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Designing an Online Civic Engagement Platform: Balancing "More" vs. "Better" Participation in Complex Public Policymaking

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Designing an Online Civic Engagement Platform: Balancing “More” vs. “Better” Participation in Complex Public Policymaking

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ABSTRACT

A new form of online citizen participation in government decisionmaking has arisen in the United States (U.S.) under the Obama Administration. “Civic Participation 2.0” attempts to use Web 2.0 information and communication technologies to enable wider civic participation in government policymaking, based on three pillars of open government: transparency, participation, and collaboration. Thus far, the Administration has modeled Civic Participation 2.0 almost exclusively on a universalist/populist Web 2.0 philosophy of participation. In this model, content is created by users, who are enabled to shape the discussion and assess the value of contributions with little information or guidance from government decisionmakers. The authors suggest that this model often produces “participation” unsatisfactory to both government and citizens. The authors propose instead a model of Civic Participation 2.0 rooted in the theory and practice of democratic deliberation. In this model, the goal of civic participation is to reveal the conclusions people reach when they are informed about the issues and have the opportunity and motivation seriously to discuss them. Accordingly, the task of civic participation design is to provide the factual and policy information and the kinds of participation mechanisms that support and encourage this sort of participatory output. Based on the authors’ experience with Regulation Room, an experimental online platform for broadening effective civic participation in rulemaking (the process federal agencies use to make new regulations), the authors offer specific suggestions for how designers can strike the balance between ease of engagement and quality of engagement – and so bring new voices into public policymaking processes through participatory outputs that government decisionmakers will value.

Keywords: Deliberative Democracy, eGovernment, eParticipation, eRulemaking, Online Civic Participation, Online Policy Deliberation, Participatory Design

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INTRODUCTION

Recent years have been a fascinating period for the study of online civic engagement. The proliferation of the Internet and continuous innovation around Internet technologies and applications has made mobilizing people for political action both cheaper and more efficient. The growth of “conversational” Web 2.0 technologies has arguably lowered the barriers between the decisionmaking elites and the public. Finally, the availability of data and digitization of public records has made it easier to hold the decisionmakers accountable. Taken together, these developments carry great promise for strengthening democratic practices, particularly those rooted in the deliberative democratic theory. Deliberative democracy is “anchored in conceptions of accountability and discussion” (Chambers, 2003; p.308), both of which can be enhanced through the use of information and communication technologies (ICTs).

Over the past few years, we have witnessed the Internet, and particularly social media, being credited with formation of social movements such as Occupy Wall Street, and with enabling revolutions such as regime change in Tunisia, Egypt, and Libya (for example see discussions of that discourse in Zuckerman, 2011 and Christensen, 2011). The Internet is also credited with redefining the deliberative practices and the power relations between the government and the governed (e.g. Bertot, Jaeger & Grimes, 2010; Effing, van Hillegersberg & Huibers, 2011). These claims are typically broad in scope, casual in nature, and technology-centric. Yet, looking at the end results of numerous initiatives – particularly those aimed at engaging the public in deliberation of specific, complex, and often technocratic policy issues – the evidence on the ground suggests mixed results.

This paper explores the areas of e-participation and online deliberation of complex government policymaking in the U.S. It is based on a multi-year analysis of civic engagement on Regulation Room – an interdisciplinary design-based research project. The paper raises questions about the design of online participation and deliberation mechanisms that enable

meaningful and effective civic engagement, and offers recommendations inspired by the theory and practice of democratic deliberation.

Theoretical Background and Problem Statement

Deliberative Democracy and the Internet

Since its early roots as an opposition to such standard practices of liberal democracy as aggregation of preferences by voting and strategic interest bargaining, the theory of deliberative democracy has come of age. Initial deliberative democracy work focused primarily on answering the question of why governments might want broader public engagement in the policymaking processes and politics more generally; later, the research focus shifted towards analyzing the practice of political deliberation (Bohman, 1998). Conceptual debates continue around the fundamental idea of conceptualizing democratic decisionmaking as a process of consensus-oriented, reasoned argumentation-based deliberation among equals (e.g. Bohman, 1998; Cohen, 2003; Fishkin, 2009; Gastil, 2008), but this paper focuses primarily on the challenges of instantiating deliberative democratic theory in practice. As Bohman notes, scholars of deliberative democracy soon recognized “practical concerns of [its] feasibility” (p. 401), which involve a balancing act between the principle and the ideal given the reality of established practices and institutions.

There is, of course, no single unified vision of the practice of deliberative democracy (Dryzek, 2000), yet there are some elements that seem generally accepted. Participants must have what Dahl (1994) calls “an understanding of means and ends, of one’s interests and the expected consequences of policies for interests, not only for oneself but for all other relevant persons as well” (p. 31). This understanding is what “separates a deliberative system from an unreflective one” (Gastil, 2008). Cohen (2003) describes the “ideal deliberative procedure” (p. 346) as based upon four principles: free, reasoned, equal, and consensus driven. Freelon

(2010) talks about the deliberative model of democratic communication as focused discussion of topics of common concern, open to all members of the public, based on rational-critical argumentation, and characterized by inter-ideological questioning and reciprocity. Perhaps most famously, Fishkin (2009) characterizes the quality of the deliberation process in terms of: availability of accurate and relevant information, substantive balance or reciprocity in considering opinions, representation of major positions in the public, and equal consideration of the diverse arguments. Some of these principles of deliberative process have been empirically tested. For example, Rodriguez and McCubbins (2006) demonstrate how imposing costs on participation in deliberative process reduces the quality of the resulting decisionmaking. Fishkin's (2009) experiments around deliberative polling show that providing accurate and relevant information has a positive impact on both participants' perceptions of the deliberative process and its outcomes. Several other studies have shown that citizens' policy preferences can shift substantially when people are presented with accurate and reasonably balanced information about complex or contentious policy questions and given the time to reflect on and discuss this information (Barabas, 2004; Coleman & Gotze, 2001; Fishkin, 2009; Fronstin, 2011; Luskin, Fishkin, & Jowell, 2002; Muhlberger & Weber, 2005).

Whereas there is a growing body of evidence around the practice of democratic deliberation in physical, face-to-face settings, there is more skepticism about, and limited experience with, conducting political deliberation online (Min, 2007). One set of concerns focuses on the relative lack of social context in computer-mediated communication. Lack of social cues (Short, Williams, & Christie, 1976) and the limited affordances for exchanging emotionally complex messages (Daft & Lengel, 1984) suggest that online discussion will be less effective than face-to-face deliberation. Indeed, it may be substantially worse if online anonymity fosters deindividuation and encourages in-group/out group formation, with the consequence of

enhanced polarization of opinions and attitudes (Sunstein 2001). In a controlled comparison of face-to-face and online deliberation involving a relatively small number of communications students, Min (2007) found that both online and face-to-face deliberations had positive impact on the participants' issue knowledge, political efficacy, and willingness to participate in politics, although the online effect of the latter was somewhat smaller. More heated discussion and some strengthening of pre-existing opinions was, however, observed. Examining collaborative editing in Wikipedia, Klemp and Forcehimes (2010) argue that design (here, the wiki model) can mitigate group polarization problems.

