

Corporatism, Pluralism, and Democracy: Toward a Deliberative Theory of Bureaucratic Accountability

CHRISTIAN HUNOLD*

This essay proposes a deliberative model of bureaucratic accountability and assesses its feasibility. Conventional wisdom suggests that a deliberative theory of bureaucratic accountability has little utility outside corporatist contexts. I reject this view because recent changes in patterns of interest representation have transformed both corporatist and pluralist bureaucracies into more hospitable environments for public deliberation. Contrary to the claims of democratic corporatists, recent pluralist practices of interest representation also seem to be compatible with public deliberation. Hence, movement toward greater openness in administrative decision-making is possible from both liberal pluralist and corporatist starting points. Corporatism clearly has no monopoly on democratic deliberation.

There has been a vast expansion of bureaucratic discretion during the twentieth century, fueled by the rise of vaguely worded framework legislation (Kerwin; Peters, 77–78). Framework legislation delegates to the public bureaucracy the authority to formulate rules and regulations intended to convert the legislature's will into legally binding decisions. In carrying out this task, administrative agencies routinely make decisions not expressly provided for by statutes. The result—lawmaking by unelected public officials—is one of the great challenges facing democracy today.

How best to control bureaucratic discretion has been a recurring subject of scholarly debates and practical reforms, but the problem has nonetheless persisted (however, see Bryner). Some observers¹ want to rein in bureaucratic discretion by strengthening the oversight role of the legislature. Due to the limited oversight capacity of legislatures, however, this approach is less promising than one might think. Moreover, the main problem with bureaucratic discretion is not administrative power as such but its undemocratic exercise (Richardson 1997, 1998). Administrative agencies have ample influence on the substance of public policy, and—while one might wish to shift the balance of power between the legislature and the bureaucracy in favor of the former—legislatures appear to be in decline. Thus, I propose to conceptualize the democratic control of bureaucratic discretion without relying directly on the

*Drexel University

legislature. This essay draws on the theory of deliberative democracy to develop a model of administrative accountability based on the direct involvement of relevant publics in the rule-making process.

Though a deliberative theory of controlling bureaucratic discretion holds much promise, its feasibility is not self-evident. Before assessing the prospects for implementing a deliberatively democratic model of rule-making, therefore, I want to address some objections to applying the theory of deliberative democracy to public administration. The question of feasibility hinges largely on the capacity of administrative agencies to bring existing systems of interest representation more closely into line with the normative requirements of public deliberation. Here, conventional wisdom suggests that deliberatively democratic rule-making all but requires a corporatist pattern of interest representation, implying that a deliberative theory of administrative accountability has little utility outside corporatist contexts. I aim to refute this view. Recent changes in patterns of interest representation have transformed both corporatist and pluralist bureaucracies into more hospitable environments for public deliberation. Although important differences among national traditions of public administration remain, the prospects for instituting deliberatively democratic practices in the public sector now appear somewhat independent of them.

DELIBERATIVE DEMOCRACY²

In a deliberative democracy, citizens use public deliberation to make collectively binding decisions. Public deliberation involves the exchange of reasons aimed at evaluating alternative courses of action to be undertaken by the polity. Citizens submit their ideas and beliefs for discussion and criticism by their fellow citizens (Bohman, 25). The appeal of deliberative democracy derives from its promise to produce decisions that enjoy a high degree of democratic legitimacy.³ Public deliberation is not merely talk. For deliberation to count as truly democratic, it must meet norms of freedom and equality that are more stringent than those usually applied to political communication, including: the inclusion of everyone affected by a decision; substantial political equality, including equal opportunities to participate in deliberation; equality in methods of decision-making and in setting the agenda; and the free and open exchange of information and reasons sufficient to acquire an understanding of both the issue in question and the opinion of others (Bohman, 16). Processes of discussion that meet these norms, deliberative democrats argue, will tend to produce decisions that are widely regarded as democratically legitimate.⁴

These norms are ideals that no rule-making process can ever hope to achieve in full. However, they can help us distinguish between more and less democratic forms of public administration, thereby guiding institutional experimentation and reform. Before developing a deliberatively democratic model of public administration and assessing its feasibility,

however, I want to address three objections to applying deliberative democracy to public administration.

Objection 1: Deliberative Democracy Requires Consensus

Some critics dismiss deliberative democracy on the grounds that it requires a level of consensus among citizens that simply does not exist in complex modern societies. However, deliberative democracy does not demand that all citizens agree for the same reasons, or that they agree at all, for unanimity is obviously far too strong a requirement for resolving many of the deep moral conflicts that characterize contemporary societies. Bohman uses the term “plural agreement” to describe a conception of democratic legitimacy that merely requires continued cooperation in public deliberation, even with persistent disagreements. This ideal of democratic citizenship demands only that citizens continue to cooperate and compromise in an ongoing dialogical process of settling common problems and conflicts (Bohman, 34, 89).

