Idios: adj. pertaining to one's self, private

Idiōtēs: n. a private person, one not participating in politics

Chapter One

Experimenting with E-Participation Around the Globe: Trends and Teething Problems

Summary of the Chapter

- *The use of e-participation is growing around the globe, especially in the form of e-petitioning.*
- *Yet TID+ stands out as unique.*
- *TID+ enables citizens both to participate directly in legislative decision-making and to debate legislative ideas with one another*
- *However, the use of e-participation raises technological issues and it is an open question as whether it can fulfill its potential for changing democratic politics.*
- *Hence the TID+ platform, in order to fulfill the potential of e-participation, incorporates the lessons learnt – best practices – from these other e-participation initiatives.*

1. 1 Introduction: The Democratic Context for E-Participation

The *promise* of e-participation is the ability to deploy information and communication technologies (ICTs) to establish a hitherto technologically unfeasible communicative partnership between governed and governing. The purpose of establishing this linkage is twofold: firstly to counteract the declining public confidence in democratic institutions (Schmitter and Trechsel, 2004) – often implied by declining voter turnout – and, secondly, to meet new expectations of increased popular participation in governance (Dalton, 2004). Indeed, in 2001 the OECD report *Citizens as Partners* stated that 'active participation [by citizens] represents a new frontier in government-citizen relations for all OECD members' (OECD, 2001: 41). In order to meet this challenge of encouraging active citizenship, the *process* of e-participation involves 'the use of information and communication technologies to broaden and deepen political participation by enabling citizens to connect with one another and with their elected representatives' (Macintosh, 2006).

However, before describing various global attempts to harness the potential power of e-participation, it is important to place such developments in the requisite broader context of evolving democratic practices in the twenty-first century. The use of ICTs as a means of enhancing political participation is not simply an instinctive reaction to transformations in technology. Rather, their use is part of a political project that is a deliberate response to perceived insufficiencies in existing democratic practices that arose at the cusp of the new millennium.

E-participation is, therefore, one of the reforms that representative democracies are currently experimenting with in the hope that such novel forms of political participation can counteract public disillusionment towards the responsiveness of democratic institutions.[1] Hence the well-noted paradox of the post-Cold War period is

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[1] For a full survey of the gamut of reforms currently being considered by representative democracies see Schmitter and Trechsel (2004).

that whilst liberal democracy successfully fought off its systemic rival (Diamond and Plattner, 1996), populations in democracies old and new are increasingly at risk of becoming disenchanted with the classical institutional practices of democracy (Plattner, 2007). This is all the more so in an era of declining social networks (Putnam, 2001; Skocpol, 2004), which as a means of establishing a trusted rapport with public policy are considered vital to the living fabric of democratic society (Tilly, 2007).

Within this context, e-participation has thus been conceptualized as "advocacy democracy" (Cain et al., 2003) as opposed to representative reform (such as tinkering with the electoral system or candidate selection) or direct democracy reforms. By contrast with direct democracy, advocacy democracy, which is not limited to e-participation initiatives using ICTs, 'seeks to influence the [decision-making] process rather than make outright decisions, as is done with referendums' (*Ibid*.,2003: 11). Yet as the analysis below of existing experiments in e-participation shows, it should not be forgotten that what is instinctively understood as a bottom up democratic practice can also serve as an important agent in communication from the top down. E-participation is thus not simply about popular advocacy thanks to the mobilization of previously disconnected citizens. Rather, ICTs provide governments with a novel way of reaching citizens and reacting to their concerns with information as much as policy action.

Broadly speaking then, the launch of e-participation initiatives worldwide in the last decade constitutes an unprecedented experiment in democratic reform corresponding with a hitherto unknown preoccupation, namely the quality of democracy. When democratic reform was primarily a struggle for political rights, western democracies could feel somewhat complacent about the value of their own systems. Yet the collapse of communism and subsequent democratic transformations resulted in myriad constellations of democratic and pseudo-democratic institutions and practices that render any definition of the concept of democracy itself problematic (Collier and Levitsky, 1997). The consequent soul-searching about the nature of democracy put an end to any complacency that

existed about the adequacy of existing institutions and practices. Hence the paradox of late twentieth-century democracy is that it is a form of political rule that became most established and successful at precisely the same time as its best form or practices became most uncertain.

Thus global experiments in e-participation offer a welcome opportunity to examine the extent to which the harnessing of ICTs has been successful for enhancing democratic practices. In particular, the study of the practice of e-participation highlights the problematic relationship between technological change and the political will for democratic reform. The adoption of e-participation devices is rarely a spontaneous or neutral decision. Instead, governments and political institutions consciously decide to introduce such reforms for a series of – more or less explicit – political ends. Given this global context of reforming democracy, the twofold question to which this introduction now turns is: what attempts have been made to introduce e-participation and for what reasons?

