POLICY *Brief*

▶▶ Can the Web help restore public faith in democracy?

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Representative democracy faces many challenges. Declining voter turnout reflects citizen discontent expressed in voter apathy and the replacement of traditional partisan politics with issue-based activism. The vexing question is what to do about it.

To reverse these trends, many governments are implementing digital tools to expand participation in governing processes, provide greater access to information, and facilitate co-design policy development processes. The belief is that by giving people a voice in the governing process, democracy itself will be strengthened and validated. These public engagement initiatives promote participation, openness and collaboration, all fundamental principles derived from the Web 2.0 ethos, in which social media allow people to move beyond being simply the passive recipients of information. But if digital tools are to effectively serve democratic goals, the commitment to democracy must be embedded in both the design and application of the systems.

▶▶ e-Petitions: Old Wine, New Bottle?

A primary example is the classic democratic process of petitioning. This primary democratic tool must itself be reconceived for the realities of Web 2.0.

During the past 15 years, petitions, one of the most classic tools of representative democracy, have moved online. Petitions are no longer a vehicle for 3rd party critiques of government and political policies. Historically, government did not engage in petition campaigning. Instead, governments received petitions coming from citizens or advocacy groups mobilized around a public issue. Once signatures were collected the petition was presented to elected officials.

Today, online petitions or e-petitions retain the same democratic function, albeit at a faster and larger pace than before. But governments now often facilitate, or even instigate, the petitioning process. The result is a clash of democratic tools. Public e-petition systems struggle, and at times conflict, with traditional representative democratic tools over Web 2.0 values.

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- Kathleen McNutt, Director and Professor, Johnson-Shoyama Graduate School of Public Policy

As it existed throughout the 1990s and into the early 2000s, Web 1.0 was characterized by passive users consuming static content. As such, Web 1.0 functioned as a publishing medium with limited interactive capacity. Web 2.0 features users that produce and share dynamic content in real time. The platform functions as a communication medium with extensive interactive capacity. The essential difference is that Web 1.0 users were content consumers, whereas Web 2.0 users are content consumers and producers. Thus, Web 2.0 is not simply an improvement on web processing but rather contained an interactive, user driven ethos that guides software development principles and users' behavior. It is within this context, where the public sees itself as an active participant engaged in two-way digital communication, that Web 2.0 is shaping the democratic landscape.

▶▶ Characteristics of Web 2.0

There are three characteristics of Web 2.0 of particular interest to governments seeking to enhance democratic processes: Participation; Openness; and Collaboration.

Participation is enabled by platforms that provide extremely easy content creation and sharing such as blogging, social network sites (Facebook) and content communities (YouTube). Without user participation Web 2.0 tools are largely useless.

Openness is the principle of providing access to online development, content and processes. Open government, which refers to meaningful citizen participation based on open, transparent access to applications and content, has become the oft-stated aspiration of democratic governance in the digital-era.

Finally, Web 2.0 depends largely on the capacity to form self-organizing groups that outperform traditional organizations through mass collaboration. People need access to the political process and they gain attention through rapid, often mass, engagement.

Digital tools used to enhance democratic participation must be designed to incorporate the full Web 2.0 ethos. That means facilitating meaningful engagement that is more than merely a mechanism for faceless individuals to express themselves. If an e-petition system fails to do so, the result will be, at best, parliamentary graffiti and, at worst, further loss of trust in democratic institutions.

▶▶ e-Petitions Systems

The use of e-petitions varies in form and function, including such differences as:

- where the petitions are submitted (executive or legislative);
- the minimum threshold of signatures required for the petition to receive official recognition;
- the nature of that recognition (public hearing, parliamentary/legislative debate, statement);
- the process for validating the petitioners and signatories authenticity (creating an account, email address); and
- the measures put in place to protect against abuse/ misuse.

e-Petition systems currently exist in the North West Territories and Quebec, with the federal system scheduled to go online following the next national election. The Canadian government's e-petition system requires a minimum of 500 signatories and a sponsor MP before it can be tabled in the House. Every petition reaching the threshold is guaranteed an official response in 45 days.

While there are basic similarities among e-petitions there are also important contextual differences in how the systems are designed and processes managed. The German Bundestag, the Scottish Parliament and Norwegian municipalities require petitioners to be in direct contact with a public official (query – does this mean a non-elected official). The Westminster systems of the Canadian and Queensland Parliaments require at least one MP to sponsor the petition. There is also a range in the length of time an e-petition may be open to gather signatures, varying from 30 days in the United States, six weeks in Scotland and Germany, to six months in Queensland and an unlimited amount of time in Norway.

One of the great advantages of e-petitions as a democratic tool is to substantially decrease the cost of participation. But conversely, they can also increase the cost of democratization. As Thomas Bryer, Stanford University professor has explained, public participation in decision-making incurs three types of costs:

- production;
- participation; and,
- democratization.

