

2011

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Recommended Citation

Williamson, Thad. "Justice, the Public Sector, and Cities: Re-legitimizing the Activist State." In *Justice and the Contemporary American Metropolis*, edited by Clarissa Hayward and Todd Swanstrom, 177-97. Minneapolis: University of Minnesota Press, 2011.

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JUSTICE, THE PUBLIC SECTOR, AND CITIES

Relegitimizing the Activist State

THAD WILLIAMSON

THE ASSAULT ON EGALITARIAN SOCIAL JUSTICE in the United States over the past forty years has also been an assault on the legitimacy of vigorous public action to forward substantive goals. This is no coincidence: egalitarian conceptions of social justice invariably assume that the state will be the principal mechanism for establishing just social arrangements and rectifying inequalities (Rawls 1971; Dworkin 2000). In contrast, neoliberal conceptions of governance aim to both straitjacket the public sector and stymie efforts toward meaningful egalitarian redistribution. Given this strong internal connection between attractive conceptions of social justice and the idea of an active, competent public sector, advocates of urban social justice need to develop an account of how public-sector leadership on behalf of normatively desirable ends can be relegitimated. In this chapter, I focus on how we might begin to rehabilitate the idea of a vigorous public sector at the local level, given the existing political climate. As theorists since Tocqueville have recognized, local-level democratic practice is the building block (for better or worse) of larger-scale democracy, and (to use Rawlsian terminology) a society cannot be well ordered, stable, and just if local political and economic life is characterized by large inequalities and the predominance of private interests over public concerns.¹

This chapter proceeds in two parts. In the first section, I argue that rehabilitating a vigorous public sector will require establishing a practical conception of the “public interest” that is capable of guiding policymakers and citizens. After discussing the relationship between ideas of social justice and the public interest, I go on to introduce conceptions of effective public-sector leadership—the “New Public Service”—developed by contemporary theorists of public administration in response to the

neoliberal assault on the state. This engagement with theory is driven by a practical question: how can we begin at the local level to relegate the idea of a vibrant public sector that has the ability to curb private interests and advance social justice?

In the second section, I introduce a case study of creative public leadership in Richmond, Virginia, that corresponds to the “New Public Service” in important respects. Specifically, I examine how a city planner (Rachel Flynn) used a participatory process to galvanize public support for a new downtown master plan that vigorously challenges the traditional prerogative of developers in the city by calling for public control of riverfront property. The relative success of that effort, the resistance it has encountered, and its inherent limitations all shed light on the challenges involved in rehabilitating an activist public sector in inhospitable settings.

Social justice advocates who presume that the state will be a principal mechanism for rectifying injustice must develop an account of how the public sector can play this constructive role. In particular, those concerned with advancing social justice at the metropolitan level must wrestle with four critical issues: First, predominant theories of public management and urban public leadership generally are not predicated on the idea of an activist public sector acting to rectify inequalities and injustices. Second, government policy and actions have often taken a direct role in constituting or reinforcing social injustices, and in many cases, small- and large-scale public action at the local level has been biased toward the interests of business elites (Holland et al. 2007). Third, as presently constituted, local public sectors often lack the capacity to undertake the agendas frequently proposed by social justice advocates and green urbanists. In particular, we have relatively few examples of effective large-scale public action that also exhibits the virtues of transparency, openness to civic participation, and sensitivity toward all affected groups. Fourth, the public sector too often displays incompetence in the tasks that it already takes on, and corruption of various kinds is a recurrent problem in municipal government.

Social justice advocates need to explain why we should believe, despite these challenges, that the state is capable of acting in a vigorous way to correct social injustices and advance the public interest (especially our massive ecological challenges). This account should have two major components. The first is a *constitutional* theory of how to organize local and metropolitan government, including specification of the

powers government should have vis-à-vis private actors, specification of the division of labor between more local and metropolitan-wide governments, and specification of the mechanisms by which government will be rendered inclusive, democratic, and accountable. The second needed component, and the focus of this chapter, is an account of how the public sector, once constituted, can or should go about acting on behalf of social justice and the public interest. What is needed is a positive theory of public administration on behalf of normatively desirable ends. Central to such an account must be a workable conception of what “the public interest” is and how it is to be pursued in practice.

Social Justice and the Public Interest

In its simplest sense, the public interest is to be distinguished from factional rule or domination by one segment of the community. To appeal to the “public interest” as a normative standard for evaluating public policy is to insist that the advocates of a given proposal explain why such an action is to the benefit of the larger community and not just the interests (material or otherwise) of its advocates. This does not mean that a proposal needs to directly benefit every member of the community, or even most of them, to be in accord with the public interest. For example, when disadvantaged groups press for more resources, they need not be forced to show that their demands would maximize the community’s aggregate utility. Instead, they can reasonably appeal to the public interest that the community as a whole has in all citizens having adequate resources to develop themselves and pursue their aims. In other words, disadvantaged groups should be able to appeal to substantive conceptions of social justice in making arguments about why they should get more resources. This is the primary impetus motivating John Rawls’s conception of social justice: to move away from utilitarian methods for measuring what the public interest is and to insist upon the normative priority of improving—maximizing—the position of the least well off (Rawls 1971).

This example already illustrates the complex relationship between social justice and the public interest. For thinkers like Rawls, the “public interest” should be seen as a subset of a larger-order conception of social justice—a conception intended to guide the organization of our institutions and to serve as a normative benchmark for policy making. This does not mean, however, that the notion of a public interest is unimportant.

