

A Theoretical Review of Public Participation in Public Administration

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Nowhere in the U.S. Constitution are mechanisms of public participation codified, except for what is perhaps the most basic form of participation: the vote. It was, however, in the First Amendment that the right “to petition the Government for a redress of grievances” was established. From that moment on, the lines of communication between citizens and their government have been open. The depth, scale, and quality of this communication has intensified over time. In a historical context, the form and shape of public participation has resulted from laws, court rulings, and shifts in culture and politics. The relationship between the public, public participation, and the public administration will be examined with a brief literature review. Tangentially, it will also be relevant to examine the changing role of the bureaucracy practically and theoretically. An analysis of public participation and its mechanisms will be performed using public administration theories. Wrapping up, the future of public participation will be discussed with insights from emergent theories of public administration.

Following the Progressive and New Deal eras, both of which included a strengthening of the executive branch, the Administrative Procedure Act (APA) was passed in 1946, with an aim of making governmental decision making more transparent (Beierle & Cayford, 2002, p. 3). This formalized the notice and comment requirements for federal agency rulemaking. The need for the APA is a reflection of the strength of public administration as perhaps the “fourth branch of government” (Webb Yackee, 2006). Over time, the bureaucracy has come to play a larger role in policy formation and expression, rather than simply policy execution (Goodnow, 1900). Systems of checks and balances were built into the Constitution for the three named branches of government, but the APA was necessary to allow for citizenry checks on the power of the bureaucracy. The strengthened bureaucracies from the Progressive Era and the New Deal existed in a “semi-sovereign” state until the Johnson administration (Gormley Jr., 1989, p. 9). “By announcing a war on poverty and an end to racial discrimination,” Johnson opened the floodgates for bureaucratic bashing, perhaps because solving problems for the disadvantaged was seen as less popular than

solving nation wide problems stemming from depression, world war, and post war economic expansion (p. 9-10). This containment of the bureaucracy included (among many other reforms): the passage of laws like the Freedom of Information Act and the National Environmental Policy Act; the U.S. Court of Appeals formalizing additional administrative rulemaking procedures; agency reorganization; and legislative oversight of federal agencies. Bureaucratic reforms of the 1970s included two general impacts to public participation: expansion of representation and the extension of due process in administrative proceedings (p. 43). Following these reforms, regulatory agencies generally employed command-and-control techniques, engaging with the public in what might be considered a pluralistic manner. Weber (2000) writes of environmental agencies, but perhaps provides insight into many bureaucratic techniques of this time: “Regulators adopt[ed] a detailed, source-specific, industry-by-industry strategy of control over virtually every aspect of implementation” (p. 249-250). Dissatisfaction with these mechanisms has led to the emergence of more decentralized and horizontal power sharing with the public. Two important amendments to the APA (the Negotiated Rulemaking Act and the Administrative Dispute Resolution Act) in 1996 paved the way for the use of new governance strategies (Blomgren Bingham, Nabatchi, & O’Leary, 2005). This historical framework provides an adequate underpinning for understanding and analyzing the role of public participation in public administration.

Public participation is fundamental for the success of any democracy. The incorporation of public values and ideals into the public discourse and decisions strengthens democracy (Beierle & Cayford, 2002, p. 14). While the public is diverse, and the values held are equally diverse, communication can lead to common value identification and compromise. With adequate and appropriate communication between citizens and the government, programs that address the values of the citizens can be implemented (Arnstein, 1969). Government is then able to fulfill its role in providing goods and services that benefit its citizens. This idealized formulation also leads to a tamed public that is less critical of government decisions (Irvin & Stansbury, 2004, p. 55)

Thus, benefits are reaped by both the government and the public, and these benefits take the form of both improved processes and improved outcomes (p. 56). If and when these benefits are not seen, or are seen to disproportionately accrue to one agent or another, we can look for cracks in the system.

