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“By its very nature, a state is ever something to be scrutinized, investigated, searched for. Almost as soon as its form is stabilized, it needs to be re-made.”

John Dewey, *The Public and Its Problems* (1927)

Toward a Pragmatic Conception of Democracy

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1. Introduction: Ideal and Pragmatic Conceptions of Democracy¹

A conception of democracy articulates the shared values, principles, and institutions of a political order whose members govern themselves. As a component of a democratic culture and object of political discourse, a conception of democracy provides citizens with public reasons for abiding laws and policies and for coordinating their lives together through the institutions they possess. But beyond this conservative, stabilizing, role, a conception of democracy also provides a critical benchmark of legitimacy against which they can judge the quality of their own political institutions and a regulative ideal to guide efforts at institutional innovation and political reform.²

¹ This paper draws on several prior articles, especially: “Varieties of Participation in Complex Governance” *Public Administration Review* 2006; “Democratic Theory and Political Science,” *American Political Science Review* 2007; “Democracy and the Policy Process” *Oxford Handbook of Public Policy* 2006.

² Compare to Raymond Guess, *The Idea of a Critical Theory: Habermas and the Frankfurt School* (Cambridge University Press, 1981).

Current conceptions of democracy operate for the most part in the realm of ideal theory. That is, they aim to articulate the principles and institutions of democracy under favorable circumstances rather than the highly imperfect contingent and historical circumstances in which societies actually find themselves.³ Such ideal conceptions of democracy lay out free-standing views of what the idea of self-government by equal citizens requires and how best to realize that idea. Minimal democrats, for example, emphasize the importance of competitive elections that authorize politicians to make laws and policies. For aggregative democrats, political institutions should generate laws and policies that reflect the preferences of their citizens. Deliberative democrats favor political arrangements that link laws and policies to public reasons that are accessible and acceptable to all citizens. Finally, participatory democrats view self-government as requiring the direct engagement of citizens in the determination of important laws and policies.

Two differences separate a pragmatic from ideal conceptions of democracy. First, it does not begin by articulating a view of self-government that stands independently of social conditions and circumstance, and then make adjustments to that view as required by actual conditions. Instead, the pragmatic view begins *in media res* — with the social circumstances and especially the governance problems of particular societies as they are. Second, the pragmatic conception is much more open than ideal conceptions to a wide variety of institutional forms. It may well be — indeed it is likely — that some problems of democratic governance are best addressed with deliberative institutions and others with aggregative ones.

This paper lays out the rudiments of a pragmatic conception of democracy. The next section describes a way of viewing the most important problems for democratic governance in developed

³ See Rawls's discussion of ideal and non-ideal theory in *Theory of Justice*, pp. 243f.

liberal societies. The third section articulates a way of thinking about institutional alternatives that might address these problems. The fourth section applies these two elements of the pragmatic conception to two difficulties of democratic governance: the tyranny of powerful minorities and the lack of state capacity. The fifth section addresses a challenge to the pragmatic approach from the ideal perspective: doesn't the identification of problems and appropriate institutional solutions depend upon one's deeper, more fundamental views about democratic ideals? Section 5 offers an account of the deeper, but still provisional democratic values that ground judgements about governance problems and solutions in a *liberal* pragmatic conception of democracy. The final section returns to the question of the role of this democratic conception in a public political culture by examining the way in which the pragmatic conception operates as a regulative ideal.

2. Problems of Democratic Governance as Ends-In-View

Whereas an ideal theory of democracy specifies the correct standards to be met — standards of electing rulers, tallying preferences, or providing reasons, for example — pragmatic conceptions of democracy begin with proximate governance problems that face a given society. Whereas the main aim of an ideal theory of democracy is to clarify the fundamental values and standards of democratic governance, a pragmatic theory begins instead by characterizing the problems that are most urgent to a particular society embedded in its political, economic, and social circumstances. The aim of solving these problems provides the ends-in-view, as Dewey put it, that motivate democratic reform efforts of both the pragmatic theorist and the society she addresses.

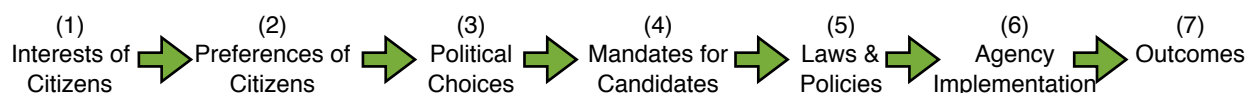
There are at least two ways for a pragmatist to articulate such urgent problems. One might begin by working from an array of substantive social problems such as global warming, social exclusion, economic development, and poverty. Then, for each of these urgent problems, the pragmatic theorist might then explore various alternative governance arrangements to see which ones “work” (more on that below) for the various substantive problems. It may well be — indeed it seems likely — that different sorts of governance arrangements will be better suited to addressing different substantive problems. Many have argued that central bank policies should be set by insulated macroeconomic specialists while the governance of elementary schools might be usefully guided by parents and teachers as well as principals. The theoretical task would be then to identify the central reasons or principles that can sort arrangements that work from those that do not. Ultimately, any institutional theory or prescription should be tested through application to such substantive problems in order to generate a reflective equilibrium between the theory of democracy and the problems faced in a given society.⁴ On this inductive path, however, the development of a general democratic theory necessarily awaits the explorations of a large number of substantial social issues and problems.

The second route departs from a slightly higher level of abstraction. Instead of working from the substantive problems that a society faces, it begins with the methods and procedures of political and collective decision-making that the society uses. The next step in the pragmatic analysis is to identify the central difficulties with those received methods, then explore alternatives that “work” better, and finally to develop the reasons and principles that guide the evaluation and selection of those alternatives. This essay follows that second path.

⁴ See APSR article on pragmatic democracy.

Representative government combined with the implementation of policies and regulations through hierarchical public agencies is the dominant form — in both idea and reality — of democratic governance in the advanced industrial countries and in many developing countries as well. The representative-bureaucratic model dominates local, regional, and national scales of governance. We can think of this representative process as a stylized sequence of steps that connect citizens' interests to law-making and eventually policy implementation institutions that is depicted in figure 1:

Figure 1: The Representative-Bureaucratic Policy Making Process



Briefly, (1) citizens have fundamental interests in goods such as security, welfare, and liberty. They attempt to form (2) political preferences — over positions, policies, parties, or candidates — that will protect their fundamental interests. Based on these preferences, citizens express their (3) political choice through voting, and those votes produce (4) mandates for politicians or parties. Using the legitimate authority provided by those mandates, representatives produce (5) laws and policies that are (6) implemented by public agencies. Ideally, laws and agencies' actions (in the era of the administrative state) produce (7) outcomes that advance citizens' interests.

Suppose that this stylized political schema captures the main outlines of democratic governance in the commonplace representative ideal and approximates its current real-world operations. A pragmatic conception of democracy that begins with this starting point need not (initially, at any

rate) look into the reasons — the ways that this policy process respects political equality, accountability, or secures desirable outcomes — that might justify these arrangements;⁵ this policy process is simply the way that we happen to do things right now. In the first instance, the pragmatist does not aim to justify; she aims to solve problems. Methods and institutions are justified according to their capacity to solve problems, or achieve ends-in-view.

What, then, are the problems or ends-in-view of the representative policy process? For many issues, the chain of representative policy-making and public action breaks down at one or more of four points.

For many public issues, citizens have *unclear preferences* regarding the public policies that best advance their interests. Or, they have preferences that are unstable in the sense they would change easily upon exposure to new information, arguments, or perspectives (D1). When popular preferences are underdeveloped in these ways, then the subsequent consequences of political and policy choice rest on highly unstable foundations. Even when the rest of the electoral and executive machinery has great integrity, “garbage in produces garbage out.”

When citizens do have stable preferences, electoral mechanisms provide only *blunt signals* to politicians and parties regarding the content of those preferences (Prezworski, Stokes, and Manin 1999; Goodin 2000) (D2). Absent a thicker, continuing relationship between political elites and their constituents than periodic elections provide, politicians often misunderstand their constituents. This kind of misunderstanding is especially likely on the wide range of issues that do not

⁵ cf. Dahl, *Democracy and Its Critics*.

figure prominently in campaigns leading up to elections. Politicians who do not understand their constituents cannot represent them well.

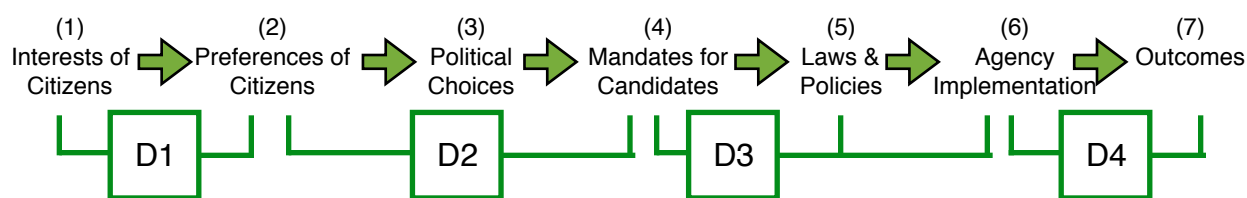
Third, electoral mechanisms may prove *too weak to hold the political and administrative machinery of government accountable* to citizens when they have clear preferences (D3). On many state decisions, the interests of politicians and administrators may differ from those of the majority of citizens. It is difficult for citizens to use elections to compel politicians to act to advance popular interests rather than their elite ends when elections are uncompetitive, when narrow interests oppose diffuse ones, or when outcomes are difficult to monitor and assess. Accountability problems are compounded by the fact of widespread delegation of power and authority to administrative agencies in modern states. Even if citizens can hold politicians accountable, politicians may not be able to control and monitor the administrative apparatuses that implement, and often make, policy. In the face of these multiple problems of accountability, the will of the majority can give way to the *tyranny of powerful minority interests*.

