managed to control these bodies and their resources. Corruption was rampant, many locally administered services were simply not performed, and development resources squandered.

In a number of Indian states, significant reforms have attempted to solve these problems of local governance by deepening their democratic character. The earliest of these began in the late 1970s in the state of West Bengal.[13] The Left Front Government, which took power in there in 1977 and has enjoyed a growing base of support ever since, saw the Panchayat village governance system as a opportunity for popular mobilization and empowerment.[14] In addition to instituting one of the

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[11] Much in the account that follows has been drawn from G.K. Lieten, *Development, Devolution, and Democracy: Village Discourse in West Bengal* (New Dehli: Sage Publications, 1996).

[12] Ibid., 50.

[13] Maitreesh Ghatak and Maitreya Ghatak, "Grassroots Democracy: a Case Study of the Operation of the Panchayat System in West Bengal, India," (Manuscript, 2000).

[14] The Panchayat system consists of three aggregated layers. The lowest level is an elected body called the Gram Panchayat, which typically covers some 10-12 villages totaling 10,000 residents. The responsibilities of GPs have changed through time, but typically now include the administration of public health, drainage and sanitation; supply of safe drinking water; maintenance of public utilities, primary education, agricultural development, irrigation, land reform, poverty alleviation, rural industrialisation, electrification, and housing provision. The second tier is called the Panchayat Samity, governs a unit of area that usually consists of ten GPs. Above this still is a district governance body called the Zilla Parishad, which aggregates and coordinates the Panchayat Samity level plans.

most radical programs of land reform in India in order to break the hold of traditional power at the village level, the Left Front Government has, in several distinct stages from 1977 to the present, transformed the Begali Panchayats to increase opportunities for members of disadvantaged classes to wield public power.

The first important step in Panchayat empowerment came in 1988, when the state government shifted responsibility for implementing many development programs from state ministries directly to Panchayats. Simultaneous with this expansion in function, their budgets more than doubled to approximately 2 million rupees per Panchayat. Then, in 1993, a series of Constitutional and state statutory amendments dramatically enhanced the potential for further expansion of Panchayat democracy. Three changes were particularly important. First, these reforms increased the financing capacity of the lowest level Panchayat authorities – the Gram Panchayats — by imposing a revenue sharing scheme with the Districts and gave the Gram Panchayats their own taxing power. Second, these measures stipulated that one third of the seats in panchayat assemblies and leadership positions would be occupied by women and that lower caste—Scheduled Caste and Scheduled Tribe (SC/ST)—persons would occupy leadership positions in all of these bodies in proportion to their population in the District. Finally, and most importantly for our purposes, the 1993 reforms established two kinds of directly deliberative bodies, called Gram Sabhas, to increase the popular accountability of Gram Panchayat representatives. The Gram Sabha consists of all of the persons within a Gram Panchayat area (typically around 10,000) and meets once per year in the month of December. At this meeting, elected Gram Panchayat representative review the proposed budget for the following year and review the accomplishment (or lack thereof) of the previous year's budget and action items. Similar meetings occur twice a year at an even more disaggregated level of panchayat governance.

Officials in the southwestern state of Kerala watched these democratic developments closely and then embarked on a bold initiative to adopt and extend them in their own state in 1996. There, the ruling Communist Party of India/Marxist (CPM) pursued a devolutionary program of village-level participatory planning as a strategy to both shore-up its waning electoral base and enhance administrative effectiveness. Under the program, some 40 percent of the state's public budget would be taken from traditionally powerful line departments in the bureaucracy and devolved to some 900 individual Panchayat village

planning councils.[15] In order to spend these monies, however, each village was required to produce a detailed development plan that detailed assessments of need, development reports, specific projects, supplemental financing, arrangements for deciding and documenting plan beneficiaries, and monitoring arrangements. These plans, in principle, are then approved or rejected by direct vote in popular village assembles. In addition to these procedural requirements, there are some categorical limitations: some 40-50 percent of each Panchayat's funds were to be invested in economic development, while 40 percent was earmarked for social spending including slum improvement, a maximum of 30 percent could be spent on roads, and 10 percent of funds were to be targeted to programs for women. Outside of these general requirements, village planning bodies were left to their own devices.

A large scale political and administrative mobilization effort has been organized to support this basic reform of devolution-for-accountability.[16] One component of this effort has been to build village capacity to conduct rural assessment and formulate development plans. In 1997-8, some 300,000 participants attended these training "development seminars" where they learned basic self-governance skills. Actual planning processes have involved more than 100,000 volunteers to develop village projects and more than 25,000 to combine these projects into village level plans. This sheer increase in village planning and project formulation far outstripped the central state government's ability to assess the quality of the plans or reject poor ones, much less provide feedback to improve them. To augment official capacities, some 5,000 volunteers, many of them retired professionals, were enlisted into "Volunteer Technical Committees" that reviewed projects and plans.

Given the newness of the reform, its scale, and the paucity of resources available to evaluate it, it is unsurprising that we have only limited knowledge of its outcomes. In terms of both participatory process and technical effectiveness, progress thus far has been promising but incomplete. While some villages produced what appear to be thoughtful plans with high levels of direct popular participation, many others failed to produce any plans at all. Of those plans that were submitted, many were poorly integrated, had poor credit and financing schemes, and the projects within them were sometimes ill-conceived or simply mimicked bureaucratic boilerplate. On dimensions of democratic process, participation in existing village governance structures increased

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[15] See T.M. Thomas Isaac with Richard Franke, *Local Democracy and Development: People's Campaign for Decentralized Planning in Kerala* (New Delhi: Left World Press, 2000).
[16] Ibid.

dramatically after the 1996 reform, but still only amounts to some 10% of the population. More optimistically, village-level empowerment has spawned the creation of grassroots neighborhood-level groups in hundreds of villages. Similar to the dynamic in Porto Alegre's participatory budgeting program, these groups articulate very local needs and interests to village bodies.

II. The Principles and Institutional Design of Empowered Participatory Governance

Though each of these experiments 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 warrant describing them as instances of a novel, but broadly applicable, model of deliberative democratic practice that can be expanded both horizontally—into other policy areas and other regions—and vertically—into higher and lower levels of institutional and social life. We assert that they do, and name that model Empowered Participatory Governance (EPG).

EPG attempts to advance three currents in social science and democratic theory. First, it takes many of its normative commitments from analyses of practices and values of communication, public justification, and deliberation.[17] It extends the application of deliberation from abstract questions over value conflicts and principles of justice to very concrete matters such as street paving, school improvement, and habitat management. It also locates deliberation empirically, in specific organizations and practices, in order to marshal social experience to deepen understanding of practical deliberation and explore directions for its improvement. Second, the recent body of work on civic engagement and secondary associations offers another point of departure for EPG.[18] This family of scholarship attempts to understand, and by doing so

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[17] Two especially relevant theorists of deliberation for the purposes here are Jurgen Habermas and Joshua Cohen.

[18] See, for example, Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster, 2000); Theda Skocpol and Morris P. Fiorina eds, *Civic Engagement in American Democracy* (Washington, D.C.: Brookings Institution Press, 1999), 1-23; Joshua Cohen and Joel Rogers, *Associations and Democracy*, ed. Erik Olin Wright (London: Verso, 1995).

demonstrate, the importance of civic life and non-governmental organization to vigorous and effective democracy. EPG builds upon this insight by exploring whether the reorganization of formal state institutions can stimulate democratic engagement in civil society, and so form a virtuous circle of reciprocal reinforcement. Finally, EPG is part of a broader collaboration to discover and imagine democratic institutions that are at once more participatory and effective than the familiar configuration of political representation and bureaucratic administration.[19] EPG adds considerable understanding of the institutions, practices, and effects of citizen participation to that investigation.

We thus begin, tentatively and abstractly, to sketch EPG by laying out three general principles that are fundamental to all these experiments: (1) a focus on specific, tangible problems, (2) involvement of ordinary people affected by these problems and officials close to them, and (3) the deliberative development of solutions to these problems. In the reform contexts examined here, three institutional design features seem to stabilize and deepen the practice of these basic principles: (1) the devolution of public decision authority to empowered local units, (2) the creation of formal linkages of responsibility, resource distribution, and communication that connect these units to each other and to superordinate, more centralized authorities, (3) the use and generation of new state institutions to support and guide these decentered problem-solving efforts. Finally, we discuss some crucial background conditions necessary for these institutional designs to contribute to the realization of democratic values.

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[19] See Joshua and Charles Sabel Cohen, "Directly-Deliberative Polyarchy," *European Law Journal* 3, no. 4 (December 1997), 313-342; Michael C. Dorf and Charles Sabel. "Drug Treatment Courts and Emergent Experimentalist Government," *Vanderbilt Law Review*, Vol. 53, no. 3, April 2000; Archon Fung, *Street Level Democracy: A Theory of Popular Pragmatic Deliberation and Its Practice in Chicago School Reform and Community Policing, 1988-1997* (Ph.D. Dissertation, MIT Department of Political Science, 1999).

Three Principles of Empowered Participatory Governance

First Principle: Practical Orientation

The first distinctive characteristic of our experiments is that they all develop governance structures geared to quite concrete concerns. These experiments, though often linked to social movements and political parties, differ from both in that they focus on practical problems such as providing public safety, training workers, caring for ecosystems, or constructing sensible municipal budgets. If these experiments make headway on these issues, then they offer a potential retort to widespread doubts about the efficacy of state action. More importantly, they would deliver goods to sectors of society that are often most grievously denied them. This practical focus also creates situations in which actors accustomed competing with one another for power or resources might begin to cooperate and build more congenial relations. Conversely, it may also distract agents from more important, broader conflicts (e.g. redistributive taxation or property rights) by concentrating their attention on a constrained set of relatively narrow issues.

Second Principle: Bottom-Up Participation

All of the reforms mentioned establish new channels for those most directly affected by targeted problems—typically ordinary citizens and officials in the field—to apply their knowledge, intelligence, and interest to the formulation of solutions. We offer two general justifications for this turn away from the commitment that complex technical problems are best solved by experts trained to the task. First, effective solutions to certain kinds of novel and fluid public problems may require the variety of experience and knowledge offered more by diverse, relatively more open-minded, citizens and field operatives, than by distant and narrowly trained experts. In Chicago school governance and policing, for example, we will see that bottom-up neighborhood councils invented effective solutions that police officials acting autonomously would never have developed. Second, direct participation of grassroots operators increases accountability and reduces the length of the chain of agency that accompanies political parties and their bureaucratic apparatus. In developing areas like Porto Alegre, Brazil and Kerala, India, one of the main accomplishments of enlarged participation has been to plug fiscal

leaks from patronage payoffs and loosen the grip of traditional political elites.

This is not to say that technical experts are irrelevant to empowered participatory governance. Experts do play important roles in decisionmaking, but do not enjoy exclusive power to make important decisions. Their task, in different ways in the various cases, is to facilitate popular deliberative decisionmaking and to leverage synergies between professional and citizen insights rather than to pre-empt citizen input. Whether these gains from popular participation outweigh the potential costs of reduced expert power is an empirical matter that other contributions to this volume treat extensively.

Third Principle: Deliberative Solution Generation

Deliberation is the third distinctive value of empowered participatory governance. In deliberative decision-making, participants listen to each other's positions and generate group choices after due consideration.[20] In contemplating and arguing for what the group should do, participants ought to persuade one another by offering reasons that others can accept. Such reasons might take forms like: we should do X because it is the "right thing to do," "it is the fair way to go forward," "we did Y last time and it didn't work," or "it is the best thing for the group as a whole." This ideal does not require participants to be altruistic or to converge upon a consensus of value, strategy, or perspective. Real world deliberations are often characterized by heated conflict, winners, and losers. The important feature of genuine deliberation is that participants find reasons that they can accept in collective actions, not necessarily that they completely endorse the action or find it maximally advantageous.

A deliberative decision process such as the formulation of school improvement plans in Chicago or village plans in Kerala might proceed first with the construction of an agenda; parties offer proposals about what the group's priorities should be. They might then justify these proposals in terms of their capacity to advance common interests (e.g. building an effective school) or deliver social justice under severe resource constraints (e.g. beneficiary selection in rural development

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[20] This account of deliberation as reason-giving draws recent treatments in democratic theory, especially various works of Joshua Cohen. See, for example, his "Procedure and Substance in Deliberative Democracy" in Selya Benhabib ed. *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton: Princeton University Press, 1996): 95-109.

projects). After a full vetting of various proposals and the considerations backing them, participants might then, if remaining disputes made it necessary, vote to select a group choice. In casting an authentic deliberative ballot, however, each participant does not vote for the option that best advances his own self-interest, but rather for the choice that seems most reasonable. Choices will be fair if groups adopt reasonable proposals rather than those that garner the greatest self-interested support or political influence. Similarly, participants then reason about the strategies that will best advance that group agenda and should adopt that set which seems prospectively most promising. These results, of course, depend upon participants following the procedures and norms of deliberation. The extent to which they do so depends upon both individual motives and institutional parameters.

One danger of ostensibly deliberative processes is that some participants will use their power to manipulate and enhance positions motivated by particularistic interests. In deliberative decision-making processes, by contrast, earnest arguments constitute the central kind of reasoning through which problem-solving actually takes place. While it may sometimes be difficult for a casual outside observer to distinguish between genuine deliberation and disingenuous posturing, the difference is nevertheless fundamental and generally apparent to participants

While empowered participatory governance shares this focus on persuasion and reason-giving with nearly all accounts of deliberation, its practical focus departs from many treatments that depict discourse as the proffering of reasons to advance pre-given principles, proposals, values, or policies. In these experiments, deliberation almost always involves continuous joint planning, problem-solving, and strategizing. Participants in EPG usually enter these discursive arenas to formulate together such means and even ends. They participate not exclusively to press pre-formed agendas or visions, but rather they expect that strategies and solutions will be articulated and forged through *deliberation* and *planning* with the other participants. Though they often have little in common, indeed often have histories of animosity, participants in these settings are united in their ignorance of how best to improve the general situation that brings them together. In the village planning efforts of Kerala or Habitat Conservation Planning, for example, initial steps of decision often involve assaying existing circumstances. It is no surprise that participants often form or transform their preferences and opinions in light of that undertaking. If they entered such processes confident in a particular course of action, some other strategy (such as management

decree or partisan attempts to ascend to the commanding heights) might be more attractive than deliberative engagement.[21]

Empowered participatory decision-making can be contrasted with three more familiar methods of social choice: *command and control* by experts, *aggregative voting*, and *strategic negotiation.* In the first familiar mode, power is vested in managers, bureaucrats, or other specialists entrusted to advance the public's interest and presumed to be capable of doing so by dint of their training, knowledge and normative commitments. While such experts may engage in deliberative practices among themselves, their discussions are insulated from popular participation. By contrast, in empowered participatory governance, experts and bureaucrats are engaged in deliberation directly with citizens.

Aggregation is a second familiar method social decisionmaking in which a group's choice results from combining the preferences of the individual participants that make it up. Voting—over issues, proposals, or candidates—is perhaps the most common procedure of aggregative social choice. In voting, participants begin by ranking alternatives according to their desires. Then an algorithm such as majority rule selects a single option for the whole group. Again, a main difference between aggregative and deliberative voting is that in the former individuals simply vote according to their own self-interest, without necessarily considering the reasonableness, fairness, or acceptability of that option to others. Without delving into the familiar merits or problems[22] with aggregative voting, the shift to deliberative decision in some of the empowered participatory governance experiments responded to failings in aggregative mechanisms that preceded them. Sometimes, as in Porto Alegre, these shortcomings lay in the failure of electoral

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[21] Deliberative processes can affect the understanding individuals have both of their interests and of the optimal strategies for satisfying those interests. In general it would be expected that when people enter such deliberative processes they have a better sense of their basic goals than they do of the best means for accomplishing their goals, and thus much of the deliberative process concerns problem-solving discussions over alternative courses of action. Still, because interests are complex and often quite vague, and because individuals often define their interests over variable sets of other actors, deliberative practices can also affect how people understand the interests themselves. For a discussion of modes of interest transformation through deliberation, see Jane Mansbridge, "A Deliberative Theory of Interest Transformation," in *The Politics of Interests: Interest Groups Transformed* (Boulder, CO: Westview Press, 1992): 32-57.

[22] The most famous of these is of course the problem of incoherence. See William Riker, *Liberalism Against Populism: A Confrontation between the Theory of Democracy and the Theory of Social Choice* (Prospect, IL: Waveland Press, 1982).

mechanisms to effectively respect electors' desires due to problems like patronage and corruption. In other instances, for example the formulation of school improvement or habitat conservation plans, complexity and uncertainty often prevents participants from forming clear preferences that can be easily aggregated.

Strategic bargaining and negotiation[23] is a third contrasting method of social choice. As with aggregation but distinct from deliberation or most varieties of command, parties in strategic bargaining use decisionmaking procedures to advance their own unfettered self-interest backed by resources and power they bring to the table. By comparison, voting procedures typically attempt to equalize such power differentials through provisions like "one person one vote." Collective bargaining between large unions and employers captures this difference; each brings different sources of authority and force to the encounter, and each uses them to secure the best (not necessarily the fairest) deal for its side. Unlike purely deliberative interactions, parties typically do so through the use of threats, differential power, misrepresentation and "strategic talk."[24]

These four modes of decision—deliberation, command, aggregation, and strategic negotiation—are ideal types. Actual processes, not least those involving principles of empowered participatory governance, often contain elements of each. We privilege deliberation in EPG, however, as a value and norm that motivates parties and informs institutional design because of its distinctive benefits for these political and policy contexts. The case study papers in the rest of this volume explore the extent to which the reality of decision practices vindicates this commitment.

Three Design Properties

Since these principles are in themselves quite attractive, the pressing question is whether feasible institutional configurations or realistic social conditions would measurably advance them in practice. The cases explored in this issue suggest that reforms advancing these principles in deep and sustainable ways often exhibit three institutional design

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[23] For the limited purposes of this discussion, we use negotiation and strategic bargaining interchangeably. Negotiations and strategic bargaining can, of course, also involve deliberation among the parties involved. The issue here, then, is the difference between such *deliberative* bargaining and *strategic* bargaining that is intended to give maximum advantage to one's own interests.
[24] See, for example, David Austen-Smith, "Strategic Models of Talk in Political Decision Making," *International Political Science Review* 13, no. 1 (1992): 45-58.

properties. Since the empirical study of alternative institutional designs is too immature to reveal whether these features are necessary (they are certainly not sufficient) to deliberative democratic arrangements, we offer them as observations and hypotheses about institutional features that contribute to advancing, stabilizing and deepening democratic values.

First Design Property: Devolution

Since empowered participatory governance targets problems and solicits participation localized in both issue and geographic space, its institutional reality requires the commensurate reorganization of the state apparatus. It entails the administrative and political devolution of power to local action units—such as neighborhood councils, personnel in individual workplaces, and delineated eco-system habitats—charged with devising and implementing solutions and held accountable to performance criteria. The bodies in the reforms below are not merely advisory, but rather creatures of a transformed state endowed with substantial public authority.

This devolution departs profoundly from centralizing progressive strategies, and for that reason many on the Left may find it problematic. Just as the participatory dimensions of these reforms constitute a turn away from authorized expertise, delegating to local units the power of task-conception as well as execution stems from skepticism about the possibility that democratic centralism can consistently generate effective solutions in these targeted issue areas. So, for example, the Chicago cases offer neighborhood governance of policing and public education as an supple alternatives to conventional centralized solutions such as more stringent penalties and more police on the street for public safety issues, and national testing, school finance reform, implementing the one best curriculum, racial desegregation, vouchers, and privatization for educational problems. Habitat Conservation Planning gives up the centralized and uniform standard of development prohibition under the Endangered Species Act in favor of a regime in which local stakeholders produce highly tailored eco-system management plans that advance both development and species protection. Rather than allocating funds and staff to pave, electrify, and build sewers according to uniform criteria or centralized judgement, Porto Alegre's participatory budgeting system invites neighborhood residents and associations into the direct, repeated process of establishing, implementing, and monitoring these priorities.

Second Design Property: Centralized Supervision and Coordination

Though they enjoy substantial power and discretion, local units do not operate as autonomous, atomised sites of decisionmaking in participatory governance. Instead, each of the cases features linkages of accountability and communication that connect local units to superordinate bodies. These central offices can reinforce the quality of local democratic deliberation and problem-solving in variety of ways: coordinating and distributing resources, solving problems that local units cannot address by themselves, rectifying pathological or incompetent decision-making in failing groups, and diffusing innovations and learning across boundaries. The Indian Panchayat systems and participatory budgeting in Porto Alegre feed relevant village and neighborhood decisions to higher levels of government. Both of the Chicago neighborhood governance reforms establish centralized capacities for benchmarking the performance of comparable units (schools, police beats) against one another and for holding them accountable to minimum procedural and substantive requirements. And, the U.S. Fish and Wildlife Service attempts to supervise some 250 Habitat Conservation Plans though centralized monitoring, information pooling, and permit and performance tracking.

Unlike New Left political models in which concerns for liberation lead to demands for *autonomous* decentralization, empowered participatory governance suggests new forms of *coordinated* decentralization. Driven by the pragmatic imperative to find solutions that work, these new models reject both democratic centralism and strict decentralization as unworkable. The rigidity of the former leads it too often to disrespect local circumstance and intelligence and as a result it has a hard time learning from experience. Uncoordinated decentralization, on the other hand, isolates citizens into small units, surely a foolhardy measure for those who don't know how to solve a problem but suspect that others, somewhere else, do. Thus these reforms attempt to construct connections that spread information between local units and hold them accountable.

Third Design Property: State Centered, Not Voluntaristic

A third design characteristic of these experiments is that they colonize state power and transform formal governance institutions. Many

spontaneous activist efforts in areas like neighborhood revitalization,[25] environmental activism,[26] local economic development, and worker health and safety seek to influence state outcomes through outside pressure. In doing so, the most successful of these efforts do advance EPG's principles of practicality, participation, and perhaps even deliberation in civic or political organizations. But they leave intact the basic institutions of state governance. By contrast, EPG reforms attempt to remake official institutions along these principles. This formal route potentially harnesses the power and resources of the state to deliberation and popular participation and thus to make these practices more durable and widely accessible.

These experiments generally seek to transform the mechanisms of state power into permanently mobilized deliberative-democratic, grassroots forms. Such transformations happen as often as not in close cooperation with state agents. These experiments are thus *less* "radical" than most varieties of activist self-help in that their central activity is not "fighting the power." But they are *more* radical in that they have larger reform scopes, are authorized by state or corporate bodies to make substantial decisions, and, most crucially, try to change the central procedures of power rather than merely attempting occasionally to shift the vector of its exercise. Whereas parties, social movement organizations, and interest groups often set their goals though internal deliberative processes and then fight for corporate or political power to implement those goals, these experiments re-constitute decision processes within state institutions. When this reorganization is successful, participants have the luxury of taking some exercise of authority for granted, they need not spend the bulk of their energy fighting for power (or against it).

By implication, these transformations attempt to institutionalize the on-going participation of ordinary citizens, most often in their role as consumers of public goods, in the direct determination of what those

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[25] See , for instance, Harry Boyte's *Backyard Revolution: Understanding the New Citizen's Movement (Philadelphia: Temple University Press, 1980)* and Peter Medoff and Holly Sklar's *Streets of Hope: The Fall and Rise of an Urban Neighborhood* (Boston, MA: South End Press, 1994). For one prominent concrete example discussed from the perspective of its leader, see Ernesto Jr. Cortes, "Reweaving the Social Fabric," *The Boston Review* 19, no. 3&4 (Jun-Sep 1994): 12-14, on the activities of the Industrial Areas Foundation (IAF) group Communities Organized for Public Service (COPS) in San Antonio, Texas.

[26] Andrew Szasz, *Ecopopulism: Toxic Waste and the Movement for Environmental Justice* (Minnesota: University of Minnesota Press, 1994).

goods are and how they should be best provided. This perpetual participation stands in contrast, for example, to the relatively brief democratic moments in both outcome-oriented, campaign-based social movements and electoral competitions in ordinary politics in which leaders/elites mobilize popular participation for specific outcomes. If popular pressure becomes sufficient to implement some favored policy or elected candidate, the moment of broad participation usually ends; subsequent legislation, policy-making, and implementation then occurs in the largely isolated state sphere.

Enabling Conditions

A host of background conditions can facilitate or impede the progress of empowered participatory governance. Literacy is an obvious example. Kerala's high literacy rates compared to those of other Indian states, and in particular female literacy, certainly facilitate the participatory democratic experiment there. Most fundamentally, perhaps, the likelihood that these institutional designs will generate desired effects depends significantly upon the balances of power between actors engaged in EPG, and in particular the configurations of non-deliberative power, that constitute the terrain upon which structured deliberation inside EPG occurs. Participants will be much more likely to engage in earnest deliberation when alternatives to it—such as strategic domination or exit from the process altogether—are made less attractive by roughly balanced power. When individuals cannot dominate others to secure their first-best preference, they are often more willing to deliberate. It is important to note that this background condition does not require absolute equality. The participants in the experiments below enjoy vastly different resources, levels of expertise, education, status, and numerical support. Sometimes, however, they are on a par sufficient for deliberative cooperation to be attractive.[27]

At least three paths lead to power balances sufficient for deliberation. The first comes from self-conscious institutional design efforts. When administrators or legislators endow parents with the power to fire school principals or popular councils with authority for reviewing village

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[27] The range of equality here is perhaps akin to Rousseau's, when he claims that laws of democracy should create circumstances such that "no citizen shall ever be wealthy enough to buy another, and none poor enough to be forced to sell himself." JJ Rousseau, *Social Contract* (trans. Donald A. Cress, (Cambridge: Hackett Publishing, 1987), Book II, Chapter 11.

budgets, they put citizens and local experts on a more equal footing. Historical accidents, not intended to establish deliberation or participation at all, sometimes also perform this equalization function. The Endangered Species Act in the United States, for example, threatens to impose costs on private property owners that can induce them to cooperate with environmentalists. Finally, groups such as community organizations, labor unions, and advocacy groups often check the tendencies of both officials and groups of citizens to commandeer ostensibly deliberative processes to advance their own narrow ends.

To recap, our experiments seem to share three political principles, three design characteristics, and one primary background condition:

- First, each experiment addresses a specific areas of public concern.
- Second, this deliberation relies upon the empowered involvement of ordinary citizens and officials in the field.
- Third, each experiment attempts to solve those problems through processes of reasoned deliberation.

In terms of their institutional properties,

- These experiments devolve decision and implementation power to local action units.
- Local action units are not autonomous, but rather recombinant and linked to each other and to supervening levels of the state in order to allocate resources, solve common and cross-border problems, and diffuses innovations and learning.
- The experiments colonize and transform existing state and corporate institutions. The administrative bureaucracies charged with solving these problems are restructured into deliberative groups. The power of these groups to implement the outcomes of their deliberations, therefore, comes from the authorization of these state and corporate bodies.

And finally, in terms of background enabling conditions,

- There is a rough equality of power, for the purposes of deliberative decision, between participants.

III. Institutional Objectives: Consequences for Effectiveness, Equity, and Participation

The procedural features of institutions designed according to the principles specified above may be desirable in themselves; we often consider deliberation and participation as important independent values. However, scholars, practitioners, and casual observers will judge these experiments by their consequences as much as by the quality of their processes. In this section, we describe how institutions following the design principles above might advance three especially important qualities of state action: its effectiveness, equity, and broadly participatory character. Whether institutions designed according to the principles of EPG can advance these values or will instead yield a host of negative and unintended consequences must be settled primarily through empirical examinations, and we offer here a set of optimistic expectations that might guide those investigations.

1. Effective Problem Solving

Perhaps most important, institutional objective of these deliberative democratic experiments is to advance public ends — such as effective schools, safe neighborhoods, protecting endangered species, and sensible urban budget allocations — more effectively than alternative institutional arrangements. If they cannot produce such outcomes, then they are not very attractive reform projects. If they perform well, on the other hand, then this flavor of radical democracy has the potential to gain widespread popular and even elite support. Why, then, might we expect these deliberative democratic institutions to produce effective outcomes?

First, these experiments convene and empower individuals close to the points of action who possess intimate knowledge about relevant situations. Second, in many problem contexts, these individuals, whether they are citizens or officials at the street level, may also know how best to improve the situation. Third, the deliberative process that regulates these groups' decision making is likely to generate superior solutions compared to hierarchical or less reflective aggregation procedures (such as voting) because all participants have opportunities to offer useful information and to consider alternative solutions more deeply. Beyond this, participation and deliberation can heighten participants' commitment to implement decisions that are more legitimate than those imposed externally. Fourth, these experiments shorten the feedback

loop—the distance and time between decisions, action, effect, observation, and reconsideration—in public action and so create a nimble style of collective activity that can recognize and respond to erroneous or ineffective strategies. Finally, each of these experiments spawns hundreds of such component groups, each operating with substantial autonomy but not in isolation. This proliferation of command points allows multiple strategies, techniques, and priorities to be pursued simultaneously in order to more rapidly discover and diffuse those that prove themselves to be most effective. The learning capacity of the system as a whole, therefore, may be enhanced by the combination of decentralized empowered deliberation and centralized coordination and feedback.

2. Equity

In addition to making public action more effective, three features may enhance the capacity of these experiments to generate fair and equitable outcomes. First, these goals are well served by these experiments if they deliver effective public action to those who do not generally enjoy this good. Since most of the experiments concentrate on problems of disadvantaged people — ghetto residents in Chicago and Milwaukee, those from poor neighborhoods in Porto Alegre, Brazil, low status villagers in India, and industrial workers in Wisconsin facing technological displacement — sheer effectiveness is an important component of social justice.

A second source of equity and fairness stems from the inclusion of disadvantaged individuals — residents and workers — who are often excluded from public decisions. A classic justification for democratic rule over paternalist or otherwise exclusive modes is that a decision is more likely to treat those affected by it fairly when they exercise input. These experiments push this notion quite far by attempting to devise procedures whereby those most affected by these decisions exercise unmediated input while avoiding the paralysis or foolishness that so often results from such efforts.

These experiments' deliberative procedures offer a third way to advance equity and fairness. Unlike strategic bargaining (in which outcomes are determined by the powers that parties bring to negotiations), hierarchical command (in which outcomes are determined by according to the judgment of the highly placed), markets (in which money mediates outcomes), or aggregative voting (in which outcomes are determined according to the quantity of mobilized supporters), they establish groups that ostensibly make decisions according to the rules of

deliberation. Parties make proposals and then justify them with reasons that the other parties in the group can support. A procedural norm of these groups is that they generate and adopt proposals that enjoy broad consensus support, though strict consensus is never a requirement. Groups select measures that upon reflection win the deepest and widest appeal. In the ideal, such procedures are regulated according to the lights of reason rather than money, power, numbers, or status. Since the idea of fairness is infused in the practice of reasonable discussion, truly deliberative decision-making should tend toward more equitable outcomes than those regulated by power, status, money, or numbers. There will no doubt be some distance between this lofty deliberative ideal and the actual practices of these experiments.

3. Broad and Deep Participation

Beyond achieving effective and fair public outcomes, these experiments also attempt to advance the venerable democratic value of engaging ordinary citizens in sustained and meaningful participation. They rely upon popular engagement as a central productive resource. Such engagement can provide local information on the prospective wisdom of various policies, retrospective data on their effects that in turn drives feedback learning, and additional energy for strategy execution. The experiments invite and attempt to sustain high levels of lay engagement in two main ways. First, they establish additional channels of voice over issues about which potential participants care deeply, such as the quality of their schools and of their lived spaces, their ability to acquire skills on which their employment security rests, and the disposition of public resources devoted to local public goods. The experiments increase participation, then, by adding important channels for participation to the conventional avenues of political voice such as voting, joining pressure groups, and contacting officials. They also offer a distinct inducement to participation: the real prospect of exercising state power.[28] With most other forms of political participation, the relationship between, say, one's vote or letter to a representative and a public decision is tenuous at best. In these experiments, however, participants exercise influence over state strategies. This input often yields quite palpable responses. Often, the priorities and proposals of lay

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[28] One classic problem of political science is explaining why people vote at all, given the complete absence of effect associated with a single vote. For an attempt to explain this apparently irrational behavior from the rational choice perspective, see William Riker and Peter Ordeshook, "A Theory of the Calculus of Voting," *American Political Science Review*, Vol. 62 (March 1968): 25-42.

participants are adopted immediately or in modified form. Even in cases where one's proposals are rejected through deliberative processes, one at least knows why.

The quality of participation—as gauged by the degree to which participants' opinions and proposals are informed and the quality of their interactions with one another—might also be higher under these experiments in deliberative public action than under more conventional political forms such as voting, interest group competition, or social movements. Following John Stuart Mill's comment that the success of democratic arrangements can be measured in two ways: by the quality of its decisions and the quality of citizens it produces,[29] we say that the character of participation, quite apart from its level (as measured by voting turnout, for example) is an independent desiderata of democratic politics. Modern critics from both the left and the right seem to be unified in their low opinion of the political capacities of mass publics. Explanations from the left include the rise of the "culture industry" and the concomitant decline of autonomous "public spheres" in civil societies where a competent public opinion might be formed. The political right agrees with this diagnosis, but recommends elite democracy and techno-bureaucratic administration as a solution that does not require healing the public body. Against the background of this alarming diagnosis and even more alarming cure, concern for the public wisdom of private individuals is even more urgent than in Mill's time.

Individuals' capacities to deliberate and make public decisions atrophy when left unused, and participation in these experiments exercises those capacities more intensely than conventional democratic channels. In national or local elections, for example, the massive amounts of information sold to them from many vantage points tempts even engaged, well-educated citizens to throw their hands up in frustrated confusion or to focus on more easily understood dimensions of character, personality, or party identity. These experiments reduce expertise-based barriers to engaged participation and thus encourage participants to develop and deploy their pragmatic political capabilities. First, they allow casual, non-professional, participants to master specific areas of knowledge necessary to make good decisions by shrinking — through decentralization — decision scopes to narrow functional and geographic areas. Some of our experiments doubly focus decisions — for example, safety in a neighborhood — and so participants may master materials necessary to make high quality decisions. Other cases, such as

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[29] John Stuart Mill. *Considerations on Representative Government* (New York: Prometheus Books, 1991), Chap. 2.

deliberative planning bodies in Kerlea and Porto Alegre's participatory budget have broader scope, but nevertheless retain the pragmatic, problem-centered concerns that enables ordinary citizens to engage the decisionmaking process. Furthermore, citizens have incentives to develop their capacities and master the information necessary to make good decisions because they must live with the consequences of poor ones — these experiments institute "direct democracy" in the sense that these groups' decisions are often directly implemented by relevant state agencies. Again, this contrasts with most forms of political voice such as voting or letter writing, where the consequences of one's decisions are statistically negligible.

Beyond the proximate scope and effect of participation, these experiments also encourage the development of political wisdom in ordinary citizens by grounding competency upon everyday, situated, experiences rather than simply data mediated through popular press, television, or "book-learning." Following Dewey and contemporary theorists of education and cognition, we expect that many, perhaps most, individuals develop skills and competencies more easily when those skills are integrated with actual experiences and observable effects. Since these experiments rely upon practical knowledge of, say, skill training or school operation, and provide opportunities for its repeated application and correction, individuals develop political capacities in intimate relation to other regions of their professional and private lives. Many participants will find it easier (not to mention more useful) to acquire this kind of "situated" political wisdom and capacity compared to the more free-standing varieties of political knowledge required for, say, voting. Finally, each of these experiments contributes to the political development of individuals by providing specialized, para-professional training. 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. Rather than retrenching into technocratic professionalization, however, some have established procedures to impart the necessary foundational capacities to participants who lack them. For example, the Chicago local school governance reform requires parents and community participants to receive training in democratic process, school budgeting and finance, strategic planning, principal hiring, and other specific skills. These experiments not only consists of fora for honing and practicing deliberative-democratic skills, but most also literally establish schools of democracy to develop participants' political and technical capacities.

IV. An Agenda for Exploring Empowered Participation

Thus far, we have sketched the outlines of a model of radical democracy that aims to solve anticipated practical public problems through deliberative action, laid out the practical and ethical advantages of institutions built along that model, and offered brief sketches of real-world examples that embody these principles. The following chapters explore several actually-existing cases in some detail, inquiring whether these abstract principles accurately characterize them, whether the experiments in fact yield the benefits that we have attributed to deliberative democracy, and whether these advantages must be purchased at some as yet unspecified price. Before we move to that very concrete discussion, however, we conclude this introduction by laying out three sets of critical questions to guide these investigations. First, to what extent do these experiments conform to the theoretical model we have elaborated for the institutional design and effects of EPG? Second, what are the most damning flaws in our model of EPG? Finally, what is its scope—is it limited to the few idiosyncratic cases that we have laid out, or are the principles and design features more broadly applicable?

1. The relationship of the cases to the model

Even if the normative principles of this proposed model offer an attractive guide for feasible institutional innovation, the specific experiments we have described may not in fact conform to it. Six critical dimensions of fit are:

i.   How genuinely *deliberative* are the actual decision-making processes?
ii. How effectively are decisions translated into action?
iii. To what extent are the deliberative bodies able to effectively monitor the implementation of their decisions?
iv. To what extent do these reforms incorporate recombinant measures that coordinate the actions of local units and diffuse innovations among them?

v.   To what extent do the deliberative processes constitute "schools for democracy"?

vi.   Are the actual outcomes of the entire process more desirable than those of prior institutional arrangements?

(i) Deliberation

Because many supposed benefits of our model rest on the notion of deliberation, the first question goes to the degree to which decision-making processes within these experiments are genuinely deliberative. Equitable decisions depend upon parties agreeing to that which is fair rather than pushing for as much as they can get. Effectiveness relies upon individuals remaining open to new information and proposals rather than doggedly advancing pre-formulated ones. And learning at individual and group levels depends on people being able to alter their opinions and even their preferences. Though deliberation is seldom deployed as a descriptive characteristic of organizations in social science, its practice is completely familiar in public and private life — where we often discuss issues and resolve conflict not by pushing for as much as we can get, but rather by doing what seems reasonable and fair. Does this generous characterization of individual and group behavior accurately describe how participants make decisions in real world cases, or is their interaction better characterized by the more familiar mechanisms of rational interest aggregation — command, bargaining, log-rolling, and threatening? In situations characterized by substantial differences of interest or opinion, particularly from ideological sources, deliberation may break down into either gridlock or power-based conflict resolution. Is the model's scope therefore limited to environments of low conflict or minimal inequality? In more contentious situations, do deliberative efforts generally lead to co-optation as one side softens its demands to get along or adapts to unjust conditions? If so, then the symbiotic relationship between deliberation and empowerment suggested above can become a trade off.

(ii) Action

Collective decisions that are made in a deliberative, egalitarian and democratic manner may yet fail to be translated into action. Those who make the decision may lack the capacity or will to implement it. For example, Chicago community policing groups often ask patrol officers to

perform various tasks. In such cases, weak accountability mechanisms of publicity and deliberation may be insufficient for the group to compel the action of its own members. In other cases, implementation may depend upon the obedience of others over whom the group has formal authority — such as the staff under a Local School Council. Such situations encounter familiar principal-agent dilemmas. In still other instances, implementation may rely upon bodies whose relations with primary deliberative groups are even less structured. In Porto Alegre's participatory budgeting system, for example, the deliberations of regional assemblies are passed onto a city-wide body whose budget must then be approved by the mayor. These budgetary decisions must then filter back down the municipal apparatus before, say, a sewer main gets built or a street paved. It is therefore important to know the extent to which decisions from deliberative processes are effectively translated into real social action.