In a well-ordered Rawlsian society, the concerns of government are not limited simply to implementing social policies or political-economic arrangements that achieve distributive justice. As Rawls stipulates, the government must also, for instance, attend to and provide public goods more generally (e.g., defense and security, public infrastructure, education, ecological protection; Rawls 1971). In urban contexts, there is strong reason to believe that it is in the broad interest of the community as a whole to provide not only public safety and workable infrastructure but also ample recreational opportunities, green and open spaces, and usable public space in general.² Providing such goods through public channels, rather than leaving them to the market, will lead to a more egalitarian distribution of these much-needed amenities. The public provision of such goods also reinforces the fundamental Rawlsian idea that society is to be seen as a scheme of social cooperation among free equals, not a Hobbesian world in which each takes what he can get and relates to others on purely instrumental grounds.

Note also that the relevant distributional question in urban contexts is not simply how to maximize the position of the least well off. It is also how to keep the very wealthy and most powerful actors from monopolizing the most attractive places and opportunities within the city. Often advocates of distributive justice fall into the habit of only thinking about how to improve the lot of the poor vis-à-vis the middle class. From the standpoint of larger-order social justice, however, an equally important question in contemporary capitalist societies is how the poor and middle class together can keep the very rich and powerful from running away with the overwhelming bulk of accumulated wealth, which can then be converted into excess political power and the capacity to redevelop the city as a playground for the affluent rather than as a shared landscape equally accessible to all. Needless to say, such a city also cannot realize the difference principle or anything like it. When local residents challenge the predominance of corporate developers and their efforts to shape land use so as to maximize profit opportunities in order to promote what Logan and Molotch term “use values” (Logan and Molotch 1987), they can reasonably claim that they are acting on behalf of the “public interest” and that their opponents’ proposal benefits only a small faction rather than the community as a whole. Obviously, these claims to be acting in the name of the “public interest” must be subject to critical scrutiny. The previous example presents what might be viewed as a relatively easy (though not uncommon) case in which the “public

interest” is invoked to protect the well-being of the overwhelming majority of the community against the interests of a powerful and affluent elite or of a particular private actor. But consider the opposite scenario, in which the overwhelming majority of the community invokes the “public interest” not as a defense against rapacious elites but in order to marginalize already oppressed groups belonging to the “least well off,” as in proposals to forbid panhandling by the urban homeless (Mitchell 2003). Rawlsian principles of social justice aim to preclude attempts to punish the least well off in the name of promoting the good of “the community as a whole” (or more likely, the interests of relatively affluent people and business owners annoyed by the presence of homeless people). In a just society, we would expect a stable social ethos favorable to the least well off to be in place, making adoption of such policies unlikely; in the highly unjust, “nonideal” cities that we actually inhabit, preventing such outcomes in practice will likely require (at the least) structuring policy deliberations such that persons most affected by a given policy receive adequate voice and representation.³

This counterexample demonstrates the importance of linking one’s account of the “public interest” to an account of social justice. From a Rawlsian point of view, this means clarifying that by “public interest,” one is not referring to a simple aggregation of preferences or interests satisfied, to the views or interests of the median resident, or to the views or interests of any particular political majority. But what is the “public interest” if not one of these things? Three principal strategies are available to answer that question. The first is to define the public interest in procedural terms (in a broadly Habermasian framework). Posit an ideal decision-making process in which all points of view have equal access of expression, in which citizens are committed to listening to one another and open to the possibility of revising their preferences and positions, and in which the “unforced force” of the better reason trumps the demands of self-interested actors (Habermas 1984). The result of such a deliberative process might be regarded as the “public interest.” A second strategy is to attempt to specify some set of public goods or “values” that cannot be realized by market processes but require public action to establish, defend, and extend. There is a shared public concern with maintaining a sustainable environment but good reason to doubt that market processes will secure that value—and hence the justification for the state taking an active role on behalf of realizing such public values (Bozeman 2007).

A third strategy defines the public interest not in terms of the product of an ideal decision procedure or as a list of specific public goods and values but in terms of our shared interest in living in a political regime of a certain kind. Specifically, we have a shared interest in living in a regime characterized by adherence to democratic norms, limited social inequality, a broad distribution of economic opportunity, and politics that are not dominated by the demands of the most economically powerful groups (Elkin 2006). It is this third, more substantive conception of the public interest that I wish to endorse here, although properly understood it incorporates important aspects of the first two approaches as well. An advantage of this way of thinking about the public interest is that it allows social justice considerations to be built into its very framework: we have a shared interest in creating, sustaining, and improving a regime of a particular kind—that is, one that is socially just.

But this formulation taken alone is too simple. First, as it is stated so far, it presumes the possibility of universal consensus about concrete principles of justice and the nature of the just regime. But in the real world, there is no consensus about the content of social justice, let alone Rawls's version of it (Cohen 2003), and it is obvious that many actors are motivated primarily by self-interest rather than social justice concerns and that the already powerful have greater capacity to advance and protect their interests than other groups.