Finally, even when electoral devices of representation and accountability allow citizen-principals to control their political and administrative agents, the state itself may *lack the capacity* to produce outcomes that advance citizens' interests well (D4). In areas such as economic development, for example, successful outcomes depend upon not only upon law and public policy, but also upon the actions of actors in the economic sphere. In areas such as environment, education, and public safety, outcomes depend upon engagement and contributions from individual citizens as well as public policy.

There are many issues for which none of these deficits hold and for which the representative-bureaucratic process works well enough. There are many other issues, however, for which one or more of these deficits cause decisions to fall well short of democratic standards.

These democratic deficits, and their positions in the policy process, are depicted in figure 2 below.

Figure 2: Democratic Deficits: Common Defects in the Representative Bureaucratic Process



3. Institutional Search, Not Institutional Fetishism

Suppose that these four democratic deficits are serious problems for democratic governance.

With this diagnosis in hand, the pragmatic democrat casts about for solutions to these problems — for better methods and procedures to make collective decisions and take collective action. A pragmatic *conception* of democracy ought to be a theoretical handmaiden to this practical endeavor; it should provide a framework to guide this search.

If it could be developed, a menu of alternative procedures and methods for making such decisions would be an important part of this framework. Suppose that the main alternative institutional procedures for making collective decisions and taking collective action could be described and enumerated as $\{I_1, I_2, \dots, I_n\}$. On some issue for which there are democratic deficits (D1-D4)

when decisions are made through the representative-bureaucratic process, the pragmatic democratic analyst could — in principle — compare alternatives $\{I_i, I_j\}$ to see which ones worked better than others. Of course, carrying out such comparisons would often be a complex and contested empirical matter. A menu of institutional alternatives would, nevertheless, serve to guide and discipline efforts to improve the quality of democratic governance.

This section develops such a menu by describing an institutional design space that maps arenas of decision-making along three dimensions: Who participates? How do they communicate and make decisions? What is the connection between their conclusions and opinions on one hand and public policy and action on the other? In considering this space, it should be noted that actual decision-making processes are frequently composed of multiple points within it. Administrative rule-making, for example, often includes moments in which interested individuals and stakeholders comment upon proposals in public hearings and then also moments in which regulators (experts) make decisions on their own. Decision-making in a complex urban development project often results from interactions between multiple arenas that include planning agencies, stakeholder negotiations, neighborhood councils, and public hearings.

Participants

The first and most critical feature of any decision-making procedure, or indeed any method for considering public issues, is the composition of participants.

The vast majority of public participation mechanisms, for example, utilize the least restrictive method for selecting participants: they are open to all who wish to attend. Actual participants are a *self-selected* subset of the general population. While complete openness possesses obvious ap-

peal, those who choose to participate are frequently quite unrepresentative of any larger public. Individuals who are wealthier and better educated tend to participate more than those who lack these advantages as do those who have special interests or stronger views (Fiorina 1999).

Two alternative participant selection methods address this difficulty. Some mechanisms that are open to all *selectively recruit* participants among subgroups who are less likely to engage. For example, some community policing and urban planning initiatives employ community organizers to publicize meetings in low income and minority communities. Selective recruitment can also occur passively by providing structural incentives that make participation more attractive to those who are ordinarily less likely to participate in politics. Some venues that address crime or sewers, for example, are particularly inviting to disadvantaged citizens because those issues are less urgent to wealthy ones. Those who have special interests in some question — for example senior citizens in discussions about the future of social security — may nevertheless exploit the open-to-all character of public meetings to stack participation in their favor. *Randomly selecting* participants from among the general population is the best guarantee of descriptive representativeness. Initiatives such as deliberative polling, Citizens Juries, and Planning Cells randomly select participants to discuss various public issues (Fishkin 1995; Leib 2004; Gastil 2000; Smith and Wales 2000).

A fourth method engages *lay stakeholders* in public discussions and decisions. Lay stakeholders are unpaid citizens who have a deep interest in some public concern and are thus willing to invest substantial time and energy to represent and serve those who have similar interests or perspectives but choose not to participate. The many neighborhood association boards and school councils, for example, are composed of lay stakeholders. Finally, some governance processes

Communication and Decision

The second crucial dimension of institutional design specifies how participants interact within a venue of public discussion or decision. Informed by the political imaginary of the Athenian forum or the New England town meeting, many treatments of citizen participation implicitly presume that it should approximate some deliberative ideal: participants engage with one another directly as equals who reason together about public problems. But the vast majority of institutionalized public discussions do not occur in this way, nor is it clear that they should. For example, if the main reason for direct participation is one that John Dewey once gave — that the man who wears the shoe, not the shoe-maker, knows best where it pinches — then participants need do no more than complain to policy-makers (Dewey: 264).

There are six main modes of communication and decision-making in participatory settings. The vast majority of those who attend events such as public hearings and community meetings do not put forward their own views at all. Instead, they participate as *spectators* who receive information about some policy or project and they bear witness to struggles between politicians, activists, and interest groups. There are few public meetings in which everyone is a spectator. Almost all of them offer opportunities for some to *express their preferences* to the audience and officials there. Think of the citizens and activists who line up at the ubiquitous microphone to pose a pointed question or say their piece. Other discussions are organized in ways that allow participants to *explore, develop, and perhaps transform their preferences and perspectives*. They encourage participants to learn about issues and, if appropriate, transform their views and opinions by providing them with educational materials or briefings and then asking them to consider the merits and trade-offs between several alternatives. Participants usually discuss these issues with

one another (often organized in small groups) rather than only listening to experts, politicians, or advocates.

Mechanisms employing these first three modes of communication often do not translate the views or preferences of participants into a collective view or decision. In most public hearings, for example, officials commit to no more than receiving the testimony of participants and considering their views in their own subsequent deliberations.

Some venues, however, do develop a collective choice through some combination of three methods of decision-making. The most common of these is *aggregation and bargaining*. In this mode, participants know what they want and the mode of decision-making aggregates their preferences—often mediated by the influence and power that they bring—into a social choice. The exploration and give and take of bargaining allows participants to find the best available alternative to advance the joint preferences they have. A decision at a New England town meeting operates in this mode when the townspeople have polarized over some heated issue prior to the meeting and use the final vote simply to reckon their antecedent views.

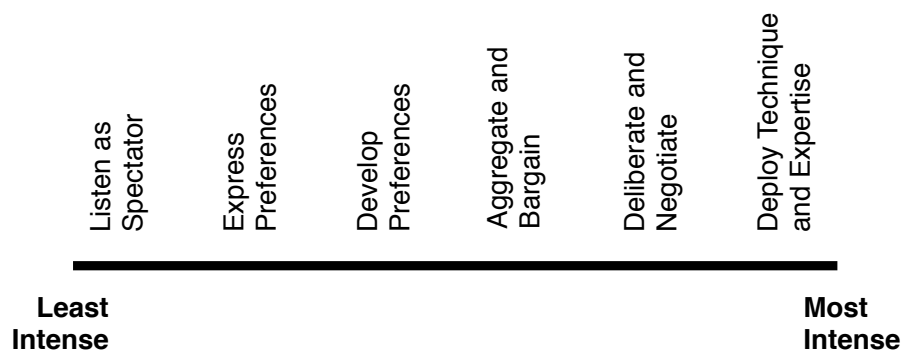
Deliberation and negotiation is a second mode of decision-making. Participants deliberate in order to figure out what they want individually and as a group. In mechanisms designed to create deliberation, participants typically absorb educational background materials and exchange perspectives, experiences, and reasons with one another in order to develop their views and discover their interests as individuals. In the course of developing their individual views in a group context, deliberative mechanisms often include procedures to facilitate the emergence of principled agreement, the clarification of persisting disagreements, and the discovery of new options that

better advance what participants value. Two features distinguish the deliberative mode. First, a process of interaction, exchange, and — hopefully — edification precedes group choice. Second, participants in deliberation aim toward agreement with one another (though frequently they do not reach consensus) based upon reasons, arguments, and principles. In political theory, this mode has been elaborated and defended as a deliberative ideal of democracy (Cohen 1989; Gutmann and Thompson 1996) while scholars of dispute resolution have described such processes as negotiation and consensus-building (Fisher and Ury 1989; Susskind and Cruikshank 1989; Susskind, McKernan, and Thomas-Larmer 1999).

Many, perhaps most, public policies and decisions are determined neither through aggregation nor deliberation, but rather through the *technical expertise* of officials whose training and professional specialization suits them to solving particular problems. This mode usually does not involve citizens. It is the domain of planners, regulators, social workers, teachers and principals, police officers, and the like.

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

Figure 4. Modes of Communication and Decision



Authority and Power

The third important dimension gauges the impact of various forums. How is what participants say linked to what public authorities or they themselves do? Venues such as the New England town meeting lie at one end of the spectrum. The decisions that participants make become policy. Far more common are venues that lie on the other end of the continuum: participants have no real expectation of influencing public action at all. Along this spectrum of influence and authority, five categories of institutionalized influence and authority emerge.

