

## Minnowbrook Conference - 2018

### Rethinking Equity and Democracy in Public Administration

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I will start with a story. In the early 2000s, the secretary of the New Mexico Environment Department (NMED), a white man, and his deputy secretary, a Native American woman, decided to make environmental justice a priority for the agency.<sup>1</sup> Members of civil society organizations were advocating for the agency to address environmental justice, a problem they viewed as systemic across the state, reflected not only in poorer conditions in communities of color (e.g., more polluting facilities) and poorer outcomes (e.g., higher rates of asthma), but also in unjust administrative decision making practices where citizens were not permitted to discuss their experiences of environmental racism because they were not technical in nature. The deputy secretary established a working group made up of local governments, industry representatives, and civil society organizations that represented people of color and Native Americans, and environmental advocates. They worked together for over a year to design listening sessions for the public to testify about their experiences of environmental injustice and racism. Later, a task force was created – with many of the same members – to use the testimony to create environmental justice policy. The governor signed an executive order that adopted their proposal.

Throughout this process, civil society organizations worked hard to impart their notions of environmental justice and environmental racism to members of the working group and task force. They conducted training on implicit bias, they took members of the working group on “EJ tours” to educate them about the experiences community members had with environmental racism so they could see it for themselves, and had endless discussions about how to design the listening sessions so members of the community – who had long and deep histories of social exclusion – could speak about environmental racism on their own terms. Still environmental justice was interpreted in a way that changed its meaning, focusing mostly on fair treatment and meaningful involvement of affected communities:

“...the State of New Mexico is committed to affording all of its residents, including communities of color and low-income communities, fair treatment and meaningful involvement in the development, implementation, and enforcement of environmental laws, regulation, and policies regardless of race, color, ethnicity, religion, income or education level (State of New Mexico 2005).

Every participant considered the executive order a huge success. Yet, EJ activists felt that the definition of EJ embedded in it had important omissions. They developed an alternative that would not be adopted by the state but could be circulated in civil society. In this alternative, EJ:

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<sup>1</sup> Environmental justice draws attention to the disproportion burden that communities of color and low-income communities face for environmental hazards and the negative consequences of those burdens (e.g., poor health, economic stress, and so on) (Bryant 2003).

“...aims to end disproportionate and negative environmental consequences, such as increased health risks in poor and working class communities of color, hazardous jobs, unsustainable depletion of natural resources, and the destruction of sacred place. ...seeks to make business, academia, industry and government accountable to the people and that they recognize and remedy environmental injustices resulting from irresponsible planning, development and inherently racist policies. ...affords equitable access of natural resources to sustain community, livelihood and culture, to the extent it is sustainable – not detrimental to the environment – and is respectful of Mother Earth. ...means that communities have the right to meaningful participation and fair treatment in making, carrying out, and enforcing environmental laws” (Espinosa & Gauna 2004, 17).

Many might say that this definition is not legally defensible. Others might say it is a better reflection of the deep concerns of the people negatively impacted by environmental decisions, and the omission of its key tenets in the state’s policy is problematic.

What does this story say about equity in public administration?

This case offers one example of a public administration challenge that, at its heart, is about the equitable treatment of a public’s *deeply-held concerns*. When publics demand that their concerns are heard, they often challenge the status quo and introduce *alternative rationalities* into the discussion (Espeland 1998), such as environmental racism and environmental justice. Yet these rationalities may not be well understood in administrative agencies and conflict with administrative rationalities. They can also be resisted or translated into a dominant point of view that can obliterate their meaning.

I propose that research in public administration view equity as the equitable treatment of diverse rationalities in forums or other decision-making spaces.<sup>2</sup> This means that in addition to creating deliberative forums that are open to diverse interests and arguments, e.g. task forces or working groups, that they also be open to different rationalities (Espeland 1998). Espeland (1998) describes a dynamic similar to the one I show in the story about New Mexico. In her important book, Espeland show how the Yavapi people in Arizona organized to reject a major dam project that the Bureau of Reclamation was planning and that would require the removal of the Yavapi people from their ancestral lands. Their struggle reflected the incommensurability between the different rationalities at the Bureau of Reclamation and embedded in environmental management, on one hand, and in the community that had historically been marginalized from environmental decision making, on the other hand. It also reflects, Espeland argues, different ways that people attribute value and thus meaning to a place or a natural resource and the consequences of disturbing them. Often environmental management practices based on a technical, instrumentality rationality assess “the consequences of [a]