(iii) Monitoring

Implementation requires more than turning an initial decision into action; it also demands mechanisms of ongoing monitoring and accountability. To what extent are these deliberative groups capable of monitoring the implementation of their decisions and holding responsible parties accountable? Most democratic processes are front-loaded in the sense that popular participation focuses on deciding a policy question (as in a referendum) or selecting a candidate (as in an election) rather than on monitoring implementation of the decision or the platform. These democratic experiments, by contrast, aim for more sustained levels of participation over time. Democracy here means participation beyond the point of decision, to popular implementation, monitoring of that implementation, and disciplined review of its effects. Popular participation throughout the entire cycle of public action, it is hoped, will increase the accountability of public power and the public's capacity to learn from past successes and failures. It remains to be seen, however, whether participants in these experiments can sustain involvement over time with sufficient intensity to become effective monitors of the decisions they make; as in conventional democratic processes, moments leading up to decision are no doubt more exciting and visible than the long periods of execution that follow.

(iv) Alleged Benefits of Centralized Coordination and Power

While it is fairly clear that all of the experimental reforms decentralize power, the coordinating centralized mechanisms of accountability and learning theorized as the second design principle of EPG are less obvious. Under its pragmatic devolution, local units are by themselves unable to solve coordination and cross-border problems and would thus benefit from information-sharing connections to other units in the system. The fashion and degree to which the experiments reviewed above construct institutions to execute these functions varies widely. The empirical studies will, in more exploratory fashion, examine the extent to which these reforms construct recombinant linkages and establish how well those mechanisms work in practice.

(v) Schools of Democracy

For deliberative democracy to succeed in real-world settings, it must engage individuals with little experience and few skills of participation. The fifth question asks whether these experiments actually function as schools of democracy by increasing the deliberative capacities and dispositions of those who participate in them. While many standard treatments of political institutions take the preferences and capacities of individuals who act with them as fixed, these democratic experiments treat both of these dimensions of their participation as objects of transformation. By exercising capacities of argument, planning, and evaluation, through practice individuals might become better deliberators. By seeing that cooperation mediated through reasonable deliberation yields benefits not accessible through adversarial methods, participants might increase their disposition to be reasonable, and to transform narrowly self-interested preferences accordingly. Both of these hypotheses about the development of individuals as citizens in these democratic experiments require closer examination of actors' actual behavior.

(vi) Outcomes

For many potential critics and supporters, the most important question will be one of outcomes. Do these deliberative institutions produce strategies or effects more desirable than those of the institutions they supplant? One prime justification for re-allocating public power to

these decentralized and deliberative groups is that they devise public
action strategies and solutions that are superior to those of, say,
command-and-control bureaucracies, by virtue of superior knowledge of
local conditions, greater learning capacities, and improved
accountability. A central topic of empirical investigation, then, is
whether these experiments have in practice managed to generate more
innovative solutions.

2. Criticisms of the Model

Beyond these questions that address whether the principles of our
model of deliberative democracy accurately describe the experiments we
examine, a second set of questions focuses pointedly upon criticisms that
have been raised against proposals for associative, deliberative
governance. The empirical materials can illuminate six critical concerns
about EPG:

    i.   The democratic character of processes and outcomes may be
vulnerable to serious problems of power and domination
inside deliberative arenas by powerful factions or elites.

    ii. *External actors and institutional contexts* may impose severe
limitations on the scope of deliberative decision and action.
In particular, powerful participants may engage in "forum
shopping" strategies in which they utilize deliberative
institutions only when it suits them.

    iii. These special-purpose political institutions may fall prey to
rent-seeking and capture by well informed or interested
parties.

    iv. The devolutionary elements of EPG may balkanize the polity
and political decision-making.

    v.   Empowered participation may demand unrealistically high
levels of popular commitment, especially in contemporary
climates of civic and political disengagement.

    vi. Finally, these experiments may enjoy initial successes but
may be difficult to sustain over the long term.

(i) Deliberation into Domination

Perhaps the most serious potential weakness of these experiments is
that they may pay insufficient attention to the fact that participants in

these processes usually face each other from unequal positions of power. These inequalities can stem from material differences and the class backgrounds of participants, from the knowledge and information gulfs that separate experts from laypersons, or from personal capacities for deliberation and persuasion associated with educational and occupational advantages.

When deliberation aims to generate positive sum solutions in which nearly all participants reap benefits from cooperation (outcome points that lie closer to pareto frontiers), such power differentials may not result in unfair decisions. However, serious projects that seek to enhance social justice and equity cannot limit themselves to just these "win-win" situations. Therefore, our model would not be a very interesting one, it might be argued, if it did not apply to contested areas of public action or if its application to those areas systematically disadvantaged weaker participants. Perhaps too optimistically, deliberation requires the strong as well as the weak to submit to its norms; they ought to refrain from opportunistically pressing their interests even when power allows them to do so.[30] One set of questions that must be answered, then, concerns whether deliberative arenas enable the powerful dominate the weak. Consider four mechanisms that might transform fair deliberation into domination.

One lamentable fact of all contemporary democracies is that citizens who are advantaged in terms of their wealth, education, income, or membership in dominant racial and ethnic groups participate more frequently and effectively than those who are less well off. These experiments demand intensive forms of political engagement that may further aggravate these status and wealth participation biases. If those who participate are generally better-off citizens, then resulting public action is unlikely to be fair. As in other channels of popular voice, the question of "who participates" remains a vital one in deliberative democracy.

Second, even if both strong and weak are well represented, the strong may nevertheless use tools at their disposal—material resources, information asymmetries, rhetorical capacities—to advance collective decisions that unreasonably favor their interests. While many other models of public decisionmaking such as electoral and interest group politics expect such behavior, empowered participation is more normatively demanding, and so perhaps more empirically suspect.

Third, beyond unfair representation and direct force, powerful participants may seek to improperly and unreasonably exclude issues that threaten their interests from the scope of deliberative action. By limiting

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[30] For a variation on this critique, see Lynn M. Sanders, "Against Deliberation," *Political Theory* 25, no. 3 (June 1997): 347-76.

discussion to narrow areas of either mutual gain or inconsequence, the powerful may protect their *status quo* advantages without resorting to blatantly non-deliberative maneuvers. Nevertheless, thus constraining the agenda obviously violates the norms of open deliberation and, if found to be a common phenomena in the cases, would indicate a failure of the model.[31]

Finally, and ultimately perhaps most seriously, deliberative democracy may disarm secondary associations by obliging them to "behave responsibly" and discouraging radicalism and militancy.[32] After all, deliberation requires reasonableness, and so commitment to deliberative processes might be thought to require abstinence from vigorous methods of challenging power. That is, not only will the practices internal to the association bracket challenges to privilege, but in order to maintain their credibility to "the powers that be" the associations will strive to marginalize such challenges from the political arena altogether. If the popular associations engaged in these experiments fail to enforce these political parameters — if the deliberative apparatuses become sites of genuine challenge to the power and privileges of dominant classes and elites — then this criticism predicts that the deliberative bodies would be dismantled.

(ii) Forum Shopping and External Power

Even if deliberative norms prevail and diverse participants cooperate to develop and implement fair collective actions, the powerful (or the weak) may turn to measures *outside* of these new democratic institutions to defend and advance their interests. The institutions of EPG operate in a complex web of more conventional arrangements that includes interests groups and politicians contesting one another in agencies, legislatures, and courts. When participants cannot get what they want in deliberative settings—perhaps because what they want is unreasonable—they may press their interests in more favorable venues. In the context of public education, for example, a parent who cannot secure special privileges for his child in the local school council may try to use the central school system office to over-rule local deliberations. Real estate development interests in the city of Porto Alegre have bypassed the participatory budgeting system in favor of more friendly planning agencies when they

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[31] For a classic statement of this dynamic, see Peter Bachrach and Morton Baratz, "Two Faces of Power," *American Political Science Review* 56 (Dec 1962): 947-52.

[32] See Szasz.

anticipated neighborhood opposition. Engaging in such forum shopping to overturn or avoid unfavorable deliberative decisions clearly violates deliberative norms that ground the experiments discussed above and, if widespread, will certainly poison the mutual confidence necessary for open discussion and cooperative collective action among diverse parties.

Aside from the possibility of defection, parties constituted outside of these deliberative bodies may not recognize their authority and resist their decisions. Driven by understandable jealousies, we might expect officials firmly ensconced in pre-existing power structures — elected politicians, senior bureaucrats, those controlling traditional interest groups — to use their substantial authority and resources to over-rule unfavorable deliberative decisions. At the extreme, they might try to end these experiments or contain them to some seedling form. So, for example, environmental groups have sometimes viewed cooperative ecosystem management efforts as ceding too much ground to development or agricultural interests and fought locally deliberative decisions through litigious and legislative methods.[33] The Chicago school reforms empowered local governance councils by authorizing them to hire and fire their principals, and thereby removed the job tenure privileges that had been enjoyed by these school leaders. The association of principals fought back by arguing that the school reform's functional electoral structure violated the Constitutional mandate of one vote per adult citizen. Locally dominant left-wing political parties sustain both the Indian village governance reforms and Porto Alegre's participatory budget. Officials there have claimed credit for the success of these experiments and subsequently based their political fortunes upon the continuation of these experiments. Conventional politicians and bureaucrats thus became the handmaiden of deliberative-democratic transformation by mobilizing elite and popular support for the expansion and reproduction of these experiments. Without such political foundations, it is easy to imagine that these systems of popular deliberative action would be quickly overturned by   social and political elites that they often act against.

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[33] See Mark Sagoff, "The View from Quincy Library: Civic Engagement in Environmental Problem Solving," (Manuscript, 1998) and Louis Jacobson, "Local timber collaboration stalls in national arena," *Planning*, Vol. 61, No. 11. (Nov 1998):22-23.

(iii) Rent-seeking vs public goods

We have hypothesized that these experiments produce public goods that benefit even those who choose not to participate directly. Sound urban budgeting would benefit all of Porto Alegre's residents, not just those who take part in the formal institutions of participatory budgeting. Similarly, most neighborhood residents enjoy the good of public safety and all students and their parents benefit from effective schools. Potentially, however, rent-seeking participants might reverse this flow of benefits by capturing these deliberative apparatuses to advance private or factional agendas. The system of participatory budgeting could be re-absorbed into old-school clientelist politics in which party bosses control discussion and resulting budget recommendations. Small factions of neighborhood residents or parents might use public powers created by the community policing and school governance reforms to benefit themselves by, for example, protecting just a few blocks or establishing special school programs for the sake of just their own children.

Some of these new institutions attempt to stem rent seeking through centralized transparency and accountability measures. They link decentralized local bodies to one another and to centralized authorities in order to make the varied performance of deliberative action widely known and therefore more accountable. All Habitat Conservation Plans, for example, must be reviewed by U.S. Department of Interior authorities in Washington, D.C. and the actual performance of those plans will soon be made publicly available in a centralized data warehouse. Similarly, the decentralized plans of police beats and schools in Chicago are reviewed and aggregated by higher bodies, as are the neighborhood budget priorities of Porto Alegre and Panchayat decisions in India. In most of these cases, the capacity of accountability and transparency mechanisms to check self-interested behavior is simply not known. Accordingly, one critical question is the extent to which its institutions can be perverted into rent-seeking vehicles and the efficacy efforts to check this tendency.

(iv) Balkanization of Politics

In a further pitfall, these experiments may exacerbate the balkanization of a polity that should be unified. Prominent democratic theorists such as Rousseau and Madison worried that the division of the body politic into contending groups would weaken the polity as a whole because individuals would advance their factional interests rather than common good. In the extreme, such division might create conditions in

which one faction dominates the rest. Or, fragmented political institutions and social factions might each be quite capable of solving its own particular problems, yet the system as a whole would be incapable of addressing large scale concerns or formulating encompassing agendas. From this critical perspective, these experiments might aggravate the problem of faction by constituting and empowering hundreds of groups, each focused on a narrow issue within cramped geographic boundaries. A proponent might respond that these channels of participation add some public component to lives that would otherwise be fully dominated by private, or even more particular concerns, and that therefore the net effect of these institutions is to broaden the horizons of citizens, not to narrow them. Both of these contending perspectives remain hypothetical, however, absent accounts of particular individuals and the relationship of these experiments to the political institutions that supposedly foster greater political commonality.

(v) Apathy

While these four pathologies result from energetic but ill-constrained political engagement, a fifth criticism begins with the common observation that the mass of citizens are politically disengaged and ignorant, not fervid. From this perspective, empowered participation demands far too much in terms to the depth and level of participation from ordinary citizens, and the knowledge, patience, and wisdom that they are expected to possess or in short order acquire. It may be that the citizens in contemporary capitalist societies are generally too consumed with private life to put forth the time, energy, and commitment that these deliberative experiments require. Or, symptoms of apathy may result from institutional design rather than individual preference. These deliberative channels ask citizens to generate public goods which are broadly shared, and so many will be tempted to free-ride on the efforts of others. The cases below will offer some evidence that begins to adjudicate these questions about citizen apathy by examining the quantity and character of participation.

(vi) Stability and sustainability

Another concern focuses upon the stability of these experiments through time. They may begin in a burst of popular enthusiasm and good will but then succumb to forces that prevent these auspicious beginnings

from taking root and growing into stable forms of sustained participation. For example, one might expect that practical demands on these institutions might press participants eventually to abandon time-consuming deliberative decision making in favor of oligarchic or technocratic forms. Even if one concedes that empowered participation generates innovations not available to hierarchical organizations, the returns from these gains may diminish over time. After participants have plucked the "low-hanging fruit," these forms might again ossify into the very bureaucracies that they sought to replace. Or, ordinary citizens may find the reality of participation increasingly burdensome and less rewarding than they had imagined, and engagement may consequently dim from exhaustion and disillusionment. Though most of the reforms considered here are young, some of them have a history sufficient to begin to ask whether their initial successes have given way to anti-deliberative tendencies.

3. Is EPG Generalizable?

A final and crucial question about this endeavor goes to its scope. Are the democratic principles and design features of EPG generally applicable? Or, is it limited to just a few settings such as those already mentioned? Since answering that question requires much more empirical research than is presently available, we can only offer a few speculative remarks.

The diversity of cases—across policy areas, levels of economic development, and political cultures—discussed in this volume suggests that EPG would usefully contribute to a large class of problem-solving situations. In the most general terms, those contexts are ones in which current arrangements—whether organized according to expert command, market exchange, or perhaps informally—are failing and in which popular engagement would improve matters by increasing accountability, capacity, or by bringing more information to bear. Arguably, this is a large class indeed, and recent work has documented the emergence and operation of similar reforms in areas such as the treatment of addiction[34] and environmental regulation.[35]

In a variety of institutional settings, however, empowered participatory governance may not be helpful. It is not a universal reform strategy. In many areas of public life, conventional systems of

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[34] See Dorf and Sabel.

[35] See Sabel, Fung, and Karkkainen (2000).

guardianship, delegation, and political representation work well, or could be improved so as to be optimal. To take one small example, injecting more parental power and participation in already well-functioning wealthy suburban school systems might lead to conflict and wasted energy that serves neither parents, students, nor educators in the long term. EPG would also be inappropriate where current institutions perform unsatisfactorily, but where direct participation would add little to problem-solving efforts. Sometimes, public policy might be naturally centralized, and so not admit of broad participation. At other times, policy areas may be so technically complex that they preclude constructive lay engagement. But perhaps the burden of proof lies on those who would oppose more participatory measures. After all, many of the areas of public life already subject to EPG reforms might have seemed, quite recently, too daunting for ordinary citizens to contemplate: the formulation of municipal budgets, management of schools, habitat conservation, and the challenge of economic development.

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"Democracy" is one of the most potent political symbols in the world today. The United States justifies much of its foreign policy and military interventions under the banner of restoring or protecting democracy. Masses in the streets in South Africa and Poland precipitated historic transformations of regimes in the name of democracy. And yet, just at the historical moment when an unprecedented proportion of the world's governments are becoming at least nominally democratic, public confidence in the capacity of democratic institutions to solve problems and represent the aspirations of ordinary citizens has declined in those countries with the longest democratic experience.

We believe that this decline in confidence in the democratic affirmative state does not reflect an actual exhaustion democratic potential but rather the political triumph of antistatist neoliberalism. While ultimately a revitalization of democratic institutions on a wide scale requires political mobilization, that challenge also requires new visions for how democratic institutions can advance urgent social goals.

In the next four parts of this book, we will examine in considerable detail the empirical record of several experiments that manifest such visions. Each section consists of an extended essay written by a scholar closely associated with the experiment, laying out the experiment's institutional details and addressing the questions we have raised. The final part contains a series of critical and comparative commentaries, some by people intimately familiar with the empirical cases and others from those whose interest begins from political theory. We hope that the

framework of EPG and the investigations that follow will help elaborate these visions and contribute to the project of participatory democratic regeneration.

Part One

Case Studies

Two

Participation, Activism, and Politics: The Porto Alegre Experiment in Deliberative Democratic Theory

GIANPAOLO BAIOCCHI

The experiment in participatory governance in Porto Alegre Brazil stands apart from many other similar attempts to institute some version of civic governance in Brazil and Latin America. Because of its breadth and scope, differs from a variety of other experiments (past and present) that simply do not involve as many persons, or more commonly, do not devolve as much decision-making power to popular mandate. As a system that devolves substantial power to participants, it stands apart from vague "participatory reforms" so common in Latin America. Its central institutional feature of interfacing civil society through neighborhood-based deliberation regardless of local levels of organization also sets it apart from participatory governance schemes that rely on organized civil society, often through sectoral interfaces (calling upon teachers to consult on education policy, for instance). It is also unusual because it has served the Worker's Party (*Partido dos Trabalhadores*, P.T.) well, permitting three uninterrupted terms at municipal government, and recently, largely as a result of the successes in Porto Alegre, a term at state level government. Its record on good governance is equally impressive. It stands against the backdrop of many well-known electoral and institutional failures of leftist municipal administrations, as in São Paulo, Fortaleza, and Florianópolis in Brazil , or Caracas in Venezuela, as well as a number of much more limited participatory experiments as in Montevideo, Uruguay, and Córdoba, Argentina.[1]

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[1] A number of works exist that examine participatory governance in Latin America. For similar experiments in Brazil, see Leornardo Avritzer (2000). Public Deliberation at the Local Level: Participatory Budgeting in Brazil, *Real Utopias Conference*. Madison, WI., January 2000. William Nylen, "Popular Participation in Brazil's Worker's Party: Democratizing Democracy in Municipal

Despite the recent attention to Porto Alegre and some of its innovative institutions, as well as a general interest in "participatory governance"[2], little work exists that explicitly addresses the theory of

Politics," *The Political Chronicle*, 8, 2 (1998): 1-9. Ivo Lesbaupin, *Prefeituras do Povo e para o Povo* (São Paulo, Brazil: Edições Loyola, 1996). Silvio Caccia Bava, "Dilemas da Gestao Municipal Democratica," in Licia Valladares and Magda Prates Coelho (Eds.), *Governabilidade e Pobreza no Brazil*, (Rio de Janeiro: Civilizacao Brasileira:1995). Lucio Kowarick and Andre Singer, "The Workers' Party in Sao Paulo," in Lucio Kowarick (Ed.), *Social Struggles and the City*, (New York: Monthly Review Press:1994). Pedro Jacobi (1994). Alcances e Limites de Governos Locais Progressistas no Brasil: As Prefeituras Petistas, *Cadernos do CEAS*. Sonia Alvarez, "Deepening Democracy: Popular Movement Networks, Constitutional Reform, and Radical Urban Regimes in Contemporary Brazil," in Robert Fisher and Joseph Kling (Eds.), *Mobilizing the Community*, (Newbury Park: SAGE Publications:1993). José Arlindo Soares and Salvador Soler Lostão, *Poder Local e Participação Popular* (Rio de Janeiro, Brazil: Rio Fundo Editora, 1992). For other examples from Latin America, see Gerd Schonwalder, "Local Politics and the Peruvian Left," *Latin American Perspectives*, 33, 2 (1998). Ladislaw Dowbor, "Descentralization and Governance," *Latin American Perspectives*, 98, 2 (1998): 28-44. Jordi Borja and Manuel Castells, *Local & Global: Management of Cities in the Information Age* (London: Earthscan Publishers, 1997). Peterson George E. Peterson, *Decentralization in Latin America* (Washington D.C.: The World Bank, 1997). Patricia McCarney, "New Considerations on the Notion of Governance," in Patricia McCarney (Ed.), *Cities and Governance: New Directions in Latin America, Asia, and Africa*, :1996). Andrew Nickson, *Local Governments in Latin America* (Boulder: Lynne Rienner Publishers, 1995). Charles Reilly, New Paths to Democratic Development in Latin America: The Rise of NGO-Municipal Collaboration (Boulder: Lynne Reiner Publishers, 1995). Alvaro Portillo, "Montevideo: La Primera Experiencia del Frente Amplio," in Alicia Ziccardi (Ed.), *Ciudades y Gobiernos Locales en la America Latina de los Noventa*, (Mexico City: Grupo Editorial M.A. Porrua:1991). Marta Harnecker, *Frente Amplio: Los Desafios de un Izquierda Legal. Segunda Parte: Los Hitos Mas Importantes de su Historia* (Montevideo: Ediciones La Republica, 1991).
[2] 'Participation in government' has witnessed an explosion of interest from various quarters and perspectives, particularly in the context of the decentralization of government. For some representative positions see Benjamin Barber, "Three Challenges to Reinventing Democracy," in Paul Hirst and Sunil Khilnani (Eds.), *Reinventing Democracy*, (Cambridge, Mass.: Blackwell:1998). John Keane, "The Philadelphia Model," in Takasi Inoguchi, Edward Newman and John Keane (Eds.), *The Changing Nature of Democracy*, (Tokyo: United Nations University Press:1998). Peter Evans, "Government Action, Social Capital, and Development: Reviewing the evidence on Synergy," *World Development*, 24, 6 (1996). Jeffrey Berry, Kent E. Portney, and Ken Thompson, *Rebirth of Urban Democracy* (Washington D.C.: Brookings Institute, 1993).

deliberative democracy – a body of theory that straddles normative and practical concerns of democracy-enhancing experiments such as this one.[3] Deliberative democratic accounts vary in the attention they give to institutional arrangements, and here I will focus on the account of Empowered Deliberative Democracy of Wright and Fung because it develops a model of institutions and their features that would guarantee fairness and efficiency within a deliberative framework.[4] Deliberative democratic theory refers to a body of political theory that seeks to develop a substantive version of democracy based on public justification through deliberation. More than "discussion-based" democracy, it calls for the deliberation of citizens as reasonable equals in the legitimate exercise of authority and as a way of transforming the preferences and intentions of citizens. In this way, theorists of deliberative democracy address some of the problems that face complex societies such as the plurality of values, which would in principle render the construction of a "common good" as well as the establishment of common democratic practices difficult.[5]

The Empowered Deliberative Democracy proposal can be considered an extension, and further iteration, of these accounts. Of course, what distinguishes this kind of intervention from many other interventions into democratic theory is its concern with institutional arrangements. A

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[3] For the city of Porto Alegre, see Rebecca Abers, *Inventing Democracy* (Boulder: Lynne Rider Publishers, Forthcoming). Luciano Fedozzi, *Orcamento Participativo: Reflexoes sobre a experiencia de Porto Alegre* (Porto Alegre: Tomo Editorial, 1997). José Utzig, "Notas sobre of Governo do PT em Porto Alegre," *Novos Estudos Cebrap*, 45 (1996): 209-222. Sergio Baierle,*A Explosao da Experiencia; A emergencia de um novo principio etico-politico em Porto Alegre,* Unpublished M.A., UNICAMP, 1991.

[4] Wright and Fung's proposal, stands alongside Cohen and Rogers' proposal of Associational Democracy as the most institutional accounts of Deliberative Democracy. Other theorists, as Jon Elster, Amy Gutman, and Janet Mansbrigde certainly pay attention to institutional conditions and arrangements, but do not engage in the thorough analysis of institutional design characteristic of the EDD proposal. See Joshua Cohen and Joel Rogers, *Associations and Democracy* (London: Verso, 1992). Jon Elster, "Introduction," in Jon Elster (Ed.), *Deliberative Democracy*, (Cambridge: Cambridge University Press:1998). Amy Gutman and Dennis Thomson, *Democracy and Disagreement* (Cambridge, MA: Harvard University Press, 1996). Jane Mansbridge, "Democracy and Common Interests," *Social Alternatives*, 8, 4 (1990): 20-25.

[5] Joshua Cohen, "Procedure and Substance in Deliberative Democracy," in Seyla Benhabib (Ed.), *Democracy and Difference; Contesting the Boundaries of the Political*, (Princeton, New Jersey: Princeton University Press:1996). Guttman and Thomson, *Democracy.* Mansbridge, "Democracy."

central feature of "Real Utopian thinking" is that it places affirmative responsibility on institutional design to bring real-world institutions ever closer to normative "utopian" ideals.[6] The Empowered Deliberative Democracy proposal is an ideal-typical institutional design proposal for deliberative decision-making and pragmatic problem-solving among participants over a specific common good, and is in principle applicable to a wide-range of situations. It is understood to center on reforms that devolve decision-making to local units that are supported, but not directed, by a central body. These units are in turn truly empowered to enact their decisions. This model aims to foster redistributive and efficient decision-making that is deliberative and democratic and superior to command-and-control structures on a number of counts.

A number of empirical questions arise in light of existing experiments that more or less meet the model's criteria, such as whether deliberative democracy can ever be fair or whether it will be dominated by the more powerful. While answers to these questions will not doom or "prove" the model, they raise issues about institutional features – which ones work, which ones bring us close to normative ideals, and which ones do not – that together with comparative and theoretical work can help us advance the theoretical and practical agenda of democratic reform. In light of the Porto Alegre experiment, I wish to raise three broad, central problems in the theoretical model, which I term as: the problem of inequality, the problem of uneven development of civil society, and the problem of politics. Based on a number of indicators about the Porto Alegre experiment collected between 1997 and 1999, I examine the implications of these problems and their solutions in this case, and offer extensions to the EDD model.

Each of the "problems" to the model is in reality an extension of the "real world" question inspired by the call to utopian thinking: what would be the difficulties posed to this design in complicated empirical settings? The "problem" of inequality is not that persons are unequal, but that it may hinder fair deliberation. Are participatory meetings dominated by certain citizens, for example? The "civil society problem" concerns the impact of Empowered Deliberation upon autonomous civil society and how participatory institutions should "interface" with secondary associations given the unequal development of these associations. Do functioning EDD fora empty out civil society or privilege areas rich with secondary associations? And the "politics" problem is the question of what political context is necessary to carry out such an experiment in the

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[6] Wright describes this in Erik O. Wright, "Real Utopias: Introduction," in Erik O. Wright (Ed.), *Real Utopias I*, :??)..

real world. Would EDD proposals call forth opposition from the powerful? What institutional features might account for their durability in uncertain contexts?

In this spirit, then, I offer three critical re-interpretations in the following sections of this paper. After a very brief discussion of the institutions of the participatory governance in Porto Alegre, I argue in the next section that the experiment offers a particularly successful resolution to the problems of deliberation among unequals through its didactic functions. In the following section on interfaces with civil society, I argue that the experiment also offers a hopeful example of how this relationship might work in a way that fosters new organization in unorganized areas of civil society. Finally, the very success of the participatory experiment necessarily begs the question of the context under which it has thrived. Here I argue we should not forget its legitimacy-enhancing features that, in a democratic context, foster its reproduction. These three types of concerns should occupy a more central place within the EDD proposal as they are likely to be important across a number of cases.

BACKGROUND: INSTITUTIONS OF PARTICIPATORY

GOVERNANCE

When the Popular Font (an electoral alliance headed by the P.T. but including other leftist parties as well) achieved electoral victory in Porto Alegre in 1989 there was little agreement as to what, exactly, the "P.T. way" of governing[7] would look like, beyond a broad agreement on democratizing and decentralizing the administration, reversing municipal priorities toward those who needed it most, and increasing popular participation in decision making. Attending to a longstanding demand of The Union of Neighborhood Associations of Porto Alegre (UAMPA), which already in its 1985 congress called for a *participatory structure involving the municipal budget,* P.T. administrators developed a set of institutions of popular control over municipal budgeting priorities.

Developing participatory institutions while managing a city of the size of Porto Alegre posed a number of difficulties for administrators.

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[7] The phrase, *'o modo petista de governar'* has since become part of the lexicon of political discussions about governance. See Jorge Bittar, *O Modo Petista de Governar* (São Paulo, Brazil, 1992).

The city of Porto Alegre, the capital of the industrialized and relatively wealthy state of Rio Grande do Sul, stands at the center of a metropolitan area of almost three million persons. And although the city of 1.3 million enjoys high social and economic indicators, with its life expectancy (72.6) and literacy rates (90%) well above national average, it is also highly economically segregated city.[8] Almost a third of its population lives in irregular housing: as slums or invaded areas. These slums fan outward from the city center, with the poorest districts generally the farthest from downtown, making for very geographically distinct economic and social profiles throughout the city. This socio-geographic configuration posed many obstacles to drawing participants from areas without associative traditions, and then actually delivering on their demands.

The *Orçamento Participativo* - the "Participatory Budget" - has evolved over the years into a two-tiered structure of fora where citizens participate as individuals and as representatives of various groups of civil society (neighborhood associations, cultural groups, special interest groups) throughout a yearly cycle. They deliberate and decide on projects for specific districts and on municipal investment priorities, and then to monitor the outcome of these projects. The process begins in March of each year, with regional assemblies in each of the city's sixteen districts. These large meetings, with occasional participation of upwards of a thousand persons, accomplish two things: delegates are elected to represent specific neighborhoods review the previous year's projects and budget. The Mayor and staff attend these meetings to reply to the concerns of citizens about projects in the district. The number of total delegates is based on a diminishing proportion to the number of attendees, and the proportion of persons from a specific neighborhood to that total.[9] Neighborhood associations or groups are responsible for electing their own delegates.

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[8] See Tanya Barcellos, *Segregacao Urbana e mortalidade infantil em Porto Alegre* (Porto Alegre: F.E.E., 1986)., Prefeitura Municipal de Porto Alegre (1999). Regioes do Orcamento Participativo de Porto Alegre - Alguns Indicadores Sociais. Porto Alegre: Fundacao de Educacao Social e Comunitaria.
[9] The number of delegates for a district is determined as follows: for the first 100 persons, one delegate for every ten persons for the next 150 persons, one for twenty for the next 150, one for thirty for each additional forty persons after that, one delegate. To cite an example, a district that had 520 persons in attendance would have 26 delegates. An association with 47 members in attendance would have two delegates. (9% of the delegates.) See Avritzer, "Public Deliberation."

        In the subsequent months, these delegates meet in each of the
districts on a weekly or bi-monthly basis to acquaint themselves with the
technical criteria involved in demanding a project as well as to deliberate
about the district's needs. The number of participants varies, but forty to
sixty persons attend regularly in most districts. Similarly, in each of the
thematic fora, delegates also debate and deliberate on projects of concern
to more than a district within each specific theme. At these meetings,
representatives from each of the municipal government's departments
attend and present on the department's specific competencies. These
smaller *Intermediary Meetings* come to a close when, at a second
Regional Plenary a vote among regional delegates serves to prioritize the
district's demands and priorities and elect councilors to serve on the
Municipal Council of the Budget.
    This Municipal Council of the Budget is a smaller forum of
representatives of each of the districts and thematic meetings that meets
with representatives of the administration. Its main function is to
reconcile the demands from each district with available resources and
propose and approve a municipal budget in conjunction with members of
the administration. Its 42 members meet biweekly with representatives of
municipal government for several months. Councilors – two per district
and per each of the five thematic areas – maintain links with their
districts at this time and will, by the end of their one-year term, proposed
and approve changes to the rules of the whole process. For instance, in
recent years, some of the changes have included increasing the scope of
areas covered by the Participatory Budget, broadening the powers of the
Municipal Council of the Budget to cover personnel expenditures of the
administration, and changing the criteria for assessing how resources are
to be allocated to each of the districts.[10] The yearly process is shown in
Figure 1 below.[11]

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[10] Resources are allocated to each district based on a system of weights that
considers the district's population, its need for the service, and its chosen
priorities. I describe this system of weights in the Appendix.
[11] Adapted from CIDADE, "Ciclo do Orcamento Participativo," in *De Olho no
Orcamento (*Porto Alegre: CIDADE, 1995).

Figure 1: Yearly Cycle of Meetings
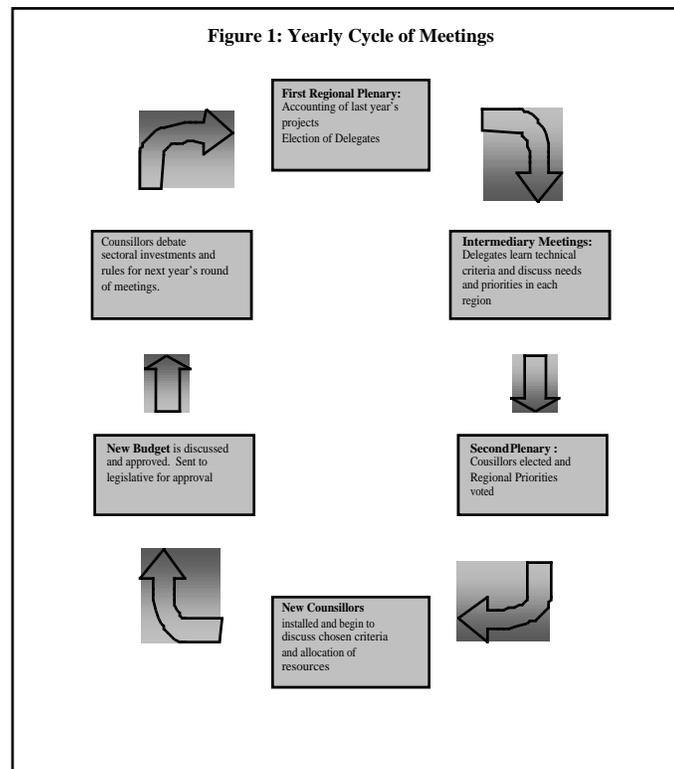
The Porto Alegre experiment meets the criteria of the Empowered Deliberative Democracy proposal in a number of interesting ways. First, the process creates direct deliberation between citizens at the local level and devolves substantial amount of decision-making power to these local settings. These citizens are involved in pragmatic problem-solving, and monitoring and implementing solutions achieved. These are continuously deliberative processes over the years, meaning that there are chances for participants to learn from mistakes. These local units, though vested with substantial decision-making power do not function completely autonomously from other units or from central monitoring units. Rather, central agencies offer supervision and support of local units but respect their decision making-power, that has been referred to as recombinance.[12] In this case, the support comes from the administration in the form of regional agents who act as non-voting facilitators.[13]

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[12] This distinguishes Empowered Deliberative Democratic proposals from 'New Left' models.

[13] In practice, these fora also function as a space for community demands and problems in general to be aired, for information to be divulged about the

The Porto Alegre experiment also shows how complex management of a whole city can occur through combinations of direct and representative democratic forms. The higher tier of the participatory structures, the Municipal Council of the Budget brings together representatives of each of the districts as well as the thematic meetings. They deliberate on the rules of the process as a whole as well as on broad investment priorities; they also act as intermediaries between municipal government and regional activists, bringing the demands of the district to the government, and justifying government actions to regional activists.[14] Participatory governance has expanded beyond Participatory Budgeting meetings to new fora that now include settings on social service and health provisions, local school policy, and human rights, among others. And the Participatory Budget itself has grown to include deliberation on investments in education, culture, health, social services, and sports.

As part of a joint strategy of urban improvements in the lowest-income areas while "cleaning up" public finances, the participatory budget has served well the purpose of good governance. Impressive figures exist about the percentage of the public budget available for investment – close to 20% in 1994 up from 2% in 1989. The increased legitimacy of public decisions of Participatory Budget has also made possible additional reforms to clean up public finances, such as the increase in property taxes, and has created additional scrutiny over municipal funds.[15] The proportion of municipal expenses in service provision to expenses in administration has also improved.[16] Of the hundreds of projects approved, investment in the poorer residential

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functioning of government, and as a regular meeting place for activists of a district. My own research showed that meetings were often 'taken over' by activists who make use of this regular forum to discuss issues beyond budgeting matters.

[14] As has been noted, councilors fulfill functions that would in other cities be associated with the official municipal legislative, though councilors are subject to immediate recall and have term limits of two years.

[15] Tarso Genro and Ubiratan de Souza, *Orcamento Participativo: A experiencia de Porto Alegre* (Porto Alegre: Fundacao Perseu Abramo, 1997). discusses the increase in the property tax in the first tenure of the P.T. administration. This is also discussed by Utzig, who describes the reforms undertaken by the administration to modernize fiscal procedures. José Utzig, "Notas," p215-220 .

[16] This is a measure of the overall efficiency of the administrative apparatus. Though national-level changes, as making municipal governments responsible for the provision of health services, complicates this comparison, all evidence points to increased efficiency.

districts of the city has exceeded investment in wealthier areas as a result of these public policies. Each year, the majority of the 20-25 Kilometers of new pavement has gone to the city's poorer peripheries. Today 98 percent of all residences in the city have running water, up from 75 percent in 1988; sewage coverage has risen to 98% from 46% [17]; in the years between 1992-1995, the housing department (DEMHAB) offered housing assistance to 28,862 families, against 1,714 for the comparable period of 1986-1988; and the number of functioning public municipal schools today is 86 against 29 in 1988. [18]

The Participatory Budget has enjoyed increasing levels of participation over the years, and especially among the poor. Despite potential barriers posed by their technical and time-consuming discussions, large numbers of participants representing broad segments of the population have attended. Estimated yearly attendances at the Participatory Budget, generated by a measure of participants in first and second round plenaries is shown in Figure 2. An analysis of participation per district, not reported here, shows that while for the first year presence of associative networks was a predictor of participation, for every year after that district-level poverty, and not a strong civil society, predicts participation. [19]

[17] Prefeitura Municipal de Porto Alegre. *Anuario Estatistico*. (Porto Alegre: GAPLAN, 1997).

[18] Regina Pozzobon, *Porto Alegre: Os Desafios da Gestao Democratica* (Sao Paulo: Instituto Polis, 1998).

[19] This figure, based on published numbers of municipal government, is the best available estimate of the actual number of participants from a figure of attendees at first and second round meetings. On one hand, persons at these first round meetings are not the actual participants throughout the year. But, on the other hand, much higher estimates of participation exist based on extrapolations of informal meetings that go on throughout the year, but there is no way to precisely assess its magnitude.

Participants O.P. 1990-1998*
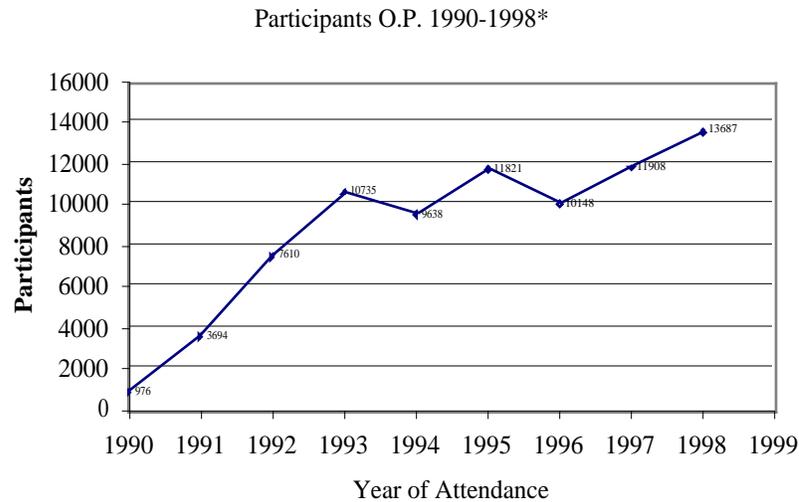
A survey fielded by myself in conjunction with, CIDADE, a local N.G.O. revealed that the profile of the average participant at the first meeting of the year in 1998 was below the city's average in terms of education and income. Over half of participants have household earnings of 4 Minimum Wages or below, and over half have up to an Eighth-grade education.[20] On the other end of the scale, better-off citizens are underrepresented, as roughly a third come from households earning 5 Minimum Wages or more, against the 55% of the city's residents who do so.[21]

The Porto Alegre Participatory Budget offers a real-world success of an experiment in Empowered Democratic Deliberation; as a set of institutions it has achieved efficient and redistributive decision-making within a deliberative framework that has succeeded in attracting broad-based participation from poorer strata of Porto Alegre's citizenry. Nonetheless, its very success raises three important issues for the model: inequality within meetings, the issue of civil society interfaces and civic impact, and that of the political context of the experiment.

