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DIGITAL GOVERNMENT II
WEEK 2: PLANNING,
EVALUATION AND CITIZEN
ENGAGEMENT

Mar 10, 2009

tonight's plan and announcements



- **Admin stuff:**

 - DGI project feedback by email later this week

 - IPOL event: Secrecy (Tues, March 17th, 7:30 pm)

 - Next week's class assignment, additional reading, book?

- **My lecture** (the 'participatory turn' in administrative and regulatory decision-making: history, affordances, pathologies, evaluation, and recent innovation?)

- **Additional reading small-group exercises**

- **Class and small-group discussions** (weighing participatory pros and cons, participatory forms in technology assessment & information policy)

The 'participatory turn':

some history

- **Administrative Procedure Act (1946) – 4 tenets:**
 1. adequate public disclosure of administrative organization, procedure, and rules (including appeal processes);
 2. adequate public participation in rule-making processes;
 3. standardize the conduct of formal rule-making across administrative agencies;
 4. define scope of judicial review (the 'arbitrary and capricious' standard) (nb: since 2005, APA under Congressional review...)
- 'adjudication' (formal and informal) and 'rule-making'
- NPRM and the Federal Register
- **Regulatory Flexibility Act (1980) & Paperwork Reduction Act (1980)** (establishes Office of Information and Regulatory Affairs within OMB with discretionary power to relax and manage gov't information processes)

The participatory turn (cont'd)

- The deliberative turn in political / democratic theory
- Agency- and field-specific developments:
 - * for example, establishment of the Environmental Protection Agency (1970) and associated law (Clean Air Act, Water Quality Act, Endangered Species Act, Solid Waste Disposal Act, etc.) plus relevant state-level statutes;
 - * for example, extension of standing to public interest groups in information and communication policy making
- Agency-specific procedures may add specific and important extensions of participatory processes (e.g. public hearing requirements, environmental impact assessment and review requirements)
- Courts may add additional scrutiny of administrative decisions and procedures under APA's prohibition against actions that are "arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with the law."

What can participation do? (justifications/

arguments in favor – Irvin & Stansbury, Robbins et al)



- Citizen education
- Participant / citizen empowerment
- Legitimacy / acceptance of administrative decisions
- Cross-stakeholder consensus
- Reduced costs in policy failure, resistance, or litigation
- Improve quality of decision-making by bringing in relevant information

How can participation *fail*?

(rationales / arguments against)...

- Time and money costs of participatory processes
- Technical competence / expertise barriers
- Reentry / diffusion problems
- Unbalanced representation (by socioeconomic or interest group)
- Lack (or misunderstanding) of decision-making power
- Apathy, 'persistent selfishness' and 'rational ignorance'

Participation, for and against (Robbins)

Which of these arguments do you find more and less compelling?

- Participation promotes citizens' active public spirit and moral character;
- Participation educates citizens about democratic ideals and procedures;
- Participation provides 'psychic rewards,' e.g. feelings of community belonging;
- Participation legitimates and eases implementation of public decisions;
- Participation protects citizens' freedoms;
- Participation empowers citizens vis-à-vis existing power structures.
- Citizens lack technical competence and/or public spiritedness;
- Participation is expensive, slow, and cumbersome vis-à-vis efficiency of expert decision-making;
- Participatory exercises tend to be dominated by narrow interest groups;
- Participation may require skills, money, and time that most citizens lack;
- Participation can be disruptive and increase rather than reduce entrenched political conflict;
- Participation can breed polarization or extremism.
- The precise benefits of participation are difficult to measure or otherwise assess.

Small-group discussions:

(Coelho et. al., Cheng and Fiero, Jackson)

□ 8-10 mins *per reading*

- outline the empirical case, findings, and key arguments of each article
- connect these to arguments around pros/cons and possibilities for/barriers to participation in administrative decision-making processes.

□ 5 mins conclusion: are there comparative or larger lessons that emerge from this pattern of 3 cases?

Do/can IT applications shift the balance between participatory pros and cons? Why or why not? If yes, then *how* (specific cases or examples)?

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- Participation legitimates and eases implementation of public decisions;
- Participation protects citizens' freedoms;
- Participation empowers citizens vis-à-vis existing power structures;
- Participation improves the range and quality of decision-relevant information.
- Citizens lack technical competence and/or public spiritedness;
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