Another layer of complexity has to do with computer literacy as a necessary, but not sufficient, requirement for effective online engagement. Knowing how to operate the technology and how to engage in online conversations can be viewed as an additional barrier to participation or as an additional cost (Epstein, Newhart, & Vernon, 2013). There is apparent consensus that the "digital divide" reinforces existing disparities in political participation both on the level of a single engagement (e.g. Min, 2007) and on the macro-societal level (e.g. Norris, 2001). Although the U.S. enjoys one of the highest Internet penetration rates in the world, access is not universal and its quality varies among geographical areas and socioeconomic strata (Cohen, 2008; Zickuhr & Smith, 2012). There are also documented disparities in skills and people's ability to engage politically online in an effective fashion. These disparities tend to mirror socioeconomic as well as political demarcations of the physical world (Hargittai, 2010; Norris, 2001; Sipior & Ward, 2012).

Despite the limited and inconsistent research about the qualities and results of political deliberation online, there is growing practical interest in leveraging the Internet for broader public engagement in governmental processes, particularly policymaking. This trend requires additional research that looks explicitly into how deliberative practices can be carried out online.

Competing Models of Civic Participation 2.0

The U.S. election of Barack Obama as President in 2008 marked a significant change in perceptions about the link between information technology and civic engagement. On the heels of the Obama campaign's innovative use of social media for fundraising and grassroots organizing in 2008, the presidential transition team launched Change.gov. This site allowed ordinary citizens to recommend and vote on policy goals for the new Administration. One of the President's first acts in office was to issue a Memorandum on Open Government. It directed federal agencies to use Web 2.0 information and communication technologies (ICTs) to increase transparency, participation and collaboration (Obama, 2009). A three-phase national online Open Government Dialogue invited people to brainstorm and curate ideas for open government, and then to discuss some of these ideas in more depth and to collaboratively draft final proposals. Following this Dialogue, the White House issued an Open Government Directive. This directive detailed agencies' responsibilities to create open government plans, identify flagship initiative projects, and otherwise move rapidly to employ Web 2.0 ICTs to increase civic participation opportunities (Orszag, 2009). Within a remarkably short time, almost every agency had its own instance of the IdeaScale brainstorming tool used in the Open Government Dialogue. Although the initial idea was to continue public input on open government measures in an agency-specific way, the tool was interpreted and used by the public as an opportunity for anyone to make, comment on, and judge suggestions for agency operations. Following the lead of the White House, many agencies also started blogs, Facebook pages and Twitter feeds. Signaling that popular social media were becoming the new venue for broad-scale political engagement, the President held Facebook, Twitter and LinkedIn town halls, gave an exclusive YouTube interview, and did a hang-out on Google Plus. Most recently, the White House has set up We The People, an online petition platform intended, in the site's words,

“to give all Americans a way to engage their government on the issues that matter to them.”

Although there is no formal “model” of Civic participation 2.0, the efforts of Obama Administration to engage with citizens online seem to rely on two characteristics. The first is an *assumption of universalism*. Online, it is assumed, anyone – regardless of age, citizenship, or other status – can make a suggestion on Ideascale, comment on an agency blog or YouTube video, pose a question to the President or a Cabinet Secretary during a Facebook or Twitter town hall, or instigate or sign a petition on We The People. If registration is required, it typically demands only an email address (and sometimes merely establishing a username and password). Moreover, some forms of participation – e.g., voting ideas up or down – may not require even this minimal commitment prior to voicing one's preferences.

The second characteristic is a radically *populist embrace of the Web 2.0 ethos* that content is created and curated by the community of users with minimal investment in curation and organization. “Knowledge,” the President says, “is widely dispersed in society and public officials benefit from having access to that dispersed knowledge” and hence to “collective expertise and wisdom” (Obama, 2009). Because the goal of participatory opportunities is enabling the collective intelligence of citizens to emerge, the participation mechanisms chosen emphasize the flow of knowledge in one direction: from citizen users to government. Barriers to participation are low; users are enabled to set the agenda of discussion and freely contribute and judge content (Noveck, 2009). In terms of deliberative democracy theory, what assumed is that informed, rational, and open-minded discussion will organically evolve without any further assistance.

In a nation with a strong civic culture of informed citizen participation in government and nearly universal access to the Internet, this universalist/populist conception of Civic Participation 2.0 could be celebrated as perfecting traditional, more constrained democratic practices in the U.S. Unfortunately, this has not been the case. Americans' lack of knowledge about

the structures and operations of their government, as well as the facts and factors relevant to public policy issues and regulatory programs, is discouragingly well established (Kuklinski, Quirk, Jerit, Schweider, & Rich, 2000; Somin, 2004). Unsurprisingly, this civic knowledge deficit undermines one basic assumption of deliberative democracy—informed engagement.

When a universalist/populist conception of Civic Participation 2.0 is implemented in a society with generally low levels of civic knowledge and few norms about the responsibilities of democratic participation, problems are predictable—and have been observed in several of the engagement opportunities just described. Among the most popular ideas in the Open Government Dialogue were releasing the President's birth certificate, legalizing marijuana, and releasing information about UFOs ("The rise of gov 2.0", 2009). Proponents rallied others to vote-up these topics, and soon other participants complained that good ideas were being lost to discussion for lack of votes ("Buzz of the week", 2009). Similarly, after several months of experience with Ideascale, some agencies abandoned the platform because the value of suggestions received did not justify the resources required to cull and respond to users' posts.² Most recently, We the People has replayed some of the Open Government Dialogue experience: The most popular petitions again have called for legalization of marijuana, and other top 10 topics included abolishing the air travel security agency, the Transportation Safety Administration, and directing the Patent Office no longer to issue software patents (Bonnemann, 2011).

The point is not that nothing useful has come from these participation ventures,³ but rather that the valuable submissions are needles that must be located in some very large haystacks. The burden on government officials to winnow submissions and acknowledge even dubious ones is matched by frustration on the part of participants, who perceive boilerplate responses and little responsive government action.⁴ For this reason, developing a conception of Civic Participation 2.0 based on a set of alternative assumption seems essential. This

conception must remain genuinely committed to broadening citizens' engagement with their government. Equally important, though, it must recognize and proactively respond to the fact that many people do not come to civic participation opportunities with the capacity and motivation to engage immediately in productive civic discourse (Cuéllar, 2005). And an important goal must be increasing the ratio of participation value to volume, not only to conserve scarce government resources but also to avoid breeding citizen cynicism when government invites participation that it apparently does not take seriously (Stanley & Weare, 2004).

For these reasons, carefully planned opportunities for participants to acquire and consider relevant factual and policy information are integral to successful deliberative engagement. (Fishkin, 2009). The desired participatory outputs are far more than the aggregation of individuals' pre-existing preferences. (Farina, Miller, Newhart, Cardie & Cosley, 2011). Rather, participants are expected to be ethical and moral agents who can reflect and collaborate; therefore, they must be offered the time and the means to consider the range of values and interests at stake (Rosenberg, 2007). The participatory process must be structured to uncover the conclusions citizens reach when they are informed about the issues and have the opportunity and motivation to seriously discuss them with others of like and different views (Kahane, 2010).

