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A Study for the Role and Responsibility of the Government in the Community Empowerment¹ 社區營造中政府角色與責任之探討

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1. Origin and Objective

Ever since the Council for Cultural Affairs brought up the concept of Community Empowerment on Oct. 3, 1994, the Executive Yuan, Republic of China (Taiwan) has been placing the promotion of Community Empowerment policies as a priority project for country development. In addition, on February 10, 2004, it put forward the Community Empowerment Act (draft) for the review by the Legislative Yuan anticipating to research more complete mechanism of community self empowerment and civil participation and provide the standard procedure for inter-department cooperation for the items to be completed by each level of government.

During the same time, the Department of Urban Development, Taipei City Government, started to promote Neighborhood Improvement Program in 1995 and Community Planner in 1999 to encourage the participation by common people and professionals in the reformation of the environment of public spaces. It has also commissioned the Chinese Institute of Urban Design and the Graduate Institute of Building and Planning of National Taiwan University, in 2002 and 2003 respectively, to draft and amend the “Taipei Community Empowerment Self-Governing Rule (draft)” with the expectation to improve the insufficiencies of the relevant standards in promoting community empowerment.

Nonetheless, when both the central and the local government deem the legislation of community empowerment as an important job in promoting community empowerment, on the one hand it would be nice to see that that community empowerment can finally have a chance to break through the bottleneck and predicament faced by the promotion of community empowerment before through “legal protections”; on the other hand one would worry that in

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appropriate “legal restraints” would misguide the goal sought after by the promotion of community empowerment. Further, it is also a concern that the government would take the position of a manager based on the rough thinking of community autonomy..., hence this research intends to explore the role and responsibilities that should be taken up by the government in community empowerment.

2. Research Method and Review of Relevant Theories

With regard to the roles of the government in community empowerment, relevant researches can roughly be divided into two directions: One is the dualistic view of “Country vs. Society” and the other is the cooperative exploration of “Public-Private Partnership”. This research tries to take the perspective of policy analysis and explore the role the government should play through an inspection of the policy demand of community empowerment. In addition, this research makes reference to experiences abroad with the intent to determine the responsibilities to be borne by the government in the promotion of community empowerment. However, limited by the research schedule and budget, only analysis of relevant literatures would be undertaken at this stage.

The community empowerment policy demand of our government mentioned in this research is defined as “realizing the ideal of ‘civil society’ based on the spirit of ‘Communitarianism’ through ‘community empowerment’” according to the “Communitarianism” marked in the first administration plan “Taiwan Healthy Communities Six-Star Plan” upon the assuming of office by Premier Chang-Tin Hsieh in 2005 and the ultimate ideal of the promotion of community empowerment and other cultural policies of the Council for Cultural Affairs – “Civil Society”. Because lay people do not understand “Communitarianism” or “civil society” and would think that emphasis of “community” and “citizen” indicate the attention to the people, this research explores the role to be taken up by the government in community empowerment from the theoretical layer of Communitarianism and civil society.

Communitarianism

The first time the word “Communitarianism” showed up in official discussion of community empowerment was the “Taiwan Healthy Communities Six-Star Plan Promotional Program (draft)” raised by the Council of Cultural Affairs in the 2934 meeting of the Administrative Yuan on April 6, 2005 (Pao-Chi Sung, 2005). Such concept originates from the communitarianism raised by Premier Hsieh in the preliminary election within the Democratic Progressive Party for the participation in the first Taipei-Mayor election by people. The concept has three elements: “self-government”: form a community that is self-governed from the bottom to the top; “resource”: the resources of a nation shall first be distributed to the communities; “land”: preservation of the history of land and mutual memory

must be undertaken (Li-Ling Huang, 1995). The promotion of the Six-Star Plan was to promote each facet of community work following the prescribed order through the autonomous operation of the community and achieves the ultimate goal of overall development so as to achieve the core value of “communitarianism”. In another word, (1) Use community as the basic unit for the practice of government administration, stressing the objectiveness and autonomy. (2) Nurture the self-explanatory coconsciousness of a community and ability to resolve problems. (3) Nurture talents for community empowerment and stress the importance of the process of empowerment.

But in the “Research on the Taipei City Community Participation System” completed by Chang-Tai Chiu under the commission of the Research, Development and Evaluation Commission of Taipei City Government in 2001, it mentions that communitarianism would not form without the active participation of residents in the community; and community participation is a mean to form communitarianism.

