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perspectives on Civil Society with Different Accesses:

-Interactive Understandings on Citizens' Deliberation between Germany and Japan

Democratic innovations in Japan: *shimin tōgikai* as new deliberative participation procedures

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Abstract

Disaffection of citizens with representative democracy is widely discussed in academic literature, in popular science publications, and daily press. Japanese government is faced with typical phenomena of this democratic malaise as western consolidated democracies are as well: the substantial crisis of politics due to increasing deregulation and privatization, crisis of representation and mediating of political interests as reflected in continuously declining electoral turnouts and decreasing influence of political parties, shrinking party membership, shrinking legitimacy, declining confidence in political institutions.

For about 20 years, one of the solutions to address this crisis of democracy worldwide has been the adoption and application of direct democracy regulations and methods and/or deliberative, dialog-oriented procedures whereby citizens were given the opportunity to exercise active and direct influence in decision-making processes. This paper has two aims; first, to describe the framework and

reasons for implementing new, innovative forms of participation and to shed light on the debate on citizens participation from a rather general, theoretical and western point of view. Second, I'll discuss the Japanese *shimin tōgikai* as an example of deliberative participation. Finally I'll try to briefly comment whether deliberative participation is an alternative, challenge or option to improve participation and vitalize democracy on the local level.

1. Introduction

Participation and democracy are inseparably linked together. Democracy without participation is meaningless; only because of participation wishes can be articulated. A lack of participation is considered to be destructive for democracy. And participation is considered as a way out of the crisis. Participation procedures are developing continuously as an answer to social and political challenges. Examples from the current international, academic literature (Smith 2009, Gastil and Levine 2005, Nabatchi et al. 2012, Hendriks 2011,

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Shinohara 2012) show that democratization of democracy is driven by very diverse, partly new, rediscovered old, newly interpreted and adopted procedures of participation. “None of these new (and older) forms are considered as an attack from all fronts on the representative foundations of western democracies, but they enhance and strengthen the influence of citizens and their ability to take things into their own hands beyond the minimalist offer to vote in elections” (Roth 2011: 213-214).

In this paper I aim to shed light on new modes of participation in two ways. In the first part I will describe the framework and motivations for introducing innovative forms of participation and characteristics of the term ‘participation’ itself from a western and rather theoretical point of view. In the second part I will focus on the implementation of one of those innovative forms on the local level in Japan which is called deliberative citizens’ council (*shimin tōgikai*) and is an adoption of the German planning cell (Planungszelle). For this reason I will briefly introduce structural changes (on the local level) in Japan which led to the call for and finally practicing of other than representative modes of participation. After defining the term ‘democratic innovation’ and giving a short overview on the theoretical approach in which the discussion of these innovative forms of participation is embedded, I will describe the *shimin tōgikai* compared to the German planning cell. Finally, in relation to the first part I will try to discuss the chances and limits of *shimin tōgikai* for more closeness between administration and citizens, for a better mutual understanding – for the vitalization of democracy.

2. Crisis of democracy – democracy of crisis?

Democracies are stable, at the same time

changeable and adaptable systems of political power. By a somewhat paradoxical contrast, stability of democracies is based on their immanent ability to change. Change is given by the participation of many in a system built on collective decision making, even if not all interests can be implemented and realized due to high heterogeneity. Individual interests, at best, are reflected if all citizens are provided with equal chances to potentially exert equal influence on the collective decision even if that equality is perceived and exercised differently; everyone does have an effective influence on collective decisions, and collective decisions will be implemented by those who were elected to do so (see Przeworski 2010). Options and instruments of participation enable citizens to express their opinion in the public discourse, to express challenges, demands, and mandates to several actors of the state who in turn respond to them with different strategies ranging from concrete political measures to the enhancement of participation procedures. Functioning democracies rely on the wisdom and the decisions of the many by exercising diverse forms of participation which fulfill the above mentioned conditions regarding equality, influence and representation. Only representation does make large-scale democracy possible, where it is based in participatory democratic politics at the local level (Pitkin 2004: 335).

