BRINGING REPRESENTATION AND CONFLICT BACK IN: Intermediation and Collective Action as Participatory Institutions

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ABSTRACT

Innovations in democratic participation involve small-scale, focused governing bodies that nurture constant feedback from citizens. (Sabel et al., 2008). These specialized participatory structures are proposed as especially appropriate to policy-making poor American urban neighborhoods (Berry et al., 1993). Scholars have described these emerging participatory institutions as essentially cooperative in spirit and directly democratic in nature, in attempts to distinguish them from more traditional forms of engagement such as voting and collective action. This paper presents a careful study of how a single decision developed and was implemented in such a participatory experiment, the American Street Empowerment Zone in Philadelphia, Pennsylvania, USA, 1994-2008. Archival and interview data reveal that conflict and representation, largely discounted by current scholarship, are integral to these new institutions. Government-citizen struggles presented here suggest that the emerging small-scale, learning model of participation would be better understood as intermediation than as an alternative government form. Intermediation better accounts for conflict and representation by implying independence from government and by emphasizing participants’ representative role. In addition, the case presented here suggests that we understand more traditional forms of engagement as alternative strategies of participation and encourage support of collective action organizations which allow poor, urban residents to pressure government when both voting and intermediation fail.

INTRODUCTION

Attempts to expand and deepen participation in governance are often seen as desirable but practically challenging. Scholars of participation have begun to articulate a scaled-down version of participation that appears to be more practical than all-inclusive public spheres or assemblies. Yet this newer conception is still susceptible to criticism about feasibility. Researchers have distinguished new forms of participation too starkly from representation and conflict, creating an untenable vision.

Acknowledging representation and conflict as inherent processes in participatory institutions forces a revision of conceptions of participation. I argue that instead of developing theory of participatory government as scholars have been largely doing, researchers of innovative inclusion structures ought to understand two types of participatory institutions as complementary but more autonomous from government than is currently prescribed. I use the word intermediation to describe a more independent conception of the small-scale participatory scheme. I also argue that we ought to understand anti-government collective organizing as a necessary outlet for participation when government and intermediation fail.
I use a case of an initially successful but later deeply flawed participatory experiment to develop these arguments about participation in urban governance. I follow a decision of a federally funded, locally managed participatory program for the revitalization of an impoverished American neighborhood, 1994 to 2008. The general structure of participation largely mirrors visions of small-scale, focused, and learning schemes for urban participatory governance. The body governing the revitalization program sanctioned a government decision to move forward with proactive solutions to neighborhood problems. When government implementation of the policy botched the earlier agreements, the participatory body failed to provide the necessary feedback to force a correction because the people involved failed to appreciate the constant presence of conflict and representation. A concept of intermédiation would describe better than participatory government both the tenuous nature of the kinds of agreements these bodies are likely to reach and the kind of communication participants will need to engage in. The need for an exit strategy of anti-government organizing is confirmed by what happened once it was clear that government and the participatory body had failed. Residents took advantage of an independent organization created with program funding to mobilize a campaign against the government policy that had gone awry.

MATCHING THEORETICAL CONCEPTIONS OF PARTICIPATORY INSTITUTIONS TO PRACTICE

A Lopsided View of Participation

Scholars who deny any expectation of large-scale, direct involvement in public deliberation on broad and occasional decisions advance the claim that innovative participatory schemes are indeed practical in applications in United States urban and environmental policy. They propose a “learning model of policy-making that is participatory, flexible, and adaptive,” (Fiorino, 2008) and that allows for constant adjustment and communication (Sabel et al., 2008). Participatory bodies are convened on a small scale and concerning specific interests (Fung and Cohen, 2004) to answer criticisms that participation cannot attain desirable breadth and depth (Dahl, 1994, Lowi, 2008, Wilson and Weltman, 2008). For instance, participation in urban governance is recommended to be segmented by neighborhood and interest area (Berry et al., 1993, Sabel et al., 2008) rather than anticipated to occur as some kind of national public conversation or informal public sphere (Habermas, 1975, Hirst, 1994). Participation advocates also propose that participatory bodies turn their focus to the back-end decisions that come up during implementation (Fung, 2004, Sabel et al., 2008) rather than privileging what are usually considered the larger, more important decisions in the early stages of project development (Dahl, 1994). Attention to implementation allows “citizens as local agents [to] experimentally determine how to pursue a … changing project.” (Sabel et al., 2008).

However, two characteristics continuing to dominate US theoretical descriptions of participatory democracy invite criticism that the idea is still not feasible. First, scholarship on
participatory democracy too often overlooks conflict to focus almost exclusively on partnerships, deliberation, and other forms of collaboration (Mayer, 1995, Pierre, 1998, Freeman and Langbein, 2000-1, Fung and Cohen, 2004). (See Menkel-Meadow, 2004-5 for a similar critique.) Cooperation and partnership are contrasted with antagonism and conflict (Sabel et al., 2008). Trust is often understood as the lubricant that allows cooperation with government to work (Offe, 1999, Fung, 2004). The expectation that conflict will be minimized ignores research that finds a constant co-existence and moving between conflict and cooperation (Menkel-Meadow, 2004-2005, Mische, forthcoming). The reverence for partnership and trust also raises worries among those who have witnessed the productive results of anti-establishment social movements (Fainstein and Hirst, 1995, Szasz, 1995, Benhabib, 1996, Davies, 2007). Andrew Szasz, for example, counters advocates of cooperation with a discussion of how hazardous waste organizing which originated the backyard movement created crucial public benefits, while its participants were nonetheless feared and hated by government officials (This is the very movement Sabel et al. [2008] contrast to their new rolling-rule regime). Berry et al. (1993) notice a productive coexistence of antagonistic organizing activity in participation experiments in five American cities. “When necessary, neighborhoods still engage in an open fight.”