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[20] A 'Minimum Wage' is a convenient unit to measure income in Brazil with currency fluctuations. As of 11/1999, it is set at US$62 per month, and 'poverty' is often informally set at a household income of 2 Minimum Wages .

[21] Pozzbon, *Os Desafios*, p 3-9.

DELIBERATION AND THE PROBLEM OF INEQUALITY

One of the main concerns of the critics of deliberative democracy is that its fora are likely to reproduce the inequalities in society at large. Since this project addresses local priorities and needs in service provision and investments in urban infrastructure, it is not surprising that there should be a significant presence of poor persons, but it needs to be ascertained if the poor participate *as much* as other groups and if their participation yields similar results. Deliberative settings in which citizens meet to debate formally as equals could be dominated by the more powerful. We could extend criticisms of the "public sphere" to deliberative democracy-type proposals to anticipate a particularly poignant criticism that deliberative democracy may create the fiction of rational deliberation that in fact justifies an elitist kind of citizenship. More sinisterly, exercises of justification could lend legitimacy to certain inequalities, or to the political party in control of the project. Despite significant inequalities among citizens, the didactic features of the experiment have succeeded in large part in offsetting these potentials for domination. This confirms the expectations of democratic theorists who, while assuming that persons may come to deliberative settings with certain inequalities, expect that over time participation will offset them.

For someone like Bourdieu, deliberation and participatory democracy reproduces hierarchies. On one hand, it reproduces class hierarchies; on another, it reproduces hierarchies of political competence of "experts" against non-experts within the field of politics (a hierarchy which is likely to align along, roughly, class lines, but need not be coterminous with it). Bourdieu denounces fictions of "linguistic communism" - that the ability to speak is equally distributed to all.[22] As language is a *medium* (as to opposed to only an instrument) of power, utterances between speakers are always expressions of *relations of power between them.* The competence to speak embodies difference and inequality. A privileged class habitus imparts the technical ability to speak *and* the standing to make certain statements. This competence is a *statutory ability,* meaning that "not all linguistic utterances are equally acceptable and not all locutors equal."[23] Linguistic competence is not a simple technical ability, but certain interlocutors are not allowed certain speech acts. Bourdieu gives the example of the farmer who did not run for mayor of his township, "But I don't know how to speak!"[24]

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[22] Pierre Bourdieu, *Language and Symbolic Power* (Cambridge: Polity, 1991).
[23] Ibid, p 146.
[24] Ibid, p147.

There is also the theoretical expectation that the relatively technical discussions involved and the types of time-pressures on a poorer person would act together as disincentives to participation. As Janet Mansbridge writes of her townhall participants:

> These patterns imply that the psychic costs of participation are greater and the benefits fewer for lower status citizens. In contacting town officials, for instance, they feel more defensive beforehand and less likely to get results afterward. In speaking at meetings they feel more subject to ridicule and are less likely to convince anyone. Each act of participation not only costs them more but also usually produces less.[25]

While ethnographic and life-history evidence would be crucial to account for the way persons bring inequalities to these meetings, it is possible here to deploy survey and participation evidence to consider these effects. The survey, discussed above, was administered at meetings in all districts of the city.[26] Figure 3 below shows the results as a comparison of the proportion of participants by gender, low-income, and low-education against citywide proportions at each tier of the process.

Figure 3: Proportion of Low Education, Women, Low Income, and Black Participants at various tiers of the Participatory Budget, 1998

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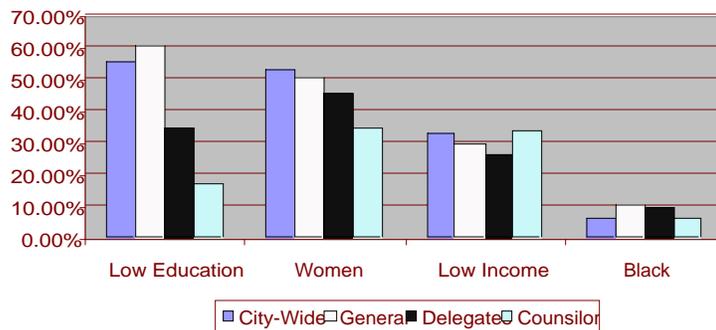
[25]   Jane Mansbridge, *Beyond Adversary Democracy* (Chicago: University of Chicago Press, 1983), p 103.
[26] Survey results are published in CIDADE (1999). Orcamento Participativo - Quem e a populacao que participa e que pensa do processo. Porto Alegre: Centro de Assessoria e Estudos Urbanos.. See the statistical appendix of this essay for details.

A number of observations are possible. It appears that there is some stratification at the higher tiers of the process, with women and persons of low education being elected less, while low-income does not seem to affect election. Women are just over 50% of general participants, though making up only 35% of councilors.[27] Low-educated persons[28] are just over 60% of general participants, but only making up 18% of councilors. Persons of low income[29] make up 33% of general participants, and 34% of councilors. The best estimate of race[30] of participants also suggests that there is no evidence of lack of parity on racial grounds.[31] Education appears to have the most pronounced effect, and particularly so at the highest tier.

There is no evidence, however, that lack of education or gender pose insurmountable barriers to effective participation, or that this stratification results from masculinist prejudice or prejudice against less

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[27] 1998 Survey data. Women are 53% of the city's residents, and persons with low education are 55% of the city's residents.

[28] The count of persons with education up to the eighth-grade.

[29] Persons with a household income of up to two 'minimum-wages' per month, which comes to aproximately $124 (11/1999)

[30] It was not possible to include the question of race on the 1998 survey. Nonetheless, using other estimators for the race of participants strongly suggests that 'race' by itself does not prevent participation or the achievement of elected positions, though the question certainly merits further inquiry. The general participant data comes from an existing earlier survey (1996), but which does not permit any tests as result of the numerically small sample. The data on counsilors and delegates comes from my own count of counsilors and a sample of delegates. Here I considered specifically the category 'black' (*negro*), which as per the conventions of the Brazilian census, is based on self-identification. 'Blacks' make up aproximately 5% of the city's population, and persons of mixed descent (*pardos - "*browns") make up aproximately 10%. For a discussion of race in this part of Brazil see Ilka Boaventura Leite. Negros no Sul do Brasil. (Ilha de Santa Catarina, SC: Letras Contemporaneas, 1996).

[31] These apparently surprising results are consonant with the available literature on race relations and urban poverty in Brazil. This process draws persons from the city's urban periphery, which is where non-whites tend to live, but which is also relatively integrated. Observers of the community-based 'neighborhood movement' have pointed to the fact that its leadership is also relatively integrated. Ney dos Santos Oliveira, "Favelas and Ghettos; Race and Class in Rio de Janeiro and New York City," *Latin American Perspectives*, 23, 4 (1996): 71-89. Peggy Lovell, "Race, Gender, and Development in Brazil," *Latin American Research Review*, 29, 3 (1994). Edward Telles, "Residential Segregation and Skin Color in Brazil," *American Journal of Sociology*, 57, (1992).

educated speech. Ethnographic evidence from district level meetings did not show any pattern of women or the less educated speaking less often or of conceding authority to educated men.[32] Interviews among participants also revealed that they did not perceive the process this way. Common perceptions among activists were like the ones offered by an old-time community activist, who was asked if low education among the poor was a problem for the Participatory Budget:

> No. I think it helps the OP, because it begins from below. It is not the suits[33] who come here and tell us what to do. It is us. I am a humble person. I have participated since the beginning. And like me, there are many more poor people like me who are there with me, debating or helping in whatever way possible. And so I think the OP is enriching in this way, because it makes people talk, even the poorest one. It has not let the suits take over.

A survey question about how often a person spoke at meetings painted a similar picture. The results to the question: "do you speak at meetings?" (Always, almost always, sometimes, never) showed that there was parity between the poor and the not poor, and between the less educated and the rest. It also found, however, that women reported speaking less. A formal statistical statement predicting whether someone will speak at a meeting based solely on gender expresses that the odds of a woman being an active participant at about 28% lower.[34] However, the number years of participation in the Participatory Budget also turns out to offset this pattern significantly, and years of participation in the process is a powerful predictor of whether persons will speak. Once we consider only persons with a certain numbers of years of experience, we also find that there is no significant difference between men and women reporting participation, or between persons with or without formal schooling.[35] Keeping in mind the difficulties in assessing participation

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[32] This was based on a year and a half of attendance of meetings between 1997 and 1999 in three of the city's districts. What did emerge was that there was an informal gendered division of labor among activists around types of issues for which women and men were suited. This does not mean, however, that women were prevented from effective participation.

[33] *Colarinho-branco*, literally, the 'white-collars.'

[34] The logistic coefficient predicting participation (model not reported here) based solely on gender gives the odds at 28.33% lower, with a standard Error of (.09). and Chi-Squared of 13.75, statistically significant at p<.001.

[35] Once we consider years of experience gender ceases to be a significant predictor.

through indirect means as these, this strongly suggests that experience tends to offset gender inequality in meetings.

   Statistical analysis of election figures shows a similar pattern. When we consider several significant intervening variables, (as years of experience, number of ties in civil society, being on the board of directors of a neighborhood association, and being retired or self-employed), neither gender nor education nor poverty significantly affected a person's chances of election.[36] Each additional year of experience increased chances by 25%, and each additional tie in civil society increased the odds by 55%. Being retired increases the odds by over 200%, and being self-employed by over 80%.[37] These results together suggest that experience off-sets education and gender disadvantages, and that education effects have to do with a person's likelihood of being elected to a position in civil society and do not directly result from what counts within Participatory Budget meetings.[38] This evidence also strongly suggests that the availability of time, and women's "second and third shifts" of household responsibilities accounts for much, if not all, of these differences, particularly with respect to gender. Opinions such as these are typical:

> Men are always flying about. To be a councilor you have to be able to go to many meetings, in the evenings, and in many different places. So even if you don't have a job outside, you still have to take care of the house. So I'd say this is more difficult for women.[39]

> It's difficult, but we always find time somehow, because I work, get home and then I feed the children, then I go to meetings. Sometimes my sister gives me a hand, sometimes the neighbor helps, but it's difficult.[40]

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[36] It should be noted, for example, that analyses, not shown here, that considered education as number of years, or income in terms of tiers, found that the highest levels of education and income negatively affected chances of election.

[37] See the logistic models reported in the appendix.

[38] Being elected to a directorate of a neighborhood association, for instance, is associated with education. Another result that suggests that this interpretation is correct is that conditional logistic regressions (not reported here) that estimate chances of election to counsilor from the pool of delegates do not show any factor other than experience to be significant. Static data cannot be any more conclusive, however, since we cannot control for factors that may cause persons to be long-term participants.

[39] Adriana, interview. Note that participants' names here are pseudonyms.

[40] Marina, Interview.

There are a number of insights we could draw from inequality within Participatory Budgeting. For one, it is evident that it is not highly educated speech that counts within these settings. Bourdieu's farmer, who did not "know how to speak" might have found in the institutions of participatory governance in Porto Alegre a place where his type of speech might have been valued. Certainly there are other standards for valued speech, but these do not correlate with class or education. It is also clear that *outcomes* of participatory decision-making also do not reflect domination. This domination would be evident if outcomes were systematically distorted in the direction of the distribution of investments toward more powerful citizens. If the more powerful had indeed able to manipulate outcomes there would not be rules that privileged "regional need" over number of participants, for instance.[41] It is also clear that the heterogeneity of persons has not been a source of deliberative inefficiency.[42]

This experience highlights the importance of the didactic component of Participatory Budget meetings. From the perspective of individuals, the institutional design includes many meetings devoted to learning procedures and rules, as well as more specific technical criteria for municipal projects. Persons acquire specific competencies related to budgeting, but also acquire skills in debating and mobilizing resources for collective goals. And the evidence suggests there is relatively open room for advancement within the process for newcomers. [43] One participant with only a few years of schooling elected as Councilor early on in the process discussed what it was like in the beginning as a less educated person:

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[41] The system of weights has changed over the years. Originally 'popular mobilization' used to be a criterion that was changed in favor a system that considers 'needs' in the system of weights. These criteria are always in debate and revision by councillors. The current system, which considers need, followed by the district's priorities and population clearly advantages a few of the city's districts in distribution of resources every year. The poorest district, *Nordeste,* for example, always takes resources regardless of the results of deliberation. For a discussion of the emergence and transformation of these principles, see Genro and Souza, *Orçamento*, chapter 1.

[42] Although no standards exist against which to judge these outcomes, through the Participatory Budget citizens have been able to decide upon more projects and on the allocation of more resources each year, deciding upon more than several hundred projects over the last few years.

[43] The income level of 2 minimum wages against which I have tested for parity is less than a third of the city's median household income of 6.4 minimum wages, and the education level of 8th grade is well-below the city's average. See Pozzbon, *Os Desafios*, p 3-9.

> I had to learn about the process as the meetings took place. The first time I participated I was unsure, because there were persons there with college degrees, and we don't have it, so we had to wait for the others to suggest an idea first, and then enter the discussion. And there were things from city hall in the technical areas, we used to "float." But with time we started to learn.[44]

An explicit part of the design of the Participatory Budget is a didactic component inspired by the "popular education" methodologies of Paulo Freire and the Ecclesiastic Base Communities. As is clear from early materials of the administration, the ideas of popular educators of urban social movements were an important source of inspiration in how to run meetings and how to develop norms of dialogue that were respectful of different types of speech.[45] Meeting facilitators are always aware of their function as partially didactic. One of these facilitators discussed her functions:

> Another task (…) 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, creating processes of exclusion. Therefore, negotiations inspired in a solidaristic practice must be a constant in the pedagogical actions of facilitators.[46]

This didactic component is one of the salient features of the Participatory Budget and alerts us to the fact that while persons may "naturally" learn from attending deliberative meetings, features of the setting of these meetings may make the learning more or less available to all. The evidence here both confirms the best expectations of Deliberative Democratic theory- that vast segments of participants are able to learn to participate effectively - and points to the importance of a self-conscious strategy to impart that learning. That this does not *fully* off-set inequalities suggests that more institutional intervention is needed, though perhaps in novel ways that change time commitments necessary for effective participation. On the whole, however, the profile of the highest tier of participants in Budget meetings shows that this type

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[44] Gilberto, Interview 1997

[45] See, for instance, the discussion in Sergio Baierle, *A Explosao da Experiencia.*

[46] Eunínce de Andrade Araújo, cited in Genro and Souza, *Orçamento,* 30.

of institution is a tremendous advance over traditional democratic institutions in Brazil.[47]

INTERFACES WITH CIVIL SOCIETY

Interviews showed that as persons became deeply involved in negotiations and became acquainted with other persons in the district involved in similar problems, they established lasting bonds with activists of other parts of their district and developed a sense of solidarity for these other persons. This collective learning is at the root of the transformations in civil society in Porto Alegre, as many more associations in civil society have started to function since the inception of the Participatory Budget. In this section I develop a second extension to the EDD proposal around the issue of interfaces with civil society.

One of the vexing issues for the model of Empowered Deliberative Democracy is the relationship between deliberative democratic fora and civil society. Autonomous institutions of civil society are generally positively valued as being the repositories of democratic practices and impulses in society; organizations in civil society might also have the best information and access to certain problems that the participatory scheme is designed to address. Relying on organized civil society in an institutional design might, for example, inadvertently favor citizens who are represented by formal and established organizations against citizens who do not have such representation. It might also inadvertently reproduce and harden "movement oligarchies" by giving leaders of such organizations - that may not always meet our normative standards of democratic functioning- additional legitimacy and political capital. There are also a number of negative expectations about the impact of participatory forums on civil society. If participatory forums are parallel to – that is, they co-exist with - civil society, it is not unreasonable to expect they may in certain settings empty out forums of civil society, as they may provide more efficient (and state-backed) ways of addressing

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[47] If compare the profile of city council-persons with the counsilors of the Budget meetings, we find that there are much greater proportions of women, of poorer persons, of the less-educated, and of blacks involved in Budget meetings. For instance, the average percentage of women in city council since democratization has been less than 10%, and the percentage of poor persons or persons without formal education has been close to zero.

certain problems. If participatory forums interface directly with civil society, might they co-opt movements? Or might local decision-making fora "balkanize" political life?[48] Cohen briefly addresses another possibility altogether, that deliberative democratic institutions might help foster new forms of solidarity and help *construct* civil society:

> Notice, however that both the inclusion of nontraditional stakeholders and the development of deliberative arenas suggests a new possibility that of constructing new bases of solidarity through a process of defining and addressing common concerns. (…) In short, these efforts – which could have very wide scope – have the potential to create new deliberative arenas outside formal politics that might work as schools of "deliberative democracy" in a special way.[49]

The Porto Alegre experiment has functioned much more like a "school of deliberative democracy" than as a vehicle of the co-optation or vacuum that hollows out of civil society. Participatory governance in Porto Alegre has, in fact, fostered new and more intermeshed institutions in civil society. It has renewed leadership in civil society and "scaled up" activism from neighborhoods to municipal and district-levels. Here I briefly explore the institutional features of Participatory Budgeting that account for these changes.

One of the most obvious transformations of civil society has been the rapid rise of new associations throughout the city. Although precise figures are difficult to establish for a number of reasons, estimates for the number of neighborhood associations are shown in Table 1, below.[50] The table gives very general estimates of the trends in the transformation of civil society in Porto Alegre.

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[48] Fung and Wright, 'Introduction,' 43.

[49] Cohen, "Procedure" p 112-113.

[50] One of the main reasons it is difficult to establish how many active associations existed at any one point in time is that there are many more groups 'in law' than in practice. Because of Brazilian law, and certain traditions of community politics, there exist many phantom registered organizations for individuals to receive charity. In the 1980's, for example, there were 'milk ticket' programs that gave registered community groups weekly coupons for milk, and this caused for many 'neighborhood associations' to be 'founded' by registering with the courts. For this reason listings of officially registered organizations, which I do not use here, do not help assess activity in civil society.

Table 1: The Development of Civil Society in Porto Alegre, 1986-1998			
Year	Neighborhood Associations[a]	Cooperatives[b]	Regional Popular Councils[c]
1986	180		
1988	240		2
1990	380		4
1994	450	11	8
1996	500	32	11
1998	540	51	11

.[a] Functioning neighborhood associations, estimated from unpublished documents from UAMPA, The Union of Neighborhood Associations of Porto Alegre, from CRC, the Center for Community Relations of the Municipality of Porto Alegre, and Baie A explosao. [b] Estimated number of housing cooperatives from interviews. [c] Popular Councils are district-level voluntary entities that coordinate neighborhood associations.

The rise in the number of associations is dramatic, and follows the increasing success of the Participatory Budget throughout the years. By my conservative method[51] of estimating this number, associational density has almost doubled. Neighborhood associations are not the only type of organization in civil society. A number of other types of entities, such as Samba schools, religious and cultural groups, soccer clubs, mothers' clubs, social movements, professional organizations, and unions are part of civil society. In regional settings, many of these other entities revolve or center around the neighborhood association. There is also a limit to the number of neighborhood associations, which can help prevent an inflation in the measure due to credentialing. My survey of associational life in three of the city's districts found that 80% of associations held meetings at least once a month, and that over half had meetings more than once a month, which lends credibility to the fact that these are indeed functioning and real associations.

Popular Councils offer a measure of the interconnectedness of associational life. The creation of functioning popular councils was an innovation in civil society during this period. From the table above, we see that the number of regional popular councils today is much greater than before, and almost all function with greater regularity. Popular councils are autonomous institutions that hold regular regional meetings on a weekly or bi-monthly basis for representatives of neighborhood associations as well as independent citizens wishing to discuss the

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[51] There are at least twice as many associations officially registered with city hall. I counted associations that either paid dues to the union of neighborhood associations or appeared listed with participants in the Participatory Budget meetings.

district's problems. The founding statutes of one of these councils, in the Partenon district, states that its purposes are:

> 1. To obtain and share information about the municipal administration….

> 2. To monitor public institutions…

> 3. To decide upon questions referent to our district, to the city, the state and the country.

> 4. To create proposals to the public administration

> 5. To define proper policies in the areas of transportation, social service delivery…

> 6.To participate in the planning of the city, state and country.

> 7. To foster and support popular organizations.[52]

While popular councils do not have any power over neighborhood associations, or over the Participatory Budget, they often coordinate activities between neighborhood associations (to make sure a fund-raiser will not overlap with a cultural event in a nearby neighborhood), settle disputes among them, and more importantly, deploy collective resources for the solving of regional problems. Often popular councils act as intermediaries between a single association and municipal government, approaching the government with the moral mandate of forty or fifty active associations. Very clearly the founding statutes above show that that popular councils as this one have goals of sharing governance, and scrutinizing public administration.

This picture contrasts from the situation in 1988. While much of the city had little associative activity, five or six of the sixteen districts into which the city is today divided had significant activity in terms of neighborhood associations and oppositional social movements. There was a functioning umbrella group for neighborhood associations, UAMPA, which according to a 1988 count, had approximately 150 associations registered. Today, associational life has become denser throughout the city. The segregated geography of a Brazilian city like Porto Alegre means that these changes have occurred most dramatically in the city's peripheries, areas with the least prior organization. Figures 4 and 5 offer a graphic representation of the Associational density per

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[52] Conselho Popular do Partenon, *Regimento Interno*, (Porto Alegre: 1992) p, 1.

district of the city for the two years in question. The poorest districts of the city have felt the greatest impact.

Figure 4: Associational Density, 1987 [Note: Figures 4 and Five are attached as *.gif files, as per instructions].

Figure 5: Associational Density, 1998

An activist in the poorest district of the city, Nordeste, who has followed the process closely, accounted for these changes:

> New leaders appear with new ideas every year and they are hard workers and full of good intentions. Our district has benefited a lot. Many of the new *vilas* now have developed associations to fight through the Participatory Budget, and old ones are reopening to go demand in the Participatory Budget. Every year two or three new associations appear.[53]

Activists describe a common pattern of neighborhood association development that begins with collective mobilization around common demands. Sometimes there already is a registered, but inactive, association for the area. Nonetheless, one or more concerned persons will begin to attend Participatory Budget meetings and eventually mobilize a number of concerned neighbors who then attend as an ad-hoc group that later becomes a more permanent association:

> We began by attending the Participatory Budget meeting. There used to be an association here, but it was more social and less interested in the problems of our side of the vila. So we went with a different name, and today we are registered as an association. 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 still.[54]

A smaller survey I conducted among "key activists" (n=104)– regular participants in a regional forum - in three districts of the city shows that most activists participate in a number of different forums. On average, activists participate in 2 to 3 meetings a week, and are regular attendees in 3 to 4 different forums. There were regional differences, but 44% of activists participated regularly in a forum with a regional or

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[53] Fernando, interview 1998.

[54] Marilia, interview 1997.

municipal focus other than the Participatory Budget or Regional popular council. Almost all activists reported participating regularly in their local neighborhood association – which suggests that there are significant and ties between local, regional, and municipal settings.

A number of respondents echoed that this indeed was an important process for development of more permanent networks of activists. For example, one woman described her trajectory from becoming involved in the Forum of Cooperatives to then becoming an elected delegate and Councilor, and the way the Participatory Budget has helped foster more or less permanent bonds:

> After starting to participate in the Forum of Cooperatives, I started to become involved with community leaders and wound up being elected as a Delegate of the Participatory Budget. At first, I did not understand much, but with time I started to get it. I got a group together from our cooperative to come on a regular basis. I then was elected to the Council. There it was where I really learned what is a movement, what a community leader does. It was an incredible learning experience in becoming a community leader.[55]

And a number of municipal mobilizations have resulted. The hunger campaigns in 1991 and the Human Rights municipal conference of 1997 drew activists from all districts as regular participants. A kind of citywide solidarity emerged from participatory governance. Some of these municipal initiatives are sponsored by city hall, as the human rights conference, but they have been peopled and organized by community leaders emerging from participatory fora. Participants of the process often recounted that civil society has changed in these directions – toward municipal and regional focus – and they usually recounted that the process had an effect on them, personally, in recasting their horizons as activists of a collective:

> As delegate and councilor you learn about the district, meet new persons, become 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. I participated in the two congresses to decide the *Plano Diretor* [municipal planning priorities] and since I have worried about the city as a whole. After a

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[55] Maria, interview 1999.

> year, I learned not to look only at the district, but that you
> have to look at the city as a whole. [56]

It is worth considering institutional features (and their alternatives) of participatory governance in Porto Alegre that account for these changes. One of the most salient features is its manner of recognizing participants and collectives. In the late 1980s, leftists in Brazil debated how leftist governments should interact with civil society. In São Paulo, for example, after the P.T. victory in 1989, some held that popular councils should be consultative and others argued that they should be deliberative. If popular councils were consultative, they would be part of the government's organizational structure, and if they were deliberative they would remain as autonomous associations inserted into municipal government.[57] In Porto Alegre, an early vision of interaction with organized civil society – presidents of neighborhood associations, for instance – gave way to a "laissez-faire" relationship to civil society.

A hallmark of the Participatory Budget is that anyone can in principle be part of deliberations. At meetings of the Participatory Budget where organizations are counted, participants are asked which organization they represent in order to tally votes, but the deliberative processes do not discriminate between "actually existing" neighborhood associations and a momentary association of persons who decide to call themselves a "street commission." Some leaders of the neighborhood movement felt "slighted," but the practice reduces the advantage of prior organization. It has created a system that actually fosters the creation of new associations, as well as the creation of parallel organizations to unresponsive ones.

But participatory institutions here address issues that were already central to existing concerns of civil society. For instance, in Porto Alegre, essential issues addressed by neighborhood associations in 1989 revolved around urban infrastructure and services. But another issue municipal government could have opened up for deliberation at the time could have been environmental issues or the cultural policy of city government, which have both become part of participatory governance. Both would have no doubt attracted activists, but would not have attracted the attention of civil society as the Participatory Budget did, and would not have reshaped it. Because significant proportion of the activities of neighborhood associations went to securing urban services

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[56] Antonio, interview, 1997.

[57] In São Paulo, the deliberative vision of mayor Erundina won. Popular power was 'instituted' as a fourth branch of government, after the legislative, executive, and judiciary. See Kowarick and Singer, "The Workers' Party."

and the Participatory Budget offered a completely novel way of achieving those goals, civil society developed even as it transformed its relations with municipal government. As an interviewee reiterated:

> Before you had to go to the *vereador's* (councilperson) office when you had to get something done, you had to go and sit in his waiting area, sometimes for more than a whole day. When you saw him you told him why you needed this street or materials for the (neighborhood) association building. It was always an exchange. Or you would bring a petition with lots of signatures to DEMHAB to show you had respect in the community. Today it is different. This brought big changes to the associations, because it was what we mostly used to do.[58]

Importantly, the Participatory Budget has also made some of the principal tasks of neighborhood associations much easier. As another interviewee states,

> Before the Participatory Budget, the associations used to work by themselves. Each one would write up its demands and go to the government. Today, 90% of the business of associations is through the Participatory Budget. All our main demands are through the Participatory Budget. And even complaints are through the Participatory Budget, because of the Councilors. Councilors can speak directly with the government. Sometimes a president will take a month to get an audition from the government and a Councilor will get it in a week.[59]

There is not a direct incentive to create an association, as mentioned earlier, since formal existence is not a requisite to participation. But, the calculus for forming an association has become different. One example from the survey was that participants were asked if they used to participate more or less in civil society before coming to the Participatory Budget, found that while 10.2% indeed participate less, 26.7% participate the same (in addition to now participating in the O.P.) and 26.7% participate *more*.[60]

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[58] Nelsa, interview 1988.
[59] Antonio, Interview 1997.
[60] Survey data, 1998. These results are also reported in CIDADE, *'Orçamento.'*

    While not part of the stated goals of the Participatory Budget, its
institutions provide a number of indirect "subsidies" for civil society. As
mentioned earlier, the Participatory Budget has individual didactic
effects. But it is also true that the Participatory Budget accounts for the
induction of activists into associations of civil society, and the political
learning of most new activists today. In my smaller survey, of the 104
activists, approximately half had their start in associative life through the
Participatory Budget. Of activists with less than five years' experience,
the vast majority had their start in the Participatory Budget. Another
"subsidy" is that it provides a regional forum for activists to meet other
activists, to share information and learning, and this facilitates
mobilization across districts. Observers of the process, as Gildo Lima,
one of the architects of the participatory structures in the first
administration argues that civil society has indeed become less locally
focused as a result of the Participatory Budget, and that a new form of
mobilization has emerged:

> This type of mass mobilization campaign has become
> rapid, dynamic, and has established a frequent "network of
> conversations". While I don't speak to my neighbor who
> lives in front of my apartment, (…) in this network the guy
> who lives here speaks with the guy who lives on the other
> side, and the one who lives really far away, every week
> because of this process. Many people do not realize that
> that we have created the capacity for dialogue every week
> as a result of the Participatory Budget.[61]

    In the case of the Participatory Budget, unlike the Associative
Democracy proposal of Cohen and Rogers,[62] there are no institutional
checks on associations for standards of democracy. And while this
design has succeeded in fostering new associations, there is no assurance
of the "internal quality" of these organizations. While architects and
managers of the Participatory Budget in Porto Alegre are well aware that
certain neighborhood associations may leave something to be desired in
terms of certain procedural standards, nevertheless, city hall has
maintained the position not to interfere in popular organization. The
experience of political repression, or of state-controlled labor unions and
neighborhood associations in Brazil is recent past accounts for this
position. But an additional feature functions as a potential check: just as
the Participatory Budget will recognize any association, the door is

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[61] Gildo Lima, interview, 1999.
[62] Cohen and Rogers, *Associations.*

always open for parallel groups to lay a claim as an association as well. The Participatory Budget allows for persons to informally associate and to represent a district or a neighborhood, whether or not it is officially in existence. If a recognized association is not responsive to enough persons in a community, persons may "secede" through the Participatory Budget and eventually become the dominant association in a community having earned respect through achieving goals through the Participatory Budget.

THE CONTEXT OF PARTICIPATORY REFORMS

A final issue for the model of Empowered Deliberative Democracy is the enabling context of participatory reforms. Many of the other Workers' Party administrations that were elected in 1988 and 1992, such as that of São Paulo (1989-1992), resulted in failure and the discredit of the municipal branch of the party. Other municipal administrations experimenting with comprehensive participatory reforms, like the Florianópolis administration (1992-1996) in the state of Santa Catarina, under the Popular Socialist Party (P.P.S.) did not achieve re-election. While it is beyond this essay to discuss in detail what background conditions perhaps made Porto Alegre different than some of these other cities, here I discuss "what went right" and suggest that the EDD model ought to more fully consider governance outcomes as a condition for the reproduction of deliberative institutions in competitive democratic arenas. More specifically, I suggest the issues of institutional capacity to deliver results for participation enable deliberative democracy to enhance the legitimacy of governance and sometimes extend that capacity.

For all of these positive civic outcomes, it is crucial that the reforms actually deliver goods in a timely fashion to overcome cynicism and to convince persons who have a limited amount of time that participation is worthwhile. The experiment would fail to provide such a robust defense of deliberative institutions were it not for these relatively timely results.[63]

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[63] A survey question: 'Do you think the population really decides on the results of the Participatory Budget?' showed significant association with 'Has your district or thematic area received benefits?' Positive answers to the perceived popular control and positive answers to having received benefits were very clearly linked. Crosstabs of 'Population really decides' and 'received benefits.' (Spearman Correlation= .247. Chi-Squared = 47.161*** Degrees of Freedom= 1 ***p<.001.) An analysis of district-level participation for the first few years over time also shows that it was responsive to investment.

Students of urban politics in Latin America have pointed to "bounded rationality" problems of the poor in terms of democratic participation.[64] Participation may not make much sense for poor persons save for an assurance of timely returns. In highly fragmented social contexts, or where persons are not accustomed to civic engagement, the equation may be even more stark. In addition, there is reason to assume that deliberation over a public good is likely to meet opposition, because the closer that participatory decision-making comes to a "true" deliberative democracy, the greater its redistributive consequences and the greater the likelihood it will meet opposition from more powerful persons and groups invested in the previous distributive scheme.

Part of the explanation for the success is that "good governance" has always been central to P.T. This has made significant resources available to the Participatory Budget. With the decentralization reforms codified in Brazil's 1988 constitution, cities gained new ways of raising revenue through vehicle, sales, and services taxes. Porto Alegre has been a relative winner by virtue of being a capital city in a wealthy state, and has had the ability to raise enough revenues to keep up with the increased fiscal burdens placed by the devolution of social services while carrying out new investments throughout the period in question. The Porto Alegre administration, with yearly revenues today well-over US$150 per person has the capacity to offer many more returns than some of the municipal governments around Porto Alegre, like those of the commuter cities of Viamão and Alvorada that have elected P.T. mayors but, with per-capita revenues at a fraction of Porto Alegre levels, have not succeeded in drawing sustained attendance to participatory meetings.[65]

But much of the success has had to do with the way in which participatory governance in Porto Alegre enhances the legitimacy of government decisions; this has in turn extended the capacities of municipal government. After the first year's budget was drawn up though the Participatory Budget in Porto Alegre, the next legal step was to have it approved by the municipal legislative. While a majority of city council was hostile to the Participatory Budget and the Workers' Party, the budget submitted was approved without alterations. Popular pressure was able to protect the autonomy of the process, as participants from

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[64] Henry Dietz, *Urban Poverty, Political Participation and The Sate* (Pittsburgh, Pa: University of Pittsburgh Press, 1998).

[65] Marcelo Kunrath, in personal conversation, 5/1999. On the other hand, there are P.T. administrations that have reported success in developing participatory schemas based on the Porto Alegre model in small towns with similar revenues as those of Viamão; this suggests that a combination of factors may offset the revenue constraint. See Nylen, *'Participation.'*

meetings personally went to the office of councilpersons to exert pressure, and despite a negative media campaign, succeeded in guaranteeing the approval.[66] The element of public justification from deliberations over the budget makes it becomes difficult for politicians in the context of a democracy to oppose something that is result of the "public will." Today, although the P.T. has not achieved a majority in the municipal legislative, the Budget has been approved every year without major alterations.

There are other ways in which the legitimacy of the municipal government has extended its capacities. Genro writes of the public support for the raising of land-use taxes as direct result of the Participatory Budget; this increased taxation was largely responsible for much of the revenues available for investment.[67] And as has been pointed out, the increased *compliance* with taxation has also increased revenues; though it is difficult to establish the degree to which this results from the Participatory Budget, the increased legitimacy of the administration's policies no doubt help account for it. The continued ability of the municipal government to secure financing for projects also comes from well-known public scrutiny of several thousand citizens over public funds.[68]

In fact, the success of the Porto Alegre experiment comes from its legitimacy enhancing aspects rather than from "exceptional features" of the city's history. While Porto Alegre has a unique history of left-populism dating back to the 1930s, the Workers' Party came play a part in municipal politics in *opposition* to the left-populist party, the P.D.T., winning the 1988 municipal election in large part as a protest against the P.D.T.'s failures of governance.[69] Other cities in Brazil, like São Paulo, where the P.T. did not manage to re-elect its administration had as strong, if not stronger, sympathetic community movements and the backing of P.T. unions. One of the key problems with many of the early P.T. administrations was an inability to find a way to give voice to organized social movements within the administration without succumbing to the charge of privileging "special interests" and without becoming embroiled in inter-faction disputes between social movements

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[66] Gildo Lima, interview. See also Abers, *Inventing Democracy.*

[67] Genro and Souza, *Orçamento*, p26. See also the discussion in Guilherme Cassel and Joao Verle, "A politica tributaria e de saneamento financeiro da Administracao Popular," in Carlos Henrique Horn (Ed.), *Porto Alegre: O Desafio da Mudanca*, (Porto Alegre: Ortiz:1994)., p 45.

[68] Luciano Brunnet, in personal conversation.

[69] Baierle, *A Explosao.*

within the party.[70] The P.T. administration in São Paulo, for instance, came under attack for giving "special privilege" to social movements sympathetic to the Party without considering "the whole city's interests." Without a broad-based participatory system that drew participants from outside organized movement sectors, the municipal government was open to the charge of "left patronage."[71] And without a clear system of rules for negotiating competing interests, the administration in time also came under attack from segments of the Party that accused the administration of "class treason" for attending to the interests of business in certain decisions.[72]

Enhancing the legitimacy of government may not, by itself, always assure the reproduction of EDD institutions. But in the case of Participatory Budgeting, both of these types of problems - charges of patronage, and attacks from segments of the base of support of the party for not giving enough resources - are averted in an open, and transparent, participatory system like Porto Alegre's that draws participation from broad sectors of the population. In fact, P.T. administrations have become more successful in gaining re-election as the open style of participatory reform of the Participatory Budget has become the standard for municipal governance. P.T. municipal governments with Porto Alegre-style Participatory Budgeting systems were re-elected more often in 1996 than in 1992, and the P.T. has continued to gain municipal administrations on the basis of the well-known successes of the Participatory Budgeting in delivering effective governance.

Conclusion: On the Fertile Grounds for Utopias

The model of Empowered Deliberative Democracy offers us a set of institutional designs that is supposed to solve many of the problems of both command-and-control institutions and inefficient New Left proposals. Deliberative decision-making that is empowered, and sufficiently empowered in the correct way, holds promise for efficient, redistributive, and fair decision-making. The Porto Alegre experiment I have described seems to both fit the model and confirm its best

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[70] Some of these difficulties, which led to in some cases splits in the Party, are discussed in Margaret Keck, *The Worker's Party and Democratization in Brazil* (New Haven: Yale University Press, 1992).
[71] Kowarick and Singer, "The Workers' Party," p 240-247.
[72] Ibid, p 249.

expectations: high numbers of participants from several strata of Porto Alegre's society have come together to share in a governance structure that has proven efficient and highly redistributive. I raised three issues that I believe are important across the range of EDD cases by extending the "real world question" to a range of situations that *ought* to be difficulties for the Participatory Budget.

I raised the issue of inequalities within meetings and have suggested that despite the strong inequalities of urban Brazil, participation of the poor and uneducated is present and without evidence of domination by the more educated or wealthy. The institutional feature of relevance is the didactic component that appears to off-set these tendencies. The lesson, I believe, is that participatory settings should include mechanisms to deal with inequalities specific to its setting, and that we should reframe "the problem of inequality" as a problem of settings and not as a problem of persons. The difficulty with lack of education or of the poverty of participants is not that these are in themselves barriers to deliberating or collective problem-solving. Persons across all walks of life are effective problem-solvers and discussants in their own affairs. The difficulty involves establishing a setting in which certain types of speech are not more valued than others, and in which learning is broadly available. The lack of parity on gender suggests that the issue of parity is not fully resolved; the data suggests, however, that this may have more to do with the availability of time and schedules of meetings than deliberative competence per se. It is also clear that the participation of women at the higher tiers of the Participatory Budget represents a significant advance over traditional democratic institutions. The proportion of women in city council in Porto Alegre has never been above 10%, compared to over a third of the Council of the Budget.