However, because communitarianism was developed during the process of criticizing new liberalism and new liberalism was developed through the criticism of utilitarianism, in order to understand communitarianism, one can start from understand utilitarianism.

Early utilitarian deemed the mission of the government was to maximize the happiness among people and reduce the pain caused by the interactions among the same. However, when a government takes no action with regard to an individual’s behavior, as to those individual behaviors infringing on others, how can it “realize” the ideal of obtaining the wellbeing of the majority? Therefore, the late utilitarian was modified so that governments would no longer take no action with regard to an individual’s behavior; instead, the government had the responsibility to educate and guide. But because the modified utilitarianism allowed the sacrifice of individual or the benefit of the minority in order to realize the benefit of the majority, it initiated the doubt by the new liberalism as to how to prove the appropriateness of sacrificing minority’s benefit. As such, the new liberalism deemed the actions of the government as providing a framework in a fair society within which citizens can pursue their own value and objective without conflicting with the freedom of others. However, in the beginning of 1980s, followers of communitarianism believed that the only correct method of understand human behavior was to observe an individual from his/her background of society, culture and history. The premise of individualism in new liberalism regarding a reasonable individual’s ability to freely choose is incorrect or false. In another word, in analyzing an individual, one must first analyze the community and community relations to which he/she belongs. Further, communitarianism holds that people place absolute priority for their conception of the good. Therefore, the substantive proposition of the Communitarianism has now become ‘the political science prioritizing on the “Public Interest”, which was derived from the principle of “Being Good”. This public-interest oriented political

science has replaced the political science of the “Primacy of Rights”, which was derived from the “Justice-centered” Principle’. Hence for communitarianism, politics is an activity form that pursues the good of communities whereas a nation is such a system. Human being’s greatest good of community is to enjoy prosperity and happiness. What the constitutions and political system try to express is a determination of which life style is of the most good. As for the active rights, a nation must take active actions and bear unloading obligation to execute. (Ke-Pin Yu, 1999; Pao-Chi Sung, 2005).

Therefore, new liberalism proposes the restrictions of a national authority, which a concept of “weak state”. Yet communitarianism stresses what a nation should do, which is a concept of “strong state”. Hence even though the valuing of the promotion of community empowerment of community autonomy resolves the difficulties incurred by the government at a certain level and shares part of the government’s responsibilities, the nation (or government) should endeavor even more to devise encouragement and guidance promotion measures for communities instead of unloading the active actions it should undertake.

Theory of Civil Society

The revival of contemporary concept of “civil society” started from the criticism of totalitarian government in Poland and Eastern European countries in the 1970s, the introspection of Western European countries about welfare states, and the opposition of Latin American countries against military power. Along with the effect of globalization, the concept of civil society has gradually spread to each corner of the world. (Chin-Huang Chen, Wen-Ti Ueng, 2003)

Currently scholar’s definition of civil society is primarily divided into two categories: One is the dichotomy established on the country and society. Here civil society means the societal living territory and relevant social value and principles protected by law that is relative to a nation. Two is based on the trichotomy of nation, market and civil society. Here the civil society shall mean the societal territory interacting between a nation and families and relevant value and principles (Tseng-Ke He, 1999). However, regardless of which method of division, the common standpoint trends toward defining civil society a spontaneous territory that is relative to a nation. Therefore, generally speaking, in the academic circle, most use “civil society” as a basic unit – the middle layer in between families, enterprises and the nation – social organizations or associations and emphasize that it is relative to a nation with an autonomous nature.

Because a civil society is a spontaneous public territory, anyone can voluntarily form associations to cooperate with business enterprises or national government authorities to get involved or participate in many territories originally belong to government administrations. Therefore, civil society has also become a new model of governance. In comparison with a nation relying on its sovereignty and laws to unfold its power of influence, what a civil

society relies upon is the cohesiveness of civil awareness or community consensus.

From the perspective of civil society, a nation must defend the autonomy of its civil society. Hence at this point, emphasizing the community empowerment that nurtures or agglomerates the sense of community would be the training ground for the promotion of civil society. Through the promotion of community empowerment, the power of society (社會力) can be nurtured. When the power of society grows, it can naturally exercise its functions to monitor, control or assist the government. However, attention shall be paid to that as the power of society grows, it becomes more important as to how to set up a platform or channel to consolidate communication between and among different society power.