Bohman identifies three conditions of public deliberation that enable citizens to assume that—given the conditions of deliberation—outcomes and decisions allow an ongoing cooperation with others of different minds that is at least not unreasonable (Bohman, 100). First, the give-and-take of reasons in public deliberation makes it less likely that irrational and untenable arguments will decide outcomes. Second, decision-making procedures are structured so as to allow revisions of arguments, decisions, and even procedures that either take up features of defeated positions or improve their chances of being heard. Finally, deliberative decision-making procedures are broadly inclusive, so that minorities may hope to affect future outcomes (Bohman, 100). Citizens will continue cooperating in a process of public deliberation that guards against irrationality, insists on the reversibility of decisions, and maximizes social inclusiveness.

The condition of publicity ensures that decisions are more likely to be made on the basis of all relevant perspectives, interests, and information and are less likely to exclude legitimate interests, relevant knowledge, or dissenting opinions (Bohman, 27). When proposals are subjected to a wide range of possible alternative opinions in a forum that is open to all societal interests and perspectives, the quality of reasons for decisions is likely to improve (see also Sunstein, 243–244). Insofar as public deliberation improves the reasons for decisions, and insofar as well-justified decisions are more legitimate in the eyes of the public than poorly justified ones, deliberative democracy propagates a *thick* conception of democratic legitimacy. In this conception of legitimacy, a decision is deemed legitimate not simply because it happens to coincide with the unexamined preferences of a majority of citizens but because it has weathered the test of public justification. Citizens should be able to accept decisions reached

in this manner as reasonable unless and until they are shown to be otherwise in future rounds of deliberation.

The payoff for public administration is that agency decisions made as part of a deliberatively democratic process should result in fewer legal challenges, because those who might challenge a ruling will have participated in its formulation and will thus bear some responsibility for it. This insight is closely related to a second objection, namely that deliberative democracy takes too much time and is therefore less efficient than conventional methods of public administration.

Objection 2: Deliberative Democracy Is Inefficient

How does public deliberation affect the efficiency of public administration? Enhancing public deliberation doubtless places an extra burden on the decision-making process. Additional resources (more time, money, and properly trained administrators with appropriate communication skills) are invariably required if greater public involvement in administrative proceedings is to succeed. At first glance, public deliberation therefore seems to increase the cost of decision-making. However, insofar as decisions reached through deliberation can be expected to enjoy broader public support than decisions reached by nondeliberative means, they are less likely to produce costly or time-consuming legal challenges. Deliberative democrats contend that, in cases of successful deliberative decision-making, the costs of public participation may be offset by lower legal fees and speedier policy implementation.

One might object that this expectation will materialize only insofar as deliberative decisions are indeed supported by reasons that interested parties are willing to accept. How realistic is it to think that real as opposed to idealized processes of public deliberation can achieve such outcomes with some consistency? Deliberative democrats contend that public deliberation generates the types of reasons for decisions that should enable everyone to cooperate in future rounds of deliberation, even if they object to some decisions. However, we need to acknowledge that there may well be policy decisions that a party to a dispute will always be unwilling to accept. For example, groups fighting to ban legal abortions are unlikely to consent to decisions to keep abortion legal. Public deliberation is no panacea for society's problems. What it can do is to clarify for all involved the different interests and perspectives surrounding the issue in question, a valuable achievement in its own right.

Moreover, even if public deliberation cannot always produce decisions that enjoy high levels of democratic legitimacy, public deliberation in any event provides administrators with more accurate information on which to base their decisions. Adding the cost of deliberation to an already complex decision-making process is worthwhile because doing so will increase the efficiency of decision-making by improving the odds that a given decision will survive legal scrutiny. For example, most EPA

regulations face court challenges at some point in their history (Fiorino 1995). Even major regulations, often the result of several years of work, do not survive legal scrutiny at times. More and better public deliberation in rule-making makes such failures less likely, because it improves the odds that all relevant perspectives, interests, and objections will be taken into account from the outset.

Objection 3: Deliberative Democracy Cannot Accommodate Interests

Theorists of deliberative democracy are sometimes accused of downplaying the role of interests, and hence of negotiation and bargaining, in politics (Johnson). While deliberative democrats do want to limit the pervasiveness of self-interest in politics, this allegation misses the point. Deliberative democracy makes two claims about interests, neither of which denies their role in democratic politics. The first claim is that interests cannot be known prior to a process of public deliberation (see, for example, Mansbridge 1993). On this view, interests are not fixed or given but subject to discovery and transformation through public debate about joint problems and conflicts. In the absence of public deliberation, therefore, interests cannot be adequately taken into account in decision-making.

The second claim of deliberative democracy is that policy proposals cannot be defended merely on the basis of self-interest, because such a defense is unlikely to survive deliberative scrutiny. Citizen-deliberators will be suspicious of proposals that serve selfish purposes but are falsely advanced in the name of public interests. Deliberative democracy does not deny that politics is often based on interests; rather, it encourages their disclosure and sometimes their transformation. Neither of these claims about interests rules out bargaining and negotiation in the context of a deliberatively democratic process of administrative rule-making. Insofar as my response to these objections is valid, it is at least plausible to look to deliberative democracy for solutions to the problem of bureaucratic discretion. The next section sets out the normative conditions of a deliberatively democratic model of administrative accountability.

