

The Architecture of Governance

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The most serious design problem facing the world's cities is the design of their governance system. Without an effective governance regime, no idea for city improvement – no proposal for transportation, housing, sustainability, economic development, education, crime control or any other urban issue – can be implemented. These days, implementation frustration is the most prevalent urban disease. Why can't we get anything done? Or, worse, why can we get some things done – often the wrong things – while other, more important issues go unaddressed?

These are the topics I want to tonight. To help us think through these issues, I suggest that we think of the construction of governance systems as a form of architecture. Let me say a few words about what I mean by governance and what I mean by architecture. By governance, I am referring to the rules that determine who has power to solve any of the problems now engendered by city life. I'm not talking about the content of any particular solution or any particular problem. Too many people in urban studies think of governance and law only in terms of zoning and land use. My focus is broader. Thinking about the governance system requires us to ask: who has the power to determine what the zoning rules are? And, equally importantly, who has the power to frame the rules that govern education, economic development, policing, water delivery, transportation, sanitation, and countless other ingredients of city life? In most of the world's cities, this authority is now allocated to a variety of different kinds of institutions. Some issues are controlled by city neighborhoods; others are in the hands of the city government. Many more are determined by state government, and more still are in the hands of the national government. But this is only the beginning. Across the world, many important issues are now decided not by these kinds of public institutions but by quasi-independent public authorities. Others have been allocated to vague arrangements called public-private partnerships and community benefit agreements, and still others are being decided by initiatives and referenda. Elements of this fragmentation exist everywhere that I know. In each of these cities, the fragmentation creates problems of conflict, dysfunction, gaps in coverage, overlap, and debilitating complexity. "Architecture," Rem Koolhaas has said, "is a poisonous mixture of power and impotence." That definition applies even more to current governance systems.

This brings us to architecture. If, at the most basic level, architecture deals with the design and fabrication of structures, I think of governance as a particular kind of structure. The governance structure – the organization of decision making – is designed, and it can be designed well or badly. Of course, governance systems do not have an architect in the conventional sense of the term. But the people who design governance systems can be analogized to architects. Who are these designers? Their identity is absolutely clear:

Depending on the country, they are either state or provincial legislators (as in the United States and Canada) or members of the national legislature (as in the United Kingdom). These legislators are the people – circumscribed, to be sure, like architects, by others in the society, but nevertheless powerful -- who determine what the governance structure looks like. These are the people who should be held responsible for the current system. These are the people who can change it. When you walk around town with architects, they will point to a building and name the architect responsible for it. We should do the same with governance systems. We should have a plaque with the names of those responsible. To be sure, the upkeep and retrofitting of the governance structure is in the hands of different individuals than the original designers. But the same is true of architects – new people come in to redo and update what their predecessors have built.

One other connection between governance and architecture also seems worth mentioning: the relationship between form and function. The idea that form follows function is even more widespread in the governance world than it is in architecture. In architecture, the critique of this idea has been well articulated – both by people who want to emphasize art and aesthetics and by those who stress the political and the social. But the analogous critique is not as well developed in governance design. People are obsessed almost exclusively with whether a government institution “works” and, if so, whether it works efficiently. Other considerations – above all, democratic accountability – have therefore taken a back seat.

Enough has now been said, I hope, about the general connection between governance and architecture. It’s time now to spell out what we can learn from this connection. I begin with the first and most basic design issue for a governance system: defining the role of democracy in governance. Many people think that it obvious that cities should be democratically governed. But there is nothing obvious about it. In my opinion, belief in democracy is decreasing around the world, even – I am tempted to say especially – in the most democratic countries on the planet. What seems better at the moment is either some form of privatization or some form of authoritarianism. By privatization I mean not just the transfer, by contract or sale, of governmental authority to a private institution. I include the much more prevalent use of quasi-independent public authorities, public-private partnerships, community benefit agreements, and referenda or initiatives. All of these kinds of arrangements seek to limit the influence of elected governments in the decision-making process. By authoritarianism, I refer to what I’ll call China-Envy. Many people now think: Hey, you know, in China, they can really get things done. And not just in China; Singapore too. Here, everything is tied up forever. There, they are transforming their cities overnight. To get something done, we ought to organize our cities the way they run Shanghai or Singapore.