Therefore, the questions are: (a) What contextual factors should guide the choice of online participation mechanisms for engaging citizens in policymaking processes (like those used to create new health, safety, economic or social regulations) that are expected to reach policy outcomes based not merely on political commitments and public opinion, but on collection and analysis of large amounts of information, reasoned consideration of policy goals and options, and deliberative balancing of multiple interrelated interests and values.? And (b) Can common Web 2.0 tools and techniques be employed or modified to yield civic participation of value to these processes?

Project Description and Research Design

The Regulation Room Project

Regulation Room is a multidisciplinary research project that, since 2010, has been exploring the use of Web 2.0 ICTs and human facilitative moderation to broaden online civic engagement in rulemaking. It brings together researchers in law, communications, computing and information science, and conflict resolution. The project's core is a website, Regulation Room.org, designed and operated by CeRI, the cross-disciplinary Cornell eRulemaking Initiative. So far, five rulemakings have been completed on the site in collaboration with the Department of Transportation (DOT) and the Consumer Finance Protection Bureau (CFPB). DOT selected Regulation Room for its open government "flagship initiative" project and the project has received a White House Open Government Leading Practices award.

Regulation Room initially focused on the participation context of rulemaking for two reasons. First, over the last fifty years, rulemaking has become one of the U.S. government's most important methods of making public policy. State and even local governments increasingly use the process, and it has inspired some European Union policymaking processes. Second, strong transparency and participation rights are already legally mandated. In the typical rulemaking, the originating agency must give the public notice of what is it proposing and why (this is the "Notice of Proposed Rulemaking," or "NPRM"). The agency must then allow time, typically 60-120 days, during which anyone may comment. By law, the agency must consider every comment. If it decides to adopt the proposed regulation, it must demonstrate this consideration in a written statement that responds to relevant questions, criticisms, arguments and suggestions (Lubbers, 2006). In this process, a single comment can change the course of the final decision.

Expanding rulemaking participation has been a federal e-government priority for nearly

20 years, because historically there has been a sharp disjunction between formal rights to participate, which are universal, and actual participation, which in practice has been limited to sophisticated and experienced stakeholders (e.g., large corporations; professional and trade associations; national public interest groups) (Kerwin, 2003). However, simply making rule-making documents available on the Internet and allowing online comment submission have not achieved this goal (Balla & Daniels, 2007; Coglianesi, 2006). Participation has numerically increased, sometimes dramatically, but it has often taken the form of "e-postcard" campaigns launched by advocacy groups, which produce tens of thousands of short, conclusory duplicate, or near duplicate, comments (Shulman, 2009). Because rulemaking is a technocratically rational policymaking process, public comments that simply express outcome preferences or sentiment, without more, have little value (Farina, Heidt, & Newhart, 2012).

Methodological Framework

As a research project living on the border between theoretically driven inquiry and live policymaking processes, Regulation Room has been inspired by the design-based research paradigm. Wang and Hannafin (2005) characterize design-based research as a systematic but flexible methodology that uses "iterative analysis, design, development, and implementation, based on collaboration among researchers and practitioners in real-world settings, and leading to contextually-sensitive design principles and theories" (p. 6). As such, each iteration of the platform's participatory features and each modification of the facilitative moderation protocol are based in theory but at the same time influenced by the data collected and the experiences recorded in the preceding engagement hosted by the project. This iterative process has yielded a core of design decisions and operating protocols which serve as a basis upon which we continue to experiment and ask new questions.

Reimann (2011) describes design-based research as "an inter-disciplinary mixed-method

research approach conducted ‘in the field’ that serves applied and theory-building purposes” (p. 37). To that end, we employ a series of tools ranging from web-analytics, to surveys, to on-line ethnographies with a core of tools that we carry over from one engagement to another (e.g. a short survey at registration) and continuous exploration of additional tools (e.g. A/B testing on the site). We also constantly train and debrief facilitative moderators, who are acting as both an “instrument” and a source of data in the design-based setup of Regulation Room. By holding the platform and the facilitation protocols constant during each engagement, we are able to conduct systematic retrospective analysis after each engagement (see Reinmann, 2011 for additional details on conducting design-based studies).

In our earlier writing, we reported on our empirical work around the various aspects of online public engagement on the Regulation Room platform, such as outreach, patterns of participation, and alternative ways of assessing the value of public participation (Farina, Miller et al., 2011; Farina, Newhart et al., 2011; Farina, Epstein et al., 2012; Farina, Heidt, & Newhart, 2012). This paper is different. It does not report on results of a theory-testing experiment or an applied evaluation study. Instead, it is a meta-review of the work we have conducted so far. This paper offers lessons derived from systematic experimentation with operationalizing principles of deliberative democracy in the context of online public engagement in real-life policymaking activities. These lessons, while context-specific, aspire to inform both the practice of and the theoretical discussion about deliberative democracy beyond the specific cases or the particular online platform.

Designing Civic Participation 2.0 as Democratic Deliberation

Since 2010, 1,544 individuals participated in various forms in the five separate rulemaking engagements hosted on the Regulation Room platform; 609 have actively engaged in deliberation generating a total of 1,537 comments.

The vast majority of participants (up to 98% in some rules) reported never having taken part in a rulemaking before. In the process of running these online public engagements, we observed three principal hurdles that inhibit broader effective, in deliberative democracy terms, civic engagement in rulemaking:

1. Many individuals and groups do not know when rulemakings that affect them are going on, or understand why they ought to participate (which speaks to the notion of having a free, informed, and accessible deliberation);
2. The volume and the linguistic, technical and legal complexity of the NPRM and other documents supplied by the agency to explain its proposal vastly exceeds what many would-be participants can or will read and comprehend (which can be interpreted as hindering both the openness of the deliberative process and the ability of informed participation); and
3. Most inexperienced participants do not realize that the outcome is not determined by majority preferences, but rather by analysis of relevant factual information and policy arguments (which speaks to the notion of rational-critical argumentation and deliberation among equals).

Lowering these three hurdles is essential to enabling effective participation according to deliberative democracy theory. Formal openness of the participatory channels is a necessary but not sufficient condition of free, open, and inclusive participation. To engage in reasoned, equal, and reciprocal deliberation, novice participants need to have a better understanding of the decisionmaking process, as well as guidance to help them articulate their knowledge in a way that is accessible to both experienced participants and the decisionmakers (Coglianese, 2007; Cuéllar, 2005; Stanley & Weare, 2004).

In practice, addressing these hurdles requires determining: Who are the likely participants and what information do they need to

engage as equals in a particular deliberation? How can complex policy information be made accessible, thus enabling informed participation? What online participation mechanism help facilitate deliberative, rather than voting and bargaining, behaviors? What moderation techniques facilitate a rational and reciprocal interchange, rather than mere expression of sentiment or polarizing confrontations? In offering answers to these questions, we will discuss the core design and moderation principles that have evolved through the iterative, design-based research on Regulation Room.