CONTROLLING ADMINISTRATIVE POWER THROUGH PUBLIC DELIBERATION

Theorists of deliberative democracy who discuss institutional questions have tended to focus on revitalizing public deliberation in, or aimed at, parliament, the central democratic institution of modern democratic theory (Bessette; Uhr).⁵ Of course, legislatures are appropriate locations for the use of public reason and the formation of deliberative majorities, but they are not the only state institutions around which to build strategies for democratizing public policy-making. We cannot ignore the power wielded by unelected public officials,

particularly since legislatures have proven incapable or unwilling to pass laws that are sufficiently specific to obviate the need for bureaucratic discretion.⁶ They rarely have the time or the resources to do more than respond to “fire alarms,” a “police patrol” style of monitoring the public bureaucracy’s behavior being beyond the means of most legislatures.

The limited oversight capacity of most legislatures suggests exploring alternative strategies for democratizing administrative rule-making. To restate a point made earlier in this essay, the problem with bureaucratic discretion is not necessarily the existence of administrative power, but its undemocratic exercise (Richardson 1997, 1998). That is to say, administrative agencies have won the authority to make rules that define the substance of public policy without being subject to a commensurate level of democratic accountability. Hence, the task before us is not to imagine democracy without bureaucracy but to devise ways of democratizing the latter.

A plausible deliberative model of bureaucratic accountability would have significance beyond public administration for the study of democracy more generally. Much of the contemporary skepticism toward democracy derives from the tendency to equate healthy democracy with the existence of vibrant legislatures. Given the decline of legislatures, skepticism does not seem wholly unreasonable (but see Copeland and Patterson). However, if bureaucratic organizations could be held accountable through public deliberation, critiques of democracy based on the decline of legislatures would lose much of their appeal.

The challenge lies in linking administrative institutions and their decisions to “interlocking and overlapping networks and associations of deliberation, contestation, and argumentation” (Benhabib, 74; see also Dryzek). As Bohman observes,

deliberative theories of democracy have usually been interested in the associative life of civil society or in the details of representative and legislative institutions. Certainly both are locations for the public use of reason, and for the formation of deliberative majorities. However, the sovereignty of deliberative majorities in complex societies requires a complex series of interchanges between public and political institutions of all kinds. (Bohman, 187)

Each political institution “needs to form its own political public sphere—a sphere at least as extensive as the one formed around legislative bodies and processes” (Bohman, 188). Institutional reform should identify ways to make room for deliberation in relations between political institutions, as well as between them and their publics, on the assumption that publicity has the capacity to check the power of bureaucratic and administrative institutions. Bohman envisions what he calls a “truly public form of administration” where administrators are held accountable through “public impact statements” that would explain how the public reasons expressed by those affected were taken up in the decision-making process (Bohman, 190). This idea goes beyond the dog-and-pony shows

of carefully stage-managed “town meetings” in which citizens may express their concerns to administrators who are not actually obliged to be responsive to what the citizens tell them. A truly public administration requires maximizing publicity, equality, and inclusiveness in discussion and decision-making. I now want to discuss what taking these conditions seriously demands of administrative agencies.

Publicity

Publicity demands that administrative agencies release proposed rules for public discussion and criticism. The statutes governing the rule-making behavior of bureaucratic agencies in many countries mandate that they gather information from the groups affected by their actions. These relationships already involve the private sector in continuing interactions with government organizations. For example, the corporatist tradition of policy-making in the Scandinavian countries requires that bureaucracies engage the affected interests in policy-making. These interactions often involve a complex series of negotiations that approach public deliberations as outlined earlier in this paper (Kvavik). In the United States as well, the Administrative Procedures Act of 1946 requires that federal agencies involve the public in some ways before they can make policies (Freedman). The requirements for using “notice and comment” to collect information from interested private sector actors in informal rule-making certainly do not meet all the requirements of deliberative democracy. Those requirements do imply, however, that these organizations are aware of the information held by interest groups and are accustomed to paying some heed to them as they adopt new regulations. The requirements of formal rule-making are more stringent, but the quasi-judicial nature of those proceedings may actually hinder the development of effective deliberation (Hill).

As well as formal requirements for involving private organizations in their deliberations, the public bureaucracy often shares many cultural and professional values with the societal groups with which they interact. The public and private sector actors belong to the same policy networks (Knoke and Laumann) or epistemic communities (Thomas) that link them and propagate common values. To be sure, issue networks are not necessarily deliberative democracies *en miniature*, but they do lay the groundwork for dialogue among public and private sector actors. Government agencies are thus used to interacting with interest groups on an informal basis, as well as in the more formal ways required by administrative rule-making procedures.