There's no point trying to spell out how to organize a democratically-responsive governance system -- my ultimate task -- if we don't first put aside these instincts to limit democracy in the name of privatization or authoritarianism. Tonight, I intend to concentrate more on privatization than on authoritarianism. But a short comment on the appeal of authoritarianism seems appropriate. People who find authoritarianism attractive like it because it prevents fragmentation by putting someone in charge. In China the Communist Party at the national level is in charge. Of course, fans of authoritarianism here don't have the Communist Party in mind. But they do imagine some kind of overall boss. What they want is a Robert Moses for every city in the world. The reason we need so many avatars of Robert Moses, the argument runs, is that, without them, nothing can be done. This romance of authoritarianism leaves out its dark side. Democratic societies have an ability to stop projects -- highways that shouldn't be built, the destruction of historic neighborhoods, the imprisonment of innocent people -- that authoritarian societies do not have. And there is something even more fundamental. The strength of a democratic society lies in its ability to draw on the initiative, creativity, and energy of a wide variety of people and not just a few people at the top. The importance of this kind of decentralized initiative is usually celebrated by those who defend the free market against a government-controlled economy. But, as Tocqueville pointed out in *Democracy in America*, the same point applies to structures of governance. The governance system, as much as the market system, needs to be organized to maximize the initiative and creativity generated by decentralization.

Let's turn, then, to privatization. I intend to discuss privatization by focusing on what I will call the Four Fragmentations. The four fragmentations I have in mind fracture government authority by empowering the decision makers I've already mentioned: public authorities, public-private partnerships, community benefit agreements, and initiatives or referenda. The four fragmentations can therefore be divided into four types. Fragmentation occurs by dividing authority by function; by separating the public from the private; by allocating power to different territorially-defined jurisdictions; and by relying on direct rather than representative democracy. I'm now going to go through these four fragmentations one at a time. All of them need to be addressed to make our governance systems work better.

Let's start with functional fragmentation. My example of this form will be public authorities. The reason that public authorities are created -- I mean housing authorities, port authorities, transportation authorities, redevelopment authorities, water authorities, and countless others -- is to take decision making power out of the hands of elected officials. Authorities are publicly-created corporations. They put decision making power in the hands of an appointed board of directors that, by law, has considerable independence from elected officials. Often, these kinds of institutions are every bit as important -- sometimes more important -- than the city government in making urban policy. Who are these decision makers and why do we trust them? It's not an adequate answer

to call them experts. Many people appointed to these bodies are not experts. And experts, when we need them, can easily work for elected officials. What's attractive about these institutions is that the legal system gives them a kind of flexibility that is denied elected governments. They can pay their officials more, they can operate across city lines, they can issue debt that is outside the city's debt limit, and they can make decisions in a way that is more insulated from popular control. These advantages are seductive. Whenever an issue arises that needs attention – like, say, rebuilding the World Trade Center site in New York after 9/11 – the first instinct to create an authority, like the Lower Manhattan Development Corporation, to deal with it.

As a result, there are many different authorities in major cities, and these authorities do not need to coordinate either with the elected government or with each other. As they multiply, it becomes harder and harder to formulate any sensible, overall government policy – for example, a policy for the development of lower Manhattan. It seems fair to say that no one would organize the construction of a building in such a fragmented way. Obviously, any building, like any city, requires expert specialists to make it operate effectively. But when one constructs a building there is an overall plan on how the parts fit together. There needs to be an overall plan for governance too. This is not to say that a central decision maker should decide everything. Allowing subcomponents to have flexibility and specialization is a good thing in governance as in architecture. The design problem in any kind of organization -- in a business corporation as much as in a construction project or governance design -- involves figuring out how to enable coordination while still ensuring that each of the specialists can profit from their own knowledge and experience. Figuring out how to do this is not easy anywhere, and I'll have more to say about this task later. For the moment, it's enough to say that no decentralized system can allow some of its components to be simply on their own, independent not only from an overall plan but from the other components as well. This, then, is first element in the needed reform of governance: current public authorities need to be brought within the control of elected government. In fact, some of them should be abolished altogether.