Second, to be a useful concept, the “public interest” needs to be able to play a concrete role in specific policy debates. Specifically, actors should be asked to justify and make arguments on behalf of their policy preferences with reference to the public interest. While “public interest” in the ultimate sense is to be understood as the good of living and sharing a just, democratic, and prosperous regime, actual policy debates typically focus on concrete, intermediate goods (e.g., how to use this piece of land, whether to fund a proposed program, how to promote economic development), in which the relationship of the regime as a whole to the good in question may not be obvious. Just as claims about the meaning of justice, the requirements of democracy, and the best route to prosperity are controversial, so, too, will be all claims about the “public interest.” Even if there were a rough consensus about the kinds of cities we wished to build, there would be significant disagreements about the best policy means to those ends.

In practice, acting to promote the public interest requires making a set of provisional judgments concerning, as Stephen Elkin puts it, “what

is the public interest here in this case” (Elkin 1999, 43). Such judgments are best made in the context of a deliberative process in which as many viewpoints and perspectives as possible are canvassed. This conception of the public interest should be sharply distinguished from strong communitarian claims that local political life can or should be modeled on establishing a unitary identity that covers over or represses fundamental differences of identity and perspective. As Iris Marion Young argues, in a diverse society “the perception of anything like a common good can only be an outcome of public interaction that expresses rather than submerges particularities” (Young 1990, 119). Note, however, that Young is neither arguing against public deliberation nor rejecting the possibility of identifying shared interests; rather she is insisting that the public sphere be structured so as to be accessible and welcoming of difference. Indeed, Young deploys a critique of the domination of urban politics and development by private interests that is closely related to (in fact draws on) the conception presented by Elkin and other writers. Moreover, Young goes on to provide a “normative account of city life” that might be interpreted as a substantive account of the sorts of public goods cities should provide or exhibit: nonexclusionary social differentiation, variety, eroticism, publicity (Young 1990). To criticize simplistic conceptions of a public interest based on the model of a homogenous community does not imply that we can do without a conception of the public interest altogether or preclude the possibility and necessity of coming to workable judgments about how to advance the public interest in an inclusive, democratic process (Schwartz 2008). There is every reason to be suspicious of attempts by policy makers and elites to declare they know what the “public interest” is—or what “justice” is—and impose it. But when political discussion goes well, and distinctive points of view have the opportunity to be expressed and taken seriously, then resulting judgments about the content of the public interest in specific cases carry a strong, albeit always provisional, legitimacy.

This conception of the public interest draws on Elkin’s efforts to provide a revised constitutional theory of a “commercial republic.” While Elkin’s interest is in stipulating the kinds of institutional arrangements that can sustain a democratic polity writ large, he places particular importance on the structure of local political arrangements as the essential building blocks of a meaningfully democratic regime. Local politics, Elkin argues, must be the site where citizens in a large-scale polity attain skill in discerning “what the public interest is” in particular cases, gain

an appreciation of the value of deliberation, and learn to distinguish good leadership from bad. Active, public-minded citizenship must be encouraged; this in turn implies the presence of active, public-minded public officials who see themselves as seeking to attain the public interest rather than simply managing bargains among interest groups. It also implies that local politics must not be dominated by business interests. Equally important, local politics must have a strong deliberative element and must not be structured so as to lock into place or reinforce existing inequalities.

Relegitimizing the Public Sector

Elkin's account stipulates that local politics should have the following features: a culture of civic participation and deliberation; an active public sector with the competence, resources, and legitimacy to act on behalf of the community as a whole; and competent public officials who attempt to discern the public interest and act upon it. Each of these requirements contradicts neoliberal accounts of public sector management that have become predominant in recent decades. Persistent fiscal strains, the privatization wave, and ideological attacks on bureaucrats have combined both to constrain government action and undermine its legitimacy.

In this context, two new ideologies of public management have emerged, offering a critique of traditional "command-and-control" government. Drawing on the observation that bureaucracies often must perform ambiguous tasks in ways that are shaped more by politics than by efficiency, these approaches assume that government is least inefficient and most effective when organized so as to mimic the market. "New Public Management" theories call for turning government control of resources and provision of services to private firms when possible and adopting a government-by-contract model. The strong assumption is that government is inherently inefficient because it lacks market accountability; consequently, privatization of government functions whenever feasible is normatively desirable (Morgan, England, and Pelissero 2006). The second approach, "Reinventing Government," calls on public officials to act as entrepreneurs and find new ways to generate revenue and hold down costs (Gaebler and Osborne 1992). For both approaches, the default assumption is that government ought to be "run like a business"; New Public Management holds the further assumption that government action is legitimate only in cases of "market failure." While the

Reinventing Government framework sanctions innovative public-sector entrepreneurial activity in potentially interesting ways, neither approach envisages an active public sector capable of taking aggressive action to forward the public interest and rectify social injustice. Yet each of these frameworks has had a substantial impact on the practice of public management in American cities (Doherty and Stone 1999; Morgan, England, and Pelissero 2007; Holland et al. 2007).

Janet and Robert Denhardt's work provides the most systematic attempt to date to provide a positive theory of public administration as an alternative to both command-and-control and market-based paradigms. Denhardt and Denhardt's notion of the "New Public Service" aims to recover and rearticulate the notion that public officials can and should be publicly minded and concerned with advancing the public interest and that this is best done by inculcating among officials an ethic of serving the public, as opposed to imposing one's will on others. This conception of public service stands in direct contrast to public choice theory's assumption that all actors, including public officials, are ultimately motivated by self-interest (whether narrowly or expansively defined). Denhardt and Denhardt's highly plausible claim is that the reductive public choice account of public-official behavior can become a self-fulfilling prophecy (witness the federal response to Hurricane Katrina) and that, conversely, sustaining a culture and ethos of public-minded behavior within public institutions requires being very explicit about the value of public service and developing a theoretical account of how public-minded officials can and should act (Denhardt and Denhardt 2003).