But democratic governments acting as representatives do sometimes notice crisis too late, ignore problems and citizens’ wishes and demands for participation in decision making processes, or take legitimacy as granted which is not given by the voters anymore. Phenomena of the crisis, paralysis or blockade of representative democracy can be seen for a considerable time not only in

western consolidated democracies. Japan is faced with these typical problems as well. The functioning of democracy in all its facets and meanings is globally questioned and criticized. The model of power elites in a democratic society is criticized increasingly. Phenomena having a negative effect on democracy like decreasing trust in politics and politicians, the limitedness of political parties as spaces for the formation of the political will despite their dominance in the decision making process, political corruption, financing of electoral campaigns and political parties, social inequalities, the relation between public problems and the influence of the private sector – just to name few – are often discussed symptoms and effects of the democratic crisis. Crisis of legitimacy, distrust in and dissatisfaction with democracy, disillusionment with politics and governance problems are media attracting keywords for the evolution of democracies which Crouch (2008) described with the term ‘Post-democracy’. It’s a polemic term which calls attention to democracies which are losing their profound foundations. The term describes the overlapping of the cultural and political sphere with economic logic and strategy of action, in other words a close relationship between state and private corporations with a strong influence of corporations on decisions about common goods which should be made by the state. Validity and capacity of politics are shrinking due to the dominance of private economic interests. Marketisation, commodification, privatization of public goods and social services are described as a scenario with no alternative.

While the forms of the crisis which are discussed by social scientists are quite similar, they

are evaluated controversially, respectively their origin and development are motivated and justified with different arguments. They are described in different contexts and are organized in different categories.² The German political scientist and human rights activist Roth (2011: 58 pp) gives a detailed overview on the closely linked and mutually influencing phenomena of the democratic crisis and deficits of democratic states. The most important are briefly summarized in the following:

- The substantial crisis of politics and the above mentioned shrinking sphere of politics due to increasing deregulation and privatization of public goods. Hence, the range of democratic action is minimized (see also Pitkin 2004).
- The crisis of declining confidence in political institutions is reflected by low valuations of accountability and responsivity by the citizens. Reasons are corruption, self-recruiting elites, increasing influence of experts, lobbies and interest groups, and finally power which is connected to financial resources. Not only voters, but also representatives argue, that they have not much influence in and on the decision making process.
- The crisis of performance of the political system refers to the measurement of the performance of democratic states by economic welfare and the capability to respond adequately to new challenges.
- The limits of the politics of distribution are reached. Scope for political planning, action, and distribution is shrinking due to decreasing welfare and limited financial resources and simultaneous expansion of the privatization of

² In her book “Democratic deficit: critical citizens revisited” Norris (2011) gives a detailed overview on the different forms of the democratic crisis and deficits of western democracies.

public issues.

- The crisis of representation and mediating of political interests refers to continuously shrinking voter turnouts (for Japan: Akarui senkyo suishin kyōkai 2013), decreasing influence of political parties on the one side and still a dominant role in the process of decision making, and the shrinking importance of interest groups and labor unions,
- The crisis of trust and acceptance among citizens is linked to an eroding generalized trust in democratic systems. This distrust is a result of, the close link between the performance of the state on the one side and one's own living standard and circumstances on the other side. Because of the negative or at least negatively perceived changes in life, which emerge out of experienced limits of distribution of public goods and disappointed expectations towards responsible decisions of the government regarding several challenges – may they be social, economic, local, global, ecological etc. – voices expressing doubts on political decisions, remoteness between citizens and political institutions, and the feeling of shrinking influence by voting in elections can be heard everywhere.
- In the context of the last two aspects of democratic crisis finally the shrinking political self-efficacy, in other words everyone's subjective perception of the chances to influence political processes. Political self-efficacy includes not only internal beliefs, which refer to subjectively perceived political action, skills, and competence, but also the external ones, namely the subjectively perceived responsivity of the political system. More and more people have the

feeling, that they have no adequate influence within the decision making process by using the classic forms of participation.

Although these phenomena of democratic crisis were described from a western perspective, most of these tendencies are visible in Japan too. Nearly 50 years of LDP power did shape a relatively closed political system, and decisions were, are made by ministerial, political and business elites behind closed doors. Until the 1990ies local political and administrative decisions were made without deliberation among citizens and without adequate decision making competences of them. With the increasing depoliticization of the local level, the crisis of finance and legitimacy of local authorities, patterns of parliamentary and representative politics reached their limits. Japan is the country in Asia with the lowest score regarding the trustworthiness of democracy or democratic regimes (Ikeda et al. 2007). Voter turnout is shrinking for more than 20 years. Voter turnout for the last election to the House of Representatives was 59.32%, which was a record low turnout since 1946 (Akarui senkyo suishin kyōkai 2013). Democratic crisis is nourished by the dominant attitude that democracy is, for historical reasons, valued as something static and not as a dynamic concept changing continuously. Opposition and competition between different groups are not perceived as positive mechanism to foster a vital democracy. Democracy as a system of political power is highly valued and appreciated but the performance of the democratic system itself; its politics, administration and institutions are rather negatively connoted (Ikeda et al. 2007).