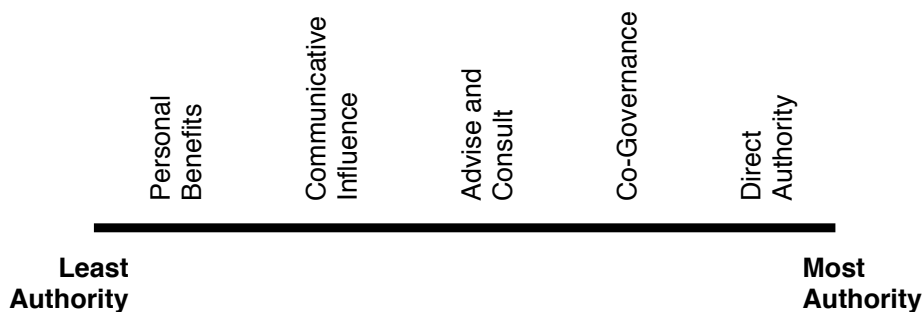
In many, perhaps most, participatory venues, the typical participant has little or no expectation of influencing policy or action. Instead, he or she participates in order to derive the *personal benefits* of edification or perhaps to fulfill a civic obligation. Forums that principally affect participants rather than policy and action employ the first three communicative modes (listening, expressing preferences, and developing preferences) and not the three more intensive decision-making modes described above.

Many participatory mechanisms exert influence upon the state or its agents indirectly by altering or mobilizing public opinion. Their discussions and decisions have a *communicative influence*

upon members of the public or officials who are moved by the testimony, reasons, conclusions, or by the probity of the process itself. For example, while the 9/11 Commission (the National Commission on Terrorist Attacks Upon the United States) was created by Congress to offer recommendations to lawmakers, its principal source of influence was arguably the enormous public interest and support that the final report generated. Providing *advice and consultation* is a third common mechanism through which participatory forums exert influence upon public authority. In this mode, officials preserve their authority and power but commit themselves to receiving input from participants. The stated purpose of most public hearings and many other public meetings is to provide such advice.

Less commonly, some participation mechanisms exercise direct power (Fung 2004; Fung and Wright 2003). It is useful to distinguish between two levels of empowerment. In some venues, citizens who participate join in a kind of *co-governing partnership* in which they join with officials to make plans and policies or to develop strategies for public action. Each public school in Chicago, for example, is jointly governed by a Local School Council that is composed of parents and community members on one hand, and the school's principal and teaching staff on the other. At a higher (though not necessarily more desirable) level of empowerment, participatory bodies occasionally exercise *direct authority* over public decisions or resources. The New England town meeting provides the classic example of direct participatory authority. In urban contexts, neighborhood councils in some cities in the United States control substantial zoning authority or financial resources that allow them to control, plan, or implement sub-local development projects (Berry, Portney, and Thomson 1994). These types of influence and authority are idealized points on the spectrum depicted in figure 5 below.

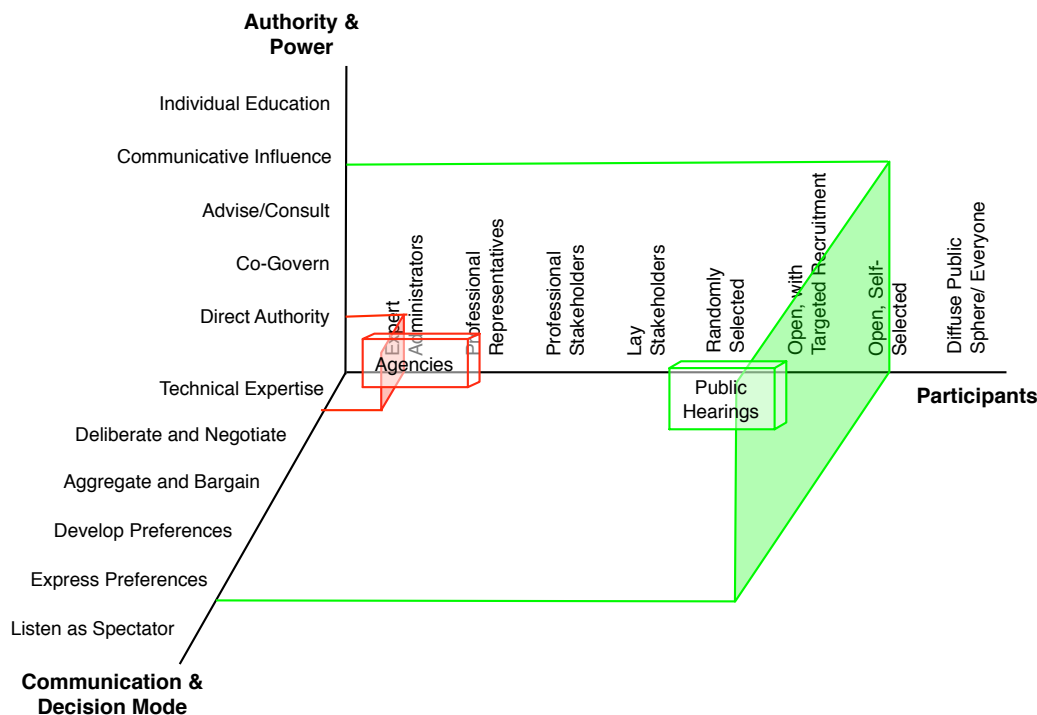
Figure 5. Extent of Authority and Power



The Democracy Cube

Putting these three dimensions of participant selection, communicative mode, and extent of influence yields a three dimensional space — a “democracy cube” — of institutional design choices according to which varieties of considerations can be located and contrasted with more professionalized arrangements. Figure 6 below plots two familiar mechanisms of governance in this three dimensional space. In the typical public agency, trained experts utilize their technical expertise to make decisions that they are authorized to execute. The typical public hearing is open to all who wish to attend. While many in the audience listen to educate themselves, a few participants express their views in the hope that these preferences will be taken into account and thus advise the deliberations of policy-makers. These two mechanisms lie on nearly opposite sides of the cube in terms of who participates, how they communicate, and the extent of their influence on public action.

Figure 6. Democracy Cube



As complex as it is, this menu of institutional alternatives already dramatically simplifies actual decision-making processes in two respects. First, most public decisions and actions flow through several points in the space. A regulatory decision, for example, may begin in an open electoral contest between politicians; generate a law that is handed off to administrative agencies; who then make a proposal that is subject to public “notice and comment;” and then regulatory experts make a final rule and implement it. Second, this menu is offered only as a starting point. There are no doubt important and innovative methods of making collective decisions and taking collective actions — and many more to be discovered — that are not captured on the three dimensions of the democracy cube. As other institutional alternatives seem viable and promising, they should be added to the menu of institutional alternatives.

Nevertheless, the democracy cube serves two important purposes in the pragmatic conception of democracy. First, it serves a critical function of showing that the bulk of existing political procedures — and institutions proposed in the major strands of democratic theory — occupy only a small portion of the space of institutional possibility; unexplored regions may well do better where there are now democratic deficits. Second, the democracy cube offers a domain of institutional alternatives with which to begin to make disciplined comparisons of possibilities.

4. Applications

Consider two illustrations to show how the diagnosis of democratic deficits and the menu of institutional alternatives — the democracy cube — work together to guide pragmatic efforts to improve democratic governance.

4.1. Tyranny of Powerful Minorities

From time to time, every democratic system must revise the arrangements through which political leaders are selected. These changes include adjusting the boundaries of electoral districts as well as altering voting rules, for example by shifting from majority rule to proportional representation. Such procedural revisions are less common but more fundamental than the formulation of routine laws and policies.

Consider three alternatives for deciding such questions:

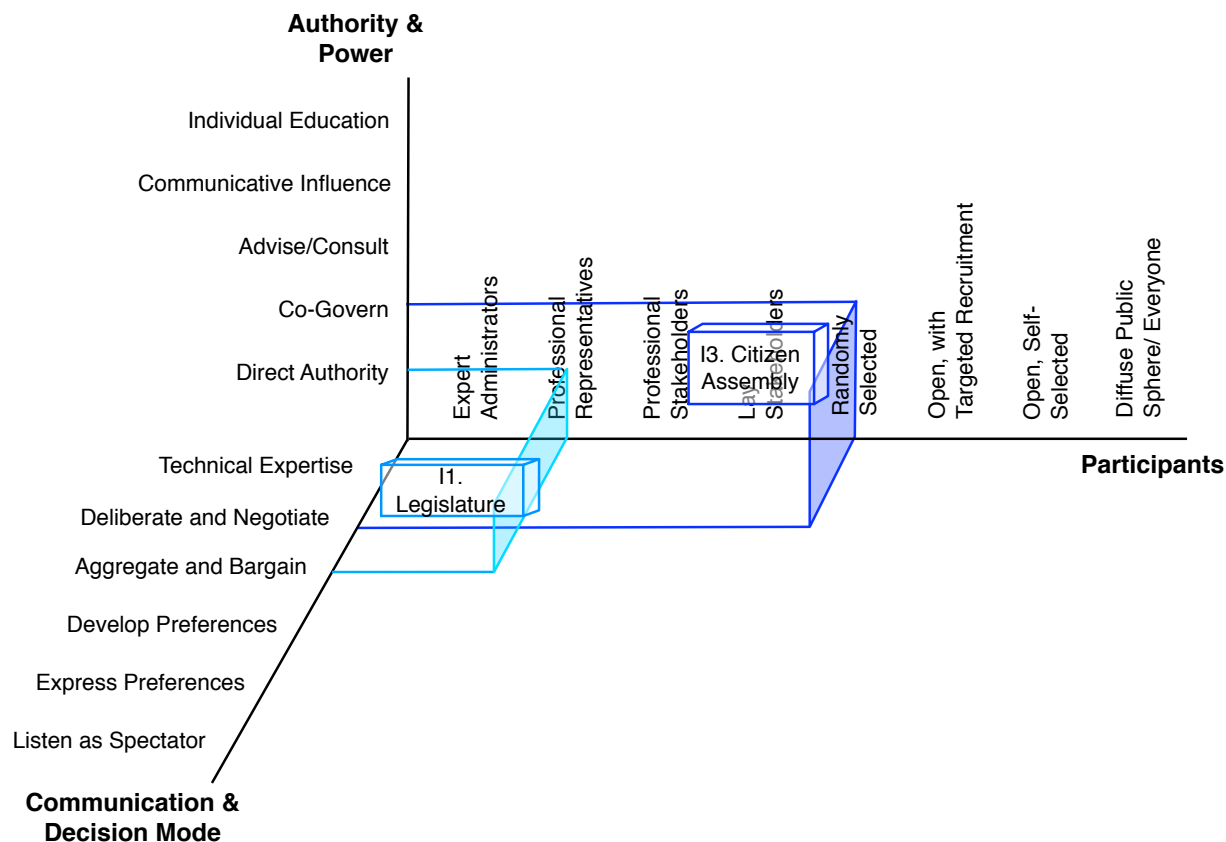
I1. Elected representatives, authorized to make other laws and policies, also make decisions about political rules.

I2. Politically insulated and/or neutral experts — such as jurists, mathematicians, or civil servants — resolve such matters. In twenty American states and Canada, redistricting decisions are made at least in part through independent or bi-partisan commissions (McDonald 2004).

I3. A body of ordinary citizens, as in a criminal jury, decides the issue. In 2004, the Canadian province of British Columbia created a Citizens' Assembly composed of 160 randomly selected individuals from across the province to deliberate about whether B.C. should replace its majoritarian electoral system with some form of proportional representation.

Figure 7 below depicts I1 and I3, and I2 lies between them:

Figure 7: Alternatives for Making the Rules of the Political Game



Empirical evidence regarding the consequences of the first alternative (I1), making the decision through the conventional representative process, produces the problem of minority tyranny. In this case, it is the tyranny of political elites over the interests of voters (McDonald 2004). Even if legislators are properly authorized to make many kinds of laws and policies, it may not be appropriate for them to fashion the rules according to which they gain and lose those powers. In such decisions, many elected officials may be principally interested in crafting rules that protect their incumbent individual or partisan advantages while their electors desire nearly the opposite: extensive political competition or wide choice among representatives. In U.S. states, redistricting decisions occur primarily through the ordinary legislative process. Thirty-eight states make their Congressional redistricting plans and twenty-six compose the electoral boundaries of their state

legislatures in this way. Two outcomes tend to result. If one or other party controls the legislature, they produce partisan gerrymanders that favor the controlling majority. If control of government is divided between the houses of a state's legislature, or between the legislature and the executive, lawmakers tend to ratify a compromise incumbent protection plan in which each party makes its own seats safe. A rule-making process whose central result is to protect the prerogatives of those who make the rules has little democratic value.

Commissions of experts (I2 above) are the principal alternative to ordinary legislative processes in fashioning the rules of politics (Thompson 2002: 173-9). Compared to legislative redistricting, such commissions seem attractive for two reasons. First, they may be politically insulated from the corrosive calculus of incumbent advantage. Second, these commissions may be composed of individuals who possess legal, mathematical, ethical, or political expertise that enables them to make wise decisions. But autonomy is difficult to achieve when the stakes are so high. Most redistricting commissions in the United States do not even pretend to possess such independence. Members are frequently appointed because of their political affiliation and reliability. As a result, U.S. redistricting commissions often make decisions that resemble the incumbent-protecting outcomes of ordinary legislative processes.

But a degree of political insulation is possible. In Arizona, for example, a popular referendum in 2000 created a distinctive redistricting commission that operates with evident independence. State legislators appoint four members, two from each major party, from a pool created by the judicial appointments panel. Those four members then appoint a fifth, politically unaffiliated, member to serve as chair. The commission's charge is to develop a redistricting map that is attentive to compactness, existing boundaries, and competitiveness. The law prohibits the commission

from considering party registration and voting history data in the initial phase of the mapping process, and from identifying the locations of incumbents' or candidates' residences altogether. The commission approves maps by majority vote and their plans are not subject to legislative review or gubernatorial veto. Though it is widely acknowledged as an exemplar of independent commission redistricting (Macedo et al. 2005: 58), the Arizona process is not without difficulties. Hispanic democrats have sued Arizona on the grounds that the map fails to produce sufficiently compact districts and the city of Flagstaff has sued on the ground that the commission failed to respect traditional communities of interest. Since 1992, more than 90 percent of incumbents seeking reelection in Arizona have won (Thompson 2002).

The important criterion of independence, however, does not substantially differentiate well-constituted commissions (I2) from citizens' assemblies (I3). Indeed, a group of randomly selected citizens may be more politically autonomous than notables who have been vetted by legislators. But an assembly of experts may be more competent than one composed of ordinary citizens. Conversely, the enduring popularity of juries in criminal and civil trials (Abramson 2000; Gastil 2000; Leib 2004) suggests that the lay character of citizen assemblies confers a certain democratic legitimacy and virtue. They may introduce popular values and perspectives without the freight of partisan self-interest. If, furthermore, ordinary citizens generally possess or can with reasonable effort acquire the knowledge and skills necessary to make wise decisions in this area, then (other factors equal) considered judgment favors assemblies of citizens over experts deploying their technical prowess.

A recent experience from Canada suggests that ordinary citizens can acquire the competence necessary to design political institutions. The Liberal Party government of British Columbia re-

cently created a participatory mechanism to recommend whether the province should keep its system of single-member, plurality-winner elections or replace it with some other voting system (British Columbia Citizens' Assembly on Electoral Reform 2004). The Citizens' Assembly was composed of 160 citizens who had been randomly selected from provincial voting lists. In order to assure a degree of descriptive representativeness, selection was stratified by region and gender. The Assembly convened every other weekend for day-and-a-half long meetings over the course of one year. Over this time, members learned about various electoral designs, attended open meetings to solicit public opinions, and deliberated about the merits of various voting systems. Attendance was very high — around 94%.

Members decided that B.C.'s electoral system ought to serve three fundamental values: fairness, understood as proportionality in the allocation of legislative seats; local representation, understood as the connection between an elected representative and her geographic constituency; and voter choice, understood as the number of candidates and parties. To analyze the merits of alternatives, members simulated the operation of various voting systems. Eventually, Assembly members settled upon two alternatives — a mixed member proportional (MMP) system and a version of the single transferable vote (STV). The STV option defeated MMP by a 123 to 31 in a vote of Assembly members. Bypassing the legislature, the citizens of British Columbia considered this recommendation in a provincial referendum in May 2005. A “double-majority” of (i) more than 60% of the total ballots cast and (ii) more than 50% of the ballots cast in 48 of the 79 constituencies (i.e., a simple majority in more than 60% of the ridings) was required for passage. The measure won a majority in all but two of the constituencies, but it garnered only 57.4 percent of the total vote. Though the result fell just short of the required super-majority threshold, it

appears that many voters did consider the Assembly process legitimate. At this writing, the Liberal Party government has announced that it will hold a second referendum on the Citizens' Assembly proposal in 2008 to allow time for greater public debate. The situation also creates a certain awkwardness; the government holds power by virtue of an electoral system that a majority has voted against.

Experience and analysis does not yet provide definitive conclusions regarding the consequences of these different institutional arrangements. Suppose, however, that the following propositions — backed by the compressed descriptions above — turn out to be true. First, elected officials will act to advance their own electoral prospects rather than other important values such as competitiveness or the coherence of districts when given the opportunity to make rules of the game. Second, citizens' assemblies are more easily insulated from undue political influence than expert commissions. Third, it is possible and feasible to structure a citizens' assembly in such a way that the participants gain sufficient mastery of the subject. That is, the alleged success of the British Columbia Citizens' Assembly can be repeated for other voting rules decisions and for electoral redistricting. If so, then the Citizens' Assembly is a way to make decisions of the game that avoids the democratic deficits of more familiar decision methods and is preferred under the pragmatic conception of democracy.