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<sup>2</sup> Public administration scholars have addressed equity in prior Minnowbrook conferences (Gooden and Portillo 2011, Pitts 2011). There are important definitional debates in the field that are beyond the scope of this reflection. But I will suggest that we embrace multiple definitions of equity; different epistemological and theoretical assumptions can generate different definitions, which in turn can shed light on different aspects of equity, such as fair outcomes or procedures, or fairness in the treatment of divergent rationalities, as I am proposing here.

decision... as if differences were a matter of magnitude, of how much something matters, or of whose interest were served, rather than as disparate modes of investment in a decision” (xi). In the Yavapi case, the rejection of the dam by the Yavapi people was based on their intense feelings about their ancestral lands that could not be calculated in the ways proposed by the Bureau, which aimed to use valuation to monetarily compensate the Yavapi people for the loss of their land.

There are many others cases like this. In another project I am researching, the national environmental licensing agency in Colombia in South America is similarly holding public hearings on an oil extraction project proposed for the Macarena region. Local residents’ efforts to discuss their deep rejection of oil development in these hearings can only be expressed in terms of social impacts. Their deep concerns go way beyond this to creating a form of social and economic development capable of breaking from a violent past to a prosperous future where human dignity and democracy can flourish. Other examples include discussions over the case of Kim Davis, who refused to issue marriage licenses to same sex couples, or ICE’s practice of systematically separating immigrant families at the border. In these cases, rationalities are clashing in daily administrative practices. The care with which these conflicts are being handled obviously varies tremendously. How we make sense of this analytically is an important challenge.

All of these cases involve a plea to bring in a particular group’s perspective into a forum in which the rationality does not allow for it. In previous work, I called this the *discursive function* of public deliberation (Dodge 2015). This concept highlights that participation in public deliberation is not confined to argumentation or formal inclusion but is also about the inclusion of the perspectives and rationalities in which arguments are embedded, in the way that people speak about and think about the issues. (See also Dryzek, 2003, on discursive representation). This goes beyond an instrumental rationality – that we commonly see in evidence-based policy making and related approaches. These can be useful, but as science and technology scholars show us, evidence is not neutral but can be constructed *from* divergent perspectives. (Think for example of the difference between collecting evidence about incarceration rates versus collecting evidence about the experiences young people have in the school to prison pipeline.) Evidence does not speak for itself, and it does not capture the divergent perspectives that are at stake. These are normative issues. We need to address these *in* empirical research along the lines that Espeland (1998) has done.

In practice, doing public administration that allows for the inclusion of multiple rationalities is not easy. As the New Mexico story above hints at, the environmental secretary and deputy secretary did a commendable job including the EJ public in its deliberations and supported an effort that made a major change in policy with many positive consequences. Yet, they were also seriously limited in their ability to fully embrace the EJ rationality and incorporate it into the state’s decision making, even when one member of the team was a very sympathetic Native American woman. This means that in our research, we need to look at the kinds of dilemmas and challenges she faced, and other administrators face, in trying to bring an alternative rationality into administrative decision making.

There are three related issues relevant for public administration that I do not have space to cover fully in this essay, but raise for further discussion in the field:

- Contestation and agonism play a big role in deliberative and collaborative processes that are not fully recognized. (Agonism is productive conflict in contrast to antagonism in which one views those with a different point of view as enemies rather than interlocutors.) How can conflict – for instance over multiple rationalities – be engaged productively?
- Oppression is just as important as justice when considering equity in public administration. Iris Marion Young – a political philosopher – notes that when we are concerned with issues of justice and equity, we should not confine ourselves to the distribution of benefits and burdens. We should also consider oppressions and how oppressions operate in society, in the case of public administration this means focusing on oppressions in administrative practices. Most important for my purposes is powerlessness as a form of oppression, which refers to a social group not having access to decision making power. But also relevant are exploitation, marginalization, cultural imperialism and violence.
- Limits can be placed on what rationalities are permissible in administrative decision making, but determining what they should be is not easy. Is there a place for white supremacy for instance? (A question that may be uncomfortable but pressing.) Or do we need to articulate the principles that draw boundaries around what kinds of rationalities are permitted or not? (For a discussion of this related to civil society, see Chambers and Kopstein 2001).

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