The second oversight in current scholarship results from the downsizing of scale of anticipated participatory structures. Scholars continue to understand participatory regimes as a form of direct rather than participatory democracy, but small-scale decision-making processes by definition involve representation. Representation is acknowledged in debates about whether certain groups are included at the table, but the dilemmas participants face as representatives are rarely mentioned. Participatory innovations are understood as forms of direct democracy, in contrast to existing governmental structures of competitive representation (Fung and Cohen, 2004). Acknowledging the representative nature of participation reveals new dilemmas. How does one serve simultaneously as both a self-interested community member (whether resident, business, or other kind) and a representative? This dilemma, for instance, drives problems that arise in these newer schemes with conflict of interest (Kettl, 1993). The dilemma also drives questions about communication. How does a resident remain credible and responsive to both government and community members, while not really speaking for either? Re-envisioning participation at various levels of distance from government, with the new learning model understood as a kind of intermediation, may help resolve these dilemmas.

Three Participatory Institutions

I present a simplified breakdown of the dominant portrayal of communication and decision-making in US participatory experiments in Table 1. Participatory government, a phrase which characterizes dominant approaches to participatory institutions, enables bottom-up communication and consensus-based decisions arrived at through deliberation. In contrast, central command government communicates from the top down, and decisions arise from the settling of conflicts among competing interests.
Participation structures are often conceived as embodied in government. But they do not need to be just because they are directed toward correcting current government failures. I will argue that (a) recognizing the particular kinds of conflict and representation inherent in the small-scale, learning structures and (b) acknowledging inevitable failure requires that we imagine participation institutions as having greater independence from government. My portrayal of participatory governance expands our view beyond government to different institutions of governance, just as much of the literature on public-private partnerships has already done (Jessop, 1995, Wagenaar, 2007).

I distinguish two types of participation beyond traditional competitive representation that ought to be understood as part of a participatory toolbox. I use the label *intermediation* for the most innovative form of participation. The term suggests both a communication and decision-making process that differ from current discussions of *participatory government*. Instead of directly conveying citizen desires to government, intermediaries (those who participate in small-scale, focused participatory structures) are two-directional communicators. They represent citizens to government and government to citizens. Decision-making processes in intermediation institutions anticipate both conflict and consensus, and the end result is better understood as a compromise than a consensus agreement.

Collective movements that pressure and challenge government provide a crucial, independent check when intermediation breaks down. Once organized in a campaign, activists communicate with government from the bottom-up and present a position of conviction. I argue that citizen access to this form of action significantly improves their ability to hold government accountable, especially when an intermediation-type structure is in place. At their best, participatory schemes will avoid some but not all government failures (Shogren, 2008). In an article skeptical of participation’s promises, Theodore Lowi (2008) notes “process is a double-edged sword: eventually it will cut the other way, and then it will be called betrayal.” At the point of betrayal, citizens need the ability to exit but remain empowered (Davies, 2007). We need to include collective action as a mechanism citizens can use to respond to the inevitable failures of more cooperative participation.

**THE FEDERAL “EMPOWERMENT ZONE” AND PHILADELPHIA’S AMERICAN STREET**

Many urban participation experiments target economic development (Clarke, 1993, Sabel, 1994, Mayer, 1995), in poor neighborhoods where residents have traditionally been disengaged. President Lyndon Johnson’s (1963-1969) War on Poverty program, enacted in 1964, was the federal government’s first major endeavor to tie community participation to economic development funding. Forty years later, the federal Empowerment Zone (EZ) program revived the War on Poverty’s emphasis on community participation as central to the success of...
economic development (Berry et al., 1993) and departed from economic development initiatives of the Reagan and Bush administrations that did not have such an emphasis. Cross-city evaluations of the EZ program and focused studies of Chicago have indicated that the federal mandate largely failed to ensure community participation beyond involvement in the original visioning for the application (Nelson A. Rockefeller Institute of Government, 1996, Herring et al., 1998, Herbert et al., 2001, Oakley and Tsao, 2006, 2007). I examine community participation in governing one of three EZ areas in the city of Philadelphia: the American Street Empowerment Zone (ASEZ) 1994-2008. A close look at one ASEZ decision reveals a combination of success and failure. First, some background.

Philadelphia is a declining industrial American city that has not enjoyed the recent rebound in population and investment that other US cities have. As a result, Philadelphia has one of the highest rates of vacant land of any city in the country. In the 1990s, approximately 60,000 of Philadelphia’s properties 600,000 properties stood abandoned, half as vacant lots, half as vacant buildings. (96% of Philadelphia’s parcels are privately owned.) In addition, thousands of inhabited buildings were dangerous and quickly deteriorating.

A hundred years ago, the heart of Philadelphia’s textile industry was located along American Street, just north of downtown. By the 1990s, vacant and occupied row-homes, vacant factory buildings, a few operating businesses (an auto repair shop, a glass company, a food distributor, and two junk yards), and vacant lots lined the street. Vacant land both directly on American Street and in the surrounding areas had received so much dumping that piles of debris sometimes reached the heights of nearby buildings. Blocks of row-homes in varying conditions, some densely packed, others pock-marked with vacant lots, were in adjacent neighborhoods.

Community life was vibrant in many ways, and particular blocks and buildings received significant care. The neighborhoods were predominantly inhabited by Puerto Rican and low-income residents. In the 1980s, residents organized around efforts to reclaim the neighborhood from those who dumped and drugged there and in the 1990s convinced the Mayor to include an area surrounding American Street as one of three communities in Philadelphia’s application to become a federal Empowerment Zone.