The second fragmentation involves the public/private distinction. This element can most easily be understood by looking at the current popular romance with public-private partnerships. These days many people define "governance" to mean public-private partnerships. Governance, they say, involves people they call "stakeholders" getting together around what always is called "a table" and, then, through consensus building, coming up with a public policy. This is claimed to be the modern way of exercising public power, with the old term – what people used to call government – falling into disrepute. Advocates of public-private partnerships envision government as just one of the relevant stakeholders in the formulation of public policy. Who are the others? We know that powerful members of the business community are likely to be included in the term; chances are, some interest groups will be included as well. But we also know that ordinary people – plain old citizens – are not likely to be at

the table. Yet it is these citizens who elect their government. In a democracy, corporations and interests groups don't have a vote; only individuals vote. A consensus rule for public-private partnerships thus gives a veto power over governmental policy to people who are not part of the electorate.

What is the alternative to public-private partnerships? It can't be some notion that the government should decide everything by itself. No one thinks that. To do anything, government has to work with other parts of society: developers, business leaders, community activists, non-governmental institutions, campaign donors – to name just a few. Even authoritarian governments have limits on what they can do without the cooperation of these kinds of people. The issue raised by public-private partnerships is not whether the public sector – government – needs to work with the private sector. Of course it does. The issue instead is defining how the public sector is organized. Government has to have its own authority and responsibilities. No private interest should have a veto power over governmental policy. Certainly no veto power should be given to the handful of people who are chosen, often in unaccountable ways, to sit at the table. Not every partnership deal arranged between the government and private interests is a good one. After all, corruption is a form of public-private partnership. The design problem raised by public-private partnerships, in short, is determining how to prevent the private capture of government policy.

Let's turn next to territorial fragmentation. I'm going to postpone for a moment talking about the most obvious example of this fragmentation – the division of power among local, state and national governments. At this point, because of their importance in architectural and planning practice, I'm going to focus instead on community benefit agreements. Community benefit agreements derive from the fact that it has become conventional in architectural projects to require consultations with the community. Increasingly, these consultations result in an agreement -- a community benefit agreement – that allows the project to be built without opposition in exchange for providing specified benefits to the community.

Community benefit agreements probably seem very different than the fragmentation along either functional or public/private lines. The reason is the use of another romantic term: this time, not "partnership" but "community." In community benefit agreements, it is often said, it is the people who speak. Community benefit agreements allow ordinary people to gain power over experts, developers, and bureaucrats. But who represents the "community" in a community benefit agreement? The answer is almost always interests groups and individuals in the immediate neighborhood. At first blush, these seem to be the right people: aren't they the ones most affected? But concentrating so exclusively on the immediate neighborhood is also odd. Neighborhoods have no institutional power in public decision making in most cities around the world. Borough or district governments cover more territory, and, of course, so do cities,

regions, and states. These larger, more inclusive, entities are the ones that are usually empowered to make public policy. There is a reason for this. Neighborhoods can be very parochial. What's good for a neighborhood may not be good for the city as a whole. Besides, who can speak for a neighborhood – indeed, speak so authoritatively that they can prevent lawsuits that would otherwise tie up a project? Building projects are designed to change neighborhoods. New residents will arrive and old ones will be forced out. The benefits negotiated in any agreement might not be the ones that the new residents -- or even the current residents -- want. Those purporting to represent the community may be demanding too much, seeking the wrong things, or selling out. Yet these agreements are often made privately, as they are in New York, without the kind of public hearing and scrutiny usually required for public decision making.