Who Are the Likely Participants?

Civic Participation 2.0 designers must face an uncomfortable truth long recognized in the democratic deliberation literature: Getting informed, thoughtful citizen engagement often means trading *more* participation for *better* participation. Opportunities to enter into such engagement must be broadly available. But, at least under current conditions of civic culture in the U.S., making it quick and easy for everyone to contribute whatever they want will yield a large amount of “empty speeches and reckless voting” – i.e., participation that is costly for government officials to winnow and of dubious soundness for them to use in policymaking.

It seems axiomatic that successful online civic participation design begins by focusing on the nature and likely needs of the participants, and the goals of the specific participatory context. Yet, the Administration’s citizen engagement efforts have generally followed a strategy of broadly deploying fairly straightforward Web 2.0 applications in a standardized form, with no contextual customization. This approach is consistent with a universalist/populist conception of Civic Participation 2.0: Government’s task is to provide simple, clear channels for anyone to convey his/her contribution to government officials. But participating in the process of forming public policy and setting priorities for government action is not like rating movies, reviewing consumer products, or posting answers to home repair problems. Failure to consider what information the likely participants need to

know to make useful contributions, and to tailor participation opportunities accordingly, can result in outcomes that satisfy neither government policymakers nor those who participated.

Based on historical patterns of participation in rulemaking and our Regulation Room experience, Table 1 suggests a typology of potential participants. It extends previous work (Cuéllar, 2005; Stanley & Weare, 2004) by also identifying and assessing a set of capabilities relevant to effective participation. This typology is framed specifically around rulemaking, but with relatively minimal modification could be the basis for a similar assessment in other complex policymaking contexts such as planning, budget-building, and so forth.

Table 1 of course oversimplifies but it highlights, on dimensions directly relevant to participation designers, the key fact that potential participants are not similarly situated. Several types of knowledge (e.g., substance, process, context) are needed for effective participation, and these types are not equally distributed across the range of individuals/groups who might participate (see Gudowsky & Bechtold, 2013). In particular, if an important open government goal is getting meaningful participation from those historically underrepresented in the process – e.g., “missing stakeholders” – then providing ways to remediate the various predictable knowledge gaps becomes a design imperative if democratic deliberation is to occur.

Table 1 also highlights that the ability to participate effectively can depend on the nature of the specific policy proposal. Although making new health, safety, social or economic regulations is characteristically very information-intensive, there are nonetheless substantial variations in the amount and complexity of information participants *need* to comment meaningfully on issues of importance to them. Some examples from actual rulemakings⁵ can illustrate this:

1. **Low Information Needs:** In a rulemaking to require manufacturers of virtually silent electric vehicles to add a sound that would alert bikers and pedestrians to their approach, the information requirements for

Table 1. Types of potential rulemaking (RM) participants & their likely capabilities

| | Sophisticated stakeholders | Missing Stakeholders | Unaffiliated Experts | Interested Members of the Public |
|---|--|---|--|---|
| Who they are | Directly affected by proposed rule (either because their conduct would be regulated or because they would directly benefit); experienced in interacting with the agency in RM and other contexts | Directly affected by proposed rule (either because their conduct would be regulated or because they would directly benefit); do not participate in RM or other agency policy interactions | Scientific, technical or other professionals who are not direct stakeholders, and not employed or retained by a stakeholder in this matter | Individuals who self-identify as interested in the proposal, but are not in the previous groups |
| Examples | Trade association of large commercial trucking companies | Independent commercial motor vehicle owners/operators | Researchers on driving fatigue or traffic accident prediction models | Members of the driving public |
| Awareness of relevant ongoing rulemakings | High | Typically, low | Typically low, but might vary with field and particular rule | Possibly general awareness in highly politically salient RM; otherwise, low to nonexistent |
| Understanding of RM process and larger regulatory environment | High; often “repeat players” | May have patchy knowledge of regulations that immediately affect them; unlikely to understand RM process or larger regulatory environment | Hard to predict; likely dependent on field and particular rule | Low to nonexistent |
| Ability to comprehend meaning and implications of agency’s proposal <i>without help</i> | High; often have staff that specialize in regulation; likely to have in-house or hired legal and technical experts | Low on deciphering NPRM and supporting cost/benefit projections | High for parts directly relevant to their expertise | Very low on deciphering NRPM and supporting cost/benefit projections |
| Ability to produce effective comments <i>without help</i> | High (already have access to the required help) | Low; likely to have relevant situated knowledge but communication is impeded by lack of knowledge of RM process or larger regulatory context | Likely high for parts relevant to their expertise | Very low |

effective participation were low: Participants needed to be able to hear the proposed sounds, and could then be guided by their existing life experience and preferences to answer agency questions about volume, duration, variance with vehicle speed, and similar aspects of creating an effective, but not overly intrusive, signal.

2. **High Information Needs:** By contrast, in a rulemaking proposing to require air travel websites and airport check-in kiosks to be accessible to travelers with physical and other disabilities, the information requirements were fairly high. Participants needed to know what specific accessibility standards the agency was considering, when and how it proposed to phase-in

implementation, and what methods would be used to verify compliance.

3. **Mid-level Information Needs:** A mid-level example comes from a rulemaking proposing that commercial motor vehicles be retrofitted with electronic devices (EOBRs) to monitor operators’ driving and resting time. Information about EOBRs, and the fairly complex “hours of service” regulations they are supposed to enforce, was widespread in the trucking community – even among the small businesses that make up 99% of affected companies and were the “missing stakeholders” whose participation was especially sought. What these participants additionally needed to know was: who would be affected, when

compliance would be required, and how violations would be punished.

4. Note that the last example illustrates the important point that information needs often vary with type of participant: For members of the driving public interested in this rulemaking for highway safety reasons, the information needs would have been relatively high. Understanding and engaging the comments of affected truckers required at least some familiarity with the underlying “hours of service” regulations.

Again, although these examples are drawn from rulemaking, we believe the heuristic of a gradient from low information needs to high information needs can be usefully applied in participation design for other public policymaking contexts.

Building from the Practices on Face-To-Face Deliberation Design

In the next several sections, we describe online adaptations of three key aspects of in-the-room deliberative design:

1. **Providing Substantive Information:** In the offline context, deliberative democracy designers use a variety of methods – pamphlets or briefing books, videos, panels of experts, etc. – to provide participants with reasonably accurate and balanced substantive information about the policy issues to be discussed (Fishkin, 2009).
2. **Selection of Participation Methods:** In addition, they structure participation opportunities so that people have time for attention and reflection (Gastil, 2008).
3. **The Role of Facilitation:** A trained facilitator mentors the participants in effective deliberative engagement, helping them create and maintain the conditions in which individuals can meaningfully participate and productive group discussions can occur (Coleman & Gotze, 2001; Kaner, Lind, Toldi, Fisk, & Berger, 2007).