In summary, not only in western democracies, but also in Japan moving away from democratic

legitimacy and public interest can be seen as a main result of changing responsibilities in governance structures and processes. At the same time people are demanding more and broader options of participation, thus demands for participation are also developing in a bottom-up process. The model of minimalistic democracy is eroding; its political and institutional simplicity seems to be robust but its performance is not convincing anymore (see Roth 2011: 10). On the other hand, crisis is an immanent element of democracy; the perception and description of crisis as deficit or problem are characteristics of stable democracies itself. Therefore, we should be much more concerned if none of the above mentioned phenomena is visible in any way. However, studies and surveys showing a growing gap between people's expectations towards a functioning democracy and the actual situation. People have been excluded too long from the different stages of the decision making process to a great extent. In fact, decisions were mostly made by experts and politicians without proper participation of citizens or constructive, open public and parliamentary debate. Critic was often rejected with referring to the know-how and experience of the policy advice by consulting agencies, think tanks or academic institutions.

Not to adhere to analyzing the effects of democratic crisis but to develop innovative solutions and suitable options to improve the performance of democratic states, structural reforms which bring back citizens into political decision making processes are necessary. It's not only a change of government, but fundamental changes, structural reforms, citizen-based governance, which pay attention to citizens' resources, and creativity are necessary. It's a question of strengthening demo-

cratic structures, of "democratization of democracy" (Offe 2003), and of vitalizing democracy on both, the individual and community level. Voices have been raised calling for broader involvement of citizens into processes of forming the political will, planning and deciding. In other words, there is a great demand for fostering citizens' voices in all stages of the decision making process on the one hand and for strengthening an active co-organizing and an active social participation in planning and designing and implementing one's own living environment on the other hand. Therefore, on the individual level, forms of participation, which enables citizens to make new experiences of political self-efficacy, are important. On the community level, it's all about partnership and networking between different actors aiming at enhancing skills and competences of the actors. In other words, vitalizing democracy by implementing more democratic participation is focusing two perspectives; first, the expansion of political participation and citizens' involvement and volunteering as a social vision and second the perspective of a political, democratic vision. Both perspectives are linked with the broad concept of civil society.

Especially at a time when financial resources become ever scarce, economic and managerial guidance and guidelines seem to underlie the reforms of public administration on the local level. With growing privatization and new legal regulations public services are provided increasingly by private actors. On the one side, this thrust of reforms is rather discussed as the end of local autonomy and local self-government. On the other side reforms are interpreted as chance and challenge for communities and local autonomies (Roth 2011: 77). Politics and administration did start to

think and to act innovatively when planning and implementing public issues. Not only in western democracies, but also in Japan, citizens are increasingly invited and even in demand to propose own projects offering one of many solutions to specific public problems identified by the public administration or the citizens themselves. These are then selected in a transparent, public multi-stage procedure (see Foljanty-Jost, Haufe and Aoki 2013). Via providing financial resources and rooms or buildings, governments are offering space and infrastructure for more citizens' ideas and engagement, especially in the field of social services. But involvement in terms of social participation in the broad field of provision of supplementary or complementary social services is not enough; widely accepted solutions to public issues can only be formulated by the citizens themselves, respectively in partnerships based on mutual understanding between citizens and experts, administration, and politicians. So it is not only "policy of engagement" (Olk, Klein and Hartnuß 2010), which refers to the fostering of a framework with beneficial effects on civic engagement in several policy fields. Far more important is the strengthening of procedures of participation in early stages of planning and decision processes, for which Roth (2011) uses the term "democracy policy". Beside these top-down reforms aiming at fostering social and political participation, there is also the above mentioned bottom-up change: citizens themselves demand more options of participation. This claim is reflected in the rising numbers of unconventional procedures like demonstrations, initiatives, flash mobs, movements, protests etc. These forms have an undeni-

able influence on reinventing, intensifying, and revitalizing of democracy.