Community Oversight of the Empowerment Zones: Participatory Government

In December 1994, a Philadelphia-Camden partnership became one of six urban places to win the coveted national Empowerment Zone (EZ) designation under President Bill Clinton’s (1993-2001) flagship program, bringing funding and tax incentives for neighborhood revitalization. Twenty-nine million of Philadelphia EZs’ seventy-nine million dollars were designated for the American Street Empowerment Zone (ASEZ), a collection of neighborhoods with approximately twenty thousand residents. The federal Department of Housing and Urban Development, which administered the program, envisioned resident participation in program governance as one way for localities to realize the mandated “community-based partnerships.”
In general, the methods used to ensure community participation varied largely by site, but all EZs established governing boards with community representation (Herbert et al., 2001).

In the first half of the ASEZ’s life, roughly 1994-2000, participation was generally active, though it declined later. In early years, members of the ASEZ governing board often praised the quality of participation, in comparison to what they learned of other EZs around the country. “Philadelphia seems to be the only city working with the bottom up process while the only people empowered in other cities are the Mayors,” reported the chair of the American Street governing board upon return from a national conference. When participation was not even the issue at hand, members sometimes volunteered it as one of the ASEZ’s strengths. These praises were certainly tempered with critiques, many of which are described in more detail below.

Philadelphia devised mechanisms for both general and focused community participation in ASEZ governance. Residents, small-business owners, and community leaders engaged in small-group work and public meetings which largely drove the content of the 1994 American Street Empowerment Zone grant application, and these kinds of activities continued to inform broad visions and plans over the first several years of the ASEZ. Following prescriptions of current scholarship on participation (Fung, 2004, Fung and Cohen, 2004), work already scaled to the neighborhood level further focused involvement through committees on education, housing, or other issues. “Committees … did all the groundwork around creating a project and pulling together information, meeting with experts and building partnerships,” according to one staff member.

The ASEZ committees reported to a governing body called the American Street Community Trust Board (ASCTB), comprised of “community representatives” (local residents, community organization leaders, business owners) and Mayoral appointees. During this first half of the ASEZ tenure, two thirds of the twenty to thirty members were elected, a process which highlighted that Board members were indeed representing larger constituencies. The ASCTB did not have full decision-making power; the body passed its recommendations on to the Mayor, who approved the large majority of the recommendations. After considering several options for the legal status of the organization, the group decided to be a part of the Mayor’s Office of Community Services and a city advisory board.

Though the formal structure made these Board members servants of government, their behavior often conveyed tension in that role and demonstrated resistance to co-optation. Overt conflict with government staff was common. Some community representatives regularly displayed their distrust of any government staff. They repeatedly charged that staff concealed information or made too many decisions, accusations staff usually denied. What government staff considered to be mistakes and oversights in performing their work, community representatives characterized as willful and significant errors in the performance of their duties. During a report of the Community Safety Committee, Pat De Carlo, a particularly vocal board member, accused the staff of hiding information from the board “to avoid questions or discussion that take a lot of time during the meetings.” Santiago Burgos, Lead Organizer for the ASEZ, defended his co-workers, explaining (according to meeting minutes) “nothing was being
hidden…to say staff is hiding information, that is wrong… [I] can take responsibility of a possible oversight in the mailing packet, but the staff of the EZ is not hiding information from the board.”

**COMPROMISE DECISIONS**

The ASEZ structure enabled a primary goal of participatory design: multi-party decisions to pursue pro-active solutions to intractable problems. To some extent, agreements to move forward were reached through the kind of common reason that deliberative theorists celebrate. For example, Willie Gonzalez, chair of the Infrastructure Committee, remembers that another member named Levi Canada made him realize that “not enough neighborhood residents or people cared about the kids.” As a result, Gonzalez developed his own conviction about the importance of the ball park, a project he came to champion. Recalling that interaction, Gonzalez said that Canada was “an outstanding individual community resident who challenged me in many ways.”

But cooperation and common reason were not always the norm. Securing any cooperation among community leaders in the ASEZ was considered a major coup, even with the multi-million dollar carrot, and existing conflicts endured as these leaders joined the ASCTB. Organizations had developed strong claims to turf and rifts that prevented collaboration. Members with power in numbers sometimes pushed their projects through by force, which created tension about resource distribution. Tension among board members, organization leaders or not, could range from political to personal issues, as represented in just a few lines of one member’s explanation of her resignation, “Personal agendas are the norm at the board level. There are those who think that the expenditure of these monies south of Berks street is a foreign concept and something to be avoided at all costs. Some believe that sleeping with another board member’s husband is a fashionable thing to do.”

Most often, the resolution of disagreements would be better characterized as compromise than either coercion or consensus (Streeck, 1992). Struggles over funding projects were primarily over different perspectives about how proposals were likely to turn out. Board and staff members worried about projects being realizable. Decisions about land expropriation for development demonstrate how compromise involved assurances about consequences. Residents on the ASCTB hesitantly consented to lend support to the city’s forced acquisition of large land parcels to entice warehouse development in places along American Street where land was mostly abandoned.

Though no formal agreement was signed about the board’s sanction of eminent domain (the American common-law term for government expropriation of private property in return for “just compensation” [US Constitution, 5th Amendment]), discussions created a sort of informal contract. About the decision to acquire large (1.5-3 acre) parcels that contained some residences for potential industrial or warehouse development, one Board member explains, “I
supported that only because I saw the importance of bringing jobs because the neighborhood is
dying. And it needs to be revived, and if we don’t bring jobs we are going to die.”14

Board members made it clear that they could sanction the land acquisition if the development
and relocations happened in particular ways. Community representatives had questions about
the viability of the development plan. They knew that forced acquisitions can take one to two
years or more to complete, and they wondered if a business interested in the beginning of the
process would be able to wait. They also questioned whether those businesses would actually
provide jobs for nearby residents or remain in the area. To defend the decision to move forward
with the first large land assembly in 2001, Philadelphia’s Commerce Department offered detailed
information on the businesses that had expressed an interest in American Street sites, including
their records on hiring local residents.