These three design elements further several deliberative democracy objectives: increasing participatory equality by narrowing the gap between layperson and expert, and between individuals of different educational attainments and participatory skills; enabling participants to exercise genuine considered judgment rather than contributing merely “top of the head” reactions; enhancing tolerance for other interests and perspectives; and increasing participants’ sense of political efficacy (Dryzek, 2000; Fishkin, 2009).

We offer specific techniques for accomplishing these objectives in an online deliberative setting.

Providing Substantive Information: How Can We Make Complex Policy Information More Accessible?

In many policymaking contexts where government seeks public comment, the problem is not lack of information per se, but rather information provided in a “one size fits all” package. The rulemakings offered on Regulation Room are intentionally not ones involving a high degree of scientific, technical or economic intricacy. Even so, the NPRMs and supporting analyses that the agency makes public to explain its proposal typically total the length of a small novel. Based on standard readability analysis, these documents are written at a graduate school level. This kind of information challenge is not unique to rulemaking. An agency approached us about obtaining public participation in revising its strategic plan to create an updated, plain-language “living” document; it pointed us to the current version that was 80 pages long.

Many elements contribute to the length and complexity of government policy documents, including: legal requirements; efforts to fend off potential criticism from courts or political overseers; intrinsic difficulty of subject matter; habituation to using jargon; failure to consider the knowledge and capacities of readers; and just plain poor writing. But whatever the reasons, the result is that “one size” public information about government policymaking often fits only

a few: sophisticated stakeholders and, in their areas of competence, unaffiliated experts.

Participation designers can broaden the availability of information through the techniques of triage, translation and layering.

Triage. Information triage is a conscious effort to identify, and then foreground, the information in the specific policy context that is most likely to be needed by participants who cannot, or will not, obtain this information directly from the agency documents. Triage is guided by analyzing the fundamental questions set out in the previous section: Who are the likely participants? What information within the mass of official documents do these participants need to know to participate effectively? In general, less triage will be required when the level of needed information is low (on the gradient described in the previous subsection).

On Regulation Room, for example, triage is done with the help of the students who will then moderate the discussion. After the “need-to-know” information is identified from the NPRM and other agency materials, it is segmented into thematic units – typically, 6-10 “issue posts” – of manageable length. (See Figure 1).

The topic most likely to interest most participants generally appears as the first post. Neither the segmentation nor order of topics necessarily matches the way the agency originally organized the information. This is because triage must occur *from the perspective of someone outside the agency*: If the hoped-for participants include “missing stakeholders” or interested members of the public, the result must “make sense” to those who are not immersed in the particular proposal or the larger regulatory environment.

Because Regulation Room targets these types of participants, the steady evolution of our triage practice has been towards more and more selective inclusion, in the issue posts, of content from the primary agency documents. This preference for less text is, of course, in line with basic web design principles (Krug, 2006). The countervailing pressure in the civic engagement context is concern that all information that appears to be relevant to government decisionmakers ought to be available to citizen

participants. Again, a balance is required. Our iterative analysis of the Regulation Room engagement suggest that the best approach is fairly aggressive information triage accompanied by the extensive information layering described below.

Translation. Unless only sophisticated stakeholders and unaffiliated experts are likely to participate, information translation is essential. The term “translation” is apt because the vocabulary, usage and even syntax of the agency documents can impede comprehension by “missing stakeholders” and interested members of the public (Tiersma, 2000a; Tiersma, 2000b). The drafting of Regulation Room issue posts therefore emphasizes relatively simple vocabulary and sentence structure.

Layering. Information layering is the practice of purposefully deploying linking and other Web 2.0 functionality to provide content in a way that allows users, at *their individual choice*, to get deeper or broader information – or, conversely, to find help greater than what triage and translation has already provided.

On Regulation Room, for example, deeper and broader information is offered in several ways. Issue posts contain links to the relevant sections of the primary documents (e.g., “Read what [the agency] said” and “Read the text of the proposed rule.”) Textual references to statutes or other regulations, and to research studies or other data, are linked to those sources. References to federal or private entities are linked to the most relevant section of their websites. For participants needing additional help, a mouse-over glossary defines acronyms and terms that might be unfamiliar. Also, links may give users access to other pages on the site that offer brief explanations of regulatory background or other relevant topics (e.g., an explanation of the “hours of service” regulations underlying the EOBR rule for the benefit of members of the driving public – an explanation unnecessary for even the smallest trucking operators).

Through information layering, *all* content in the primary agency documents is available on Regulation Room. But it is structured to give participants control, in a form less likely

Figure 1. Screenshot of rule home page, regulation room version 4, highlighting issue post titles

Regulation Room Learn More About FAQ Search My Profile Like 152 Login Register beta

CURRENT RULE

ELECTRONIC ON-BOARD RECORDERS

The Federal Motor Carrier Safety Administration (FMCSA) is proposing to require that electronic on board recorders (EOBRs) be used instead of paper logs for recording commercial motor vehicle (CMV) drivers' hours of service (HOS). All long haul operations and some short haul operations would be affected. Carriers would have 3 years to comply. Also, proposed new standards would make clearer what supporting documents ...

The Issues:

- Who would have to use an EOBR? (158)
- What about privacy concerns? (49)
- What will this cost? (84)
- What about supporting documents? (17)
- Would penalties/enforcement change? (31)
- When would it take effect? (7)
- Expert Discussion (2)

WHAT'S HAPPENING NOW

Announcements Recent Comments Recommended Comments

The fact that some drivers have grown to appreciate some of the benefits EOBRs have to offer has nothing to do with whether or not the should be mandated in every truck. Every driver in the country...
vganster

There is no definitive method of determining who is a long haul or short haul carrier. Any method used will cause carriers to get on the non EOBR required side. Some might consider this a loophole but [...]
patrick

You just sent a question that stated that six months is all that is needed to put the black box in all the trucks. Theirs primarily only one company that are making this black box, there are roughly 2. [...]
truckng

Like I said love using it and could not be without it now. The simple fact that everything you change status you are not reaching for a log book. It figures your hours automatically, you just have to do [...]
gridbarnes

At this point in the process, the focus is on making sure the summary includes everything that was raised in the comments on the different posts. This is not the time to raise new points or re-hash of [...]
Moderator

more...

LEARN MORE

- How Does RULEMAKING Work?
- How Does EFFECTIVE COMMENTING Work?
- How Does THE SITE Work?

WHAT IS REGULATION ROOM?

A pilot open government project to improve public participation in rulemaking.

- Watch a video about Regulation Room [1:05]
- Learn about the project

PAST RULES

- AIRLINE PASSENGER RIGHTS - Closed 9.23.10
- TEXTING - Closed 1.1.10vvvv ttvt t
- TIRE EFFICIENCY - Closed 12.13.09

to overwhelm novices or to distract the more knowledgeable user.

The responsibility of the information preparer. The practices of information triage and translation might be considered objectionable because of the power they give the designer: Through them, the designer frames participants' understanding of the issues and determines, at least to some degree, the knowledge they then bring to the discussion. Information layering ameliorates this concern somewhat, but not entirely.

