Democratic Participation and Deliberation in Crowdsourced Legislative Processes: The Case of the Law on Off-Road Traffic in Finland

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ABSTRACT
This paper reports on a pioneering case study of a legislative process open to the direct online participation of the public. The empirical context of the study is a crowdsourced off-road traffic law in Finland. On the basis of our analysis of the user content generated to date and a series of interviews with key participants, we argue that the process qualifies as a promising case of deliberation on a mass-scale. This case study will make an important contribution to the understanding of online methods for participatory and deliberative democracy. The preliminary findings indicate that there is deliberation in the crowdsourcing process, which occurs organically (to a certain degree) among the participants, despite the lack of incentives for it. Second, the findings strongly indicate that there is a strong educative element in crowdsourced law-making process, as the participants share information and learn from each other. The peer-learning aspect could be made even stronger through the addition of design elements in the process and on the crowdsourcing software.

Author Keywords
Crowdsourcing; Co-creation; Legislation; Deliberation; Participatory democracy; Direct democracy; Policy-making, Open government, Civil Servants; Online Forum;

ACM Classification Keywords
K.4.1 Public Policy Issues: Use/Abuse of Power H.5.3: Group and Organization Interfaces: Computer-supported collaborative work

INTRODUCTION
A current puzzle amongst theorists of deliberative democracy is whether or not deliberation is feasible on a mass scale, such that public debates about issues of the common good could be extended beyond a few elected individuals within the walls of parliament. This puzzle has generated two types of approach. One consists in trying to replicate in a mini-public the preferences that the larger public would presumably hold were they given the time and information to think clearly through the issues. This approach assumes that because direct mass deliberation is not feasible, the best we can do is simulate its results in the deliberation of a statistically representative mini-public. James Fishkin’s deliberative polls, which gather up to 500 randomly sampled citizens for one- or two-day deliberations taking place both among subgroups of 12 or 15 and within plenary assemblies (Fishkin 2008) offer what some have described as the “gold standard” in that respect (Mansbridge 2010).

The other approach takes seriously the possibility of opening deliberative practices at the governmental level to the public at large. Rather than democratizing the deliberation among representatives by changing the selection mode of the representatives themselves--by using random sampling or sortition instead of elections, which is an indirect way to involve the masses--this second approach attempts to open communication channels between representative institutions and the citizens themselves. This paper reports on an experiment, currently on-going in Finland, which pertains to the second type of approach, aiming to involve the people directly in public deliberations about the common good-- in this case, the production of a law on off-road traffic. Off-road traffic refers to motor-powered traffic in nature (i.e., the traffic going beyond established roads), which, typically involves snowmobiles and ATVs.

In the Finnish experiment of a partly crowdsourced legislative process, the public is involved in the law-making process, first by being asked to share their concerns, experiences, and problems regarding off-road traffic, and in a second phase in the process, by being asked to present solutions. Thus, the method of crowdsourcing is
applied to gather information from the public to understand the problems in the current legislation and then find solutions to them.

The main question that we will address in this paper is whether the Finnish crowdsourcing experiment qualifies as a properly deliberative experiment. While it is undeniably a direct participatory technique (anyone can in theory participate in the discussions on the online platform, including non Finnish citizens), is it genuinely democratic in the kind of participants it attracts, the procedures involved, or the kind of goals that end up being promoted? Does it work as a deliberative tool allowing people to exchange arguments and information, rather than, say, incentives, promises and threats? Are participants guided by a desire to reach a solution benefiting all or most of the community, or are they only pushing for a narrow set of interests?

Assuming the crowdsourced experiment qualifies as democratic and deliberative, a secondary question of interest to us is whether it allows for mass deliberation or whether it is just one more example of deliberation among a mini-public (comparable in that respect to deliberative polls, citizen juries, or citizen assemblies). As the experiment did not attract more people than a very large parliament (about a 1000 participants) and the monitoring of the interactions could still be successfully performed by a single (devoted) researcher, this is a arguably a legitimate concern. On the other hand, off-road traffic as a societal issue doesn’t directly concern the whole society, unlike social security legislation. To bring the issue to scale: there are about 100,000 registered snowmobiles in Finland. How many of the owners of those snowmobiles should participate in the online process in order for the participation to be considered large? We argue that the criteria for ‘mass’ or ‘a sufficient number of participants’ is a line drawn through water-- i.e. it can be almost impossible to define how many participants is enough.