It should come as no surprise that there is increasing opposition to these community benefit agreements. A recent report by the New York Bar Association urged the city government to disregard these agreements when making city policy. But this opposition can be taken too far. Neighborhoods have good reason to think that city governments are not responsive to them. They do need a voice in the governing process. The design problem for governance is figuring how to allow them to be heard while, at the same time, ensuring that the larger constituency – the city, the region, the state – is heard as well.

The fourth and final fragmentation I will discuss is the division between popular and representative government. I am referring here to the increasing reliance on a popular vote – through an initiative or referendum – as the preferred way of making public policy. In the United States, California has become the poster-child for this form of decision making. For thirty years, popular votes have controlled significant parts of the government agenda. They have, for example, limited the government's ability to raise revenue and, at the same time, mandated that it spend money for specific public purposes. It is no surprise that this simultaneous limit on income and mandate of expenses has created paralysis. You couldn't operate a business or your own life if you couldn't balance income and expenses. Once your income started going down and your expenses started going up, you'd be on the ropes. This is the situation now in the State of California. In California, many government policies, not just fiscal matters, are resolved this way. And California is by no means exceptional. More than 100 countries, and half the American states, have embraced the initiative process. In some countries, although not in the United States, there are popular votes at the national level. This occurred in some European countries, for example, when dealing with the proposed revision of the European Union treaty. In fact, the recent Lisbon Treaty has created a transnational initiative procedure, called the European Initiative Process; its implementation is now being worked out.

It might seem odd to you that I have categorized the initiative as a form of privatization. The initiative has long been heralded as the opposite – as the true expression of democracy. That’s why it is generally been referred to as “direct democracy.” It is, however, a particular kind of democracy. Initiatives, usually written by interest groups, are often badly drafted and hard to implement. Whether they pass is often affected by the amount of money available to the two sides. Worse still, in the initiative process, unlike in the legislative process, there is no mechanism that engages every decision maker in a debate about the issue before the vote, no process that allows amendments based on the information generated by the debate, no process that allows negotiation between the two sides, no process that ensures that the issue being decided is put in the context of other demands on government. Ordinary people are asked for an up or down vote on a difficult issue. And they vote on the issue privately, in the isolation of the voting booth, with a secret ballot, without having to account to anyone for why they are voting the way they are.

The splitting of issues between direct and representative democracy means that no one is in control of the governance system. Elected officials are unable to solve problems because initiatives have closed off many possible courses of action. In California, for example, some initiatives amend the state constitution and for that reason are not subject to legislative reconsideration. Indeed, in California, quite unusually, every initiative, even a statute, can only be amended by another popular vote. Some of the state’s initiatives have also required supra-majority votes in the legislature to pass certain kinds of legislation, thereby decreasing legislative flexibility even further. The impact of this structure is that the government is unable to confront the state’s problems. Not everyone thinks that this is a bad thing. Initiatives are often not designed to get things done. One of the reasons people insist on a popular vote is to curb the government’s authority. Even those who want government to work often vote in a way that has the opposite effect. People afraid of taxes will vote against school funding, even if they have kids in school, because they think there’s already enough money in the budget for education although there isn’t.

There is only one way out of this fragmentation. Coordination of government activity cannot be handled through popular votes. Each vote is on a single issue. Sometimes, contradictory positions on the same issue are voted in the same election. There’s no way one can run a government through a series of separate popular votes. The only place where control can be lodged is in the elected legislature. Giving the legislature control does not mean abolishing initiatives and referenda. They can still be useful on certain issues. But they have to be brought within a governance system. This means giving more power to the legislature in designing the process. The Swiss way to do so is allow constitutional change only if a majority not just of the nation but also of each of the provinces – the cantons – approve. The Swiss also do not allow national financial legislation to be the subject of a popular vote. Others propose empowering the legislature to amend or repeal initiative-sponsored legislation,

perhaps by a supra-majority vote. No one should think that elected officials would lightly go against the vote of the people.