The concern is valid. However, there are no "neutral" participation design alternatives. Presenting only the one-size-fits-all agency documents is the informational equivalent of forbidding rich and poor alike from sleeping under bridges: formal equality masking deep inequities. If, at the other extreme, a participation system omits any meaningful information-imparting component, the design signals to users that their comments matter in the policymaking process without regard to the degree of knowledge or thoughtfulness exhibited. Such a signal

is patently misleading: Rulemakers and other government policymakers do not give equal weight to informed and uninformed comment – and the rest of us would not want them to.

If, then, participation designers cannot escape the responsibility that comes with the power over whether and how information is presented to participants, the open and deliberate practices of triage, translation and layering seem the best accommodation of effectiveness, transparency, and conscientious awareness on the part of the designer.

Section of Participation Methods: What Online Participation Mechanisms Encourage (Or Discourage) Deliberative Behavior?

Purposeful selection of the mechanisms through which users are enabled to participate can support efforts to develop and mentor effective deliberation. Conversely, reflexive inclusion of certain popular Web 2.0 functionalities can

undermine those efforts. Here we focus on registration requirements; targeted commenting capability; and voting, rating and ranking mechanisms.

Discouraging drive-through participation with registration requirements. Deliberative democracy practitioners recognize that providing participants with time – to review information, to reflect, to listen to the contribution of others, to discuss – is a crucial part of designing successful offline civic engagement (Gudowsky & Bechtold, 2013). In our experience, one of the greatest challenges in designing for online civic engagement is acculturating users to take some time for attention and reflection before commenting. We believe this acculturation process begins with requiring registration.

Here, the trade-off between *more* participation and *better* participation must be faced, because registration requirements will deter some people (Preece, 2001). It has become increasingly common for websites to require a minimal registration (username and password) in order to add comments. On Regulation Room, we typically also require a working email address (which we hold confidential from even the agency, unless the participant chooses to make it public on her profile page),⁶ as well as answers to one question about prior participation in rulemaking and another about the nature of the participant's interest in the current rule (e.g., commercial motor vehicle operator, equipment manufacturer, member of the driving public, researcher or other expert). The prior experience question lets us assess the success of outreach efforts to bring in historically underrepresented interests. Although the interest question doubtless deters some potential participants, its value is high: It provides important context for the comments in the report we submit to the agency at the end of the comment period (e.g., "A small trucking company owner is concerned that the agency overestimates savings from reduced clerical time; his company and others he knows require drivers to perform these tasks on their own time.")

We believe that, so long as pseudonymous usernames are permitted (and personally identifying information such as email address not

revealed), it is reasonable to expect participants to complete registration: If this activity is perceived as too time-consuming and burdensome, then the likelihood is low that the individual is prepared thoughtfully to engage the issues for discussion. Those with a different participation philosophy are likely strenuously to disagree,⁷ insisting that at least one participation mechanisms should be available without the barrier of registration. Initially, for example, the Open Government Dialogue was designed so users could vote on ideas (thus changing their ranking) without registering. However, when multiple voting per user was observed as part of a strategy for voting up certain ideas that the organizers considered off-topic, this was changed (Strother, 2009; Trudeau, 2009). The decision to use of registration requirements to deter gaming in connection with voting or rating mechanisms is discussed further below.

Focusing attention through "targeted commenting." When public comment is sought on a specific, fairly detailed policy proposal, the standard blog format (in which a comment box appears below the text of the entire post) has significant disadvantages. Unless the post text is short and devoted to only a single issue or question, this format encourages global, unfocused, and conclusory comments. Moreover, the comment stream can become quickly chaotic as users focus, in no particular order, on various segments of the post.

As a key element in fostering a site culture of deliberative participation, the Regulation Room design requires participants to attach their comments to a specific section of the issue post. Each section contains information about a single idea or cluster of ideas. The targeted commenting application we use, Digress.it, places the comment stream alongside the post text, with page width being divided roughly equally between the two. There are applications that open a comment space below the selected section,⁸ but we prefer a side-by-side layout because it is easier for users to review all the existing comment threads for that section.

In addition to encouraging focused reaction and discussion when the issues are multiple or fairly complex, targeted commenting can

crowdsource content organization, to the benefit of both participants and government decision-makers. Experimentation taught us that users are more likely to attach their comments to substantively appropriate locations *throughout* the post (rather than disproportionately to the immediately available first section) if we provide a linked section index at the beginning of the post (see Figure 2). Substantively appropriate initial placement of comments is important not only for efficiency but also because threaded comment functionality should be included to encourage interchange among participants. Once a thread has developed around a wrongly placed comment, relocating it is difficult without disrupting the flow of the comment stream and upsetting participants whose comments seem to have “disappeared.”

The risks of enabling voting, rating, and ranking. Mechanisms that enable users to curate content (e.g., star ratings; sliding scales; thumbs up/down; rating-determined content ranking) are ubiquitous on contemporary websites. They instantiate the Web 2.0 philosophy of facilitating collective intelligence to emerge, and they are popular forms of simple, low-effort engagement.

For example, the Open Government Dialogue announced a strong commitment to crowdsourcing: “Our attitude is that any idea, respectfully presented, is a legitimate contribution to the site. Whether or not it is relevant to the discussion is for you to decide, which you can do by voting ideas up or down” (Quoted in Sifry, 2009). This was applauded as “the proper social media mindset” (Spring Creek, 2009). But when the site was flooded with participation by advocates of single-issue ideas perceived to be off-topic, the organizers were forced, first, to appeal to other users to vote down this material and, then, to remove duplicative, off-topic content. Unsurprisingly, this generated criticism from “birthers” (those advocating revelation of Obama’s birth certificate) and other participants whose content was affected.⁹ Ultimately, contrary to what the participation design implied, participants’ voting was not determinative in selecting ideas

that moved on to the next stage. This prompted still more criticism from participants who had voted for highly ranked ideas not selected for further discussion.¹⁰

This experience underscores the fundamental differences between the role of participants in public policy discussions addressed to government decisionmakers, versus in other social media settings. When government policymakers seek public comment, the parameters of “relevant” discussion are set by legal, institutional, budgetary and/or political factors *external to the user community*. Comments that are off-topic, as measured by these parameters, will be ignored – regardless of what participants think the agenda for discussion ought be. Similarly, unless the official decisionmaking process is purely majoritarian, the number of votes an idea receives will matter far less than whether it is supported by credible facts, reasonable arguments, and thoughtful acknowledgement of competing values and interests. Unless participants understand this decisional principle, inviting them to curate the quality of others’ contributions is at best futile – and at worst invites gaming that distracts from the real task at hand.