Equality

Bureaucracies are in much closer contact with the clientele of their programs than are most politicians who are nominally responsible for writing laws. The lower echelons of most bureaucracies are in daily contact

with their clients, and not only have a better conception of the needs of those clients but are already engaged in something approaching a dialogue with those clients (Selden, Brudney, and Kellough; Vinzant and Crothers). Needless to say, these contacts rarely if ever take place on the basis of genuine equality between administrators and clients. Critics note that, while there is no shortage of contacts among bureaucrats and citizens, bureaucrats seldom adjust their agendas in response to citizens' input (Gould, Schnaiberg, and Weinberg). Citizens may be heard, but they have no say in decisions (Aronson) because administrators are unwilling to let democracy happen (Timney).

Deliberative democracy requires that citizens participate on the basis of equality with administrative officials and technical experts. In practice, this means that all participants of policy deliberations should have the same chance to define issues, dispute evidence, and shape the agenda. Egalitarian citizen participation in discussion but not in decision-making signals co-optation: Citizens are consulted but have little influence on policy decisions. In contrast, if decision-making authority is shared among all participants, nobody may disregard the interests and needs of other parties and make unilateral decisions. Citizens share in governing when they exercise decision authority or codetermine policies in collaboration with government officials. The problem is that gross power disparities among the participants in a decision-making process, such as those between well-informed administrators and lay citizens, violate this condition. Thus, there should be a means of compensating weaker participants for serious power disparities. Specifically, the process should provide opportunities for education and preparation on factual and analytical issues (Fiorino 1990). Although ordinary citizens often manage to acquire impressive levels of technical and legal expertise over time, this process may involve tremendous personal costs (Gould, Schnaiberg, and Weinberg).

Inclusiveness

Fairness of representation and democratic accountability hinge on collective decision-making processes being open to all citizens (Mostov, 133). However, prevailing patterns of involving interest groups in government usually violate this condition. There is a tendency for a limited number of groups to be involved with any one government agency, and to exclude groups perceived as outsiders from within the established policy community. Even after the replacement of the iron triangles in American government (Hecl; Jones) with more open structures, there is still limited involvement of the full range of interests that are concerned with a given policy area.

The conventional patterns of interactions between government and private interests have involved the private organizations making representations to government and government then deciding what it

considers the most appropriate course of action (Kelman). In some cases, this pattern is being replaced with a more formal pattern of involvement and with options for policy-making through the interactions among nongovernmental organizations in the name of government. The most common of these options are negotiated rule-making and similar programs in which the affected interests meet together to make the rules and then have them validated by government (Freeman).

Since the discussions of citizens affected by or concerned about a given issue, or their representatives, become the basis for public policy, a democratic process of deliberation should include a wide diversity of interests, positions, and values. Maximizing social knowledge in discussion and decision-making is a crucial part of holding bureaucracies accountable.⁷ Rule-making procedures should thus provide for ways of identifying all affected groups before discussion begins. For example, are organizations representing various grassroots constituencies being identified and asked to participate? All too frequently, bureaucratic consultation initiatives do not look beyond the usual suspects. Officials tend to concentrate on those groups and individuals with a well-established, legally documented stake or interest in the outcome of a decision. Groups and individuals not considered stakeholders in this narrow sense are often overlooked and their concerns ignored. To promote the inclusion of all voices and perspectives, it may often be necessary to foster the self-organization of relatively unorganized constituencies (Hunold and Young).

CORPORATISM, PLURALISM, AND ADMINISTRATIVE ACCOUNTABILITY

If it is to be a useful strategy for democratizing the public bureaucracy, a deliberatively democratic model of administrative accountability must be both morally and practically compelling. This section of my paper looks to the literature on interest representation in public policy-making for a systematic response to the feasibility question. This literature posits an elective affinity between deliberative democracy and democratic corporatist patterns of interest representation, on the assumption that the adversarial norms of pluralism compromise the free exchange of ideas aimed at creating shared understandings. Jane Mansbridge's (1992) deliberative theory of interest representation exemplifies this position. In contrast, I argue that the changes in public administration discussed above have produced some convergence among formerly distinct styles of corporatist and pluralist interest representation in administrative decision-making, weakening the claim that public deliberation requires some form of democratic corporatism. Recent trends in U.S. environmental policy-making support this contention. Although differences among state traditions remain, the prospects for instituting deliberatively democratic practices in the public sector appear increasingly independent of the legacies of these two styles of interest intermediation. This convergence does not imply that the prospects for a deliberatively democratic

ethic of administrative accountability are universally positive, although it does suggest that pluralism may be more amenable to deliberatively democratic practices than previously thought.

According to Mansbridge (1992), corporatism's deliberative appeal is twofold. First, corporatism treats interest groups as legitimate participants in public policy-making, which legitimates their having an official policy-making role. Government regards industry and labor as valuable partners, rather than hostile pressure groups. Second, culturally there is an elective affinity between corporatism and deliberative democracy. Where pluralism views interest groups as aggregating the preferences of their members and working to maximize those preferences in a political arena characterized by conflict, corporatism encourages more deliberative activities, such as the discovery and transformation of group preferences through the probing of volitions and joint problem-solving. Where pluralism accepts that interest groups are motivated primarily by self-interest, corporatism encourages negotiations that do not lose sight of a shared conception of the public good. Mansbridge believes, therefore, that a corporatist system of interest representation is fairly consistent with key norms of public deliberation, at least in theory.