The solution for the democratic crisis in all its facets via several structural reforms in all fields of the political system is more and better participation and thus a strengthening of the functions of participation (Geißel 2008). First, acceptance and legitimacy of processes and decisions by considering and involving different interests can be summarized as democratic function. Second, more participation means better communication between the actors; decisions are better tailored to needs, sustainable and less cost intensive (economic function). Third, participation promotes learning processes, skills and self-confidence (emancipatory function). Conditions for a way out of the crisis by more citizens' power, respectively for legitimacy of governmental actions by citizens' participation are favorable, but difficult at the same time. Democracy, pursuing aims to achieve not only broad participation but also intervention of citizens and the making of good and well accepted decisions takes time. The institutionalization of new forms of participation is a long process of trial and error. There is no doubt; the local level is taking over an important role in realizing the vitalization of democracy. Compared to the national level, hurdles and obstacles for implementing participation are less on the local level in both countries, Japan and Germany; opportunities for exerting influence or for monitoring by using the representative procedures are high.³ Because of the closeness, direct contacts, the traceability and the transparency of contexts, local authorities are the political arena with the most opportunities to shape options for

³ Independent politicians can be elected to local parliaments, mayors are elected directly. In addition, there are regulations which allow the recall of mayors and representatives if certain conditions are fulfilled.

participation and involvement of citizens in decision making processes. The local level is the space, where politics are visible and tangible to citizens. The above discussed phenomena of democratic crisis have led to great willingness for reform within the local authorities. There are several approaches of administrative modernization, testing new forms of participation and also forms of direct democracy involving different actors in an active way. The local level seems to be an experimental ground for finding solutions for specific problems in the political-administrative system, but also in special policy fields. Being able to react and remaining responsive to challenges future-oriented ideas, visions and perspectives are nowadays even more necessary to survive in competitions with other local authorities. Many authorities had implemented new, mostly continuous procedures of participation e.g. citizens' conferences, participatory budgeting, several forms of involving children in politics, but also single participatory innovations within the context of planning and decision making processes to involve citizens in early stages.

Despite the great potential of democratization on the local level, which is visible worldwide, chance of success is limited because success depends on factors and questions, which have to be answered or valued doubtfully or skeptically. For example, there are critical voices asking for the adequacy of the level where decisions for specific problems are to be made; for the independence of the local level, respectively the authority and proper resourcing to assume responsibility; for the relations between different actors developing and implementing partnership strategies. Finally there are expectations towards citizens participating in the decision making process: motivation,

commitment, knowledge and competency are quasi presupposed conditions. But nevertheless, participation is a process of learning. Participation is not a gift, it can be learnt; participation on the local level is not only process but also "civic learning space". Therefore participation on the local level can be described as school of democracy.

2. Involvement or participation? Definition of participation

The repertoire of participation is developing continuously and therefore reflecting social and political changes in a society. New, innovative forms of participation, which are increasingly implemented and adapted to local conditions or even combined, are discussed as necessary and desired supplement to the representative, traditional forms of participation. The spread of new innovative forms of participation is assumed as necessary, because it is hoped that the implementation of them contributes to bridge or minimize the gap between the traditional representative party democracy and the unconventional forms of political participation (see Kersting 2008: 11).

In the context of the above discussed phenomena of the democratic crisis and the importance of citizen participation do emerge some important questions regarding the understanding and analysis of participation: How to define participation? What does citizen participation in political decision making processes on local levels in a multi-level governance system mean? Which function do these new forms fulfill in the representative democracy? Which dimension of democracy will be strengthened; input or output? What kind or extend of power and influence do these forms have? What is the relation between new and

already existing (conventional, representative, direct) forms of participation; or in other words, how does the role or function of existing procedures do change if new procedures are able to minimize or to stop the decrease of trust, the loss of legitimacy etc.?

Participation and involvement of citizens on the local level is a research topic of many academic disciplines, but most often of planning and regional science. Academic discussion is mainly based on debates and perspectives of political and social science. Still, there is a broad range of definitions and interpretations of the terms participation and involvement. The term participation is defined by scientists of administrative, planning, political and regional science focusing on different criteria and aspects. In the following I will summarize some of the most important. One criterion is the distinction between the stages of the decision making process, hence the distinction between policy formulation, implementation and evaluation. So looking at the embedding of participation within the so called plan-do-see process of decision making beginning with the agenda setting, the formulation and implementation of policy measures and ending with the evaluation is one access to define participation. This distinction pays attention to the debate on citizen participation not only in processes of articulating political will and decision-making but also to its role within the production of complementary or supplementary welfare commodities. The reason is that providing public goods and services by volunteering or social participation is becoming increasingly visible and important (Keppler 2010, van Deth 2001). While political participation is linked to the stages of planning and decision-making (plan), participation in providing

services and goods is linked to the stage of implementation of policy measures and projects (for Japan see Foljanty-Jost, Haufe and Aoki 2013). Analogous to this distinction, participation is often discussed according to the place where it occurs: local councils, administrative departments, local community or organizations of the civil society (NPOs, local initiatives etc.) (see Satō 2013a).

