

## The Real Present: Institutionalizing Strong Democracy in the Modern World

*Once a people permits itself to be represented, it is no longer free.*

(Jean-Jacques Rousseau)

*The majority of the plain people will day in and day out make fewer mistakes in governing themselves than any smaller body of men will make in trying to govern them.*

(Theodore Roosevelt)

*Making every citizen an acting member of the government, and in the offices nearest and most interesting to him, will attach him by his strongest feelings to the independence of his country, and its republican constitution.*

(Thomas Jefferson)

Strong democracy requires unmediated self-government by an engaged citizenry. It requires institutions that will involve individuals at both the neighborhood and the national level in common talk, common decision-making and political judgment, and common action. Liberal democracy has many faults, but it also has a well-established and relatively successful practice. Strong democracy may derive from an attractive theoretical tradition, but it is without a convincing modern practice. Indeed, modernity is frequently regarded as its nemesis and the scale and technological character of modern

society are often offered as insurmountable obstacles to its practical implementation.

Our task in this final chapter is to place strong democracy in an institutional framework where its realistic potential as a practice can be assessed. If these institutions are to bear witness to the viability and practicality as well as to the coherence of the theory, then they ought to meet the following criteria:

1. They should be realistic and workable. For all practical purposes, this means that they ought to be a product of actual political experience. Ideal and utopian institutions can clarify and embellish a theory (the inventions of Fourier come to mind), but they cannot be the test of a theory that claims to be of practical relevance.

2. They should complement and be compatible with the primary representative institutions of large-scale modern societies. Although there is necessarily a tension between the theories, strong democratic practice can only come as a modification of liberal democracy. Realistic strategies for change cannot be revolutionary if democracy is their object, and reform cannot await the razing of liberal society to the ground—even if that were desirable (which it obviously is not).

3. They should directly address liberal anxieties over such unitary propensities of participatory communities as irrationalism, prejudice, uniformity, and intolerance. This means they must offer safeguards for individuals, for minorities, and for the rights that majorities governing in the name of community may often abuse. The difference between autonomous participation and mere consensus, between ongoing talk and mere voting, and between political judgment and mere plebiscitary decision-making needs to be given institutional expression.

4. They should deal concretely with the obstacles that modernity appears to place in the way of participation: namely, scale, technology, complexity, and the paradox of parochialism (whereby participation is exercised in local institutions that sap national identity and power is exercised in centralized institutions that bar meaningful participation).

5. They should give expression to the special claims of strong democracy as a theory of talk, judgment, and public seeing by offering alternatives to representation, simple voting, and the rule of bureaucrats and experts. In other words, they should make possible a government of citizens in place of the government of professionals.

The innovative institutions described in this chapter should provide a concrete starting point for those who wish to reorient democracy toward participation. Yet strong democratic practice requires not just a political program but a political strategy. Neither ideas nor institutions are self-implementing. They demand a base: a political movement composed of committed democrats who understand themselves to have an interest in the realization of strong democracy. This fact means first of all that strong democracy must offer a systematic program of institutional reforms rather than a piecemeal package of particularistic, unrelated modifications.

The institutions depicted below are inseparable features of one integrated agenda—not a cafeteria menu from which items can be selected at whim but a dinner menu with a *prix fixe* that must be accepted in full. Historically, the great reform movements have been organized around a series of innovations whose radical character lay in their common vision and force. The Economic Opportunity Act of 1964 through which the progressive Democratic program for a Great Society was set in motion took the form of a great many individual programs, including Community Action, Head Start, the Jobs Corps, Legal Services, Vista, New Careers, Foster Grandparents, Upwardbound, and Followthrough. But the impact of these programs, which redirected the energies of both federal and local government toward the interrelated problems of poverty, unemployment, discrimination, health, and welfare, was measured by their combined effect. Much the same can be said of the New Deal or of such earlier programs of reform as the cooperative democracy movement of the 1920s and 1930s, the populist movement of the 1890s, and the syndicalist movement in Europe. Each of these movements defined itself by a set of related reforms that depended for their effect on the fact that they formed an integrated system and reflected one common vision of the political and economic world.

The institutions offered here cannot be addressed piecemeal. Taken one at a time, they become more vulnerable to abuse and less likely to succeed in reorienting the democratic system. Citizen service isolated from a general participatory movement becomes one more form of conscription and one more excuse for civic alienation. Referendum and initiative processes divorced from innovative programs for public talk and deliberation fall easy victims to plebiscitary abuses and to the manipulation by money and elites of popular prejudice. Television technology put to civic uses is beneficent only

where it is one of many means of civic communication and political participation. Wise political judgments will not evolve from local participation in neighborhood assemblies and community organizations unless local participation is linked to central power and given the discipline of genuine responsibility. Common work projects uprooted from significant changes in patterns of political participation and economic opportunity will degenerate into surrogates for workfare and the poorhouse and will be of no civic benefit whatsoever. Voucher schemes undertaken in a climate of antigovernment privatism will only hasten the death of all public seeing and political judgment, enhancing the private power of individuals at the expense of a public vision of our common world.

In short, the potency of the reforms offered here lies almost entirely in their capacity for mutual reinforcement when implemented in concert. By the same token, many of the justifiable criticisms that can be leveled at them are pertinent only to individual innovations taken in isolation. Adopted piecemeal or partially, such innovations will at best only be assimilated into the representative adversary system and used to further privatize, alienate, and disenfranchise citizens. At worst, they may even undermine the safeguards of liberal democracy without achieving any of the benefits of participation. They must be adopted together or not at all—and this stipulation should be in the forefront of every reader's mind in contemplating them.

For this reason, it is imperative that we adopt a programmatic approach in outlining a political strategy for strong democracy. There are a number of constituencies already mobilized that might take an interest in a systematic program of participatory reform. These include public-interest pressure groups that, while they have assumed the posture and tactics of special-interest lobbies, are distinctively radical in their concern for public thinking and common values—for the public good; local community action and neighborhood groups and the umbrella organizations that have sprung up to give them a common forum;<sup>1</sup> citizen movements such as those that

1. Local neighborhood groups and community action organizations have sprung up throughout the nation, often to fight city hall but also to give a voice to otherwise powerless local communities. These groups have in turn joined together for mutual support in such regional and national organizations as the National Association of Neighborhoods, the Center for Community Change, the Conference on Alternative State and Local Policies, the Center for Community Economic Development, the Movement for Economic Justice, the National Center for Urban Ethnic Affairs, the National Congress of Neighborhood Women, Rural America, the Youth Project,

created the Green Party in the Federal Republic of Germany and that have spontaneously formed around the issue of a nuclear-weapons freeze; neighborhood government enthusiasts inspired by the model of the New England town meeting; and followers of such recent theorists of small-scale economics and neighborhood government as Milton Kotler, Karl Hess, and E. F. Schumacher.<sup>2</sup>

Yet although these groups play an increasingly important role in the political process, the public at large has no specified constituency in America's pluralist politics—where the private character of an interest remains its passport to political respectability. Individuals living under the spell of elite/mass politics tend to see themselves in terms of their economic, social, or ethnic interests and to mobilize solely in the name of those interests. Those who are powerless in the system fail to mobilize at all and fall away largely unnoticed.<sup>3</sup>

How then can we expect either the self-interested or the apathetic to identify with a program of participation and civic renewal in which their most immediate interests would be ignored, at least in the short run? Through persuasion, through the self-education yielded by democratic participation itself, and through the logic of political priority, which demonstrates that even in a privatistic politics dominated by economic interests, it is only the autonomy of politics and the rights of citizens that give modern women and men the real power to shape their common lives. The taste for participation is whetted by participation: democracy breeds democracy. In each

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and—perhaps the best known—the Association of Community Organizations for Reform Now (ACORN). These groups and many others like them are part of what Harry C. Boyte has called the “new citizen movement” in his important study, *The Backyard Revolution: Understanding the New Citizen Movement* (Philadelphia: Temple University Press, 1981).

2. See for example Milton Kotler, *Neighborhood Government: The Local Foundations of Political Life* (Indianapolis: Bobbs-Merrill, 1960); David Morris and Karl Hess, *Neighborhood Power: The New Localism* (Boston: Beacon Press, 1975); and E. F. Schumacher, *Small Is Beautiful* (New York: Harper Torchbooks, 1973). Other seminal works include Saul Alinsky, *Reveille for Radicals* (New York: Vintage Books, 1969); Paul and Percival Goodman, *Communitas* (New York: Vintage Books, 1960); and Murray Bookchin, *Post-Scarcity Anarchism* (Berkeley: Ramparts Press, 1971).

3. Frances Fox Piven and Richard A. Cloward have given a convincing account of the relationship between community action and welfare in their study of the welfare protest movement of the 1960s (*Regulating the Poor: The Functions of Public Welfare* [New York: Vintage Books, 1971]). They take up the normative question of mobilizing the poor for political action in *The Politics of Turmoil: Poverty, Race, and the Urban Crisis* (New York: Vintage Books, 1975). The relationship between policy and community in general is treated in an imaginative, democratic fashion by David E. Price, *The “Quest for Community” and Public Policy* (Bloomington, Ind.: The Poynter Foundation, 1977).

of the great American movements of political reform, from populism and progressivism to the civil-rights movement, a little experience with self-government and political action inspired a desire for a great deal more. Surveys and polls suggest over and over again that while citizens distrust politics in the abstract, they desire concrete participation and work to enlarge the scope of that participation when they have once experienced it.<sup>4</sup>

Strong democracy can have no special-interest partisans, but it is a cause that, like the original movement for suffrage, makes potential supporters of every citizen. We have become accustomed to thinking that men will fight fiercely only for private right and economic advantage, but historically they have fought fiercely for political right as well. Strong democracy looks to wage a second war for suffrage, a second campaign to win the substance of citizenship promised but never achieved by the winning of the vote. We have the same interest in a substantive victory that we had in the original formal victory: the liberation of women and men from bondage to others, and to privatism, through the legitimation of participatory self-government and the democratic creation of a common good. In this struggle, politics is always prior to economics, for it remains the sovereign realm in which the ordering of human priorities takes place. The victory of man over bondage will occur there, or not at all.

In order to give some system to the following presentation of institutional reforms, I have organized them around the categories precipitated by the theory of strong democracy: namely, strong democratic talk (deliberation, agenda-setting, listening, empathy); strong democratic decision-making (public decision, political judgment, common policy-making); and strong democratic action (common work, community action, citizen service). Because a number of the reforms serve several functions at once, none rests altogether satisfactorily in its slot. But as the three categories themselves over-

4. For example, in 1977 the Exploratory Project for Economic Alternatives released a report entitled "Strengthening Citizen Access and Governmental Accountability." Having canvassed citizen involvement in government, the researchers reported that "contrary to popular myth . . . citizens do not want less government involvement in the economy. They strongly support public responsibility, but under a modern banner which could well read, 'No regulation without citizen representation.' They are demanding a direct role in the administrative and judicial processes which have largely excluded them" (Quoted in *The New York Times*, 3 July 1977).

lap, this characteristic ought not to occasion any great surprise or difficulty.

My classification is also alive to the differences between reforms aimed primarily at promoting local participation and those that envision participation at higher and thus more power-centered levels of government. I have insisted that strong democracy entails both the intimacy and the feasibility of local participation *and* the power and responsibility of regional and national participation, and the reforms offered here are geared to both levels. This is not to say that strong democracy aspires to civic participation and self-government on all issues at all times in every phase of government, both national and local. Rather, it projects some participation some of the time on selected issues on both national and local levels of power. If all of the people can participate some of the time in some of the responsibilities of governing, then strong democracy will have realized its aspirations.

#### INSTITUTIONALIZING STRONG DEMOCRATIC TALK

1. *Neighborhood Assemblies.* Hannah Arendt begins her discussion of revolution by reminding us that Jefferson "had at least a foreboding of how dangerous it might be to allow a people a share in public power without providing them at the same time with more public space than the ballot box and more opportunity to make their own voices heard in public than election day."<sup>5</sup> Citizens of Western democracies can vote for those who will govern them but rarely for the policies by which they are governed; more rarely still are they provided the opportunity to create their own agendas through permanent public discourse.

Every democracy rests on what de Tocqueville called the local spirit of liberty, and every democratic revolution has begun with a commitment to pervasive local participation—in town meetings or communes or revolutionary societies or committees of correspondence or soviets. The township may not have come "directly from the hand of God," as de Tocqueville liked to say, but it has always been the basic building block of democratic societies, the indispensable local forum that made talk possible. Without talk, there can be no democracy. Whether in a marketplace, a public square (like the ancient Greek agora), a country store, a barber shop, a school board,

5. Hannah Arendt, *On Revolution* (New York: Viking Books, 1965), p. 256.

or a town meeting, democracy must have its local talk shop, its neighborhood parliament. The objective is not yet to exercise power or make policy: it is to create the conditions for the exercise of power—to instill civic competence.