The problem with this reform proposal, you will recognize, is that it fails to acknowledge the reasons for the current popularity of the initiative. This enthusiasm is generated by the distrust of elected government. Some of this distrust has to do with real problems with the legislative process. But some of it also has to do with the ways in which the initiative process has contributed to legislative dysfunction. This dysfunction feeds distrust, and the resulting distrust feeds the enthusiasm for initiatives that exacerbate the dysfunction. The same vicious circle, I suggest, applies to the other three fragmentations as well. It is the distrust of representative government that leads to the reliance not just on popular votes but on public authorities, public-private partnerships, and community benefit agreements. If government were more trusted, there would be less opposition to bringing independent authorities under its control. If government were more trusted, there would be less desire to add other so-called stakeholders to the public decision making process. If government were more trusted, neighborhoods could rely on it to make a sensible deal with developers, thereby diminishing the need for community benefit agreements. All four fragmentations contribute to the ineffectiveness of democratic government, thereby helping generate the lack of confidence in it.

We need to undercut this destructive dynamic. One essential ingredient in this task is overcoming the kinds of fragmentation I've discussed. We need to enable democratically elected government to oversee and coordinate public policy. The alternatives to democratic governance cannot do this job. We cannot rely on appointed officials, private interests, community activists, or secrets ballots to coordinate public policy. The only legitimate coordinator is democratic government. Enabling democratic government to perform this role requires changing its current structure. It requires improving the way it operates and, thereby, generate more trust in its decision making.

There are many ingredients in the current loss of faith in democratic government. There's the role of money in politics that affects both the quality of people we elect and the kind of decisions they make; there's the increased role of celebrity, rather than knowledge about public issues, in political campaigns; there's the pervasive lack of faith in any kind of collective effort to create a better common life for ourselves. I do not have the time to discuss these issues here. My talk tonight is more limited. It focuses only on the architecture of democratic governance. This architecture is built on its own form of fragmentation, one that I have already mentioned: the division of power among different levels of government. National governments, state governments, city governments, and neighborhood governments can all be organized democratically. Everywhere, more than one of these levels of government – in some places, all of them – make critical public policy decisions. The result of this fragmentation of decision making authority has been bureaucratic delay, duplication, and – all too often --

paralysis. It's no surprise that there is a loss of faith in the ability of democratic government to make anything happen – that pessimism often turns out to be accurate.

There are three common ideas about how to improve this architecture of democratic governance. All three, I think, are misguided. The first seeks to consolidate power in a centralized government – often at the national level but sometimes at the state or regional level. The second is the opposite idea: it seeks instead to empower city governments by giving them autonomy to make their own decisions about the policies that shape their future. The third seeks a middle course, dividing the functions of government into different categories, with each level of government having jurisdiction over some, but not all, of the categories. I am going to talk about what's wrong with all three of these ideas. Then I am going to offer a different approach.

The temptations of centralized governmental power should be familiar to everyone. It is based on the notion that government, like every other institution, needs an ultimate decision maker who can direct the organization. This attitude generates a suspicion of local power. Local government is seen as too parochial, too small to grapple with the scale of urban problems, even corrupt. By moving power to some form of centralized government, it is thought, the self-interested competition among localities can be overcome. In urban studies circles, this argument sometimes leads to a call for a national urban policy. Even more often it embraces a particular version of the idea of regionalism. Under this definition of regionalism, increasing regional power means diminishing local power. The local is the problem; centralization is the solution.

But even those who argue for centralization recognize its problems. The history of centralized power in the world is not a happy one. One doesn't need to think simply about the centralized tyrannies of the twentieth century, although they come to mind. In the United States, the history of urban renewal and of the racial discrimination that was built into the federal government's mortgage policy are prime examples. When mistakes are made by a central government, they affect everyone. Local decisions are more limited, and others can learn from their failures. Besides, localities are different from each other, not just across the country but even within one metropolitan region. It's absurd to treat New York City and New Rochelle as if they were the same. Perhaps the most troublesome aspect of centralization is its diminishment of the possibilities of democracy. On a local level, democracy can be a lived experience – it enables an engagement in public issues that goes far beyond voting. In a nation-state or even in a metropolitan region where millions of people live, popular control of public policy becomes more rhetorical than real. The gap between this rhetoric and people's sense of what's actually happening in their own neighborhood helps generate the loss of faith in democratic governance.

