The Political Feasibility Analysis of Deliberative Bureaucracy in Decision Making

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Abstract

In David H. Rosenbloom's model of constitutional democracy, the political approach of public administration stresses the values of representativeness, political responsiveness, responsibility, and accountability through bureaucracy to the citizenry. Modern literature of public governance also emphasizes the importance of transparency and civil participation in public decision making. Yet all the current models of public decision making only partially fulfill those demands.

To sum up, good governance shall emphasize the values of representativeness, responsiveness, accountability, transparency, and participation in decision making. Yet, contemporary decision making model, either devised from theoretical reference, such as rational choice theory, or from practice, such as deliberative democracy, only partially fulfill Rosenbloom's requirements for constitutional democracy.

This paper will examine the needs for a new decision making model for public affairs.   From the analysis, the research will devise a new model of decision-making scheme called deliberative bureaucracy that features the following:

1. Concerned citizen groups deliberate their policy expectations to respective bureaucracy that governs the subjective policy area to achieve representativeness and participation.
2. The deliberation will engage both citizen groups and bureaucracy with homogeneity and harmony to improve efficiency and effectiveness in making the decision.
3. Policy option(s), when presented to the general public, will hold both the citizen groups and bureaucracy responsible, accountable, and transparent.
4. After the deliberation, citizen groups and respective bureaucracy shall present their policy solution(s) to the public for evaluation and debate for a certain period of time.
5. After a market-like public debate, all policy options are presented in a referendum in which the general will is counted.
6. The chosen policy option thus reflects the preference of the democratic society.

The paper believes that the deliberative bureaucracy model might open a new approach to fulfill the expectation of public affairs for modern constitutional democracy.

Key words: Deliberative Bureaucracy, Public Governance, Rosenbloom

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Introdcution

A noted authority on issues related to administrative law and public sector personnel policies, David Rosenbloom (2009) is widely known for his approach to the field which stresses understanding American public administration from three perspectives that include law, politics and management. In pursuit of that view, he has become a leading advocate for establishing "constitutional competence" as a basic standard for public service professionals. Clearly, in his view, bureaucracy is the defender of the value of managerial, political, and legal in this constitutional democracy. The managerial perspective includes the emphasis of efficiency, effectiveness, and economy. The political perspective focuses on representativeness, political responsiveness, responsibility, and accountability, while the legal aspect concentrates on due process, equity among people, and control of administrative discretion. Rosenbloom is the first scholar who outlines the roles and functions of bureaucracy in a constitutional democracy.

In recent years, scholars studying theories of public decision making also encourage citizens to participate more effectively in public affairs. They (Bovaird and Loeffler, 2016) argue that good governance should allow more civil engagement in public affairs with emphasis on equity of participation and transparency of decision-making. The good governance is the deliberation and collaboration among all political players including political leaders, bureaucracy, and ordinary citizens through networks of many forms. Hence it is logical to analyze the roles and functions of bureaucracy shall serve in the governance model.

Based on Rosenbloom's theory and the model of good governance, this paper will discuss the political requirements of decision-making, and the roles of functions of bureaucracy in the constitutional democracy, design a new model of decision-making named deliberative bureaucracy, and exam the feasibility of

deliberative bureaucracy to fulfill the requirements of future decision-making mechanism in the constitutional democracy.

Political Perspective of Constitutional Democracy and Bureaucracy

The first political perspective of a constitutional democracy is that representativeness is a major concern in the organization of governments (Rosembloom, Kravchuk, and Clerkin, 2006, 177). However, scholars have long debated the composition and representativeness fo bureaucracy and the extent to which its decisions reflect public interests and needs (Senden, Brudney, and Kellough, 1998, 717). Representative government is, by definition, individuals (and groups) acting in the name of other individuals (and groups), and such actions reflect in the best interests of the individuals (and groups). There are two dimensions of representativeness: the first is demographical representativeness, that is, bureaucrats can take their demographical preference into consideration in making policy choice; the second is called social representativeness. Social representativeness can be defined as bureaucrats will develop policy options to its full extend that can best represent the preferences of various citizen groups with different policy expectations. In this sense we need to check responsiveness, responsibility, and accountability to examine how well bureaucracy achieves representativeness in a constitutional democracy.