Irrespective whether narrow or broad definitions are applied, they all have one point in common: Participation is always described as a form or trial of influence, hence a more active and *intentional* process of acting than those processes or actions referred to by the terms involvement or integration (see de Nève and Olteanu 2013: 13). Behringer offers a very broad understanding of participation: “basically participation is the involvement of people in decisions which will affect them” (Behringer 2002: 32). Other planners like Fürst et al. (2001) relate the term participation to the broad public, respectively those who will be affected by social, political or any other administrative decision. In this respect, the authors limit participation – like most academics – to participation in processes of planning and decision-making. Satō (2013a: 8) defines participation in one of the latest and comprehensive books on participation on the local level in Japan as “citizens’ action aiming at finding solutions for local, public issues and at exercising a certain influence on the administration, society, and other actors”.

Common to most definitions is furthermore the distinction between those who offer options for participation and those who make use of these options. Participants are citizens, collective actors, the public, those offering or enabling participation are public administration and politics. Kaase (2003:

495) emphasizes that participation is always a voluntary action. A further important element of participation is communication (see Verba et al. 1995). Also Selle (2000) stresses the process of communication. In contrast to information, dialog, coordination, and co-operation he defines participation as diverse forms of communication between citizens and the public administration. But there are great differences in the definition of communication regarding the structure, direction, and dialogue orientation. Communication is a one-way communication, if the administration solely informs citizens by providing access to public information or if the administration gathers information (e.g. surveys). Communication is a two-way communication if there is an organized and institutionalized exchange. Only a two-way communication; thus rights to be involved in decisions, the right to information, to express one's views are an essential basis for participation. One-sided communication does not fulfill the preconditions for participation; one-sided communication is nothing more than alibi participation. Even if there are open procedures of participation; but if local administration does decide and implement policy measures without taking the results of these procedures into account, these procedures are – depending on the results – in best case nothing more than subsequent legitimacy to decisions made by the administration.

Furthermore, procedures of participation are often defined due to their location in the political process. The discussion on participation is characterized by different lines and conceptual terms. There is a distinction between formal and informal, between legal and illegal, decisive and not-decisive, and between legitimate and illegitimate participation.

Formal participation is the legal obligation to involve citizens into planning processes. Informal participation is not regulated by legal regulations, they cannot be enforced and they do not have a binding character (mostly consultative advisory committees). There are approaches which divide these informal forms in sub-categories; e.g. based on self-selection, guided by interests aleatory representative forms. An additional distinction is the one between conventional and unconventional. But it is argued nowadays that, with the change of social, political and legal contexts and cultural patterns of interpretation, these distinction lines, which were originally drawn trying to categorize the increasing forms of participation, are getting more and more blurring and obsolete (see de Nève and Olteanu 2013: 15, 17). In other words; with the shift from government to governance, now several actors are engaged in processes of decision making and providing services, and the classical dichotomous thinking between opposing participating citizens and enabling administration is getting obsolete (Keppler 2010: 10). In this context the sharp line between social and political participation is getting a rather blurred one too (van Deth 2001). In the end they are influencing each other in the long run in the circular policy making process; we can assume that even volunteer actions focusing on providing social services do have unintended effects on the formulation of administrative plans and political decisions in the future.

Procedures of participation are assigned with a wide range of functions. Compared to the traditional forms of representative democracy, the new forms of participation are mainly assigned with the function to include citizens in the decision making process in two respects: with regard to content on the one side and social aspects on the other side. That means, it is expected, that, on the one side,

people will participate, who were excluded from the existing modes of participation because of informal mechanism or who do not participate because of their low self-efficacy, e.g. younger people, migrants, and women. On the other side there are hopes regarding the content. It is expected that with the participation of others than the "usual suspects" new and more diverse issues and arguments will be reflected in local processes of planning and decision making.

The scope of influence is important to assess the impact of participation and its functions. A lot of scientists did develop models measuring the impact by looking at the intensity of the influence citizens can assert by participating. One of the most cited and further adapted (for Japan see Harashina et al. 1994, Satō 2013a) model is the 'ladder of participation' developed by Arnstein (1969). Arnstein differentiates seven modes of participation, which she grouped in three categories of decision-making power: nonparticipation, tokenism and citizens' power. Recent adoptions of the model do focus on a detailed distinction between possible impact and actual decision-making rights. Others distinguish along the weight of the influence the citizens can assert; beginning with the top-down initiated participation modes moving further to partnership, cooperation and ending with the ideal of citizens' autonomy (Satō 2013a). Still others distinguish along the communication from one-way to dialog-oriented and intensive negotiation processes based on active participation and equality (Zschocke 2007).