Denhardt and Denhardt thus approvingly cite Jeffrey Luke's conception of "catalytic leadership" as an appropriate model for the public sector. In this model, the tasks of "leaders" (public officials) are fourfold. First, public leaders must call attention to a specific issue and problem in order to "[create] a sense of urgency about its solution, and [trigger] broad public interest." Second, leaders need to get all stakeholders engaged in the issue, with a particular focus on ensuring diverse interests and perspectives are at the table. Third, working in concert with assembled citizens, alternative strategies for action need to be explored. Fourth, once action in a particular direction is under way, leaders must "build support" for it "among 'champions,' power holders, advocacy groups, and those holding important resources. The leader must then turn to institutionalizing cooperative behavior and becoming a network facilitator" (Denhardt and Denhardt 2003, 151; adapted from Luke 1998, 37-148).

This approach is an admirable attempt to specify a positive account of democratically minded, justice-inclined public administration. Especially important is the internal connection drawn between the legitimacy and long-term effectiveness of public actions and the willingness and ability to engage affected and interested citizens in the process. Nonetheless, we might doubt whether public officials learning how to incorporate citizen participation and involvement in the policy process is sufficient to redress background structural inequalities in a meaningful way. The work of Richard Box offers an important corrective on this point. Box calls on public administrators to understand from the outset the nature of the political-economic system in which they operate and to see themselves as subversives—that is, as agents fighting against the dominant logic of the existing political-economic system. The ideal public-sector worker, in his view, is not only the civic-minded public servant but also the official who uses her position and the resources available to her to struggle against both the tendency of state power to reinforce background inequalities and background inequalities themselves (Box 2004).

Case Study: Downtown Planning in Richmond, Virginia

Taken together, Denhardt and Denhardt's and Box's respective conceptions of public leadership call for catalytic leadership from public officials who are capable of mobilizing and collaborating with civic groups and who understand the political environment in which they operate. Leadership in this vein has at least a chance of harnessing public power toward normatively desirable and democratically legitimate ends. How might these conceptions work in practice? The following section considers the work of Richmond's community planning director Rachel Flynn, who devised and attempted to implement a new downtown master plan for the city. Flynn's efforts approximate most closely the idea of "catalytic leadership" but also incorporate aspects of Box's approach.

Richmond, Virginia, is hardly promising terrain for innovative public-sector leadership. The metropolitan area is a classic case of a central city with a majority African-American population and high levels of poverty (nearly 25 percent) surrounded by more affluent suburbs. Due to the geographic and political separation of cities and counties in Virginia, meaningful regional cooperation among the metropolitan area's governments is limited in scope, and there are no cooperative arrangements with a significant redistributive content. Politics in the city proper have

generally been dominated by powerful local business interests such as local corporations and the real estate industry. Civic participation in the city is generally weak and usually racially divided and continues to be hampered by a long history of mutual racial distrust (Corcoran 2010); participation in public meetings and other efforts to lobby public officials is often disproportionately white. There are no powerful cross-racial organizations operating in the city and Industrial Areas Foundation-style community-organizing efforts to date have had very limited impact. Land use and redevelopment issues in the city have traditionally been the prerogative of developers and real estate interests (Silver 1984).

The case study that follows concerns both the public interest and distributive justice, though not in the more common sense of policies and practices affecting the least well off. Rather, this is a case of mobilizing the public at large to prevent powerful economic interests from imposing their will on the political process and claiming the most valuable real estate in the city. It is also about an attempt to reassert the legitimacy of direct public action for public ends and of city planning in a relatively conservative political context that has often been hostile to both ideas.

Starting in 2007, Flynn spearheaded a process leading to the adoption and implementation of a new master plan for downtown Richmond. Flynn is an experienced urban planner with progressive sensibilities who previously worked in Lynchburg, Virginia (doing political battle, on occasion, with Jerry Falwell and Liberty University). Flynn was hired by then-mayor L. Douglas Wilder in March 2006 and charged with revitalizing Richmond's downtown, which has been decaying as a commercial center and residential location for decades. Despite the presence of the state capital, a branch of the Federal Reserve, numerous law and financial firms, a major state university, and a historically significant river, large swaths of the city's downtown remain underused or vacant, with few recognized and widely used spaces or pedestrian attractions.

The substance of Flynn's work has consisted of initiating a process to transform downtown into a more pedestrian-friendly, urbanist environment with expanded public space, dramatically improved public access to the James River, and more green amenities, such as trees. At the heart of Flynn's strategy for downtown is a renewed focus on capitalizing on its urbanist strengths, such as its small blocks and tight grid. This means focusing on storefront commerce, moving parking lots underground, lowering the parking space requirement for new buildings, putting an end to high-speed one-way streets, and in general encouraging pedestrian

activity and alternative forms of transportation such as biking and (potentially) streetcars. The boldest part of the plan, however, is a proposal to construct a continuous riverfront park alongside the James River running through the heart of the city, anchored by a large public park to be located on currently vacant (but privately owned) land. Currently public access to the river is limited and uneven, and much of the riverfront area is unattractive; transforming the James River into Richmond's "great, wet Central Park" became one of the plan's catchphrases. Taken as a whole, the downtown plan is a thinly veiled criticism of decades of haphazard development and the city's failure to capitalize on its most outstanding asset, the James River, and an explicit claim that the public can do better by moving aggressively to purchase key properties and build an attractive new waterfront park accessible to all by foot.