It is one of the ironies of the American form of government that no uniform nationwide system of local participation has ever been instituted or even considered. Jefferson outlined a plan for ward government throughout the young nation that might have given it a participatory infrastructure from the outset—"Divide the country into wards!" was for a time his motto. But most of the founders concurred with Madison in his distrust of direct participation and hastened to insulate the republic against its tumultuous populace by means of representation. Today there are direct democratic assemblies only in a handful of Northeastern states—thirteen in all—and only the town meetings of Vermont, Massachusetts, and Connecticut continue to play a significant role in local government and in the nation's democratic imagery.<sup>6</sup> Where they persist, these spirited local institutions are still cherished.<sup>7</sup> The last time a town in Massachusetts yielded its assembly form of government was in 1922. And even where, as in Connecticut, the town meeting lacks inherent powers, its competences remain far-reaching in a surprising number of areas.<sup>8</sup>

Urban areas outside of the Northeast have not enjoyed town-meeting government but they have in recent decades developed surrogate forms of local participation, both as a consequence of antigovernment community-action groups and of governmental policies of decentralization.<sup>9</sup> City charters increasingly rely on commu-

6. According to the *Municipal Yearbook for 1981* (Washington, D.C.: International City Management Association, 1981), fewer than one thousand towns today hold such meetings, a number of which are representative town meetings with citizens participating only via selected delegates. The town meetings are concentrated in Massachusetts, Vermont, Connecticut, New Hampshire, New York, Rhode Island, New Jersey, and Maine.

7. Frank M. Bryan reports that there is "overwhelming support for the town meetings around the state" in Vermont in his "Town Meeting Government Still Supported in Vermont," *National Civic Review* no. 6 (July 1972): 349.

8. Max R. White notes that the state of Connecticut has delegated to its town meetings powers over local ordinances, fines, liquor laws, motorboats, sidewalks, blue laws, movies, traffic, local school matters, elections, health and sanitation, highways and streets, libraries, graveyards, planning and zoning, parks, trees, water, welfare, recreation, and local police and judicial functions (*The Connecticut Town Meeting* [Storrs, Conn.: University of Connecticut Press, 1951]).

9. Decentralization and neighborhood control were introduced in Newton, Massachusetts, in 1971; in Honolulu, Hawaii, in 1972; in Detroit in 1973; and in Pittsburgh and in Washington, D.C., thereafter. Anchorage, Alaska, now has a "community



nity boards, neighborhood councils, little town halls, local zoning and school boards, and other similar instruments of civic participation at the block or neighborhood level. Extragovernmental bodies have also sprung up in middle-class urban neighborhoods; these block and neighborhood associations often originate in a concern over crime but quickly burgeon into full-fledged community organizations. The local-option groups organized to defend local interests in poorer neighborhoods have also gained some momentum, although the withdrawal of federal funding from central city areas in recent years has exacted a price.

Rural America (outside of the Northeast) has had its granges and its fraternal associations, and it still carries the seeds of the civic potential that once burst forth in the populist and progressive movements. The absence of palpable institutions is the primary obstacle today to greater local activity in the Plains states and the Southwest.

Yet for all the spirit of localism, America still has no nationwide system of local civic participation. For this reason, the first and most important reform in a strong democratic platform must be the introduction of a national system of *neighborhood assemblies* in every rural, suburban, and urban district in America. Political consciousness begins in the neighborhood. As Milton Kotler has written, "It is in the neighborhood . . . that people talk to each other and amplify their feelings until they move to recover the source of value in their lives. They move towards objects that neighbors understand and share—namely, the community and its self-rule."<sup>10</sup> Neighborhood assemblies can probably include no fewer than five thousand citizens and certainly no more than twenty-five thousand; Wakefield, Massachu-

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council system"; Dayton, Ohio, has six participatory planning districts; and Birmingham, Alabama, has divided its population of three hundred thousand into eighty-six neighborhoods. Los Angeles has long had branch city halls. See John Hammer, "Neighborhood Control," *Editorial Research Reports* 2, 16 (October 1975).

In what is perhaps the best-known case of decentralization, the city of New York revised its city charter in 1975 to strengthen the fifty-nine community districts (and community boards) into which the city was divided; the revision also merged and strengthened the community planning boards and "little city halls" of the 1960s. For conflicting views on how well the decentralized system works, see Maurice Carroll, "Neighborhoods Gain New Power in Political Shift," *New York Times*, 19 February 1979; and Lydia Chavez, "Decentralized City: We Don't Pick Up, We Don't Deliver," *New York Magazine*, 14 January 1980.

10. Milton Kotler, *Neighborhood Government*, p. 2. For similar views see the works cited in note 2 and also James V. Cunningham, *The Resurgent Neighborhood* (Notre Dame, Ind.: Fides, 1965), and Douglas Yates, *Neighborhood Democracy: The Politics and Impacts of Decentralization* (Lexington, Mass.: Heath, 1973).

setts, maintains a town meeting of nearly twenty-six thousand but that is clearly the outside limit. In a densely settled urban neighborhood, a block or two can comprise the neighborhood; on a Kansas prairie, thousands of square miles may be involved.

Because the objective of a neighborhood-assembly system would initially be limited to talk and deliberation, assemblies could be founded as forums for public discussion of both local issues and regional and national referenda without encroaching on the present delegation of governmental responsibility and authority. Civic education would eventually engender civic competence, and in time the assemblies would become potential repositories of local decision-making and community action. However, the quest for neighborhood autonomy and self-rule would be separated from the quest for neighborhood consciousness, and only the latter would be on the assembly's early agenda.

The neighborhood assemblies would meet often, perhaps weekly, at times when working people and parents could attend (perhaps Saturday afternoon and Wednesday evening on a rotating basis). With the meetings conducted as an open and ongoing forum for the discussion of a flexible and citizen-generated agenda, individuals could attend at their convenience, without feeling that each and every meeting was obligatory. Free, initially, from responsibility for decision, such assemblies might be liberated from the partisan pressures of sectarian economic and social special-interest groups. In the early phase, before they assumed decision-making responsibility, their business would be threefold: to ensure local accountability, to deliberate on issues (and set agendas), and to act as ombudsman.

Ensuring the accountability of American political officials is generally the responsibility of the press, the media, and the opposition party. Neighborhood assemblies would shift some of this responsibility directly to the citizenry, permitting individuals to question their representatives on a regular basis in their own home territory and according to their own rules of procedure. A regular "question period" like that of the British Parliament would tie elected officials more closely to their constituents and act as a force of civic education for the community at large.

To deliberate on issues and form an agenda would presumably be the first priority of the neighborhood assemblies. The local assembly would provide an appropriate forum for the local discussion of re-

gional and national issues (which might be part of an initiative and referendum process or might be on the agenda of state or national assemblies), on a scale where individuals would feel able to participate. Citizens could examine different legislative positions in detail, assess the local impact of regional and national bills, explore ideological stances in the absence of pressures from special-interest groups, and introduce new questions of interest to the neighborhood that are not on any local or regional agendas.

Finally, the neighborhood assembly would offer an accessible forum for the venting of grievances, the airing of local disputes, and the defense of neighborhood interests. It could thus serve as a kind of institutional ombudsman for individuals and the community. The art of listening praised in Chapter 8 would be given a home.

In their second phase of development, neighborhood assemblies would become voting constituencies for regional and national referenda (see below) and possibly act as community units in systems of civic telecommunications (see below). They might also come to act—town-meeting style—as local legislative assemblies for those neighborhood statutes over which the locality had jurisdictional competence.

In order that the neighborhood assembly be given permanence, it should have a physical home in the neighborhood. Initially a multiple-use building such as a school or community recreation hall could be used, but eventually it would be prudent to find a permanent civic home for the assembly where deliberation, voting, civic telecommunication hookups, and other public services could be accommodated. To talk where one votes and to vote where one debates, to debate where one learns (through television debates, for example) and to learn in a civic fashion where one talks is to integrate the several civic functions in a way that nurtures public seeing and strengthens political judgment. A physical home for the neighborhood assembly would thus become a home to citizens—a truly public space in which women and men could acknowledge their citizenship in brick and mortar. For too long citizenship has been an identity with no fixed address and no permanent residence.

To protect the rights of the quiet as well as of the aggressive, and to make the assembly an effective forum for building agendas and debating issues, an office of “facilitator” would be created to complement the assembly chairperson and secretary (record-keeper). This office would be occupied by a highly trained civil official, pos-

sibly one who had worked in the federal civil service outside the neighborhood being served. Facilitators, who would have no voting power, would be committed to the rules of fair discussion, open debate, and judicious outcomes and would not participate in any substantive fashion in discussion or debates. Like a judge in a courtroom, they would make their responsibility for the decorum of the assembly the basis for supervising and intervening in the proceedings in the name of fairness and openness. They would be allowed to overrule the chair but could in turn be overruled by the assembly, and they would clearly enjoy authority only to the extent that they earned it through their conduct of public business.

Liberal critics of participation, imbued with the priorities of privatism, will continue to believe that the neighborhood-assembly idea will falter for lack of popular response. "Voters," writes Gerald Pomper, "have too many pressing tasks, from making money to making love, to follow the arcane procedures of government."<sup>11</sup> If the successful and industrious will not participate because they are too busy, and the poor and victimized will not participate because they are too apathetic, who will people the assemblies and who will give to talk a new democratic life? But of course people refuse to participate only where politics does not count—or counts less than rival forms of private activity. They are apathetic because they are powerless, not powerless because they are apathetic. There is no evidence to suggest that once empowered, a people will refuse to participate. The historical evidence of New England towns, community school boards, neighborhood associations, and other local bodies is that participation fosters more participation.

The greater danger for the neighborhood-assembly idea would come from the success, not the failure, of participation: from the tendency of communes and local assemblies to fall prey to peer pressure, eloquence, social conformity, and various forms of sub-rosa manipulation and persuasion not known in larger adversary systems. Thus, in his provocatively one-sided account of prerevolutionary New England (Puritan) towns, Michael Zuckerman contended that "sociability and its attendant constraints have always governed the American character more than the individualism we vaunt."<sup>12</sup> And Jane J. Mansbridge found considerable evidence that

11. Gerald Pomper, "The Contribution of Political Parties to Democracy," in Pomper, ed., *Party Renewal in America* (New York: Praeger, 1980), p. 7.

12. Michael Zuckerman, *Peaceable Kingdoms: New England Towns in the Eighteenth Century* (New York: Knopf, 1970), p. vii.

justice was skewed and fairness corrupted by social coercion in the modern Vermont town meeting she studied.<sup>13</sup> Historical studies of communal self-government in Switzerland have uncovered evidence of the same abuses, which are peculiar to parochialized, hot-house communities governed autonomously from within.<sup>14</sup> But urban neighborhoods and rural regions are no longer seared by Puritan zest, and local assemblies in modern America are more likely to be troubled by mirror-image sectarianism and special-interest conflict than by uniformitarian coerciveness. In his recent study of neighborhood democracy, Douglas Yates reports that "there was almost no evidence of monopolistic control by either minorities or majorities. In fact," he concludes, "just the opposite pattern obtained. Widespread internal conflict was the dominant characteristic of neighborhood governance."<sup>15</sup> As one element in the American pluralist pressure system, the neighborhood assembly would be unlikely to reproduce the consensualist pressure of the villages and towns of an earlier era.

David Morris and Karl Hess have evoked how intensely "a sense of neighborhood haunts our history and our fondest memories."<sup>16</sup> It is time to rescue the neighborhood from nostalgia and restore it to its position as the cellular core of the democratic body politic.

2. *Television Town Meetings and a Civic Communications Cooperative.* Neighborhood assemblies offer vital forums for ongoing political talk, but they reach only local constituencies and can divide and parochialize both regions and the nation as a whole. Forums for regional and national talk are needed as well. Representative assemblies on the model of the representative town meetings can solve the problem of scale, particularly if their members are selected by lot (see below). But representation is always a second-order solution that (I have argued) exacts costs in civic activity and competence that its virtues fail to pay for.

What strong democracy requires is a form of town meeting in which participation is direct yet communication is regional or even national. Because scale is in part a function of communication, the

13. Jane J. Mansbridge, *Beyond Adversary Democracy* (New York: Basic Books, 1980).

14. I explored at length the history of these abuses in the traditional Republic of Raetia; see my *The Death of Communal Liberty* (Princeton: Princeton University Press, 1974).

15. Yates, *Neighborhood Democracy*, p. 160.

16. Morris and Hess, *Neighborhood Power*, p. 1.

electronic enhancement of communication offers possible solutions to the dilemmas of scale. Although it brings new kinds of risks, modern telecommunications technology can be developed as an instrument for democratic discourse at the regional and national level.<sup>17</sup> The wiring of homes for cable television across America (one quarter of all American homes are now wired, and another quarter will be wired by the end of the 1980s), the availability of low-frequency and satellite transmissions in areas beyond regular transmission or cable, and the interactive possibilities of video, computers, and information retrieval systems open up a new mode of human communications that can be used either in civic and constructive or in manipulative and destructive ways. The capabilities of the new technology can be used to strengthen civic education, guarantee equal access to information, and tie individuals and institutions into networks that will make real participatory discussion and debate possible across great distances. Thus for the first time we have an opportunity to create artificial town meetings among populations that could not otherwise communicate. There is little doubt that the electronic town meeting sacrifices intimacy, diminishes the sense of face-to-face confrontation, and increases the dangers of elite manipulation. Yet it would be foolish to allow these dangers to stop us from exploring television as a civic medium. Even in its rudimentary incarnation in President Carter's national town meetings, the electronic town meeting opened the president to views he might not have heard from his staff and gave a number of Americans that sense of participation that (at a minimum) the members of the White House Press Corps enjoy at a press conference.