She is careful, however, to distinguish actual corporatist practices from the more hopeful claims of democratic corporatist theory. Corporatism's contribution to political theory is to have drawn attention to the "deliberative functions of interest groups and the agreements now made in conjunction with formal lawmaking processes" (1992, 54), and to have questioned inequality and self-interest in negotiations. Although traditional corporatist arrangements and prescriptions have concentrated on deliberations by elites, she thinks that corporatism can be modified to permit a more democratic process of public deliberation among the public and private sectors (1992, 54).

Mansbridge (1992) argues that corporatist theories give a richer account of deliberation within interest groups than do pluralist theories. Politics is not simply a question of power, driven by the threat of sanction or force; it is partly a question of persuading others through dialogue. Likewise, corporatism postulates a well-regulated framework of interaction wherein neither the state nor interest groups lose sight of public interest considerations. By contrast, there is little room for this balancing of private and public concerns in a pluralist universe populated by competitive, self-seeking interest groups. Thus, key norms of public deliberation are implicit in corporatism, which holds that interest groups should participate in public policy-making and ought to consult with each other so as to determine what each of them wants or needs and what is best for the wider society. Moreover, this focus on communication among interest groups as well as among interest group leaders and their members emphasizes the discovery of volitions rather than their mere aggregation. Consistent with the requirements of deliberative democracy, forming preferences appears as important as their aggregation.

Corporatist politics is therefore not a zero-sum game among competing interest groups for the most benefits.

On one level, Mansbridge looks to corporatist theory with a view to guiding empirical research on the deliberative aspects of interest representation aimed at analyzing "the political process of probing volitions" (1992, 54). At another level, democratic corporatist writers like Mansbridge appear to suggest that political systems with a corporatist political tradition provide a superior setting for public deliberation in politics and policy-making. To be sure, democratic corporatists are the first to admit that traditional corporatist arrangements have severe shortcomings. Typically, for example, participation in policy deliberations is limited to interest group leaders, who may or may not consult with or be accountable to their membership. Further, participation is limited to business and labor peak associations representing key sectors of the economy. Finally, the negotiations take place behind closed doors and are basically nonpublic in nature.

While there may be a substantial degree of equality among public and private sector elites involved in corporatist negotiations, tripartite corporatism clearly violates the conditions of publicity and inclusiveness. Groups not invited to the bargaining table are often treated as outsiders who lack a legitimate voice in the negotiations. In summary, tripartite bargaining arrangements tend further to diminish the role of territorial representation without necessarily putting a socially inclusive and publicly accountable system of functional representation in its place (Peters and Hunold).

Ideally, a democratic corporatist state tries to ensure that policy deliberations meet basic standards of publicity, equality, and inclusiveness. Democratic corporatists such as Offe and Schmitter have suggested that corporatism may be amenable to such reforms, and there is indeed some evidence along these lines. For example, Jacobs and Korhonen report that Sweden and the Netherlands have largely abandoned tripartite consultative arrangements in favor of more inclusive public consultations, a trend that can be identified in many other liberal democracies as well. However, while there are some impressive examples of democratic corporatism in existence today, these examples do not support the claim that corporatism is necessarily more compatible with deliberative democracy than pluralism. Indeed, both corporatism and pluralism have been in flux for some time, moving toward more open systems of interest representation.

As for the implications for a deliberatively democratic ethic of administrative accountability, consider some recent developments in U.S. environmental policy-making. Analysts of American environmental policy-making have argued that public and private sector interactions increasingly depart from the liberal, or classic, pluralist model (DeLeon; Fiorino 1995; Gundersen; Paehlke and Torgerson). Old-style pluralism is giving way to new forms of interactions between public and private

actors, forms that are more deliberative in nature. Where classic pluralism was based on adversarial norms and closed structures of interest representation, the new model champions cooperation and the probing of volitions among a larger number of affected groups and actors. Focusing on the environmental justice movement, David Schlosberg has termed this model “critical pluralism.” Grassroots movements associated with demands for environmental justice, Schlosberg says, actively promote deliberative approaches to making and evaluating public policy in the context of environmental policy negotiations. The emancipatory communicative practices favored by these movements challenge the adversarial and exclusionary procedures of liberal pluralism.⁸

Edward Weber offers a similar analysis. Dissatisfied with the adversarial nature of “no-holds-barred pluralism,” public and private participants in environmental policy disputes are sometimes willing to accept more deliberative, inclusive ways of settling policy disputes if they believe that cooperation will better serve their interests (Weber, 2). This “pluralism by the rules” involves diverse social perspectives and multiple stakeholders in policy deliberations aimed at encouraging collaboration among diverse sets of interests—a key feature of the democratic corporatist arrangements described above (Weber, 2). Weber’s analysis suggests that pluralist collaboration occurs almost in spite of itself, as a last-ditch response to the flaws of pluralism’s adversarial bent. The incentives of pluralism usually prevent the realization of possible gains to be derived from collaboration.