Flynn built public support for this approach by providing extensive opportunities for civic participation in the formation of the plan. In summer of 2007, a series of planning charrettes were held, in which citizens were asked about their ideas for downtown and the general outcomes they would like to see the master plan realize. At least eight hundred residents (of roughly 195,000) participated in at least one of these meetings (exceeding Flynn's expectations). These discussions did not begin on a blank slate—Flynn's urbanist principles were used as a takeoff point—but in theory at least, "everything" with respect to land use, development, and streetscapes was on the table. As the plan was drafted, further meetings were held to solicit citizen feedback, and citizens were given the chance to interact directly with planning staff. Over a one-week period, an ongoing open house was held, allowing citizens to see the plans in formation, ask questions of city planning staff and design firm Dover, Kohl and Partners, and provide input. This process was intended both to generate input for the plan and to create a constituency of engaged citizens willing and able to advocate publically on behalf of the plan. This participatory approach, along with Flynn's perceived competence, played a major role in bolstering her credibility and political security and in winning support for the plan from much of the mainstream business and real estate leadership in the city (outside of affected development interests).

But Flynn has not just enlisted citizens in a planning exercise; she has acted self-consciously as a *political* agent in mobilizing support for the plan. Flynn has worked in concert with local smart growth and preservationist organizations to promote the plan and to solicit citizens willing to speak on behalf of the plan before city council and in public forums and

also has spent extensive time consulting with experienced political observers and civic leaders in the city, strategizing about how to navigate the plan through the political process and an often developer-friendly city council. Indeed, the danger with the master plan all along has been that its teeth would be cut out at the implementation stage under pressure from developers negatively affected by the proposals. Flynn took steps throughout this process to prepare for a fight, and in 2009, a fight arrived.

The conflict derives from the contradiction between the aspirations of the master plan and a private developer's proposals to build high-rise luxury condos along the James River (the "Echo Harbour" project), permanently impacting the view of the river from atop historic Church Hill, on exactly the parcel of land designated by the city for a riverfront park. The project would simultaneously squash the possibility of an attractive, continuous public riverfront park and impede the view of the James River for which the city is named.⁴ Lawyer James Theobald, representing development firm USP Rocketts, sharply criticized the master plan and the process as disrespectful of property rights in a series of public hearings in 2008 and 2009. Immediately after the passage of the plan by the city council in October 2008, council member Bruce Tyler, an architect for one of the firms involved in the Echo Harbour proposal, announced he would seek amendments to the plan in coming months.

Spring and summer 2009 saw a protracted struggle over Tyler's attempts to amend the plan so as to weaken its commitment to a continuous public riverfront park and weaken the standards by which future special use-permit requests will be judged. For instance, in the original plan, the public option for establishing a park is listed first; in the revised plan, a private development option for the property in question is listed first. More important, Tyler favored striking out a provision mandating that all special-use permits be evaluated in terms of the specific character and zoning designation of the land under question. This is significant because the proposed height of the condominium proposal violates existing zoning for riverfront property, and the developers would need a special-use permit (under both current zoning and the new plan) to go forward. Planning commission and city council meetings throughout 2009 featured citizens overwhelmingly speaking out against the condominium proposal, but Theobald and USP Rocketts continued to lobby on behalf of the proposal. Behind the scenes, the firm made extensive efforts to sway planning commission and city council members (almost all council members receive significant campaign funding from

development interests). After months of hearings and delays, the revised plan was approved on July 27, 2009; the amendment backed by Tyler to weaken special-use permit language failed by one vote.

What is the public interest in this case? Proponents of the Echo Harbour development have made two kinds of arguments: a property rights-based argument that, in effect, developers and property owners should be allowed to do what they want, and an argument that the development will create jobs and tax revenues and not disrupt public access to the river. Theobald and USP Rocketts have made almost no effort to argue that the condominium plan in fact fits the aspirations of the downtown plan strongly endorsed by citizens and approved by the city council. Those aspirations are for the city to use the James River to reestablish the city's identity and to make public space and public access to the river the heart of that identity. The force of the argument for the public park proposal and against riverfront condominiums is not simply about providing more or better recreational or aesthetic amenities to citizens or about providing a better way to stimulate downtown economic activity (though the downtown plan embraces both those goals as well) but about creating a signature location that people can identify with the city. This in turn is seen to be in the public interest because it would bolster the city's unique identity, give residents a new shared space to be proud of, and reinvigorate pride and interest in Richmond's unique qualities. Further, the long process by which the new master plan was adopted and the civic participation it engendered lends the specifics of the plan credibility as an expression of what the community (more precisely, the civically active part of the community) would like to see happen.

The alternative proposal for the land in question has none of these qualities; it is a proposal, largely unwanted by city residents, to build a fairly generic, high-rise condo and create a space that will be the terrain of high-end residents and consumers, taking much of the best riverfront view and access in the process. Approval of the Echo Harbour proposal would further send a strong signal that no matter what the public says it wants, developers have sufficient influence and political muscle to impose their will on land-use planning. That in turn has very negative implications for the future of democratic politics in Richmond. Advocates for the downtown master plan can thus contend that there is both a smaller-order public interest in this case in seeing the public's aspirations for a large riverside park realized because of the specific public goods that that project is expected to provide and a larger-order public

interest in seeing the expressed will of the community and overwhelming views of local residents honored because of the implications that carries for where political power really lies in the city.