4.2. Lack of Capacity — Chicago Community Policing

Even when public decisions are well informed and track majority will, the conventional method of public action — implementation through state agencies — is ineffective for many issues. Pub-

lic hierarchies can lack the necessary information, ingenuity, know-how, or resources to address social problems effectively (Cohen and Sabel 1997). Nonprofessional citizens possess distinctive capabilities that can improve public action. In the provision of public services such as education and human development, for example, the involvement of clients in “co-production” may dramatically increase the quality of some services. Properly structured citizen participation can belie the common view that direct democracy, whatever its other merits, is highly inefficient. In areas such as public safety and environmental regulation, citizens may possess essential local knowledge that comes from close exposure to the context in which problems occur. In all of these areas and others, citizens may be able to frame problems and priorities in ways that break from professional conceptions, yet more closely match their values, needs, and preferences. Similarly, nonprofessionals may be able to contribute to the development of innovative approaches and strategies precisely because they are free from the received but obsolete wisdom of professionals and the techniques that are embedded in their organizations and procedures. Consider two examples from urban politics and policy that illustrate how the direct involvement of citizens can address this democratic deficit of incapacity.

Beginning in 1994, the Chicago police department shifted its organizational structure from a classic hierarchy designed to execute traditional policing strategies to a form of accountable autonomy. Now, rather than insulating professional operations from public scrutiny and influence, residents in each of 280 neighborhood police beats meet with the police officers who serve their areas in open “beat meetings.” The program has been quite well received by city residents. In surveys, more than one in ten residents claim to have attended a community policing beat meeting. However, in most beats, a few residents are heavily involved while others participate

much more occasionally. Contrary to participation bias exhibited by most forms of political engagement, residents from poor neighborhoods participate at rates greater than those from wealthy ones because the institution addresses a problem — crime — that plagues the disadvantaged (Fung 2004; Skogan and Hartnett 1999).

Case studies have shown that when these deliberative processes are well facilitated and supported by the police department and community organizations, they produce innovative and effective problem solving strategies that harness the distinctive capacities and local knowledge of residents. Four factors make this structure of citizen participation effective. First, the dramatic shift to participatory policing has forced officers to look beyond standard, comfortable, but ineffective approaches such as preventative patrolling, emergency response (answering “911” calls), and retrospective investigation of crimes (Goldstein 1990). Relatedly, when citizens engage in searching deliberation with police officers, they often develop different priorities and approaches than professional police officers would have developed on their own. Third, neighborhood residents provide distinctive capabilities and resources that make different kinds of public safety strategies possible. For example, residents can monitor “hot spots” such as parks, liquor stores, or residential drug houses with more scrutiny and constancy than a handful of thinly spread police officers. Finally, the discipline of deliberative problem-solving focuses and coordinates a host of other relevant but previously unharnessed city resources such as city attorneys, building regulation, streets and sanitation, and the parks department to address public safety concerns. In the rubric of the democracy cube, the Chicago community policing reforms enhance effectiveness by creating institutions in which a core of active residents who have taken a deep interest in

public safety in each neighborhood constitute “lay stakeholders” who deliberate with one another and co-govern the use of policing and other city resources (see figure 8 below).

Quite a different illustration of effectiveness enhancing participation comes from the city of Minneapolis (Fagotto and Fung 2006). In the mid-1980s, that city suffered an exodus of residents who fled problems of the urban core for suburban green fields. In order to staunch these departures and address the quality of urban life generally, the city and state created a policy to allocate \$400 million over 20 years for neighborhood development projects. The distinctive feature of this policy, called the Minneapolis Neighborhood Revitalization Program (NRP), is that it distributes funds among sixty-six neighborhood associations. NRP’s centralized allocation formula is highly progressive: poor neighborhoods receive much more funding than wealthy ones. Associations allocate their funds among various projects that are specified in “Neighborhood Action Plans” that they develop in consultation with city staff. The NRP has funded a wide range of activities that include revolving loan funds for home improvements, human services, new housing construction, commercial corridor revitalization, and school and park construction and improvement.

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

tastes and values. Finally, NRP has catalyzed tens of thousands of volunteer hours from neighborhood residents who participate in planning activities and community events.

Whereas many neighborhood associations were moribund prior to NRP, the program's resources and incentives re-energized these sub-local bodies. As with Chicago community policing, there is in most neighborhoods a small core of NRP activists who do the lion's share of work in developing plans, negotiating with city staff, and monitoring project implementation. All neighborhood associations provide mechanisms for broad participation that include general meetings, surveys, and focus groups. But deep engagement with NRP is very demanding and so limited to a few in each neighborhood. Activists who serve on neighborhood association boards and committees frequently invest dozens of hours per month and develop para-professional levels of planning expertise. A major criticism of NRP is that these few activists are quite unrepresentative of Minneapolis residents at large. They are typically white homeowners who may very well be insensitive to concerns of minorities, renters, and less-well off residents.

As a general matter, some features of participatory forums that enhance the effectiveness of governance may not lend themselves simultaneously to advancing social justice. In particular, making public action effective can require intensive involvement from relatively small numbers of citizens who are willing to invest many hours and to acquire substantial expertise in specific policy areas. The Minneapolis NRP requires neighborhood activists to develop a knowledge of planning and to be able to navigate the city's complex tapestry of agencies. The most active residents in Chicago's community policing program invest many hours per month and gain a facility with police procedures, the courts, and various city services. Therefore, participatory institutions geared toward enhancing effectiveness are likely to draw a relatively small number of "lay

stakeholders” who have a sufficiently deep interest in the problems at hand to make the required sacrifices (see figure 8 below). In the best of circumstances, these citizen activists generate public goods such as safe and vibrant neighborhoods that others enjoy. Recruiting methods such as random selection and open general meetings with large numbers of participants are unlikely to enhance effectiveness because participants will fail to develop the requisite competencies. Participatory mechanisms are often thought to produce justice by organizing extensive participation that includes many diverse perspectives. But, as discussed above, institutions that enhance effectiveness require less extensive and more intensive kinds of participation.

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

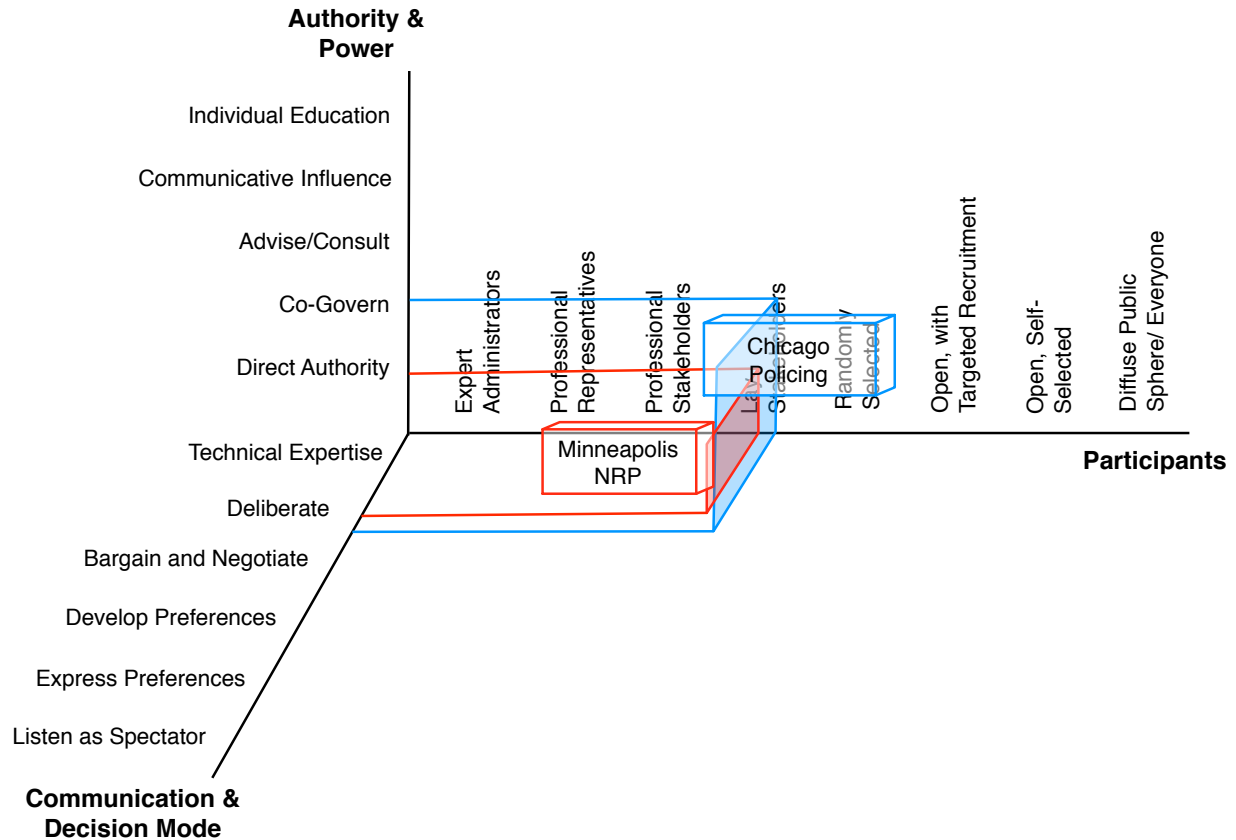
Finally, on the dimension of influence and authority, both the NRP and community policing reforms shift substantial authority to the citizens who participate. NRP delegates spending power

to Minneapolis neighborhood associations. Citizens active in Chicago's community policing program jointly determine priorities and strategies in their deliberations with police officers.

There are two reasons to think that effectiveness enhancing participatory mechanisms must be substantially empowered. First, citizens will be reluctant to make the required sacrifices of time and energy unless they are confident that their deliberations will be translated into action. Second, deliberation and action are so deeply intertwined in these processes that merely advisory deliberations often would be ineffective. For example, residents in community policing deliberations often try one strategy, observe its effects, learn from success or failure, and shift course. If they only advised police officers who could then heed or ignore them, this process of iterated deliberation and learning would be broken or at least much diminished.