The development of the medium to service civic participation in a strong democratic program would call for a linkage among neighborhood assemblies that permitted common discussion of shared concerns as well as national discussions among selected individuals on national initiatives and referenda. The New York–New Jersey–Connecticut Tristate League of the League of Women Voters has run

17. There is a small but growing literature on the civic uses of the new interactive television technology. My article "The Second American Revolution," *Channels* 1, 6 (February/March 1982), outlines several possible scenarios for the misuse of the new technology (which seems likely in the light of present congressional, judicial, and FCC attitudes). It also offers a constructive scenario that deals directly with the kinds of Luddite criticism being written by some liberals; see for example Jean Bethke Elshaint, "Democracy and the QUBE Tube," *The Nation*, 7–14 August 1982. A thoughtful but insufficiently cautious celebration of the civic potential of the new technology is Theodore Becker, "Teledemocracy," *The Futurist*, December 1981.

a series of television town meetings, using telephone/television interactive hookups.<sup>18</sup> Advocates of "teledemocracy" in California and Hawaii have developed more ambitious schemes for civic interaction via television; the University of Hawaii group designed a "televote" for New Zealand's Commission for the Future that appears to have had a considerable success.<sup>19</sup> A Honolulu electronic town meeting succeeded in producing a remarkably sophisticated political debate in 1982, and a similar proposal is now under consideration in Los Angeles.<sup>20</sup>

In other words, there is already a body of evidence that testifies to the civic utility of electronic town meetings and that answers the fears of those concerned with simplistic abuses of interactive systems. The technology exists to develop even more sophisticated uses. Warner-Amex's "QUBE" system provides subscribers with an input module with five modes that permits multichoice voting, computer information retrieval, and a variety of home shopping and security services.<sup>21</sup> The system has to date been used only for enter-

18. In 1979, the Tristate League of the League of Women Voters televised six "Tristate Town Meetings" in New York, New Jersey, and Connecticut. The sessions focused on interstate public transportation, taxation, housing, economic development, and the structure and function of the Tristate Regional Planning Commission. Channel 9, WOR-TV, which carried the live meetings, reported good audience ratings. The televised sessions were followed up by polls solicited from selected group audiences. For details, see *The New York Times*, 26 March 1979.

19. The University of Hawaii group, led by Ted Becker, has experimented extensively with teledemocracy and televoting in several places. A full report on their experiment in New Zealand is available as an occasional paper from Victoria University, Wellington, New Zealand; cf. Ted Becker et al., *Report on "New Zealand Televote" Conducted for the Commission for the Future* (Wellington, New Zealand: Victoria University, 1981). Dick Ryan and Ted Becker offer a critical report in "The Commission for the Future and New Zealand Televote," *World Futures* (forthcoming).

20. For the Hawaii experience, also a product of Ted Becker's team, see "Hawaii Televote: Measuring Public Opinion on Complex Policy Issues," *Political Science* 33, 1 (July 1981). Becker notes that the press covered the video experiment closely, which he feels was a crucial component of its success.

The 1982 California ballot included a proposal for televoting in that state. The system was tested in Los Angeles prior to the elections. The test included advance informational programming on selected issues, an interactive (phone-in) debate on the issues, a press-distributed ballot, and a follow-up televised program discussing the results with the audience.

Michael Malbin assails Becker's position from a Madisonian perspective in "Teledemocracy and Its Discontents," *Public Opinion*, June/July 1982.

21. The Warner-Amex QUBE system was tested in Columbus, Ohio, and is now being installed in many communities. It replaces the traditional telephone hookup with a direct-input module through which viewers can gain direct access to central computers and counters and can register votes, order services, or call up information. Warner-Amex considers that QUBE can be used for some instant polling and to allow viewers to vote inferior amateur-talent-show acts off the screen; the company seems, however, to have no real idea of how their "toy" might be put to serious civic use.

tainment purposes, but it clearly lends itself to more serious uses. Interactive systems have a great potential for equalizing access to information, stimulating participatory debate across regions, and encouraging multichoice polling and voting informed by information, discussion, and debate. It suggests ways to overcome the problem of scale and to defeat technological complexity by putting technology to work for popular democratic ends. In the 1970s a video communications network was established in Reading, Pennsylvania, among senior citizens in shut-in environments and nursing homes. The system eventually led to the political mobilization of the entire community and to the participation of elected officials and their constituents in regular town-meeting-style video sessions—results not foreseen in the original proposal to the National Science Foundation.<sup>22</sup>

However, despite the promise of television and in spite of the dangers it can present to privacy, to rights, and to intelligent participatory democracy when left unregulated and unplanned, there is little evidence that either the government or the private sector is disposed to intervene. The Federal Communications Commission has consistently argued that cable's multiple channels make spectrum scarcity (the availability of a limited number of wavelengths for television broadcasts)—and the justifiable regulations that issue from it—obsolete. The Supreme Court ruled in 1979 that the FCC is not justified in requiring cable companies to provide public access. And while a bill (the Cable Communications Act of 1982) that suggests some congressional activism is presently pending in Congress, the government as a whole seems content to let market forces and the logic of advertising, profits, and entertainment shape the future course of telecommunications.<sup>23</sup>

22. The Reading project was developed by New York University and sponsored by the National Science Foundation in 1976. It was originally intended to promote the social welfare of the elderly shut-ins. The experiment with the senior citizens has ended, but the role of cable television in Reading's political system has not. Today all budget and community development hearings are conducted by two-way cable. Citizens can participate on-camera by visiting neighborhood centers equipped with television cameras, or they can ask questions from home by telephone. Political participation in Reading has increased dramatically as a result.

23. The Cable Telecommunications Act of 1982, which amends the Communications Act of 1934, "creates a jurisdictional framework" for both the federal government and the states to regulate cable systems. Although it includes a provision that ten percent of available channels be reserved for public access, the act shows little concern for the possible civic uses of the new technology. Nonetheless, it is an important precedent in that it establishes the interest of the public sector in the new technology. For arguments for and against the bill, see Subcommittee on Communi-



For these reasons, the strong democratic program for regional and national electronic town meetings requires that a *Civic Communications Cooperative* be established. This organization would take primary responsibility both for the constructive civic uses of the new telecommunications technology and for protecting individuals against media abuse from the private and public sectors. Like the BBC, this Cooperative would be a publicly controlled but independent body. Its members would be selected by several different governmental and nongovernmental constituencies and would include delegates chosen by the neighborhood assemblies or by their regional associations. The CCC's defining mandate would be "to promote and guarantee civic and democratic uses of telecommunications, which remain a vital public resource." It would not displace but act alongside of existing private media corporations. Its aims would include: (1) pioneering and experimenting with innovative forms of civic broadcasting; (2) developing guidelines for regional and national town meetings, for tie-ins to neighborhood assemblies, for public access, for institutional ("tier II") networking, and for other interactive forms of public talk; (3) regulating and overseeing all electronic polling, voting, and other forms of public choosing; (4) setting guidelines for and where feasible originating videotext and other computer information services as a free public utility; (5) establishing or providing guidelines for video coverage of civic events, hearings, trials, and other public activities of civic interest; (6) overseeing the protection of viewers and users from possible abuses of computer data, surveillance services, polling and voting procedures, and so forth.<sup>24</sup>

The Civic Communications Cooperative would be expressly

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cations of the Committee on Commerce, Science, and Transportation, United States Senate, *Cable Television Regulation: Hearings*, parts 1 and 2 (Washington, D.C.: Government Printing Office, 1982).

24. The new technology poses some considerable dangers to the Bill of Rights. Warner-Amex's QUBE system scans subscribers' homes every six seconds, recording what they are watching, their answers to poll questions, the temperature of the house (for those signed up for energy-management systems), and even the comings and goings of everyone in the house (for those signed up for home-security service). Moreover, cable systems that offer polling, banking, and shopping services as well as other interactive business transactions will accumulate detailed files on the subscribers. At present there are no safeguards to prevent the abuse of such records, other than the good will of the cable operators. John Wicklein has detailed these dangers in his *Electronic Nightmare: The New Communications and Freedom* (New York: Viking, 1981). See also David Burnham, *The Rise of the Computer State* (New York: Random House, 1983).

barred from regulating private broadcasting, which would remain under the control of the FCC, and from in any other way interfering with the rights of private broadcasters to develop and control their own programming and services. The tasks of the CCC would be affirmative rather than censorial: to provide guidelines and to develop programming that is not presently available and that the private sector is unlikely (for reasons of private interest and profitability) to make available. A prudent safeguard to ensure that the CCC would not stray from its specified functions would be the establishment of a congressional watchdog committee.

As a cooperative, the new association would be able to develop or to work with extant regional bodies that are involved in exploring the civic uses of telecommunications technology. It would thus give to the old and somewhat parochial notion of neighborhood assemblies the novel and integrating force of electronic technology.

3. *Civic Education and Equal Access to Information: A Civic Education Postal Act and a Civic Videotex Service.* Information is indispensable to the responsible exercise of citizenship and to the development of political judgment. Without civic education, democratic choice is little more than the expression and aggregation of private prejudices. In an electronically facilitated "information society," it is both easier and harder to provide wide access to pertinent economic and political information. It is harder because the quantity and specificity of data have grown to a point where the data are nearly impossible to disseminate. The specialized character of many of the policy decisions facing citizens today seem to place them beyond the compass of mere political judgment. Yet the task is also easier because the new technologies of electronic and computer print and video systems allow almost anyone living anywhere to have access to and retrieve information.

In order to guarantee equal access to the new information technologies and to ensure an even balance between print and video information sources, the strong democratic program calls both for subsidized postal rates for civic educational publishing and for a civic videotex service under the aegis of the Civic Communications Cooperative.

The rising costs of paper and the increasing unpopularity of print in a video-oriented society each in its own way suggests the need for subsidized postal rates for newspapers, magazines, journals of opinion, and certain kinds of books. It is something of a scandal—if

a fit tribute to the privatized priorities of our society—that the government subsidizes junk mail offering trivial information about consumer options and choices by delivering such mail at a second-class bulk rate, while it penalizes newspapers and journals offering significant information about political and social options and choices by saddling them with higher third-class rates. A Civic Education Postal Act would offer a subsidized rate to all legitimate publishers of newspapers, journals, magazines, and books. Smaller-circulation publications would receive larger subsidies on the principle that the less popular the point of view, the greater the need for subsidy—with a cutoff point to protect against individual eccentrics and mavericks (500 copies for a quarterly or a book, 5,000 for a monthly, and 20,000 for a weekly, for example). The free market of ideas now costs a good deal more than the free market of products; strong democratic politics cannot afford to have that market priced out of existence.

A Civic Videotex Service, coupled with the subsidization of print media, would serve the public need for equal access to civic information completely. It would offer a standard, nationwide, interactive, and free videotext service that would provide viewers with regular news, discussions of issues, and technical, political, and economic data. From the service viewers could also retrieve additional information that might affect their citizenship and their roles as participants or voters in a neighborhood assembly. Each citizen would be guaranteed the same access to vital civic information and would be linked into an information-retrieval system with vast educational and developmental potential. The citizen-service conscript (see below) might learn about alternative forms of service, the unemployed worker might learn about training programs and government job prospects, the voter might look into the background of pressing referendum issues, the teacher might develop an effective civics training kit—all through the use of a flexible videotext service.

These modest proposals would help to assure that increased participation and innovations such as the neighborhood assembly and the electronic town meeting would enhance the quality of citizenship and the prudence of popular political judgment, not create the conditions for a new plebiscitary tyranny.

4. *Supplementary Institutions.* Strong democracy can also be served by representative town meetings, office-holding by lot, and decriminalization and lay justice.

The representative town meeting compromises the principle that all citizens should engage fully in local deliberative processes, but it thereby rescues the town meeting from the eroding impact of scale. Thus Massachusetts has thirty-two representative town meetings in communities where full and direct participation is no longer feasible. When the representatives to the town meeting are chosen by lot and membership is rotated, over time all will be able to participate. It turns out to be easier in large-scale societies for everyone to have some participation for some of the time.

The same principle can be applied to local office-holding. The great majority of local offices in towns and municipalities can be filled by citizens chosen by lot on a rotating basis. The expertise required is not so great and the responsibility involved not so onerous that members of local boards of selectmen, of planning boards, of road, water, and conservation commissions, of zoning, housing, and education boards, and of other bodies such as library committees, the registry of voters, and cemetery commissions could not be selected by lot. The lot principle, which is discussed in detail below, is a natural extension of the democratic principle to large-scale societies.

The democratization of local offices also has a place in the criminal and civil justice system. Students of the judiciary have recently argued that a variety of small offenses should be decriminalized and have proposed alternative forums of justice for trying such cases.<sup>25</sup> The Europeans have successfully experimented with empowering lay juries and judges or other surrogate civic bodies to mediate, arbitrate, and settle disputes.<sup>26</sup> Although intended primarily to alle-

25. For a discussion of decriminalization, see Richard Danzig, "Toward the Creation of a Complementary Decentralized System of Criminal Justice," 26 *Stanford Law Review* 1, 1973; William Felstiner, "Influences of Social Organization on Dispute Proceeding," 9 *Law and Society Review* 63, 1974; and Richard Anzig and Michael J. Lowy, "Everyday Disputes and Mediation in the United States: A Reply to Professor Felstiner," *Law and Society Review* 9, Summer 1975. A complete survey of the promise and the difficulties of decriminalization and informal justice is offered by Christine Harrington in *Shadow Courts* (Ph.D. dissertation, University of Wisconsin, Madison, 1982). She has published some of her findings in "Delegalization Reform Movements: A Historical Analysis," in *The Politics of Informal Justice*, vol. 1, ed. Richard L. Apel (New York: Academic Press, 1982). The National Institute of Law Enforcement and Criminal Justice has sponsored a number of studies of model projects—for example, "Citizen Dispute Settlement: A Replication Manual," which examines the Night Prosecutor Program of Columbus, Ohio.