But the answer to these defects of centralization cannot be local autonomy. No one can trust a single city, let alone a single neighborhood, to make decisions unchecked by the larger community. One reason for this is that local parochialism is real. Localities protect themselves by shifting problems to outsiders. The most familiar example of this is exclusionary zoning. The point of exclusionary zoning is to ensure that your neighbors have to deal with the people you want to exclude and you don't. There are countless other examples as well, such as attracting a shopping center so that you, rather than your neighbor, get the tax benefits, or excluding undesirable land uses so that someone else has to take them. The problem with local autonomy, however, is not just its impact on outsiders. Local governments can be – and often are – hostile to minorities who live within their own borders. Hostility to recent immigrants is a current and troublesome example of this; racial discrimination is another. Local autonomy can threaten human rights, and there has to be a check on this threat. Moreover, not all problems with the idea of local autonomy have to do with the locality being a bad actor. Consider two cities, side-by-side. The first wants to protect itself from pollution, and the second generates pollution. Given this set up, would a central government's regulation of pollution levels undermine local autonomy? The answer, you should see, is yes and no. It would undermine the autonomy of the polluter. But it would increase the ability of the green city to control its own destiny – something that it could not do by itself. Centralized control is not the opposite of local power. Sometimes, it enables it.

These two arguments – one against centralization and the other against local autonomy – have generated an argument for a middle course. The idea is to come up with a list of topics and allocate the topics to the appropriate level of government. Under this view, some issues are properly dealt with by the neighborhood, some by the city, some by the state, and some by the federal government. The problem with this middle course is coming up with the list. You name an urban problem and I'll say to you: that problem is simultaneously a local problem, a regional problem, and a national problem. Shall we begin? Education. Housing. Transportation. Crime. The Environment. Drinking Water. Poverty. Which of these is not a local problem? Which of these is not a national problem? They are all both. This basic point frustrates the middle course, whether it's labeled federalism or subsidiarity. Everyone has a hand in every game.

We need another idea – another way to think about the relationship between centralized and local power. To begin sketching such an alternative architecture of governance, I want to quote from the South African Constitution. Chapter 3, Section 40 of the Constitution provides that, in South Africa,

The “government is constituted as national, provincial and local spheres of government which are distinctive, interdependent, and interrelated.”

We need to go over this sentence slowly – there’s a lot in it. The sentence embraces the idea of national, provincial and local governments – but calls them spheres, not levels. It’s not presented as a hierarchy. Each has its own role to play, without one being the boss of the others. This idea of spheres is very different from the traditional conception of government that I’ve discussed. Under current law, a state legislature in the United States can delegate power or refuse to delegate power to local governments in any way that it wants. The South African Constitution opens up the possibility of another way to allocate powers to the different spheres of government. Having labeled these aspects of government “spheres,” the South African Constitution then says that each of them is “distinctive.” The word “distinctive” is designed to demonstrate the importance of the difference among the spheres – each of them has its own contribution to make. This gesture toward distinctiveness does not grant local autonomy. The very next word in the Constitution, after all, is “interdependent.” If the spheres are interdependent, none of them can be autonomous. The idea of interdependence recognizes that each of the spheres always affects what the others do. Finally, the Constitution says that the spheres are “interrelated” – a word that suggests the need for cooperation among them. Given their distinctiveness and interdependence, the different spheres of government need to be organized in a way that enables them to work together. What this means, I think, is that the Constitution envisions managing inter-governmental relations through a political process rather than as a hierarchy or a fixed division of authority.