The inefficiencies of command-and-control regulation, and a political context in which major business and environmental interests routinely frustrate one another’s goals, create a demand for institutional alternatives to no-holds-barred pluralism. However, stakeholders tend to shun collaboration because they distrust their opponents’ commitment to it. Pluralism pushes stakeholders toward conflictual strategies, Weber notes, because it cannot prevent end runs by dissatisfied participants, guard against sabotage by outsiders, or guarantee that political principals will honor the results of regulatory negotiations. The solution to this collective action dilemma is pluralism by the rules, whereby stakeholders play collaborative games that provide them with “assurance in the form of rules which structure how the game of pluralism will be played” (Weber, 105). For collaboration to work, several conditions need to be in place, including a credible commitment to collaboration by political leaders and the inclusion of all stakeholders who are in a position to block or effectively undermine outcomes.

These findings indicate that even pluralist patterns of interest representation, once deemed unsuited to the principles of public deliberation, have moved in its direction. In fact, these more recent forms of interest intermediation may be closer to one another than to their historical antecedents, liberal pluralism and tripartite corporatism (Table 1). The two systems do not have identical capacities for accommodating policy

TABLE 1
Patterns of Interest Representation and Norms of Democratic Deliberation

	Liberal Pluralism	Tripartite Corporatism	New Pluralism	Democratic Corporatism
Publicity	limited	no	yes	yes
Equality	limited	Yes (state, business labor) No (excluded groups)	improved	improved
Inclusiveness	no	no	improved	improved

deliberations that meet the conditions of publicity, equality, and inclusiveness. However, we might be hard-pressed to distinguish specifically democratic corporatist from specifically pluralist arrangements in practice.⁹ These new forms of pluralist and corporatist interest representation are generally better able to accommodate the values of publicity, equality, and inclusiveness than the older liberal pluralist and tripartite models. Corporatism has become more deliberative where tripartite arrangements have given way to more open structures. Similarly, pluralist arrangements have begun to look more dialogical where issue networks have superseded iron triangles. Corporatism has become more like pluralism in that previously excluded groups now participate in policy deliberations. Conversely, pluralism has become more like corporatism in that the state sponsors policy deliberations to encourage interest groups to cooperate with each other and with administrative agencies. In other words, success in implementing a deliberatively democratic theory of administrative accountability does not require a corporatist framework.

CONCLUSION

The implications for implementing a deliberative theory of bureaucratic accountability are somewhat mixed. Some corporatist systems of interest representation meet key democratic corporatist expectations. For example, Swedish environmental policy has evolved considerably toward a deliberatively democratic model, although the conditions of inclusiveness and publicity are hard to fulfill in practice (Uhrwing). Contrary to the claims of democratic corporatist theory, recent pluralist models of interest representation also seem to be compatible with public deliberation. This essay has begun the process of showing that transitions toward greater openness in administrative decision-making are possible from liberal pluralist as well as tripartite corporatist starting points.

Clearly, corporatism has no monopoly on democratic deliberation. This insight underscores a more general point about the relationship between patterns of interest representation and democratic deliberation. The prospects for limiting administrative discretion through public

deliberation are brighter where patterns of interest representation have already made some progress toward greater openness. The specifically corporatist or pluralist nature of systems of interest representation appears to be less central than the literature on democratic corporatism suggests. Identifying those elements of a country's political opportunity structure that determine the public sector's capacity for dialogical policy-making will be the task of future research on the prospects for implementing a deliberative theory of bureaucratic accountability.

Notes

1. For example, Scheuerman (1994).
2. Although there is an immense literature on deliberative democracy, this section draws primarily on the work of James Bohman. His work suits my purposes because he manages to dispense with the occasionally obfuscatory jargon of critical theory without abandoning its radical democratic aims. Moreover, Bohman (190) lays some of the philosophical groundwork for a "truly public administration."
3. Under aggregative rather than deliberative decision rules, such as voting in an election, the proposal that garners the most votes carries the day. Deliberative democrats such as Benjamin Barber (1984) argue that aggregating individual preferences produces only a *thin* sort of democratic legitimacy because the motives of individuals for voting the way they do typically do not affect the democratic legitimacy of the outcome. Aggregation fails to show whether any given majority decision could have withstood the public give-and-take of reasons required by deliberative democracy. The legitimacy of decisions reached under deliberative rules, in contrast, is *thicker* because they have emerged from a process of public deliberation, which encourages citizens to probe and justify publicly their reasons for supporting or rejecting a given proposal.
4. Bohman argues that the requirement that citizens make their reasons public in a process of deliberation guards against making the kinds of political decisions that harm or disadvantage many citizens (Bohman, 26). Public deliberation weeds out proposals that serve the interests of the few rather than the many. Citizen-deliberators do not assent to such proposals, thereby enhancing the democratic legitimacy of those proposals that survive public deliberation.
5. Most theorists focus on deliberation in civil society, favoring a model of decentered deliberation as opposed to deliberation in formal political or administrative institutions. See Chambers, Cohen and Rogers, Fishkin, Gundersen, and Habermas. However, a deliberatively democratic model of bureaucratic accountability requires structured and issue-specific opportunities for interaction between citizens and administrators that go beyond the indirect and diffuse influence of public opinion.
6. Of course, the critical view of bureaucratic discretion behind the argument of this essay is not universally shared. Bureaucratic discretion has been justified as a means to improve the quality of governance. For example, Handler (1996) argues that discretion enhances agencies' flexibility in dealing with problems on a case-by-case basis and is therefore both necessary and desirable.
7. Ventriss (1055) notes the importance of this *social knowledge transfer* between citizens and administrators, which "refers to the direct exposure of the administrator to the unique knowledge of clients and the provision of a forum