Responsiveness emphasizes issues as how well the public's needs and demands are being satisfied by governmental agencies. It deals with issues such as how well citizen's preference is fully noted in the policy process, their expectations are designed in the policy options, and their demands are totally incorporated in the policy mandate.

Responsibility deals with the professional and technical competence of individual bureaucrat when confronted by citizen's demands. Basically bureaucrat

enters government service to serve as a problem solver.   When facing with public problems, bureaucrats tend to follow requirements of professionalism and extend his technical competence to provide solutions.

The idea of accountability stipulates the external standards of correct actions, be they legally or bureaucratically enacted, determine the correctness of and provide the motive for administrative actions.   Accountability has two folds of policy actions, political and administrative rationality.   Political rationality refers to policy options are chosen politically through instrumental arrangement; while administrative rationality is defined as actions construed as the "neutrally competent" attainment of those ends.

To sum up previous discussion, next generation of bureaucracy must possess characteristics that fulfill the requirements of both demographical and social representativeness, which covers accountability, responsibility and responsiveness within a constitutional democracy.

Governance and Bureaucracy

Although there is no universal definition for public governance, scholars who study the concept of public governance all agree upon the following characteristics: (1) it is service-oriented, not program oriented in the traditional public administration, or market-oriented in the new public management; (2) it is citizen-oriented, not customer-oriented, or subject-oriented; (3) it encourages civil engagement in all public affairs, regardless of motivations; (4) it focuses on the interaction among all sectors, be that public, private, and non-profit, and encourages deliberation and reconciliation through a participative style of decision-making; and (5) equal treatment of peoples, cultures and species, and seeking social cohesion; (6) openness and transparency in decision-making.

Bureaucracy in the context is no longer a program provider or a market enforcer.

It is a service enhancer who facilitates an environment where all the major characteristics of public governance grow in the most efficient and reconcile pattern.

The Feasibility of Deliberative Bureaucracy

The Democratic Spirit of Bureaucracy

Scholars favoring the representative democracy have an underlying distrust toward bureaucracy (Meier and Nigro, 1976; Prottas, 1979; Lipsky, 1980; Bryner, 1987; Mazmaniam and Sabatier, 1989; Scott, 1997). On the other hand, assuming that individual bureaucrat is a maximizer of self-interests, scholars argue then, individual bureaucrats with administrative discretion, and diversified ethnic and other backgrounds, are likely to use the discretion to make decisions reflecting their preferences (Downs, 1967; Thompson, 1967; Carmines and Stimson, 1989). Therefore, the collective decisions made by individual bureaucrats represent the collective interests of their individual background. Representative bureaucracy, hence, is more likely to make decisions that benefit the general public (Thieleman and Stewart, 1996). The argument has the following layers of meaning for democracy: (1) the passive representation is easily achieved where the demographic backgrounds of individual bureaucrats reflect the collective preference of the society for which the public servants served (Sowa and Selden, 2003); (2) through socialization in young ages, individual bureaucrats serve the agencies with various beliefs and values embedded in their preference would likely to serve the public with similar preference with more attention (Krislov, 1974; Krislov and Rosenbloom, 1981); and (3) the active representation is guaranteed when the public can and will realize their interests through a group of sympathized bureaucrats with similar policy interests.

With the realization of the passive and active representation, bureaucrats are the venue of democracy and bureaucracy is the guardian of democracy when other mechanism has failed to deliver the service of public goods.

The Benefit of Expertise

When Wilson proposed the model of politics/administration dichotomy, he implicitly idealized the indifference among the polity and the bureaucracy. It is reasonable to assume that he values the bureaucracy's capability to deliver the public goods, assuming the polity can make sound decisions. Once sound decisions are reached, the bureaucracy has the apparatus and resources to implement them and satisfy the needy public, to achieve the policy goals, and to serve the public interest with fairness and justice.