Ok, you might say, I get the words. What do they mean? I want to explore this question through the words “distinctive,” “interdependent,” and “interrelated.” What’s distinctive about local government is its deep connections to people’s lives. A large part of everyday life is affected by the nature of the area in which people live. The quality of education, the safety of the streets, the affordability and quality of housing, the availability of clean water, the access to jobs, the vitality of public space – these are critical matters in defining who we are and who we become. When these kinds of issues go unaddressed, the life chances of local residents are diminished. Local governments’ current inability to connect with people on these kinds of matters generate the demand for popular votes and community benefit agreements. These alternatives are based on the idea that, since government can’t do anything, we have to take matters into our own hands. I think that, instead, we need to make elected local governments themselves work better.

The distinctiveness of state, regional and national governments lies elsewhere. It lies in their ability to take a broader view of the same problems that localities face. Part of this broader view involves including the concerns of neighboring localities, concerns that are often overlooked by people worried about their own city. Part also comes from the fact that we need expertise in public policy decision making – expertise not just at the local level but from across the country and, sometimes, elsewhere in the world. Very few localities

have the capacity to do the kind of analysis necessary to address critical social problems. Yet experiments in political science have demonstrated that people change their minds about issues when they are exposed to other people's views and information provided by experts. Experts shouldn't decide public policy, but neither should uninformed voters. Democratic government has to bring the two together. Each is distinctive, and each is necessary.

We reach quickly, then, the idea of interdependence. We have to organize democratic government in a way that honors both local sentiment and the broader view at the same time. You may think that I've have started to spout a meaningless democratic slogan. But a recognition of both distinctiveness and interdependence is even now one of the basic theoretical building blocks of how state and national legislatures are constituted. Central governments are now elected locally around the world. Why is that? It's critical that they are. The reason is that central governments are thought of as ways to bring localities together. Central governments are mechanisms that allow people who are locally responsible to hammer out agreements notwithstanding their differences. Although the decision makers are chosen by localities, no locality is able to decide issues simply by itself. The other localities also are in the room – they too are part of the process. So are experts. Experts testify, executive officials push their agenda, the private sector lobbies. This picture of democratic government is not accurately described as being either bottom-up or top-down. It's both. It's bottom up because the decision makers are local. But it's top-down because the decisions are made by all local representatives collectively and can be imposed on dissenting localities without their consent. We should stop talking about governance as if the design choice were between bottom-up and top-down. These two concepts are not the opposites of each other. Both are part of the process. The critical issue is figuring how out to connect the top and bottom, how to deal with their interdependence. That's the way nations are formed.

Although the conception of democratic governance I have just outlined is familiar, the problem with the current architecture of democratic governance is that it is no longer working the way I have just described. Federal and state legislatures may be locally elected, but they don't actually represent localities in the decision making process. Centralized government has taken on a life of its own, and the localities have become, at best, ineffective lobbyists. Central government decisions are not the product of inter-local negotiation and compromise. Party discipline has replaced the idea of local representation. As a result, localities have sought to defend themselves against the central government, and their defense has been based on the language of local autonomy. In other words, rather than attempting to reform the organization of the central government so that it better reflects their concerns, they seek to escape from its grasp. I think that this is the wrong strategy. As my earlier discussion should suggest, the goal of local autonomy cannot be achieved; in fact, it's a bad idea. But the current form of centralized decision making -- decision making made without genuine local input -- is a bad idea too.

Let's consider an example of how local and central governments can be organized in a better way, in a way that better recognizes their interdependence. I want to use as my example the currently popular idea, if only in urban planning circles, of regional government. These days regionalism is usually presented as a form of centralization. Cities are no longer relevant, advocates insist – it's the metropolitan area that is real now. If so, we need to create a regional entity that can make effective decisions about transportation, housing, and jobs, decisions that will disregard the now-outdated city lines. It's not surprising that this conception of regionalism has gone nowhere in the United States – and has had difficulty gaining traction in many other countries as well. Ordinary people in their neighborhoods and cities properly see this as just one more form of centralization – one more level of government, staffed by people who think of themselves as experts, who want to tell people how to lead their daily lives.