All this suggests that voting, rating and ranking should be included as participation mechanisms only when inclusion can be affirmatively justified within the deliberative democracy conception of Civic Participation 2.0. Here are some examples:

1. *When the nature of the particular policy problem makes even low-information, reactive participation useful:* Although this is fairly unusual, such situations do occur. The electric vehicle noise rulemaking is a good example. Enabling users to vote for, or rank, the sound options yields information useful to rulewriters, particularly if design also nudges brief reason-giving. Because this example does not involve the sort of highly contentious regulatory issue likely to induce gaming, increasing participation by allowing participants to vote or rank their

Figure 2. Screenshot of issue post page, regulation room version 4, showing targeted commenting

The screenshot displays the Regulation Room interface. At the top, there is a navigation bar with 'Regulation Room' and links for 'Learn More', 'About', 'FAQ', and 'Search'. A user profile section shows 'My Profile' and social media icons for Facebook (152 likes), Twitter, and LinkedIn, along with 'Login' and 'Register' buttons. Below the navigation, there are tabs for 'Issues', 'Agency Documents', 'Draft Summary', and 'Final Summary'. A list of issues is shown, including 'Who would have to use an EOBR?' (158), 'What about privacy concerns?' (49), 'What will this cost?' (84), and 'What about supporting documents?' (17). The main content area features an 'AGENCY PROPOSAL' by Regulation Room based on the NPRM. The proposal title is 'Who would have to use an EOBR?' with 158 comments and a 'SHARE' button. Below the title, there are links for 'RODS to EOBRs', 'Bulk HazMat carriers', and 'EOBRs for all?'. The proposal text discusses the Federal Motor Carrier Safety Administration (FMCSA) adopting a new regulation requiring motor carriers with significant violations of the Hours of Service (HOS) rules to install and use Electronic On-Board Recorders (EOBRs). It mentions that many people and groups who commented on that regulation wanted FMCSA to require EOBRs more broadly. The text is divided into sections: 'Short haul carriers', 'Bulk HazMat carriers', and 'trucking'. Each section has a 'SHARE' button and a 'REPLY' button. On the right side, there is a 'PEOPLE'S COMMENTS' section with a search bar and a 'SUBMIT COMMENT' button. Below this, there are three comments from users, each with an 'ENDORSE' button, a 'SHARE' button, and a 'REPLY' button. The comments discuss the financial impact of the regulation on the trucking industry and the burden on shippers and receivers.

preferences without registration seems a reasonable risk to take.

2. *As an achievement-oriented commitment device.* Carefully designed voting might be used to lead participants into deeper engagement by exploiting the behavioral tendency to stick with an activity one has begun (Atkinson & Birch, 1974). In a rulemaking that proposed possible new airline passenger protections, Regulation Room designers created a poll, presented when users first arrived at the site, that used visually compelling icons to represent tarmac delay, baggage fees, ticket oversales, etc. The poll question (“What matters to you?”) was carefully worded not to suggest an outcome referendum. Selecting an icon not only recorded a vote but also offered a link to the corresponding issue post, which explained and allowed participants to comment on the specific actions being proposed. Because the goal was inducing more visitors to become participants by

quickly engaging them in some activity and then channeling them to the topics that interested them most, the design allowed voting (although not commenting) without registering.

3. *To enable participation for users who do not comment for communitarian reasons.* Researchers have challenged the one-dimensional view of “lurkers”—those who read but do not visibly participate – as freeriders (Preece, Nonnecke, & Andrews, 2004). Survey evidence from Regulation Room confirms that some users do not comment for the communitarian reason of not multiplying duplicative content. This is desirable behavior; still, as Preece, Nonnecke and Andrews urge, design ought to provide ways for such users to be engaged. Therefore Regulation Room is experimenting with enabling users to “endorse” comments, a functionality explained as: “Endorse a comment that does a good job of making a good point.” Other

implementation elements (in addition to the non-standard terminology of “endorse”) aim to minimize the participatory risks of this voting-like mechanism: 1) participants must register to endorse, and can endorse a comment only once, discouraging gaming; and 2) the total number of endorsements received by a comment is not publicly visible – although, following the literature on appreciation increasing participation (Brzozowski, Sandholm, & Hogg, 2009; Cosley, Frankowski, Kiesler, Terveen, & Riedl, 2005; Leshed, Hancock, Cosley, McLeod, & Gay, 2007), the commenter can see the number of endorsements her comments have received on her profile page. In one Regulation Room rulemaking, more than one-quarter of those who endorsed did not comment (the communitarian lurker pattern), and a similar proportion of those who both endorsed and commented participated first by endorsing (the commitment device pattern). These results justify continued experimentation to assess more fully the relative risks and benefits of such carefully structured quasi-voting functionality.

The Role of Facilitation: How Can Moderation Facilitate Deliberative Online Discussion?

In offline democratic deliberation exercises, moderation by trained facilitators who are not part of the community of participants is an integral part of participation system design (Barber, 2003; Coleman & Gotze, 2001; Kearns, Bend, & Stern, 2002). Facilitative moderation is equally important to support successful online civic engagement – at least when the participant pool is expected to include substantial numbers of “missing stakeholders” and interested members of the public. On Regulation Room, we have observed significant variance in (i) degree of participation fluency, (ii) expectations about norms and purposes of online commenting, and (iii) level of computer skills and familiarity. Even with educational materials on the site that

explain how to comment effectively and with careful design of participation mechanisms, many participants struggle with the discourse style of giving reasons, providing factual support, and otherwise engaging in more than general expressions of outcome preference. Moreover, even information triage, translation and layering are not sufficient (except perhaps in low-information rulemakings) to give inexperienced new participants the information they need to participate effectively.

For this reason, facilitative human moderation, by students trained and supervised by conflict resolution professionals, is an essential component of the RegulationRoom system. An evolving moderator protocol (Table 2) identifies several distinct moderator roles, each of which is operationalized through one or more facilitative interventions.

This activist style of moderation aligns with Edwards’ (2002) conception of the moderator as “democratic intermediary.” The roles identified in the Protocol create the conditions for effective deliberation and consensus-building by increasing task clarity and focus, helping commenters articulate their interests and contributions, fostering shared group process norms, and ensuring that individuals have the substance, process, and site use information required to participate effectively.

The responsibility of the moderator. Some will be concerned about the relative power of the moderator vis-à-vis participants. We recognize this concern, but again point out that the alternative is continuing to exclude “missing stakeholders” and interested members of the public from meaningful participation. A more practical problem is that human facilitative moderation increases costs. Eventually, these costs may be lowered by natural language processing techniques that can identify comments that would benefit from moderation (Park, Cardie, Klingel, Newhart, & Valbe, 2012), and allow creation of at least partially automated real-time comment support interfaces. It is also possible that, in a series of substantively related rulemakings, a core community of repeat participants may develop who, acculturated in deliberative participation

Table 2. Regulation room moderator protocol

| Roles: | Interventions: |
|---|--|
| <i>Supervisory</i> | |
| Social Functions | Welcoming Encouragement; appreciation of comment Thanks for participating |
| Site Use Issues | Resolving technical difficulties |
| Explaining the Role of Moderator | Providing information about the goals/rules of moderation Providing information about who we (CeRI) are |
| Policing | Redact and quarantine Civility policing Wrong venue (redirecting user who wants to do something other than comment on the agency proposal, e.g., file a complaint) |
| <i>Substantive</i> | |
| Clarity | Asking for clarification of comment |
| Wrong Information | Correcting misunderstandings about the proposal or clarifying what the agency is looking for |
| Substantiation | Pointing out characteristics of effective commenting Asking for more information, factual details or data Asking for examples of a personal experience Providing substantive information about the proposed rule Pointing the commenter to relevant information in primary documents or other data sources |
| Focusing Comment | Getting an off-topic commenter to engage the issue post Organizing discussion |
| Further Engagement | Asking for more information, factual details, or data Asking them to make or consider possible solutions/alternatives Asking for elaboration Stimulating Discussion Encourage users to consider and engage comments of others Posing a question or comment to the community Developing a story or experience |

norms, would (formally or informally) take on moderator roles. In the meantime, thought, the costliness of moderation underscores the importance of being selective about when enhanced participation opportunities are offered, a point discussed next.