I also discussed the impact of institutions on civil society. The remarkably positive impact of the reforms here stems from the type of interface with civil society and the incentive structures to participation. The Participatory Budget supports civil society in a number of indirect ways, creating a "network of conversation", training activists, and making the task of neighborhood associations easier. This impact is not trivial; an organized and intermeshed civil society can help sustain a participatory experiment as this one by sharing in its responsibilities in ways that individual citizens cannot. A survey question about how persons came to find out about Budget meetings showed that among poorer persons, face-to-face interactions, through neighborhood associations and Popular Councils, was the main way. A survey of the sixteen regions showed that Popular Councils supported Budget meetings directly and indirectly by advertising them, bringing new participants,

helping run meetings. The impact on civil society may be more appropriately thought of in terms of "synergies" than simply as a one-way support.

I also explored the enabling context for these reforms, the "politics" that make it possible and pointed to legitimacy-enhancing features of participatory reforms that may extend the capacities of government to carry them out. The ability to satisfy participants' expectations is, in the context of strong need and a competitive electoral democracy, crucial to the survival and reproduction of the institution.

There is another sense in which its "politics" are important, however, and it is related to the origins of this utopian experiment. The question left for further research and reflection on EDD experiments in the importance of driving political vision behind the project. In this case, the *reason of state* behind the participatory experiment is a radical democratic vision of popular control of city government and of inversion of government priorities away from downtown and toward its peripheries. For many P.T. administrators, participatory reforms are part of a broader transformative project. An early debate in terms of progressive administrations was if municipal governments should function with the goal of most efficient and democratic delivery of services, or play a role in a larger culturally transformative project. One prominent PT intellectual, Jorge Bittar, writes in an official publication that:

> "The inversion of priorities and popular participation are necessary components, but although not sufficient for a transformative project. An alternative project of local power must consider actions in two levels: at the municipal political power and in local society (…) the clash with the values that sustain local hegemony at the local level becomes a conflict must cross all of our actions."[73]

Writings from the early days of the process document lofty objectives for a popular administration, as when the PT candidate for Mayor Olivio Dutra wrote that popular councils would "restore the historical legacy of the working classes in giving form and content to democracy."[74] Early activists within these reforms were guided by visions of radical democracy borne of the Ecclesiastical Base

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[73] Jorge Bittar, *O Modo,* p8.

[74] Arno Agostin Filho, "A Experiencia do Orcamento Participativo na Administracao Popular da Prefeitura Municipal de Porto Alegre," in Carlos Henrique Horn (Ed.), *Porto Alegre: O Desafio da Mudanca*, (Porto Alegre: Editora Ortiz:1994)., p 50

Communities, of labor and urban movements, and of activism within socialist parties. These "true believers" were very important for the establishment of the process in the various districts[75]. One of the more experienced activists in one of the districts I studied described his concern for new persons in terms that tell of an activist calling:

> The most important thing is that more and more persons come. Those who come for the first time are welcome, we have a lot of patience for them, there is no problem, 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. And if he has an issue, we set up a meeting for him, and create a commission to accompany him. You have the responsibility of not abandoning him, of staying with him. That is the most important thing.[76]

As Cohen writes, deliberative democracy is at its best a process whereby participants reconsider and reconstruct their preferences.[77] The question we can ask is if it makes a difference if deliberation takes place not just under the aegis of rationality and problem-solving and with the goal of reforming government, but also of empowerment of the poor and social justice, and with a goal of social transformation and rupture, visions borne of social movement activism and oppositional politics.

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[75] Based upon interview accounts of the development of the Participatory Budget in various districts of the city.

[76] Nino, interview 1999.

[77] Cohen, "Procedure."

Appendix 1: Statistics

I analyzed a representative sample of O.P. participants drawn from first plenary meetings in March and April of 1998. Respondents were randomly selected from participants at each regional and thematic meeting and were asked to answer to a questionnaire. If the person had difficulty in answering the questionnaire in written format, an interviewer would apply the questionnaire. The sample of participants was roughly 10% of the total number of participants. The survey was designed and applied by myself, members of an N.G.O., CIDADE, in Porto Alegre, and municipal government employees. For this analysis, the models were restricted to variables of interest. Independent variables of interest included Female, an indicator variable that assumed 1 for female; Poor, was an indicator dummy variable for income up to 2 Minimum Wages; Low-Ed, an indicator variable for education up to the 8th grade. Important intervening variables were the indicator variables "Retired", and "Self Employed" based on self-reporting; Experience was a count of years of participation in the OP; ties was the number of ties in civil society, and "Directorate," was an indicator variable of whether the person had been elected to a directory position.

Logistic Coefficients Predicting the Likelihood of Election to Delegate Position in the OP, 1998.

Independent Variables	Model 1	Model 2
Female	-.53 (.20)**	-.48(.26)
POOR(1)	.004 (.23)	.10 (.28)
Low Ed(1)	-.50 (.21)*	-.21 (.26)
Years	—	.23 (.04)***
Ties	—	.44 (.09)***
Directorate	—	.82 (.26)**
Retired	—	1.18 (.31)***
Autonomous	—	.59 (.28)*
Constant	-1.64 (.11)***	-2.11 (.27)***
Chi-Squared	13.95**	141.91***
-2L.L.	683.53	473.33

Note: Numbers in Parentheses indicate Standard Error. $p < .05$ ** $p < .01$ *** $p<.001$*

Appendix 2: Weights and Criteria for Allocating Resources

Once municipal priorities for the year's budget are established by the Municipal Council of the Budget, specific investments are divided among the city's districts according to three criteria.[78]:

A.   Lack of the specific public service
        Up to 25% of district's population: 1
        26 to 50% :2
        51 to 75% :3
        76 to 100%:4
B.   Total Population of the district, in thousands:
        Up to 49,999:   1
        50 to 99,999:   2
        100 to 199,999: 3
        above 200,000: 4
D. How the district prioritized the specific service
        Fourth or below: 1
        Third: 2
        Second: 3
        First: 4

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[78] Genro and Souza, *Orçamento*, p95.

Appendix 3: Development of Participatory Structures

Table 2: The Development of Participatory Institutions Porto Alegre, 1983-1998	
1983	City Wide Organization of Neighborhood Associations founded
1986-1989	Failed attempts at City hall Participatory structures
1987	First Popular Councils developed throughout the city
1988	First Health Councils developed
1989	PT Victory, Participatory Budget announced
1990	First Rounds of Participatory Budget meetings, in five regions
1991	Direct Voting for Tutelary Council introduced
1991	Number of Regional Meetings increased to sixteen
1992	Number of Participants in Participatory Budget takes off
1992-1995	Participatory structures widened to include municipal councils on housing, social assistance, child and family services, and technology.
1993	City Wide Congress to debate directives
1993	Municipal Health Council
1994	Direct Voting for Municipal School directors introduced
1994	Theme Oriented Meetings introduced
1995	Citywide Forum of Child and Adolescent Services.
1996	Municipal Councils on Human Rights, Environment
1997	City Wide Forum of Cooperatives
1998	Second City Wide Congress, Health Congress.
1996	Human Rights Council Instituted
1997	Participatory Planning of schools.
1998	Human Rights Conference

Three

The Campaign for Democratic Decentralization in Kerala, India

T.M. Thomas Isaac and Patrick Heller

By any conventional measures India's democracy is a vibrant one. A competitive and robust party system is complemented by a highly diverse, vocal and autonomous civil society. But if Indian democracy has been rightfully celebrated for its ability to weather conflict, its tolerance of dissent and its pluralism, the effectiveness of its democratic institutions are increasingly in doubt. Fifty-four years of almost uninterrupted democratic rule has done little to reduce the political, social and economic marginalization of India=s popular classes (Heller, 2000).

Fung and Wright's exploration of Empowered Deliberative Democracy (EDD) begins with the assertion that representative democracy and techno-bureaucratic administration are limited in their ability to address the challenges of just and equitable development. Nowhere is this more palpably the case than in India. On the one hand, representative structures have been dominated by elite interests. A fiercely competitive political party system grafted onto a highly unequal social structure that rests on the narrowest of material bases has produced a regime of competitive rent-seeking by elite or highly organised groups that may have no parallel in the world. In this environment, subordinate groups have been reduced to the fodder rather than the subject of competitive mobilization. Moreover, in the absence of programmatic political formations (the CPM - Communist Party of India-Marxist - being an exception) oligarchical parties built on clientelistic networks have reduced politics to a frantic and zero-sum scramble for public resources that Bardhan has aptly described as "equal-opportunity plundering by all interest groups" (1997:16).

On the other hand, state structures born at the intersection of an imperial bureaucracy, Soviet-inspired visions of planned revolution and Brahmanical social supremacy have created a caricature of the command and control state run amuck. If the significant bureaucratic capacities of the Indian state have allowed for a degree of rule-bound and predictable

administration that approach the Weberian ideal-type, the state's monopolistic appropriation of planning and developmental functions has repeatedly exposed the shortcomings of insulated, top-down and unaccountable decision-making. The resulting crisis of Indian democracy has become so acute that across the political spectrum a consensus has emerged for promoting more decentralized and more democratic forms of governance. The obstacles to such reforms however remain significant. Despite constitutional reforms in 1993 mandating more powers for local government, few states have acted decisively. An important exception has been the state of West Bengal which introduced important decentralizing reforms in the 1980s and is treated in a separate chapter in this book. A more recent exception has been the south-western state of Kerala.

In 1996 the newly elected CPM-led government fulfilled its most important campaign pledge by launching the "People's Campaign for Decentralized Planning", now widely regarded as the most ambitious decentralization project of its kind ever undertaken in India (Thomas Isaac 1999, Chasin and Franke 1998). The People's Campaign for Decentralized Planning (hereafter the Campaign) is only in its 4th year, yet already significant results have been achieved across the three dimensions that James Manor (1999) has identified as necessary components of any genuine and meaningful effort at decentralization. First, there has been significant administrative decentralization. Local Self-Governing Institutions (LSGIs) have been given new functions and powers of decision-making and officials from most line departments have been brought under the authority of locally elected bodies. Second, there has been fiscal decentralization: 40% of all developmental expenditures have been allocated directly to LSGIs. Third, there has been democratic decentralization and deepening. Development plans that were once drawn up by the Planning Board and implemented by line-departments are now being proposed, designed and voted on through organized public deliberations facilitated by a corps of 100,000 trained volunteers.

The Campaign represents a particularly bold and ambitious experiment in Empowered Deliberative Democracy (EDD) in a number of respects. The first is its scope and scale. The decentralisation of a wide range of developmental responsibilities to 1,214 elected local governments (encompassing municipalities, district, block and village councils) represents a profound reconfiguration of the state and its relationship to society. By bringing government so much closer to communities and by actively engaging citizens in public decision-making

the Campaign has already dramatically affected the day to day existence of Kerala's 31 million inhabitants.

Second, the design of the campaign's core institutions – Grama Sabhas, development seminars, task forces and local governments – conforms closely to the three principles of EDD identified by Fung and Wright. First, by having devolved planning and implementation functions to local arenas, the Campaign has for the first time in India meaningfully empowered local governments and communities to address practical problems. The entire planning cycle – which begins with the collection of local data and ends with the formulation of a comprehensive local plan that consists of hundreds of projects – is basically an extended exercise in practical problem-solving. Second, both the institutional and political character of the Campaign has been centrally concerned with promoting bottom-up participation. The devolution of authority and resources to LSGIs has significantly reduced the transaction costs and of participation, and the knowledge and capacity gap that has traditionally excluded ordinary citizens from playing an effective role in governance has been considerably narrowed by mass training programs, the active mobilization of civil society expertise and concerted efforts to empower historically marginalized groups (women, adivasis, and dalits). Third, the participatory institutions of the Campaign are self-consciously deliberative – based on inclusionary and reason-based decision-making - and directly empowered because they tie project choice and formulation to actual implementation. At a broader level the historical significance of the Campaign is its explicit political goal of dismantling entrenched forms of bureaucratic domination and patronage politics by reinvigorating Kerala's tradition of direct and mobilized democracy.

I. THE STRUGGLE FOR DEMOCRATISATION

If the CPM's rise to power in 1996 provided the critical opening for the Campaign, it is the State Planning Board that has formulated, designed and driven the campaign. In doing so, it is important to highlight that the SPB has relied closely on a stock of practical knowledge, ideas and experiences drawn from twenty-five years of local-level experiments conducted by NGOs, most notably the Kerala Sastra Sahitya Parishad (KSSP) – the People's Science Movement. The KSSP moreover has played an active role within the SPB and at the grassroots level in implementing the Campaign. The historical and political circumstances under which this synergy of state, political party and

society evolved is an important object of research and theory.[1] The focus on this paper however is on describing and evaluating the key institutions and processes of the Campaign and is informed primarily by the experiences and research of one of the authors – T.M. Thomas Isaac – who is both a member of the SPB and a long time activist in the KSSP.

At its core the Campaign is a comprehensive strategy and program for democratic decentralization in which the devolution of the functions and resources of the state – that is the Government of Kerala - to elected representatives at the lower levels is specifically designed to facilitate greater direct participation by the citizens in decision-making over public investment. The design of the Campaign was informed by 2 core principles.

The first was that local government institutions should be transformed from simple delivery instruments for national and state schemes into fully fledged *governing institutions* with functional, financial and administrative autonomy and that devolution of functions and resources should be predicated on the principle of subsidarity (all functions that can optimally be carried out at the lowest level should be reserved to that level).[2]

The second principle was that representative structures need to be complemented by more direct forms of democracy. The concept of democratic decentralisation embraced by the Campaign was one that emphasized building the necessary institutions and capacities at the grass roots level to enable ordinary citizens to participate in the decision making, implementation, monitoring and sharing of the benefits and responsibilities of governmental activities. Popular participation, it was argued, would make elected representatives *continuously* rather than just periodically accountable to the citizens and would introduce more transparency into the functioning of the bureaucracy.

The Campaign's designers also realized from the outset that the instrumentalities of the state would be inadequate, both politically and practically, to the task of pushing through the necessary reforms. Given the inertia of existing institutions and the power of vested interests, legislation alone could never occasion such profound changes. The success of Kerala's land reforms in the 1970s – widely recognized as

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[1] The origins of the campaign are treated at length in Isaac 2000, and are also touched on briefly in Heller's chapter in this book.

[2] The basic principles of local self-government - autonomy, subsidarity, role clarity, complementarity, uniformity, people's participation, accountability and transparency - were first formulated by the *Committee on Decentralisation of Power* (popularly known as Sen Committee, after its late chairperson Dr. Satyabrata Sen) appointed by the Government of Kerala.

having been the most far-reaching and equity-enhancing in the sub-continent – was made possible by the backing of a powerful peasant movement. The highly successful mass literacy campaign of 1991 also pointed to the importance of mobilizing popular initiative. Building on these lessons, and the recognition that Kerala has an impressive reservoir of mobilizational capacity, the strategic emphasis from the outset was to conduct the reforms as a campaign.

In the rest of this section we outline 4 key concepts that have informed the strategic logic of creating synergies between state intervention and mobilization. In Section II we present a detailed discussion of the campaign's institutional design and how it has sought to reconcile the democratic objectives of extensive participation and effective deliberation with the need for technical competency and inter-level coordination in the formulation and implementation of developmental plans. The effectiveness of these mechanisms in achieving the objectives of democratic decentralisation are critically evaluated in Section III.

Reversing the Sequence of Decentralisation Reforms

Decentralisation involves a number of changes in administrative structure, allocation of functions and powers, and control of resources. All three are interrelated and to an extent need to be introduced simultaneously. In the conventional technocratic vision (see Heller in this volume for a discussion of the technocratic paradigm), decentralization is seen as an exercise in incremental institution building informed primarily by public administration and managerial sciences. Typically it is argued that certain sequenced preconditions, defined by a clear demarcation of functions among the various levels, must be met before genuine authoritative decision-making power can be successfully devolved: administrative support structures have to be created, new organizational procedures have to be put into place, government staff have to be redeployed, a new information base has to be developed and new personnel - both voluntary and official – have to be trained. Most significantly, the devolution of financial resources has to be carefully calibrated to the absorptive capacity of the nascent institutions.

What is most problematic about this linear model of decentralization is the assumption that the task of transforming the very manner in which government works can be achieved through a prescribed process of introducing a discrete set of technically and managerially rational solutions. A largely frictionless and a-political world is more of less taken for granted.   But successful and sustainable democratic decentralisation has been the exception to the rule, frustrated more often

than not by bureaucratic inertia – most notably the resistance of powerful line departments – and vested political interests.

And yet, while Kerala has its share of entrenched bureaucratic fiefdoms and political formations with a stake in the status quo, in the short history of the Campaign devolution has already gone far beyond the issuance of laws and executive orders.

The most dramatic step has been the devolution since 1997-98 of between 35-40% of the annual developmental budget to LSGIs. During 1997-98 the total resources devolved amounted to Rs.10,250 million and in 1998-99 Rs. 11,780 million, a sum that does not include funds from centrally sponsored schemes and the institutional loans to local governments. Before 1996-97, LSGIs received approximately Rs. 200 million in untied funds. There is little doubt that the administrative capacity and the management experience of the newly-elected local government representatives did not warrant such a large-scale devolution. But devolving fiscal resources and control even while the immense task of building a new regulatory environment and administrative capacity was only getting underway has had two critical strategic effects. First, because local governments now enjoy significant budgetary discretion, local planning exercises have a tangible and immediate character. This, and as we shall see, has invited high levels of participation. Second, shifting budgetary authority to lower levels has limited the ability of patronage politicians and top-down line departments to derail the process.

Planning as an Instrument of Social Mobilisation

The second distinctive feature of the decentralisation experiment in Kerala is the central role accorded to the planning function of the LSGIs. Every budget year in Kerala now begins with the preparation of a comprehensive area plan by all local bodies which is a statutory precondition for receiving the grant-in-aid from the government.   The micro-planning methodology prescribed by the SPB has institutionalized an iterated process of community participation that begins with ordinary people assembling in grama sabhas (ward level assemblies) and nonofficial experts and volunteers participating in the preparation of reports, formulating projects, and drafting the plan. The various stages of plan preparation in effect represent new associational spaces in which citizens, elected representatives and officials deliberate and prioritize developmental goals and projects.

In order to ensure transparency and participation without compromising the technical requirements of planning, the planning process is divided into discrete phases with distinct objectives, central

activities and training programs. Though modifications to the sequence have been made every year, the basic model, as summarized in Table 1, remains the same.

Table 1

Different Phases of the Peoples Campaign 1997-98

Phase	*Period*	*Objective*	*Activities*	*Mass Participation*
I (Gramasabha)	Aug.-Oct. (1997)	Identify the "felt needs" of the people	Gramasabha in rural areas and ward conventions in urban areas	2.5 million persons attending Gramasabhas
II (Development Seminar)	Oct.-Dec. (1997)	Objective assessment of the resources, problems and formulation of local development perspective.	Participatory studies: Preparation of development reports, organisation of development seminars.	300,000 delegates attending seminars
III (Task forces)	Nov.1997-March, 1998	Preparation of projects	Meetings of task forces	100,000 volunteers in task forces
IV (Plans of Grass Root Tiers – Municipalities and Panchayats	March-June (1998)	Formulation of plan of grass-root tiers.	Plan formulation meetings of elected representatives.	25,000 volunteers in formulation of plan document.
V (Plans of Higher Tiers) – Blocks and Districts	April-July (1998)	Formulation of plans of higher tiers	Plan formulation meeting of elected representatives.	5,000 volunteers in formulation of plan documents.
VI (Volunteer Technical Corps)	May-Oct. (1998)	Appraisal and approval of plans	Meetings of expert Committee	5,000 volunteer technical expert working in the Appraisal Committees.

A critical component of the Campaign has been the elaborate training program that has developed into one of the largest non-formal education programs ever undertaken in India. In the first year, in seven rounds of training at state, district and local level, around 15,000 elected

representatives, 25,000 officials and 75,000 volunteers were given
training. About 600 state level trainees - called Key Resource Persons
(KRP) - received nearly 20 days of training. Some 12,000 district level
trainees - District Resource Persons (DRP) – received 10 days of training
and at the local level more than a 100,000 persons received at least five
days of training. All the elected representatives were expected to
participate in the training program at one level or another. Each round of
training focussed on specific planning activities. Separate handbooks
and guides, amounting to nearly 4,000 pages of documentation were
prepared and distributed for each round.

Building Civic Engagement

Following the seminal analysis of Putnam (1993) it is now widely
accepted that a robust civil society - defined in terms of its "norms of
reciprocity and networks of civic engagement" and embodied in different
types of civil institutions – is critical to securing the effectiveness of
democratic institutions. Putnam's understanding of the contribution that
associational life can make to deepening democracy is however informed
by an essentialist interpretation that construes civic-minded behaviour as
deeply engraved in culture and history. Critics have argued that the
forms of civic life that contribute to securing developmental goods (i.e.
social capital) are in fact politically constructed (Evans, 1996) and that
associational life is in large part artifactual, the product of institutional
environments, shifting social relations and state interventions (Cohen and
Rogers, 199).   This mutability of civil society is fully illustrated in
Kerala's contemporary history.

Across the board observers have noted that Kerala boasts a vibrant
and robust associational life, marked not only by the individual
capacities and activism of citizens, but also a proliferation of NGOs,
community-based organisations and the highest rates of unionisation in
the country. Indeed, Kerala's celebrated achievements in the area of
social development have been ascribed to high levels of public action
(Dreze and Sen, 1995) marked both by state intervention and civic
activism.   Yet in the early part of the 20th century Kerala was anything
fertile ground for civic republicanism. Kerala's caste system was
generally considered to have been the most rigid and severe in the
subcontinent and its agrarian economy was marked by pronounced land
inequality and the deeply rooted labor repressive institutions.
Contemporary civil society in Kerala certainly did not, as such, rise from
deep civic traditions (as Putnam argues for Northern Italy). Instead, the
birth of a vibrant and effective democracy in Kerala must be located in
its political history of conflict and social mobilization, the interplay of

these dynamics with the process of state-building and the resulting transformation of social structure (Heller, 1999). Most notable has been a history of class-centered mobilizations that in emphasising distributive demands built associational ties across caste and communal divisions. Social reforms including the building of a modest but effective welfare state, land reforms and labor market policies have all contributed to weakening the hold of patron-client relations and strengthening associational autonomy.

But if Kerala's long history of social mobilization has directly contributed to the vibrancy of its civil society, it has also indirectly contributed to developments that have eroded the capacity for civic action. Class-based redistributive conflicts had two notable effects. First they polarised Kerala political landscape between two highly mobilized left and right wing formations that systematically penetrated civil society organisations. Thus schools, cooperatives, shopfloors and local institutions have all become the object of fierce political competition. With this systematic politicization of civil society it has become increasingly difficult to separate the provision of public services and goods from narrow political-organizational imperatives. Second, much as in the case of European social democratic states, redistributive demands saw the expansion of the size and role of the state, and the growth of bureaucratic structures.   Though large-scale interventions in education, health and social protection directly contributed to Kerala's social development, the growth of the bureaucracy and the entrenchment of powerful corporatist interests – most notably public service unions – has severely circumscribed the scope for civil society initiative. Because the bureaucratic development process is top-heavy and more responsive to highly organised rent-seeking interests than popular forces, ordinary citizens retain an interest in government programs only inasmuch as narrow, individual returns are concerned. The politics of pork have increasingly replaced the politics of community improvement and Kerala's strong traditions of popular grassroots development action have eroded over time.

The impetus behind the launching of the Campaign stems directly from a critique of the corrosive effects of these developments. On the one hand there is a recognition that a centralized, command and control state is no longer capable of driving Kerala's development and that new forms of state and public action are called for.   Thus, the supporters of the Campaign have been very vocal in arguing that the existing political climate of sectarian and partisan division has become an obstacle to development and that a key objective of the Campaign – much as in the case of Popular Budgeting in Porto Alegre – is to break the hold of

clientelistic politics. On the other hand there is the recognition that civil society initiatives must be afforded more avenues and opportunities for effective engagement with public authorities. Emerging as it has from within a party that has a long history of popular mobilisation, and in particular a key group of activists and officials with close ties to a mass-based civil society organization with a track record of community participation (the KSSP), the Campaign's political project has been to create new spaces for associational life by promoting local democratic institutions.

In conceptualising planning as an instrument of social mobilization, the Campaign has sought to deepen democracy along 3 different axes. First, devolving planning and authoritative decision-making to local arenas allows for a more integrated approach to development that directly challenges the hold of hierarchical line departments and their extensive powers of control. Second, by providing visible and substantive incentives for participation, and by emphasizing deliberative processes, local development planning holds the possibility of reinvigorating civic action and loosening the grip of patronage and partisan politics. Third, by fundamentally transforming the mode and channels of decision-making, the Campaign has created new political configurations and public policy networks. Thus, elected local representatives whose functions were previously mostly ceremonial, have now been brought directly into positions of authoritative decision making, including authority over local officials. Similarly, NGOs and CBOs have been offered new opportunities for engaging directly in development and there has been a concerted effort to create new linkages between professionals and academic institutions and communities in order to bring expertise (especially during transitional phase in which the bureaucracy has been less than cooperative) to the grass roots. This later development in many respects parallels the dynamic blurring of state-society relations marked by the emergence of new associational networks that Chalmers et al. have identified as the defining characteristic of revitalized civil societies in Latin America.

In short, the objective of the People's Campaign for Decentralised Planning has not been simply to draw up a plan from below. The very process of planning has been conceived as a means to fundamentally transform the character and scope of participation and the nature of interest mediation. Such a transformation cannot be secured through government directives alone. It requires the creativity and the social logic of a movement (Thomas Isaac 1999a).

Institutionalisation

As Fung and Wright argue one of the greatest challenges of promoting EDD is to develop institutional forms that are sufficiently robust as to withstand efforts by traditional interest groups to either subvert or circumvent deliberative processes. In Kerala's highly volatile political climate, in which the two political fronts have historically more or less alternated in power, this problem is particularly acute. Governments formed by the Congress Party have a track record of reversing decentralisation reforms, most notably by packing newly created local institutions with political appointees.

The Campaign has addressed the challenge of institutionalization by generating as much popular involvement as possible. High levels of participation have already wielded significant payoffs as some opposition parties – and most interestingly the conservative Muslim League - have expressed their support for the campaign. The Campaign's localized planning structures have moreover created spaces in which new political alliances and commitments have been forged. By replacing the conventional systems of vertical accountability to political parties and bureaucracies with more horizontal forms of cooperation and autonomous sources of authority, the Campaign's locally integrated planning structures have provided local politicians and officials with a direct stake in the new system.

But in India's highly fluid electoral environment, support for radical experiments can be fleeting. In Kerala's local government elections of 2000 for example, the LDF did not fare as well as expected and this has somewhat weakened support within the LDF for the Campaign. Upcoming state legislative elections will present a critical test. Political uncertainty has underscored the need to institutionalize the campaign in formal terms, that is through the passage of appropriate legislation. Thus, the Government has already comprehensively amended the existing Kerala *Panchayathi Raj Act* of 1994 and the *Kerala Municipality Act* of 1994 with the effect of securing the autonomy of LSGIs and mandating the presentation of local plans and budgets to Grama Sabhas. New laws concerning the transparency of administration and access to information have also been passed. Moreover, hundreds of government orders creating new accounting systems, devolving authority to local officials and establishing new procedures for reporting have engraved many of the campaigns design features into the everyday workings of government.

II. PARTICIPATORY PLAN FORMULATION AND IMPLEMENTATION

With a few exceptions, planning in India has been the exclusive purview of the federal government and the states. Under the Campaign, plans are generated at the lowest levels – the grama (village) panchayats and municipalities – and then move up to block and district levels to ensure regional coordination. There are 990 grama panchayats, 58 municipalities,[3] 152 blocks and 14 districts in Kerala. The councils for each of these levels of local government are directly elected on a first-past-the-post constituency system. At the block and district levels, the democratic character of planning is secured through the involvement of elected officials and a range of citizen committees. At the municipal and grama panchayat level, the planning process is driven by direct mass participation.

The official literature on decentralised planning in India has generally been sceptical of direct mass participation in the planning process (Govt of India 1969, 1978 and 1984). The district was considered ideal for area level planning as a database existed for that level and also because it had a suitable administrative structure. The district or block level plans were to be drawn up by teams of experts in consultation with groups of key informants such as officials, progressive farmers, representatives of co-operatives, local self governments and so on. Essentially the approach was bureaucratic planning in partnership with voluntary agencies and professional institutes. It is instructive to quote from the Report of the Working Group on Block Level Planning regarding the effectiveness of direct public participation in the preparation of the Plans:

> First, we should be clear as to who we do have in mind
> when we talk of the people: their representative political
> institutions such as the district and taluka panchayats or
> class organisations where they exist (khedut mandals or
> trade unions), political or caste leaders or target groups. It
> is well known that the public is not a harmonious entity; it
> really comprises groups with conflicting interests. If we
> wish to plan for the weak, the plan may have to be imposed
> from above and cannot be a product from below in which
> "the below" is dominated by the rich and the strong.

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[3] The grama, block and district levels under the Indian constitution represent a continuous set of structures and are all referred to as Panchayats. Municipalities stand alone.

>   Second, people can make a contribution to planning
>   only if they are presented with a well-articulated and
>   feasible framework of approaches, objectives, measures,
>   and alternatives. If, however, they are asked to indicate
>   their needs in a vacuum, they are bound to put up a charter
>   of demands, which will be far beyond the capacities of the
>   government.

A number of model Block and District Level Plans were prepared during the 1970s by voluntary agencies and professional bodies that have provided important methodological experience in Local Level Planning. However, the incorporation of decentralisation into the official planning process was in name only. By the early 1980s' some sort of district planning machinery existed in most of the states whose activities are summed up in the *Report of the Working Group on District Planning* (Government of India 1984).

>   Usually, after the state budget is voted in the assembly,
>   the different heads of departments are requested to make a
>   district-wise break up of the outlays provided in the plan
>   budget. This is then communicated to the districts, either by
>   sectoral departments or by the planning department of the
>   state. This usually takes four-five months after the
>   commencement of the financial year. After this
>   communication is received, the district attempts to
>   incorporate a write up for the district-wise outlay and a
>   document called 'district plan' emerges in this manner,
>   which is purely an aggregation of departmental schemes.

District planning in other words was in practice decoupled from budgetary discretion, and as such devoid of any authoritative decision-making. The major departure from the above pattern took place in Karnataka and West Bengal where a conscious attempt was made to link the district planning process to local self-governments. The Karnataka experiment which was remarkable for the autonomy given to District Panchayats in preparation of the plan and involvement of lower panchayats and grama sabhas through a consultative process. It however disintegrated after the political changes in the state government in 1990. The West Bengal experiment has proved to be more enduring. West Bengal created a history of local democracy by organising elections for local bodies at regular five-year intervals and by constantly enhancing

their powers. However, the process of planning has remained centered around the district with lower tier local bodies and grama sabhas playing only a consultative role. The autonomy of the decentralised planning process has also been restricted by the practice of schematic or minor sub-head wise devolution of funds. The line departments of the state government continue to play a dominant role in planning and implementing schemes and program that were supposedly transferred for local bodies.

This brief discussion of the theory and practice of decentralised planning in India provides a useful backdrop to understanding the decentralised planning procedures adopted in Kerala. The focus of decentralised planning is not the district but different tiers of local self-governments, the most important being the grassroots tier – the grama panchayat or urban municipality.[4] For the first time in India grama panchayats and municipalities have actually prepared operational plans. Autonomous decision making power was granted to local governments by providing untied grants-in-aid. The heavy hand of bureaucratic traditions that has been blunted by ensuring continuous, mass, non-official participation in every phase of plan preparation and implementation. In building continuous deliberative structures the Campaign has had to tackle two micro-level design challenges. The first has been to create institutional forms that can correct for the asymmetries of power among local agents, and second, has been to make local participation *effective* by allowing space for grass roots intervention and deliberation without compromising the technical and economic requirements of planning.

The Grama Sabhas

Grama sabhas, the assemblies of ward or panchayat-based residents represent the key deliberative moment in the planning process. By law they must be held at least 4 times during the planning process with a quorum of no fewer than 150 residents. The first grama sabha serves as an open forum in which residents identify local development problems, generate priorities and form sub-sector development seminars in which specific proposals first take shape. The next two rounds of grama sabhas are convened either for further discussion (of proposals submitted by task forces) or for discussion and approval of beneficiaries for targeted

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[4] Village Panchayats have an average population of 10-15 thousand and are broken down into 10-12 wards each represented by a single councilor. In Kerala's highly competitive party system, most Panchayats have multiple-party representation.

schemes. At the final grama sabha the panchayat council presents its final budget proposal for discussion and amendment.

Rousseau notwithstanding, there is nothing spontaneously democratic about a general assembly, especially in a society as inflected with complex and durable inequalities as India's. The commitment of the Campaign's architects and activists to building deliberative institutions is reflected in the time and energy that has been devoted to finding practical solutions to the problems of large meetings. An obvious innovation, but one that nonetheless required significant organizational effort, was to adopt a small group approach. Instead of the grama sabha meeting as a general body of several hundred people, after a brief common gathering, participants are divided into smaller groups, each dealing with a particular development sector and discussing in depth the problems related to that sector. This small group arrangement made it possible for ordinary people, particularly women, to be able to participate in the discussions. A second innovation was to provide a semi-formal discussion format and a trained facilitator for each group. Working with a basic template of questions and useful planning concepts, the role of the locally recruited facilitator is to encourage participants to list and analyse local problems based upon their real life experiences.

Local Information Gathering

Asymmetries of information are a key source of domination in nominally deliberative institutions. Even in Kerala's social climate of highly politicized and highly literate citizens[5] durable social and status inequalities and the hoarding of official expertise by state institutions has severely skewed access to useful information. Moreover, though available planning data is a source of significant power, it is anything but accurate or properly adapted to the requirements of local development. Taking much of its inspiration from the KSSP – which since its founding in 1963 [CHK]has been dedicated to "bringing science to the people" – the Campaign has taken local information gathering as a first critical step in the planning process.

Following the first phase of grama sabhas, in the first year of the Campaign panchayats were required to make a formal assessment of the natural and human resources of the locality. The idea was to promote

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[5] At 93% Kerala's literacy rate is almost twice the national average. The information returns of Kerala's high literacy is reflected in a that fact that it boasts more daily newspapers (27 at last count) than any other Indian state, despite being amongst the smallest.

effective integration of planning and resource optimization by actually comparing expressed needs with material and natural assets. With assistance from specially trained Resource Persons and using techniques developed by the Campaign, a series of participatory studies were undertaken in every grama panchayat and municipality. These included the collection and organization of data available in various local level offices, the identification and mapping of local eco-zones using a transect walk technique, a review of ongoing schemes to be prepared by each local department, a social audit, and a review of local history. By and large departments refused to cooperate, and this had serious consequence for integrating existing schemes into the new plans. The quality of the data of course varied dramatically from one locality to the other, but the exercise itself had the important effect of helping individuals develop useful skills and tapping into and formally incorporating local knowledge.

Development Reports and Seminars

    The outcome of the data collection exercises was a Development Report prepared according to guidelines set down by the SPB. With a five year strategic outlook, the Reports serve as the basis of the annual planning exercise. Running on average 75-100 pages, the reports provide a comprehensive overview of local development and include a chapter on local social history intended to underscore the role that social mobilization can play in meeting contemporary development challenges. The body of the reports consists of twelve chapters assessing the current status of each sector, a review of ongoing schemes and problems and a list of recommendations. An assessment by the SPB revealed that the majority of the reports were of high quality and qualified as the best benchmark studies on development at the local level.
    Because the recommendations of the development report can differ from the demands raised in the grama sabhas and because demands from different wards had to be integrated into an area wide perspective, the reports were submitted to development seminars.   The majority of delegates to the seminars were elected from the subject groups of the grama sabhas with in principle equal representation for men and women. Local level government officials from the relevant departments were asked to participate, as were any experts invited by the panchayat executive committee. On average, development seminars had 231 delegates, with officials representing accounting for 13.8%, SC/STs for 10.5% and women for only 22.1%.[6] Extensive preparation went into the

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[6] Tabulated from evaluation forms collected from Development Seminars, 1996.

organisation of the seminars including the distribution of the Development Report to all delegates and widespread publicity in the form of leaflets, festivals, jathas (marches) and exhibitions. The seminars were given a very high profile, with a Member of Legislative Assembly or a State Minister inaugurating 50% of the seminars. A major proportion of the seminar time was devoted to sector-wise group discussions in order to facilitate in-depth analysis of the development reports and propose amendments. The recommendations of the different groups were then presented to a plenary session and adopted.

Task Forces and Preparation of Projects

At the conclusion of the development seminars in the first year of the Campaign, task forces of around 10 persons each were elected to prepare the project proposals on the basis of the recommendations of the seminar. (In subsequent years, task forces became the starting point of the planning process with development seminars being convened at a later stage to review the work of task forces). A key challenge of EDD is that experts, rather than simply deliberating amongst themselves, must engage in direct deliberation with citizens (Fung and Wright, 26).   The work of task forces in fact goes beyond simply levelling the playing field by in fact guaranteeing that the process of project design is informed by experts, but led by citizens. Development seminars form a total of 12 task forces, one for each development sector. The delegates elected from the development seminars are ordinary citizens, though many have undergone specialized training through the Campaign. The chairperson of the task force is an elected ward councilor. This ensures that the work of the task force will be directly linked and supported in subsequent deliberations of the Panchayat or municipal council.   In order to secure the relevant expertise as well as coordination with state structures, the convenor of the task force is an officer from the concerned line department.

The sustainability of a participatory institution is in large part determined by its demonstrated capacity for effective problem-solving. In order to ensure a degree of quality control and effective monitoring, task forces are required to prepare detailed project proposals in accordance with a set of criteria and standards established by the SPB. Thus all project proposals must include a definition of objectives (as far as possible in quantitative/measurable terms), criteria for beneficiaries or areas, a time frame, an organizational overview of the role of implementing agencies, a financial analysis including identification of

funding sources, a social and environmental impact review and details of the proposed monitoring mechanisms.

Plan Documents and Coordination

The fourth and final stage of the local planning process is marked by the prioritization and integration of the projects prepared by the various task into a single panchayat or plan document. The final from of the local plan is the legal prerogative of the elected council which must formally vote the plan. There are a number of formal and informal mechanisms that ensure that elected representatives abide by the recommendations and projects generated by the various participatory processes. Formally, the approved plan must conform to a detailed reporting format that lays out the general strategy and objectives of the plan as well as sectoral and redistributive criteria. Authorized projects must be specifically linked to the strategic statement and the full text of the proposed project must be listed in a separate appendix. This process not only guarantees accountability, but its shear complexity ensures that the council – which has limited administrative support – has no practical alternative to building on the work of the task forces. The fact that ward councillors participate actively at every level of the participatory process, from attendance at grama sabhas to chairing the task forces, also ensures integration between the participatory processes and the councils final deliberations. Moreover, once the full plan has been approved at the district level, the council must submit it to a final grama sabha, at which time council is required by law to provide explanations for why any particular project has been excluded. Finally, the entire process of beneficiary selection , which is of course especially vulnerable to political abuse, is, as we shall, see the subject of an entirely separate process of regulated transparency and participation.

Since the beginning of the Campaign, plan allocations are separately indicated in the state budget, with broad guidelines regarding sectoral allocations to be made by the local body. These guidelines are both of a functional (sectoral) and redistributive character and are designed to coordinate and integrate local allocations with state-wide objectives. In order for example to shift public investments away from Kerala's traditional strengths in social services and infrastructure, the SPB mandates that 40-50% of plan allocations must be directed to the productive sector. On the redistributive front, local governments are required to spend not less than 10% on projects targeted to women, and 10% for Scheduled Castes and Scheduled Tribes.

