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Widening the Lens to Assess Citizen Participation Communication

In his article “Putting the Public Back into Governance: The Challenges of Citizen Participation and Its Future” (*PAR* 75:4, 513–522) Archon Fung argues that “Increasing citizen participation is sometimes seen as a way to increase the efficacy of regulation, improve the provision of public goods and services, and bolster outcomes in areas such as health and education that straddle boundaries between public and private, social and individual.” He argues that the use of citizen participation as a means to “shore up the legitimacy of governance processes” merits further study as the influence of big money politics and partisan dynamics in general are mitigating factors in the pure, almost Athenian model of democratic participation. His model of legitimacy, effective governance, multisectional problem solving, and justice uses a democracy cube that develops a rubric to evaluate participation.

In this context, I argue that both the jury system and the local school board elections, which are not part of the model Fung develops, should be included and would broaden the lens to view citizen participation. Labeling models of democratic participation as direct, representative, and deliberative connotes goals or ideals, more than offering descriptions of reality. For example, jurors deliberate in secret, without the requirement to explain or justify, constrained only by judges’ instructions on the meaning and application of the law. Recent jury decisions, when race apparently played a factor, have understandably led to public criticism. Still, juries are populist institutions which offer many voices through the deliberative process. Without regard to the broader arguments of political theory, does jury service enhance governmental participation?

Jurors who participate in the deliberative process vote more. As both a jury manager and as one who has served on a jury, I have seen the positive educational effect of the experience. As Tocqueville noted long ago, private and public life intersect in jury service in “a third sphere of public life—a political society.” Like voting, it is rooted in the foundation of our constitutional structure. The founders created a

unique institution in the jury with representative and deliberative powers as a check on overreaching, unfair government, and private power. Early examples include colonial juries who refused to indict leaders who purposely ignored British colonial law and eighteenth-century northern juries who refused to convict in the face of the Fugitive Slave Act.

Public schools, one of the oldest forms of purely local governance, not mentioned in the federal constitution, in recent times have become a federal concern driven by dollars intended to improve outcomes. Can voting in school board elections, like jury service, be a catalyst for increased citizen participation? Yes, but only when otherwise excluded elements of political society in the school board governance context move into the arena of civic interest. In New York State, a 2 percent tax levy cap limits property tax growth, subject to override by voters in school district elections. This recent innovation was billed as a means of increasing voter participation in what are normally low turnout elections.

Instead, voter turnout has declined when local boards of education choose not to go beyond the 2 percent growth limit. However, New York allows a unique opportunity and risk, a revote when the 60 percent plurality requirement needed to override the vote is not reached. In at least one district (West Irondequoit 2014), voter turnout nearly doubled when a revote proposal that did not reduce the defeated budget gave the voters a second chance.

The opportunity to defeat a school budget through a revote provides an opportunity to awaken the often uninterested voter. More study will be needed to determine if revotes really result in more transparency or if they reformulate the political debate, not by changing facts, but by giving voters a second chance to test the political wisdom of local school boards.

In most districts in New York, the public schools are likely not only the largest public institution by size of

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budget, but they are also the largest public employer, with a broad scope of community interaction. Participation in school-related events not only shows political support but also measures local community participation. Absent a partisan framework, school officials and citizen board members must present the budget in the context of the educational program, the impact on sports, music, community use of facilities, in addition to the costs of salary benefits, and so on.

Fung concludes that the challenge to increasing political participation is political. I agree and hope that further study will

prove that two institutions, juries and public schools, are important in enlarging the scope of citizen participation. A broader lens is needed—one that recognizes the value of a deliberative model and that, unless the stakes are taken outside of an established norm (the tax cap in New York), citizen participation will continue to be viewed through a complex and sometimes blurry lens. New York's unique second chance revote on defeated budgets where local school leaders dare to exceed the tax levy cap, like the jury, provides a mechanism for local sentiment, judgment, and political will to be exercised.

If you are working on a rigorous review that critically assesses a body of theory and empirical research, articulates what is known about a phenomenon and ways to advance research about it, and identifies influential variables and effect sizes associated with an existing body of empirical research, please contact Michael McGuire, the Research Synthesis Editor, at mcguirem@indiana.edu.