The paper proceeds in five sections. The first section lays out a few core definitions of deliberation, participation, and crowdsourcing, and an introduction to recent efforts to integrate crowdsourcing into various levels of governance in several countries. The second section lays out in detail the history, structure, and content of the crowdsourced off-road traffic law in Finland and goes over the two experimental phases that have been conducted. The third section describes the data gathering and analysis methods used. The fourth section lays out our empirical results and the interpretations we derive from them. Finally, in the fifth section we reach some tentative conclusions and draw some implications for further research.

DELIBERATION, PARTICIPATION, AND CROWDSOURCING

In order to determine whether the Finnish crowdsourcing experiment qualifies as deliberative, we first need to establish some definitions. Democratic deliberation is at a minimum for deliberative democrats “the public use of arguments and reasoning among free and equal individuals” (adapted from Cohen 1989). “Use” can further specified as “exchange” of arguments in order to convince someone of the validity of a claim or, conversely, refute a given claim. The deliberative element has, specifically, to do with the reasoned exchange of arguments (see also Mercier and Landemore 2012 and Landemore and Mercier 2012 for the emphasis on reasoning). The democratic element has to do with the requirement of equal standing among participants (“free and equal”). Both the democratic and deliberative components are required, we would argue, for crowdsourcing to be compatible with the deliberative democratic ideal. Furthermore, deliberation can include educational effects, as the public learns about matters important to them (Gastil and Dillard, 1999).

Crowdsourcing can be defined as an open call for anyone to participate in an online task (Brabham, 2008; Estelles-Arolas & Ladriń-de-Guevara, 2012; Howe, 2008) by submitting information, knowledge or talent. Unlike in outsourcing, in which a task is assigned to a specific agent, in crowdsourcing there is no target group defined ex ante; rather, “the crowd” refers to an undefined group of people self-selecting from within an even larger group of people (theoretically the entire pool of people who have access to the internet), who choose to participate in an open call online. Crowdsourcing has become a popular tool to engage people in processes ranging from urban planning to solving complex scientific problems (Brabham 2010; Aitamurto, Leiponen & Tee, 2011). Research findings indicate that if a task, for instance a scientific problem-solving task or design task, is conducted by persons beyond the immediate field of expertise, the solutions can have more novelty and creativity value than those that are conducted within the known fields of expertise. (Jeppesen ja Lakhani, 2010; Poetz and Schreier, 2011). Crowdsourcing is also used in the form of ‘micro-tasks’, which are small, paid jobs distributed online to an anonymous worker crowd on microtasking markets such as Amazon Mechanical Turk (Buhrmester and al. 2011). In the context of this study, crowdsourcing is examined as an unpaid voluntary act.

Crowdsourcing as a means to channel citizen activism around societal issues has become more common in recent years. For instance, applications such as SeeClickFix and FixMyStreet provide a way for citizens to map problems that they encounter in their surroundings on an online map, and thus report the problem to city maintenance services, who then fix the problem and report progress online. Similarly, crowdsourcing applications such as Ushahidi are
used to monitor election fraud, sexual harassment and corruption in several countries (Meier, 2011). However, these crowdsourcing initiatives are not always run in collaboration with the government.