Block and District Panchayats start the preparation of their annual plans only after grama panchayats have drafted their plans. The

sequential ordering is intended to ensure that the plans of the various tiers are integrated and the plans of the higher tiers complement, rather than duplicate, those of the lower tiers. A matrix-based analytical tool has been developed to assist blocks and districts in integrating the analysis and programs of the grama panchayats into their own plans. Blocks have also been tasked with integrating into their plans the different centrally sponsored poverty alleviation that have traditionally been implemented at the block level. There has been strong resistance to this move from both bureaucrats and elected representatives. In part this is due to genuine problems arising from the existence of separate guidelines for centrally sponsored programs, but it is mostly a reaction to the prospect of losing significant decision making powers.

Plan Appraisal

In the first year of the Campaign a sample review of the projects prepared by the local bodies revealed that a significant proportion of them had to be modified to ensure their technical soundness and viability before they could be approved for implementation.

In all, more than 100,000 projects had to be evaluated. The evaluation was not for selection or rejection of the projects, but to rectify the technical and financial weaknesses in the project proposals. Technical specifications and even architectural or other designs problems might need to be addressed. This monumental task had to be undertaken within a span of three to four months. The official machinery was neither capable nor willing to cope with the task.

The SPB responded to this problem by launching the *Voluntary Technical Corps* (VTC) emerged. Retired technical experts and professionals were encouraged to enroll themselves as volunteers to appraise the projects and plans of the local bodies. A professional or postgraduate degree or officer-level experience in a development sector was specified as the minimum qualification for membership in the VTC. A volunteer expert committed herself/himself to spending at least one day a week giving technical assistance to the panchayats. District level conventions were arranged for the experts who formally offered to join the VTC. More than 4,000 technical experts enrolled in the VTC.

Expert Committees were then formed at block (BLEC), municipal (MLEC) and corporation (CLEC) levels drawing from the VTC members and certain categories of mandatory officers. Each expert committee has a non-official as its chairperson and the block panchayat secretary or officer from the Town Planning Department as its convenor. The expert committees function through subject committees with membership confined to those who have expertise in the particular field. A non-

official expert acts as the chairperson and a senior officer from the related department is appointed as the convenor of the subject committee.

The expert committees act both as advisory arms of the District Planning Committees, helping the latter to appraise the plans and projects, and as advisory committees to local planners. The committees are not empowered to modify priorities set by the local bodies. Their tasks are carefully limited to providing technical and financial advice and appraisal of projects, and suggesting modifications where necessary. The District Planning Committees approve plans on the recommendations of the expert committees.

The formation of expert committees in the course of the Campaign's first year was an important organisational innovation which helped to de-bureaucratise the project appraisal and technical sanction procedures. Without this mobilization of extra-bureaucratic expertise these tasks would have bogged down in the line departments through inertia and outright resistance. Not surprisingly, these committees have been the subject of much public debate fuelled in particular by claims from the LDFs minor coalition partners that the committees are a partisan attempt to create parallel structures to elected bodies.

Financial Procedures

In Kerala's traditional system of development planning the decision making process was the patronage-driven domain of the elected representatives and implementation was the prerogative of the bureaucracy. A key rationale for making the decision-making process more participatory is to ensure the involvement of the beneficiaries and the public at large in the implementation phase. As Fung and Wright note, "direct participation of grassroots operators increases accountability and reduces the length of the chain of agency that accompanies political parties and their bureaucratic apparatus" (23). Popular involvement increases problem-solving efficiency through better and more rapid feedback and increases accountability by multiplying the points of scrutiny. The campaign has evolved a wide range of new fora and rules to maximise participation and transparency.

The Campaign's financial procedures for regulating the flow of grant-in-aid funds to local bodies and to specific projects has been designed to maximize effective monitoring. To begin with, because the various officers transferred to grama panchayats are now directly responsible to the elected council, they can be held more directly responsible for financial flows. Financial allotments to local bodies are

released in 4 instalments. All funds must be specifically tied to an approved panchayat project or state scheme, and held in special accounts that are managed by the implementing officer. Actual disbursement of funds requires co-authorization from the head of the elected body.

        The creation of democratically accountable beneficiary committees has also been an important innovation. Instead of implementing public works through contractors, local bodies are encouraged to form committees of project beneficiaries to undertake the task. The idea here is to break the ties of collusion between contractors, politicians and government engineers that have historically been the most important source of corruption. Doing so however requires creating beneficiaries committees that are sufficiently autonomous and empowered to resist capture by rent-seeking interests. The first step that was taken was to adopt officially ratified local market rates for estimation of cost of works so that the beneficiary committees could execute the work in a transparent manner, maintaining actual records of purchases and payments.   A second step was to shift effective authority for the technical sanction of projects from department officials to block/municipal and district level expert committees. Department officials are the convenors of the subject committees and continue to formally grant technical sanction. However, they now make decisions in their capacity as members of a committee of peers rather than an official in a departmental hierarchy. A third procedural innovation has been to shift responsibility for examining finished work and authorizing payment from official to non-official engineering experts from the Voluntary Technical Corps.

Beneficiary Selection

        A major change introduced by the Campaign was in the procedure for selecting beneficiaries for development projects. In the past beneficiary selection has been little more than a concerted exercise in patronage that has more or less enjoyed the tacit collusion of all political parties. Campaign rules call for grama panchayats to extensively publicize the criteria for beneficiary eligibility and prioritization. Notices listing the projects and the criteria have to be prominently displayed in public places as well as printed and circulated. Applications must be printed in Malayalam and made freely available. The rules also provide for a system for verifying statements made in the applications. Verification can be conducted by designated officers or by a committee appointed by the panchayat. Finally, the list of applicants must be presented to the grama sabha with sector subject groups tasked with

processing applications.   Grama sabhas moreover are authorized to include sub-criteria for prioritization.

The responsibility for consolidating and finalizing the priority list of beneficiaries received from each grama sabha rests with the panchayat. The final priority list has to be created on the basis of clearly stated norms. In no case can the relative priorities from each ward be overturned during the process of consolidation. Members of the public and the local press can attend the proceedings of this final selection. The draft list must be exhibited prominently. All public objections must be given consideration and reasons for rejection stated.

III. Critically Assessing the Campaign

So far we have discussed the procedural and institutional design of the campaign in its ideal type. But how have these new structures actually worked on the ground? Most critically, how deliberative has the planning process been, and to what degree have the activities of decentralized units been effectively coordinated with technical inputs and integrated with higher levels of planning? Given the shear complexity and scale of the project, the inevitable teething problems and the absence of cumulative data, it is still too early to pass a definitive judgement. The institutional learning that has already taken place does however hold some important lessons for our understanding of EDD and the emergence of some fairly transparent and robust trends does allow for some tentative assessments.

Financial Resources

As we noted in the introductory section, it was the decision in 1996 to earmark 35 to 40 percent of the plan funds for the local self-governments that kick-started the Campaign. The most important achievement of the Campaign to date has been sustaining the political will to maintain and even increase the scale of devolution in subsequent years, and this despite very severe financial constraints faced by the State Government. Local governments in other words have enjoyed and continuous and substantial flow of financial resources.

If the scale of resource devolution has been maintained, its redistributive character has improved significantly. In the first year financial devolution was based on a straight per capita formula that did not take levels of inter-regional poverty and development into account. What was lost in policy, was however gained in politics.   This bland formula had the advantage of being beyond political manipulation and as

such was not open to criticism by the opposition of partisanship. Moreover, the formula did effectively correct for the highly skewed patterns of patronage-driven allocation of the past (in which underdeveloped northern Kerala was inevitably short-changed) and as such did have a de facto redistributive effect. In subsequent years, the devolution formula has progressively incorporated new indices of poverty and underdevelopment, and as we shall see, the size of the women's and SC/ST component plans has grown.

A major weakness of the local level plans has been their weak credit linkages. Both commercial and cooperative banks have by and large been unwilling to link official credit planning to the local planning process. The evidence of the first two years also indicates that the additional local resource mobilisation from voluntary labour, donations and beneficiary contributions have fallen short of targets fixed in the draft plan. The fact however that a number of local bodies did successfully mobilize additional resources points to significant potential for tapping this source.

Plan Formulation

That for the first time in India grama panchayats and municipalities throughout an entire state have prepared local area plans is a milestone in and of itself. Given the shear enormity of the task and the lack of local experience and capacity, plan preparation in the first year ran 6 months over schedule. The dramatic returns of learning-by-doing are however reflected in the steady reduction in the time overruns that have marked each subsequent planning year. For the financial year 2000-2001 it is in fact expected that plans will be finalised at the start of the financial year.

A major objective of decentralised planning has been to match local needs and potential to actual public expenditures patterns. A rationalization of resource allocation based on more direct, informed and democratically deliberated democratic inputs into the decision-making process represents one of two critical efficiency gains associated with decentralized planning (the other being the increase in accountability). Because of the empirical difficulties of comparing pre- and post-Campaign expenditures patterns (there are no sub-district figures available for the pre-campaign period) a definitive assessment will have to await more intensive research efforts. Three important general trends can however already be highlighted. First, the investment priorities in the plans prepared by the local bodies differ significantly from the investment priorities in the district plans that were formulated from above before decentralization. Much greater priority is now accorded for basic needs such as housing, drinking water and sanitation by the local bodies. In the productive sectors there has been a discernible shift

towards animal husbandry, garden crops and minor irrigation. Both
these shifts have significant redistributive implications. Second, in
contrast to past patterns the investment priorities in the special plans
prepared for Scheduled Castes and Tribals differed significantly from the
overall investment patterns. This points to an effort to take the weak
income, asset and skill position of these marginalized communities into
account. Third, in contrast to the one-size-fits-all logic of the past, there
are significant interregional differences in the investment priorities of the
local bodies.

The most glaring weakness of the plan preparation in the first year
was the quality of the proposed projects. Many of the projects proved to
be little more than modified versions of standardized department
schemes. There was often little consideration of forward and backward
linkages and fully integrated plans were actually rare. The reflex to
mechanically allocate funds on a ward basis proved tenacious,
particularly among the higher tiers.

Beginning with the second year, measures were adopted to improve
the quality of projects and programmes. The most important measure has
been to introduce subject-specific training programs for taskforce
members. In the second year the training program was a series of locally
organised stop-gap measure that produced limited results. In the third
year the training program was upgraded and formalized into a state-wide
program that is linked to specialized institutions such as the Kerala
Agricultural University, the Institute of Management in Government, the
KSSP's Integrated Rural Technology Centre and a low-cost housing
NGO training institute. These specialized training programs coupled
with the greater involvement of VTC members in the task forces should
help improve the quality of project design.

The spatial integration of projects on a watershed basis was a key
planning goal of the Campaign. In practice however, block panchayats
lacked the technical information and support required for this planning
exercise. In the third year the SPB launched a scheme to assist block
panchayats in mapping all the micro watersheds in the state and
preparing master plans for them. Completion of this program will
undoubtedly bring a qualitative improvement in the nature of local
spatial plans and will raise local awareness of ecological issues and the
concept of sustainability in the planning process.

Physical Achievements

A major criticism of the Campaign is that all the attention to process
and participation has come at the expense of actual delivery as measured
by physical achievements (the process-product trade-off). This logic of

this criticism is misplaced inasmuch as it fails to recognize that the quality of participation is Aan independent desiderata of democratic politics (Fung and Wright: 2000, 38). To focus on financial targets and expenditures as many of the campaign's critics have done is the reflex of a narrow technocratic understanding of development. But even if the building of EDD institutions can be justified on the rounds of extending citizenship alone, their long-term viability, especially under the circumstances of the liberalization of the national economy, will rely on the capacity to provide tangible developmental goods.

At this stage an accurate appraisal of physical achievements is complicated by practical problems of monitoring and aggregating existing data. Physical results, particularly in productive sectors such as industry and agriculture, will take time to materialize. And even in the case of social and infrastructural sectors, the task of actually measuring the quality of project implementation is virtually impossible given the absence of a local data gathering system. [7]

The most readily measured physical achievements of the first two years of decentralised planning are however impressive. In the two years 1997 to 1999, 98,494 houses have been built, 240,307 sanitary latrines constructed, 50,162 wells dug, 17,489 public taps provided and 16,563 ponds cleaned. A total of 2,800,179 individual beneficiaries received support from the plan for seedlings and fertilisers. Nearly 8,000 of roads were built which is an astounding achievement by past standards.

Because the pace of delivery has in fact surpassed expectations, the State Government has taken steps to encourage institutional financial loans to the local bodies to provide further resources. And for the first time in Kerala (or for any state in India), the government has actually set a target date (2003) for delivering shelter, sanitary latrines and drinking water (within 200 meters) to all households in the state. The universalization of pre-primary education, improvement in the quality of education and health care centres, and completion of rural electrification are also on the mid-term strategic agenda. Tangible achievements in the above sectors in the immediate future could play a critical role in sustaining and stabilising the process of democratic decentralisation.

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[7] The Kerala Information Mission has been set up to rectify this situation. The mission's goal is to network the local bodies, train the personnel and generate software for effective plan monitoring and service provisioning by the local bodies. By mid-2001 the Mission plans to have installed a computer in all panchayats with links to all other panchayats and to the State Planning Board.

Recombination

Effective decentralized planning must by definition be integrated. This is critical not only to optimizing resource allocation, reducing duplication and ensuring sustainability, but also as Fung and Wright argue for capturing and diffusing the innovations generated in decentralized units. The comparative advantage of "decentralized coordination" lies in increasing the "learning capacity of the system as a whole by "combining decentralised empowered deliberation and centralized coordination and feedback. This has been one of the most daunting challenges faced by the campaign.

In the first year a number of factors contributed to weak coordination between the plans of the different tiers of local bodies and that of the state government. First, the functions of the local bodies were listed in the law by subjects rather than by activities. This resulted in considerable overlap. Second, the decentralizing logic of the campaign was a global one. Negotiation of schematic or activity-wise demarcation of functions would have been very difficult and time consuming due to resistance from line departments. LSGIs were instead granted full autonomy to formulate any project within their capabilities. The devolution of discretionary budgeting authority in other words introduced a de facto functional division of labor between the state government and the LSGIs. During the first year of the decentralised planning however most departments insisted on continuing their traditional schemes and there was considerable duplication between the state department programs and those of the LSGIs. This created considerable strain on the over-stretched financial resources of state departments and most have gradually withdrawn their schemes that overlap LSGI projects. Thus village roads and minor irrigation have virtually disappeared from the state government's plan. And though all piped water supply schemes are by law the monopoly of Kerala Water Authority (KWA), the Authority no longer undertakes small-scale projects.

Though prescribed planning procedures called for higher tiers to take the priorities and programs of lower tiers into account, in actual practice there was little coordination in the first year (in no small part because a shortage of time). More detailed guidelines were issued in the second year, but problems persisted. In the third year the format and logic of District level planning was significantly overhauled. More emphasis was giving to the District's key integrative tasks of providing a macro perspective for sustainable development of the district, consolidation lower level plans and identifying gaps and duplications and providing a long-term strategic vision for future annual plans. A second coordination problem has been tackled. In the first two years the

planning process only provided feedback from below. In the absence of coordination from above, integration between the programs of different tiers was inadequate and insufficient attention was given to the spatial dimension of the planning process. District plans are now conceived of as providing the primary source of feedback from above. The intention moreover is that this feedback should not take the form of instructions or commands, but guidelines evolved in a participatory manner by the local bodies in the district. This in turn will allow for local plans at every level to be prepared with simultaneous feedback from both above and below.

Quality of Deliberation

The Campaign has created numerous opportunities for ordinary citizens to actively participate in the different phases of plan formulation and implementation. But how many citizens have made use of these opportunities? Were the discussions manipulated by locally dominant groups? Were the different forums merely a means to legitimise decisions made by the elites?

Every ordinary citizen irrespective of his/ her membership in political or non-political social formations has the right and opportunity to intervene in the planning process by participating in the grama sabhas. One of the greatest achievements of the Campaign has been to demonstrate that popular assemblies can function effectively. In the year before the Campaign grama sabhas were called after the formation of the new local bodies, but a majority failed to actually convene. In the first grama sabhas of the Campaign in August-September 1996 around 2.5 million people participated with an average of 180 persons per grama sabhas, representing roughly one of every 3.5 households (CHK). Though participation rates have dropped slightly in subsequent years (possibly because the number of annual grama sabhas was increased from 2 to 4), these popular assemblies have become an essential feature of Kerala's political landscape.

There are however significant limitations to the deliberative character of grama sabhas. To begin with they are obviously still too large and unwieldy for meaningful deliberation, the small group approach notwithstanding. Participation across socio-economic groups has been uneven. The poor tend to attend in much greater numbers than the middle classes, but mostly potential beneficiaries. In the first year the participation of Scheduled Castes and Scheduled Tribes was below their population share and women constituted a disappointing 25 per cent. In subsequent years the percentages have increased, but participation remains uneven.

There has also been criticism of the quality of the discussions. Given Kerala's dispersed settlement pattern, grama sabhas participants must travel significant distances and meetings can no be of more than 2-3 hours long. This does not allow for serious discussion of the large number of complex issues that are normally included in the agenda of the grama sabha.[8]

The formation of Neighborhood Groups (NHGs) consisting of 40 to 50 families has been a spontaneous response from below to the limitations of the grama sabhas. Though not formally required, NHGs have been formed in around 200 panchayats. A study found that in 100 panchayats (Thomas Isaac 1999c) NHGs function as mini-grama sabhas, discussing local issues and priorities, reviewing plan implementation and selecting beneficiaries. NHG representatives often constitute a Ward Committee which in many cases becomes the de facto executive committee of the grama sabhas. NHGs have also taken up other activities such as conflict resolution, after-school educational programs, health clinics, cultural activities, thrift schemes, and project implementation. There is currently a campaign being led by the KSSP to extend NHGs to the entire state and institutionalize what is in effect a new layer of grassroots democracy. The crowding-in effect that the Campaign appears to be having on associational life in Kerala is also evidenced in the proliferation of a variety of self-help groups, particularly women's micro-credit schemes.

Corruption and Nepotism

One of the most important criticisms of decentralization is that it often does little more than devolve corruption. Indeed, funnelling substantial funds without proper safeguards to localities will inevitably fuel rent-seeking behaviour, and possibly even community conflict. The media and opposition parties in Kerala have raised serious allegations of nepotism in beneficiary selection and corruption in the implementation of projects. Of the nearly 30,000 beneficiary committees it has been alleged that a substantial number are led by nominees of contractors (so-called benami committees). State investigating agencies have also

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[8] A number of steps have been initiated to strengthen the grama sabhas. The minimum number of legally required grama sabhas meetings in a year has been raised from 2 to 4. The quorum has also been raised from 50 to 100 or 10 percent of the voters. An official co-ordinator for each grama sabha is now appointed and made responsible for keeping records.

pointed to widespread irregularities in the first year's plan implementation (Thomas Isaac 1999d).

In its own evaluation the State Planning Board concluded that irregularities during the first annual plan resulted more from inexperience and haste than corruption. For example, when the local bodies in the first year found it difficult to absorb and properly distribute funds, they resorted to some creative financial arrangements to circumvent spending deadlines. Some local bodies took recourse to window dressing and even made unauthorised changes in projects. Many transferred the funds to non-plan accounts or deposited the money with Government or quasi-Government agencies such as Electricity Boards or the Kerala Water Authority in order to claim full utilisation before the deadline. Even though regulations were bent and even broken, there was no leakage as such. Irregular expenditures that were identified by the government were disallowed and with the new rules put in place in subsequent years, such improprieties have declined sharply.

There is little doubt that many beneficiary committees have fallen prey to vested interests. But there is also little doubt that the nexus between contractor, engineer, and politician has been decisively broken in a large number of local bodies. For example, in the district of Kannur – a CPI(M) stronghold – an investigation revealed that beneficiary committees have been carefully constituted and run according to the Campaign's criteria of transparency and democratic accountability. Strengthening the capacity and accountability of beneficiary committees remains one of the most important priorities of the campaign, and a number of important reforms have already been introduced.[9] But even if there has been and continues to be some leakage of funds due to the capture or manipulation of beneficiary committees by vested interests, most observers agree that the multiplication of checks and balances and the increased scrutiny associated with citizen participation represents a dramatic improvement of the systematic and routinized plunder the characterized the traditional system.

With respect to the process of selecting beneficiaries the returns on institutional fine-tuning and increased community experience have been visible. During the first year complaints about the selection process were registered in a majority of local bodies. .   The volume of registered complaints is in itself indicative of the increased transparency of the system. The traditional system was entirely based on patronage. Complaints were rare simply because the information was accessible

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[9] The reforms include new standards of transparency, a new training program and the creation of a Technical Audit Team.

only to the patrons and their clients. The rules for beneficiary selection have been modified in every year of the Campaign and by the third year less than a fifth of panchayats were registering complaints.

Promoting Equity

As much as the Campaign has been concerned with the efficacy of deliberative institutions, it has also, in keeping with Kerala's long history of redistributive struggles, promoted the strategic goal of building equitable forms of participation and reducing substantive inequality. In a break from the redistributive politics of the past moreover, the policy focus has shifted from a strictly class-centric understanding of social inequality, to taking up broader issues of social justice. Gender justice in particular has been declared to be one of the major objectives of the Campaign. We have already noted efforts to increase participation of women in grama sabhas, and the extension of Neighborhood Groups and Self-Help organisations are clearly strengthening the associational capacities of women. Two other important strategies have been efforts to build on the constitutional provision for 1/3 reserved representation of women in LSGIs and the introduction of a special Women Component Plan amounting to 10 per cent of the plan outlay. What has been the experience so far?

The Kerala experience to date certainly bears out the importance of affirmative action ("reservations" in the Indian context) in representative structures and indeed suggests that the principle should be extended to higher levels of government. But affirmative action alone is insufficient. An in-depth study of elected representatives in Kerala revealed that while elected women representatives are better educated than their male counterparts (a social fact that is unique to Kerala in the Indian context), the women were on average younger, much less politically inexperienced, and inadequately equipped with a basic knowledge of rules, regulations, and administrative issues. Women representatives have moreover had to bear a triple burden of public office, income earning activities, and domestic duties. From its outset, the campaign has run an in-depth and continuous capacity building program targeted to women representatives. The training program, which has evolved significantly to adapt to new circumstances, has yielded impressive results. A self-assessment survey of elected women representatives shows that their administrative knowledge and management skills, as well as the ability to officiate at public functions and interact effectively with their constituencies, have improved very significantly over the last three years. (Thomas Isaac *et. al*. 1999)

The Women Component Plan (WCP) for the first year did not meet Campaign targets, both in terms of overall allocation or the relevance of projects. An obvious factor here was the insufficient representation of women among trained resource persons. This problem has been directly addressed in subsequent rounds of training. As women activists and representatives have started to play a more proactive and informed role in the Campaign, the effectiveness, content and scope of the WCP has improved. First, more than the statutory minimum requirement of 10 per cent of the plan grant-in-aid was earmarked for WCP in all districts. Second, an undue emphasis on credit and beneficiary contribution in women development projects was reduced and more realistic patterns of project financing were adopted during the second year. Third, the quality of projects improved. The tendency to include the general sector projects in WCP on the basis of notional (indirect) benefits to women has declined (e.g. counting half the cost of a road as a women's project on the grounds that women would be half the users).

The fear that the interests of Scheduled Castes and Scheduled Tribes are more readily subverted at the local level where severe caste inequality persists has often been raised by SC/ST leaders. How have SC/STs fared under decentralised planning in Kerala so far?

The Special Component Plan (SCP) and Tribal Sub Plan (TSP) in Kerala have been formulated and implemented in a decentralised manner since the mid-1980s. But this decentralisation has been purely bureaucratic and has lacked real participation by any elected representatives let alone members of the community. Under the Campaign, 75 to 80 percent of the SCP and TSP funds were devolved to LSGIs, that is almost entirely taken out of the hands of the state bureaucracy.

The first visible impact of decentralised planning has been a significant increase in the funds actually earmarked and spent for Scheduled Castes and Scheduled Tribes. Careful disaggregation shows that a substantial part of SCP and TSP have always been calculated on the basis of notional flows i.e., by including general schemes that encompass, rather than target, SC and ST communities. The Campaign entirely abolished this system of calculation. As a result, the SPB [source] estimates that real resources for the weaker sections have increased by 30 to 40 per cent as compared to the pre-Campaign period. The SPB plan appraisal also revealed that fears that local bodies would divert funds were misplaced: except in rare instances local bodies have fully accounted for grant-in-aid from SCP and TSP. And even though it was permissible to allocate up to 30 per cent of the grant-in-aid from SCP and TSP for infrastructure projects such as roads and bridges, actual

expenditure under this heading was less than 20 per cent. The emphasis was on projects that could be specifically targeted for individual beneficiaries from SC and ST communities such as housing, latrines, and income-producing animals.

Conclusion

   For most of Kerala's post-independence history, it has been the *political* character of the state that has been the object of social struggle. The Campaign represents a watershed in that it has made the very nature and institutional character of the state itself the object of contestation. With every local plan that is formulated and every local project that is implemented, the new institutions and procedures of decentralized participation take root. Because this in turn strengthens civil society, and brings previously excluded or marginalized actors into the political arena, it may well be that democratic deepening becomes self-sustaining. But because the mobilizational mode that the Campaign has taken will become increasingly difficult to sustain as local planning becomes routinized, sustaining the integrity and efficacy of deliberative institutions will require institutionalizing the authority and resource base of local governments. With respect to passing necessary legislation and new regulations much has already been done. But these gains can be quickly unravelled or hollowed out if the new institutions fail to deliver. And sustainable delivery rests on first maintaining adequate levels of financial devolution, and second on successfully reforming the bureaucracy. Both factors in turn rest on permutations in the political equation.
   However, even if the political equation were to take a turn for the worse, four years of experimentation with decentralized planning in Kerala have created new legitimations and generated lessons that are certain to have a lasting impact. Politically, the most important lesson has been that decentralization and people's participation can and does work. Even if only a small proportion of panchayats have even approximated the ideal of local planning, the demonstration effect of what is possible has had profound reverberations. Very concretely these hundred of points of experimentation have brought countless innovations to project design and implementation, and these have been energetically diffused through innovative training programs in which panchayats teach each other. A once impervious and all powerful bureaucracy has in hundreds of local communities been displaced by the collective efforts of

ordinary citizens. Ordinary citizens who have never been afforded an opportunity to effectively engage the state outside of campaign-oriented social movements now routinely deliberate and cooperate with elected representatives and local officials in deciding how to spend large sums of money. And a generalized discontent and even cynical despair about politics has in part been replaced by an open, articulate and relentless attack on patronage politics, and the beginnings, through everyday participatory practices, of a new kind of transformative politics. At a very minimum, this is reflected in the new-found respect that political parties have for civil society.

     The second broad lesson is that there are no blueprints, and that any successful reform effort of this scope and depth will of necessity be one of learning-by-doing. Being confident about the normative desirability of EDD institutions thus also implies being comfortable with the notion that making EDD institutions work is a process of trail and error that requires continuous feedback and institutional fine-tuning. The required flexibility certainly calls for particular kinds of institutions built most notably on the principles of coordinated decentralization. What Kerala's experience however suggests is that such institutions themselves are most likely to emerge from dynamic political reform networks that span state and society and from the creative and even mischievous logic of social movements.

Four

Deliberative Democracy, Chicago Style: Grassroots Participation and Municipal Reform in Policing and Public Education[1]

ARCHON FUNG

1. The Emergence of Accountable Autonomy

The city of Chicago hardly seems fertile ground for deliberative democratic institutions to take root and bear fruit. Though its history and environs have many contradictory strands—a tradition of machine politics, insular administrative bureaucracies installed in reaction to political manipulations, a vibrant tradition of neighborhood activism, extreme socio-economic inequality typical of urban areas in the United States—none is particularly friendly to a politics of fairness and reason.[2]

It is altogether surprising, then, that two recent institutional reforms have remade Chicago's public school and police systems into the most formally participatory and deliberative departments of their kind in the United States. Consider the basic features of these organizations. The Chicago Public Schools (CPS) consists of some 540 elementary schools

[2] Among the many excellent books on the "blood and guts" of Chicago politics see William J. Grimshaw, *Bitter Fruit: Black Politics and the Chicago Machine, 1931-1991* (Chicago: University of Chicago Press, 1992) and Milton L. Rakove *Don't Make No Waves, Don't Back No Losers*. (Bloomington: Indiana University Press, 1975).

and high schools. Since 1988, each of these schools has been governed by its own elected "Local School Council" (LSC). LSCs are elected every two years and each consists of six parents, two community representatives, two teachers, the school's principal, and an additional non-voting student for high schools. They enjoy substantial powers and responsibilities such as hiring and firing principals of their schools, spending discretionary funds, and developing and implementing strategic plans for school improvement that address issues such as curriculum, instruction, physical design, and administrative operation. While individual schools thus gain wide latitude in determining their own affairs, they are by no means isolated from the larger city-wide system. District offices and city headquarters at the Chicago Board of Education (CBE) support the governance and improvement efforts of individual schools by training LSC members and others in, for example, techniques of principal selection, school budgeting, curriculum design, and strategic planning. They also hold individual schools accountable for producing good educational outcomes first by itself monitoring performance across schools and then by making the system more transparent by publicizing various dimensions of school operations such as test scores, student body demographics, funding levels, and attendance and graduation rates. Those schools that perform poorly are subject to disciplinary mechanisms such as increased scrutiny, active intervention to modify sub-par elements in a school's plan or its personnel, or complete "reconstitution" and receivership for cases of extreme failure.

The Chicago Police Department (CPD) implemented an architecturally similar reform in 1995. Disillusioned with the evident failure of classic policing strategies, the Department embarked on a major reorganization designed to encourage officers to pro-actively identify and address sources of crime and disorder in their patrol areas. Unlike most other American cities that embraced problem-oriented policing,[3] however, the CPD reforms presumed that problem-solving efforts would work best with deep citizens involvement. On this view, residents often possess superior knowledge of problems in their neighborhoods and might have different priorities even when both were equally well informed. Therefore, a police-resident partnership can better identify and act upon critical problems than police acting alone. Partnerships might also be more effective because police and neighborhood residents have different capacities and resources. Finally, more than a few public safety and police-reform activists thought that

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[3] See, for example, Herman Goldstein, *Problem Oriented Policing* (Philadelphia: Temple University Press, 1992).

bringing citizens closer to sworn officers would enable them to better monitor police activities and hold them accountable for doing their jobs.

These sentiments were institutionalized into a distinctive form of community policing that, like the LSC reforms, creates a kind of neighborhood governance over public safety measures. Now, in each of Chicago's 279 police beats, patrol officers and their sergeants meet regularly with residents to identify which public safety problems (e.g. a crack house) constitute the neighborhood's most urgent priorities, to develop strategies involving both police and civilian action to deal with those problems, to report back on the emergence of new problems and the success or failure of past strategies, and to develop new approaches when initial plans prove disappointing. Like the LSC reforms, neighborhood residents and officers do not operate autonomously from higher, more central authorities or broader publics. Departments in the Mayor's Office and CPD provide training to both police and residents in the procedures and techniques of successful problem solving and also deploy community organizers to mobilize resident participation in the on-going effort. These teams must also document their problem solving activities and outcomes for review by managers and supervisors.[4]

This essay attempts to understand the form, potential, and implications of these reforms for the values of empowered deliberation. It does so by casting their deep structure as one of **accountable autonomy**. Though the parts of this term may seem to be in tension, the following analysis will show that either alone is insufficient, but that together they offer a deliberative institutional form that can generate fair and effective public outcomes. In Chicago LSCs and beat meetings, groups of citizens and street-level public servants (teachers, principals, and police officers) are autonomous in the sense that they set and implement, through deliberative processes, the specific ends and means toward broad public aims such as school improvement and public safety. In contrast with command-and-control arrangements under which these public servants would follow the instructions of superiors, this autonomy affords greater voice to citizen users, perhaps deploys more information in problem-solving, and allows those closest to concrete public problems to innovate and utilize their ingenuity.

But Madison and many following him have warned of localism's dangers. Foremost among these are domination or capture by powerful factions or persons in small groups, the paralysis of local groups due to

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[4] See Wesley G. Skogan and Susan M. Hartnett, *Community Policing: Chicago Style* (New York: Oxford University Press, 1997).

conflictual deadlock, and their lack of capacity and sophistication.[5] Circumstances of pervasive inequality and conflict, describing many Chicago neighborhoods, further compound these difficulties. These problems may well overwhelm the benefits to autonomy understood as neighborhood decentralization. The Chicago reforms, however, do not leave neighborhoods to their own devices. As mentioned, central offices of the CPS and CPD support local actors through the provision of training, resources, and various kinds of coordination. Insofar as effective action requires additional capacities, these external supports enhance local autonomy. More importantly, central managers also monitor the deliberative processes and performance outcomes of local groups. When they detect shortfalls in local process or performance, external intervention or sanctions sometimes follow. Thus neighborhoods are subject to mechanisms of accountability that attempt to check the tendencies of autonomy to degenerate into license and to assure that limited devolution advances broader public ends.

But this structure of accountable autonomy is an ideal type which the Chicago reforms quite imperfectly approximate, and the experience there falls short of the promise of empowered participatory deliberation. While some beats and school councils draw substantial citizen engagement, others elicit little. Some of these groups have coalesced into deliberative, effective, and innovative partnerships between residents and street level bureaucrats, while others have degenerated into conflict or inactivity. Often, centralized efforts to find and bolster flagging local efforts succeed admirably, but these interventions are sometimes as problematic as the situations they attempt to rectify. Throughout, both the CPD and CPS have thus far failed to effectively leverage local innovations into broader improvements through the diffusion of "best practices." Though a few official programs and informal efforts at this kind of learning have taken place, the efforts are neither widespread nor systematic.

Nevertheless, these Chicago experiences, then, provide opportunities to interrogate the theory, practice, and promise of "empowered deliberative democracy." Conceptually, the institutional architecture is a touchstone from which to generate an institutionally grounded account of *practical* deliberation that has been for the most part ignored in the abstractions of contemporary political theorists of deliberation. Empirically, the Chicago experiments provide a rich opportunity to examine how one variant of deliberative democracy plays

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[5] For a discussion of the liabilities of small group decision, see Jane Mansbridge, *Beyond Adversary Democracy* (New York: Basic Books, 1980) and John Gastil, *Democracy in Small Groups: Participation, Decision Making, and Communication* (Philadelphia, PA: New Society Publishers, 1993).

out under quite diverse urban conditions. Furthermore, the harsh political and socio-economic climate in which these institutions operate throw several pitfalls of deliberative democracy into sharp relief.

Part 2 begins this exploration by describing the neighborhood foundations of accountable autonomy in the Chicago reforms. Part 3 then shows how central authorities in the CPS and CPD have partially reinvented themselves to support, monitor, and discipline decentralized deliberations to both bolster autonomy and provide accountability. Part 4 describes levels and biases of participation in the Chicago experience thus far. Part 5 uses two neighborhood level case studies to illustrate the vulnerabilities and benefits of accountable autonomy. Part 6 concludes by reflecting upon two critical, but still very open, questions: the effectiveness of this reform strategy compared to conventional alternatives and its political stability.

2. Participatory Devolution: The Kernel of Autonomy

Far from the result of masterful design, these institutions arose haphazardly—themselves the result of fitful informal deliberations—as reformers inside city offices and activists outside of it groped toward more effective ways of organizing their police departments and schools. This process began in the late 1980s, when both agencies came under mounting criticism for their ineffectiveness and unresponsiveness. Though the CPD and CPS had suffered numerous such attacks throughout their histories without fundamental reorganization, this round of skirmishes was different. Conservative forces failed to rebuff demands for change, and consequently the agencies—though independently and through very different paths—deeply reconfigured themselves. Both moved decisively away from centralized command by devolving authority to school staffs, parents, police beat officers, and neighborhood residents.

In the Chicago Schools, reform resulted from a pitched battle that pitted a diverse social movement composed of parent organizations, "good government" civic groups, educational reform activists, and a coalition of business groups against traditional school insiders such as the Chicago Teacher's Union and the Board of Education. Two proximate events—media fallout from a blistering 1987 evaluation in which then Secretary of Education William Bennett called Chicago's

School System "the worst in the nation" and a grinding teachers' strike that delayed the opening of classes for four weeks—crystallized long-standing sentiments against the CPS into concrete and well-supported proposals for reform. Though they varied in their particulars, most reformers blamed the large organizations that traditionally controlled the Chicago Schools—the Board and the Union—for poor school performance. The old guard seemed beyond the pale of reform: so long as they controlled the schools, reformers thought, the system would remain among the nation's worst.

Education reformers eventually took their battle to the Illinois Assembly in Springfield, and there won a decisive victory. Reformers, for better or worse, got almost everything they asked for when the Assembly passed the 1988 Chicago School Reform Act. The law created one Local School Council for each of Chicago's school. Eleven adult voting members sit on each of these councils (high schools elect one additional nonvoting student member): the principal of the school, two teachers, six parents, and two members from the community. Representatives, elected every two years, enjoy considerable powers. First, LSCs are responsible for hiring, firing, evaluating, and determining the job definitions of the principals of each school. Second, they approve school budgets. LSCs also develop a required document called the School Improvement Plan (SIP). SIPs are a three year, long term plans that articulate improvement goals (attendance, graduation rates, achievement levels, school environment) and steps necessary to reach those goals for each school. The principal has primary responsibility for implementing the plan, while the council is charged with monitoring progress. Finally, reform legislation shifted control of "Chapter 1" funds, discretionary state monies allocated to schools on the basis of economic disadvantage, to the LSCs. This reform package made CPS the most decentralized and participatory urban educational system in the United States.

Through a very different path, the Chicago Police Department recently adopted strikingly similar organizational reforms under its "Chicago Alternative Policing Strategy" (CAPS). At the end of the 1980s, police forces and chiefs in many U.S. cities were engaged in self-reflective doubt about whether their two traditional methods—preventative patrols that demonstrate presence through marked vehicles and rapid response to "911" calls for emergency service—could address the diverse and severe crime and disorder

problems they faced.[6] Typically, these reforms fell under the broad rubric of "community policing" and called for officers to use their initiative and ingenuity to tackle particular problems of crime and disorder, and for them to move closer, sometimes to build partnerships with, citizens whom they served. In Chicago, two extra-departmental forces supplemented these professional internal impulses and shaped the eventual course of reform.

Leaders from a sophisticated citywide public safety organization called the Chicago Alliance for Neighborhood Safety (CANS) had used their policy expertise and position as a community voice to advance a community-centered vision of community policing. From CANS's perspective, based upon its experience as advocate, police policy analyst, watchdog, and neighborhood organizing entity, other cities had largely excluded citizens from their reforms, and so they amounted more to policing of the community than in partnership with it. CANS activists thought that citizens ought to be full partners in community policing because they could provide important local knowledge, distinctive resources, and, most importantly, monitor police officers and hold them accountable. The second important force was city hall. Mayor Richard M. Daley and his staff seized on the community policing as a good government issue to demonstrate the city's innovative spirit and commitment to fighting crime. Interest from the Mayor's office sped the pace force of community policing reform.

Absent the street heat and legislative pressure that drove school reform, these discussions at the intersection of professional, political, and civic interests led quietly to the formulation of a participatory variant of community policing that was piloted in five of the city's twenty five police districts beginning in 1993 and then expanded to the entire city in 1995. Its basic outlines resemble the central features of the 1988 school devolution. Again recognizing the need to address situated issues with focused and contextualized attention, police officers were organized into some 279 neighborhood sized "beat teams" that would, in addition to their ordinary patrol and response duties, familiarize themselves with specific neighborhoods and their idiosyncratic problems. Also presuming that neighborhood residents possessed detailed knowledge of these problems, resources for addressing them, and strong motivations to do so, the reform created channels for resident participation. Specifically, open "community beat meetings" would be held in each beat every

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[6] See Malcolm K. Sparrow, Mark H. Moore, and David M. Kennedy, *Beyond 911: A New Era for Policing* (New York: Basic Books, 1990) and Herman Goldstein, *Problem Oriented Policing* (Philadelphia: Temple University Press, 1992).

month for the officers serving that area and its residents to jointly engage in problem identification and resolution efforts.