3. Research of Cases Abroad

The promotion of Taiwan's community empowerment work tends to study from experiences abroad. We can mend our own faults by observing the virtue of others. This research chooses advanced countries or regions: Community planning in New York City, United States, Community strategy of England and the legislation system of community empowerment of Japan as the target for study and puts in order the work content for our reference and self-examination when promoting community empowerment by public sector while trying to determine the responsibilities to be borne by the government in the promotion of community empowerment.

*Community Planning in New York City*³

(1) Genesis and Purpose of Community Planning Mechanism

As early as 1963, New York City has included community-based city planning in its City Charter by setting up Community Board system. Revisions to the Charter in 1975 introduced the Uniform Land Use Review Procedure (ULURP). The system granted Community Board members advisory authority to review and approve city planning and land use plans. Public hearing shall be held for the public to voice their opinions and Board members shall make a vote on the plan. City Planning Commission and City Council members shall take those public ideas into consideration while reviewing the Plans.

The 1975 Charter also stated that apart from city agencies, Community Board or officially recognized private organizations may initiate local planning project under Section 197-a. This kicked start the 197-a Community Plan System. Section 197-a provided Community Board and groups with the opportunities to adopt a proactive role in planning, rather than always being in the position of responding to private and public development proposals.

(2) Proposal and Review Process of Community Plans

³ The material in this section is derived mainly from Patrick, Ping-Tze Too, "Community Planning in New York City".

According to Rules for the Processing of Plans for 197-a Community Planning, only Borough President, Borough Board and Community Board are entitled to sponsor plans. Neighborhood or civic groups within the larger community may draft 197-a plans, but the plans must be approved by Community Board and submitted to the Department of City Planning (DCP).

The 9 steps involved in the review and adoption of 197-a plans are as follows:

- (a) Letter of Intent/ Plan Preparation
 - (b) Plan Submission
 - (c) Threshold Review
 - (d) Threshold Determination
 - (e) Environmental Review & Determination
 - (f) Community/ Borough Review
 - (g) City Planning Commission Substantive Review
 - (h) City Council Review
 - (i) Distribution of Adopted Plan
- (3) Assistance and Support from Planning Agency of the City

The assistance and support from planning agency of the city is based on the relationship which is community and City government have been working side by side. To quote Patrick, Ping-Tze Too, "Community Planning in New York City", "Urban designers are usually familiar with communities in charge and equipped with a deep understanding of local conditions, ...When a community initiates a plan in the early stage, urban planners generally could offer assistance, particularly the required data collection and analysis, because they are usually familiar with communities in charge and equipped with a deep understanding of local conditions. ...However, in the 197-a Community Plan framework, the plan applicant and DCP may not be partners any more. Once the plan is formally submitted to the government... Community member, including the Community Board members, basically lose confidence on the agencies because they argue that community interests may be damaged if assessed from the entire city perspective. Urban designers who are responsible for plan review may be lukewarm in support due to the possible conflicts of interest. Planning agencies may also be reluctant to offer support because they have concerns for the plan."

Community Strategy of the English Government

In order to achieve sustainable development through the vigorous local development, England demanded the local government to draft "community strategy" to improve local economy, social and environmental problems in its Local Government Act 2000. The central unit responsible for drafting the community strategy was the deputy premier's office. In the community strategy guiding principle drafted thereby for the local government not only

describes the relating coordination units for execution, target, components and drafting principles but also stresses that the participation of local government, private businesses, volunteer group and community organizations is required for the execution of the plan. Community strategy can select partners according to the subject of discussion and prepare and execute a plan through the Local Strategic Partnership, LSP. Through the Local Government Act 2000, the local administrative authorities not only can but also have to cooperate with other local groups. Through the operation of LSP, the policy concept of the government and the actual requirement of community can unite more closely, working together to enhance local living quality through employment of effective plans. (Done-Yang Liu, 2003)

Generally speaking, the execution of community strategy in England is not only policy-guided, it also establishes a platform for conversation between the public and private sectors in coordination with “system design” and “rules and regulations”, which makes the cooperation process to be more executable under the protection of law. It even set up monitoring and management system to ensure that rights of the community are not damaged and evaluate the viability of follow-up plan. Its related thoughts and conduct shall have reference value.