Crowdsourcing for policy-making in government is a relatively new phenomenon – but one that has recently been gaining more ground. One of the best known instances occurred in Iceland in 2011, when Iceland included a crowdsourcing element in its constitutional writing process (see Landemore 2013) by allowing citizens to freely comment on constitutional drafts regularly published on a dedicated website and on a Facebook page for the Icelandic Constitutional Council. Beyond the iconic Icelandic experiment, there are a multitude of instances of crowdsourcing in both local and national governance across the world. Federal agencies in the United States have been crowdsourcing information and opinions for their strategies for several years. For instance, the Federal Emergency Management Agency (FEMA) crowdsourced reform of the National Incident Management System, asking for citizen input into ways of improving the emergency management system at all levels. Furthermore, cities in several countries across the world are increasingly applying the methods of participatory budgeting (Dos Santos, 1998) in their budget preparation processes, including the use of crowdsourcing. For instance, the U.S. city of Chicago, Illinois used crowdsourcing in the 2012 and 2013 city budget preparation; the city of Calgary in Canada used crowdsourcing in their budget process in 2011 (for more instances in which crowdsourcing has been used in policymaking, see Aitamurto, 2012).

Online citizen petition sites, such as We the People in the United States and the Open Ministry in Finland, can also be seen as one way to apply crowdsourcing to policy-making. On these websites, citizens can both propose a petition for policy change and sign one that has already been proposed. Although We the People lacks a mechanism for processing citizen petitions to ensure effectiveness, in the Finnish case, the online petitions can, in theory, have a direct impact on the established policy-making agenda. This is because of the Finnish legislation which stipulates that if a petition gets enough support (at least 50,000 signatures in six months) it has to be discussed in established political institutions: either the parliament or the Government. In Europe, the European Citizens’ Initiative gathers citizen initiative proposals and signatures from EU citizens. The initiatives have to gather one million signatures from a certain number of member states in order the European Commission to consider the petition (more information here: http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing).

When used in a political context, crowdsourcing functions as a method for direct and participatory democracy. National and local governments across the world are increasingly applying crowdsourcing as a part of their Open Government practices (Yu and Robinson, 2012), which enhance transparency and public engagement as principles of good governance. While crowdsourcing is thus becoming more commonly used across society and is consequently gaining scholarly attention in a variety of disciplines, the impact of this participatory mechanism on democracy, and particularly on law-making, remains vastly understudied. We believe the Finnish experiment offers an important case study that has the potential to be a landmark in political science and, specifically, democratic theory. Our research goal is also, through the study of the Finnish experiment, to make a significant contribution to the study of online collaboration and crowdsourcing.

Research questions, methods, case profile & data
Despite the increasing use of crowdsourcing at several levels of governance, there remains a lack of research on crowdsourced policy-making processes. Several important questions remain unstudied, starting from the overarching question of what precisely crowdsourcing ‘does’ for traditional policy-making processes. This question can be divided into two categories of sub-questions: the conceptual questions regarding the linkages between crowdsourcing, deliberation, and democracy (1 and 2 below); and the empirical questions pertinent to the design and implementation of crowdsourcing policy-making processes (questions 3-7).

1. What are the elements that make a crowdsourced processes deliberative and democratic, i.e. so that crowdsourced processes can be seen as instantiations of or tools for the ideal of deliberative democracy? What is the relationship between the concepts of crowdsourcing and deliberative democracy, and how can they contribute to and complement each other?

2. What is mass deliberation?

3. What are the motivational factors that determine citizen participation in crowdsourced policy-making?

4. What are the elements that support creative problem solving online?

5. What are the elements that support deliberation online?

6. How should we design and implement a crowdsourced policy-making process online so that the process is meaningful for both the participants and policymakers?

7. What are the best methods to evaluate user generated ideas?

In this paper, we focus on the first conceptual question, though we address it empirically. Future work will explore the remaining questions. The rest of the paper is structured as follows: First, we’ll introduce the case profile. Then
we’ll proceed to methods and data. Then we’ll discuss the findings, before concluding with thoughts on the direction a future research agenda might take.

**CASE PROFILE: CROWDSOUSRED OFF-ROAD TRAFFIC LAW IN FINLAND**

The empirical data gathered for the study is based on a crowdsourced law-making process in Finland. The Finnish Government is currently applying crowdsourcing as a participatory method in the reform of off-road traffic law. Off-road traffic refers to motor-powered traffic in the nature (i.e. traffic beyond established roads), such as riding on snowmobiles or ATVs.