Perhaps the first look should be directed towards citizens. If humans are rational creatures, we can assume that individuals would choose to participate in those activities that maximize their own utility. Individuals should take an interest in rulemaking processes that would have an impact on their own lives. This view is consistent with that expressed by the new public management. Denhardt (2004) explains that government's role in this model is "to mediate the specific personal and collective interests" in order to allow "self-interests [to] be played out and adjudicated" (p. 172-173). New public service views an expanded role for the individual; citizens must be involved in government in order to promote community and the greater good (p. 173). Even for those who choose to participate in government under this expanded definition of citizenry, involvement in public participation processes can still be limited by cognitive and motivational barriers (Coglianese, 2006). Recent e-government transformations to the notice-and-comment mechanism aim to improve and expand this participation (Farina, Newhart, Cardie, & Cosley, 2010), though the question of whether this will improve the quantity and quality of public participation has not yet been answered (Coglianese, 2006). In this prior discussion of public participation, there is an inherent supposition of adherence to regime values (Rohr, 1978). It is worth noting here, however, that public participation may be defined loosely or broadly (Beierle & Cayford, 2002, p. 6); extralegal acts (e.g. violence), while not the focus of this set of literature, may be considered in some analyses as mechanisms of public participation. Finally, before moving on from the role of the individual, it is important to recognize how, via a postmodern lens, this fracture point in the process of public participation may be overlooked. Because of particularism, "we think of public as pertaining to government and having to do with voting and the conduct of officials" rather than recognizing an "enhanced notion of citizenship" (Frederickson, 1991 in Frederickson & Smith,

2003, p. 140). Improvements in public participation need to focus not only on the role of government, but also on the role of the citizens. Both agents have a stake in seeing an effective, accountable, efficient, and responsive process.

Knowing that rationality is bounded, individuals tend to associate in organizations, or interest groups, though this does not completely eliminate the limits of cognitive capacity and knowledge (Frederickson & Smith, 2003, p 167). Beyond overcoming gaps in knowledge, representation via interest groups also solves the motivational barrier to participation for individuals. This fits with Lewis' (1991) theory of the delegate; interest groups can bring their members' interests to the table in the policy discussion. The idea of the interest group as trustee should not be entirely discounted, as perceptions of representativeness may result in some values being left out of the discussion. Arnstein (1969) poses some hesitations to consider concerning the value of participation. Participation mechanisms can be merely token efforts in inclusion, especially if the correct mix of representation is not achieved, or if the goal of the public administration is simply to win the sympathy of influential groups or people (Irvin & Stansbury, 2004). Interest group representation strengthened with the 1970s bureaucratic reforms (Gormley Jr., 1989). Four important changes to the public participation process as a result of the 1970s reforms were: government decision making information become more readily accessible; federal law was changed to require more public hearings; financial resources were allocated for participation in policy making processes; and surrogates were created to advocate for citizens in the case when interest group representation was inadequate (p. 68-87). The increased strength of interest groups has given rise to the idea of pluralism in public participation. This pluralism led to a consolidation of power among interest groups and an increased emphasis on command-and-control techniques (Weber, 2000, p. 247). Inasmuch as the strength of interest groups has increased, public participation processes have become quasi-legislative (Gormley Jr., 1989; Blomgren Bingham et al., 2005). This expansion of governmental roles should not come as a surprise to any student of public

administration; even Goodnow recognized that “the formal legal bases for the division of governmental responsibilities, both horizontally and vertically, are substantially altered by governmental practice” (Denhardt, 2004, p. 45). Interest group representation, building on themes of community and collective action, provides the opportunity for expanded participation in policymaking processes.