Board members were just as concerned that any relocations be limited and that people being
displaced be treated well. No matter what the planned end use, one staff member recalls, in
general “the Board was, as a group, very reluctant to get behind any effort that would end up
with people having to move from their house…[the Board] always said it was against the idea of
acquiring land in a way that dispossessed people unless it was absolutely necessary.”15 Again,
city staff provided assurances. They told Board members that there was a relocation process,
administered by the city’s Redevelopment Authority, and that this process included direct
communication and fair compensation.

PARTICIPATION FAILURES

The results the compromise just described diverged largely from what was planned, in ways
that frustrated all sides. As I argued above, compromises about development strategies focused
on details of implementation. Government action greatly diverged from earlier agreements, for
reasons beyond any individual’s or individual agency’s control. Active participation attendant to
implementation probably could have much more quickly set the project on a better path, but it
failed to do so. The ASEZ considered implementation a formal management task to be
performed at a distance.

Participation also failed because the ASCTB was too tightly bound to government. Being so
closely connected to government, both structurally and conceptually, caused reduction in the
numbers of participants and discouraged representatives from providing the frank
communication that proved necessary. Participatory government was the norm and structure,
but a concept of intermediation might have stemmed problems that arose. When government and
the ASCTB failed residents, an political empowerment organization begrudgingly incubated by
the ASEZ itself created political opportunity for usually disengaged citizens to advocate from
outside. In the final segment of this paper, therefore, I argue that activism completely
independent of government power should be available to provide a necessary check on
government failure.
By 2001, the Redevelopment Authority of the City of Philadelphia\textsuperscript{16} had targeted three large blocks and a few scattered properties along American Street for forced acquisition. In all, the city pursued 68 privately owned properties, of which 42 were vacant lots and buildings, 14 were occupied homes, and 2 were occupied businesses. Government’s initial contacts with the first seven homeowners proved irresponsible and insensitive, in comparison to what ASCTB members and ASEZ staff had hoped. Initial letters informing residents of the affected area were mailed in December 2001, but the letters were crafted with greater attention to legal scrutiny than to a lay understanding, so much so that the recipients did not realize that they were likely to be displaced. Negotiations over inter-agency agreements to fund the acquisitions delayed additional letters and personal visits to the same residents for about seven months. When these communications did happen, in July and August of 2002, residents felt government pressured them to get out quickly but inadequately supported them in doing so. Residents became upset and fearful, largely complaining that they had not been given early or complete information.\textsuperscript{17}

The delay was also too long for the business that had been planning to move there to wait. The Commerce Department had hoped to retain 30 jobs and add another 30 by selling the first large parcel it assembled to Reline Brakes, which had sold its existing space to a housing developer. The company had to move more quickly than the city could make the land available, and it relocated just outside of Philadelphia.

\textbf{Inattention to Implementation}

A successful participatory regime should enable policy to adjust and adapt when problems with policy implementation arise. Fung (2004) writes that especially in impoverished areas, implementation is where participation can make a marked difference. Participatory structures ought to be intentionally back-loaded so as to give more attention to the “post-decision stages of local governance” than is normally accomplished (Fung, 2004: 232). Active participation in implementation will create a constant feedback mechanism, as suggested by the concept “rolling-rule regime” (Sabel \textit{et al.}, 2008). If the ASEZ’s participatory mechanisms had been functioning as scholars hope, the governing body and staff may have identified problems with the relocation process early on and made sure that residents being relocated received better compensation and care. They might have stopped the land acquisition all together once developers pulled out or helped find an alternative use for the vacant land that could have been quickly realized. How did participation that seemed at least satisfactory in the first five to six years of the ASEZ fail to correct for these errors?

To some extent, the participatory failure was due to an intentional and explicit cut in numbers, which government justified with a shift in focus from project development to implementation. In 1999, as Mayor Rendell was completing his two-term limit and just before these eminent domain processes began, the EZ became focused on sustaining what had already been put into motion rather than developing new programs. The administrative budget and staff were cut. The number of board members was intentionally dropped from over 20 to less than 10.
Issue committees were dissolved. Board-member elections were abandoned because they were too cumbersome; inside nominations and appointments filled board vacancies. Though participation in both committees and on the Board had dropped off some during previous years, resident representation on the ASCTB was a much more constant problem under this new structure.

The culture of the board also changed in such a way to deny members who were there the opportunity to correct for government errors. Government staff did not mention that specific addresses had been designated for acquisition until after letters had been mailed to owners of condemned property. This omission seems glaring from the perspective of how the Board had operated in the 1990s. But from the perspective of a new Board, intent on not micro-managing, this might not have been anything out of the ordinary. One Board member who had been with the ASEZ throughout the years told me as much: this is not the kind of detail the new, more formal board would have wanted to consider.

**Ties to Government Discourage Involvement**

Even if this intentional downsizing had not happened, the enveloping of the Board within government, a problem from the beginning, prevented participation from correcting for government failure. Being so significantly tied to government may have gradually contributed to participation drop-off in three ways. First, the bureaucratic nature of work for government dampened resident involvement, as one Board member’s resignation letter as early as 1996 indicates,

> I had high hopes that this program would follow through on its stated commitment to cut through the endless paperwork and processes that usually accompany the receipt of federal funds. Unfortunately, this has not been the case, and the frustration level among the American Street board and others that I have talked to has been a reflection of this situation.

One committee chair explained that he saw participation in committees decrease over the first few years for similar reasons, “The whole structure of the committees and the complexity of it really confused a lot of the residents. They just couldn’t handle the information so they just left.”