Thus CPS and CPD both reorganized themselves through radically devolutionary measures that set in place three central planks of participatory local autonomy in police and school governance. First, the reforms created opportunities for ordinary citizens to *participate continuously and directly* in the micro-governance of two important institutions of urban life: schools and police. Parents and community members who desire formal authority and are willing to devote substantial energies in school governance can run for election to one of the six parent or two community seats on each school's LSC. Those with less intense interests attend and voice their views at their LSC's regular, typically monthly, meetings. The CAPS community policing program features no formal governance councils. Instead, it requires police officers in each beat to attend open meetings, usually held monthly, with residents to engage in joint problem-solving around crime and disorder. Prior to these reforms, residents relied upon attenuated, less regular, and in all likelihood less effective methods of influence over the decisions of these local institutions such as voting for their city council representative, contacting their offices about specific concerns and relying on the efficacy of subsequent constituent service efforts, or directly contacting police or school officials to lodge complaints or raise suggestions. These channels of sustained participation in local affairs increase citizens' and officials' knowledge of each other and allow the former to hold the latter accountable through continuous scrutiny of their priorities and actions.

Second, participation under this devolution instituted *deliberative decision procedures*. In most forms of political action, such as aldermanic elections and informal contacting, citizens express their preference over this policy or that candidate or occasionally opine a complaint. In LSC governance, for example, deliberation occurs in the process of constructing, approving, and implementing School Improvement Plans (SIPs). Under the 1988 legislation, each LSC is required to periodically submit a SIP that lays out their three year goals and plans to achieve them. Those involved—usually led by the principal but drawn from a school's staff and parental and community ranks—first develop an educational vision or mission statement for the school, analyze their present strengths and weaknesses, then construct curricular, instructional capacity, and physical plant strategies to advance their mission statement, and finally allocate staff and financial resources to implement and monitor the progress of those strategies. The outcomes of

implementing these SIPs then feeds back into subsequent LSC deliberations and plan revisions.

Deliberation in community policing beat meetings is structured according to a similar problem-solving process. Police and residents begin by using a "brainstorming" process to generate a comprehensive list crime and safety problems in their neighborhood. They then agree to focus on two or three listed items as priority issues, and then pool information and perspectives to develop analyses of these problems. From this, they construct strategies and a division of labor to implement these strategies. The success of these strategies is assessed in subsequent meetings, and groups typically try to develop additional strategies to address stubborn problems or take on new problems after resolving old ones. Again, this short feedback loop between the planning, implementation, and results assessment may increase both the practical capabilities and problem solving success of residents and police officers in each beat.

These devolutions also establish a third element of *empowerment*: the expectation that citizens' participation and deliberation will palpably and directly affect public action and its results. Ordinary channels of political influence and public discussion are less empowered on both of these dimensions. When one participates in deliberation in the public sphere of mass media as a spectator or even as an author, votes for a candidate to represent ones views, or even serves on advisory committees, there is but a thin connection between one's views and official actions. In such processes, a citizen's views must be aggregated with those of many other voters, weakened by considering them across multiple issue spaces, filtered up through the ranks of political representation, and then once again diluted by administrative discretion as they are interpreted down the chain of bureaucratic command. The Chicago reforms increase citizen power over public affairs on at least two dimensions. First, since citizens join with "street level" public officials such as teachers, principals, and police officers to analyze localized problems and develop plans to respond to them, citizens expect their input to shape directly to the subsequent official priorities and actions. Even if particular contributions are not incorporated into interim plans, they will at least have been publicly considered against other proposals and reasons.

3. A New Center: Building Capacity and Imposing Accountability

Compared to hierarchical bureaucratic forms, these devolutions in police and school organization undoubtedly increase the scope for citizen participation and deliberation. From their inception, however, even reformers who viewed bureaucracies as hopelessly ineffective and unresponsive recognized the dangers inherent in decentralization and sought to remake central authority to mitigate them. Additional early experience with these new institutions of neighborhood governance revealed more pitfalls that in turn required further reconfiguration of these administrative centers to support their action units in the neighborhoods. Out of this insight and learning, the CPS and CPD central offices have moved away from attempting to direct operational minutia to supporting and monitoring the self-directed governance efforts of their neighborhood units. In the rubric of accountable autonomy, two of their new functions are to bolster the capacity of schools and beats to act autonomously through various supports and to hold them accountable through monitoring, sanctioning, and intervention mechanisms.

Support: Training, Mobilization, and Institutional Intervention

From the outset, advocates of police and school decentralization recognized that many citizens would find constructive engagement with professionals difficult. They therefore urged that training programs be developed and provided on a city-wide basis. As it turned out, however, professionals would in both cases undergo exactly the same training as lay citizens, for the difficulties associated with exercising the power of deliberative problem solving were new to both. Since there was no body of off-the shelf expertise or experts in deliberative local governance, training was necessarily a boot-strapping process. In CAPS, activists and officers from the police academy developed a group problem-solving method and hands-on curriculum based on their early experiences with informal community-police partnerships. Under a $2.9 million contract, the city hired the Chicago Alliance for Neighborhood Safety (CANS), a community-based organization, to teach this curriculum to residents and officers. CANS dispatched teams consisting of community organizers, civilian trainers, and experienced police officers to each of the city's

beats.[7] Over the three or four months that they spent in each beat, the team would teach deliberative problem solving by leading residents and beat officers through the practical reasoning process described above. By the end of the period, residents had often learned the process by applying it themselves. In many cases, they could see progress on the real-world problem that they had selected as part of the training exercise. In the two years of the Joint Community-Police Training Project (J.C.P.T.), organizers estimate that they trained some 12,000 residents and several hundred police officers. In a move that was controversial because this effort was generally regarded as successful, the city terminated the CANS contract in 1997 in favor of conducting training and mobilization activities from within city departments.

School reformers also saw that LSC members might be initially bewildered by their new governance duties, and so developed their own series of training programs. During the first few years, groups within the CPS and non-profit community organizations like the Chicago Association of Local School Councils and the Beverly Improvement Association provided training on an *ad hoc* basis to schools and LSC members who sought it out. In response to the perception that many LSCs were failing, the Illinois legislature passed a second major school reform law, this one focussed on school accountability, in 1995. One of its provisions was that all new LSC members must undergo three days, or eighteen hours, of training or be removed from office. Training focused on basic school governance issues such as principal selection and contract terms, school budgeting, LSC member responsibilities, teamwork, and school improvement planning. This program resembled community policing efforts in that training was centrally coordinated by a University of Illinois group, but initially provided by experienced practitioners from community and school reform organizations as well as school system employees. Like the policing training program, the CPS brought the program in-house in 1998 by banning outside, mostly community-based, organizations from providing basic training.[8]

Just as the creation of opportunities for direct self-governance does not imply that citizens will possess capacities necessary to utilize them, neither does it mean that they will actually participate; some may not know, others may know but not care to join. In a second area of support,

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[7] See Archon Fung. "Contract Expired: Is Chicago Poised to Take the Community Out of Community Policing?" *Neighborhood Works*, (March/April 1997), 8-9.

[8] Dan Scheid, "Board Bumps Reform Groups from LSC Training" Catalyst (September 1998); Alison Pflepsen "LSCs Lose 182 Members Who Didn't Complete Training," in *Catalyst* (May 1999).

then, centralized efforts also attempted to boost awareness and participation in deliberative governance. Community policing outreach has employed both mass media and community organizing techniques. Since 1997, the city has spent $1.6 million annually on media efforts to advertise and educate residents about CAPS and its participation opportunities.[9] Partially as a result of these television and radio spots, billboards, and a weekly cable television program called "CrimeWatch," approximately 79% of Chicago's adults knew about CAPS in 1998.[10] These efforts have been supplemented by timed-tested community organizing methods. First provided as part of the CANS training program, and then later managed from the Mayor's Office, the program has deployed between 30 and 60 community organizers that publicize beat meetings and partnership possibilities by visiting churches, neighborhood associations, and individual residences.

Rather than the continuous outreach in community policing, mobilization for local school governance has focused on the bi-annual LSC elections and been funded primarily through private sources rather than from city coffers. In the first year of elections, 1989, charitable foundations donated some $750,000 to community organizations to recruit LSC candidates, but this sum dropped to $318,000 and $215,000 for the 1991 and 1993 elections respectively.[11] In 1996, community organizations received some $216,000 in private donations—about one half of that sum was administered through the Chicago School Reform Board—to recruit and train LSC candidates.[12] Though causality is of course difficult to establish, many associate declines in both the number of LSC candidates and voter turnout (discussed below) to this loss of funding for outreach.

Presuming individual motivation, new institutional opportunities, and programmed mobilization and education efforts conspire to bring participants who generate effective governance and problem solving strategies, successful implementation and beneficial effects will still depend upon various resources and the cooperation of other parties. A third way in which central authorities can help local units where they cannot help themselves, then, is through institutional interventions that

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[9] The Chicago Community Policing Evaluation Consortium, *Community Policing in Chicago, Years Five-Six: An Interim Report* (Evanston: Institute for Policy Research, May 1999), 18.

[10] Ibid.

[11] William S. McKersie. "Private Funding Down for LSC Elections" *Catalyst*. Vol. 7, No. 6 (March 1996).

[12] Dan Weissmann, Jennifer Randall, Lisa Lewis and Jason Grotto. "Did Community Groups Have an Impact," in *Catalyst* (May 1996).

make the external legal, political, and administrative environment more conducive to local deliberative problem-solving. Here too, local experience often reveals the most urgent and fruitful subjects for centralized intervention. For example, many LSCs proposed restructuring their school day to allow more time for teachers to collaborate and plan classes. The collective bargaining agreement between the CTU and Board of Education, however, established precise work rules that prohibited local modification. In the next round of negotiations, the Board performed its facilitative role by building into the collective agreement a waiver option through which schools could modify the work day if teachers there supported the alterations.

To illustrate further, consider a common dilemma faced by community policing groups: drug houses that are often the foci of street violence and other disturbances. Acting in isolation from one another, dozens of police-resident groups have converged upon a workable strategy. Residents try to persuade a landlord to clean up his property through, for example, tenant eviction, reporting criminal activity on the property to police, and screening out potentially problematic would-be tenants, and maintaining or upgrading the property's condition. If a landlord responds to these entreaties, his cooperation with residents may eliminate the problem. If the landlord refuses to cooperate, then residents begin to build a legal case that can be used in housing court to seize the property and thereby down the drug house. According to the Illinois nuisance abatement law, a court may act against a drug house by "restraining all persons... from using the building for a period of one year" if it establishes that "nuisance was maintained with the intentional, knowing, reckless or negligent permission of the owner."[13]

Officials in the police department and Mayor's office took note of this strategy and secured two institutional changes that increased its effectiveness in the neighborhoods. First, a 1996 city ordinance whittled away real estate property rights by enacting a stricter version of the Illinois nuisance abatement law.[14] This ordinance imposes the burden of monitoring against illegal activities on the property owner and creates a fine for allowing a nuisance to occur. Furthermore, whereas the Illinois law requires the illegal activity to occur inside the premises,[15] the new

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[13] 720 *Illinois Compiled Statutes*, Sec. 37-4 (1996).

[14] The ordinance described in this paragraph went into effect on November 11, 1996. See "Amendments of Titles 8 and 13 of Municipal Code of Chicago Concerning Liability of Property Owners and Management for Unlawful Activities on Property." *Chicago City Council Journal* (July 31, 1996), 27730-27735.

[15] The state statute was originally targeted against prostitution.

law only requires a geographic nexus between the problem property and nuisance.

Second, the City's Law Department has created a Drug and Gang House Enforcement Section that helps community policing groups utilize this law. They send staff lawyers to community beat meetings to provide expertise in the formulation and implementation of problem-solving strategies.[16] If residents identify and prioritize a drug house, the lawyer will independently deploy the Law Department's resources to eliminate that drug house. According to the Section's Supervising Attorney, the office uses the same strategy of persuading first and prosecuting second, but with all of the power of city behind it.[17] They first send city inspectors to document all code violations in addition to the nuisance. They then invite the landlord to a meeting whose goal is to secure voluntary compliance with the law. If the landlord doesn't respond to initial letter, rejects voluntary compliance, or doesn't show up to the meeting, corporation council pursues measures in administrative court. It asks for fines, and then for criminal contempt charges that can result in 180 days imprisonment. These two background measures, then, increase the autonomy of beat groups by using state power to strengthen strategies invented by communities themselves.

Accountability: Monitoring, Adjudicating, Intervening, and Learning

Beyond providing these three kinds of support, central authorities can also enhance the public accountability and deliberative quality of police and school governance by monitoring, publicizing, and when necessary intervening in local activities. Though this design of democracy gives local schools and neighborhood beats power to construct their own plans of action, it does not grant license to refuse to plan either by unreflectively continuing old habits or by doing nothing at all. Due to capriciousness or incapacity, the processes of some local units may unfairly exclude some citizens, be controlled by powerful and self-interested local individuals, or persist in their inability to address priority problems. Since local units subject to these various kinds of "deliberative breakdown" will be often unable to restore the integrity of their internal democratic process, it falls to centralized powers to insure that local actors are indeed deliberating openly and effectively by constructing appropriate incentives and routines for monitoring and rectification.

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[16] This program, called the "Corporation Council Program," is presently being tested in five "prototype" police districts. It began on November 1, 1996.
[17] Telephone interview (27 February 1997).

To assure that localities fulfill their minimal obligation to engage in structured problem solving, both the CPS and CPD require LSCs and beat groups respectively to document their deliberative processes and consequent actions. As mentioned above, each LSC must prepare and submit annual School Improvement Plans that follow uniform CPS guidelines that prescribe the form, but not the content, of their deliberations. Community policing groups must submit both long term and monthly reports to document their deliberations and strategies. The officers in each beat, frequently working with residents, must prepare detailed reports called beat profiles that describe available resources, local institutions, demographics, and persistent problems. In addition to this baseline information, they must document their problem solving deliberations, including descriptions of priority targets, strategies to address them, justifications of those strategies, actions taken, and observable results for their district supervisors in "beat plans." Both the CPS and CPD supervisors review SIP and beat plans and return facially unsatisfactory plans—e.g. those with missing plan elements—to local actors to help assure that the stages of structured deliberation have been followed.

Such reporting offers a basic but quite imperfect indicator of the quality of deliberation. Two additional methods offer more accurate assessments: inspection and complaint. In the former, inspectors from central offices visit local units to both learn lessons from those that seem most inventive and to identify those that are performing poorly. Plans along these lines have been developed, but not yet adopted, for the CPS to establish a "Quality Assurance Agency" that would dispatch teams of educational experts—including consultants, master teachers and principals, and agency officials—to individual schools. Over the course of several days, the review team would observe classes, interview staff and students, and review planning documents in order to develop performance assessments.[18] The CPD has instituted a more hierarchical process in which top staff under the police superintendent meet with each of the 25 District Commanders to review levels of CAPS implementation, and there district commanders report on the activities of their individual beats. In addition to these pro-active inspections, which are costly and difficult to execute, passive means can also detect procedural breakdowns. These sorts of mechanisms depend on citizen complaints rather than centralized inspections. When participants to local deliberation notice violations of deliberative norms, for example

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[18] See Steven R. Strahler, "It's Back-To-School Time Daley's Crisis Plan Begins To Take Shape" in *Craine's Chicago Business* (April 10, 1995), 3.

principals who disregard parent input or police officers who refuse to implement actions set out in beat plans, they can lodge complaints with higher authorities such as district commanders and or regional school staff. In the ideal, these complaints would then trigger active official scrutiny, and if necessary direct intervention. Though this dynamic does occur informally, on an *ad hoc* basis, neither the CPS nor CPD has implemented official citizen complaint systems and procedures to detect local governance breakdowns.

Beyond this procedural monitoring, other measures attempt to assess the concrete outcomes of local problem solving. Centralized performance evaluation provides important tools for supervision and intervention. Appropriate outcomes data can also feed both local and system-wide deliberation. In formulating their school plans, for example, LSC members often use trends in standardized test scores to identify weak instructional or curricular areas. By comparing their methods with those of similarly situated but better performing schools, LSCs sometimes find promising school improvement strategies. Careful monitoring of outcomes can also alert central authorities to laggards that deserve disciplinary intervention or leaders that merit praise.

Developing and applying outcome measures that can realize these potential benefits of monitoring is, however, no simple matter. The difficulty lies in constructing measures that accurately reflect the impact of local strategies but that are insensitive to changes beyond their control. Though current tools fall short in this regard, both the CPS and CPD leaderships seem satisfied with traditional metrics such as standardized test scores and crime rates. Status quo metrics may enjoy favor because they are familiar and seem objective. The primary tool to assess student achievement in math, reading, writing, science, and social studies in Chicago, for example, is the Iowa Test of Basic Skills (ITBS) which has been published continuously since 1942 and is used by school districts across the nation. Similarly, crime statistics for the city of Chicago have been gathered at both the municipal and federal (by the FBI Uniform Crime Reports) for more than fifty years and reflect obvious dimensions of public safety such as murder, rape, robbery, and assault. Altering metrics would require new administrative machinery and probably spark intense political conflict akin to the current battles over standardized testing.[19]

Nevertheless, some reformers have offered performance metrics that are useful not only for comparing and assessing general conditions, but

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[19] See National Research Council. *High Stakes: Testing for Tracking, Promotion, and Graduation* (Washington, D.C.: National Academy Press, 1999).

also potentially for judging and improving the success of local governance efforts. Education researchers at the Consortium on Chicago School Research have developed a metric for the *productivity* of a school, or grade within a school, that attempts to capture academic gains that result from programming.[20] They propose the following two step method of calculating the productivity of a grade within a single school. First, take the subset of children who attended that grade for the entire year. Second, subtract comparable standardized test scores of that subset of students for a test administered at the beginning of the year from year-end test scores. This method discounts students who attend classes for only part of the year and also controls for differences in the preparation of students prior to enrollment in a grade. Annual productivity gains (or loses) that result from school specific factors can then be measured by subtracting one year's productivity from that of the preceding year. Such a system, these researchers argue convincingly, is a better tool with which central office administrators, LSC members, and the public at large can gauge school governance efforts.

Generally, the construction and application of performance metrics, like the practices whose performance is measured, is a complex matter that itself ought to be the subject of participatory deliberation and open-minded transformation. Venerable metrics like test scores and crime rates were designed to track broad changes in the academic abilities of students and safety of neighborhoods and they may perform reasonably in that regard, though many doubt even that. However, they were not designed, and are much too crude, to determine which particular educational or policing activities are more effective than others. Incremental steps like the school productivity measures developed by the Chicago Consortium seem to offer straightforward gains, but ought to be viewed as the beginning of a deliberative process to develop metrics that are ever more useful for assessing and thus enhancing school improvement and problem solving strategies, not the endpoint of a political or administrative struggle against current testing practices.

Central authorities can use existing or improved metrics as tools of accountability to identify local bodies that are laggards or leaders in deliberative governance. They can intervene to improve the performance of laggards through support or discipline. Conversely, they can publicize leaders, study their sources of success, and perhaps reward them as

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[20] Details in this paragraph are taken from Anthony S. Bryk, Yeow Meng Thum, John Q. Easton, and Stuart Luppescu. *Academic Productivity of Chicago Public Elementary Schools: A Technical Report Sponsored by The Consortium on Chicago School Research* (Chicago: Consortium on Chicago School Research, March 1998).

incentives to spur other groups. The CPS, and to a lesser extent the CPD, central offices have begun to implement comparative programs of this kind. In 1995, a series of reforms led from the center by Mayor Daley and his long time associate and newly appointed CEO of Schools, Paul Vallas, sought to increase LSC and school accountability by disciplining laggards.[21] One of its central provisions created an "academic probation" status that marked schools where less than 15 percent of the students score at or above national norms on standardized reading tests for centralized assistance and scrutiny. This program placed 109 schools on academic probation status in 1996, its first year of operation.

What sorts of corrective interventions did the CPS Office of Accountability impose? Far from re-establishing centralized direction over them, the probation program attempted to improve the quality of each school's deliberative planning and problem-solving processes through center-locality collaboration. First, they provided additional educational resources by requiring each school to form a partnership with outside educational experts in the private or University sector. Second, they dispatched an intervention team, led by a probation manager assigned to the school, to work with staff and parents to review and improve their SIP by conducting an external review, use that report as the basis of LSC discussions to develop a Corrective Action Plan, and incorporate changes into successive SIPs. Finally, the Office of Accountability assigned a probation manager to monitor implementation of the new plan. Though the program has been in operation only a short time, experience so far suggests that staffs and parents at probation schools, while at first wary of heavy handed CPS intervention, have generally experienced the program as a sometimes painful, but collaborative and essentially self-directed project in enhancing their own capabilities.[22]

Four observations emerge from this brief account of central authority in Chicago's community policing and school governance reforms. First, the current institutional structure is neither centralized nor decentralized; though local officials and ordinary citizens enjoy much more power and voice than under the previous, more top-down, arrangements, they

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[21] For a more detailed account, see Archon Fung. "Street Level Democracy: A Theory of Popular Pragmatic Deliberation and Its Practice in Chicago School Reform and Community Policing, 1988-1997," (Doctoral Dissertation, Massachusetts Institute of Technology Department of Political Science, 1999).

[22] Elizabeth Druffin, "Spotlight Brings Focus: One School's Probation Story" in *Catalyst: Voices of Chicago School Reform* (June 1998); Fung (1999), esp. Chapters 8 and 15.

remain dependent on central offices for various kinds of support and accountable to them for both process integrity and performance outcomes. Second, the role of central power shifts fundamentally from that of directing local units (in the previous, hierarchical system) to that of *supporting* local units in their own problem solving endeavors and *holding them accountable* to the norms of deliberation and achievement of demanding but feasible public outcomes. Third, support and accountability from the center advances three democratic goals—participation, deliberation, and empowerment—that justify local autonomy in the first place. Finally, each of these central functions, like the projects of improving public safety and educational effectiveness that they support, is a complex matter with no obvious solutions. Therefore, the same principles that motivate the deliberative transformation of school and police governance also apply to the design of these central institutions. Even when practices like standardized testing they are entrenched and enjoy wide support, alternatives might do better. Since the advantages of competing proposals are difficult to assess *a priori* (e.g. Should mobilization support services be provided by a city agency or community based organizations?) institutions should open spaces for competing proposals rather than advancing the most politically expedient or administratively convenient one. Centralized interventions, themselves formulated through deliberation, would then further enhance the deliberative, participatory, and empowered character of otherwise isolated local actors. Though neither the CPS nor CPD has achieved such a fully deliberative transformation, many of its essential elements are in place in both these institutions. We turn now to the performance of these institutions in light of general concerns about the demands and potential pathologies of empowered deliberative democracy.[23]

4. Who Participates?

Since these reforms and empowered deliberative democracy generally aim to more intensively involve citizens in decision-making areas from which they were previously excluded, the first operational question is who, if anyone, utilizes them? Since participation requires much more time, knowledge, and energy from citizens than more common forms such as voting or contacting officials, engagement *levels*

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[23] Described in Fung and Wright's article in this issue.

may be so low that school officials and police officers end up deliberating with each other rather than with those they serve. Since those who have less generally participate less,[24] this concern is especially pressing in poor neighborhoods. Relatedly, there may be biases in participation that amount in the limiting case to systematic exclusion. This section examines levels of and socio-economic biases in participation and then reflects on the implications of this dimension of the Chicago reform experience for empowered deliberative democracy.

Overall Participation

To answer the question of how many citizens participate in Chicago's deliberative governance institutions, we rely on official CPS election statistics and beat meeting attendance records gathered by CPD beat officers and then compiled by researchers at the Institute for Policy Research at Northwestern University. These records show that community policing and school governance exhibit a similar pattern of aggregate participation: generally, a community beat or LSC meeting draws between ten and twenty participants. In the case of LSCs, the participants are sometimes interested parents or community members with no official position but are most often the representatives elected to govern the school. Community policing offers no formal positions for residents and so attendance is always fully voluntary.

The following chart shows monthly meeting attendance in Chicago's 279 beats from January 1995 (when the community policing program expanded from five "prototype" districts to encompass the entire city) until June 1999:

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[24] See, for example, Sidney Verba, and Norman Nie. *Participation in America: Political Democracy and Social Equality.* (Chicago and London: University of Chicago Press, 1987); Jack Nagel, *Participation* (New York: Prentice Hall, 1987).

Figure 1: Monthly Police Beat Meeting Attendance, 1995-1999[25]
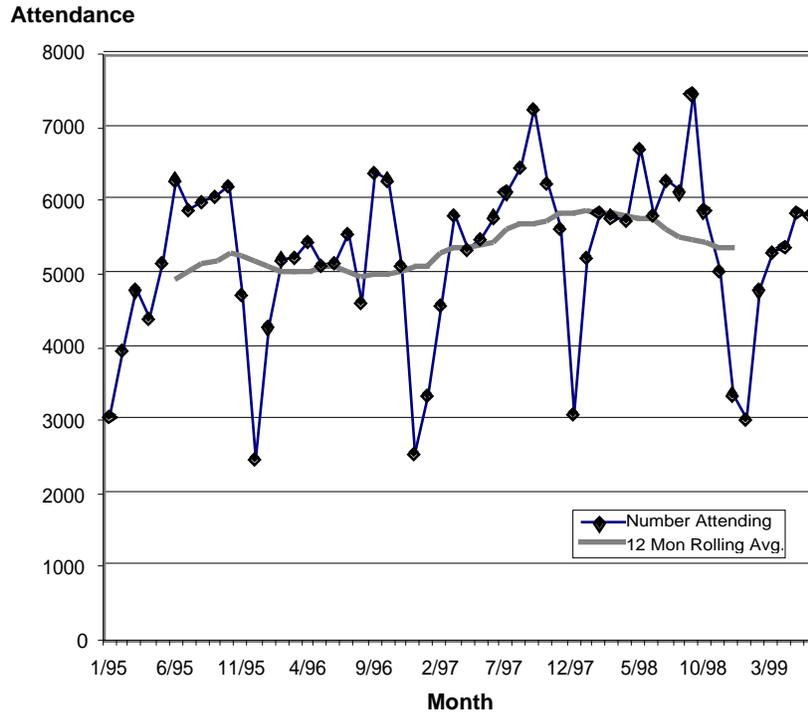
Attendance

Month

The wide month-to-month variation in beat meeting attendance corresponds to seasonal change; beat meeting attendance is lower in the winter months because weather makes it more difficult to travel to the meetings and reduces crime rates. With that qualification, note two features of this chart. On average, between 5000-6000 residents attend beat meetings each month. Since there are 279 beats and most meet monthly, between 17 and 21 residents generally attend each meeting in addition to five or six beat officers. This number, while a small percentage of the 4,000-6,000 adults who live typically in a beat, is more than enough for problem-solving planning and implementation. Second, though this structure of community beat meetings has existed only since 1995 and so trajectories are difficult to discern, there seems to be a slight

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[25] These data were provided to the author by Wesley Skogan at Northwestern University's Institute for Policy Research.

upward trend in meeting attendance. This trend offers some preliminary evidence against the concern that the demands of participatory democracy may result in civic exhaustion and declining rates of participation.[26]

A similar pattern appears in school governance. The following table shows the number of candidates and voters, where available, in each of LSC elections since the initial contest in 1989:

Table 1: Local School Council Election Statistics[27]

	Year	Parent	Comm.	Teacher	Total
Number of Candidates	1998	4,106	1,540	1,471	7,117
(candidates per seat)		(1.2)	(1.4)	(1.3)	(1.3)
	1996	4,493	1,682	1,620	7,795
		(1.4)	(1.5)	(1.5)	(1.4)
	1993	4,254	1,495	1,612	7,361
		(1.3)	(1.4)	(1.5)	(1.3)
	1991	4,739	1,858	1,545	8,142
		(1.5)	(1.7)	(1.4)	(1.5)
	1989	9,329	4,818	2,429	16,576
		(2.9)	(4.4)	(2.2)	(3.1)
Number of Voters	1998	N/A	N/A	N/A	N/A
	1996	68,210	24,519	29,313	122,042
	1993	33,701	23,544	27,435	84,680
	1991	44,735	35,583	30,514	108,832
	1989	113,008	97,276	34,902	245,186

In terms of both candidacy and turnout, participation was very high in the first year and then dropped off to a lower, but relatively stable, level in successive elections. In the last three elections, the ratio of candidates to positions has been less than 1.5 in all three categories,

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[26] For an argument that high frequency of elections depresses participation, see Robert Jackman and Ross Miller, "Voter Turnout in the Industrial Democracies During the 1980s" in *Comparative Political Studies*, Vol. 27, No. 4 (January 1995), 467-492.
[27] Catalyst Staff. "Local School Council Elections," *Catalyst: Voices of Chicago School Reform*, Vol. 7, No. 8 (May 1996), 26. 1998 election statistics from Rosalind Rossi, "School Races Attract Few Candidates" *Chicago Sun-Times* (April 6, 1998), 8.

which means that more than half of the seats are uncontested and so LSC service resembles volunteerism more than competitive selection. Furthermore, since the ratio is substantially greater than unity, few LSCs have empty seats. The number of citizens who actually engage in deliberation is much smaller than the number affected (roughly 4,000 residents live in the area served by a school), but LSCs are generally full so there are usually enough members to engage in school improvement planning and the levels of participation are for the most part stable.

Socio-Economic Bias

Who are these people that spend precious evenings discussing crime and schooling, and some portion of their days doing what they promised to do in those discussions? In terms of socio-economic advantages such as income and education, two general patterns emerge that are common to both school and police governance in Chicago. Surprisingly, those in low income neighborhoods participate as much or more than people from wealthier ones. This evidence weighs against the claim that participatory reforms will benefit the advantaged but leave the disadvantaged behind because they lack the wherewithal to engage. Within any given neighborhood, however, the more advantaged—homeowners and those with more income and education—participate at disproportionately greater rates. This pattern confirms the well grounded intuition that resources and other advantages do influence citizens' abilities to participate.[28]

Engagement patterns in community policing are especially striking. There, contravening most empirical social science findings, residents from poor neighborhoods participate at *greater* rates than those from wealthy ones. The best predictor of neighborhood beat meeting attendance rate is the personal crime rate of the neighborhood, which itself tends to vary inversely with household income. The following table gives the multiple OLS statistics for beat meeting attendance rate[29] (attendees per 10,000 residents per meeting, with) regressed against: (i) the percentage of beat residents that are African-American, (ii) percent

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[28] See Sidney Verba, Kay Lehman Schlozman, and Henry E.Brady, *Voice and Equality: Civic Voluntarism in American Politics* (Cambridge, MA: Harvard University Press, 1995).

[29] This rate is given as attendees per meeting per 10,000 residents, with the attendance for each beat averaged over all available meeting data from January 1995 until May 1997. Crime rate is calculated from 1996 figures, and other remaining demographic data is drawn from the 1996 census.

Hispanic, (iii) percentage of adults that have college degrees, (iv) median household income, (v) personal crime rate, and (vi) percentage of residences that are owned by their occupants:

Table 2: OLS Regression Results for Beat Meeting Attendance Rate

	Coefficient, B	SE	Beta
Pct Black	0.0275	0.0444	0.0630
Pct. Hisp	0.1012	0.0673	0.1285
Pct. College	-0.2174	0.1405	-0.1894
Median Inc	0.0004	0.0003	0.1824
PersCrime*	0.2038	0.0397	0.5512
% Own Home	0.0804	0.1086	0.0967

R Squared = 0.275
Observations = 270

* Statistically significant at the 1×10^{-6} level of confidence.

As can be seen from the table above, the only statistically significant factor in this regression—and the one with the most substantial coefficient—is personal crime rate.[30] According to this model, an increase of 40 crimes per 1000 residents (mean personal crime rate in Chicago was 84 crimes per 1000 residents in 1996) corresponds to an increase in beat meeting attendance of 8 persons per 10,000 adults, or some 4 persons per meeting in a medium sized beat. The same predicted increase requires, according to this regression, an increase in neighborhood mean household income of $20,000 (almost doubling the average neighborhood median household income of $24,000). Interestingly, the effect of percent college educated on beat meeting attendance is small, but in the *opposite* of the expected direction; the regression model finds that the controlled effect of increasing the number of college graduates in a neighborhood weakly reduces beat meeting attendance.   Though participation patterns in Local School Council elections have been less well documented and the trends themselves more equivocal, the data also weigh against the expectation that those in less well off areas will also participate less. In their study of the 1991 LSC elections, the non-profit school reform organization Designs for

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[30] When %home owners is removed from the list of regression variables, both %College Educated and Median Income become statistically significant at the 0.01 level, indicating multicolinearity between these variables.

Change (DfC) analyzed the number of candidates standing for election to parent seats on Local School Councils according to student body characteristics of race, income, and ethnicity. They found that an average of nine parental candidates stood for election at any given school and that there was no substantial relationship between levels of parental candidacy and (i) percentage of Hispanic students, or (ii) percentage of African-American students (Designs for Change 1991: 7).[31] The study also found a slight *positive correlation* between the percentage of low-income students at a given school and the number of parental candidates standing for election in 1991. The authors did not report full regression results, and so the correlation may have been statistically insignificant.

Using data from the 1996 Chicago Local School Council Elections,[32] we independently analyzed the relationships between school-level variables such as school size, percentage of students from low-income families at a particular school,[33] student mobility,[34] percentage of African-American students, and percentage of Hispanic students and two indicators of LSC participation: the number of parental candidates standing for election at each school[35] and the parent turnout at each election.[36] The multiple regression results —coefficients (B), standard

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[31] Designs for Change. *The Untold Story: Candidate Participation in the 1991 Chicago Local School Council Elections* (Chicago: Designs for Change, October 1991).

[32] Candidate and turnout data were very kindly provided by Mr. Doug Dillon of Management Information Services at the Chicago Public Schools. Demographic information on schools was taken Chicago Public Schools, Office of Accountability, *The Illinois State School Report Card Data Book for 1995-96: An Analysis of Student, School, District, and State Characteristics* (Chicago: Chicago Public Schools, 1996).

[33] A student is classified as "low-income" just in case he or she is from a family receiving public aid, lives in an institution for neglected or delinquent children, is supported in a foster home with public funds, or is eligible to receive free or reduced price lunches. In 1996, approximately four-fifths of Chicago students are classified as low-income, while less than one-fifth of the students in the state of Illinois are classified as low-income. See Chicago Public Schools, Office of Accountability, *The Illinois State School Report Card Data Book for 1995-96: An Analysis of Student, School, District, and State Characteristics* (Chicago: Chicago Public Schools, 1996).

[34] Student mobility at a school is defined as the number of students enrolling in a school or leaving that school during a single school year. Students may be counted more than one.

[35] Recall that each LSC provides six positions for parent representatives.

[36] Parent turnout is given as the percentage of parents eligible to vote in the election who actually vote.

errors, and standardized coefficients (Beta) are shown in the left half of table 5 below. It should be noted that these variables explain very little—approximately 7.5% (R^2) of the observed variation in number of parent candidates. Of the five independent variables, only school size bears a statistically significant relationship with number of parental candidates.

Table 3. Predictors of Participation in 1996 LSC Elections, OLS Results

Variable:	Num. Parental Candidates			Parent Voting Turnout Rate		
	B	SE B	Beta	B	SE B	Beta
School Size	0.002**	0.0005	0.246	____	____	____
%Low-Income	-0.005	0.010	-0.035	-0.183**	0.048	-0.272
Mobility Rate	-0.006	0.009	-0.037	-0.092*	0.041	-0.117
%Black	-0.007	0.008	-0.107	0.113**	0.037	0.390
%Hispanic	-0.003	0.010	-0.039	0.122**	0.045	0.334

R-Squared: 0.075   R-Squared: 0.064
Observations: 465   Observations: 465

* Coefficient is statistically significant at the 0.05 level of confidence.

** Coefficient is statistically significant at the 0.01 level of confidence.

The right hand side of Table 3 reports the correlation between these same demographic variables and a second measure of participation: turnout rate of parents in the 1996 LSC elections. Turnout rate for each school is defined as the number of parents voting divided by the number of parents eligible to vote at that school's election. We omitted school size from this regression. As with the first regression, these variables account for only a small fraction—6.4 percent—of the observed variation in parental turnout rates. Unlike the previous model, however, all explanatory variables are statistically significant; the poverty, race, and ethnicity variables of statistically significant at the 0.01 level of confidence for a two-tailed t-test, and student mobility is significant at the 0.05 level. The magnitude of the coefficient on low-income is small, but in the expected direction; as the percentage of low income students at a school increases, parent turnout rate declines *slightly*. An increase of 25% in the portion of low-income students at a school corresponds to a decrease of 4.5% in the fraction of parents turning out to vote in an LSC election. Similarly, increases in student mobility (and thus decreases in

school stability) produce small declines in parental turnout rates. Interestingly, the coefficients on race and ethnicity variables are also small, but in the *opposite* of the expected directions. Whereas previous studies have found that African-American and people of Hispanic backgrounds are somewhat less likely to vote than others,[37] higher proportions of black and Hispanic students in a school correlated with slightly higher parental turnout rates in the 1996 LSC elections.

While these data show that the participation rates compared *across* neighborhoods does not exhibit straightforward biases against those in worse off areas, the same cannot be said for participation patterns considered *within* neighborhoods. Available data suggests that those who serve on local school councils and attend community beat meetings tend to be better off than their neighbors. A survey of all local school council members conducted in 1995 and 1996, reveals that LSC members were substantially better educated and more employed than other adults in Chicago. 31% of LSC members surveyed had a Bachelor's degree or higher, compared to only 19% of adults in Chicago. Predictably, schools in more wealthy areas had more educated LSC members, but "even in schools with virtually all low-income students, the educational level of LSC members is almost equal to that of the general Chicago population."[38] LSC members are also more likely to hold professional jobs, less likely to occupy unskilled positions or be unemployed, and more likely to be "home with children" than the other adults in Chicago.[39] A similar pattern appears in community beat meeting participation: home owners and English speakers are more likely to know about beat meetings and attend them than are their less well off neighbors.[40] As with rates of overall participation, these biases sketch an equivocal portrait for the Chicago style of deliberative governance. Contrary to skeptical expectations that reforms demanding active participation will further disadvantage badly-off areas, residents of poor neighborhoods participate at rates equal to or greater than those from wealthy ones. Nevertheless, better-off residents are generally disproportionately well represented within neighborhood meetings.

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[37] See Steven J. Rosenstone and John Mark Hansen. *Mobilization, Participation, and Democracy* (New York: MacMillan Publishing Company, 1993) and Verba, Schlozman, and Brady, 233.

[38] This survey was sponsored by the Consortium on Chicago School Research and its results are reported in Susan Ryan, Anthony Bryk, et. al., *Charting Reform: LSCs—Local Leadership at Work* (Chicago: Consortium on Chicago School Research, December 1999), 6.

[39] Ibid., 7.

[40] Institute for Policy Research (1999), 28-9.

How Much Participation is Enough?

These results lead to no straightforward assessments, either positive or negative, regarding the operations of deliberative democracy as it actually exists in Chicago. On one hand, the proportion of total adults who participate in these direct governance opportunities is much less than for conventional forms such as voting. If we judge desirability solely on the basis of how many people participate, then these experiments must be regarded as failures compared to voting. If we include additional desiderata—for example citizens' knowledge over issues which they are asked to express opinions, the impact of those opinions on state action, and finally the effect of state action on social outcomes—then the current levels of participation exceed necessary minimums, greater participation might not be any more desirable, and so these patterns provide some ground for optimism about the Chicago reforms.