In the process of this debate, Flynn has emerged as a lightning-rod figure: a hero to almost all the citizens involved in the process, who view her as a champion for the public good, but an arrogant annoyance to several members of city council. After an April 2009 planning commission meeting in which Flynn flatly refused a commissioner's request to seek an accommodation with Echo Harbour developers about the project, saying it was not her job to compromise what the public wanted and the principles of the plan, at least three council members wrote to the mayor requesting Flynn's termination. Flynn withstood this pressure and continued in her job for the next two years as an advocate for the plan's goals. The future of the proposal to create a true riverfront park remains uncertain, however. City council removed money set aside by the mayor to buy up riverfront properties from both the fiscal 2009–10 and fiscal 2010–11 budgets, meaning Flynn and the city could not act to acquire the properties needed to establish the proposed park. In the meantime, despite losing on the downtown plan amendment language, Theobald and USP Rocketts have not withdrawn the project or abandoned hope of obtaining a special-use permit for it. As of April 2011, the fate of the contested riverfront possibility is still undecided.⁵ Flynn herself announced her resignation from city government in March 2011 to take a consulting position in Abu Dhabi.

While this example of public-sector leadership contains significant flaws and a still-uncertain outcome, the downtown plan process represents a breakthrough in contemporary Richmond politics. Flynn's work changed the discourse about downtown development in Richmond and shown that there is fairly wide citizen support for strong public action on behalf of urbanism. The idea that the city should be shaped by the public, not the developers, has been widely embraced. Because of the way citizens have been mobilized and the legitimacy the planning process has commanded, Flynn has been able to take strong stands and directly criticize powerful interests and figures in the city.

Nonetheless, Flynn's efforts were hampered by the relatively weak level of civic organization in Richmond. White, well-educated persons represent the overwhelming majority of persons involved both in the charrette-based public-planning process and in advocacy groups like Partnership for Smarter Growth and the Alliance to Conserve Old Richmond Neighborhoods. This is highly problematic in a city that is

majority African-American and has allowed critics like Tyler to claim that the downtown plan process reflected the views of a small group of self-selected people. Although the city government and some activists did reach out to African-American organizations and the plan was endorsed by some important African-American leaders (including new mayor Dwight Jones, who succeeded Wilder in 2009), success in generating extensive African-American participation was limited.⁶

In this regard, the debate over the downtown plan has reenacted a recurrent dilemma for social justice advocates in Richmond: the political mismatch between the task of promoting justice within the metropolitan region as a whole and the task of promoting justice within the city itself. There is good reason to think the downtown plan, if enacted, would draw more people back into living downtown, in turn stimulating commercial development in the currently dilapidated Broad Street corridor. Such resettlement of downtown would strengthen the city's tax base and allow it to capture a greater proportion of regional economic growth. Yet while the plan may benefit the city as a whole, its promised benefits for the least well off in Richmond are either indirect (e.g., possible access to jobs created by increases in commercial activity downtown) or intangible (e.g., the benefit of living in a more pedestrian-friendly city). From the perspective of the least well off, the downtown plan looks like just another effort to make life more comfortable for middle-class urban dwellers.

Likewise, the relative success of the downtown planning process has depended precisely on the fact that it has been perceived simultaneously as progressive and nonthreatening. As noted, most mainstream business groups in the city have been broadly supportive, as have those developers who stand to benefit from opportunities to build higher-density, mixed-use developments within the downtown study area. But it is much more difficult to imagine an initiative in the Richmond metropolitan area aimed at directly benefitting "the least well off"—that is, directly attacking poverty in the city via a substantial outlay of public resources—gaining such widespread support. Indeed, Richmond's metropolitan structure makes such an initiative extremely difficult, since it would involve making a claim on resources controlled by politically distinct suburban counties.

This case thus illustrates both the possibilities and limitations of "New Public Service"-type public leadership in helping to reinvigorate the public sector. Succinctly put, leadership that seeks to engage citizens and calls attention to positive possibilities for significantly improving the city can, in fact, call into being civic forces that were previously dormant and

draw new people into the policy-making process. When combined with shrewd and, at times, forceful political judgment, activist public leaders can also shepherd proposals to change the way the city is developed through the political process, compromising on some details but not the essentials. But public leadership alone cannot overcome inherent structural flaws in the metropolis. In the Richmond case specifically, despite efforts to engage the African-American population (which led to the inclusion of affordable housing language in the final plan) and support from several key African-America leaders, grassroots participation in the debate about the downtown plan remained disproportionately white and middle class. While the process Flynn initiated was not inherently exclusionary, it did not do nearly enough to overcome or alter long-standing inequalities of political participation and voice in the city.

The second limitation refers to the fact that Richmond's metropolitan governance structure—or lack thereof—means that, at present, challenging fundamental structural inequalities is simply off the political table. There is no plausible way by which another Rachel Flynn could initiate a process intended to fundamentally rectify inequalities of public education in the metropolis, since each school district is separate and suburban residents have no interest in such reform (Ryan 2010). What city officials can and cannot do is thus shaped by the structure of metropolitan governance already in place—hence, the importance for metropolitan social justice to establish both (a) an account of what a just metropolitan constitution for American's urban areas would look like and (b) a more-than-wishful-thinking account of how sharply divided metropolises might meaningfully move in that direction in the future.