What is the proper role of the bureaucracy in implementing public participation? In seeking improved processes and outcomes, the bureaucracy has an interest in seeing productive public participation. The changing role of the bureaucracy in public participation is reflected in theoretical frameworks; recognizing that previous “efforts were often attempts to coopt client groups ... [new public administrationists] sought more open organizational structures having permeable boundaries and marked by confrontation and exchange” (Denhardt, 2004, p. 107). The new public service repositions “citizens as citizens (rather than merely voters, clients, or “customers”)” and calls for greater responsiveness from the bureaucracy as citizens engage in democratic processes (p. 176). These shifts are reflected in the 1970s reforms, though concessions were made for the continued management by experts. Thus, democratic values are more obvious in policy formulation rather than implementation during this time (Gormley Jr., 1989, p. 37-38). As the implementors of participation processes, the public administration must consider cost and regulatory authority (Beierle & Cayford, 2002, p. 17). In many cases, public participation should not be considered for a given decision making process (p. 63). In other cases, limited participatory mechanisms are all that may be required (Irvin & Stansbury, 2004). These decisions are made in reflection of the specifics surrounding a decision (e.g. spatial scale, policy level, etc.) (Beierle & Cayford, 2002, p. 56). Public administration has some latitude in directing the form and shape of public participation. Insofar as increased citizen involvement melds with other bureaucratic values such as efficiency, expertise, and accountability, the public administration benefits from promoting participation (Gormley Jr., 1989, p. 88).

In reviewing public participation, it is essential to note that participants outside of the typical realm need to be considered. Certainly, under the auspices of the 1970s reforms, the courts played a very important role in shaping public participation processes. In formalizing interest representation and expanding due process, the courts, according to Gormley Jr. (1989), engaged in catalytic control mechanisms over the bureaucracy. By prescribing representation, the courts afforded the bureaucracy the opportunity to solve problems using some of its own ingenuity. Many coercive controls were also directed toward the bureaucracy during this time, but none that influenced public participation. It seems that coercion and public participation do not necessarily go hand-in-hand. Consider Lowi (1974, in Denhardt, 2004, p. 126-127), who emphasized “legislative enactment and administrative rule making that would codify as many relationships as possible, thus eliminating the need for discretion and the bargaining and negotiation that it allows.” Denhardt (2004), and perhaps the courts, saw this coercive control mechanism resulting in “representation [as] at best an election year phenomenon” (p. 127). Thus, in favoring catalytic control mechanisms, the courts were actively promoting democratic values in public participation. The legislative and executive branches have also acted as a force on public participation (Beierle & Cayford, 2002, p. 61-62). The legislature has “established counterbureaucracies in instances where citizens were unable to represent themselves” (Gormley Jr., 1989, p. 44). Strong forces influence the public participation process. These forces can aid in or detract from the achievement of the democratic values sought after by participatory agents.

Finally, a brief review of public participation from the view of emergent theories of public administration will present a way forward for the future. Weber (2000, p. 238), again, in discussing the environmental movement, posits that “decentralization, collaboration, and citizen participation” has allowed for a devolution of authority from the bureaucracy to the citizenry. This has also been termed “citizen control” (Arnstein, 1969). The bureaucracy can still play a important role in this public participation process, adding value through resources, knowledge and new skills (Blomgren

Bingham et al., 2005). There are some limitations to this model however, as network governance seems to work best in smaller spatial scales and when they are well-defined (Weber, 2000). The representativeness of network governance mechanisms has also been called into question. Irvin & Stansbury (2004) discuss how low-income populations are typically left out of these processes, possibly because of time and resource prioritization. Network governance expands the power of the citizenry. Citizen freedom and power are positively related to successful public participation processes (Beierle & Cayford, 2002, p. 53-54). Additionally, a failure to commit to flexibility and open-mindedness dooms these processes (p. 64). The bureaucracy may be interested in implementing network governance in small scales at small spatial levels, but its only true test will come when it is attempted for even more complicated matters, challenging not only the limits of the bureaucracy but also of the public.

Since the passage of the APA, the voice of citizens has played an increasingly important role in government. Demands for more and stronger representation have resulted in new relationships between citizens and the bureaucracy. While there is still room for growth from both sides, it appears that a more open, transparent, accountable, and responsive government is on the horizon. As the bureaucracy has become more powerful, its list of responsibilities have also lengthened. Just as the public administration once sought shared policy making power from the state's expressing authority, so now do the people demand shared power. Advancements in information and communication technology will expand the available set of tools for practitioners in this field moving forward. The internal desire for community building, participation, compassion, and shared value identification are the only limiting factors to how far these new techniques can bring people together to solve problems, achieve the desired outcomes, and ultimately, help the government serve the people.

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