In the rationality school, bureaucracy is perceived as the entity with utmost rationality where "impersonality", "professionalism" and "technocrats" are usually the synonym of efficiency, economy, and effectiveness. In the classical literature of organizational theories, bureaucracy (including both public and private organizations) is the elite supreme institution with expertise enable to implement policies and commence actions toward common goals that are beneficial to the organizations. Studies have shown that bureaucrats with higher expertise are more likely to devote to and achieve organizational goals with higher efficiency and effectiveness which in turn better the lives of the general public (Dolan, 2000; Tamerius, 1995; Thomas, 1994, Carroll, 1987). In fact, most of the decision-making models described in the literature of policy science either follow the reasoning of rationality or revise the rationality premises of decision making where expertise serves a crucial role in shaping the actions taken in the realization of policy goals.

The Model of Deliberative Bureaucracy

In order to amend above mentioned problems, a new model of decision making called the deliberative bureaucracy (see figure 1), should be given consideration as a possible solution to current paradigm dilemma. The new model should incorporate values of democracy such as citizen participation and empowerment, deliberation,

pluralism, market-like competition, expertise of bureaucracy, and legitimacy of policy through referendum. The author argues in the beginning of any policy making, each different interest group shall deliberate it's needs and values with respective agency. With expertise, each respective agency then proposes a policy option that satisfies the group in an efficient, effective, and economic and professional manner. With various groups voicing support of various policy options form different agencies, then the policy making process enters the second phase: civil engagement.
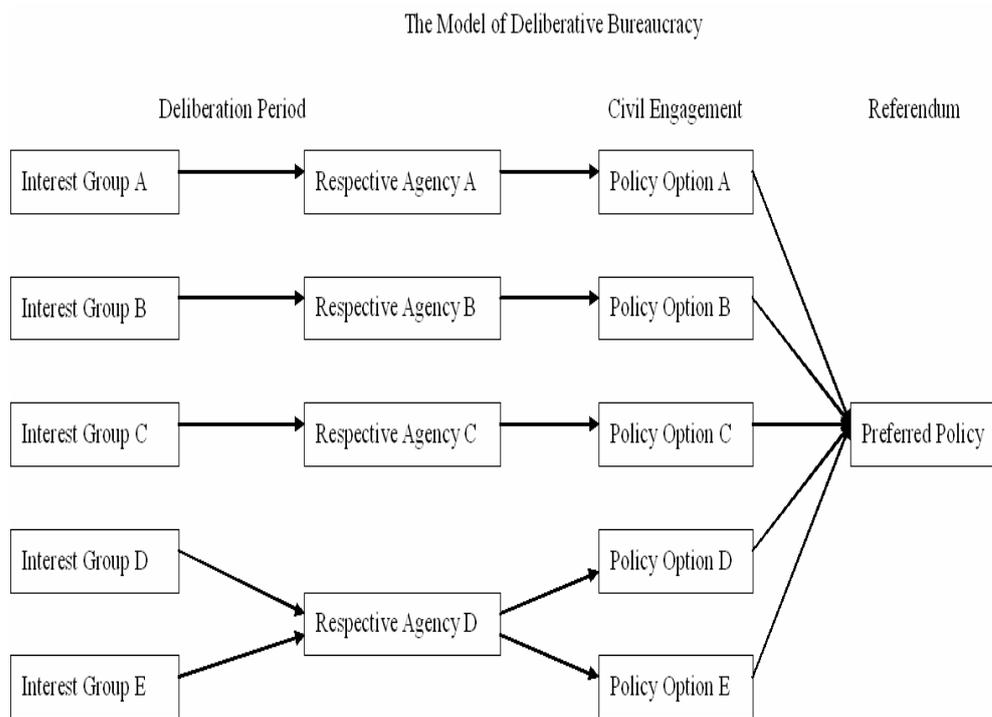

Figure 1: Model of Deliberative Bureaucracy

In the period of civil engagement, each interest group rallies for public support for its favored policy options. Through market-like competition, ordinary citizens thus are thoroughly debriefed and become fully aware of the costs and benefits of respective policy options. After a certain period of time, all options go through the process of referendum to obtain legitimacy.