for public dialogue and open exchange of information of direct importance to the community.”

8. Whether their challenge will succeed remains to be seen. Environmental justice groups are less likely than established national environmental organizations to participate in institutionalized forms of collaborative governance. As Weber (235) points out, “pluralism by the rules” falls short of democratic ideals of inclusiveness because only “those with the power to block or impede policy outcomes are invited to sit at the negotiating table.” This condition favors the inclusion of established national environmental organizations over that of politically radical but locally based and thus relatively powerless environmental justice movements.
9. However, Weber’s analysis suggests that pluralist systems may find it difficult to replicate the public interest orientation that democratic corporatist writers ascribe to European corporatism. Note that cooperative pluralism in the U.S. appears to arise in response to a collective action dilemma, not because the participants feel responsible for a public interest defined independently of their own concerns.

References

- Aronson, J. 1993. Giving Consumers a Say in Policy Development: Influencing Policy or Just Being Heard? *Canadian Public Policy* 19:367–378.
- Barber, B. 1984. *Strong Democracy: Participatory Politics for a New Age*. Berkeley: University of California Press.
- Benhabib, S. 1996. Toward a Deliberative Model of Democratic Legitimacy. In S. Benhabib, ed., *Democracy and Difference: Contesting the Boundaries of the Political*. Princeton, NJ: Princeton University Press.
- Bessette, J. M. 1997. *Mild Voice of Reason: Deliberative Democracy and American National Government*. Chicago: Chicago University Press.
- Bohman, J. 1996. *Public Deliberation: Pluralism, Complexity, and Democracy*. Cambridge, MA: MIT Press.
- Bryner, G. 1987. *Bureaucratic Discretion: Law and Policy in Federal Regulatory Agencies*. New York: Pergamon.
- Chambers, S. 1996. *Reasonable Democracy: Jürgen Habermas and the Politics of Discourse*. Ithaca, NY: Cornell University Press.
- Cohen, J., and J. Rogers. 1993. Secondary Associations and Democratic Governance. *Politics and Society* 20:393–472.
- Copeland, G. W., and S. C. Patterson, eds. 1994. *Parliaments in the Modern World: Changing Institutions*. Ann Arbor: The University of Michigan Press.
- DeLeon, P. 1995. Democratic Values and the Policy Sciences. *American Journal of Political Science* 39:886–905.
- Dryzek, J. S. 1990. *Discursive Democracy: Politics, Policy, and Political Science*. Cambridge, U.K.: Cambridge University Press.
- Fiorino, D. J. 1990. Citizen Participation and Environmental Risk: A Survey of Institutional Mechanisms. *Science, Technology, and Human Values* 15:226–243.
- Fiorino, D. J. 1995. *Making Environmental Policy*. Berkeley: University of California Press.
- Fishkin, J. S. 1995. *Voice of the People: Public Opinion and Democracy*. New Haven, CT: Yale University Press.
- Freedman, J. O. 1980. *Crisis and Legitimacy*. Cambridge, U.K.: Cambridge University Press.
- Freeman, J. 1997. Collaborative Governance in the Administrative State. *UCLA Law Review* 45:1–98.