Community Empowerment System of the Japanese Government

The way Japanese community empowerment(まちづくり) legalization system is centered by the “Right of Autonomic in Local Government” vested by the constitutions and the “authority to make community empowerment rule” vested by local self-government law, including each community empowerment rule of actual local promotion of community empowerment extended from the framework’s legalization system (Ming-min Chiu, 2004).

For local administrative authorities, the result of legalization of the community empowerment in Japan is the provision of community empowerment rule, which can be the mean of confirming the basis of administrative guidance, the framework of administrative guidelines, self-governing of local administrative authorities and developing local industries with the effect of maintaining the persistence of policy maintenance. For local residents, the provision of community empowerment law has the function of realizing the demand of local residents, expressing the residents’ rights and obligations and, inspiring and guiding the residents. From the overall view of a nation, it possess the functions of horizontal integration of vertical administrative systems, strengthening of national system or laws, structuring the formation of national laws according to administrative guidance, reflecting local thoughts and urge the induction between central and local administrative authorities. At the same time, because community empowerment law structures a formal and open window of conversation between local administrations and local residents and such rule has legal status, it produces concrete effect for the administration and residents.

Because the community empowerment of Japan tends to use “local self-government” as the starting point, it can be deemed as a policy tool of local administrative authority, which is different from the community empowerment of residents participation commonly known and is similar to the carrying out of the “Initiative right” stipulated in the constitutions.

4. Conclusion and Recommendation

This research proceeds with analysis from the community empowerment policies and demand of our country. Through the understanding of Communitarianism and civil society, it is deemed that the country (government) shall take the role and attitude of a “strong nation” with regard to the promotion of community empowerment. This research stresses that such “strong nation” concept does not mean that the government has an arbitrary authority. Instead, it means that the government has the obligations that cannot be shift off with regard to matters to be done thereby. Further, the following conclusion and recommendation are offered:

Conclusion

- (1) Upon defining “community empowerment” as “district residents improves living environment for the purpose of enhancing their autonomy from the living perspective and undertake regional administration through participation and learning and other method of practice in order to undertake district administration/governance”, community empowerment is in fact a new attitude and method of government administration.
- (2) The government shall play a more active role in community empowerment: the community empowerment with a core concept of “Communitarianism” shall take up the role and responsibilities of a “strong nation” when facing the foreseeable strong democracy so as to respond to the long-term demand of the society.
- (3) Community empowerment is the training ground for promoting civil society. And the nation shall defend the autonomy of citizen communities.
- (4) The responsibilities to be borne by the government when promoting community empowerment:
 - (a) Undertake the standardization of relevant procedures.
 - (b) Set up a communication platform: Take the experience of New York as an example, setting up a preliminary trial mechanism for “community empowerment agreement” in order to establish the community channel between public and private sectors.
 - (c) Supporting technology and funds: With regard to funds, it should be required that the government to set a budget for the community empower agreement that has been deliberated for execution and offer the legal basis for community empowerment public welfare trust fund.
 - (d) Continue the organization of records and ensure the flow of information.
 - (e) Offer the solution for inter-department integration. For example: establish a

preliminary trial mechanism for community empower agreement, add provisions relevant to “the governing authority of municipalities directly under the jurisdiction of the central government and counties (cities) shall publish plan for execution within a certain timeframe (the preliminary suggestion would be 1 year and can be extended if necessary)” and establish the reward system for the basic level administrative staff..

Recommendation

- (1) It should be recognized that community empowerment is no longer simply construction of spaces or the improvement of living environment. Observing the experiences of Japan, one can find that community empowerment in fact emphasizes the common people’s participation in public affairs. Hence it is already a “political subject of discussion”. Administrative departments can only try to understand community empowerment as a new attitude and method of administration. Only by doing that would the common people not become the scapegoat for the slowing administrative efficiency. That way all policies and actions of administrative departments can be closer to the public opinion so as to meet the demand and expectation of the society.
- (2) It should be understood that the legalization of community empowerment is definitely not the ultimate goal of the government in promoting community empowerment. Facing the sturdily growing community power, the government shall actively strengthen its own function in order to provide further assistance and service.
- (3) The next-stage research emphasis on “community empowerment” shall not overlook the relationship between “government governance” and “citizen’s’ participation in politics” and community empowerment.

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