Off-road traffic in Finland is regulated by the Ministry of Environment, under a law that came into effect in 1995. There is pressure to reform the law for several reasons. One reason is the increased volume of off-road traffic, particularly in summer time, with an increasing number of ATVs and such vehicles. As such, and there are claims that the existing law does not regulate the summer traffic well enough. In 2009, there were about 100,000 registered snowmobiles in Finland based on information from the Ministry of Environment; the amount has increased by 5,000 in a year. ATV-type vehicles amount to about 20,000, though the actual number may well be higher as many might not be registered.

The previous government of Finland proposed a bill to the Finnish Parliament to reform the off-road traffic law in 2010, but it expired in parliament after raising some controversy. Some of the controversial issues in the bill focused on the extent to which land owners have rights to prevent off-road traffic routes from being established on their property, whether new routes should be established based on a need-based consideration (this is the current system) or on a right-based consideration (the mechanism the controversial bill proposed), and at which level the decisions about new routes should be made (at a local, municipality level or at a county level). The switch from a need-based consideration to a right based consideration would mean that officials couldn’t deny route applications based on the argument that current traffic levels do not require a new route; rather, routes would be justified by a new legal right to establish them, as long as the route meets certain conditions, such as avoiding considerable harm to the environment.

Having failed to produce a satisfactory proposal to reform the existing off-road traffic law in the past, the Finnish Ministry of Environment decided to experiment with the technique of crowdsourcing. The current Minister of Environment initiated the crowdsourcing process within the Ministry, as a joint pilot project with the Committee for the Future in the Finnish Parliament to test the methods of participatory and direct democracy in an online context. The goal is to bring in a variety of perspectives regarding off-road traffic and to source all potentially good ideas to reform the law. Specifically, the Finnish crowdsourcing experiment consists of opening the process of devising solutions to the law—in this case a statute on the regulation of off-road traffic—to the public at large via a specific internet platform ([www.suomijoukoistaa.fi](http://www.suomijoukoistaa.fi)).

**Stages of the Crowdsourced Legislative Process**

The crowdsourced process was designed to follow two systematic, structured phases, which enabled problem-mapping, ideation, knowledge-sharing and information exchange among participants. The first phase of the process began in January 2013 and ended at the end of March 2013. In the first phase, the public was asked to share problems and concerns that they have experienced with regard to off-road traffic and its current regulation.

The user-interface of the online platform ([www.suomijoukoistaa.fi](http://www.suomijoukoistaa.fi)) is illustrated in Figure 1 in the Appendix. Users can propose ideas on the platform, comment, and vote others’ ideas up or down. All the crowd-generated input is visible to the public online. In order to leave a comment, propose an idea or vote on the platform the user has to register on the site. The voting function is illustrated in Figure 2 and the commenting function in Figure 3 in the Appendix. Users can also post pictures and other attachments on the platform, as well as tag their ideas and comments with key words that are aggregated and visible to all the users. By submitting ideas, commenting and voting the users gather points, which are turned into badges on the online platform, as illustrated in Figure 4 in the Appendix.

All the crowd-generated content is also accessible in English, as a multi-language support system was added to the crowdsourcing platform during the process. Furthermore, a website ([www.maastoliikennelaki.fi](http://www.maastoliikennelaki.fi)) was set up to provide access to information about off-road traffic and the law regulating it. The existing law and the expired bill are published on the website, as well as a host of research about off-road traffic. The website homepage has a video with the Ministry of Environment explaining the rationale behind the crowdsourced process and asking citizens to participate. The website has a blog, too, which has been used to publish updates about the proceedings, as well as a widget-integration to the IdeaScale crowdsourcing platform.

Crowdsourcing was conducted in two phases, as illustrated in the Figure 5 in the Appendix. In the first phase, based on conversations with civil servants in the Ministry of Environment (who are experts on off-road traffic law and wrote the expired bill), 10 main areas were identified as a basis for the crowdsourcing process. The areas of focus included broad topics, such as problems with off-road traffic, and a set of more defined areas, such as how to set the age limits for off-road traffic, how to regulate off-road
traffic emissions and how the route establishment process should be regulated. The prompts for the participants included information about existing law and a set of questions for them to answer. Within these areas, the participants could propose ideas and share their concerns and experiences about off-road traffic. There was also a category called ‘Propose your own topic’, in which the participants could propose a topic of their own interest which wasn’t on the provided topic list.