Importantly, this does not mean that city officials in Richmond or elsewhere have no capacity to attempt to improve the city's position and promote the shared interests of its citizens. Flynn found an opportunity to do so in the fact that a major, unique natural resource of the city (the James River) has yet to be fully tapped as a signature attraction and central community location for the city, and there is reason to believe that if the vision of the plan were fully realized, then the city would reap multiple benefits and be in a stronger position relative to its suburban neighbors. Moreover, and central to our concern here, it would help rehabilitate the idea that the public sector can act successfully on behalf of public aims. But while the public aims involved in the downtown master plan are significant and worth fighting to achieve, they simply do not address the fundamental structural inequalities characterizing the Richmond metropolitan area.

Conclusion

This assessment naturally raises a question: what would the politics capable of addressing such fundamental inequalities and injustices look like in a place like Richmond, especially given the area's very unfavorable metropolitan political structure? One prerequisite of such a politics, and the focus of this chapter, is public support for using public power to constrain private actors and regulate market processes in order to achieve substantive public goals. This idea is fundamental to almost all attractive conceptions of social justice, and it is an idea that has been under attack in the United States at all levels of government in recent decades. Despite its inherent limitations, the effort to create a new downtown master plan in Richmond has had significant success in beginning to rehabilitate that basic idea. Indeed, perhaps the most promising aspect of the downtown master-plan debate in Richmond is that Flynn's core assertion—that the public should have the first claim on the best and most valuable undeveloped land in the city—found significant resonance in a city that has traditionally been deferential to private developers.

But reestablishing the legitimacy of meaningful public sector action is not enough if larger-order social justice issues are to be tackled. The next step in Richmond must involve the forging of the kind of coalition that was almost completely absent in the struggle over the downtown plan: a genuinely multiracial coalition committed to establishing not just public space and other public goods but also more direct steps to address poverty and improve the position of the "least well off." It is possible that one or more local public officials might play a catalytic role in helping mobilize low-income residents in the city in a more direct fashion and help forge a coalition between middle-class and low-income residents on behalf of a concrete goal. The most promising candidate issue in this respect is dramatically improving public transportation in the city, an issue that directly affects low-income residents in the city and is a goal supported by almost all the advocates who mobilized on behalf of the downtown master plan. Improving public transportation is also a regional issue (transit to Richmond's suburbs is generally limited, meaning many jobs are out of reach of carless Richmond residents). A strong, cross-class, multiracial coalition of Richmonders and supportive suburban residents could potentially challenge the regional status quo and begin correcting one very significant social injustice (unequal access to employment).

Regardless of whether creative public-sector leadership in support of

that goal is forthcoming, the burden of building a truly multiracial coalition on behalf of social justice must rest with civic and grassroots activists committed to creating and sustaining long-term solidarity across difference. At particular historical moments, public-sector leaders can play a critical role in framing issues and mobilizing constituents to address key problems, but they cannot create powerful, cross-cutting social movements out of whole cloth. That job falls to citizens.

Notes

Discussions with Planning Commission member Amy Howard, John Moeser (Virginia Commonwealth University professor of urban planning emeritus), and numerous citizen participants in the process have helped inform this chapter. Informal conversations with Rachel Flynn in 2008 and 2009 and an extensive formal interview with Flynn in June 2010 have provided additional insight into the process. The author has also attended or participated in several public hearings related to the downtown plan.

- 1 With the advent of the Obama administration, some Progressives such as Peter Dreier believe that attention should shift to national-level policy (Dreier 2009). While better national policies would have many positive ramifications for cities, to date there is little evidence that the large-scale stimulus programs or any of the other initiatives of the Obama administration has or will materially change public attitudes toward the state and the legitimacy of public action. While it remains possible that a large-scale, federal domestic project, successfully implemented, might have that effect, continued attention to local and metropolitan structures of democratic practice remains essential— independent of the future direction of federal policy.
- 2 Rawls's views on the extent to which a just society should provide public goods that do not provide direct benefits to all citizens evolved over time; whereas in *A Theory of Justice* he takes a strong position that it is not just to tax some to provide cultural goods (e.g., museums) they may not themselves enjoy, in subsequent writing he backs off that position and accepts the legitimacy of governments providing a range of goods intended to bolster local quality of life and distinctive character. See Freeman (2007, 392–98) for an instructive account on this point.
- 3 This example—quite deliberately—points to a much larger difficulty beyond the scope of this chapter that needs to be fully resolved: the unhappy fact that the further society is marked by invidious degrees of inequality and unjust social relations, the more likely it is that political processes in their normal operations will tend to reinforce such inequalities. There is no easy remedy for this problem, and it is not one that thinkers like Rawls, who devoted most of his attention to ideal theory as opposed to examining possibilities for advancing justice in the politics of actually existing capitalist societies, provide much guidance for. The hope of deliberative theorists is that well-structured deliberative processes can at least minimize

political inequalities between citizens and permit the possibility of the political process being used to narrow inequalities. This idea remains more hope than reality (but see Fung [2004] for some instructive exceptions), and greater attention to this question by democratic theorists and others is an urgent imperative.