Second, the strong emphasis on cooperation and partnership caused stress and confusion when board members took positions contrary to government staff members but had no explicit language to justify the conflict in that setting. After the highly contentious February 1996 Board meeting referred to above, when Board members challenged staff about power-sharing and communication on staff hiring, Philadelphia Empowerment Zone Executive Director Carlos Acosta worked into the night to draft a letter to the Board. The original version of the letter explained bluntly “I want you to think of us as your partners in this process and not your enemies. You have excellent staff which are committed and have received unfair treatment from some of you…I welcome entering into this dialogue with you soon.” (These words were cut from the final version though a similar sentiment was expressed.) Coming to agreement with
people and organizations one distrusts will always demand energy, but it will be all the more draining if that struggle is resisted in the name of partnership, and the distrust is considered an individual rather than a structural property.

Third, some members resigned because of perceived violations of the conflict of interest policy, itself a direct product of the understanding of the ASCTB as part of government. The conflict of interest policy was repeatedly discussed in ASCTB meetings as either confusing or problematic. Precisely because the most devoted parties were involved in narrowly defined issues at a very local level, these are bound to be the very people who stood to benefit from programs, personally and professionally. Though the conflict of interest policy required that they be only the “stewards,” many would be both “stewards” and “receivers” of ASEZ resources, as even Mayor Rendell acknowledged. When the policy was first elaborated, members may have quietly resisted by failing to hand in their required disclosure forms after repeated reminders.

The forced resignation of resident representative Rosemary Cubas due to a perceived conflict of interest was detrimental to the Board’s usefulness in stemming government error from the inside. Cubas had joined the ASCTB in 1996 and had spearheaded a long struggle to get funding to create a grassroots, political empowerment organization called the Community Leadership Institute (CLI). A few months after the CLI, with funding approval finally in hand, began a search for an Executive Director, Cubas announced to the ASCTB that she had retired from her job of 29 years to take the position. ASEZ staff members felt that Rosemary should have clearly understood that she was violating conflict of interest policies because she was not permitted to benefit financially from ASEZ funding during or within two years of service on the ASCTB. Cubas believed there was no conflict of interest. She took on the Executive Director position as a volunteer, thinking the lack of payment would be temporary, and she resigned from the ASCTB because “the Empowerment Zone and its legal advisors deem there is a conflict of interest.”

Cubas resigned from the ASCTB just as the eminent domain process was moving forward. A few months after she left the Board, her passionate reaction to the failures of the acquisition process combined with her feelings of betrayal by the ASEZ over how the conflict of interest policy forced her from the Board would motivate her to mobilize a strong anti-government activist campaign. If Cubas had remained on the Board, perhaps she would have been able to pressure reform from within. She may have urged policy corrections more quickly, with greater benefits to the relocatees, and with less political damage for city government.

**Ties to Government Thwart Communication**

Board members regularly voiced feelings of responsibility for communicating to residents and hearing their feedback, but ties to government made both difficult. Board members realized they needed to keep residents involved if they were to stay adequately informed about their constituents’ experiences. But being seen as part of government hindered Board members’
efforts to bring residents into the fold. High levels of distrust of government and other formal organizations made it difficult to recruit residents to become involved and share their knowledge and opinions. The strong ASCTB connection to government also hindered frank communication from Board members to residents. ASCTB members repeatedly expressed a desire to show the community that they really were doing something, like displaying the playground the ASEZ funded. Board members felt personally implicated by public impressions of the ASEZ. One ASCTB member complained that residents had been showing up to his committee meeting and personally attacking him because of the ASEZ. Such a drive to present a positive impression could not have always inspired truth-telling.

The strong structural connection to government and the lack of a concept of intermediation seems to have prevented the kind of communication that community leaders might have used to stem the problems with land acquisition. Community representatives expected to be communicators, but the lack of independence from government made them hesitate to tell constituents about potential harms caused by the EZ. One Board member expressed the sentiment of many that the city’s bad communication was the reason land acquisition went so wrong, “If nothing else I can tell you that the communication for this condemnation was very poor from the beginning. If that is why it failed, it was because of the bad communication... And there were many people behind it.”31 Government workers certainly neglected to uphold their promise of adequate and early communication with people who would lose their properties. “We blame the city for the whole thing,” said a Board member, and an ASEZ staff member reflected, “You couldn’t have done it worse even if you had deliberately tried.”32

There are structural reasons why government may have a limited ability to efficiently perform this communicative role. Staff members are unlikely to be received as empathic and truthful communicators, especially in poor neighborhoods with low levels of trust in government. Even without that impediment, it would be somewhat foolhardy to believe that a representative of an entity causing turmoil would also be an advocate for the person getting hurt. Government staff members in this case were expected to serve both the condemnor and the condemnee, a factor that is partially responsible for the “legalese” of the notification letters.

If government is not likely to communicate adequately with citizens who would be hurt by a policy decision, can community representatives fill in? The same Board member who stated clearly that the city was to blame certainly thinks so and was frustrated with how community leaders acted,

If I have been given the title of being a leader and if I am known within the community and I know that Debbie is going to lose her house and I know that Debbie knows me and I know that Debbie trusts me, then I should sit down with Debbie and explain the process and tell her the pros and cons of what is going on but not stay neutral to Debbie because Debbie is getting a lot of information and does not know what the truth is.33

ASEZ staff members say they had expected community leaders who did know about the specific plans to bring that information to residents in a timely and sensitive manner.34 Yet like their government counterparts, community leaders failed to provide early information to residents targeted by the acquisitions. The ASCTB minutes provide telling evidence of how these leaders
might have seen their dilemma. Board members agreed that they should facilitate communication with residents, relay their support for the broad goals of development, and show how limited their involvement with relocations was. As recorded in the April 2001 meeting minutes, one member said, “We should not be embarrassed about the importance of pursuing a viable industrial corridor along American Street; the corridor is important to the neighborhood.” Another added,

When it comes to potential relocation, land assembly, and the Neighborhood Transformation Initiative, we…are only a small part of a much larger picture. The Mayor will move forward with his plans although we expect to impact, inform, etc. the initiative in this neighborhood. Cubas’ remarks, in particular, show a sensitivity to the need for them to mediate more directly between government and residents:

Relocation is a big concern for the community. The Community Trust Board should be prepared to discuss it from the perspective of Community Trust Board’s role in any potential relocation within the ASEZ. The Community Trust Board, however, is committed to convening the appropriate parties to address any questions or concerns from the ASEZ community about relocation.