These three institutional design characteristics — lay stakeholder participants who deliberate about how best to solve public problems and are empowered to translate their deliberations into public action — are depicted in the figure below.

Figure 8. Capacity Enhancing Participation



5. Deliberative Liberal Pragmatism

One objection to this pragmatic conception of democracy as described so far is that it is incomplete and that completing it would render it another kind of ideal democratic conception and not at all pragmatic in the way that I suggest above. The objection is that one cannot say what counts as a problem (the democratic deficits in Section 3 above) nor what counts as a solution that “works” better (the discussion of Section 4) without specifying the dimensions of value accord-

ing to which the quality of democratic processes can be reckoned. It is precisely these values, the objection goes, that are contested by the main traditions of democratic thought. Once the hard philosophical work of getting these values right is done, the exercises of critical diagnosis and institutional discovery described above would be straightforward and perhaps even trivial.

Part of this objection is certainly correct. Discerning problems and assessing solutions requires reference to some set of democratic values. However, the pragmatic conception can offer two general responses. First, beginning with the major difficulties of actually-existing democratic governance shows how there is more agreement among contending democratic theories about both problems and solutions (once offered) than they commonly acknowledge. Second, on the pragmatic view, democratic values and institutions bear a reciprocal rather than deductive relationship to one another. Ideal conceptions frequently derive or justify the proper institutional arrangements from a suitably specified set of fundamental democratic values. For the pragmatist, the surprising consequences of various institutional arrangements can trigger a revision of values (that is why problems to be solved are ends-in-view rather than final ends).

Nevertheless, at any given moment, a pragmatist conception must articulate a set of democratic values with which to identify problems of democratic governance and judge solutions. Those values must be appropriate to both the democratic political culture of a society and the particular challenges that society faces in its historical context. We would not, for example, expect the democratic values guiding the United States in its agrarian moment to be identical to the values of the United States in the current advanced industrialized and transnational moment.⁶

⁶ cf, Dewey, *The Public and Its Problems*.

Ultimately, citizens themselves must accept and endorse the democratic values on which their governing institutions are based. Broadly speaking, then, pragmatic democracy is a kind of deliberative democracy. The values and principles that guide the construction and reform of political institutions must be accepted by citizens and citizens accept them because they are supported by good public reasons. The role of the democratic theorist, in this conception as in others, is to offer values and supporting reasons for consideration in the court of the public sphere. It is up to citizens themselves to accept those values and to revise them as more compelling reasons emerge and circumstances change.

For the liberal political culture of the Western democracies, the major strands of democratic theory identify several commonplace political values. Individuals have fundamental interests in their welfare and liberty. Democratic government ought, insofar as possible, advance and protect these fundamental interests. It should treat people with consideration and respect as political equals. Doing so requires that citizens have opportunities to register their views and preferences, and to affect public decisions and actions. Finally, these the demands of political participation and other public duties should not be so demanding that they crowd out important private projects and obligations.

These values can be articulated into a series of Principles of Democratic Procedure. These principles govern collective decision-making institutions and procedures. That is, given two methods for making public decisions and taking action, these principles seek to answer the question: which one is more democratic? Or, more properly, which of the two methods better realizes the values that are present in the various conceptions of democracy commonly endorsed in our po-

litical culture? A method of decision-making is more democratic to the extent that it possesses these characteristics:

- (DP1) *Inclusion of those Affected.* Procedures for making decisions in some realm include all citizens affected by those decisions. The dimensions of democratic inclusion are given by the other five principles.
- (DP2) *Equal consideration.* Procedures consider the interests of all of who are included as equals.
- (DP3) *Effective consideration.* Procedures consider the interests of all who are included effectively. That is, if one procedure generates decisions and actions that advance the interests of all more effectively than another, that procedure is democratically preferred.
- (DP4) *Equal and effective opportunities to participate.* Procedures offer all who are included equal opportunities to participate in making decisions. Effective participation includes opportunities to gain relevant information, offer and respond to proposals, and to exercise influence over the final decision.
- (DP5) *Constructive conflict management.* Procedures encourage those they include to constructively manage conflicts over objectives, proposals, and decisions. Participants should seek understanding, economies of disagreement, and mutual gains.
- (DP6) *Participatory and deliberative economy.* Procedures minimize the demands for public participation and deliberation that they require of those whom they include.

Consider these six principles in more detail below. One way to show that these principles of democratic procedure are compatible with contemporary liberal political culture would be to show how they could gain the endorsement of proponents of the major contending strands of democratic theory (minimal democracy, aggregative democracy, deliberative democracy, and participatory democracy). I believe that these principles can gain such endorsement, but I do not offer an argument to defend that claim here.

5.1. Inclusion of Those Affected

The first procedural requirement is the principle of including affected interests — those who are affected by some decision should be incorporated into the reasoning and procedures that determine it. The content of what it means to be included are given by the next five principles; this first principle establishes only that in order to qualify as democratic, decisions cannot leave out those who are affected. This principle squares with important intuitions about what democracy requires; when American colonists demanded that there be “no taxation without representation,” they complained about being excluded.

As other defenders have acknowledged, the principle of affected interest has quite radical implications. There are many political decisions whose affects span formal jurisdictions. Lax environmental regulations may allow factories on one side of a national border to pollute communities on the other side. If we say that environmental regulations should be determined democratically, then the principle of affected interest requires that the interests of residents on both sides of the border be considered. According to this standard of inclusion, the circles of democratic mem-

bership would not necessarily coincide with the boundaries of various levels of governments that now make law and policy — with towns, regions, provinces and states, and then nations. Instead, democratic membership might require many more criss-crossing, as well as nested, circles. Some of those circles might be tiny — encompassing only neighborhoods — while others would span transnational borders. Applying the principle of affected interest is thus necessarily complex and controversial. Assessing the extent to which any democratic procedure satisfies this first principle of democratic procedure requires looking into the details of the decision to determine who is affected by it and whether, and how, they are included. Such assessments are inevitably contested and involve difficult judgments. This loss in parsimony, however, purchases a political theory that is able to assess and guide the reform of a wider range of collective decisions at the local, metropolitan, regional, and global levels as well as the national.

The next five principles specify the entitlements of those who are included in a democratic procedure.

5.2. Equal Consideration

The second principle requires democratic procedures to consider the fundamental interests of those who are included as equals. That is, an institution is more democratic to the extent that its methods of making decisions incorporate the interests of those who are affected fairly, without arbitrarily disregarding some or favoring others. Many different mechanisms are designed to generate this sort of equal consideration. Examples include allocating one vote per person in elections, negotiations and bargaining procedures, judicial procedures that attempt to enforce a

rule of law where all are equal before it, and bureaucratic decisions in which civil servants struggle to provide public goods and services in an equitable way. Conversely, clear violations of the principle of equal consideration are familiar and legion. When the residents of poor neighborhoods suffer pockmarked streets and uncollected garbage while the parks and avenues of the wealthy neighborhoods across town are beautifully manicured, we suspect that the interests of the city's residents have not been considered equally by the city council and its municipal agencies.

Between these extremes, many practices are controversial precisely because people disagree about whether they advance equal consideration or impede it. In India and several other countries, for example, a certain number of legislative seats in national and local government are “reserved” for women and minorities that have suffered past discrimination. In the United States, the boundaries of electoral districts are sometimes drawn to enhance the political power of racial minorities. Seats in the U.S. Senate and the United Nations are allocated to states and nations respectively, without regard to the sizes of their populations. In this formulation, the principle of equal consideration does not settle any of the controversies in this middle category. Such particulars should not be addressed at this level of general principle because they inevitably require both practical and ethical judgement and because the appropriate ways to realize the principle of equal consideration turn in large measure on the details of the circumstances and problems that they seek to address.

5.3. *Effective Consideration*

The third principle requires democratic procedures to advance the interests of those who are affected by a decision effectively. I have emphasized that the purpose of social and political procedures is to protect the fundamental interests of citizens. The criterion of effectiveness and competence follows directly from this purpose. Other things equal, procedures that are more effective at securing what citizens want should be preferred to those that are less effective. Political institutions may include all who are affected by a decision and include them as equals, but nevertheless fail to achieve what they jointly want. The organizational means to implement democratic decisions may lack necessary resources and capabilities or the practical intelligence to act effectively.

It is a mistake to think that issues of effectiveness and implementation lie beyond (or beneath) democratic theory in the realms of mere public administration and management science. In every democratic society, citizens' well-being hinges in large measure upon the ability of governments at all levels to provide public goods and to regulate private behavior effectively — just consider spheres such as environmental protection, national security, education, and fiscal policy. Public incompetence therefore poses grave threats to well-being. It also threatens the other fundamental interest of autonomy. When individuals agree upon feasible goals and attend to tractable problems, the inability to accomplish those ends also affronts their collective autonomy. Consider the residents of a hypothetical place have set themselves to establishing and maintaining racial and economic diversity in their community because most of them value living in such a place.