- 4 William Byrd II named the city "Richmond" in 1737 because the view of the James River from atop Church Hill closely resembled the view of the River Thames from Richmond Hill outside London; the location today is considered a historical site and is a prime attraction for visitors to the city.
- 5 In August 2010, Mayor Dwight Jones announced plans to commission a new \$500,000 study of how to "improve and expand access along the downtown riverfront," inclusive of the land involved in the Echo Harbour controversy (Jones 2010).
- 6 Notably, in June 2010, the charrette technique was again used in Richmond to launch a significant planning effort, this time regarding the revitalization of the area around the Bon Secours Richmond Community Hospital in the city's overwhelmingly poor and African-American East End. These charrettes, cosponsored by Bon Secours, the city, and the Richmond Redevelopment and Housing Authority, were well attended by African-Americans and heavily publicized in the local African-American media.

References

- Biegelesen, Amy. 2007a. "Master Plan Sessions Confront Race, Push Details." *Style Weekly*, August 12.
- . 2007b. "Master Planners Return to Dispel "Sea of Whiteness."" *Style Weekly*, September 19.
- . 2008. "In Like Flynn." *Style Weekly*, January 16.
- . 2008. "Master Panned." *Style Weekly*, October 28.
- . 2009. "Flynn's Last Stand?" *Style Weekly*, May 7.
- Box, Richard C. 2004. *Critical Social Theory in Public Administration*. Armonk, N.Y.: M. E. Sharpe.
- Bozeman, Barry. 2007. *Public Values and Public Interest: Counterbalancing Economic Individualism*. Washington, D.C.: Georgetown University Press.
- Church Hill People's News. n.d. <http://www.chpn.net>.
- Cohen, Joshua. 2002. "For a Democratic Society." In *The Cambridge Companion to Rawls*, ed. Samuel Freeman. Cambridge: Cambridge University Press.
- Corcoran, Rob. 2010. *Trustbuilding: An Honest Conversation on Race, Reconciliation, and Responsibility*. Charlottesville: University of Virginia Press.
- Denhardt, Janet V., and Robert B. Denhardt. 2003. *The New Public Service: Serving, Not Steering*. Armonk, N.Y.: M. E. Sharpe.
- Doherty, Kathryn M., and Clarence N. Stone. 1999. "Local Practice in Transition: From Government to Governance." In *Dilemmas of Scale in America's Federal Democracy*, ed. Martha Derthick. Cambridge: Cambridge University Press.

- Dreier, Peter. 2009. "There Is No Urban Crisis: Progressive Politics and Urban Policy in the Obama Era." Paper presented at "Justice and the American Metropolis" conference, St. Louis, Mo., May 9, 2009.
- Dworkin, Ronald. 2000. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge: Cambridge University Press.
- Elkin, Stephen L. 1999. "Citizen and City: Locality, Public-Spiritedness, and the American Regime." In *Dilemmas of Scale in America's Federal Democracy*, ed. Martha Derthick. Cambridge: Cambridge University Press.
- . 2006. *Reconstructing the Commercial Republic: Constitutional Theory after Madison*. Chicago: University of Chicago Press.
- Freeman, Samuel. 2007. *Rawls*. New York: Routledge.
- Fung, Archon. 2004. *Empowered Participation: Reinventing Urban Democracy*. Princeton, N.J.: Princeton University Press.
- Gaebler, Ted, and David Osborne. 1992. *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector*. Reading, Mass.: Addison-Wesley.
- Habermas, Jürgen. 1984. *The Theory of Communicative Action*. Vols. 1 and 2. Trans. Thomas McCarthy. Boston: Beacon Press.
- Holland, Dorothy, Catherine Lutz, Donald Nonini, Lesley Bartlett, Marla Frederick-McGlathery, Thaddeus Gulbrandsen, and Enrique Murillo Jr. 2007. *Local Democracy under Siege: Activism, Public Interests, and Private Politics*. New York: New York University Press.
- Jones, Will. 2010. "Study to Explore Expanding Access to Richmond's Riverfront." *Richmond Times-Dispatch*, August 15.
- Logan, John, and Harvey Molotch. 1987. *Urban Fortunes: The Political Economy of Place*. Berkeley: University of California Press.
- Luke, Jeffrey. 1998. *Catalytic Leadership*. San Francisco: Josey-Bass.
- Mitchell, Donald. 2003. *The Right to the City: Social Justice and the Fight for Public Space*. New York: Guilford Press.
- Morgan, David R., Robert E. England, and John P. Pelissero. 2006. *Managing Urban America*. 6th ed. Washington, D.C.: CQ Press.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge, Mass.: Harvard University Press.
- Richmond, Virginia. 2008. Richmond Downtown Plan. *Official Richmond Web site*, October. <http://www.ci.richmond.va.us/forms/DowntownPlan.aspx>.
- Ryan, James. 2010. *Five Miles Away, A World Apart: One City, Two Schools, and the Story of Educational Opportunity in Modern America*. New York: Oxford University Press.
- Sarvay, John. n.d. *Buttermilk & Molasses*. http://floricane.typepad.com/buttermilk/richmonds_downtown_plan/index.html.
- Schwartz, Joseph. 2008. *The Future of Democratic Equality: Rebuilding Social Solidarity in a Fragmented America*. New York: Routledge.
- Silver, Christopher. 1984. *Twentieth Century Richmond: Politics, Planning, and Race*. Knoxville: University of Tennessee Press.
- Williamson, Thad. 2009. "Echo Chamber." *Style Weekly*, April 28.
- Young, Iris Marion. 1990. *Justice and the Politics of Difference*. Princeton, N.J.: Princeton University Press.