These statements betray the tension representatives were strapped with, a tension that may have pushed leaders to avoid communicating the bad news. Certainly, no matter what the specific institutional arrangements for participation, even most grassroots leaders may avoid blame for policies expected to hurt constituents (Weaver, 1986, Leibfried and Pierson, 1995). Still, more explicit emphasis on Board members as mediators, charged with communication, may have pushed some of them off the fence. And the concept of them as intermediaries may have helped them avoid blame while still sharing information.

ANTI-GOVERNMENT PARTICIPATION THROUGH COMMUNITY ORGANIZING

The final stages of participation in this saga remind us when and how collective, anti-government action can be the most desirable form of participation. When government or institutions with formal links to government fail, more independent pressure is needed to push for resident interests (Susskind, 2008). As Susan and Norman Fainstein (1985) argue that President Johnson’s War on Poverty provided the political opportunity for the poor to organize urban social movements in the 1960s and 70s, the ASEZ created the opportunity for organization against eminent domain.

In October 2002 activists and residents suddenly, it seemed, emerged to berate the city’s use of eminent domain. About six or seven months after Cubas had been forced to resign from the ASCTB but was still pursuing the CLI with some EZ funding, Estabania Massa, a 70-year-old widow living on the first block to be acquired, approached her for help. Cubas explained, “She kept repeating over and over again that she’d gotten a letter that she couldn’t understand, but that the government was coming to take away her home.” Cubas and others responded by organizing residents against the city’s efforts. They recruited about 200 residents to come to their first large public meeting about the ASEZ and expropriation, and they formed a group called the
“Concerned Residents of the ASEZ,” within the CLI, to address “worries about lack of voice in the changing community.”

Leading the anti-eminent domain movement put CLI’s funding under threat, again, and when Cubas would not change her strategy, the ASEZ cut the program off. CLI members felt they were doing important work, and they had Temple University program perform an evaluation to verify as much, “Residents trust in the guidance provided by the CLI … The staff at the CLI is a unique group of people… who can effectively serve the community through their personal experiences as local residents, organizational leaders, block captains, academics, professionals, parents, and concerned friends. Eva Gladstein, ASEZ Executive Director, explained at a heated Board meeting after a CLI report of accomplishments, including this evaluation, that the city would not renew CLI’s contract. She described a “policy that the City cannot fund projects working at cross purposes from other City funded projects.” The city’s withdrawal of financial support only strengthened Cubas’ conviction about the righteousness of her struggle against government power. Until her death in 2006, she continued to maintain the CLI and vigorously pursued the anti-eminent domain cause, spearheading a citywide coalition to fight Mayor Street’s anti-blight initiative that would target several thousand vacant and a few hundred occupied properties.

The organizing clearly drew government attention to the problem. Once Cubas held the large community meeting, ASEZ staff members began personally visiting affected residents, sometimes accompanied by District City Councilperson Rick Mariano. The ASEZ staff held two community meetings of their own, gathering over 300 people. They provided substantial bilingual information packets to attendees. They held meetings with community organization leaders on the subject and even appeared on a radio show.

The activism against the use of eminent domain on American Street did not stop the planned acquisitions, but it did create some benefits for residents and property owners affected by this and future projects. The uproar forced the city to extend the relocation timeline for this project, which helped residents being relocated from the American Street parcels because many said they simply wanted more time to adjust to the news. The public attention and resulting direct intervention of ASEZ staff members also seems to have secured slightly more care and compensation for these relocated homeowners than they would have otherwise received. Over the next year or so, as residents worked out their plans with the Redevelopment Authority (which administered all relocation benefits and compensation for property), they inevitably hit roadblocks. When this happened, they sometimes appealed to Santiago Burgos, one of the ASEZ staff members who had visited them during the height of the controversy, and enlisted his support to help resolve the problems.

Because the public furor reached the mass media and City Council, it forced a slight reform of more general relocation processes as well. City Council members gave agency heads public tongue-lashings and vowed to get to the bottom of how things had gone awry for this well-meaning project. They said they intended to make sure that things were done differently in the future. Though there is no evidence that Council members followed up with any specific
pressure, the Redevelopment Authority began to send out notification letters earlier in the process, just before instead of just after the Council hearing authorizing the condemnations. The Authority also revised and translated the letters to be more comprehensible both in English and Spanish. Finally, facing criticism that some of the communication with Puerto Rican residents was marred by monolingual staff members, the agency hired Spanish-speaking relocation workers and Spanish-speaking receptionists.

The collective organizing alternative is important but no panacea. The campaign discussed here achieved moderate success in forcing a government response but also reinforced distrust of government and, to some extent, disempowered residents by proliferating false information. Government staff as well as many leaders and residents sympathetic to the cause felt that the organizers misled residents. To mobilize people to come to their first meeting, for instance, they inspired fear with flyers such as this one,

Your home may be in danger of expropriation by city agencies, the American Street Empowerment Zone and some community groups for business expansion…Residents of the 2100 block of Bodine Street Have Been Ordered To Move or Face Expulsion…We Cannot Wait for It to Happen to Us, We Must Unite And Fight This, Just in Case They are Heading in Our Direction.