26. See for example William Felstiner and Ann B. Prew, *European Alternatives to Criminal Trials and Their Applicability to the United States*, U.S. Department of Justice, National Institute of Law Enforcement and Criminal Justice, 1978.

viate the courts' case load, the experiment in decriminalization has in fact engaged the larger civic community in the judicial process in a fashion that supports strong democracy. A cooperative, mediatory, participatory approach to petty misdemeanors, family quarrels, moving traffic violations, and small-sum civil disputes educates and involves the community in the justice system at the same time that it makes the judiciary more efficient. If civic participation were made a conscious goal rather than merely a side benefit of experiments in decriminalization, strong democracy would be very well served at no additional cost.

### INSTITUTIONALIZING STRONG DEMOCRATIC DECISION-MAKING

5. *A National Initiative and Referendum Process.* The initiative and referendum process has been widely used in the United States at the state and local level. It also has been critical to democracy in a number of other countries, most notably in Switzerland, where it remains the preferred method of national legislation. Putting aside the "plebiscites" conducted by totalistic regimes seeking unanimous approval of national decisions that have already been taken and the constitutional referenda on the founding documents of "new" countries, the initiative and referendum continue to be used in America, Switzerland, Australia, New Zealand, France, Scandinavia, and to a lesser extent Ireland and the United Kingdom.<sup>27</sup>

In the United States, twenty-six states, many of them in the West, have used the initiative and referendum process. South Dakota adopted it in 1898, Utah in 1900, Oregon in 1902, and more recently Wyoming adopted it in 1968, Illinois (which has a constitutional referendum only) in 1970, and Florida in 1972.<sup>28</sup> But although in 1978 Senator James Abourezk proposed in Senate Joint Resolution 67 that an amendment to the Constitution establish a national initiative and

27. For a comparative survey, see David Butler and Austin Ranney, *Referendums: A Comparative Study of Practice and Theory* (Washington, D.C.: American Enterprise Institute, 1978).

28. The states that have some form of referendum are (in order of the date of introduction) South Dakota, Utah, Oregon, Oklahoma, Maine, Missouri, Arkansas, Colorado, Arizona, California, Montana, New Mexico, Idaho, Nebraska, Nevada, Ohio, Washington, Michigan, North Dakota, Kentucky, Maryland, Massachusetts, Alaska, Wyoming, Illinois, and Florida. Of these only Arizona, California, Colorado, North Dakota, Oregon, and Washington can be said to use the device with significant frequency: each has had at least one hundred statutory and constitutional referenda. For full statistics, see Austin Ranney, "The United States of America," in Butler and Ranney, *Referendums*, pp. 67-86.

referendum process, the proposal was never brought to a vote and America has never had a national referendum process. Indeed, even proposed amendments to the Constitution are voted on in the state legislatures rather than in a popular referendum.<sup>29</sup>

The resistance to a national referendum process derives in part from Madisonian fears of popular rule. These manifest themselves in the modern world as an anxiety about elite manipulation of public opinion, the power of image and money to influence the popular vote, the private-interest character of the balloting process, and the plebiscitary dangers of direct legislation. Now as earlier, even warm friends of democracy worry about popular obstructionism against progressive legislation and about the civic incompetence of the "sovereign" people.<sup>30</sup>

The dangers of elite manipulation in a mass society cannot be overestimated, but in fact the actual history of the referendum at the state level yields very little evidence of civic incompetence or obstructionism. Moreover, it is foolish to think that a nation can be rescued from the manipulation of elites by reducing the potentially manipulable public's input into the democratic process. One might as well combat crime in the subways by keeping the public at home. Indeed, it is more rather than less experience of government that will insulate voters against manipulation and prejudice. While Madisonian theorists have stood trembling at the prospects of a leviathan

29. Filtering referenda through the states and then leaving the decision to state legislatures may act as one more Madisonian filter of the popular will, but it can skew results in very nondemocratic ways. In the case of the Equal Rights Amendment, polls suggest that a large majority of Americans supported the amendment both across the nation and in the states where it was eventually defeated by legislative action. The proposal offered here is intended to remove such filters and to replace them with checks that work in concert with rather than in place of the public will.

30. The broad dimensions of the debate emerge in the proceedings of a conference on the referendum: Austin Ranney, ed., *The Referendum Device* (Washington, D.C.: American Enterprise Institute, 1981). The straightforward argument that the people would be incompetent decision-makers is based on the traditional liberal wariness about democracy. It can be found in a recent incarnation in Henry Fairlie, "The Unfiltered Voice: The Dangerous Revival of the Referendum," *The New Republic*, 24 June 1978. A more troubling form of criticism—more troubling because it comes from the democratic left—is Peter Bachrach's "Testimony to the Subcommittee on the Constitution of the Committee on the Judiciary," on S. J. Resolution 67 for a Voter Initiative Constitutional Amendment (13–14 December 1977). These hearings also include my detailed rebuttal of Bachrach's case against the referendum. Robert Michels would seem to have the last word on critics such as these when he writes:

Where party life is concerned, the socialists for the most part reject these practical applications of democracy, using against them conservative arguments such as we are otherwise accustomed to hear only from the opponents of socialism. In articles written by socialist leaders it is ironically asked whether it would be a good thing to hand over the leadership of the party to the ignorant masses simply for love of an abstract principle. (*Political Parties* [Glencoe, Ill.: Free Press, 1915], p. 336)

public running amok in schoolrooms filled with voting machines, students of the referendum's practical effects have been offering more soothing pictures. A commentator who reviewed the experience of Michigan writes: "There is quite as likely to be a judicious and rational decision on popular votes [by referendum] as on legislative votes."<sup>31</sup> A student of the California referendum reports: "So far as large problems of public welfare are concerned, [the public] is markedly more likely to reach a fair and socially valuable result."<sup>32</sup> Of Oregon, a student writes: "The marvel is that this system of popular government, so vulnerable to apathy, indifference, and actual ignorance, has not only worked but has a considerable degree of constructive and progressive achievements to its credit."<sup>33</sup>

The fear of obstructionism seems no better founded than the fear of popular prejudice. Early antinuclear referenda failed in a number of states, but similar referenda have succeeded in recent years.<sup>34</sup> The Swiss use of the referendum has often favored tradition and opposed modernizing legislation, but in the Swiss case the "modernizing" legislation was being supported by the establishment and was defeated by a strong-willed and independently minded Swiss public that ignored pressures from big money and the media.<sup>35</sup> In Churchill County, Nevada, prostitution was legalized by referen-

31. Quoted from a 1940 report by James Pollock, which Ronald J. Allen cites in his superb survey and analysis, "The National Initiative Proposal: A Preliminary Analysis," *Nebraska Law Review* 58, 4 (1979): 1011.

32. Max Radin, "Popular Legislation in California," 23 *Minnesota Law Review* 559, 1939, cited in Allen, "Proposal," pp. 1011-12. Radin concludes: "One thing is clear. The vote of the people is eminently sane. The danger apprehended that quack nostrums in public policy can be forced on the voters by demagogues is demonstrably non-existent. The representative legislature is much more susceptible to such influences." Indeed, Eli M. Noam develops an efficiency criterion according to which referendum democracy can be strongly defended as efficient ("The Efficiency of Direct Democracy," *Journal of Political Economy* 88, 4 [1980]).

33. From an unpublished dissertation by Paul Culbertson, cited in Allen, "Proposal," p. 1013. See also Joseph LaPolombara, *The Initiative and Referendum in Oregon: 1938-1940* (Corvallis, Ore.: Oregon State University Press, 1950).

34. In 1976 five antinuclear petitions failed at the ballot box, but since 1978 eight have been offered in state referenda and five have succeeded. See *The San Francisco Examiner*, Section B, 3 January 1982. In the spring of 1982, a series of Vermont town meetings voted overwhelmingly to support a mutual freeze on nuclear weapons. In the November 1982 elections, freeze resolutions were approved in Massachusetts, Michigan, Montana, New Jersey, North Dakota, Oregon, Rhode Island, and even (by a narrow margin) California, despite administration intervention. Resolutions were defeated in Arizona and in two small counties in Arkansas and Colorado.

35. A relatively sympathetic and thorough survey of the Swiss experience is given by Jean-François Aubert, "Switzerland," in Butler and Ranney, *Referendums*, pp. 39-66. For some of the problems that crop up when traditionalists use the referendum as a tool against modernists, see my *The Death of Communal Liberty* (Princeton: Princeton University Press, 1974).

dum.<sup>36</sup> Right-to-work legislation, generally considered conservative, has been defeated by referendum in several states.<sup>37</sup> And Oregon led the way with progressive initiatives that abolished the poll tax and introduced female suffrage by popular ballot at the beginning of the century.<sup>38</sup> More recently Michigan and Maine banned disposable soft-drink containers by popular vote, Colorado voted down an Olympics proposal for the state that had been widely supported by business and political elites, New Jersey introduced casino gambling by referendum, and bond issues have continued to win popular support for selected projects despite the increasing fiscal conservatism of the electorate.<sup>39</sup>

In sum, the initiative and referendum can increase popular participation in and responsibility for government, provide a permanent instrument of civic education, and give popular talk the reality and discipline of power that it needs to be effective. Thus the constructive uses far outweigh the potential disadvantages—which history suggests are less alarming than critics believe in any case. It is therefore a crucial goal of the strong democratic program to institute a national initiative and referendum process as part of the effort to revitalize popular talk and public decision-making. The proposal offered here has a number of unique features, including a multichoice format and a built-in check on public mercurialness in the form of a requirement for two “readings.” For purposes of discussion, we may review the proposal in terms of its chief features:

- a. a legislative initiative and referendum process;
- b. a mandatory tie-in with neighborhood assemblies and interactive-television town meetings for the purpose of civic education;

36. Churchill County approved the legalization of a brothel in 1975 after a public debate that focused on tax revenues, control of venereal disease, and the need to provide an “outlet” for the naval air-station training base. The proposal to legalize carried in every precinct.

37. Right-to-work legislation was introduced by petition during the 1970s in Montana, where progressive legislators feared a landslide antiunion vote. But following a lively public debate, the proposal was defeated, laying to rest right-to-work legislation not simply in the capital but in the state as a whole. The point is not that right-to-work legislation is necessarily unacceptable but that a referendum produced ideologically “progressive” or “liberal” results despite liberals’ fears to the contrary.

38. Oregon abolished the poll tax in 1910 and introduced women’s suffrage in 1912—both by referendum. Oregon regularly draws higher turnouts at referenda than at elections for representatives.

39. The Colorado vote against the proposed Winter Olympics of 1976 was a particular surprise, because the opposition based its underfunded campaign on “soft” ecological issues, while the establishment spent freely on a campaign that combined state patriotism and profit. For a full account, see L. Olson, “Power, Public Policy and the Environment: The Defeat of the 1976 Winter Olympics in Colorado” (unpublished Ph.D. dissertation, University of Iowa, 1975).



- c. a multichoice format;
- d. a two-stage voting process providing for two readings.

a. **Initiative and Referendum Process.** A national initiative and referendum act would permit Americans to petition for a legislative referendum either on popular initiatives or on laws passed by Congress. Petitioners would be allowed from twelve to eighteen months to collect signatures from registered voters in at least ten states. The number of signatures would have to equal two or three percent of the number of ballots cast in the previous presidential election. Such initiatives would then be submitted to a popular vote; if they passed, there would ensue a waiting period of six months followed by a second vote. A third vote might be required if Congress vetoed the second popular vote (or in the case of congressional laws that had been brought to the referendum by petition). The waiting period, and the resulting debate, would give the public ample opportunity to review its positions, to take into account the advice of political leaders, and to discuss the decision in the neighborhood assemblies. Since the intent of the process is to increase participation rather than to produce immediate legislative innovations, the deliberate (even ponderous) pace of a two- or three-stage procedure would be more than justified. Certainly it would help to calm any fears felt by advocates of the Madisonian representative screen.

b. **Civic Education.** Because civic education is an important feature of the referendum process, a national referendum and initiative act would mandate local and national discussion in the assemblies and in the print and broadcast media of the issues on the ballot. Regulations integral to the referendum bill would fund informational documents offering pro and con arguments on each issue (as is done in Massachusetts);<sup>40</sup> would limit the spending by interest groups on campaigns for or against bills; would organize television discussions

40. Massachusetts provides voters with "Voter Information Booklets" on all referendum ballot questions. The document includes the full text and summaries of each proposal, majority and minority reports from legislative committees, and a "proponents statement" and "opponents statement." A sample paper ballot is also included. The booklet also describes the national and state offices to be filled, lists the addresses of key officials, and provides a summary of relevant statutes such as the Massachusetts "Open Meeting Law," the Freedom of Information Act, and the Fair Information Practices Act. A summary Spanish version is also available.