Nevertheless, it is obvious that despite increasing claims for participation citizens are still regarded as consumer or recipients of services or benefits the public administration provides and

offers, but not as subjects who wish to shape and decide these public goods actively. Most of the structural opposition and resistance against a vital democracy have to be identified within the administration itself because of the dominance of legal principles. Administration has still often great doubts about procedures of negotiation. Even economic principles which were introduced to increase efficiency of administrative acting were not able to change the reluctant attitude. Roth (2011: 28 pp) therefore argues that it will be a long way until local administration will adjust to the new situation and conditions. Reasons are structural obstacles. On the one side local autonomies are those levels in a multi-level governance system with most participation, but on the other side there are strong legal and financial constraints which limit the space for and scope of practicing citizens' participation. Though new modes of participation are widely tested, but there are still high hurdles which do hinder or limit a wide and frequent application of these new forms.

3. Innovative, deliberative procedures of participation in Japan

New forms of participation are especially visible on the sub-national and local level. These forms of participation are often referred as 'democratic innovations'. Democratic innovations are "[...] new institutions and practices, which have been transferred and adopted intentionally to improve the functionality of democracy in one state irrespective whether similar institutions and practices do already exist in another country or state" (Geißel 2008: 229). Most of these innovations are participatory innovations to involve citizens in political and social processes. So Smith (2009: 1) defines demo-

cratic innovations as “[...] institutions that have been specifically designed to increase and deepen citizen participation in the political decision-making process.” There are three types of participatory innovations – procedures of direct democracy (local initiatives, referendums); forms of co-governance (participatory budgeting) and deliberative, consultative procedures without decision-making power (planning cell, open space, world café, citizen’s jury etc.) – which have all different characteristics. They might be structured top-down or bottom-up, consultative, binding or not-binding. It is obvious, that the underlying understanding of this approach to participation is a classic one, namely participation as participation in political decision-making processes. All of these types are implemented in Japan too.

After a first boom of the debate on participative democracy in the 70ies and early 80ies, there did start a second one in the context of complex decentralization and structural reforms and the financial situation of local autonomy in Japan since the mid 1990ies. In parallel to the debates new horizontal modes of governance emerged aiming to include those who are interested and/ or affected. This trend is discussed under the keywords local governance, *kyōdō* (partnership) and participation. Until the 90ies there were only few options for citizens to participate in early stages of processes in urban planning. But with the amendment of the city planning law in 1992, local autonomies are now obliged to implement citizen participation in early stages of urban planning procedures. Local autonomies have set up different cooperative modes; the number of autonomies setting up innovative, cooperative modes of participation instead of procedures just informing citizens in a one-way

mode is growing since the mid 1990ies (see Foljanty and Haufe 2011). The number of citizen participation procedures in committees regarding the revision of master concepts and plans based on open application systems (*kōbo iin, kōbo-sei*) is increasing for about two decades. With opening of the formerly closed committees to citizens who are not affiliated with organizations and selected by the administration (neighborhood organizations, NPOs, PTAs etc.), ‘ordinary citizens’ gain a voice in urban planning processes. Nevertheless, after introducing these deliberative forms of participation, a certain degree of disillusionment arose: these forms of participation do not realize the intended participatory approach; they do not address and involve the ‘ordinary citizen’, but instead the already highly motivated, interested and active citizens with a strong opinion; results are selective; the administration is the solely initiator and facilitator (see Abers 2003: 200, Smith 2009: 16, Chigasaki-shi shimin tōgikai jikkō iinkai 2009: 3). There were still no answers to the questions of how to mobilize the so called ‘silent majority’ and how to equal unequal patterns of participation. For a few scientists, members of the Junior Chamber (JC) and administration staff of few local autonomies which have a pioneering role in the field of citizen participation, the solution was the introduction of an aleatory, deliberative form of participation (mini publics), which involves citizens because of their every-day expertise and not as representative of organizations. It is called *shimin tōgikai* (deliberative citizen council) and is rooted in the German planning cell.⁴ *Shimin tōgikai* are just one of many innovative, deliberative forms of participation. *Shimin tōgikai* is a method for deliberation; people from various backgrounds work

together to develop a solution to a special public problem – for example the formulation or revision of local regulations regarding citizen participation or local referendums or the implementation of civil protection measures in case of disasters – delegated to the participants by a commissioning body, often set up of administration staff, scientists and sometimes also organizations of the civil society. After the provision of information by experts, citizens debate on possible solutions to the problem in small groups. Finally they present their result, which is based on consensus and voting by the members as recommendations in a report which is handed over to the public administration. This report should be taken into consideration by the administration when formulating plans and measures and the politicians who decide about the implementation of policy and measures. This new form of participation was implemented for the first time in the year 2005 in Chiyoda, a local autonomy in Tokyo, then 2006 in Mitaka (Shinoto 2010: 11, Shinoto et al. 2009). Up to now it was implemented more than 200 times in different settings and variations in local autonomies in Japan (Kobari 2012: 35).