The cost of production are borne by government in the design and implementation of a participation process. The cost of participation refers to the efforts of citizens to engage in that process. Production and participation costs have traditionally had an inverse relationship. For example, in large-scale consultation processes, governments often organize and stage public meetings in different communities, increasing production costs (venues, facilitators, travel costs), while lowering participation costs.

Engaging citizens in online venues mitigates the traditionally inverse relationship between production and participation costs. However, it is also increases citizens' democratic expectations. When individual members of the public have expressed their opinions, they want an indication that their voice has been heard. The cost of democratization is thus largely a matter of accountability with governments compelled to incorporate citizens' preferences in decisions made and actions taken. If citizens believe government has not been responsive, or do not value feedback, the cost of democratization will be high as citizens lose trust and the participation process loses legitimacy.

In the U.S., The White House's "We the People" website is considered one of the most world's open e-petition initiatives, serving as a key plank of the Obama Administration's Open Government strategy. Any e-petition published on whitehouse.gov/petitions that garners 100,000 or more signatures in 30 days is guaranteed an official response from a White House representative. To date a number of e-petitions have achieved recognition including the legalization of marijuana, secession appeals, the impeachment of Obama and the "Make Unlocking Cell Phones Legal" petition, which was the first to result in legislation (The Unlocking Consumer Choice and Wireless Competition Act).

But open government and e-petitions ALSO allow for all manner of non-serious expression to come forward. For example, the system has been used to advocate for the opening of a Jurassic National Park and the off-cited Death Star e-petition, which called for the US Government to create a fully functional replica Death Star, the space station from Star Wars. Frivolous as it was, the Death Star Petition received enough signatures to require an official response from the White House. While some have criticized this as a pointless waste of resources, the willingness to engage citizens on their terms is a key aspect of the nature of participation embedded in the Web 2.0 ethos.

As important as participation is the transparency and responsiveness of the system. One of the main criticisms leveled as the "We the People" system has been a slow response to petitions that have reached the threshold. In contrast, the Scottish parliament does not use a signature threshold. Admissibility of an e-petition is determined by the Public Petitions Committee (PPC) that vets the petition and supports petitioners with a legitimate public interest concern. The process removes frivolous submissions. The PPC assesses each petition, gathers evidence of validly and makes a decision on how to respond to the petition, which could include sending it on to the appropriate parliamentary committee. The Scottish public petition system is open to the public with any citizen able to view all active e-petitions and track activity on the Parliamentary website. Many commentators view the Scottish petitioning system as one of the most open and accessible in the world.

Still, the level of engagement with e-petitions is low by Web 2.0 standards as it focuses not on the quality of the debate, but on the number of signatures received. As such public e-petition systems do not always support the principles of online collaboration.

Petitions have, for generations, allowed local constituents to bring public concerns to the attention of elected officials. The principle of creating a petition and collecting signatures does not change in an online environment. What changes is the interactivity of the process. An

e-petitioner does not go door-to-door collecting signatures but instead promotes the petition through social media channels, email and text. Furthermore, citizens are able to search active e-petitions by proactively engaging with the system.

Digital engagement tools will not improve political efficacy or strengthen the public's attachment to representative democratic process if they ignore the fundamental Web 2.0 principles of participation, openness and collaboration. As Canadian governments move forward with the implementation of e-petitioning systems, careful thought must be given to both the treatment of the petitions and the response that will be promised to the petitioner and signatories. There are benefits from new digital tools for citizen engagement, but there are also dangers.

The threat of reputation damage to democratic processes, if the system is not serious, transparent and responsive, is real. By moving in this direction, governments will have to engage in issues that might sit uncomfortably with existing policy practices and partisan politics. When the new federal e-petition systems goes live, we can expect petitions on pipelines, the long form census, the legalization of marijuana and possibly abortion and the death penalty to reach thresholds. The cost of democratization in the digital era will be high if Web 2.0 ethos is not incorporated in the design and administration of a public e-petition system. The greatest threat of a poorly designed system is a further loss of trust in democratic institutions and processes.

Kathleen McNutt

As director at the JSGS U of R campus, Kathleen McNutt's current research interests focus on digital government, climate policy and energy. She is currently embarking on a research program looking at the impact of social media on policy processes, the public sector and governance. In addition, she is examining the potential of integrated digital strategies (web, mobile, social media) to improve public engagement. McNutt regularly facilitates workshops for the school's executive training program. She also teaches various public policy courses at the school including policy analysis, advanced policy analysis, program evaluation and gender based analysis. McNutt has recently published in such academic journals as *Governance*, *Energy Policy*, *Internet and Policy*, *Journal of Information Technology & Politics*, *Canadian Public Policy*, and *Canadian Journal of Political Sciences*.