The Swiss offer voters similar information packets on all national initiatives and referenda.

Videotex versions of such informative documents could be made available through a civic videotex service.

via the Civic Communications Cooperative and local media; and would sponsor town meetings on the air. The general aim of these regulations would be to maximize public debate and to guarantee open and fair discussion. With them, the dangers of plebiscitary abuse of the referendum would be diminished and the utility of the multichoice format discussed below would be enhanced.

c. **Multichoice Format.** A strong democratic referendum process would utilize a multichoice format in place of the conventional *yea/nay* option. Rather than being asked merely to veto or affirm a proposal, citizens would be offered a more varied and searching set of choices capable of eliciting more nuanced and thoughtful responses.<sup>41</sup> The range of options would include: *yes in principle—strongly for the proposal*; *yes in principle—but not a first priority*; *no in principle—strongly against the proposal*; *no with respect to this formulation—but not against the proposal in principle, suggest reformulation and resubmission*; and *no for the time being—although not necessarily opposed in principle, suggest postponement*. A ballot on a concrete proposition would look like this:

A PROPOSAL TO CREATE AND MAINTAIN ABORTION CLINICS  
WITH PUBLIC FUNDS:

(1) YES: I strongly support the public funding of abortion clinics.

(2) YES: I support the principle of public funding of abortion clinics, but I am concerned with the character and intensity of arguments against the proposal, and suggest proceeding with caution.

(3) NO: I am strongly opposed to abortion clinics on principle and equally opposed to public funding of such clinics.

(4) NO: I am opposed to the proposal to support abortion clinics from public funds in the way it is formulated here, but I am not necessarily against abortion clinics in principle. I suggest the proponents reformulate and resubmit their proposal.

(5) NO: I am opposed to the proposal because, although I am not personally against the public funding of abortion clinics, I do not believe the community can afford to take a decision until there is more debate and deliberation and until the two sides understand one another better. I therefore suggest postponement.

41. The device described here is not a product of the imagination but is drawn from the experience of the Republic of Raetia (Eastern Switzerland), which used the multichoice format for centuries to register the votes of its constituent communes. The system, although it was aimed at registering group rather than individual preferences, worked exceedingly well, although it created some novel problems. For a full discussion see my *The Death of Communal Liberty*, chap. 7.

Now the yeas and the nays on such a ballot would be counted in the aggregate, and the proposal would pass or fail as legislation in the usual majoritarian manner—if, as a first reading (see below), only provisionally. Nevertheless, the insistence on reasoned and shaded responses would serve important aims. It would enable the proponents of a referendum to glean significant information about why their proposal won or lost and to evaluate (along with the community generally) what effects the outcome might have on their own objectives and on the political system at large. A bill that passed by a small majority of votes in the 2 column and was vigorously opposed by a large minority of votes in the 3 column would suggest the dangers of what social scientists call asymmetrical intensity, where a passive, unconcerned majority overrules an impassioned minority and thereby risks destabilizing the community. Under these circumstances, those responsible for implementation would presumably proceed with utmost caution—which is the strategy suggested by the mandate under YES-2 to begin with. It might also persuade cautious voters to switch from a YES-2 to a NO-5 (more debate needed) on the second reading of the proposal.

On the other hand, the defeat of a bill by a narrow margin of NO-4 voters over YES-1 voters would argue strongly that the proposal should be reformulated and resubmitted, since the yeas were deeply committed advocates and the nays primarily objected to the particular formulation at issue. Yeas in the 1 column countered by nays in the 3 column draw a political picture of intense symmetrical disagreement—of principled polarization, in other words—and call for caution on both sides.

At the same time that it yielded this vital political information, the multichoice vote would compel citizens to examine their own electoral opinions. Forced to attach each yea and nay to an explanation, they would have to start making the kinds of distinctions familiar to “professional legislators.” How strongly do I feel? Is the achievement of my goal worth destabilizing the community? If I support something only weakly, is it fair to overrule a minority that strongly opposes it? Might it not be better to wait until the opposition understands me better or can be offered a version of the bill that is less offensive to their convictions (e.g., the *indirect* public funding of semiprivate abortion clinics)? By building nuanced consideration of issues into the ballot, the multichoice format discourages purely private choices and encourages voters to have public reasons for what

are after all public acts. Yea/nay choices are typical of market interactions, which assume fixed interests founded on private needs; the multichoice format is typical of political interactions, which assume that interests are flexible and can be transformed by political judgment and public seeing. The multichoice format solicits a judgment about the public good rather than a registering of private preferences. It is thus a form of civic education even as it is a form of balloting, and it strengthens democracy not simply by allowing citizens to choose alternative futures but by compelling them to think like public beings.

d. Two Readings. To take full advantage of the educational benefits of the multichoice referendum, and at the same time to guard against a too-impetuous citizenry or a too-powerful elite gaining temporary control of public opinion, the referendum process would unfold in two voting stages, separated by six months of deliberation and debate. The second vote ("second reading") would in effect reevaluate the results of the first vote. A public unwilling to reaffirm a yea vote after a period of six months is issuing itself a warning. Indeed, until it speaks in a clear, consistent voice, a voting citizenry does not become a public with a will worth trusting. A no on the first round would defeat a bill; a yes would not yet enact a bill but rather would necessitate a second round. This check against whimsical majorities could be further strengthened by permitting Congress or the president to veto a measure following a second vote and then requiring a third reading for an override of the veto and final passage.<sup>42</sup> Checks such as these would certainly obstruct rapid legislation, and would prevent majorities from working their will without prolonged debate and deliberation. But for strong democracy, public talk and political judgment are the goal, not plebiscitary willfulness.

Skeptics and defenders of the rule of expertise will continue to distrust legislation by referendum, arguing that in an age as complex and technical as ours, no public can ever govern both judiciously and directly. However, this is to misunderstand the legislative function itself, which is not to institutionalize science or truth but to judge the public effects of what passes for science or truth. Citizens are not different from elected legislators in this regard: their

42. The aim is not to make it *easy* for the public to self-legislate but to make it *possible* and *feasible* for them to do so. Thus congressional checks would function as a prudent safeguard on a referendum system.

task is to judge, evaluate, and assess—to employ judgment rather than expertise. The average voter can no more penetrate the secrets of monetarism than can the average Congress member rate the cost-efficiency of the M-1 tank. But both are capable of judging whether high unemployment is an acceptable price to pay for lowered inflation, and each has his convictions about the ratio of public monies to be spent on guns and on butter. Political judgment above all involves evaluating options in terms of value priorities, and as such it is available to every woman and man willing to submit their personal opinions and private interests to the test of public debate and political deliberation. A properly thought-out system of initiative and referendum actually enhances the public's capacity to reach wise political judgments: as such, it is a crucial component of a strong democratic program.

6. *Electronic Balloting.* Interactive video communications make possible new forms of balloting that, carefully used, can enhance democracy.<sup>43</sup> The use of feedback polls in public debates on neighborhood-assembly issues or on national referenda can be a valuable instrument of civic education. As an example, let us return to the abortion-clinic proposal used as an illustration above. A video town meeting might ask viewers: "If you oppose abortion on principle, how do you think the community should deal with the reality that illegal abortions are available to the wealthy? Or with the fact that poor women often attempt to abort themselves at grave medical risk to themselves and to the fetuses?" Or: "If you support the right of women to choose abortion, how do you think the community ought to deal with its legitimate concern with the rights of babies—including the 'rights' of fetuses?" Or: "How should a democratic community deal with disagreements as fundamental as those separating the 'prochoice' and the 'right-to-life' movements?" The objective is not to canvass opinion or to take a straw poll, but to catalyze discussion and to nurture empathetic forms of reasoning. The capacity of interactive television for instant polling is a great advantage here, for it permits regionwide or even nationwide responses to be tapped and used in a live debate on the issues.

Instant votes of the kind envisioned by certain mindless plebiscitary democrats are as insidious as interactive discussion questions

43. Ted Becker and his colleagues have made extensive use of video balloting as an element in public political debate. Their findings are encouraging—see above, notes 19 and 20.

are useful. Soliciting instant votes on every conceivable issue from an otherwise uninformed audience that has neither deliberated nor debated an issue would be the death of democracy—which is concerned with public seeing rather than with the expression of preferences and which aspires to achieve common judgment rather than to aggregate private opinions.

For the same reasons, the strong democrat will approach the idea of home voting with great caution. Home voting, like the mail ballot, has the great advantage of making citizenship convenient. The five-position QUBE module offers a perfect technological replication of the multichoice ballot and makes voting at home feasible. For the elderly, for shut-ins, for mothers of young children, or for others unable to leave home, it makes the possibilities of citizenship available as never before. The excuses for neglecting to vote, from "too little free time" to "too much laziness," all vanish. Yet as with the secret ballot and the mail ballot, the home vote via video takes voting one step farther away from its public habitation. Home voting inevitably means privatistic voting; it means public preferences will be expressed from the inner sanctum of private existence; it means the voter choosing without thinking of his fellow citizens since he is away from the halls and assemblies in which he normally meets with them.

If we are to utilize the electronic efficiency of the new video technologies to electoral advantage, we would do better to bring interactive sets into the neighborhood assembly halls or into the schoolrooms where so much voting takes place—and to reserve the right of home voting to those with physical disabilities. Of course all of the advantages of videotex and computer information-retrieval services would be available to voters at home. But voting itself, as the most public of all acts, should be true to its symbolism and allow itself to be celebrated in the most public of places—town halls, neighborhood schools, district assemblies. A man's home is his castle, a citizen's home is his neighborhood; he can eat, sleep, and pray in the first, but he ought to vote only in the second. A suitable technology, if it is democracy's servant rather than its guide, will assist the citizen in doing so.

7. *Election by Lot: Sortition, Rotation, and Pay.* There was a time when Montesquieu could note, as if it were a cliché, that "the suffrage by lot is natural to democracy, as that by choice is to aristoc-

racy."<sup>44</sup> And the *Cambridge Ancient History* informs us that "all our ancient authorities are agreed in regarding sortition as a democratic device for equalizing the chances of rich and poor"—a position that Aristotle fully supports in *The Constitution of Athens*.<sup>45</sup>

Yet despite the ancient popularity of sortition, and its fleeting existence in the republican constitutions of Venice, Florence, and Rætia in the early modern period, it has all but disappeared from modern democratic practice. It persists only in the Anglo-American jury, where it continues to exercise a beneficent democratic influence on the judicial system. Robert Michels raised the dilemma that the principle of representation that rescues democracy from the problems of scale is itself inherently oligarchical and so destroys what it saves. The reintroduction of election by lot on a limited basis might act to save representation from itself, by permitting some citizens to act on behalf of others (thus dealing with the problems of scale) while making their service a function of lot (thus preserving the democratic nature of public service). Election by lot would also neutralize the skewing effect of wealth on public service, spread public responsibilities more equitably across the entire population, and engage a great many more citizens in making and administering policy as office-holders than generally have that opportunity in a representative system. Since the nurturing of political judgment does not require that every citizen be involved in all decisions, the lot is a way of maximizing meaningful engagement in large-scale societies.

There are two arenas in which election by lot might be appropriate in modern representative systems. The first is the local assembly, where the lot system could select delegates to regional representative assemblies such as representative town meetings or neighborhood assembly congresses at the district or state level. Where the intent is to maintain direct participation but the number of citizens is too great to permit everyone to assemble, lot selection guarantees equal access and fair representation. It might even be worth experimenting with election by lot of a limited number of statewide delegates to state legislative assemblies: say five members-at-large, chosen by lot from five different neighborhood assemblies each year.

The second arena in which the lot principle would work, and the

44. Montesquieu, *Spirit of the Laws*, trans. T. Nugent (New York: Hafner, 1966), p. 11.

45. J. B. Bury et al., *The Cambridge Ancient History*, vol. 4: *The Persian Empire and the West* (New York: Macmillan, 1926), p. 156.

one in which it would work best, would be the filling of local offices where special knowledge or expertise is not required. The Greeks left military offices and the ruling archons out of the sortition process, although they did include their boards of finance.<sup>46</sup> In a typical municipality such as North Adams, Massachusetts, it would seem reasonable to choose by lot some or even all members of the board of assessors, the school committee, the registry of voters, the planning board, the zoning board, the conservation commission, the housing authority, and the licensing board. Following some initial training of the new members in the substantive matters of relevance, and with the help of permanent staff people, such boards and committees would simultaneously function as genuinely representative civic institutions of the town and as schools of citizenship and statesmanship (which, in a strong democracy, are one and the same thing).

The Greeks employed safeguards that could be emulated as well. Candidates for selection by lot might undergo some minimal training in community offices and responsibilities; towns and municipalities—or even the neighborhood assemblies—could review the conduct of administrators and office-holders and recall those derelict in their responsibilities. The pool from which delegates are chosen could be made voluntary, thus institutionalizing the principle of self-selection and preventing those without any interest or concern from occupying public offices—although this provision runs the risk of disenfranchising the victims of apathy and powerlessness from a vital civic opportunity and thereby increasing the power of those already advantaged by education and income.<sup>47</sup>

To be democratically efficacious, the lot idea would have to be coupled with some system of regular rotation. In order that as many citizens as possible could experience holding office, individual citizens would be limited to one period of tenure in one office for a

46. After the time of Cleisthenes, even the archons were elected by lot. However, it seems likely that this change was part of a strategy to diminish the archons' importance and to enhance the prestige of the Board of Generals. For a complete discussion of the lot and its political ramifications, see E. S. Staveley, *Greek and Roman Voting and Elections* (Ithaca: Cornell University Press, 1972). On the election by lot of the archons, see pp. 40–42.