Rumors spread that a large swath of area, several blocks wide and a half-mile long was slated for clearance. Some thought the land would be used for businesses. Others heard a highway was coming in right along the neighborhood’s most vibrant residential street. One resident and ASCTB member remembers, “We never actually saw anything on paper. We never heard anything formal, but that [the talk] was enough to get the whole neighborhood in an uproar.” ASEZ staff labeled the activism a “misinformation campaign” in internal memos. Most staff and community leaders who knew her thought that “Rosemary [Cubas’] motivations were good…she…did not want to see…massive displacement” but that people associated with the activist movement created “chaos and panic among residents” instead of finding an “accountable way of educating people.” Faced with questions by residents about all of this, various community leaders apparently did take up the communication role. They asked government staff (their City Councilperson’s office, the Redevelopment Authority, and the ASEZ) about plans for acquisitions and learned that, for instance, rumors about the highway and “takings” along Second Street, for example, were unfounded. They passed along those impressions, and slowly the fear in the neighborhood subsided.

CONCLUSION

The story of eminent domain and political mobilization along Philadelphia’s American Street demonstrates how the emerging small-scale learning model of participatory institutions can and will simultaneously involve conflict and consensus, direct and representative participation. Conceptions of participation that glorify cooperation or direct democracy may inadvertently assist the demise of these new attempts at enhancing civic engagement. If structures and norms of new participatory regimes overly emphasize cooperation and direct involvement, citizens who are involved will either perform poorly or exit when faced with
conflict and representation challenges. I propose that we discuss *intermediation*, rather than cooperation and deliberation, to capture the dilemmas participants in these new modes of governance actually face.

In addition, citizens need to be able move among different structures and strategies of participation when appropriate. Theories of participatory governance ought to reflect the diversity of options that citizens should have available, including but not limited to emerging forms such as intermediation. Why is it important to recognize collective action, in particular, as a participatory institution? Residents of poverty-stricken urban neighborhoods have limited access to opportunities for effectively pressuring government from the outside. Public support of organizing networks, as evidenced in the story presented here, might improve government accountability by allowing residents to thwart government power that has stepped beyond acceptable limits.
References


1 My sources are multiple: I scoured the internal files on these projects located in two primary city government offices involved for related emails, memos, letters, reports, etc. I read through twelve years of minutes from meetings of the ASEZ governing body, the American Street Community Trust Board (ASCTB), and I acquired and read through media coverage of the ASEZ and eminent domain there. To help me interpret these archival sources and to fill in the blanks where ideas and actions were not recorded, I also personally conducted 50 semi-structured interviews with government staff and American Street residents, community leaders, and business owners. Interviews averaged eighty minutes in length.

2 Camden is a city of the neighboring state of New Jersey that sits directly across the Delaware River from Philadelphia.


4 Unless noted otherwise, quotes are taken from the ASCTB Minutes. Exact dates are available from the author.

5 In late 1997 and early 1998, the ASEZ engaged in another community-wide visioning process to revisit its plans. Though not as intense as the original planning work, this effort involved 14 meetings which hosted 215 attendees. (ASCTB Minutes 21 April, 1998)

6 Personal Communication, J. Thomas. The sentiment was confirmed by personal communications from ASCTB members D. Ortiz, 11 March, 2008, and W. Gonzalez, 5 March, 2008. In 1997, Mayor Rendell enhanced neighborhood control of committees by requiring that the chairs be filled by community residents or business owners. ASCTB minutes 1 April, 1997

7 The membership list on 11 August, 1997 provides a good example of the makeup of the Board until 2000. There are 9 members elected-at-large, 6 members elected by issue, and 9 members appointed by the mayor, for a total of 24.

8 Community-wide elections in 1995 and in 1997 for ASCTB members were preceded by months of meetings, mailings, and door-knocking. For example, planning began in January for the CTB elections scheduled for 3 May, 1997. Applications to run as at-large members were to be distributed 3 March, and outreach to include koffee klatches, supermarket Fridays, and training community residents to do door to door knocking was to begin 7 April. (ASCTB Minutes 21 January, 1997) Election-oriented one-paragraph biographies were produced to help voters make their selections. (ASCTB Minutes 15 April, 1997). Staff members, however, were disappointed with the involvement in the second round of elections and found much more interest in participation during the visioning sessions held less than a year later (ASCTB Minutes 17 February, 1998)


11 Personal Communication, W. Gonzalez, 5 March, 2008. At one time, there were at least twelve members of the board associated with Norris Square Civic Association.

12 Letter to Empowerment Zone, 11 November, 1998

13 Personal communication, J. Thomas, 25 March, 2008

14 Personal Communication, E. Burgos, 12 March, 2008

15 Personal communication, J. Thomas, 25 March, 2008

16 The Redevelopment Authority is the legal entity with the power of eminent domain for private redevelopment in Philadelphia.

17 Confidential communication

18 Personal communication, J. Thomas, 25 March, 2008
19 Memorandum from Eva Gladstein, Executive Director of the Empowerment Zone, to ASCTB Members, RE: Empowerment Zone Transition, 28 April, 1999

20 The Sign-in sheet at the 23 January, 2002 ASCTB board meeting, for instance, indicates that there are eight members, mostly non-residents on the board. At this meeting, seven board members and six staff members attended. At the 24 September, 2003 ASCTB meeting, Santiago Burgos, ASEZ Lead Organizer, discusses a bit of a crisis in ASCTB membership and suggests that recruitment begin with vigor.

21 Both the official record and interviews with staff members indicate this.

22 Personal communication, D. Ortiz, 11 March, 2008

23 Letter of Resignation from ASCTB from Jim Cuarato, 16 April, 1996

24 Personal communication, W. Gonzalez, 5 March, 2008

25 Original Draft of a Memo from Carlos Acosta. 6 February, 1996

26 There were three spurts of attention to conflict of interest, outside of training board members on the issue. The first was during the second year of the board’s existence. The second was over the forced resignation of board member Rosemary Cubas. The third time, board member Luis Mora was asked to leave the room while a proposal his committee developed was being discussed.