- Gould, K. A., A. Schnaiberg, and A. S. Weinberg. 1996. *Local Environmental Struggles: Citizen Activism in the Treadmill of Production*. Cambridge, U.K.: Cambridge University Press.
- Gundersen, A. G. 1995. *The Environmental Promise of Democratic Deliberation*. Madison: The University of Wisconsin Press.
- Habermas, J. 1994. Three Normative Models of Democracy. *Constellations* 1:1–10.
- Handler, J. F. 1996. *Down from Bureaucracy*. Princeton, NJ: Princeton University Press.
- Hecló, H. 1978. Issue Networks and the Executive Establishment. In A. King, ed., *The New American Political System*. Washington, D.C.: American Enterprise Institute.
- Hill, E. 1990. Alternative Dispute Resolution in a Feminist Voice. *Ohio State Journal on Dispute Resolution* 5:337–379.
- Hunold, C. and I. Young. 1998. Justice, Democracy, and Hazardous Siting. *Political Studies* 46:82–95.
- Jacobs, S., and J. Korhonen. 1995. Opening up Regulation. *OECD Observer* 195:29–31.
- Johnson, J. 1998. Arguing for Deliberation: Some Skeptical Considerations. In J. Elster, ed., *Deliberative Democracy*. Cambridge, U.K.: Cambridge University Press.
- Jones, C. O. 1982. *The United States Congress: People, Place, and Policy*. Homewood, IL: Dorsey Press.
- Kelman, S. 1992. Adversary and Cooperationist Institutions for Conflict Resolution in Public Policy-Making. *Journal of Policy Analysis and Management* 11:178–206.
- Kerwin, C. M. 1999. *Rulemaking: How Government Agencies Write Law and Make Policy*, 2nd ed. Washington, D.C.: CQ Press.
- Knoke, D., and E. O. Laumann 1988. *The Organizational State*. Madison: University of Wisconsin Press.
- Kvavik, R. 1979. *Interest Groups in Norwegian Politics*. Oslo: Universitetsforlaget.
- Mansbridge, J. 1992. A Deliberative Theory of Interest Representation. In M. P. Petracca, ed., *The Politics of Interests: Interest Groups Transformed*. Boulder, CO: Westview Press.
- Mansbridge, J. 1993. Self-Interest and Political Transformation. In G. E. Marcus and R. L. Hanson, eds., *Reconsidering the Democratic Public*. University Park: The Pennsylvania State University Press.
- Mostov, J. 1992. *Power, Process, and Popular Sovereignty*. Philadelphia, PA: Temple University Press.
- Offe, C. 1981. The Attribution of Public Status to Interest Groups: Observations on the West German Case. In S. Berger, ed., *Organizing Interests in Western Europe*. Cambridge, MA: MIT Press.
- Paehle, R. and D. Torgerson. 1990. *Managing Leviathan: Environmental Policies and the Administrative State*. Peterborough, Ontario: Broadview Press.
- Peters, B. G. 1999. *American Public Policy: Promise and Performance*, 5th ed. New York: Chatham House.
- Peters, B. G., and C. Hunold. 1999. *European Politics Reconsidered*, 2nd ed. New York: Holmes & Meier.
- Richardson, H. S. 1997. Democratic Intentions. In J. Bohman and W. Rehg, eds., *Deliberative Democracy*. Cambridge, MA: MIT Press.
- Richardson, H. S. 1998. *Administrative Policy-Making: Rule of Law or Bureaucracy?* Paper presented at the Annual Meeting of the American Political Science Association, September 3–6, Boston, MA.
- Scheuerman, W. E. 1994. *Between the Norm and the Exception: The Frankfurt School and the Rule of Law*. Cambridge, MA: MIT Press.

- Schlosberg, D. 1997. Challenging Pluralism: Environmental Justice and the Evolution of Pluralist Practice. In R. S. Gottlieb, ed., *The Ecological Community*. New York: Routledge.
- Schmitter, P. 1988. Corporative Democracy: Oxymoronic? Just Plain Moronic? Or a Promising Way Out of the Present Impasse? Unpublished manuscript, Stanford University.
- Selden, S. C., J. L. Brudney, and J. E. Kellough. 1998. Bureaucracy as a Representative Institution: Toward a Reconciliation of Bureaucratic Government and Democratic Theory. *American Journal of Political Science* 42:717-744.
- Sunstein, C. 1993. *Democracy and the Problem of Free Speech*. New York: The Free Press.
- Thomas, C. W. 1997. Public Management as Interagency Cooperation: Testing Epistemic Community Theory at the Domestic Level. *Journal of Public Administration Research and Theory* 7:221-46.
- Timney, M. M. 1995. *Models of Citizen Participation: Can Public Administrators Let Democracy Happen?* Paper presented at the American Political Science Association Annual Meeting, August 31-September 3, Chicago, IL.
- Uhr, J. 1998. *Deliberative Democracy in Australia: The Changing Place of Parliament*. Cambridge, U.K.: Cambridge University Press.
- Uhrwing, M. 1999. *Corporatism and Deliberation? Interest Group Participation in Swedish Environmental Policy-Making*. Paper presented at the Annual Meeting of the American Political Science Association, September 2-5, Atlanta, GA.
- Ventriss, C. 1997. Toward a Public Philosophy of Public Administration: A Civic Perspective of the Public. *International Journal of Public Administration* 20:1041-1069.
- Vinzant, J. C., and L. Crothers. 1998. *Street-Level Leadership: Discretion and Legitimacy in Front-Line Public Service*. Washington, D.C.: Georgetown University Press.
- Weber, E. P. 1998. *Pluralism by the Rules: Conflict and Cooperation in Environmental Regulation*. Washington, D.C.: Georgetown University Press.