47. Hannah Arendt has argued strenuously for the principle of self-selection. This system would clearly guarantee a committed citizenry, but it raises serious questions about the causes of nonparticipation and would risk institutionalizing the nonpolitical status of the disadvantaged, the ignorant, the poor, and other victims of a representative system.



limited time and would then be removed from the pool until some specified percentage of their fellow citizens had been able to serve.

The payment of a per diem for these minor office-holders would both provide an incentive to serve and compensate for private time spent for the public weal. It would not be unthinkable to permit those who did not wish to serve to buy off their debt to the community. Permitting the wealthy to disenfranchise themselves might be less troubling to a democracy than making poverty an obstacle to citizenship, as happens too often in the current political system.<sup>48</sup>

A lottery principle applied in modern democratic settings would obviously have to be treated with great caution.<sup>49</sup> But given the safeguards built into the pluralism, the liberalism, and the apathy of our representative regime, selection by lot could mitigate the oligarchical tendencies of representation and could guarantee a fundamental fairness in such selection of local delegates and officers as might be required by scale. Where every citizen is equally capable of political judgment and equally responsible for the public good, the rotation of responsibilities among citizens chosen by lot becomes a powerful symbol of genuine democracy. It is the simplest, but by no means the least potent, tool of strong democracy.

8. *Vouchers and the Market Approach to Public Choice.* The primary instrument of political judgment in democracy is voting. We either vote directly for laws or for representatives responsible for the laws. In recent decades, however, a decentralized or market approach to public choice has found advocates on both the right and the left. This market or voucher approach aspires to vest individuals directly with the power to make "public" choices. It would thus replace the public mechanisms for determining what is in the public interest with market mechanisms. Citizens armed with government-issued

48. The Swiss permit the wealthy to buy off military service under certain circumstances. The policy seems unwise, since military service is an obligation as well as a right. But the right to self-government would seem to be more significant than the obligation to serve in the case of local and regional offices, so that permitting the rich to buy out of their rights would not necessarily offend the idea of universal obligations.

49. As A. H. M. Jones has warned:

it was not "the rulers of the city" who were chosen by lot, but officials charged with limited routine duties, for which little more than a "sense of decency" was required. Furthermore, it must be remembered that a magistrate had to pass a preliminary examination; . . . was liable to be deposed by vote of the assembly taken ten times a year; and after his year, was subject to a scrutiny in which his accounts were audited and any citizen could charge him with inefficiency or abuse of authority. (*Athenian Democracy* [Oxford: Blackwell, 1957], p. 48)

vouchers would be endowed with the economic power to buy housing or education or transportation of their own choosing, while the creation and sustaining of housing, education, and transportation services would be left to private vendors who would compete in a free market for these consumer vouchers.

The idea is as old as the free market itself, and was in fact first postulated by Adam Smith and then reformulated for an American audience by Tom Paine. The G.I. Bill, which permitted veterans of World War II to attend colleges of their choice, can be seen as an implicit voucher scheme. In the 1950s Milton Friedman revitalized Adam Smith's idea, and libertarians have given it their ardent support since then.<sup>50</sup> If it were only a libertarian idea, it would have no place in a strong democratic program. But during the 1960s social critics such as Christopher Jencks and progressive school reformers such as John E. Coons and Stephen D. Sugarman in California took up the voucher idea as a progressive alternative to the expiring public school system and to the seeming disaster of forced busing that was polarizing communities without markedly improving schools.<sup>51</sup> They claimed that such a system would increase parent activism, equalize choice, and help improve the deeply faulty public school system. These arguments started a controversy that is directly relevant to strong democracy and suggested virtues at least worth considering in developing its program.

Jencks, Coons, and Sugarman argue that the "public" character of state schools is corrupted by the segregation by income and race of the school districts into which neighborhoods are divided. Neither parents nor children have any real choice; they are forced to participate in a segmented, segregated system that discriminates

50. Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962), pp. 85–107. I have benefited greatly in this section from the research of Richard M. Battistoni, who offers an excellent discussion of the voucher idea in the context of civic education in his "Public Schooling and the Education of Democratic Citizens" (unpublished Ph.D. thesis, Rutgers University, 1982). He finally dismisses the market approach while I remain more ambivalent, but his assessment of its defects is very persuasive.

51. Christopher Jencks's essay "Is the Public School Obsolete?", which appeared in *The Public Interest* in the winter of 1966, set the terms for a progressive, left-leaning adaptation of Friedman's libertarian idea. The Center for the Study of Public Policy published the lengthy study that Jencks undertook with Judith Areen under the title *Vouchers: A Report on Financing Education by Payments to Parents* (Cambridge, Mass.: Center for the Study of Public Policy, December 1970). A useful summary is found in "Education Vouchers: A Proposal for Diversity and Choice," *Teachers College Record* no. 72 (February 1971). The Coons and Sugarman proposals are found in their *Education by Choice: The Case for Family Control* (Berkeley: University of California Press, 1978).

against the least advantaged, who receive only that education which the tax base of their community will support—poor for the poor, worthwhile for the rich. Coons and Sugarman's proposals, which appeared on the California ballot in November 1982, call for a voucher system, for the termination of public certification of and tenure for teachers, and for the continuation of extant public schools—which, however, would have to compete for parental vouchers with a new tier of "private" schools.<sup>52</sup>

Housing vouchers are designed along comparable lines. In place of public housing capitalized by public funds, private builders would compete for the housing vouchers issued to all citizens qualifying for "public" housing. Not only would the market produce housing more efficiently, argue proponents, but individuals would be making their own choices and controlling their own destinies. Transportation vouchers would permit private companies to serve in public communities by competing for the patronage of travelers. In each case, publicly funded capital construction would give way to privately funded construction, central planning would give way to private choice, and a top-heavy bureaucracy would give way to efficiency-conscious (i.e., cost-conscious) private purveyors. In the school area, it has been estimated that the private-market costs of educating a child are about one-half of the state costs.

The strong democrat must feel considerable ambivalence about voucher schemes. Their great virtue is that they are intolerant of state bureaucracies and that they mobilize parent/student constituencies in a fashion that also serves to mobilize citizenship. Parents engaged in their children's education become citizens engaged in their neighborhoods: to care for and to act on behalf of one's own interests is the first step toward civic activity in a lethargic representative system where individuals are accustomed to deferring to politicians, bureaucrats, experts, and managers.<sup>53</sup> Vouchers are a form

52. The California initiative, entitled "An Initiative for Education by Choice," calls for voucher payments to parents and for the creation of a new tier of schools—public and private—that will coexist with the public and private schools already in operation.

53. Some critics of vouchers dispute the prediction that parents will be galvanized into action by the power of choice. They cite the Rand Corporation's report on an experiment with vouchers in the Alum Rock school district of San Jose, California. In this heavily Mexican-American district, parents remained passive, and lethargy was as widespread after as before the introduction of vouchers. See Daniel Weiler, *A Public School Voucher Demonstration: The First Year at Alum Rock* (Santa Monica, Cal.: Rand Corporation, 1974). But even those sympathetic with the criticism acknowledge that one year is hardly a sufficient period within which to introduce a new system—particularly in a district like Alum Rock. See D. Stern, R. H. deLone, and R. J. Murname, "Evolution at Alum Rock," *Review of Education* 1 (August 1975): 309–18.

of power, and power is the most effective catalyst citizenship can have. In any case, there seems little doubt that public schools, like the public welfare bureaucracy, are run by a routinized union of educational bureaucrats whose certification and tenure rules give them a greater interest in security and tranquility than in education; moreover, public schools are themselves little more than the compulsory private domain of those trapped in poverty.<sup>54</sup>

If strong democracy means autonomous activity by mobilized individuals who aspire to control their own lives and to affect the character of the communities in which they live, then a voucher system that substitutes the active will of parents for the paternalistic will of state bureaucracies is surely a reform worth considering. When the idea is coupled with the elimination of local school districts, with a clause barring add-on tuitions over and above the voucher amount (which would prevent elite schools from discriminating against those parents who offered only vouchers), with a subsidized transportation system that guarantees all children access to schools within an extended region, and with a voice for children as well as for parents in selection, it would seem to be worth adopting.

Yet the strong democrat remains ambivalent, and with excellent reason. There are great dangers in the libertarian spirit of the voucher scheme, which is inimical to the very idea of a public good and of public judgments politically generated. The voucher system would mobilize individuals, but it would mobilize them via private incentives; it speaks exclusively to their private interests as parents and thus as consumers of parental goods (such as education). The origins of the idea in laissez-faire liberalism and Friedmanite libertarianism cannot ultimately be disguised by the egalitarian and integrationist use to which reformers aspire to put it. Incentives privatize: vouchers transform what ought to be a public question ("What is a good system of public education for *our* children?") into a personal question ("What kind of school do I want for *my* children?"). It permits citizens to think of education as a matter of private preference and encourages them to dissociate the generational ties that bind them to their own children from the lateral ties that

54. "We call neighborhood schools 'public,' despite the fact that nobody outside the neighborhood can attend them, and nobody can move into the neighborhood unless he has white skin and a down-payment on a \$30,000 home. And we call whole school systems 'public,' even though they refuse to give anyone information about what they are doing, how well they are doing it, and whether children are getting what their parents want" (Areen and Jencks, "Education Vouchers," p. 330).

bind them (and their children) to other parents and children. One prominent critic of vouchers thus contends that a voucher system can only damage the "overall sense of political community needed for a viable public life."<sup>55</sup> And even proponents of vouchers tend to call educators "managers," students and parents "clients," and education itself a "product"—a rhetoric that is harmful not only to education but to politics and the civic community.<sup>56</sup>

Politics suffers because the invisible hand is no substitute for public deliberation and decision either in economics or in education. What individuals choose for their children and what they choose for the community will very often differ: like free-riders everywhere, they may envision an ideal educational environment in theory that they will refuse to honor in practice. If decisions about schools are kept in the political domain, free-riders are compelled to live with their political decisions and are thus forced to bring their private views into line with their public beliefs. Vouchers do not stimulate political judgment; they bypass it, and thus contribute to its atrophy.

Vouchers also have the defect of being incompatible with the idea of the neighborhood, which is the necessary home of the civic community. Neighborhood schools are prisons from the point of view of libertarians: parents must be free, they say, to buy education from purveyors throughout an extended region.<sup>57</sup> The abstract market displaces the concrete neighborhood, just as the self-interested client displaces the community-minded neighbor. The neighborhood bigot trying to keep blacks from moving onto his block and into his schools at least has a concept of a neighborhood and an attachment to his neighbors by which he rationalizes his prejudice. The strong democrat would prefer to try to educate the bigot and to enlarge his notion of what a neighborhood means, instead of destroying his neighborhood and getting him to think in regional but wholly privatistic terms.

Vouchers would seem then to serve activity but to corrupt community. They mobilize individuals but only by privatizing their interests. Nonetheless, these partial virtues are not inconsiderable

55. F. R. Butts, "Educational Vouchers: The Public Pursuit of the Private Purse," *Phi Delta Kappa*, September 1979, pp. 7–9.

56. In a popular essay on his ideas, John Coons uses this market language with gusto: "The Public-School Monopoly," *Newsweek*, 9 June 1980.

57. Thus Christopher Jencks makes "getting rid of the neighborhood school" the linchpin of his proposal for vouchers. See "Is the Public School Obsolete?," p. 26.

when measured against the actual failure of the public school system either to provide education or to symbolize common values and community spirit. The comparison encourages some modest experimentation with vouchers. With appropriate checks, and in the framework of what a third-stream alternative-education pioneer calls an "internal voucher system" (i.e., one that offers choice among public but not private schools), a voucher plan certainly belongs on the strong democratic agenda—where it might be introduced in selected neighborhoods on an experimental basis.<sup>58</sup> It also deserves more of a chance in transportation and in housing than it has received to date.

The strong democrat cannot endorse the voucher idea with enthusiasm, but he may nonetheless feel persuaded to agree with a dean of the Harvard School of Education, who has written: "Given the condition of the schools that serve poor youngsters, it takes a depressing amount of paranoia to suggest that we should not even give the voucher plan a reasonable trial."<sup>59</sup>

## INSTITUTIONALIZING STRONG DEMOCRATIC ACTION

9. *National Citizenship and Common Action: Universal Citizen Service and Related Training and Employment Opportunities.* National service is a vital constituent in the relationship between rights and duties under a strong democratic regime. The moral force of rights often suggests something God-given and natural, but in practice rights no less than duties are the creation of constitutional systems and depend for their survival on a healthy citizenship. A people that will

58. The educator who seems most aware of the limits of vouchers, although he is still committed to change, is Mario Fantini; see his *Alternative Education: A Sourcebook for Parents, Teachers, Students, and Administrators* (New York: Anchor Doubleday, 1976), and his *The People and Their Schools: Community Participation* (Bloomington, Ind.: Phi Delta Kappa Foundation, 1975). Fantini is the primary author of the "internal voucher system."