In the first phase, the users generated more than 340 ideas and conversation starters, 2,600 comments in reaction to the ideas and conversation starters, and 19,000 votes from about 700 users. The participants’ input was analyzed after the first phase was over – their ideas and comments were sorted into categories, which functioned as a basis for the design of the second phase.

In the second phase the participants were asked to share solutions to the problems that were distilled from the first phase analysis. These topics were the following: Routes, Monitoring, Safety, Regulations and rights, Nature and environment, Information gathering and usage (for off-road traffic regulation), Societal values, and Improvement of the crowdsourced law-making process. These broader categories were divided into more narrow topic areas with specific questions about the issue. For instance, the ‘Safety’ category was divided into the subfields of ‘Improving safety in off-road traffic’ and ‘Safe transition traffic off-and on-road’. The main categories and subfields were created based on crowd-input in the first phase, including the request that topic areas be more clearly distinguished. As in the first phase, the participants could also propose their own topic in the ‘Propose your own topic’ section.

By the 13th of June, 88 ideas were generated with 828 comments and 4,000 votes from 731 users. In the second phase the moderation activity on the platform – focused on asking further questions about the ideas proposed by participants -- was increased. The goal was to make the participants think about their ideas in a detailed manner and share as much as possible about those details with other participants. After the second phase the ideas will be analyzed and a report will be presented to the Ministry of Environment to evaluate the solutions produced by the crowd.

METHODS AND DATA

The authors participated in the design and planning of the crowdsourcing platform as leaders and advisors, thus applying the approach of action research. In action research, the field is not something to be observed; rather, the researcher is active in interacting, producing, and creating the research site (Gustavsen 2001; Ladkin 2004). Once the crowdsourced process had begun, the researchers took the role of a participant observer; one of the authors also moderated the online process, in conjunction with two other moderators. The participatory role of the researchers helped to build rapport with interviewees, as well as to gain insight into the process.

We used a mixed method approach in our data gathering and analysis. In data gathering, we utilized digital ethnography, interviews and an online survey. The methods are detailed in the following.

Digital ethnography

Digital ethnography, also called netnography (Kozinets, 2002) is used to gather data from the online process. Ethnographic data collection started in January 2013, and will continue until the online process ends on June 21st. Daily observations (1/2h – 1h per day) result in memos of the proceedings on the online platform. Another one of the authors participated as a participant observer in the conversations on the platform. The results inform the understanding of the crowdsourced process and were applied in designing the interview outline and the survey.

Interviews with key informants

Online participants, civil servants and politicians who are involved in the crowdsourcing process have been interviewed for the study. Eighteen participants were interviewed, and the interview length was on average 57 minutes. The Minister of Environment, the Vice President of the Committee for the Future, who is also the leader of the crowdsourcing project, were also interviewed, in addition to two civil servants, who are the experts in off-road traffic in the Ministry of Environment and communication experts involved in the crowdsourcing process. Finally, members of two interest groups (a land owners’ association and the Finnish Association for Nature Conversation) involved in off-road traffic matters were interviewed. The same set of informants will be interviewed in a second round at the end of the crowdsourcing process (currently ongoing).

A semi-structured interview outline was used in the interviews, and the questions focused on motivations for participating in the process, the experience of participation and the expectations for the outcome. Data were analyzed following Strauss and Corbin’s (1998) analytical coding system. In the first round, open coding was used, allowing key themes and patterns to emerge from the data and thus guide further analysis, guided by the practices of grounded theory (Lindlof and Taylor 2002, 214; Strauss and Corbin 1998, 101). In the next coding round, axial coding was used to relate the emerging categories to subcategories (Saldana 2009, 159; Strauss and Corbin 1998, 123). Finally, selective coding was applied to integrate and synthesize the subcategories (Strauss and Corbin 1998, 143) into four main categories: (1) Definitions of democracy; (2) Elements of deliberation; (3) Educational aspects in the crowdsourced law-making process; (4) Expectations of the impact of participation. Qualitative data analysis software (DeDoose) was used in coding, and analytic memos were
written to support the analysis. In the following, the findings are detailed. The numbers in the article refer to individual interviewees: online participants are referred to by numbers 1–18, civil servants and politicians by numbers 19-22, and interest group representatives by 23-25.