Synthesis and The Importance Of Selectivity

Figure 3 synthesizes the various considerations we have discussed: Relative sophistication of type of participants is indicated by the horizontal axis, and relative amount of needed information

by the vertical axis; correspondingly appropriate design elements appear in the resulting 4-cell matrix.

The matrix reveals the most challenging context for participation design: engaging “missing stakeholders” or interested members of the public in policymaking that requires a high level of information for meaningful participation (top left quadrant; darkest shading). As important, it specifies the elements that make successful participation design in this context so resource intensive: the amount of prior restructuring of agency materials, the predictable intensity of moderation efforts, and

the presumptive unsuitability of mechanisms like voting that produce participatory outputs requiring little additional information processing to interpret.

At the other extreme (lower left quadrant; lightest shading), the least resource-intensive context is trying to engage these same types of participants in policymaking that requires a low level of information (e.g., discovering the most effective format and content for consumer labeling): Much less information needs be prepared, moderation will be light, and mechanisms for readily aggregating preferences can be used.

The level of resources required to engage sophisticated stakeholders and unaffiliated experts (right quadrants; intermediate degrees of shading) falls in between, with more information restructuring and moderation required as the level of needed information is higher. The low-information context for these types of participants is presented as more resource-intensive than for “missing stakeholders” and interested members of the public because “low information need” must always be understood relative to the type of participant. A low information-need rulemaking for sophisticated and expert participants may still be quite complex and abstruse. Reductive presentation of questions or options to which participants respond through simple participation mechanisms like voting or ranking will not be suitable for eliciting useful sophisticated or expert participation.

Finally, Figure 3 underscores the importance of exercising selectivity in the occasions when a Civic Participation 2.0 system is used to solicit wide scale participation. We argue that it is actually harmful for government to invite broad citizen participation in contexts where it cannot, or will not, provide the participatory supports required to produce output of value in the official decisionmaking process. In such situations, only the *appearance* of greater public participation is accomplished – while front-line government personnel who must deal with low-value public comment become resentful and contemptuous of citizen engagement efforts, and participants become cynical about “open government.” A democratic government ought

be committed to the normative principle of not actively soliciting public participation it does not value. Therefore, the decisive question for the Civic Participation 2.0 designer is always this: Is anticipated value of new knowledge or other public goods (e.g., better understanding of the policy issues) that may be created by broadscale citizen participation *in this particular policymaking context* reasonably likely to outweigh the predictable costs of getting the kind of participation desired?

We do not suggest that, even with the guidance offered here, this is an easy question to answer, but we insist that it is a question responsible participation designers must ask.

CONCLUSION

Open government enthusiasts often seem to assume that establishing online opportunities for public participation will necessarily lead to better government policymaking. Examined through the lens of deliberative democracy, this simple assumption does not hold water. In fact, meaningful civic participation in public policymaking often demands a higher level of engagement and response than people are accustomed to, especially in social media and other Web 2.0 settings. Therefore, the question of what capacities are required for effective citizen engagement, and how they can be developed and supported, should be central both to the design of online civic engagement systems and to the choice of when to use them.

Here we have argued for conceptualizing Civic Participation 2.0 through a democratic deliberation lens that aims for participatory outcomes reflecting the conclusions people reach when they are informed about the issues and able and motivated seriously to discuss them. Based on our experience in Regulation Room we have suggested design strategies that lower barriers to participation and lead users to engage in the sort of deliberative commenting that has value to government policymakers. Throughout we have challenged a common open-government

Figure 3. Tailoring design and operation to context



belief that more public participation, of any kind, is a good thing.

Designers building from a deliberative democracy conception of Civic Participation 2.0 will share President Obama’s belief that “knowledge is widely dispersed in society,” and that civic engagement opportunities should be expanded so that “public officials benefit from having access to that dispersed knowledge.” They will recognize, however, that knowledge-imparting inputs are often essential to get the kind of participatory outputs that government

decisionmakers can responsibly use. Particularly in the setting of complex, technocratically rational policymaking, participants will often require considerable help, provided through multiple methods, to acquire an “understanding of means and ends” and to recognize and consider “the expected consequences of policies” (Dahl, 1994) for themselves and for others who will be affected. In particular, those designing for deliberative online engagement will be wary of participation mechanisms that lend themselves to “drive-through” participation and

top-of-the-head judgments. They will heed John Gastil's (2008) warning about a participation system "that gives everyone the opportunity to speak but does not grant the time (or tools) to think will be a dismal one indeed, full of empty speeches and reckless voting" (p. 7). They will be guided by the principle that a democratic government should not actively facilitate civic participation it does not really value.

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ENDNOTES

- 1 There is a significant component of the Open Government Directive devoted to providing information to the public, but it focuses on release of government data sets. Although the intent is that private analysis and repackaging of these data will inform public understanding, there is no direct linkage of providing information as a part of engaging participation.
- 2 The Nuclear Regulatory Commission suspended IdeaScale on June 30, 2010. See U. S. Nuclear Regulatory Commission, 2010. EPA (2010) decided to retain the site because of public requests, although it would "reconfigure it to support more focused efforts that can benefit from solicitation of proposed ideas" (p. 11) See U.S. Environmental Protection Agency, 2010.
- 3 For a list of roughly 75 germane suggestions from the 1129 ideas and 2176 comments submitted during brainstorming phase of the

Open Government Dialogue, *see* Strother, 2009. *See also* Trudeau, 2009.

4 For an example of this frustration, *see* Moorman, 2011. *See also* Marks, 2011.

5 Two of these are rulemakings completed on Regulation Room; the third is being planned as this paper is written.

6 Because this is a university research project, we must ask registrants affirmatively to consent to participate, and provide them with a copy of their consent.

7 For eloquent statement of this philosophy, *see* Noveck, 2004, 2009.

8 Examples include the no longer operational FedThread, which opened a comment space below each paragraph in the NPRM.

9 E.g., TwinsforTruth, 2009.

10 E.g., Schilling, 2009.

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APPENDIX

Abbreviations Used in the Paper

CFPB: Consumer Finance Protection bureau

DOT: Department of Transportation

EOBR: Electronic On-Board Recorder

ICTs: Information and Communication Technologies

NPRM: Notice of Proposed Rulemaking

RM: Rulemaking