The adaptability of the voucher scheme is not necessarily a virtue. As a critic notes, "Since the voucher scheme is so malleable in its basic design, it is possible that the result of adopting it, if it were fashioned by the wrong political motives, would be to aggravate each of the problems it wants to solve" (Stephen Arons, "Equity, Option, and Vouchers," *Teachers College Record* no. 72 [February 1971]: 361). Of course this comment also suggests that when fashioned with the "right" political motives—say as part of a strong democratic program—a voucher system might not only solve certain problems but also be less subject to the abuses of privatization noted in the text.

59. Theodor Sitzer, cited by Robert Lekachman in his testimony before the Select Committee on Equal Educational Opportunity, United States Senate, 92nd Congress, First Session, Part 22—Educational Information, 1–3 December 1971, p. 1116.

celebrate its rights but is not willing to defend them directly will soon be without a cause for celebration.

Neither a professional nor a "volunteer" army is compatible with democratic citizenship: the former separates national defense from democratic responsibility and the latter makes service a function of economic need—in reality the poor, the undereducated, and the ill-trained volunteer, certainly not freely but because they have no alternatives.<sup>60</sup> Both armies are mercenary in character and contribute to the privatization of social life that has been corrosive to citizenship in other realms.<sup>61</sup> A professional or volunteer force can be used abroad for purposes that a conscript army might not brook (the American experience in Vietnam and the Israeli experience in Lebanon in 1982 are illustrations of conscript armies resisting unpopular wars), and it can be used domestically to subvert civilian rule and the Constitution.<sup>62</sup>

Some form of general national service would seem to be warranted, then, for both military and civic purposes. When the problem is reviewed in light of the strong democratic commitment to civic education, to national (as against merely local) citizenship, and to an engaged citizenry, then the argument for strong democracy

60. The military itself is split over the virtues and deficiencies of the voluntary army. But it is widely conceded that in the voluntary army the level of education is lower and the percentage of minorities higher than in the population at large. The idea of universal (or national) service has attracted increasing political support, however. In 1983 it won the support of Mayor Ed Koch of New York and of his City Planning Commission chair, Herbert Sturz. Franklin A. Thomas, president of the Ford Foundation, has also endorsed the idea. Nonetheless, these questions continue to arouse extensive public debate, to which I have contributed in several places in greater detail than I can employ here. See my "Rights without Duties," *Worldview* 23, 10 (October 1980); "A Democratic Alternative to the Draft," *Newsday*, Sunday Supplement Ideas Section, 14 September 1980; and "A Case for Universal Citizen Service," *Dissent*, Summer 1981. For an example of the debate in the popular press, see the *Time Magazine* cover story "Who'll Fight for America? The Manpower Crisis," 9 June 1980.

61. As with vouchers, reliance on pay incentives to draw "volunteers" into the military has a privatizing impact on citizenship even as it gives to military duty a mercenary air. While it may be true, as some military experts say, that higher wages are the key to a better-quality volunteer, there seems little doubt that citizenship cannot be purchased. Moreover, needy minorities with a depreciated view of what constitutes a good wage may respond to "volunteer" programs more readily than whites.

62. It is an irony of the current opposition to the draft in the name of the anti-Vietnam War movement that the original movement came about precisely because there was a draft and because the middle class found its own interests threatened by the war. An all-volunteer army would have complained far less, and the war might have lasted much longer. Similarly, a volunteer army of well-paid mercenaries or of nationalistic zealots would probably not have raised its voice against Israel's Lebanese strategy. The only assurance we can have that our army will fight only for just and civic causes is to fill it with citizens.

necessarily becomes an argument for universal citizen service. This form of service, in turn, provides a setting for the development of manpower-training programs and of government employment opportunities that further reenforce democracy.

A program of universal citizen service would enlist every American citizen—male and female alike—in a service corps for one to two years of either military or nonmilitary training and service. Service in the corps would be a concomitant of citizenship itself and would last at least twelve (perhaps up to eighteen or twenty-four) months, with the possibility of reenlistment available to those in specified training and work areas.<sup>63</sup> The corps would comprise five branches, including an armed-forces option. Except in time of congressionally declared wars, citizens could choose freely among the branches. In addition to the armed forces, which would continue (following an initial basic-training period shared by all service personnel) under the direct supervision of the Department of Defense, the services would include an Urban Projects Corps, a Rural Projects Corps, an International (Peace) Corps, and a Special Services Corps.

Before entering the corps of their choice (including the military), individuals would undergo a rigorous three-month training period in physical fitness, in applied skills of general utility such as mechanics, agriculture, tools, and ecology, and in civic education, including parliamentary and electoral skills, community structure and organization, some elementary social science, and perhaps American history. Final choice of a service corps specialty might be reserved until completion of the introductory training.

Initiation into the chosen corps would entail a shorter period of more specialized training related to that corps's particular projects and social tasks. Finally, groups of about a hundred corps members each would be designated as "communities," which would be divided into "community teams" of twenty-five. These teams would be deployed in appropriate urban, rural, or international settings. Their activities would focus on projects that the tax-supported structure could not itself afford and in which the private sector finds no profit. The projects would be conceived and carried out with the

63. To minimize career disruption and maximize flexibility, individuals might be permitted to choose a service period at any time between their eighteenth and twenty-fifth birthdays—before or after college, before or during their early job careers.

The question of reenlistment would have to be examined in light of the public-works and job-training programs discussed below.



cooperation and guidance of responsible local authorities: the neighborhood assembly or the host town, city, county, or nation. A special goal of corps efforts might be to repair the national infrastructure of roadways, bridges, tunnels, viaducts, sewer systems, and waterways. These systems have fallen into a state of critical disrepair over the last decades yet seem at present to be beyond the ministrations of either the public or the private sector.

Urban projects might include helping homesteaders and sweat-equity efforts, restoring parks and recreational grounds, removing graffiti, assisting shut-ins and the elderly, traffic control, day-care and remedial education, paraprofessional services, and infrastructure repairs of the kind suggested above.

Rural projects could include conservation and ecological programs, flood and water control, rural road repair and maintenance, town and village construction and restoration projects, reforestation and irrigation programs, and forest-fire control and other disaster relief.

The International Corps would be patterned after and incorporate the Peace Corps (presently under the federal government's ACTION program). It would work in close consultation with and under the supervision of the host countries and of the relevant international agencies.

The Special Services Corps would provide all branches with vital special skills (medical, communication, transportation, housing, construction, training, and administration). It would also act as a secretariat for the Citizen Corps, with responsibility for introductory training and education, organizational structure, project planning, Pentagon liaison, budgeting and accounting, and corps deployment.

Universal citizen service would answer a number of problems that plague the current programs of military conscription, manpower-training, and public works. It would enable women to serve equally with men, without forcing them directly into military duty (although the military would remain an option for them). It would distribute the burden of responsibility for service equally over all citizens and thereby help to overcome divisions of class, wealth, and race. Critics of peacetime conscription would be mollified while alienated liberals would be given a chance to put their principles into practice. At the same time, the military would have the chance to build an army that was more efficient and more democratic. Univer-

sal citizen service could not guarantee the Pentagon a force that met the standards set in straightforward military conscription, but it would be an improvement over the volunteer army while preserving choice for all citizens—particularly for those prepared to serve but reluctant to soldier in peacetime. The recruits whom the army did draw would have already undergone useful introductory training, and they would be young men and women attracted to military service rather than those fleeing from hopeless civilian lives. Given the obligation to serve in one of the corps, and the size of the annual pool (about four million women and men), considerable numbers of able, educated Americans could be expected to select the military option. If necessary, a somewhat shorter military service period or other incentives could be experimented with.

The greatest advantages of universal citizen service would be civic, however. It could offer many of the undisputed virtues of military service: fellowship and camaraderie, common activity, teamwork, service for and with others, and a sense of community. Yet in place of military hierarchy, it could offer equality; in place of obedience, cooperation; and in place of us/them conflict of the kind generated by parochial participation, a sense of mutuality and national interdependence.

Almost all of the proposals examined in this chapter focus on local citizenship and therefore have the defects of parochialism. Universal citizen service thus becomes a crucial instrument of national citizenship and the instrument of choice for opening up neighborhoods and overcoming localism.

Citizen service could also play a role in public efforts to deal with the economy under strong democracy. Although Roosevelt's TVA, his Civilian Conservation Corps, and the Works Projects Administration were models of both democracy and economic efficiency, and although the federal government has taken a certain responsibility for job training and public employment since the Manpower Training Act of 1963 helped to usher in the Great Society, there has been no single governmental source of training and jobs. Because citizen service incorporates elements of job training and public-works programs, it would help to legitimize the idea of "public goods" such as the nation's infrastructure and would offer a way to involve government in the economy without directly challenging the role of the private sector. Citizens serving their country become a true "public." Public works take on a new meaning when they are

the province of a genuine public. The disintegrating infrastructure has had no constituency up until now, which may be why neither private interests nor governmental authorities have taken steps to repair it. A universal citizen service would be in a position to treat with such a problem, and it would become a model of government activity that could encourage further public engagement in the economic realm, beyond the resources and scope of the corps. Youth unemployment—perhaps the severest problem in the American economy—would be mitigated directly by service in the corps, and the training the young people received would improve their chances at private sector jobs. A healthy civic community contributes to, if it does not guarantee, a healthy economy.

10. *Neighborhood Citizenship and Common Action: Local Options.* Political participation in common action is more easily achieved at the neighborhood level, where there is a variety of opportunities for engagement. We have already noted under the section on decision-making institutions the potential role that selection by lot could play in bringing citizens more directly into the governing process. The several federal volunteer programs originally conceived as part of President Johnson's Great Society and in 1971 (under President Nixon) combined under a single agency (ACTION) continue to operate in neighborhoods throughout America.<sup>64</sup> They stand as a model for local self-help and self-rule programs. Foster Grandparents, Retired Senior Volunteers, Senior Companions, and VISTA (Volunteers In Service To America) are the best known among these programs, which have survived several changes of party, administration, and political philosophy in Washington (although it is not clear that they will survive the Reagan era).

A strong democratic program would encourage ACTION to develop and nurture a variety of other local programs. Several promising programs are already in place in certain localities. For example, retired persons and shut-ins act as "blockwatchers" in crime-watch organizations, a task that gives the elderly a civic role and improves neighborhood security at the same time.<sup>65</sup> Sweat-equity programs

64. ACTION agencies were particularly active in the Carter years, when Sam Brown was ACTION director. A clear picture of the content and the spirit of its programs can be gleaned from its annual reports, available from the Government Printing Office.

65. As with a number of the other proposals offered here, crime-watch and block-watcher organizations already exist in a great number of cities and have demonstrated their worth both to community safety and security and to the civic health of those who participate.

enable tenants of deteriorating buildings that the proprietors have abandoned to take over ownership of their apartments in return for the labor they expend in improving them and bringing them back on the tax rolls.<sup>66</sup> Urban parks and farms have been developed in unused lots or parks that have fallen into desuetude.<sup>67</sup> Cleaning up and developing unused space improves the character and physical definition of a neighborhood and brings neighbors who might otherwise remain apathetic into activities that have a local payoff. Local security operations can help to unite a neighborhood when they are guided by local police and prevented from slipping into vigilantism.<sup>68</sup>

These options are, however, all voluntary in nature, and they share the defects of volunteerism in general: they encourage self-interestedness and place barriers between neighborhoods even as they unite blocks internally.<sup>69</sup> The more challenging project is to find ways for citizens to participate in the execution of common decisions taken by neighborhood assemblies or local governments. Responsibility for the realization of goals decided upon in common both disciplines the decision process and gives spirited confirmation to political judgment. Sweat-equity projects pursued in isolation serve the community less than do projects in which the entire community takes some part—even if only on a nominal basis. Crime-watch programs coordinated by public officials and participated in by every citizen in the relevant class (e.g., shut-ins or the retired) are more likely to foster public-spiritedness than is the zealotry of a few individuals who have been touched personally by crime.

66. Extensive programs of sweat equity can be found in the Northeast—in Washington, Baltimore, Philadelphia, and New York, for example. The Manhattan Valley program on New York's Upper West Side is a typical example: it has sponsored tenant takeover and rehabilitation of a number of brownstones in the area.

67. Cornell University sponsored an urban farm program for several years in the 1970s as part of its experimentation with urban soil, plant pollution, and related horticultural themes. But the communities that benefited from Cornell's project found the civic benefits far greater than the agricultural benefits.

68. The Guardian Angels, a New York citizen crime-patrol group made up primarily of ghetto youths under the leadership of Curtis Sliwa, has spread across the country. New York officials acknowledge that the group has deterred crime, and they are now working with Sliwa on training and liaison. The line between civic action and vigilantism is a slender one, but it seems foolhardy to resist the public-spirited impulse to serve of some of society's least-advantaged young people. Their commitment is further evidence of Titmuss's case for the will to give and for this book's insistence on the need to serve.

69. The Reagan administration has encouraged volunteerism as part of its program to disengage government from civic life. But of course it is *public* volunteer activity that is valuable to democracy, not private volunteer activity, which gives privatization still one more boost.