27 Handwritten notes on Meeting with Mayor 18 July, 1995, filed with ASCTB minutes

28 In July, 1996, a staff member began reminding members to hand in their forms. After a few general reminders the chair resorted to publicly listing the names of people who had not yet complied. ASCTB minutes 16 July, 1996; 20 August, 1996; 17 September, 1996; 15 October, 1996

29 Rosemary Cubas’ resignation is discussed ASCTB Minutes, 28 November, 2001. Serious arguments over the way staff members handled the conflict of interest policy led to the resignation of another important board member a few years later. Luis Mora, who directed one of the signature projects developed by the ASEZ, a community bank, resigned in 2004 after he was asked to leave the room while the board discussed and decided not to fund a project he had been working on for several months. At the time, there was no precedent for a request to leave the room – the policy had been that the member should state his/her conflict of interest and refrain from voting or discussion.

30 Cubas’ resignation letter of 28 November, 2001 also says that “The CLI and its fiduciary, I-LEAD, will work to either cure the perceived conflict of interest or show that there is no conflict of interest.”

31 Personal communication, L. Mora, 26 February, 2008

32 Confidential communication

33 Personal communication, L. Mora, 26 February, 2008

34 In late 2000, a few of the community development corporations and activists in the American Street area were asked to serve on a Neighborhood Transformation Initiative – Empowerment Zone (NTI-EZ) Support Team that would use American Street to do “early action planning” for NTI, Mayor Street’s anti-blight initiative. And the Empowerment Zone reported in late 2001 that it had received the support of all but one of the CDCs for the planned acquisitions.

35 This refers to Mayor Street’s (2000-2008) major anti-blight program that was proposing to spend $250 million on anti-blight efforts, including land acquisition and building demolition.

36 Community meetings were held on 16 and 24 October, 2002.

37 Personal communication, A. Rivera, 13 April, 2008; S. Ortiz, 16 April, 2008; A. Cartegena, 15 April, 2008

38 Personal communication, M. Reyes, 16 February, 2007
39 Internal memos and files at the Redevelopment Authority

40 Philadelphia City Council, Committee on Rules Hearing, 9 December, 2008

41 Personal communication, L. Mora, 26 February, 2008; E. Burgos, 12 March, 2008; ASCTB Minutes, 23 October, 2002

42 Personal communication, E. Burgos, 12 March, 2008

43 Personal communication, J. Thomas, 25 March, 2008

44 Statement by Carlos Matos, representing State Senator Tina Tartaglione’s office. ASCTB Minutes, 26 February, 2003

Table 1. Simplified Contrast between Old (Central Command Government) and New (Participatory Government) Dominant in Current Literature on Participation

<table>
<thead>
<tr>
<th>Institution</th>
<th>Communication between Government and Citizens</th>
<th>Decision-Making Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Command Government</td>
<td>Top-down</td>
<td>Conflict</td>
</tr>
<tr>
<td>Participatory Government</td>
<td>Bottom-up</td>
<td>Consensus</td>
</tr>
</tbody>
</table>

Table 2. A Plurality of Participatory Governance Institutions

<table>
<thead>
<tr>
<th>Institution</th>
<th>Communication between Government and Citizens</th>
<th>Decision-Making Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government</td>
<td>Top-down</td>
<td>Conflict</td>
</tr>
<tr>
<td>Intermediation</td>
<td>Two-way</td>
<td>Compromise</td>
</tr>
<tr>
<td>Collective Action</td>
<td>Bottom-up</td>
<td>Conviction</td>
</tr>
</tbody>
</table>
## Appendix 1. Major Programs and Organizations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Program or Organization</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Empowerment Zone and</td>
<td>Federal urban revitalization program mandating</td>
</tr>
<tr>
<td></td>
<td>Enterprise Community</td>
<td>community participation in distribution of funds,</td>
</tr>
<tr>
<td></td>
<td>Initiative</td>
<td>enacted 1993. Local governments would administer multi-million</td>
</tr>
<tr>
<td></td>
<td></td>
<td>dollar awards.</td>
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<tr>
<td>EZ</td>
<td>Philadelphia Empowerment</td>
<td>Together with neighboring Camden, NJ was one of six</td>
</tr>
<tr>
<td></td>
<td>Zone</td>
<td>Empowerment Zone awards from federal program in</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1994.</td>
</tr>
<tr>
<td>ASEZ</td>
<td>American Street</td>
<td>One of three sites that together comprised</td>
</tr>
<tr>
<td></td>
<td>Empowerment Zone</td>
<td>Philadelphia’s Empowerment Zone. The three sites</td>
</tr>
<tr>
<td></td>
<td></td>
<td>were separately managed but coordinated by city staff.</td>
</tr>
<tr>
<td>ASCTB</td>
<td>American Street</td>
<td>The American Street Empowerment Zone governing</td>
</tr>
<tr>
<td></td>
<td>Community Trust Board</td>
<td>board, comprised of community representatives and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>mayoral appointees.</td>
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<tr>
<td></td>
<td></td>
<td>The group was considered a city advisory board and</td>
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<tr>
<td></td>
<td></td>
<td>could make recommendations the Mayor for approval</td>
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<tr>
<td></td>
<td></td>
<td>of projects to be funded by the ASEZ.</td>
</tr>
<tr>
<td>CLI</td>
<td>Community Leadership</td>
<td>An independent, grassroots organization created</td>
</tr>
<tr>
<td></td>
<td>Institute</td>
<td>and incorporated in the late 1990s to improve</td>
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<tr>
<td></td>
<td></td>
<td>political empowerment in the neighborhoods of the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ASEZ. It was funded by the ASEZ until 2003.</td>
</tr>
</tbody>
</table>