Though painstaking efforts that span decades, they defy the norms of American local life and make their vision reality. But through some accident, say a misunderstanding between white residents and religious minority leaders during some fleeting public decision, the community

gains an unjustified reputation as racially exclusive and its racial harmony unravels. There are many resulting losses to residents' well-being. Beyond that, however, the failure to maintain better channels of communication and cross-racial relationships harms residents' collective autonomy. Despite years of hard work, the joint project of establishing a certain community character comes crashing down around them and is lost, perhaps forever. They fall into the grip of a pattern that they managed to escape for a time: the animosity between races that is prevalent in American communities. Conversely, the benefits to the residents of a community that achieves its project of stable racial and economic inclusion extend beyond well-being; their success manifests their joint, autonomous desire and power to order their social lives the way that they want.

5.4. Equal and Effective Opportunities to Participate

The fourth principle is that democratic procedures should provide equal and effective opportunities for those who are included in a decision to participate in making it. Participation is important for equal consideration when individuals know their own interests better than anyone else. In such cases, individual participation is the avenue through which desires and interests are registered by decision-making processes. On some issues, however, some class of experts really does generally know what individuals' interests are, and how to advance them, better than those individuals at large. Many have argued, for example, that aspects of national financial policy should be determined by central bankers who are largely insulated from political oversight or popular participation. But it is hard to establish with certainty when this condition of genuine expertise holds; the principle of equal and effective participation is an insurance policy against false expertise. Participation in decision-making procedures allows individuals to articulate their own inter-

ests in decision-making processes where they encounter experts; to contest the judgement of governors; and when necessary to correct their errors. The recent history of AIDS research, environmental public health, and public safety — among many other fields — offer clear examples in which popular participation corrected defects in putative expert judgement and allowed public decision-making to better advance individuals' well-being. In addition to protecting well-being, opportunities for political participation are important for individual autonomy in the public realm. Even if a government can be trusted to do what is best for individual well-being on its own, they take decisions for the sake, and in the name, of individuals who compose the polity. Because laws and public policies are in this way an extension of individual action, it is fully appropriate that some individuals, out of concern for their autonomy as responsible citizens, have a hand in authoring and owning those public actions, whether or not their authorship contributes to well-being. Opportunities for participation constitute the possibility of that authorship and ownership.

As with the other principles, many procedures and institutions can be compatible with the principle of equal and effective opportunity for participation. Representative government regulated by the one person - one vote rule is the most common such procedure, but popular initiatives and referenda also qualify, as do the notice-and-comment procedures of administrative rule-making in which anyone can submit opinions to government regulators and the town meeting forms of government that are common in New England. As with all the other principles, no actual procedure is likely ever to fully satisfy the principle. Every form of political participation, for example, is marked by important inequalities that stem from differences in individual resources and capacities. But equality here is a regulative ideal that sets a standards to judge and benchmark

institutions. The equality component of this principle, for example, prefers elections with public financing that diminishes the influence of private wealth on political outcomes to electoral systems that are unshielded from private economic power.

What does it mean for procedures to provide effective opportunities for participation? An act of political participation is effective to the extent that it influences the outcome of a decision-making process. On this definition, should my vote for the President of the United States, one among hundreds of millions, be considered effective? When elections are fair, my vote is as effective as everyone else's and so satisfies that minimum threshold. Furthermore, my vote does figure into the colossal calculus that determines the ultimate outcome. Beyond these minima, the appropriate level of effectiveness of a democratic procedure depends upon the interaction between the principle of equal and effective participation and the other five principles. As political thinkers from the Federalists to Robert Dahl have pointed out, for example, participation is generally more effective in smaller places, but larger places or polities are often necessary to address issues that are critical to well-being such as security, environment, and commerce. That said, if two procedures satisfy the other principles equally well, the one that creates more effective opportunities for participation—more voice and influence for the individuals who choose to participate—is preferred.

5.5. Constructive Conflict Management

Individuals' beliefs, interests, and projects frequently cause them to prefer different choices when faced with a decision that they must make together. Conflict is thus an essential, inescapable, and

proper part of politics. But it can go too far. The methods and institutions through in which individuals and groups work out their differences can exacerbate conflict and antagonism in ways that prevent them from reaching decisions that advance their interests. Scholars and practitioners of negotiation and alternative dispute resolution have, for example, shown how parties in a disagreement often defend their initial positions in ways that prevent them from discovering mutually beneficial solutions that would better serve each of their interests. Political scientists studying political polarization show how individuals with extreme positions tend to be more active and thus polarize many political decisions. Political conflicts that degenerate into personalized or Manichean antipathies undermine the mutual respect and cooperative dispositions that are necessary for democratic decision-making and problem solving.

The fifth principle requires democratic decisions to be made through procedures that regulate political conflicts constructively. Constructive conflict management has two dimensions. The first is that procedures should minimize the extent of disagreements so long as that reduction is consistent with the other principles of democratic procedure. Chapter six shows how interest group conflicts over the legal regulation of reproduction have generated excessive and unconstructive hostilities — manifest as ad hominem attacks and even violence — between pro-life and pro-choice advocates. While these two sides deeply disagree, more deliberative and discursive methods can establish mutual respect and understanding. That understanding can, in turn, open possibilities for cooperation in areas where the sides converge — such as assistance for indigent mothers — even as they disagree on other policies. But efforts to establish harmony can also go too far. As Jane Mansbridge and others have shown, the desire for social and political unity can cause individuals to repress their own interests for the sake of consensus. These dy-

namics often benefit those who are socially or politically powerful — they are able to pass off their own interests as the interests of all. Procedures that press consensus and conflict minimization too far in this way violate the other principles of democratic procedure, especially the principle of equal consideration of interests.

Understanding is the second dimension of constructive conflict management. Feminist and deliberative theorists, not to mention liberals such as John Stuart Mill, have stressed the positive contributions of diversity and difference in politics. More than just a fact of contemporary social life, encounters with those who disagree with us can lead to deeper understandings and transformations of ourselves as we seek to understand why they disagree and as we test our commitments against theirs. Thus the fifth principle prefers procedures that use conflicts as a springboard for reflective explorations of self and society to those in which conflicts encourage defensiveness and amplify entrenched differences.

5.6. Participatory and Deliberative Economy

Oscar Wilde supposedly quipped that “the problem with socialism is that it would take too many evenings.” Though far from the reality of life in Western democratic societies, we can imagine political systems that require individuals to devote endless evenings to political discussion and decision-making. Wilde’s complaint is that such demands infringe on individuals’ autonomy and well-being because they have private and social projects to attend. Furthermore, such political systems might be based on the idea that the good life is one in which individuals deliberate about politics. Pericles said of his ancient Athens, for example, that “Here each individual is interested

not only in his own affairs but in the affairs of the state as well... we do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all.” As attractive as this ideal is to some, it is abhorrent to others. Liberal democratic institutions should allow both conceptions of autonomy to flourish. While the fourth principle of equal and effective opportunities for participation assures that citizens can exercise their political and social capacities, the final principle protects them from excessive demands to do so.

This final principle stipulates that decision-making procedures ought to lighten the duties of participation and deliberation that they impose as long as the first five principles are satisfied. Some questions and contexts may call for very little public participation; a wealthy city with decent public works may need no more than a hotline to decide which potholes to fill. In a poor city with corrupt or incompetent agencies, fair, effective, and accountable decisions about infrastructure investments may require substantial public participation.

5.7. Priority of Six Principles

These principles have been given in rough order of priority. *Ceteris paribus*, it is more important that a procedure accord equal consideration to individual interests than that it advance their interests effectively. From the point of view of an individual seeking to protect his interests as it relates to a collective decision, to be excluded is to risk being treated instrumentally or to be ignored altogether. So the first principle of inclusion takes priority over the other principles. From this same point of view, the denial of equal consideration entails lack of respect and status, but some consideration is better than exclusion. If public decision and action fail to advance one’s

interests effectively, it may be because they are incompetent or unwise; lack of effectiveness does not entail malevolence or injustice in the way that exclusion and unequal consideration usually do. The fourth principle, governing opportunities for participation, follows these because political participation is not strictly and logically necessary to advance fundamental interests in the way that satisfying the first three principles are. But it is nevertheless an important principle because the facts of particular problems and political conditions frequently makes participation crucial for individuals' well being and autonomy. Similarly, unnecessary conflict prevents individuals from jointly pressing their interests as far as they might, and it may undermine long-term political stability and harmony in ways that make future democratic decision-making more difficult. These considerations, however, are less critical and immediate than the issues regulated by the first four principles. Unconstructive and socially unnecessary conflict usually appears after political actors have managed to constitute themselves, articulate preferences and positions, and engage in political arenas. The sixth principle of participatory and deliberative economy receives consideration last. If participatory and deliberative contributions are necessary to satisfy the prior principles — especially equal and effective consideration — then the individual sacrifice of political energy yields greater gains for fundamental interests such as well-being and autonomy.

This order of priority is not strict, much less lexicographical like Rawls' two principles of justice. By "priority," I mean only that greater weight should generally be given to the earlier principles than to the latter ones. It may be, for example, that a large gain in the effectiveness of some procedure for securing individual well-being may be worth a small sacrifice on the dimension of equal consideration. The sixth principle may figure more heavily in decisions over trivial issues — perhaps I should stay home rather than attend a tedious meeting to make sure that my prefer-

ence for the color of the park bench is properly registered. Recall that the order of priority is derived from the general considerations regarding how best to advance individual well-being and autonomy. The order of priority of these six principles is a rule of thumb that should be overridden in particular instances when doing so better protects individuals' fundamental interests.