Ultimately it is neither volunteerism—with its concomitant privatism and its neglect of the apathetic, the victimized, and the self-preoccupied—nor civic compulsion—with its reliance on sanctions and its conflation of citizenship and pure duty—that serves democracy. Citizenship will remain voluntary, for it is as much a right as a duty, and to coerce it is to destroy it. This means that local programs of common action will have to develop alongside of a generalized spirit of civic responsibility.

11. *Democracy in the Workplace.* Our fundamental argument for strong democracy places politics before economics and suggests that only through civic revitalization can we hope, eventually, for greater economic democracy. Nonetheless, there are a great number of proposals for democratization of the workplace that are in tune with strong democracy. The possibility of using government-sponsored projects as models of humane management and egalitarianism has been underexplored, despite the stunning success of certain experiments—among which the Tennessee Valley Authority is perhaps best known. Government economic activity, when it competes with rather than replaces activity in the private sector, will seem less intrusive and so more likely to succeed in altering economic attitudes.

Similarly, worker-owned operations on the model of the cooperative movement do more for citizenship than does the regulation of industry, however necessary such regulation may be. The sharing of decision-making by workers and management, experiments on the German model in codetermination (*Mitbestimmung*), profit-sharing schemes, and stock-ownership options all not only serve economic egalitarianism but foster civic spirit. The elaboration of these options can best be left to those who have been advocating them for a number of years in such journals as *Working Papers*, *Dissent*, and *Democracy*, but they clearly would occupy an important place in the strong democratic program.<sup>70</sup>

12. *Recreating the Neighborhood as a Physical Public Space.* A number of recent students of community, architecture, and physical space, from Paul Goodman to Jane Jacobs, have been able to show us how

70. The best survey of experiments in alternative economic forms is Martin Carnoy and Derek Shearer, *Economic Democracy: The Challenge of the 1980's* (Armonk, N.Y.: Sharpe, 1980). The National Conference on Alternative State and Local Policy publishes a newsletter, develops model legislation, and sponsors gatherings on economic alternatives.

intimate the linkage is between the physical design of neighborhoods and their political and social character.<sup>71</sup> Among these, Oscar Newman has become particularly well known for his attempts to improve crime prevention through urban design. But his idea of “defensible space” is hostile to the idea of an expanding circle of neighborhoods, participation in the core of which leads on to participation on the moving peripheries.<sup>72</sup>

A strong democratic program requires an architecture and design that can respond to the demands of talk and give to citizenship a physical habitation. Civic arenas should also be places of pleasure and camaraderie—of discourse and activity as well as of hard-headed decision-making. Neighborhood assemblies need homes that will support their mission of bringing strangers together and of recreating them as neighbors. Neighborhood must be divided from neighborhood so that each has its own identity, and yet each should open up to the other; thus parochialism would be given no reinforcing physical momentum. High-rise apartment buildings with built-in shopping malls, suburban shopping plazas, and transportation corridors constructed solely for automobiles have a devastating effect on community and underscore the privatism of our social lives. We have learned from Jane Jacobs not only that traditional neighborhoods were safer but that they were far more social, conversational, and thus public in character (compare Hester Street in 1910 to a shopping mall in 1980). The neighborhood school may harbor racism and be a monument to parochialism—which is why voucher advocates oppose it—but it also endows a community with a heart and gives youngsters their first inkling of what it means to be a neighbor and a citizen.

The strong democratic community will have to find new forms of physical dwelling if it is to thrive in large cities or suburban landscapes, and to do this it will need architects who share the democratic vision.

71. See Jane Jacobs, *The Death and Life of American Cities* (New York: Random House, 1965); Paul Goodman and Percival Goodman, *Communitas: Means of Livelihood and Ways of Life*, rev. ed. (New York: Random House, 1960).

72. Oscar Newman, *Defensible Space: Crime Prevention through Urban Design* (New York: Macmillan, 1972). Newman’s basic solution to the deterioration of public space is to recreate it as private space and thus to enlist private-interest incentives in the war on urban breakdown. But as with vouchers and volunteerism, the solution solves the problem only by reinforcing its root cause: privatism. For a discussion of Newman’s recent work, see “Planner Urges a New Community Concept,” *The New York Times*, Sunday edition, Real Estate Section, 1 June 1980.

The strong democratic agenda is then an extended and varied one. It does not depend on any single reform, but it does require a critical mass if its impact is to be noticeable and if its innovations are not to be swallowed up by the thin democratic system already in place. It might therefore be useful here to recapitulate the program in the form of a unified agenda. That agenda would read:

**A STRONG DEMOCRATIC PROGRAM  
FOR THE REVITALIZATION OF CITIZENSHIP:**

1. A national system of NEIGHBORHOOD ASSEMBLIES of from one to five thousand citizens; these would initially have only deliberative functions but would eventually have local legislative competence as well.
2. A national CIVIC COMMUNICATIONS COOPERATIVE to regulate and oversee the civic use of new telecommunications technology and to supervise debate and discussion of referendum issues.
3. A CIVIC VIDEOTEX SERVICE and a CIVIC EDUCATION POSTAL ACT to equalize access to information and promote the full civic education of all citizens.
4. Experiments in DECRIMINALIZATION and INFORMAL LAY JUSTICE by an engaged local citizenry.
5. A national INITIATIVE AND REFERENDUM PROCESS permitting popular initiatives and referenda on congressional legislation, with a multichoice format and a two-stage voting plan.
6. Experimental ELECTRONIC BALLOTING, initially for educational and polling purposes only, under the supervision of the Civic Communications Cooperative.
7. Selective local elections to local office by LOTTERY, with pay incentives.
8. Experiments with an INTERNAL VOUCHER SYSTEM for selected schools, public housing projects, and transportation systems.
9. A program of UNIVERSAL CITIZEN SERVICE, including a military-service option for all citizens.
10. Public sponsorship of LOCAL VOLUNTEER PROGRAMS in "common work" and "common action."
11. Public support of experiments in WORKPLACE DEMOCRACY, with public institutions as models for economic alternatives.
12. A new ARCHITECTURE OF CIVIC AND PUBLIC SPACE.

This program does not illustrate strong democracy; it is strong democracy. Implemented, it will give to the theory developed above the life and breath of a genuine practice.

**INSTITUTIONALIZING REGRET**

Even the most sympathetic reader may scan this panoply of novel institutions and procedural innovations and conclude that propos-

als so varied, novel, and uncertain pose too many risks. More democracy, even if achieved, will surely mean more legislation, more interference, more encroachment, and thus less liberty. A more competent citizenry may feel impelled to do more and so grow in time to be less tolerant of resistance to its wisdom and of deviation from its common judgments. Democratic tinkerers may start by making minor changes and end by scrapping the Constitution. Such a reader, like so many democratic liberals, will finally come to see Burke as the ally of Locke—to think it more prudent to keep what we have, however incomplete it is, than to gamble it away for what we might have, however attractive.

The uncertainty of all knowledge and the foibles of women and men—which may but do not necessarily lessen with their transformation into citizens—impose on the strong democrat a responsibility to institutionalize regret: to build into his reforms limits on the will to change and to build into mechanisms of public choice limits on all political will.

One tactical choice that conditions all the reforms offered here is the favoring of complementary over substitute institutions. We might more quickly realize the strong democratic program by first removing certain liberal obstacles; representation, the party system, single-member legislative districts, and the separation of powers come immediately to mind. But the prudent democrat reforms by adding participatory ingredients to the constitutional formula, not by removing representative ingredients. The objective is to reorient liberal democracy toward civic engagement and political community, not to raze it—destroying its virtues along with its defects. To call for the abolition of parties is to call for utopia. To call for a constitutional convention is to invite disaster. The American system (like entrenched democratic constitutions everywhere) survives by evolving and evolves by accreting new institutional layers that conform to the contours of a historically tested practice even as they alter the system's dimensions and center of gravity.

The best check that strong democracy has is the inertial force of the American Constitution. Federalism divides power vertically while the separation of powers and the independent judiciary divide it horizontally, and no popular will—however successful the magic of strong democratic community—is likely to fall prey to unitary totalism as long as these checks are in place. Indeed, we have noticed with sorrow that strong democracy is itself divided from



within: its tendency to local participation engenders parochialism and a spirit of partisan localism even as its consensus-seeking procedures engender a will to commonality and a disposition to use power in the name of public goods. The strong democrat who says, "Let us experiment with neighborhood assemblies, with an initiative and referendum process, with television debates, with citizen service, with local participation in neighborhood common work, and with national participation in legislative decision-making," speaks a language liberal democrats can respect even when they disagree with its recommendations. The strong democrat who says, "Let us tear down our oligarchic representative institutions and shove aside the plodding constitutional safeguards that mire the sovereign people in a swamp of checks and balances from which no common action can ever emerge," subverts his democratic faith in the rush to achieve his democratic goals. He is not to be trusted. Strong democracy is a complementary strategy that adds without removing and that reorients without distorting. There is no other way.

In order that the commitment to limits be more than a matter of good faith, however, strong democratic institutions should themselves be equipped with fail-safe checks and self-regulating balances that do not depend on the intentions of an engaged citizenry. In fact, the proposals introduced earlier are surrounded by checks designed to curb the potential for excess of zealous communities in possession of what they take to be a collective vision. From a purely practical political viewpoint, the checks on the referendum process are paramount. The requirement for two readings, the possibility of a congressional veto, and the commitment to full and informed debate on a network supervised by a Civic Communications Cooperative all hem in possibly impulsive publics with obstacles and put a premium on prudent and carefully thought-out legislation.

Our discussion of listening in Chapter 8, and the role assigned neighborhood assemblies and the assembly facilitators, suggest an approach to public discourse that if it does not embody an actual *veto liberum* on legislation, does give special weight to minority expressions of dissent and indignation. Majorities ride roughshod over dissenters in their pursuit of majority interests—which turn out to be private interests that have a numerically large following. Civic communities act with the greatest caution in the face of dissent because dissent is a signal that community itself may be in jeopardy,

while the presence of majorities and minorities is a symbol of the disintegration of community altogether. In this spirit, neighborhood assemblies might want to experiment with requiring near-unanimous consensus in matters of local jurisdiction, and even the national referendum process could recognize the right of a large, intense minority, defeated in a second reading, to call for one final (third) reading of a major legislative initiative.

An office that has played only a small role in America, where the adversary system and the constitutional guarantees of rights perhaps obviate the need for it, is the ombudsman. Perhaps, however, if our system were reoriented toward greater participation, if citizens were to gain more legislative power and thus to require fewer rights, then "the availability of channels through which Americans can express their frustrations with public bureaucracies and seek redress of grievances" would have a crucial restraining role to play.<sup>73</sup> Dissenters, forced to live with new consensual communities whose will is all the more irresistible because it is more legitimate, could find in a neighborhood ombudsman a consolation to their integrity if not a support for their dissent. To some extent the facilitators would play this part, but their loyalty would be to the community of citizens rather than to individual citizens. It would pay tribute to the mutual respect of citizens to create a public officer whose single duty would be to serve those aggrieved by the community, even when—especially when—it acts legitimately in the full grandeur of its communal responsibility for public goods. We permit and encourage public defenders because we believe that those accused of the more dastardly felonies are innocent until proven otherwise. Surely we can afford to encourage ombudsmen because we believe that the outtalked or outvoted are innocent of immorality or wrong-headedness despite their dissent.

Above all, strong democracy needs to advance its program in a temperate spirit. If final solutions could be discerned, what need would we have to deliberate and debate or to rely on the artifice of a changing public will? If truth is the object, philosophers will do for kings. But democracy begins where truth and certitude and final solutions disappear into the murky uncertainties of the human con-

73. Alan J. Wyner, ed., *Executive Ombudsmen in the United States* (Berkeley: Institute of Governmental Studies, 1973), p. 3. For a full discussion of the experience with and promise of the ombudsman office in America, see Stanley V. Anderson, *Ombudsman Papers: American Experience and Proposals* (Berkeley: Institute of Governmental Studies, 1969).

dition, and its temper is thus necessarily judicious. Plato was right in insisting on the need for temperateness and moderation in a well-governed people, but he was wrong in thinking that moderation takes the form of deference to truth or to its putative proprietors. It is the self-governing people who most need moderation, for they have nothing but moderation to remind them of the weakness and infirmities on which their self-government relies, and by which it is justified.

The case for democracy has two advocates: one speaks from human weakness and, pointing to the sand on which every claim to knowledge finally must rest, says with regret, "We must govern ourselves together; there is no one else who can govern for us." It is that voice to which the call for limits responds.

But there is another, more affirmative advocate—one who perceives in speech itself, in the Greek faculty of reason called *logos*, the distinctive feature that sets humankind off from the animal kingdom and bestows the twin gifts of self-consciousness and other-consciousness. To this advocate the right of every individual to speak to others, to assert his being through the act of communication, is identified with the precious wellspring of human autonomy and dignity. Thus it was that in Greece *Isegoria*—the universal right to speak in the assembly—came to be a synonym not merely for democratic participation but for democracy itself. Thus it is that democracy, if it is to survive the shrinking of the world and the assaults of a hostile modernity, will have to rediscover its multiple voices and give to citizens once again the power to speak, to decide, and to act; for in the end human freedom will be found not in caverns of private solitude but in the noisy assemblies where women and men meet daily as citizens and discover in each other's talk the consolation of a common humanity.