**PRELIMINARY FINDINGS**

We will go over the description of four findings generated by the analysis of both the content of the platform and the interviews conducted during both phases of the experiment. All of them add up to an argument for the deliberative nature of the exchanges observed on the platform, an argument we pursue in the next section.

First, we found that participants indeed experienced their interactions on the platform as democratic in nature: their definition of democracy as “having a say” generally matched their experience of what went occurred on the platform. Second, we found that participants’ perception of the value of the experiment was primarily procedural (e.g. making the process more fair, inclusive, etc.) rather than instrumental (e.g. having a concrete influence on policy outcomes) – a perception that aligns with the procedural emphasis of the mainstream literature on deliberative democracy. Third, despite the perception (amongst participants) of a lack of convergence or consensus on the website, the process in fact generated overlapping definitions and diagnoses of problems with off-road traffic, as observed and analyzed by researchers. Fourth and finally, according to participants, the experiment did have certain educational effects.

1) The online participants perceived the crowdsourced experiment as democracy-enhancing. In many participants’ view, it provided a welcome way for citizens to have a “voice,” “say what they have to say,” “be heard,” etc. This became particularly clear from the participants’ interviews, which show that there is distrust of the established law-making system among the citizens. For the online participants, the crowdsourced process appeared as a way to be heard in a policy-making issue of relevance to them.

2) This is in spite of the fact that most participants seem deeply skeptical, sometimes even cynical about the likelihood that the ideas generated through the crowdsourced process will be integrated into the final law. The participants appreciate the possibility of participating in the law-making process, yet remain skeptical about whether they really can have an impact on the actual law. This fear reflects the alienation of citizens from policy-making; the citizens are in the periphery of democratic processes.

We hypothesize that to date the democracy-enhancing virtue of the crowdsourced process, at least one of them, is thus in increasing the legitimacy of the process by making it more open and to a degree more transparent to the public, even if it turns out that the results are not expected to be notably better than under the existing system. At this stage, it remains an open question whether an expectation of increased quality of legislative performance would come be seen as integral to the legitimacy of the process. Another question is how the participants would come to appreciate this increased performance, assuming it was real.

3) The crowdsourced experiment was not perceived by participants as consensus-inducing or preference-transforming, though participants were generally and mainly perceived as respectful, civil, and constructive. As researchers, however, we observed something slightly different happening on the site: a convergence of views on the diagnosis of some obvious problems in the first phase. Emerging from the analyses of the conversations and deliberative exchanges observed so far on the online forum, we observe several areas of potential convergence among participants, including the following areas:

- The minority of snowmobilers have a right to ride somewhere. This right, however, cannot be an absolute, unregulated right and it cannot come for free to the snowmobile riders and at the exclusive cost of the landowners, neighbors, and nature;
- Externalities of current snowmobile riding and risk of accidents for snowmobilers must be addressed, for instance either by increased monitoring or by increasing the amount of legal routes;
- There is a problem with the way legislation on this matter has been produced so far, because of the biases towards either snowmobile riders, environmentalists or land-owners;
- The crowdsourcing process is welcome in that it makes the possibility of shaping the law more real; however some worry that some groups are not sufficiently represented; e.g., neighbors of the snowmobile roads, who only realize the noise pollution after it’s too late; indigenous people (the Sami); and non-internet users in general.