5.8. Why These Principles — Some Considerations

These six procedural principles are intended to orient public discussions and decisions regarding the appropriate democratic institutions for particular contexts and problems. Because these principles are one element — along with the account of democratic deficits and the menu of institutional alternatives — and not the foundational element from which the rest of the pragmatic conception derives, there is somewhat less conceptual weight on these principles than in some other views in analytic political philosophy or political theory (e.g. the principle of utility or John Rawls' two principles of justice). These principles are nevertheless the normative compass of a liberal pragmatic conception of democracy, and it is important to understand why the citizens of liberal political societies (among others) might find them appealing as such a compass.

It would be appealing if the six principles captured an overlapping agreement — the normative core — between the conceptions of democracy in liberal societies. But this is clearly not the case. A minimal, Schumpeterian, democrat, for example, might reject the principle of “equal and effective opportunities to participate.” Schumpeter, and others such as Adam Przeworski and Richard Posner after him, have argued that electoral participation is sufficient for democratic governance, and institutions need provide no more effective or extensive channels than that. A participatory democrat such as Benjamin Barber would almost certainly reject the sixth principle of participatory and deliberative economy. For many participatory democrats, political participa-

tion has intrinsic value and so opportunities for, and even demands for, participation should be regarded as a social benefit rather than as a cost.

I believe that many those who hold particular conceptions of democracy such as minimal or participatory democracy would reasonably converge to the six principles described when confronted with choices between contending institutional and procedural designs in the full detail of social and political contexts and problems. Elsewhere, I have explained this thought process of moving between procedural principles and contextualized problems as “pragmatic equilibrium.”⁷ In the course of confrontation with particular problems and situations, principled commitments may come under pressure and latent possibilities may become apparent. Even a committed participatory democrat, for example, might acknowledge that provisions for direct citizen participation might become in some contexts too burdensome on citizens or introduce representative inequalities. In other contexts, provisions for direct participation may be a useful corrective to corrupt or uninformed government by professional representatives. While there may be some contexts in which participants in a decision-making process have articulated their interests to a fully understood set of options and understand each others’ perspectives more or less completely, the fifth principle of constructive conflict management addresses situations in which discursive and deliberative processes might enable participants to discover mutually advantageous possibilities⁸ or to reduce their polar antagonisms by minimizing the extent of their moral or practical disagreements.⁹ The six procedural principles incorporate such contextual variations.

⁷ Fung ["Democratic Theory and Political Science: A Pragmatic Method of Constructive Engagement"](#) in *American Political Science Review* Vol. 101, No. 3 (August 2007): 443-58.

⁸ Scharpf, FW. *Games Real Actors Play: Actor-Centered Institutionalism in Policy Research*. Westview Press, 1997.

⁹ Gutmann, Amy, and Dennis F. Thompson. *Democracy and Disagreement*. Harvard University Press, 1996.

The thought, then, is that citizens — and democratic theorists — would reach these six principles of democratic procedure as those best suited to guide judgement among alternative methods of popular decision-making because they successfully bridge the basic ethical commitment to democratic governance among free and equal citizens to the challenges posed by complex decision-making in varied socio-political problem-contexts.

Adopting these principles of procedural judgement — and the pragmatic conception of which they are part — does entail at least two conceptual commitments. I will not argue for these commitments here, but merely state them to alert the reader.

First, the principle — of affected interest — commits the pragmatic democrat to departing from a view of the polity — as in versions of a Kantian democratic contractarianism — in which free and equal citizens govern themselves under the clear and fixed authority of a (usually national) state. Instead, democratic governance in the pragmatic view is composed of countless large and small decisions. Some of these concern so-called “administrative” issues, while other involve laws or constitutional provisions. Some occur at the local level, while others occur at regional, national, or even transnational scales. The appropriate scope of inclusion, participation, and influence will vary according to the particulars of various social problems and challenges. The “polity,” or collectivity of individuals whose interests ought to be considered and who ought to exercise voice, is therefore markedly different when one begins from the pragmatic starting point of social problems in which individuals find themselves rather than from the starting point of a consistent group of free and equal citizens who seek to regulate their lives together according to laws of their own making.

The pragmatic conception entails a second commitment to abandon the commitment to a small and fixed number of democratic institutions — such as political representation through competitive elections and freedom of association — in favor of a wide ranging consideration of various institutions and procedures of collective decision-making. Different situations and problems call for different methods. The pragmatic democratic is commitment to abandoning a fetish for any particular institutional arrangement in order to explore the consequences — hopefully democratically superior consequences — of a variety of different forms.

5.9. Principles, Diagnosis, and Alternatives All Together

These principles work in conjunction with the other two elements of the pragmatic conception developed in sections 2 and 3. The diagnostic tool of the democratic deficits model highlights areas of law and policy that are priorities for democratic reform because the familiar methods of democratic decision-making fail on their own terms. In these areas, the pragmatic conception exhorts citizens and public leaders to search for alternatives that work better. The institutional menu of the democracy cube offers a rubric of candidate alternatives to representative-bureaucratic governance. Finally, the six principles of democratic procedure define what it means for one alternative to “work better” than another. These six principles are intended to capture the sense of what it means for a method of collective decision-making to be successful in our current liberal political culture.

6. Regulative Ideal vs. OpenSource Project

Many democratic theories, like theories of justice, are offered as regulative ideals. They defend a set of principles or institutional arrangements which can never be perfectly realized, yet set a benchmark against which to judge and guide behavior, including importantly behavior aimed at political and institutional reform.¹⁰

As a regulative ideal, pragmatic democracy offers quite weak and non-specific guidance: citizens and public leaders should be on the lookout for deficits in their democratic institutions. They should master the democratic craft of judging and implementing a wide range of alternative decision-making procedures that can do better.

Rather than thinking of pragmatic democracy as a regulative ideal for a democratic society, the image drawn from Open source software and product development is more apt.¹¹ OpenSource software projects like Linux, Mozilla, Apache work by inviting a large number of developers and users to constantly find problems with any particular release and to offer solutions to fix those problems. The pragmatic conception of democracy does the same for democratic institutions.

Unlike the elite theory of democracy, participatory democracy, or even some variants of deliberative democracy, the pragmatic conception does not defend a highly fixed set of values and institutional prescriptions. As with all OpenSource efforts, pragmatic democracy fully acknowledges that any particular “release” is highly imperfect — full of bugs. More fundamentally, since the heart of the Open source productive logic is continual improvement, this approach rejects the

¹⁰ See Kant, *Critique of Pure Reason*; Rawls, *A Theory of Justice*.

¹¹ See Eric Raymond, “The Cathedral and the Bazaar” (1998). URL: http://www.firstmonday.org/issues/issue3_3/raymond/ (accessed on November 7, 2007).

idea of perfection and so the notion of a regulative *ideal*. Just when someone thinks he has created the perfect web browser or operating system, the goal posts change because people want the browser or operating system to have new and ever more delightful features.

The version of pragmatic democracy described above offers three modules — a diagnostic model, a menu of institutional alternatives, and a series of principles for judging alternatives. The value of each of these modules lies in their capacity to help citizens improve their democracies — to make democracy work better. In the course of using each of these modules, one hopes that they will be transformed and improved because they are found wanting. The four democratic deficits may be a good starting point, but there are other profoundly important shortcomings with democratic governance that this diagnostic model does not cover. As a menu of institutional alternatives, the democracy cube does bring many possibilities and permutations to the fore, but many others (existing and yet to be invented) are not yet on the menu, so it should be expanded. Finally, on the ethical dimension, modifications and extensions of the six principles of democratic procedure may gain a larger or deeper consensus among contending conceptions of democracy that occupy contemporary liberal societies. Or, experience with alternative decision-making procedures may motivate reformulation or different prioritization of those principles.

One objection to casting a pragmatic theory of democracy as an Open source project is that its claims and propositions become too slippery; they are no longer philosophically or empirically falsifiable. This objection simply denies the nature of the pragmatic enterprise. Pragmatic democracy does not aim to win an argument by establishing the truth about liberal democracy. It aims instead to provide a set of working hypothesis — about the most important problems of governance, about available alternatives, and about how citizens ought to judge their public insti-

tutions — that enables citizens, activists, and public leaders to turn the governance that they have into forms of democracy that they deserve.

As a pragmatic conception, the issue is whether the elements of the theory are useful rather than whether they are true. The great pragmatists Charles Peirce viewed truth as that view which remains at the end of a process of inquiry carried out by a community of inquirers unburdened by the constraints of time and energy.¹² In the area of democracy, there is no way to discern what lies at the end of the road of inquiry without actually traversing it. Perhaps, as I have suggested with the Open source analogy, there isn't even an end to that road. If there is, it cannot be reached through a journey taken in the mind alone — it requires encounters between contending assertions of priority, value, and institutional prescription. Rather than trying to describe what lies at the end of the path of inquiry, the pragmatic conception of democracy sketched above maps out the first few steps in that journey and provides a method of inquiry with which to follow it. Now it is time to take those steps and see what lies ahead.

**** **References to be Completed** ****

¹² C.S. Peirce. "How to Make Our Ideas Clear" in *Collected Papers*, p. 407; *The Collected Papers of Charles Sanders Peirce*, Vols. I-VI ed. Charles Hartshorne and Paul Weiss (Cambridge, MA: Harvard University Press, 1931-1935),