Shimin tōgikai are nowadays the most often implemented aleatory procedures of participation in Japan.⁵ The aim of implementing *shimin tōgikai* is to improve the quality of local decisions and policy by involving non-experts, but also to improve the knowledge and the legitimacy among the par-

ticipants and in the public as well. But the results or recommendations of *shimin tōgikai* are not legally binding, so the output is only indirectly visible in the decisions of the council of the local autonomy. Compared to the German planning cell, which is an institutionalized, registered form of participation with a clear framework and characteristics, there are differences in the underlying principles on the one side and there is a great heterogeneity regarding the implementation within Japan. There is no single case of *shimin tōgikai* which fulfills the conditions of the registered German planning cell. Rather, there is a great variety regarding the adjustment to Japanese conditions and the practical implementation of *shimin tōgikai* (see Kobari 2012):

- There is a great diversity regarding the sampling method; only three quarters of the random sampling are based on the local resident registration and only half of these are real random samplings; others are corrected samples; others include additional stakeholders like members of PTAs and neighborhood associations selected by the administration.
- There are differences in the provisions of information to the citizens prior to the deliberation (videos, site visits, presentations by experts etc.). Compared to Germany, in Japan there is often only one expert (sometimes even staff of the facilitating administration) providing information regarding to one issue. In Germany

⁴ Most of the literature on *shimin tōgikai* is in Japanese (for example the special issue of the journal *Chiiki kaihatsu* of July 2012). And the overwhelming part of the academic literature is written by the small spearhead of people who are engaged in research, facilitating or disseminating this form of participation.

⁵ There are other aleatory forms of participation in Japan. Currently there are three aleatory methods which were/are applied in Japan on the national and subnational level: deliberative polling (applied for the first time in 2010 in Fujizawa-shi on the general plan), consensus conference (first conference in 1998 in Osaka on gene therapy) and the adapted versions of the planning cell (*shimin tōgikai*).

there are more than one experts providing different or even controversial information regarding one issue.

- The number of participants of the *shimin tōgikai* is considerably smaller than the number of participants in Germany. There at least 25 people deliberating on the same content in planning cells; in *shimin tōgikai* participants are often rotating in small groups of five or six who are also rotating according to the discussion topics.
- There are no provisions for the citizen report at the end, but most of the reports follow the report of the first *shimin tōgikai* implemented 2006 in Mitaka-shi.
- Most of the *shimin tōgikai* do not pay any compensation for the loss of earnings as planning cells do in Germany. Administration mostly does offer only a small amount of money in the sense of a financial incentive to participate. Most of the local authorities are arguing that they have to keep the balance to other non-paid modes of participation (workshops, citizen

councils, advisory bodies etc.), administration is arguing, that participation should not be paid at all.

- Regarding the neutrality of moderation and the legitimacy of the deliberation process itself, it is important, that first, administrative staff does not interfere in the deliberation of the citizens and second, that the overall process of the implementation of the *shimin tōgiakai* is transparent to everybody, not only to the participating citizens. There are differences throughout Japan especially regarding the neutrality: administrative staff are not only presenting information but sometimes are also present during the deliberation. Even if they don't speak, just the physical presence might hinder or influence deliberation.

Nevertheless, there are five basic principles which all *shimin tōgikai* have in common (table 1). These facts alone support the view that many local communities are trying to increase the citizens' influence in the political process and to reflect people's opinions in the output and therefore try also to

Table 1: Principles of planning cell and minimum requirements *shimin tōgikai*

Planning cell	<i>Shimin tōgikai</i>
Random sampling of participants	Random sampling of participants
Provision of (controversial) information prior to deliberation by different experts and politicians ₁	Provision of equal information to participants
Deliberation in small groups of 5 people (5 groups in one planning cell → 25 people) for four days	Deliberation in rotating small groups (5-6 people)
Reimbursement for loss of earnings (people are paid for their time)	Small (financial) incentive to participate (reimbursement of travel costs, lunch, gift voucher etc.)
Neutrality of moderation Results are published in a citizen's report; presentation by participants	Publication of a final report

Reference: see Kobari 2012: 35

improve accountability by introducing and combining new modes of participation according to the local conditions. But there are doubts on the quality of participation in the sense of an adequate framework or solution for vitalizing democracy (Kojima 2012: 37).