The eleven positions of LSCs are filled in the typical school and community policing beat meetings are on average attended by seventeen residents and six police officers. Meetings with much lower (say only two or three people) levels of average attendance would lead correctly to fundamental doubts about the viability of this variant of urban deliberative democracy. Very low participation would demonstrate lack of citizen interest, provide too few heads to generate information and effective solutions, and offer too few bodies to implement any resulting group decisions. On the other hand, much greater participation also creates difficulties. Neighborhood crises such as drive-by-shootings or serial rapes, for example, often draw dozens of additional participants to community policing meetings. When fifty or a hundred people attend, it becomes extremely difficult to conduct structured, much less sustained and inclusive, problem solving deliberations. If there is a magic number for a group that is small enough so that all of its members can contribute seriously to an ongoing discussion, and yet large enough to offer diverse views and ample energies, it is probably not so far from the actual numbers of people that actually participate in groups constituted by the Chicago reforms.

Whereas voting is an infrequent activity for which there are few repercussions for either not voting or making poor choices, participation in local school councils or community policing groups requires much more knowledge, commitment, and in exchange offers a modicum of real

decision power. Only those with an abiding concern in specific issues are likely to join these efforts. If these reforms were expanded to include other public problems such as the environment, social services, or employment—a possibility not developed here—the ideal of participation would not be one in which every citizen deliberates about every issue, but in which everyone deliberates seriously about something. Current institutional arrangements do not offer such diverse opportunities for empowered discursive engagement, in Chicago at any rate, except in the governance of schools and police.

Patterns of participation with respect to time and socio-economic status also ease some serious concerns about the sustainability and fairness of these intensively deliberative governance institutions. Though both are relatively new, their short track records of ten and four years for school governance and community policing indicate that participation levels have been for the most part stable, and so signs of citizen exhaustion have not surfaced. Regarding fairness, these institutions offer substantial advantages over more familiar forms of political participation—such as voting, contacting officials, and interest group activism—that display strong biases favoring the better off. Despite this surprising absence of conventional biases, these quantitative characteristics of participation leave many open questions. While enough people participate across many kinds of neighborhoods, it remains to be seen whether their actions meet the demanding standards of deliberation or whether they fall victim to pathologies such as domination, corruption, or incompetence. Having established that diverse citizens do participate in the Chicago reforms, we turn now to these questions about the structure and quality of participation.

5. Deliberation or Domination? Problem Solving in Two Neighborhoods

Do the diverse citizens and street-level bureaucrats[41] who join in Chicago school and police governance Chicago actually engage in open deliberation and fair exchange about how best to advance public ends? Or, are these decision processes more often characterized by the

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[41] This term comes from Michael Lipsky. *Street-Level Bureaucracy: Dilemma of the Individual in the Public Services* (New York: Russell Sage Foundation, 1980).

domination of officials over residents, more advantaged citizens over the less well off, or factional paralysis? Though no study has yet examined all of the beats and schools in Chicago to definitively determine whether these governance transformations have produced substantial domination and corruption, less systematic evidence and observation affords some preliminary purchase on this critical set of issues. Except in one or two well publicized instances,[42] the most blatant forms of illegal theft and fraud has not surfaced in either the community policing or school governance reforms. At the other extreme, no informed observer would seriously argue that school and police governance processes have been fully deliberative or domination free. This section offers two accounts of typical conflicts to show how a structure of accountable autonomy that connects central supervisors to locally autonomous groups can set deliberation on track and reap its fruits.[43]

Deadlock in Central School

Like many schools on the city's South Side, Central Elementary sits in a neighborhood that is 100% African-American and very poor. The median household income in 1990 was $15,000. In addition to contending with the typical problems of poor inner city neighborhood schools, this one also suffered paralyzing conflicts, stemming from old feuds, among the parents, teachers, and the principal. Many dimensions of the school's operation—including academic performance, discipline, and the condition of the grounds—suffered from this collective inaction and stalled governance.

The most visible signs of this decay came from the building itself. The rooms and halls were ill-kempt and often dark. Though the building itself was over-crowded, the failure to repair water damage rendered three classrooms unusable and so further exacerbated class size limitations. Insufficient resources cannot explain away this situation, as similarly funded schools elsewhere had superior physical plant. The school also suffered from rather high chronic truancy rates. In 1996, six percent of its students missed more than 10% of the school days without

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[42] See Michael Martinez "Clement's Council Renews Principal War" in *Chicago Tribune* (November 18, 1997).

[43] These cases are described in much more detail in Fung (1999), chapters 13 and 15.

excuse (Chicago Public School 1996).[44] Teachers and other school staff complained that they were unable to discipline those children who attended class. Many classes were loud and unruly, and children often roamed the halls without supervision. Perhaps the most damning and consequential indicators of non-performance, however, were the low standardized test scores of Central's students. In 1996, only 14.6 percent of students there met or exceeded national reading norms according to the Iowa Test of Basic Skills (ITBS), and only 13.4 percent of Central students met or exceeded that test's math norms in that year. By these measures, Central fell within the lowest decile of worst-performing Chicago schools in math and reading.

This poor student test performance triggered an accountability mechanism called probation whereby the CPS dispatched an expert "intervention team." Many at Central feared that these central office administrators would take back much of the autonomy that had been given to its LSC under the 1988 law. To the surprise of Central LSC members, the next few months did not require them to give up power to external authorities. Instead, the probation team forced LSC members and others in the school community to break through their entrenched lines of conflict into more serious deliberations about strategies that might improve the school.

The intervention team made two main contributions to improve deliberation at Central Elementary. First, they conducted a review of the school that pointed out problems such as: LSC budgeting decisions, lack of teacher monitoring, ineffective use of school staff, poor instructional technique and classroom management, funded but vacant teacher positions, and poor physical plant. Though their report contained solutions to these problems, the team made it clear that these were recommendations rather than orders. The LSC developed a corrective action plan after reflecting on this report and incorporating the perspectives and knowledge of its own members. Second, the intervention team was widely respected and thus able to facilitate the LSC's deliberative planning effort.

After six months, LSC members seemed to have transcended their histories of conflict. They began to behave cordially to one another and, more importantly, to deliberate about substantive school improvement issues rather than using meetings as occasions for political maneuvering. Substantively, the LSC reached consensus on a corrective action plan

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[44] Chicago Public Schools, Office of Accountability, *The Illinois State School Report Card Data Book for 1995-96: An Analysis of Student, School, District, and State Characteristics* (Chicago: Chicago Public Schools, 1996).The Chicago wide chronic truancy rate in that year was 4.7%.

that included funds to make capital improvements to increase classroom space, fill shortages of instructional materials, extend the school's computer network, and to purchase additional equipment for the science lab. Whereas a discussion of indicators of school progress such as test scores would have likely drawn accusations and defensive responses only six months earlier, LSC members used the June meeting as an occasion for thoughtful reflection on the school's weak grades. Whereas the principal had been a highly controversial figure several months earlier, the group gained respect for her through several months of facilitated deliberation and the LSC voted unanimously to renew her contract.

From Laissez Faire Domination to Structured Deliberation in Traxton Beat

Consider now community policing in a neighborhood called Traxton that also lies on the south side but several miles distant from Central Elementary. This neighborhood is literally split in half by railroad tracks, with wealthy, mostly-white, professionals living on the west side and lower-middle class African-Americans on the east. It is only by administrative coincidence that these two groups lie in the same police beat, for their problems are very different. West-siders face occasional burglaries, illegal traffic and noise, loitering and drinking, and the like. East siders, on the other hand, face armed robbery, occasional gunshots from houses or passing automobiles, and a house in the middle of their section where people come to buy narcotics. Over one year, three people had been shot to death within one block of this house.

Empirically informed critics[45] would not be surprised that community deliberations often led to a mis-allocation of police resources. This group elected a beat facilitator each year. For 1996, the beat facilitator conducted meetings in a laissez-faire, first-come, first-served, style in which residents raised problems as they came to mind. In this mode, wealthy and educated west side residents dominated proceedings with their priority concerns. These included a potentially dangerous abandoned building, noise from late-night patrons of a nearby pancake house, street peddlers, and generally poor 911 response. Police, often in cooperation with west side residents, were able to resolve most of these issues. But the concerns of east side residents, often more serious, went for the most part unaddressed.

[45] See, for example, Lynn Sanders "Against Deliberation" in *Political Theory* 25, no. 3 (June 1997), 347-76 and Mansbridge (1980).

This pattern began to change in 1997 upon the election of a new beat facilitator; call her Emily Crenshaw. Unlike the previous facilitator, Crenshaw had worked for CANS as an official community policing trainer.[46] From this experience, she was schooled in the procedures and techniques of problem solving and had instructed many beat groups in those techniques. When she became beat facilitator of Traxton, she utilized her experience by imposing a recommended structure on previously unstructured discussions and by directing the group to produce a "beat plan," required according to recent CPD directives, that would describe and justify the neighborhoods top safety issues.

Crenshaw facilitated discussions using the procedure described in section 2 above. She first asked participants to generate a comprehensive list of candidate problems. West side residents raised many of the concerns that had been raised in previous meetings. Creating this "brainstorming" space, however, allowed east side residents to bring up many items about which they had been previously silent. When it came time to designate priorities, participants from both sides of the beat easily reached consensus on an ordered list dominated by east side problems: an alleged drug house on the east side, burglaries and armed robberies on an east side commercial strip, and west side residential burglaries. Once charged with ranking and discursively justifying an agenda of public safety problems, the better-off residents quickly agreed that the east side house around which shootings occurred and drugs were trafficked topped the list and therefore deserved the lion's share of attention their attention and that of the police.

Having prioritized these problems, residents and police developed cooperative and effective strategies. Resident surveillance and police searches yielded arrests around the alleged drug house, court testimony from organized residents helped send some of those perpetrators to jail, and residents reported substantial reductions in criminal activity there. To address commercial burglaries, police increase their patrol visibility and worked with African-American store owners to develop preventative measures and to enhance their own responsiveness. These proprietors also report that thefts and robberies declined following the interventions. Due to their sporadic nature, residential burglaries are harder to address and progress against them more difficult to assess. The group attempted to solve this third problem through plainclothes-surveillance and resident education. Police apprehended one serial burglar, but the problem lingered on.

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[46] See discussion of J.C.P.T. in section 3 above.

Redux

These two experiences may seem to highlight the defects of deliberative decision making. The "natural" course of autonomous discursive governance led to conflictual paralysis in Central Elementary and to domination by wealthy and well-educated residents in Traxton Beat. Then both seem to have been fortunate beneficiaries of external forces—an intervention team in Central and community-policing trainer/facilitator—that set deliberation back on track. Seen from the perspective of accountable autonomy, these interventions ought to result from design rather than luck: centralized supervisors ought to develop capacities to monitor the deliberations of local groups and intervene when necessary. The experiences of Central and Traxton illustrate how helpful external interventions presently result from design and luck in equal measure. Both interventions depended upon prior centralized initiatives: the CPS school probation program and the CPD training initiative. Each, however, was lucky to have received external support. The probation team was assigned to Central Elementary as a result of its low standardized test scores, but there are surely many schools whose students test satisfactorily, but whose governance suffers similar paralysis or domination. It was even more a matter of chance that one of Traxton's community policing participants was an experienced CPD trainer, that she was willing to serve as beat facilitator, and that she was elected. Looking forward, the model of accountable autonomy would prescribe developing institutions that make these interventions deliberate priorities rather than leaving them to fortune.

Both cases, however, also illustrate two other benefits of autonomous deliberative local action. In both cases, opposed factions possessing unequal resources overcame differences of interest and perspective when their discussions were appropriately, and deliberatively, structured and facilitated. Supporting proponents of deliberative decision-making, participants subordinated at least some of their interests for the sake of reasonable norms or the process led them to broaden or transform their prior interests. After doing so, they were able to devise and implement creative strategies and plans that were probably more effective than what school officials and police would have accomplished on their own. In Traxton Beat, for example, residents contributed information, resources, and organized to act in ways that police could not have done.

6. Open Questions: The Effectiveness and Politics of Accountable Autonomy

Given the relative youth of these experiments and the constraints of a single paper, this partial exploration into the real and potential deliberative qualities of the Chicago community policing and school governance reforms necessarily raises more questions than it answers. By way of conclusion, consider two particularly important issues: the overall effectiveness of these reforms in improving schools and beats and the political controversies surrounding these reforms.

Scholars and citizens alike rightly wonder about the effectiveness of these reforms compared against other alternatives. In education, schools governed along the lines of accountable autonomy should be compared to public school systems with small classrooms and well trained teachers, high-stakes testing, charter schools, or a fully privatized districts. Chicago-style community policing might be compared to strictly professional problem oriented policing, enhanced managerialism, or privatized security. Unfortunately, we can offer no such comparison of systematic alternatives at this point. Research on the Chicago reforms does indicate, however, that the reforms have achieved some gains compared to preceding arrangements.

Careful examination of test scores suggests that the effectiveness of Chicago schools has improved since the devolutionary reforms of 1988, but especially since the accountability amendments to those reforms in 1995. Anthony Bryk and his associates[47] developed a metric of school productivity, described in section 3, that attempts to isolate the impact of school factors—such as teaching, curriculum, atmosphere—on student learning while discounting factors that cannot be controlled through site governance efforts such as the preparedness of children when then enter the school. Based upon an analysis that applies this productivity metric to the historical files of CPS student test scores between 1987 and 1997, the authors found that, while students entering the system have become increasingly disadvantaged and less well prepared, the majority of schools have become more effective in educating them:

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[47] Anthony Bryk, Yeow Meng Thum, John Q.Easton, and Stuart Luppescu, *Academic Productivity in Chicago Public Elementary Schools: A Technical Report* (Chicago: Chicago Consortium on School Research, March 1998).

Chicago school reform has precipitated substantial improvements in achievement in a very large number of Chicago public elementary schools. The governance reforms of 1988 and 1995 have significantly advanced the learning opportunities afforded to literally hundreds of thousands of Chicago's children. While more improvements are still needed, these results should nonetheless encourage the public that Chicago's schools can substantially improve and that this is, in fact, occurring.[48]

While a similar metric to measure the productivity of the public safety efforts of police and residents would be much more difficult to construct and no one has yet attempted to develop it, the number of violent crimes has declined steadily since citywide community policing program began in 1995:[49]

	1994	*1995*	*1996*	*1997*	*1998*	*94-98 %Chg.*
Murder	928	824	789	757	702	-24%
Sexual Assault	3,048	2,896	2,752	2,545	2,387	-21%
Robbery	33,949	30,086	26,860	25,289	23,117	-31%
Aggravated Assault	40,425	39,205	37,097	36,519	36,740	-9%

These figures are comparable to the much more publicized declines in New York City under Mayor Rudolph Guliani's contrasting policing approach.

These figures offer no precise assessment of Chicago's reforms compared to other alternatives. Its approach is not at this time demonstrably better, but perhaps no worse, on aggregate performance measures than approaches based on more expert command or market mechanisms. Until more definitive assessments are available, then, the primary attraction of these reforms lies in their democratic quality. They create new channels of citizen voice, influence, and deliberation that are

[48] Ibid., 44.
[49] Source: Illinois State Police, Division of Administration, Crime Studies Section. *Crime in Illinois—1998* (Springfield, IL: State of Illinois, April 1999).

widely utilized in Chicago, especially by those who live in disadvantaged neighborhoods. According to surveys,[50] fourteen percent of Chicagoans attended at least one beat meeting in 1997. By far the majority of people of color who are elected officials in Illinois serve on Local School Councils. This democratic experience, together with the conceptual arguments for the effectiveness of accountable autonomy offered above and the uncertain relative performance of other alternatives, favors keeping this institutional design in our repertoire of reform strategies.

A second important open question concerns the political basis of accountable autonomy. In a world where the politics and ideas of reform are dominated by the dichotomy between devolution—either as community control or the market—versus the centralization of expert managerialism, a hybrid model such as that just presented finds little traction and few predisposed supporters. The actual institutions that approximate accountable autonomy emerged fitfully from struggles between the neighborhoods and downtown, first as community control, then as the remedies to its defects, and perhaps finally as the reassertion of central power. In these contests, neighborhood and community participants fear that centralized power entails the infringement of rightful autonomy while turning a blind eye to their own shortcomings. Many in the central offices of CPD and CPS worry that local autonomy will decay into paralysis or license and are over-sensitive to criticisms of them that come from neighborhood and watchdog groups. Many would, if they could, impose commands that reach for effectiveness by short-circuiting local deliberation, without recalling the many problems of their agencies prior to the decentralizing, community participation reforms.

For now, neither neighborhood nor center can impose its side of the dichotomy. The neighborhoods have tasted power, entrenched it in law or administrative rule, and are reluctant to cede it. But city hall and the agency heads are strong in Chicago, and have eroded many local and independent prerogatives. As we saw above, for example, officials have reduced the roles of independent groups in providing training and mobilization services. In school governance, some of the original latitude for local principal selection and instruction has been narrowed, while some police administrators are reducing opportunities for community participation by decreasing beat meeting frequency.

Occasionally because of this conflict but more often in spite of it, many elements of accountable autonomy have emerged in the CPS and CPD reforms. Conflict and randomness, however, have limited the extent to which the complementary sides of this structure can contribute to fair

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[50] Institute for Policy Research (1999), 18.

and effective police and school governance. The commands of central officials sometimes reduce autonomy over-rule sensible and perhaps more effective local deliberation. On the other hand, as we saw in Central and Traxton, well justified accountability measures often result from fortunate conjunctions. Deepening the institutionalization of accountable autonomy in the CPS and CPD thus requires a new politics and reform vision. In that scenario, proponents of localism would recognize the contributions of central power and the necessity of external accountability mechanisms. Those accustomed to managing and commanding would see the limitations in their own foresight and capability and respect the knowledge and ingenuity of those who work and live in the neighborhoods by seeking to foster it. While the possibility of such a politics may appear remote, reflecting upon the improbable accomplishments of democratic reform thus far makes it seem less so. Whatever its likelihood, this practical deliberative democracy requires a language that reaches beyond the simple antithesis between centralization and decentralization.

Five

Habitat Conservation Planning: Certainly Empowered, Somewhat Deliberative, Questionably Democratic[1]

CRAIG THOMAS

    Habitat conservation plans (HCPs) have become the most controversial component of the federal Endangered Species Act (ESA). Some argue that HCPs undermine the purpose of the ESA by compromising species and habitat preservation for economic gain. Others counter that HCPs allow the ESA to work by avoiding prolonged political and legal conflicts over resource use. Some argue that HCPs are based on weak science. Others counter that they are based on the best science available. Some argue that HCPs increase public input into endangered species issues. Others counter that public participation is highly variable and not assured.

    These debates result in part from the great variation that exists among HCPs. Given this variation, habitat conservation planning should not be viewed as a single example of the Empowered Deliberative Democracy model, but rather as a range of examples that vary in terms of the model's six criteria.[2] As of August 2000, there were 313 approved HCPs in some stage of implementation, covering approximately 20 million acres and protecting 200 species listed as either threatened or endangered.[3] In addition, roughly 200 HCPs were in the planning stage.

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[1] I would like to thank Archon Fung, Bradley Karkkainen, Dara O'Rourke, Andrew Szasz, and Erik Wright for helpful comments on earlier drafts, and Jennifer Balkcom for research assistance.

[2] Archon Fung and Erik Olin Wright, "Experiments in Empowered Deliberative Democracy: Introduction," this volume.

[3] Current HCP data, along with federal policies and guidelines, can be found on the U.S. Fish and Wildlife Service website, at http://endangered.fws.gov/hcp/index.html.

When viewed together, along with the federal guidelines, policies, and rules that govern how HCPs are prepared and implemented, it is possible to make some tentative claims regarding how well the HCP experience fits these criteria.

This article begins with a brief history of the HCP experience, and then evaluates habitat conservation planning according to the six criteria and the six potential criticisms of the Empowered Deliberative Democracy model. HCPs fit the model well in terms of empowerment criteria. They fit less well in terms of criteria related to deliberation and democratic participation. These are gross simplifications, however, because HCPs vary widely on most of these criteria. Some departures from the model can be rectified through changes in federal policy; but it is not yet clear whether any HCP is now or ever will be an exemplar of the model.

What are Habitat Conservation Plans?

HCPs are a peculiar product of the U.S. legal system. They exist solely because of the federal Endangered Species Act. In the absence of a similar law, one can not assume that HCPs would appear in other countries because individuals and organizations would lack the fundamental motivation to expend the significant time and financial resources required to complete and implement an HCP. They proliferate in the United States because, to paraphrase Don Corleone in *The Godfather*, the federal government makes an offer that some individuals and organizations can not refuse. HCP participation is voluntary, but some actors face little choice given existing alternatives.

The ESA is sometimes called the pit bull of environmental laws because it has extraordinary teeth, particularly in federal courts. Among other effects, lawsuits filed or threatened under the ESA have foreclosed economic use of public and private resources, shaped urban growth patterns, and reoriented state and federal agency missions.[4] These

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[4] See, for example, Steven L. Yaffee, *The Wisdom of the Spotted Owl: Policy Lessons for a New Century* (Washington, DC: Island Press, 1994); Steven L. Yaffee, *Prohibitive Policy: Implementing the Federal Endangered Species Act* (Cambridge, MA: MIT Press, 1982); Timothy Beatley, *Habitat Conservation Planning: Endangered Species and Urban Growth* (Austin, TX: University of Texas Press, 1994); Craig W. Thomas, "Public Management as Interagency

outcomes occur because the ESA prohibits certain actions. By contrast, the National Environmental Policy Act (NEPA) is a procedural law. NEPA requires federal agencies to produce environmental impact statements that evaluate the environmental consequences of major federal activities; but NEPA does not specify whether or not a particular federal activity should be carried out, and it does not apply directly to nonfederal actors. The ESA actually prohibits public and private actions that push species towards extinction.

The ESA's prohibitions are of two types, the most powerful of which is tied directly to HCPs. This is the Section 9 prohibition on "take," which applies to all persons and organizations subject to U.S. jurisdictions. The Section 7 prohibition on "jeopardy" applies only to federal agencies, and is not tied directly to HCPs.[5] Section 9 prohibits any person or organization subject to U.S. jurisdictions from taking fish or wildlife species listed as endangered by the U.S. Fish and Wildlife Service (FWS), with "take" defined broadly in Section 3 to include "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."[6] FWS regulations subsequently expanded the definition of take by defining "harm" to include habitat modification that significantly impairs essential behavioral patterns (e.g., breeding and feeding), and by extending the prohibition on take to threatened species.[7] Therefore, environmental

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Cooperation: Testing Epistemic Community Theory at the Domestic Level," *Journal of Public Administration Research and Theory* 7 (1997): 221-246.

[5] While both Section 7 and Section 9 address habitat modification, they do not provide the same incentives for actors to develop HCPs because Section 10 authorizes HCPs as a means for complying with the Section 9 prohibition on take, not the Section 7 jeopardy standard for federal agencies. Hence, federal agencies do not have a strong legal incentive to participate in HCPs. The FWS is an exception because it reviews and approves HCPs, and must consult with itself under Section 7 when issuing HCP permits.

[6] Sections 9(a)(1) and 3(18), Endangered Species Act of 1973, as amended. The Section 9 prohibition on take applies only to fish and wildlife species listed by the FWS as "endangered" (i.e., at imminent risk of extinction). It does not apply directly to plant species, or to species listed as "threatened" (i.e., likely to become endangered in the foreseeable future). Yet Section 9 does cover plant species indirectly because plants (such as old-growth forests) provide habitat for wildlife (such as spotted owls).

[7] Species listed as "threatened" are protected under Section 4(d), which requires the FWS to promulgate regulations deemed "necessary and advisable to provide for the conservation of such species." Federal regulations extended the prohibition on take to threatened species, except where otherwise authorized by a special regulation.

activists can successfully sue a private landowner for altering the habitat of a threatened or endangered species (e.g., through logging, farming, or land development), and they can sue a local or state agency for either engaging in such activities or permitting them to occur. If a federal court rules in favor of the plaintiff, it can prohibit these activities, or fine and even jail those committing the offense. Property owners have felt sufficiently threatened by the Section 9 prohibition on take that they have attempted (so far unsuccessfully) to reverse the charges, claiming that the federal government is "taking" their private property without just compensation, as guaranteed by the Fifth Amendment.

Prior to 1982, the ESA was unyielding with regard to endangered fish and wildlife species. As Steven Yaffee argued, the ESA amounted to "prohibitive policy."[8] Only scientific research and conservation activities constituted permissible take for endangered animal species. This near-absolute ban on take posed economic, political, and ecological problems. Economically, if one knew about the presence of an endangered animal species on private property, the ESA essentially implied an order to cease activities which might cause take. Although the FWS lacked staff to monitor such activities, environmentalists stood in the wings waiting to sue landowners and developers for such infringements, and to sue local and state agencies for permitting them to occur.

Politically, the prohibition on take was a time bomb because the ESA lacked a release mechanism to allow limited economic activity to occur within the habitat of a listed species. For this reason, economic interests lobbied hard to keep species off the list, which necessarily politicized the listing process.[9] Environmentalists also picked their fights carefully. They did not petition to list every species for which data supported a listing; instead, they typically focused on charismatic species, which limited the ability of property rights advocates to frame endangered species issues as pitting "rats against people" or "bugs against jobs."

Ecologically, the absolute prohibition on take was also not entirely sensible. Endangered species suffer from the cumulative impacts of many activities, not simply the few activities someone happens to notice. Therefore, many ecologists argued that it would be more effective to preserve a species' habitat over the long run by acquiring property and adopting formal land use restrictions than by blocking bulldozers at each

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The regulation defining "harm" was upheld by the Supreme Court in *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687 (1995).
[8] Yaffee, *Prohibitive Policy*.
[9] This occurred, and continues to occur, even though the ESA instructs the Secretary of Interior to make listing decisions based "solely on the basis of the best scientific and commercial data available..." (Section 4(b)(1)(A)).

site or punishing individuals after habitat is altered, perhaps irreparably. In other words, it would make more sense to develop and implement a plan to preserve habitat than to track individual activities eating away at the habitat on a site-by-site, project-by-project basis.

As the 1970s came to a close, economic, political, and ecological interests dovetailed when a novel idea emerged to preserve butterfly habitat near San Francisco. Development creeping up the slope of San Bruno Mountain had been a political issue for years, but it was framed in terms of open space and growth control, not species protection. The San Bruno conflict assumed a dramatically new form in 1975 when the FWS listed the Mission Blue Butterfly as an endangered species and a local environmental group threatened legal action to stop residential and commercial development in the butterfly's habitat. In 1978, the FWS proposed listing an additional species, the Callippe Silverspot Butterfly. Backed into a corner, the primary landowner and developer, Visitacion Associates, struck a deal with environmentalists, agreeing to set aside approximately 2000 of its 3500 acres on San Bruno Mountain as butterfly habitat and open space in return for being allowed to develop the remaining acres. The logic was simple. The developer would be allowed to take butterflies by building on part of the mountain because ecologists endorsed the HCP as a means for protecting sufficient habitat to maintain viable populations of both species. In other words, economic development would be allowed to destroy some of the habitat because credible scientists believed the HCP would preserve sufficient habitat to guarantee the long-term survival of both butterfly species.[10]

This agreement led to the first habitat conservation plan; but it could not be implemented until Congress amended the ESA to authorize the FWS to issue a new kind of permit that would allow take. When Congress amended the ESA in 1982, new language authorized the FWS to issue permits to nonfederal actors who submitted a satisfactory HCP.[11] Taking endangered animal species for economic purposes was no longer prohibited absolutely. Take was now permitted under Section 10 if it was "incidental

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[10] Beatley, *Habitat Conservation Planning*, 58. For additional background on this first HCP, see Lindell L. Marsh and Robert D. Thornton, "San Bruno Mountain Habitat Conservation Plan," in David J. Brower and Daniel S. Carol, eds., *Managing Land-Use Conflicts: Case Studies in Special Area Management* (Durham, NC: Duke University Press, 1987). On the role of consensual ecological knowledge in habitat planning and management, see Thomas, "Public Management as Interagency Cooperation."

[11] The National Marine Fisheries Service (NMFS) reviews and approves HCPs for marine species, including anadromous fish. NMFS is relegated to footnotes in this article because most HCPs are land-based.

to, and not the purpose of, the carrying out of an otherwise lawful activity."[12] Hence, the coveted permit to implement an HCP is known as an "incidental take permit." The 1982 ESA amendments established common ground between economic and environmental interests by allowing incidental take during the course of economic activities, while creating a mechanism to compel private actors and local and state agencies to preserve habitat for the long-term survival of endangered species. In other words, Section 10 reframed endangered species debates from "species *versus* jobs" to "species *and* jobs," thereby providing a legal mechanism to avoid political impasses.

In practice, HCPs must meet several basic conditions for applicant(s) to receive an incidental take permit. Specifically, they must provide detailed information on the likely impacts resulting from the proposed take; measures the applicant will undertake to monitor, minimize, and mitigate such impacts; available funding to undertake such measures; procedures to deal with unforeseen circumstances; alternative actions the applicant considered that would not result in take, and the reasons why such alternatives will not be used; and any additional measures the FWS requires as necessary or appropriate for purposes of the plan.[13] How applicants meet these conditions is left largely to them. Thus, the ESA and FWS regulations essentially compel nonfederal actors either to forego all use of certain natural resources, act illegally and risk enforcement, or prepare an HCP. This is a difficult deal to refuse.

Yet, unlike Don Corleone's offer, the federal government empowers applicants to determine the institutional design of their HCP. For example, applicants define the planning area, choose the number of species covered, decide who will participate, and select the policy tools for habitat protection. Thus, they can write an HCP covering one acre or a million acres; they can focus on one species or dozens of species; they can submit an HCP individually or with multiple partners; they can request extensive public input or largely ignore it; and they can select from numerous policy tools to implement the plan, including development fees to acquire or restore habitat, dedication of land for habitat purposes, land use controls, and market-based approaches such as habitat mitigation banks and tradable development rights. Large HCPs typically establish preserve areas, within which few human uses are allowed, surrounded by buffer zones of less restricted use; but there are numerous ways to acquire, regulate, restore, monitor, enforce, or otherwise manage these areas. To a large extent, this

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[12] Section 10(a)(1)(B), Endangered Species Act of 1973, as amended.

[13] Fish and Wildlife Service and National Marine Fisheries Service, *Endangered Species Habitat Conservation Planning Handbook* (Washington, DC: U.S. Fish and Wildlife Service and National Marine Fisheries Service, 1996), III-10.

is determined by the applicants, subject to FWS approval. This discretion empowers applicants to be creative, and to tailor solutions to local problems.

In sum, the 1982 ESA amendments empowered nonfederal actors to develop HCPs as a means for complying with the Section 9 prohibition on take. The stage was now set for a grand experiment in land-use planning. Yet HCPs did not immediately proliferate. The FWS issued only 14 incidental take permits in the first decade following the 1982 amendments (1983-1992) – one each in Texas and Florida, and 12 in California. HCPs diffused slowly during this period because the initial expertise was in California, and because the FWS did not distribute draft HCP guidelines until 1990. With the new guidelines, and with strong support from the Clinton Administration after 1992, HCPs spread rapidly. By August 1996, 179 incidental take permits had been issued, with some HCPs covering much larger planning areas than their predecessors.[14] Four years later, the number of approved HCPs climbed to 313.

In light of this explosive growth, an increasing number of observers have wondered whether HCPs adequately protect species, and whether the public is appropriately involved. Congress has also considered several bills to amend the ESA, and the Department of Interior and FWS have experimented with new HCP policies. Yet these policies primarily provide economic assurances to applicants, not ecological assurances to species or democratic assurances to multiple stakeholders. In other words, the new agency policies are designed primarily to create incentives for applicants to complete HCPs.

One such incentive is embodied in the 1994 "no surprises" policy, which assures applicants that no additional land-use restrictions or financial compensation will be required with respect to species covered by an incidental take permit if unforeseen circumstances arise indicating that additional mitigation is needed.[15] Under the "no surprises" policy,

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[14] Ibid., i.

[15] At least 74 HCPs completed between 1994 and 1997 are thought to contain "no surprises" assurances. See Steven L. Yaffee, et al., *Balancing Public Trust and Private Interest: Public Participation in Habitat Conservation Planning* (Ann Arbor, MI: School of Natural Resources and Environment, University of Michigan, 1998), II-5. The "no surprises" policy was codified (50 CFR Parts 17 and 222) when the FWS and NMFS published the final "Habitat Conservation Plan Assurances Rule" *Federal Register* 63, no. 35 (1998), 8859-8873. All HCPs must now be consistent with this rule. More recently, the FWS has developed similar assurances through "safe harbor" and "candidate conservation" agreements. See the final rule on "Safe Harbor Agreements and

the federal government, not the permit holder, assumes responsibility for implementing additional conservation measures that may become necessary as new knowledge and information arise. This means that the general public – not applicants – bears the risks associated with ineffective HCPs, a risk which is magnified by the absence of federal programs to identify and buttress ineffective HCPs. If applicants are guaranteed there will be no regulatory surprises forthcoming from the federal government should new knowledge or information arise, they become much more certain about the future benefits that HCPs provide.

Fundamentally, applicants want to know what they can do within a given planning area. They are willing to spend substantial sums of money and devote years to developing and implementing an HCP because the incidental take permit provides them with greater certainty about future uses of natural resources. Without a permit, the ESA's regulatory hammer looms, poised to foreclose any and all activities. With a permit, applicants know they can pursue activities specified in the HCP. Thus, HCPs tend to occur where the Section 9 prohibition on take is enforced aggressively.[16] If the prohibition on take were not enforced by the FWS or citizen suits, then potential applicants would have no legal or economic incentive to prepare – let alone implement – HCPs.

While the "no surprises" policy is politically expedient, it is ecologically unsound because it reduces the incentive for participants to rethink HCPs during implementation. Adaptive management is more sensible because ecological knowledge and information are fluid.[17] As we learn more about species and their habitat requirements, HCPs should be revisited and redesigned.[18] After all, the ESA's purpose is to prevent extinctions. If new knowledge or information suggest that an HCP does not ensure the survival of listed species, then the HCP should be adapted to new circumstances or the permit withdrawn. Adaptive management also provides an opportunity for public participation and continued deliberation after incidental take permits have been issued.

In an attempt to reconcile this conflict, federal officials recently issued revised guidelines for the *Endangered Species Habitat*

Candidate Conservation Agreements with Assurances," *Federal Register* 64, no. 116 (1999), 32705-32716.

[16] Yaffee, et al., *Balancing Public Trust and Private Interest*, I-1.

[17] Kai N. Lee, *Compass and Gyroscope: Integrating Science and Politics for the Environment* (Washington, DC: Island Press, 1993); C.S. Holling, *Adaptive Environmental Management and Assessment* (Chichester, NY: Wiley, 1978).

[18] Reed F. Noss, Michael A. O'Connell, and Dennis D. Murphy, *The Science of Conservation Planning: Habitat Conservation Under the Endangered Species Act* (Washington, DC: Island Press, 1997).

Conservation Planning Handbook.[19] Under the revised guidelines, adaptive management is now encouraged for HCPs that pose a significant risk to species due to data gaps when a permit is issued. While these new guidelines lack the legal authority of regulations, they do offer a mechanism through which monitoring and deliberation can occur during implementation.

How Well Do HCPs Fit the Empowered

Deliberative Democracy Model?

The previous section provided an overview of habitat conservation planning in the United States. This section evaluates the HCP experience by the six criteria of the Empowered Deliberative Democracy model. Given that HCPs vary widely on many dimensions, some HCPs fit the model better than others. This section also considers the federal guidelines, policies, and rules that shape HCPs in relationship to the model.

Deliberation

How genuinely deliberative are HCP decision-making processes? To be deliberative, participants must listen to and carefully consider each other's positions before making final decisions. Rather than simply voting or advocating preformed preferences, participants allow their preferred goals and strategies to evolve through collective deliberation. We should also consider the temporal, numeric, and representational extent of deliberation. That is, how long does deliberation occur, how many actors are involved, and who do they represent?

During the planning phase, the duration of deliberation, the number of actors involved, and who they represent vary widely. The best evidence in this regard was reported by a team of researchers who studied public participation in 55 large HCPs (i.e., those covering more

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[19] U.S. Fish and Wildlife Service and National Marine Fisheries Service, "Notice of Availability of a Final Addendum to the Handbook for Habitat Conservation Planning and Incidental Take Permitting Process," *Federal Register* 65, no. 106 (2000): 35241-35257.

than 1000 acres).[20] Within this sample, they surveyed the most recent
FWS contacts for 45 HCPs, and wrote in-depth case studies of 14 HCPs.
They found public participation varying from open, collaborative
steering groups to closed-door processes in which the only opportunity
for participation beyond the applicant and the FWS came during the
notice-and-comment periods required under the ESA and NEPA. The
latter indicates a narrow deliberative scope because little (if any)
deliberation occurs during notice-and-comment periods, which occur
after an HCP is virtually complete and the FWS is ready to issue an
incidental take permit. Moreover, NEPA does not require federal
agencies to incorporate public comments into planning documents,
which means the FWS need not ask applicants to consider the merits of
such comments – let alone deliberate with those submitting them –
during notice-and-comment periods.

While the authors do not use the language of deliberation, their
conclusions nevertheless suggest that deliberation does occur. "In those
cases where public participation resulted in substantive changes to the
HCPs, public participation invariably began early in the process, and
often included a committee with members of the public."[21] Yet such
changes were relatively rare. Their survey of FWS staff "indicated that
public participation resulted in significant substantive changes to only 3
out of 45 responding HCPs (7%)" while more than 75% of the sample
reported that public participation led to "only minimal or moderate
changes."[22] These findings clearly indicate that public participation
should be required early in the planning process to expand the scope of
deliberation. Unfortunately, the new HCP guidelines simply encourage
public participation for large HCPs; they do not require it for any HCP or
establish standards regarding who should participate.[23]

The numeric and representational extent of deliberation varies
greatly because applicants define the scope of participation. Some HCPs
are submitted by a single applicant. The Simpson Timber Company, for

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[20] Yaffee, et al., *Balancing Public Trust and Private Interest.*
[21] Ibid., xv.
[22] Ibid.
[23] For example, the new HCP guidelines state: "… for large-scale, regional, or
exceptionally complex HCPs, the Services are increasingly encouraging
applicants to use informational meetings and/or advisory committees. In
addition, the minimum comment period for these HCPs is now 90 days, unless
significant public participation occurs during HCP development." U.S. Fish and
Wildlife Service and National Marine Fisheries Service, "Notice of Availability
of a Final Addendum to the Handbook for Habitat Conservation Planning,"
35256.

example, submitted an HCP in 1992 covering 380,000 acres of private timberland in three California counties. With only one applicant, deliberation likely occurred only among the Simpson Timber Company and the FWS. By contrast, the *Coachella Valley Fringe-Toed Lizard Habitat Conservation Plan* was completed in 1985 by a steering committee composed of a wide spectrum of stakeholders, including representatives from local governments, state and federal agencies, an Indian tribe, and a nonprofit environmental group. Presumably, deliberation is more prevalent within a multi-organizational committee than a single firm. Indeed, the literature on the Coachella Valley HCP suggests that deliberation was extensive, including actors not formally identified as members of the steering committee.[24]

That deliberation occurs in some HCPs is not surprising, given that HCPs result from a stalemate in the traditional form of environmental regulation, in which actors are unable to achieve their preferred outcomes. Developers, for example, prefer to build housing tracts, but doing so is illegal if it harms an endangered species, and they might be sued by environmental watchdogs for violating the Section 9 prohibition on take. This gives them an incentive to work with local governments to roll zoning plans into an HCP, so planned development is covered by an incidental take permit. Doing so requires deliberation among private and public actors, along with professional or academic ecologists, as to what percent of the remaining habitat should be preserved, where it should be preserved, and how it should be managed.