Advantage of Deliberative Bureaucracy

The author thinks that the deliberative bureaucracy model has the following advantages:

1. Better communication within policy domain: The deliberation happens between concerned citizen group(s) with homogeneous values and ideas about the policy future, and the agency with expertise in the policy domain. It is easier for the group(s) to express their wishes, and it is easier for the agency to communicate the pros and cons of the preferred policy options. Hence representativeness is guaranteed through the deliberation process.

2. Easy consensus building: When a particular policy domain has two or more groups with different agenda, as the group D and group E indicated in the figure, the perspective agency should explore different policy options to fulfill the expectations of different groups. So it is easier for the agency to reach a consensus with different groups. By responding accordingly to different groups with different agenda, bureaucracy thus guarantees the value of responsiveness.

3. Homogeneity and harmony: Instead of fostering an environment in which fighting and arguing among groups of different values, the deliberation process will encourage harmony within a policy domain since concerned citizen group.

4. Clear accountability and responsibility: Once a policy option is devised and proposed to the public, the general public shall understand which group is supportive of what policy option. Therefore, it is easier to hold the group(s) responsible and accountable if policy fails in the future.

5. Market-like policy environment and pluralism: Pluralism is the core value of democracy. When the public knows all the different policy options for them to select, it creates a market-like environment for different groups to compete for public support for their preferred option. Thus pluralism is encouraged and spirit

of competition is preserved. Furthermore, all groups can conduct a thorough examination of all policy options presented by different groups during the civil engagement period to guarantee the openness and transparency of the policy.

6. Civil engagement is encouraged: As different group competes for the support of the public, groups will utilize all kind of means to arouse people's awareness of the policy option. Through an intensive policy promotion, civil engagement has a better chance to implement.

7. Referendum justifies legitimacy and hidden cost prevented: At the end of the policy making process, a mechanism of referendum is devised to let the public vote for their preferred policy option(s). The referendum result justifies the legitimacy of the policy and all the hidden cost of future policy clashes are prevented.

Conclusion

Bureaucracy faces severe challenges from all fronts within a more hostile and demanding environment in the 21st century. Bureaucracy is no longer a mechanism that designs programs and policy to unilaterally fulfill people's needs. A contemporary bureaucracy shall perform like social adhesive devise that glues all policy players together into a policy community, and act like a catalytic to convert all the policy ingredients into sound and fair policy that can meet the needs of the people.

This paper devises a new decision making mechanism called deliberative bureaucracy where policy deliberation happens between bureaucracy and concerned group(s) in the earlier stage of policy process because of better representativeness, clear responsibility and accountability, and precise responsiveness to concerned groups.

In light of governance, the model actually encourages civil participation in the whole stages of policy making. Concerned group(s) can deliberate their policy preference and expectation directly with bureaucracy without the interference of

challenging groups.   Bureaucracy can then apply expertise to devise policy options that meets the needs of the group with better representativeness, accountability, responsibility, and responsiveness.   During the civil engagement period, different groups can cross-examine all the policy options and discuss openly on all forms of media.   The general public can understand fully all the pros and cons of different policy option during the period and make a legitimate policy choice by referendum. Hence the openness and transparency of public policy is preserved.

However, the deliberative bureaucracy model is a deductive exercise based upon theories and models of policy making.   It lacks of experimental and practical data to prove to what extend the theory really explain the real policy world.   Yet, the model might stir further discussion with the success of deliberative democracy.   Secondly, Rosenbloom's model of public administration has two other perspectives: managerial and legal.   The author needs to explore the contents and boundaries of the two perspectives to form a complete theory framework.

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