4) The experiment is perceived by participants as educational. They report learning about views and new information. The crowdsourced process thus also functions as a way to get information about the subject matter at hand – off-road traffic and the law regulating it, as illustrated in the following excerpt from an online participant (5):

“I’m somewhat surprised to see that the online process serves as a way to add to the participants’ knowledgebase and correcting their incorrect perceptions. I had read carefully the current law and the expired bill, and I realized that quite many participants didn’t have correct understanding about the terms about the law and its
implementation. The concepts of snowmobile route, snowmobile track, and officialization of routes were misunderstood, as well as the facts about the procedures of who makes decisions about new routes, whether the decision is made by a local government body or a landowner. Also, the information about who pays for the routes and the maintenance, and where it is illegal to ride snowmobiles under the existing regulation. And in many other things there were misperceptions. But, in many conversation threads these misconception seemed to transform into correct ones, when somebody corrected the false information and told where to find correct information. I feel it is very important to correct false information and believe, because that affects a lot to how the conversation proceeds.

(Online participant, male)

CROWDSOURCING AS DISTRIBUTED DELIBERATION

The crowdsourcing process was designed mainly for idea and information gathering, yet deliberation occurred in the process, even though there wasn’t a clear incentive for deliberation designed into the process. The crowdsourcing platform was not advertised as a means to reach a compromise or build consensus. Deliberation and consensus building started to occur particularly towards the end of the process when moderation, which encouraged deliberation, was increased. To cite one instance in which the participants started to apply deliberative aspects organically, below we present an interview excerpt from an online participant, who describes his transformational process during crowdsourcing (6):

“I didn’t propose any ideas in the first phase, but I read the others’ ideas and commented and voted on those. I felt like there were so many views out there already. But towards the end of the second phase I realized not all my ideas are proposed by others, so now I have submitted many ideas. In my ideas I want to converge many views and build a compromise, because I think those ideas are the most likely to succeed and make it to the law.”

(Online participant, male)

Even though the participants were mainly focused on producing their own ideas rather than building on each others’ ideas, there was an increasing tendency towards collaborative problem-solving.

Based on our analysis of the platform and interviews, the process exposed people to views they disagree with and arguments for these dissenting views that they hadn’t thought about. The crowdsourcing process qualifies thus as a good locus for “cross-cutting exposure” of the kind recently studied by empirical deliberative democrats (Mutz 2006). Thus, even without the elements of collaborative problem-solving, elements of deliberation were visible on the crowdsourcing process. The participants exchanged arguments, and listened to each others’ views in order to oppose the views or support them. Crowdsourcing enabled deliberation as a mechanism for idea generation, and the technical affordances on the platform supported deliberative aspects by giving the participants a chance to vote and comment on each others’ ideas.

Crowdsourcing thus triggered “deliberation within” by, first, exposing people to views they disagreed with, then inviting them to consider or reconstruct possible arguments for these dissenting views through a common psychological process that consists in trying to make sense or rationalizing views that seem strange or wrong. We can surmise that the reason why people started to engage in “deliberation within” instead of flat out rejecting the views is because of the level of respect and civility maintained on the platform, which fostered a spirit of trust and understanding.

The crowdsourcing platform qualifies thus as not just a good locus for “cross-cutting exposure” but for the kind of cross-cutting exposure that actually entails a reasoned consideration for dissenting views. To the extent that the crowdsourcing moment is understood as a part of a larger legislative process, it can be seen as an element of the conversation taking place between the public, the civil servants, and the legislators. In that sense, the exchanges on the platform may well qualify as elements of a “distributed form of deliberation” (Goodin 2005) taking place at a systemic level and involving different groups: the civil servants in charge of writing the law, the elected representatives of the public (the members of parliament) in charge of approving it, and, through the crowdsourced moment, an additional group of active participants giving a voice to the most intensely affected by the problem at hand. While this group of participants has no claim to representing the larger public in any meaningful statistical sense, the objection from statistical representativeness is a bit of a red-herring, as neither civil servants nor elected representatives do, either (elections do not ensure descriptive representation). To the extent that civil servants and elected representatives are considered representative in some other sense, it is because they get their legitimacy from an authorizing procedure (direct election as a proxy for explicit consent in the case of representatives, democratic delegation derivative of consent through elections for the civil servants). Where do participants in the crowdsourcing process take their legitimacy from and thus count as representative, in some sense, of the rest of the populace? Now, it is also the case that the participation generated by the crowdsourcing platform is skewed in favor of a certain type of citizens. For instance, our results show that the participants are mostly male.