Up to now, participative innovations, especially representative, non-formal, deliberative procedures (mini publics) are less systematically evaluated even if there is a great number of singular case studies (Geissel and Newton 2012, Nabatchi et al. 2012, for Japan: Satō 2013b).

At the same time, there did emerge a critical debate on benefits and limits of deliberative procedures as solutions to the malaise of democracy. Most of the critics arose from different assumptions why, when, where and how deliberation should be applied. The different arguments and perspectives can be found in different debates; the research is quite fragmented. Nabatchi (2012: 4) offers the following comparison: "It is as if the puzzle pieces have been dumped and scattered on a table, with the box lid showing the picture thrown away". Although there is only a small number of experts, who promote the implementation and institutionalization and the scientific analysis (Button and Ryfe 2005: 21), the academic research on deliberative participation is fragmented because of the following four main reasons:

- Research is conducted with different methods in many different disciplines and fields; for example in political sciences, administration sciences, communication sciences, law, sociology, social anthropology, urban planning and environmental studies (for example Yang 2011). Theoretical foundations are different, and the debate on deliberative, aleatory partici-

pation can be linked with different approaches or concepts: deliberative and/ or participatory democracy, debates on civil society, and debates on local governance focusing processes of negotiations between different stakeholders equipped with different resources.

- The debate is characterized by a strong separation between scientific approaches and practical-focused approaches (see Gutman and Thompson 2004: 56pp, Button and Ryfe 2005: 26). Practical findings are not properly taken into account; on the other side many deliberative procedures have no proper theoretical, scientific foundation. Cooperation between experts of theory and practice should be fostered.
- The vital problem is, that process and design of these deliberative procedures do vary over many dimensions: The participants themselves are one factor. One important question is how they do exchange information. A second dimension is the location of the linkage between the result of the deliberation and politics. There are further like purpose – What is the aim? Trying to explore opinions and to develop mutual understanding or the improvement of relations between different stakeholders or is it the influence on political decisions? – method, or the embedding of the procedure in different social and political contexts and levels etc. All these dimensions have to be considered carefully when thinking about the why, where, when, and how regarding the implementation of deliberative procedures. Against this background it is obviously a great challenge to establish connections and correlations between a specific design and concrete

results.

- And finally there are deliberative procedures in the whole world, on all levels of the multi-level governance system, the private, the public, and non-profit sphere. This variety does complicate a comprehensive research on deliberative procedures of participation.

4. Conclusion

Looking back to the phenomena of the democratic crisis, the discussed solutions to these manifold problems, namely fostering participation, and the problems linked to the implementation of and research on deliberative, aleatory forms of participation as one democratic innovation, and to the overall question how to improve or vitalize democracy on the local level we can assume that *shimin tōgikai* are one option to fill the gap between the disaffection with representative democracy and the limits of direct democracy. From my own experience of observing the *shimin tōgikai* in Chigasaki-shi deliberating on regulations regarding the local referendum in June 2013 and moderating a subgroup of the citizen council (Bürgerkonferenz) in the context of the revision of the Integrated Urban Development Concept (ISEK) in my home town, I can state that deliberative, aleatory participation – might it be in Japan or Germany – do bring change on the local level. First of all, they are an option for creating more closeness between administration and citizens, for creating channels of better and therefore efficient communication, for mutual understanding of different logics behind the acting of different stakeholders. Thus they offer the possibility of mutual acceptance and self-reflection of different logics regarding to timelines, hierarchy, flexibility, planning principles, and to hierarchy.

They are and they offer learning spaces for expressing one's own opinion, creating ideas together, arguing with others, presenting opinions, demands and wishes in front of and/or for other people. They may improve political self-efficacy. Deliberative, aleatory modes of participation ensure the inclusion of different values, opinions, and interests. Thus they are a form of empowerment for citizens; citizens can improve their knowledge and civic skills.

On the other hand we have to be aware that these new forms of participation are costly in terms of financial resources. Local authorities will be able to set up this kind of participation only for 'big issues'. But deliberative, aleatory modes of participation may make publicly visible the demands for continuously working settings of deliberation in processes of urban planning; the needs for continuous exchange and participation in decision-making processes beginning in early stages of the agenda setting.

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