But there's no reason that regionalism has to be defined this way. I am a proponent of regionalism, but not as a form of centralized control. I envision regionalism as a mechanism for exercising inter-local power – as a way of empowering the region's cities, not eliminating them. Localities currently lack power because they are often, quite properly, thought of as parochial. Regionalism can allow them to become less parochial if the regional decision making body is organized to enable localities to meet with each other and forge a common policy. One form this conception of regionalism can take in the United States, I have argued, is the creation of a regional legislature in which the cities themselves are represented. Since the region's cities vary widely in population, the larger cities would have more say than smaller ones. But every city in the region would be in the room – and each would participate in the formulation of public policy. This structure would not create a form of local autonomy. Localities would not be able to do anything they want. The regional legislature would have authority over all of its member localities. But the decision makers would be the localities themselves. If the localities are in charge, they are likely to want to decentralize power as much as they can. But they will be able to do so only if each locality is seen not just as distinctive but as interdependent. To gain allies, localities will have to take into account the impact of decentralization not just on themselves but on others as well.

Why, you might ask, wouldn't this structure create a form of paralysis of its own? It might. It depends on how it is designed. And it depends on how we seek to retrofit it once it's built and the leaks in the roof start to become noticeable. I want localities to learn that the only way to increase local power is to work with their neighbors rather than to work against them. To increase their power, they need collectively to become the centralized decision making body rather than seeking to protect themselves from it. The regional legislature has to be designed to change what we mean by central government – and, through its collective decision making process, to change what we mean by local government too. That's what distinctive and interdependent mean to me –

combining localized concerns with inter-local knowledge and perspective. I want to be clear. I am not proposing that this idea be adopted by every city in the world. I am not even proposing it for every city in the United States. Even in the United States, the proper form of metropolitan organization will differ from region to region and, in some places, my suggestion will have to be rethought completely. What I suggesting to you is simply an idea – an architect’s drawing, one filled with problems and ambiguities, offered to generate thought rather than the start of construction.

In case you think my idea is too romantic, I’d like to tell you a short story. In mid-2010, the federal government in the United States promulgated nationwide standards for English and Math from kindergarten through high school. This was quite remarkable, since education has traditionally been thought of in the United States as the quintessential local function. Nevertheless, these standards have been widely accepted. Why is that? I think that one important reason lies in the way that the standards were formulated. Rather than being imposed on the states from above, they were generated by the states. They were negotiated over the course of two years by state officials. Then, rather than simply being issued as commands from the national government, the procedure for adopting them was to have the standards enacted state-by-state. More than 40 states have done so. Not all states agreed to them; some won’t adopt them. The dangling of federal money was no doubt an encouragement. Nevertheless, a key to the widespread support for them, I suggest, was organizing national policy by bringing the states together – by uniting the states – and having them work out policy differences themselves. This story is very unusual in the United States. It’s not how national policy is ordinarily made. That’s why it’s important.

Perhaps the biggest problem facing any reform of the structure of democratic governance is one not mentioned in the South African Constitution. I’m referring not to the problem of designing a new governance system in any particular context – or even how to accomplish the reform politically. Big as these problems are, there is one even more serious. We need to design our governance system in a way that it can be changed when its defects become apparent. As architects know, when designing a building, it is not easy to ensure that it can be retrofitted – many buildings seem to defy being re-used for different purposes. The only option, it seems, is to tear them down. Retrofitting is harder still for governance mechanisms. Many of our current government institutions were designed decades – even centuries -- ago. Everyone realizes that there are problems with how they work now. And no one thinks that a radical change in the whole system – particularly along the lines I’ve been suggesting – could happen all at once. The problem is that we do not have a way for re-designing the structure to be a regular, routine part of governance. So, instead of trying to redesign it, we create a series of additions to an otherwise unquestioned structure. We create a governance version of sprawl – badly organized, fragmented, dysfunctional. We thereby feed the lack of confidence in governance and its reform, and, at the same time, we feed the dysfunction that

makes reform harder to accomplish. The only escape from this cycle is to begin – to begin to think about the architecture of governance and, then, step-by-step, government-by-government, work on redesigning it.