But that is not necessarily a problem. Recall also that in classical deliberative settings too, participation is based on self-selection. Although all are included, not all are
speaking up. Similarly here, all are invited, although only a few choose to join in. The important thing, from a democratic point of view, is that everyone has, in theory, an equal opportunity to say something and be heard.

Further, from our point of view, crowdsourcing is not so much meant to be a deliberative platform per se, where all the problem-solving and law generating should occur, as it is an element of a larger deliberative system. The function of this particular element is to inject new ideas that wouldn’t be generated or seriously considered otherwise in the law-making process (especially not, we believe, the world of parliamentary committees where most of the action currently goes on among unelected civil servants, at least in Finland).

The other problem, with respect to the question of the feasibility of mass deliberation, is that crowdsourcing does not typically generate mass participation. It generates participation in a range between 1 and 3% of the concerned population. Compared with elections and referenda turnout, these numbers are far from massive. But the benchmark should not necessarily be participation in mass elections. It should be, rather, the current number of people involved in the legislative process, which is much lower. In the case of the off-road traffic law, the rejected proposal involved at best a handful of civil servants and selected interest group representatives. In the crowdsourced process, the amount of participants is increased to hundreds, most of whom were excluded from the traditional law-making process.

CONCLUSIONS
Our claim is that the observed interactions among the participants in the crowdsourced platform qualify as deliberation, albeit of a perhaps more minimal kind than deliberative democrats would hope for, in that they didn’t lead to change of opinions on a mass-scale or any particular convergence, let alone fully rational consensus among the participants. Nonetheless the exchange of arguments observed ranged from deliberation of a minimal kind, as in cross-cutting exposure leading to “internal deliberation,” all the way to deliberation that reportedly enlightened, convinced, and brought closer certain viewpoints. Furthermore, some participants reported that the crowdsourced process has impacted their views in the sense that they have learned to understand other parties’ views, which is an effect we would expect from at least a minimal form of deliberation. Additionally, some participants perceive that their opinions have changed during the process.

As of now, we see the deliberation taking place on the crowdsourcing platform as preparatory and supplementary for a more structured and decision-oriented deliberation among government officials, although there is no telling just yet how far the experiment could go. With the right incentives, more time, and certain design tweaks, the platform would probably be able to generate deliberation of a greater depth. For now, we think that deliberation among the crowd can be legitimately seen as usefully preparatory for and supplementary to deliberation among government officials in that it offers one more data point about the opinions of a part of the public that has intense preferences about the issue at stake and is thus relatively well-informed about the issue. It is, more importantly, opening up the possibility for gathering new ideas and solutions from distant knowledge fields, which can enrich expert debate. It is a way, to put it differently, to preserve or reintroduce cognitive diversity in deliberations and problem-solving. Finally, crowdsourcing seems to have the additional virtue of educating the participants, an activity characteristic of what both deliberative and participatory democrats expect of public discussion. For all these reasons, we conclude, the exchanges rendered possible by the Finnish crowdsourcing experiment seem to us to qualify as both democratic and deliberative.

REFERENCES


22. Mutz, D. Hearing the Other Side. REF.


Figure 1. User-interface of the online platform for crowdsourced off-road traffic law process. The public is asked to submit their ideas and perspectives regarding off-road traffic and the law regulating it.
Figure 2. Voting and keyword function in the user-interface.
Figure 3. Commenting function on the crowdsourcing platform.
Figure 4. Activity leaderboard on the crowdsourcing platform.
Appendix: Aitamurto & Landemore

Figure 5. Phases in the crowdsourced law-making process.

1st phase: Problem mapping
- 340 ideas, 2,600 comments, 19,000 votes

2nd phase: Problem solving: ideation
- 88 ideas, 828 comments, 4,000 votes

3rd phase: Evaluation, law-making

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