Moreover, to avoid future lawsuits, applicants sometimes request public participation early in the planning process so completed HCPs will not be challenged during implementation. This choice is left to applicants, because the scope of deliberation is not driven directly by federal laws, rules, or guidelines. HCP guidelines instruct FWS staff to encourage participation, but applicants are not required to do so. Moreover, the FWS "regards HCPs as voluntary, applicant-driven

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[24] See, for example, Michael J. Bean, Sarah G. Fitzgerald, and Michael A. O'Connell, *Reconciling Conflicts Under the Endangered Species Act: The Habitat Conservation Planning Experience* (Washington, DC: World Wildlife Fund, 1991), 66-79; Timothy Beatley, "Balancing Urban Development and Endangered Species: The Coachella Valley Habitat Conservation Plan," *Environmental Management* 16 (1992): 7-19; Dwight Holing, "Lizard and the Links," *Audubon* 89 (1987): 39-49; Robert Thompson, "Coachella Valley Habitat Conservation Plan," in Judith Innes, Judith Gruber, Michael Neuman, and Robert Thompson, eds., *Coordinating Growth and Environmental Management Through Consensus Building* (Berkeley, CA: California Policy Seminar, University of California, 1994).

processes where the applicants decide whether and how to involve outside stakeholders."[25] Hence, there is no guarantee that deliberation will occur among more than a single applicant and the FWS. Where deliberation among many actors occurs, it is driven by other factors, particularly by patterns of private land ownership and public jurisdictions. Where habitat is shared among multiple owners, agencies, and political jurisdictions, species preservation becomes a collective-action problem, in which actors come together to share information and develop solutions to their common problem.[26] Hence, broad participation in HCPs is more likely in areas where complex ownership patterns occur.[27]

Action

How effectively are decisions made during the planning process translated into action? There is little evidence upon which to answer this question because no one has systematically studied HCP implementation. For empirical evidence, we have to rely on the one known case study of HCP implementation, which focused on the Coachella Valley HCP.[28]

There are also several economic and legal reasons to believe that HCPs are partially, if not fully, implemented. Applicants prepare HCPs because they want incidental take permits to use natural resources for economic or public purposes. This permit removes them from the shadow of the ESA's regulatory hammer. The FWS can revoke a permit if the applicants do not implement an HCP because implementation is a condition of the permit. Environmental activists also sit in the wings prepared to sue under the ESA's strong provisions when they see violations. In addition to legal incentives for applicants to implement HCPs, the FWS also assesses whether an HCP is likely to be implemented before issuing a permit. The ESA and federal guidelines stipulate that HCPs must identify funding to implement specific

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[25] Yaffee, et al., *Balancing Public Trust and Private Interest*, vi.

[26] Craig W. Thomas, *Bureaucratic Landscapes: Interagency Cooperation and the Preservation of Biodiversity* (Ph.D. diss., Department of Political Science, University of California, Berkeley, 1997).

[27] Yaffee, et al., *Balancing Public Trust and Private Interest*, IV-21.

[28] Craig W. Thomas and Charles Schweik, "Regulatory Compliance Under the Endangered Species Act: A Time-Series Analysis of Habitat Conservation Planning Using Remote-Sensing Data" (paper presented at the Association for Public Policy Analysis and Management Annual Research Conference, Washington, D.C., November 4-6, 1999).

provisions in the plan designed to mitigate the impacts of incidental take.[29] The FWS may also require an implementation agreement, in which participants specify who is responsible for implementing specific parts of an HCP. In sum, financial feasibility is a condition of the permit, implementation is a condition of retaining the permit, and the FWS has discretion to require a signed implementation agreement to establish accountability.

We should not assume, however, that any HCP is fully implemented. Multi-partner HCPs tend to be thick documents because they stipulate a diverse range of actions that are allowed or required across multiple ownerships and jurisdictions. These HCPs contain numerous provisions, any one of which might be overlooked or found infeasible during implementation. In the Coachella Valley, for example, participants made a good-faith effort to translate the plan into action; but thirteen years after the FWS issued the permit the plan was still not completely implemented.[30] For example, several parcels targeted for the preserve system had not been purchased because the acquisition fund, which was based on a flat mitigation fee levied on development outside the preserve system, proved insufficient to acquire all of the designated lands due. These parcels had not yet been developed; but they will remain unprotected until the mitigation fee structure in the HCP is redesigned, or some public or private organization acquires the land.

In sum, there are strong legal and economic incentives for permit holders to implement their HCPs. Unfortunately, we do not know whether any HCP has been or will be fully implemented. If we extrapolate from the only implementation study currently available, then we should assume that full implementation is not assured, even after more than a decade of continuous participation among multiple, dedicated stakeholders.

Monitoring

Monitoring is a crucial component of the Empowered Deliberative Democracy model because it provides information about how well these experiments work, which indicates whether and how they should be revisited and redesigned in an on-going deliberative process. In the

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[29] Section 10(a)(2)(A)(ii), Endangered Species Act of 1973, as amended; Fish and Wildlife Service and National Marine Fisheries Service, *Endangered Species Habitat Conservation Planning Handbook*, III-10.

[30] Thomas and Schweik, "Regulatory Compliance Under the Endangered Species Act."

environmental policy literature, this process of experimentation, monitoring, and redesign is called "adaptive management."[31] Without monitoring mechanisms in place, there is action without learning and accountability. Thus, Fung and Wright ask in this volume: "To what extent are these deliberative groups capable of monitoring the implementation of their decisions and holding responsible parties accountable?"[32] To this I would add: "To what extent are these groups willing to monitor implementation?" Deliberative groups may be technically, financially, and organizationally able to monitor implementation, but that does not mean that all participants necessarily want to monitor, learn from, and redesign their experiments. This is particularly the case with HCPs, because the very thought of redesigning HCPs creates regulatory uncertainty in the minds of applicants and permit holders, many of whom have significant financial investments at stake.

Indeed, monitoring has been a significant shortcoming for HCPs in terms of fitting the model. The best evidence for this comes from a team of scientists who evaluated the use of science in HCPs.[33] While 22 of 43 HCPs in their sample contained "a clear description of a monitoring program," only 7 contained monitoring programs "sufficient for evaluating success."[34] On a more positive note, they found monitoring to be closely correlated with adaptive management. "In particular, 88% of the plans with provisions for adaptive management had clear monitoring plans, whereas less than 30% of the remainder had clear monitoring plans."[35]

Two implications can be drawn from this data. First, relatively few HCPs have been conceived in terms of adaptive management (i.e., experimentation, learning, and redesign); hence, they do not include sufficient monitoring programs to evaluate HCP effectiveness during implementation. Given that adaptive management necessarily entails monitoring, those HCPs conceived in terms of adaptive management typically have clear monitoring programs. Second, we do not know whether the monitoring programs found to be sufficient were actually implemented, or whether HCPs with insufficient monitoring programs

[31] Lee, *Compass and Gyroscope*; Holling, *Adaptive Environmental Management and Assessment*.
[32] Fung and Wright, "Experiments in Empowered Deliberative Democracy: Introduction," this volume, __.
[33] Peter Kareiva, et al., *Using Science in Habitat Conservation Plans* (Washington, DC: American Institute of Biological Sciences, 1999).
[34] Ibid., 40.
[35] Ibid., 41.

were nevertheless implemented with modified programs sufficient for evaluating HCP effectiveness.

Moreover, regardless of whether sufficient monitoring programs exist in HCPs implementation, it is crucial to know whether participants want to learn from new information and are willing to revisit the plans and deliberate anew. Some actors may be open to such reconsideration, but others are not. During implementation of the Coachella Valley HCP, monitoring by participants indicated that crucial habitat had been overlooked in the original preserve design.[36] This oversight was due primarily to limited information at the time the plan was completed, not to political intrigue. Nevertheless, many of the actors who developed or implemented the HCP were unwilling to redesign the HCP itself. Instead, they sought to protect the "missing" habitat through other institutional processes, such as local zoning, acquisition by land conservancies, or a new HCP they were developing for multiple species.[37]

The Coachella Valley experience tells us something intriguing about HCP implementation generally. Habitat conservation planning is challenging, expensive, and time-consuming, particularly when it involves deliberation among multiple actors. Hence, there is great inertia against reopening an HCP after the FWS issues a permit, regardless of applicant sincerity about implementing the plan. In the Coachella Valley, participants made a good-faith effort to implement the plan, discovered the plan was inadequate, and sought to address its shortcomings through other means. All of which suggests that we should not expect to see an HCP revised due to monitoring because participants perceive the planning process to be very cumbersome. Instead, the lingering threat that the FWS will pull an incidental take permit provides an incentive for permit holders to fix HCP weaknesses through other planning processes. While this is a motivating threat, it has never actually been carried out, in part because HCP implementation is not systematically monitored, and in

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[36] During implementation, some participants wondered whether the Coachella Valley HCP protected the most important sand sources for the dunes in the preserve system. The preserve manager accordingly commissioned geological field studies, which indicated that the primary sand sources were inadequately protected. See Cameron Barrows, "An Ecological Model for the Protection of a Dune System," *Conservation Biology* 10 (1996): 888-891. Our subsequent analysis of remote-sensing data from Landsat satellites confirmed this finding and pinpointed the areas requiring additional protection. See Thomas and Schweik, "Regulatory Compliance Under the Endangered Species Act." We accordingly gave them the processed data to aid in adaptive management.

[37] Thomas and Schweik, "Regulatory Compliance Under the Endangered Species Act."

part because FWS officials prefer to work with permittees to bring them into compliance when problems are discovered.[38]

Similarly, we should not expect the FWS – the only consistent HCP participant – to monitor implementation because the agency's Endangered Species Division is underfunded relative to its workload. Without additional funding, FWS staff are unable to monitor HCP implementation systematically. Given the agency's backlog on more pressing tasks under the ESA (such as listing species, mapping critical habitat, developing recovery plans, and reviewing draft HCPs), there is little reason to expect FWS staff to monitor HCP implementation. Moreover, neither the FWS nor the Department of Interior have developed a public HCP library, let alone a transparent monitoring program through which centralized actors and citizens can learn whether and to what degree HCPs are being implemented. Given the dearth of centralized HCP monitoring within the federal government, we might wonder whether high-level federal officials are interested in learning from these experiments.

On the positive side, the FWS recently issued new guidelines on adaptive management.[39] These guidelines state that "an adaptive management strategy is essential for HCPs that would otherwise pose a significant risk to the species at the time the permit is issued due to significant data or information gaps."[40] Yet the guidelines also state that an adaptive management strategy is not needed for all HCPs, so it is unclear which HCPs should have them or what constitutes a "significant" information gap. The guidelines also specify four components that adaptive management strategies should include. Specifically, they should: (1) identify the uncertainty and the questions that need to be addressed to resolve it, (2) develop alternative implementation strategies, (3) integrate a monitoring program that can detect information necessary to evaluate these strategies, and (4) incorporate feedback loops that link implementation and monitoring to appropriate changes in management.[41] These new guidelines are compatible with the "no surprises" policy because HCPs containing an adaptive management strategy "should clearly state the range of possible operating conservation program

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[38] Marjorie Nelson, Division of Endangered Species, U.S. Fish and Wildlife Service, personal communication, October 1, 1999.
[39] U.S. Fish and Wildlife Service and National Marine Fisheries Service, "Notice of Availability of a Final Addendum to the Handbook for Habitat Conservation Planning."
[40] Ibid., 35252.
[41] Ibid., 35252.

adjustments due to significant new information, risk, or uncertainty."[42] In other words, the adaptive management strategy is part of the HCP and is a condition of the permit; thus, any adjustments within the stated range would not constitute a regulatory surprise. While these guidelines are not retroactive, they suggest that monitoring programs will likely become a more significant part of HCPs currently being developed.

Regardless of the extent to which monitoring programs are incorporated into HCPs as part of an adaptive management strategy, external monitoring is also necessary to ensure that participants are meeting their legal commitments and that HCPs are effective as designed. Thus far, systematic external monitoring has been virtually absent during HCP implementation. As already noted, the primary regulatory authority – the FWS – does not systematically monitor HCP implementation; and there is only one known case study of HCP implementation by academics. In sum, monitoring by participants will never be sufficient; HCPs must also be monitored by external evaluators, who are better situated to hold participants accountable to society.

Recombination

Recombination refers to the mechanisms of coordination among local actors and central authorities. Rather than acting autonomously, local units (such as HCP planning committees) learn from and coordinate their actions with other local units and with state structures. The key question for this criterion is: To what extent do these experiments incorporate recombinant measures that coordinate the actions of local units and diffuse innovations among them?

To answer this question, we should recall that some HCPs are submitted by a single applicant (such as a landowner or private firm). In such cases, applicants believe they own or manage enough habitat to determine their own destiny, not the destiny of relevant species.[43] Because they do not perceive a collective-action problem, the only other actor with whom they coordinate is the FWS, which reviews their HCP. The term "habitat conservation plan" is a misnomer because HCPs need not cover a species' entire habitat. Neither the ESA nor FWS regulations require coordinated action. Instead, coordination occurs where and when it does due to the desire of applicants to pool land, water, information, money, and other resources as a collective means to remove themselves from the threat of legal challenges under the ESA. Hence, horizontal

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[42] Ibid., 35253.
[43] Thomas, *Bureaucratic Landscapes.*

coordination varies with the degree to which habitat sprawls across ownerships and jurisdictions.

In the Coachella Valley, for example, many HCPs could have emerged, instead of one coordinated HCP covering virtually all of the Fringe-Toed Lizard's habitat. Rather than develop separate HCPs, nine cities and one county, plus developers, state and federal agencies, and other participants, jointly designed an HCP that created a main preserve, two smaller preserves, and a fee area. In the fee area, developers could transform habitat by simply paying a per-acre mitigation fee of $600 to one of the ten local governments, which then forwarded the fees to a nonprofit organization (The Nature Conservancy) that pooled the money to purchase the designated preserve lands. In this case, local governments and developers created a novel means for addressing the common problem they confronted on lands they individually owned or managed.

But such coordination is certainly not ubiquitous. In Texas, for example, coordination proved difficult for the Golden-Cheeked Warbler. Rather than a single HCP for the warbler, there are roughly 70 HCPs – or more than one-fifth of all HCPs. Most of the warbler HCPs have a single applicant (typically a lot owner or developer), most are in Travis County (which includes Austin), and many cover fewer than five acres. The one exception is the Balcones Canyonlands HCP, which covers 633,000 acres and nine species, including the Golden-Cheeked Warbler. Thus, an important empirical question needs to be explained: Why were local governments and developers able to coordinate a single HCP in the Coachella Valley for the Fringe-Toed Lizard but were unable to do so for the Golden-Cheeked Warbler in Travis County? The precipitating factor was that Travis County voters failed to pass a $50 million bond referendum to pay for the HCP, which led some landowners and developers to develop their own HCPs; but there are likely deeper reasons as well.

One explanation is based on size and complexity: the completed Balcones Canyonlands HCP covers nine times as many acres and species as the Coachella Valley HCP, thus suggesting a possible upper bound on the scale of coordinated outcomes. Indeed, participants in the Coachella Valley are now facing the more difficult task of developing a multi-species HCP to cover species and habitat not included in the Fringe-Toed Lizard HCP. Another explanation is based on the slow diffusion of expertise. The Coachella Valley HCP was the second HCP; and, like the first HCP on San Bruno Mountain, the innovations were locally developed, within California. One of the principal architects of the Coachella Valley HCP – Paul Selzer, a local attorney initially hired by one of the developers – has since built a career by diffusing HCP

innovations to neighboring areas, including the Clark County HCP for the desert tortoise near Las Vegas. Another architect of the early HCPs was FWS biologist Gail Kobetich, who worked for the agency's Pacific Region, which included California but not Texas. Because Kobetich, Selzer, and others were based in California, that is where the initial expertise (including deliberative skills) resided, which would explain why 12 of the first 14 HCPs emerged in that state.

HCPs did not diffuse widely until the FWS issued draft guidelines in 1990 that provided templates for those lacking expertise, and the Clinton Administration subsequently provided additional incentives to garner further interest from potential applicants. Yet the role of central structures in the Clinton Administration has largely been one of policy diffusion, not monitoring and accountability. HCP guidelines helped actors across the country learn about and copy experiments in California and other states, without having to hire or wait for experienced actors to appear on the scene. Interior Secretary Bruce Babbitt and his legal staff also roamed the country, spreading ideas and encouraging local actors to undertake HCPs through centrally administered incentives such as the "no surprises" policy.

Schools of Democracy

Do HCPs increase the deliberative capacities and dispositions of participants, thereby functioning as schools of democracy? This is an intriguing question, which has not been studied systematically. The public participation study cited earlier provides indirect evidence,[44] but there is no direct evidence of whether HCPs enhance the deliberative skills of participants. Nevertheless, the participation study is telling because the data and case studies indicate that participation varies widely, and that some participants consider the planning process to promote strategic rather than deliberative bargaining. A quote from one participant in the Balcones Canyonlands HCP illustrates this point:

The public participation process is really not designed to help people develop a new or redirected self-interest. It … allows people who already have pre-conceived positions to continue to state and argue for those…. It's a process designed to allow people to express pre-conceived or pre-established positions, not to adjust their positions based on new information. I don't think it's a dynamic or real iterative process; it's a real static process.[45]

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[44] Yaffee, et al., *Balancing Public Trust and Private Interest*.
[45] Ibid., III-4.

The Balcones Canyonlands HCP suffered from diminished trust because it did not incorporate public participation early in the planning process.

As suggested in previous sections, the extent of deliberation is enhanced by inviting public participation early, before significant decisions are made. Relying on notice-and-comment periods merely allows a relatively narrow range of participants to promulgate their decisions to the larger public. Adaptive management (with monitoring) can also enhance HCPs as schools of democracy by extending deliberation beyond the planning phase. For HCPs, therefore, the key to enhancing this criterion is to focus attention on other criteria of the Empowered Deliberative Democracy model – specifically, deliberation and monitoring.

Outcomes

Are HCP outcomes more desirable than those of prior institutional arrangements? This answer depends on who one asks and the criteria they believe most important. With regard to planning, scientists – particularly conservation biologists, who study the causal mechanisms of extinction – have not been entirely pleased. As a group, they have criticized the scientific standards and data underlying HCPs.[46] As individuals, they have also criticized the disjunction between scientific guidelines and planning details.

A prominent example of the latter occurred with Natural Communities Conservation Planning (NCCP), a multi-species program sponsored by the State of California for coastal sage scrub habitat in Southern California. NCCP is essentially a metaHCP, or aggregation of related HCPs, because the FWS issues incidental take permits to subregional plans within the 6000 square-mile NCCP region. In 1993, the NCCP scientific review panel disbanded over conflicts between scientific guidelines and planning details. As two conservation biologists who served on this review panel later stated: "Local implementation of these guidelines and fulfillment of the research agenda have been troublesome, but nevertheless, they represent a rare conscious and formal attempt to integrate science into the decision-making process."[47] This statement should make us wonder whether and to what extent HCPs benefit targeted species, given that conservation biologists have much to

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[46] Kareiva, et al., *Using Science in Habitat Conservation Plans*.
[47] Noss, O'Connell, and Murphy, *The Science of Conservation Planning*, 58.

say about the appropriate design of habitat preserve systems.[48] But it is likely that scientists will never be satisfied with the process because it is inherently political, not scientific.

The political nature of HCPs similarly leads some environmental interest groups to criticize HCP outcomes. The National Wildlife Federation, for example, funded the public participation study cited above due to concerns about limited participation.[49] Defenders of Wildlife also published a critical study of HCPs, giving similar attention to public participation, but also focused on the absence of an explicit legal mandate for HCPs to promote the recovery of species.[50] The Nature Conservancy, on the other hand, regularly provides financial and technical support to HCPs around the country. This variation among environmental groups can be explained in two ways. First, some groups have successfully pursued litigation under the ESA, and accordingly worry that HCPs compromise their comparative advantage in court. By contrast, The Nature Conservancy never litigates; instead, it conducts on-the-ground preservation activities through real estate transactions and technical advice on preserve design. Thus, an environmental organization's perception of HCP outcomes likely depends upon its propensity to litigate, because HCPs are an alternative to litigation and top-down regulatory bureaucracy. Second, locally-based environmentalists often have a social and economic stake in the communities where HCPs are developed. For them, HCPs allow for environmental protection, socioeconomic welfare, and local participation. Therefore, local environmentalists appear to be more open to a wider range of outcomes and strategies than national groups, particularly those which have traditionally relied on litigation.

Moreover, outcomes under the traditional alternative to HCPs – strict prohibition of take – have not been positive. For evidence, one need only review the small number of fish and wildlife species that have been removed from the endangered list because their populations recovered. In the U.S., there are only five such species, compared with seven that have been delisted because they are now believed extinct, and 369 still on the endangered list as of July 2000.[51] Whether HCPs help species more than

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[48] Reed F. Noss and Allen Y. Cooperrider, *Saving Nature's Legacy: Protecting and Restoring Biodiversity* (Washington, DC: Island Press, 1994).

[49] Yaffee, et al., *Balancing Public Trust and Private Interest*.

[50] Laura C. Hood, *Frayed Safety Nets: Conservation Planning Under the Endangered Species Act* (Washington, DC: Defenders of Wildlife, 1998).

[51] As of July 2000, the FWS had delisted eleven fish and wildlife species due to recovery, but the habitat of six of those species is in other countries (i.e., Australia and Palau), which makes them irrelevant to the HCP experience. Plant

the strict prohibition on take, however, is unknown. Logically, one might presume that no take is better than some take; but strict prohibition on take does not prevent take, while HCPs proactively channel take in ways that (presumably) preserve habitat integrity. This remains largely a rhetorical debate, with thin evidence to sway neutral minds.

In sum, litigation is necessary to provide the fundamental incentive for applicants to develop HCPs, but that does not mean that litigation alone leads to socially preferred outcomes. Thus, it is not clear whether HCPs improve upon traditional command-and-control implementation of the ESA in terms of species protection. HCPs provide a better opportunity for citizens to participate in a deliberative process, but there is great variation in the extent of deliberation and participation. Flexibility has also empowered some HCPs to be highly innovative. Hence, every HCP has the potential to be a unique, innovative experiment in Empowered Deliberative Democracy.

Criticisms of the Empowered Deliberative Democracy Model, as Viewed from the HCP Experience

This section evaluates HCPs by the six potential criticisms of Empowered Deliberative Democracy, the first of which considers whether HCPs may evolve into forums for domination rather than deliberation.

Deliberation into Domination

One of the intriguing characteristics of HCPs is that the ESA can level the playing field by making actors relatively dependent upon one another, rather than independent and potentially dominating. The desire for certainty among permit applicants can be so strong that they actively seek to work with others to reduce uncertainty by warding off potential lawsuits over resource use. This mutual dependence increases their willingness to share information and resources, and decreases their potential dominance within deliberative arenas. One might argue that the

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species are not included because they are not covered by the Section 9 prohibition on take.

moral character of HCPs is undermined by implicit or explicit threats to sue, but these threats bring actors to the table for long periods of time.

In the Coachella Valley, for example, a few biologists brought developers to the table by threatening legal enforcement – even though they possessed no obvious political, financial, or legal resources of their own to pressure the FWS to enforce the ESA or to mount a successful lawsuit.[52] The mere threat of enforcement, which could halt development in the valley, was sufficient to bring developers to the table. Thus, the ESA leveled the playing field, on which developers, with millions of dollars in assets at stake, would seemingly have the upper hand.

Unfortunately, this dynamic only applies *within* the deliberative arena, which can be relatively small and elitist. For most HCPs, participants are not typically ordinary citizens. Many are highly educated and informed.[53] Few ordinary citizens understand how the ESA works, or have time to devote themselves to a lengthy planning and implementation process. Thus, one might argue that the deliberative arena itself dominates over other parts of society. This concern may be assuaged where representation is broad, but single-applicant HCPs should give us pause to reflect, particularly when there is no public participation before notice-and-comment periods under the ESA and NEPA. In these cases, HCPs may be strategic mechanisms for newly empowered applicants to pursue their preferences, rather than experiments in deliberative democracy. HCPs indeed empower applicants, but it would be hard to claim that single applicants deliberate in a democratic way, if they deliberate with anyone at all. To the extent that their use of natural resources perpetuates negative externalities for society, then such HCPs should be considered a means for continued domination by the economically privileged. In this respect, reforms would be needed to require – not simply encourage – broader public participation.

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[52] Bean, Fitzgerald, and O'Connell, *Reconciling Conflicts Under the Endangered Species Act*; Beatley, "Balancing Urban Development and Endangered Species;" Holing, "Lizard and the Links;" Thompson, "Coachella Valley Habitat Conservation Plan."

[53] For example, the primary environmental protagonist in the Coachella Valley Fringe-Toed Lizard HCP during the planning phase was Allan Muth, Ph.D., director of the University of California's Deep Canyon Desert Research Center. To the west, in San Diego and Orange Counties, one of the primary environmental protagonists in several HCPs was Dan Silver, a former medical doctor. Given their academic credentials, these individuals can not be considered "ordinary people."

Forum Shopping and External Power

Some HCP participants certainly forum shop during the planning process. One might even argue that all permit applicants forum shop: that they initiate and complete HCPs because they believe they can achieve better outcomes through this process than through the ESA's otherwise prohibitive regulatory framework. As a corollary, one might also hypothesize that those HCPs which collapse during the planning process fail because applicants pull out when the expected value of participating in some other forum exceeds that for participating in the HCP. This represents a strong view of self-interested behavior, but it likely applies to some applicants given their economic stake. If it did not apply, then we would not need legal assurances like the "no surprises" policy to keep permit applicants at the table.

Environmental groups similarly press their advantage outside the deliberative process when dissatisfied with HCPs. This usually means filing a lawsuit or whipping up a public relations frenzy against an HCP. In Southern California, Dan Silver has become notorious in this regard, particularly with NCCP participants. Silver directs the Endangered Habitats League, a small nonprofit organization representing dues-paying environmental groups. His reputation for leading participants to believe he is part of the deliberative process, and then pressing his advantage outside the deliberative arena when dissatisfied with impending outcomes, extends well beyond the NCCP-related HCPs in which he participates.[54]

In sum, HCPs likely emerge due to forum shopping by applicants, while forum shopping by environmental activists has the potential to undermine existing HCPs. This is probably a good thing. After all, forum shopping by environmentalists provides a lingering threat that keeps applicants at the discussion table and prompts them to implement HCPs in a responsible manner. This lingering threat levels the table, limiting the ability of applicants to dominate the deliberative process. Because the

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[54] Silver focused primarily on HCPs associated with Natural Communities Conservation Planning (NCCP), but his reputation extended further than his geographically isolated participation. In the Coachella Valley, a representative of the Building Industry Association (BIA) pointed to Silver as an example of destructive forum shopping – even though Silver and NCCP operated an hour or more to the west. (Ed Kibbey, Executive Director, Building Industry Association of Southern California, personal communication, June 8, 1999.) Silver justified such forum shopping by claiming that it provides clout within these planning processes. (Yaffee, et al., *Balancing Public Trust and Private Interest*, xvi, note 16.) Yet forum shopping during the planning process pushes HCPs towards traditional power-based bargaining, and away from deliberation.

threat of lawsuits gives applicants the basic incentive to develop HCPs, forum shopping by environmental activists before, during, and after planning is always a possibility. In short, forum shopping is a necessary and inherent part of the process.

Rent Seeking vs. Public Goods

Unlike forum shopping, it is difficult to put a positive spin on rent seeking. If deliberative experiments fall prey to rent seeking and capture by well-informed or interested parties, then empowerment becomes a means for self-aggrandizement. This is a common critique of HCPs, particularly single-applicant HCPs. According to this critique, the FWS allows applicants to pursue economic gain at the cost of species and habitat preservation, while requiring minimal mitigation measures for species and habitat.[55]

Certainly, we should assume that HCP applicants attempt to better their position. After all, HCPs are voluntary. Applicants would not bother to prepare and implement an HCP unless they believe it is to their advantage. The crucial question here is whether applicants – particularly single applicants – pursue or achieve outcomes that benefit primarily themselves, while providing few (if any) positive externalities for society. In deliberative HCPs with broad participation, participants typically design a preserve system with other social benefits in mind, such as where to zone open space and how to manage growth. In doing so, they also develop social capital, including skills for deliberative practice. When HCPs are prepared by single applicants, however, consideration of such positive externalities falls by the wayside. They become incidental to the HCP, rather than an integral part of it.

This problem can be addressed by encouraging or requiring broad participation early in the planning process, with transparency and accountability. Broad participation leads to wider discussion of positive and negative externalities. Transparency allows observers to monitor planning and implementation, and thereby hold applicants accountable

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[55] This critique has some empirical merit. Scientists evaluating the use of science in HCPs found that 85% of the species in their sample were protected by mitigation procedures that addressed the primary threat to the species' continued existence; but for only 57% of the species did they rate proposed mitigation procedures as sufficient or better, while 43% of the species were covered by proposed mitigation procedures that were "significantly lacking" (25%), "inadequate" (13%), or "extremely poor" (5%). See Kareiva, et al., *Using Science in Habitat Conservation Plans*, 39.

for rent-seeking behavior. Unfortunately, broad participation is currently only encouraged by federal HCP guidelines; and the FWS and Interior Department have done little to make the process transparent to the public. Anyone who has searched for an HCP – whether in draft or final form – understands the transparency problem. One can purchase copies from the federal government, but this is an expensive and time-consuming proposition. A web-based library would be ideal; but simply creating an accessible library of HCPs, incidental take permits, and implementation agreements would be a big improvement for now. Given the current role of centralized institutions as empowering agents, participation and transparency are problematic, which means that rent seeking is always a possibility.

Balkanization of Politics

At first glance, one might presume that HCPs necessarily Balkanize politics by focusing on a narrow issue (one or more endangered species) and a limited geographic space (some or all of the species' habitat). Indeed, more than a dozen of the Golden-Cheeked Warbler HCPs in Texas cover less than two acres, which suggests extreme Balkanization. Yet other HCPs cover tens of thousands of acres, with the Wisconsin Statewide HCP for the Karner Blue Butterfly topping out at 7 million acres. Again, the key point to consider is variation. It is the large, multi-partner HCPs that best approximate Empowered Deliberative Democracy.

One might still argue that HCPs Balkanize politics by focusing only on endangered species. Superficially, this is correct. Yet the desire for an incidental take permit among applicants is so great that HCPs have become the focal document for general planning purposes, particularly in urban areas, where habitat is directly affected by numerous (sub)urban issues, including physical infrastructure, pollution, open space, development patterns, and transportation. This has certainly been the case with NCCP, which covers a planning area of 6000 square-miles in Southern California and 59 local jurisdictions. In the Pacific Northwest, recent salmon listings will likely further the trend towards aggregation because salmon HCPs will have to incorporate the waterways through cities, as well as the land-based activities that affect salmon, such as urban runoff, agriculture, and logging. Thus, the potential for issue aggregation is great.

Even with respect to endangered species per se, Balkanization is a moot issue because HCPs have not fragmented and factionalized

something that was previously unified. Prior to HCPs, the closest thing to habitat conservation plans were – and still are – the recovery plans mandated under Section 4 of the ESA, which the FWS prepares for listed species. These plans are supposed to identify the management responsibilities of agencies and other actors with jurisdiction over listed species. Yet, the mandate to prepare recovery plans is not absolute, and the FWS failed to prepare recovery plans for 45% of listed species through 1992.[56] Moreover, recovery plans are merely advisory documents, not binding agreements like HCPs. Thus, there was nothing to Balkanize through decentralized empowerment.

To the contrary, HCPs arguably aggregate preservation efforts in certain situations. As previously noted, species preservation is a collective-action problem when habitat is shared among multiple owners, agencies, and political jurisdictions. Rather than preparing individual HCPs, applicants can lower their transaction costs by sharing information, pooling resources, and developing integrated solutions to the common problem they face. Though federal regulations do not require applicants to plan for a species' entire habitat or to coordinate with others when preparing an HCP, the FWS nevertheless encourages them to do so. This occurred with NCCP in Southern California, where FWS staff made it known that anyone choosing to develop their own HCP outside the NCCP process would have to demonstrate that their plan was compatible with subregional NCCP plans.[57]

Nevertheless, it is true that many HCPs focus on a narrow issue (species preservation) and a narrow geographic area (some or all of a species' habitat). Positive externalities may result from HCPs, particularly multi-partner HCPs; and some HCPs cover large planning areas; but the planning process itself is relatively focused, particularly when public participation is limited, as it tends to be for single-applicant HCPs. Thus, Balkanization is more likely to be a problem whenever there is only one applicant, regardless of the size of the planning area; but we will not know the magnitude of the problem until researchers specifically study this issue.

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[56] Andrew A. Smith, Margaret A. Moote, and Cecil R. Schwalbe, "The Endangered Species Act at Twenty: An Analytical Survey of Federal Endangered Species Protection," *Natural Resources Journal* 33 (1993): 1051.

[57] Thomas, *Bureaucratic Landscapes*, 404.

Apathy

Citizen apathy is a serious problem for HCPs because planning and implementation occur over many years – even decades. For many potential participants, this is an unbearable commitment, unless it is part of their job description. Therefore, most participants in medium-sized or large HCPs represent specific organizations, such as local planning agencies, state and federal agencies, environmental nonprofits, and private firms. "Ordinary" citizens rarely participate for sustained periods. This is not a critique of public apathy per se, which is indeed a problem for the Empowered Deliberative Democracy model. It is a realistic assessment of the extraordinary time demands required to produce an HCP – particularly a multi-partner HCP – regardless of whether the HCP is ever implemented, monitored, or redesigned. If the Empowered Deliberative Democracy model requires participation by ordinary citizens, then HCPs will never become exemplars of the model without funding to support citizen participation. Such funding could come from the federal government, or it could be required of applicants as a condition of the incidental take permit. Both scenarios are unlikely, however, given that current FWS guidelines only encourage participation, but do not require it.

Stability and Sustainability

Growth in the number and size of HCPs during the 1990s suggests they are stable and sustainable. We might have wondered about future trends in the 1980s, but the current trend clearly suggests continued proliferation of HCPs in both number and geographic extent, and there is a compelling logic behind this trend. The pool of potential applicants will remain large so long as the FWS continues to list species, which seems likely given that listing decisions must be based on biological rather than political criteria. Moreover, human use of natural resources will undoubtedly continue. In this context, HCPs will likely thrive as the preferred means for nonfederal resource users to comply with the ESA's prohibition on take, particularly if the federal government continues to provide applicants with legal assurances such as the "no surprises" policy.

The important question is whether HCPs will thrive as experiments in Empowered Deliberative Democracy. HCPs vary widely in how well they fit the model's criteria. Rent seeking, for example, is primarily a problem for single-applicant HCPs, which notably lack public participation. For this reason, it is probably best to remove single-

applicant HCPs from consideration because they do not approximate the model on several criteria. Instead, we should focus on multi-partner HCPs – particularly the institutional incentives that encourage applicants to submit them and to deliberate broadly during planning and implementation – so that they better approximate experiments in Empowered Deliberative Democracy.

Suggested Reforms

Some reforms seem obvious, if not politically feasible. An accessible library of HCPs and related documentation, including findings from monitoring programs and implementation evaluations, would enhance transparency and accountability. A web-based library would be particularly helpful for expanding public participation. This is a relatively easy reform because it simply requires gathering existing documentation and loading it onto a web site. The FWS has been moving in this direction with the Environmental Conservation Online System (ECOS), which contains summary data for species and HCPs.[58] Summary data is certainly helpful, but ECOS does not yet include the text (in readable or searchable formats) of draft HCPs, final HCPs, incidental take permits, or implementation agreements – let alone monitoring reports, implementation evaluations, or the minutes from group meetings. Making these documents readily available would enhance accountability, participation, and deliberation, thereby reducing opportunities for rent seeking by permit applicants.

More ambitious reforms would include required publication of periodic self-monitoring reports; federal funding for public participation, implementation evaluations, and adaptive management; and terminating the "no surprises" policy. Required publication of periodic self-monitoring reports – perhaps on the web library suggested above – would enhance accountability during implementation and allow broader participation in adaptive management. Federal funding for public meetings and implementation evaluations would expand the scope of deliberation and monitoring during planning and implementation. Federal funding of adaptive management is needed to cover the expense of fixing faulty HCPs, particularly those covered by "no surprises"

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[58] ECOS is maintained on the FWS web site, at: http://ecos.fws.gov/ecos.

assurances. Alternatively, the federal government could terminate the "no surprises" policy, which would encourage adaptive management in HCPs that do not include an adaptive management strategy, and in HCPs that include an insufficient adaptive management strategy.

Many of these reforms would increase uncertainty for applicants, which may reduce the number and size of HCPs in the future; but deliberation thrives on uncertainty. In a world of certainty, there is no reason to deliberate. The more certain people are about what they want and expect, the more likely they will conceal their preferences through strategic bargaining rather than allowing their preferences to change by revealing them through deliberation. The "no surprises" policy, for example, necessarily constricts the range of deliberation by creating legal certainty in an uncertain political and ecological environment. While the new guidelines on adaptive management expand the range of deliberation for HCPs covered by the "no surprises" policy, such regulatory assurances nevertheless restrict deliberation within a limited range. Thus, enhancing deliberation may be the most challenging problem for all HCPs. Even if federal guidelines, rules, or laws mandate increased public participation, thereby enhancing democracy, we will not necessarily see more deliberation. Indeed, centralized directives can not mandate deliberation per se, but they can readily change the incentives for deliberation by altering participant perceptions of uncertainty. This can be done, for example, by increasing the probability of enforcing the Section 9 prohibition on take (which brings applicants to the table) and by reducing regulatory assurances (which keeps them at the table during implementation).

Similarly, if participants view habitat as a zero-sum pie, then they will fight over the relative size of the pieces they want to preserve for species or consume in markets, which means the standard pluralist model of strategic bargaining with concealed preferences will likely prevail. From a scientific perspective, however, this is the wrong view. Information and knowledge about the relationship between species and habitats is constantly changing. Hence, to view the habitat pie as fixed ignores the evolving nature of scientific knowledge and the accumulated information gleaned from monitoring programs and implementation evaluations. This is why adaptive management is crucial to environmental policy applications of the Empowered Deliberative Democracy model. If HCPs are framed in terms of adaptive management, then monitoring, learning, and redesign can occur. Deliberation is feasible in this institutional framework because learning implies that individual preferences and strategies are not stable.

   The fundamental weakness of the "no surprises" policy is that it constrains the range of adaptive management, thereby encouraging strategic bargaining in the short run, while constraining deliberative possibilities in the long run. In a world of limited regulatory surprises, the habitat pie is relatively constant and participants grind out rational-comprehensive plans. Even a devoted pluralist like Charles Lindblom understood that rational-comprehensive plans are technically infeasible.[59] Yet, forty years later, such plans are still promoted under the "no surprises" banner. Admittedly, fewer actors will participate in HCPs without "no surprises" assurances. Yet those who do participate will be much more likely to do so in a deliberative manner. Moreover, the federal government can assuage their uncertainty by creating a federal program to subsidize adaptive management. By subsidizing adaptive management, regulatory surprises will not be so painful, and the burden of species protection will be more widely distributed.

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[59] Charles E. Lindblom, "The Science of Muddling Through," *Public Administration Review* 19 (1959):79-88.

Part Two

Commentary

(in preparation)

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(in progress)

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