1. 2 E-Participation Practices Worldwide

First of all it is necessary to indicate that e-participation is only one instance amongst the broader trend of innovations in the field of "e-government", also referred to as digital government or even government 2.0. This terminology covers a vast array of services and exchange of information that governments across the globe seek to make accessible – and interactive – to their citizens thanks to ICT generally and not solely the internet. From the perspective of political participation, this new interactive relationship between governed and governing principally takes two forms: government to citizen (G2C) and citizen to government (C2G)[2]. In this context, there are a variety of ways in which e-participation is used either for the purposes of G2C or C2G communication. An excellent example of what e-government offers can be found on the homepage of Blacksburg Electronic Village (www.bev.net). This site

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[2] However, there are also other service delivery models, namely Government to Business (G2B), Government to Government (G2G) and Government to Employees (G2E). Since these three do not relate to issues of political participation they are not treated in the main text of the report.

combines a community network and telecommunications infrastructure in the town of Blacksburg, Virginia, USA, and offers a variety of public services online as well as providing technological means of access to all members of the community.

However, there is no need here to duplicate the existing body of work chronicling or anthologizing the gamut of global e-participation initiatives (OECD, 2001; OECD 2003; UN 2007), which in any case is a moving target as new ones are frequently launched. It is sufficient to mention those instances that stand out in terms of popularity and success amongst this wide range of e-participation endeavours. Most notable, therefore, are e-consultations,[3] which have been deployed at a variety of administrative levels of government in many different countries. These online consultations offer several distinct advantages: they increase the possible scale of participation without hampering the administration's ability to respond to participants; it does so at a reduced cost; and, perhaps the trump card of e-consultation, it renders possible a transparent feedback process to citizens, thereby building trust and interest in decision-making at the level at which such consultations are deployed. A good example of the use of online consultation, combined also with an online forum for discussion between citizens, is the European Union's *Your Voice in Europe* portal (http://ec.europa.eu/yourvoice/index_en.htm). In addition, there is a similar development, known as "e-rulemaking", which has been used notably in the United States, allowing the public to find, view and comment upon regulatory practices (www.regulations.gov).

However, this report does not aim to provide a comprehensive summary of all practices relevant to e-participation within the larger field of e-government. Rather, the intention is first to present a set of practices characterizing the growing popularity of e-participation to illustrate various salient aspects of this use of ICT for democratic empowerment before situating TID+ as a leading example of best practices in this domain. Hence it is considered best to place TID+ in the context of the most developed form of e-participation currently in use: e-petitioning. This is because e-

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[3] On e-consultation see Coleman *et al*. (2002).

petitioning is concerned with decision-making *per se* whereas e-consultations are exercises in information gathering.

In order to situate TID+ properly with regards to other instances of e-participation, therefore, this chapter will now briefly review the leading examples of e-petitioning in use worldwide. In addition, the study will describe what the intention was behind the launch of these various e-participation tools. Only then will it be possible to situate the innovativeness of TID+. Accordingly, for every case presented, a brief description is provided, alongside a discussion of the intended democratic results and the relevant technological functionalities, concluded by a short survey of the impact of these e-participation devices. In particular, the analysis focuses on the extent to which these initiatives have concentrated on improving government to citizen (G2C) or citizen to government (C2G) interaction.

1. 2.1 E-Petitions

Petitioning is one of the oldest extant forms of democratic participation. In its early incarnation in the Anglo-American legal tradition, the right to petition consisted in the ability to present private grievances to courts or judicial bodies for redress (Higginson, 1986). In addition, of course, petitions could also be brought by groups seeking to uphold their rights and privileges in the face of overweening government interference. One such example is the famous Petition of Right (1628) addressed by the English parliament to Charles I, which began the lengthy struggle over the respective rights of Crown and Parliament that culminated in the English Civil War. Both these uses of the petitioning device are in fact enshrined in American and British constitutional law, in the First Amendment and the Bill of Rights respectively.[4]

Petitions in the modern era are inherently participative since they consist in the collection of signatures as a show of popular support for the ends advocated in the

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[4] The First Amendment reads: 'Congress shall make no law … abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of Grievances'; whereas the 1689 Bill of Rights declares that 'it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal'.

petition. Perhaps the first example of popular mobilization for the sake of a petition is the Chartist movement in Victorian Britain, which raised more than a million signatures in an ultimately unsuccessful attempt to reform British politics (Thompson, 1984). Thereafter, the connection between petitioning and mass popular mobilization has been very close and in fact bears a strong resemblance to a device of direct democracy, the popular initiative, which likewise relies on the collection of signatures to trigger a referendum (Kriesi and Trechsel, 2008).

Given the tremendous technological developments that ultimately saw the explosion of user-generated content online, perhaps it was only a matter of time before petitioning became electronic. This is especially the case given the prevalence of internet usage among young people – a group universally targeted for increased engagement by governments worldwide. Hence governments at the national, subnational and transnational level have explicitly chosen to adopt e-petitioning as a way of harnessing ICT's potential for facilitating democratic practice (Baer, 2001; Santucci, 2007). The following is a selection of the most significant initiatives in this area worldwide.

1. 2.2 The 10 Downing Street Site

The UK is the best case with which to start since it has formally experimented with two e-petition initiatives and recently the House of Commons Procedure Committee concluded an official report on how this legislative chamber should introduce a new form of e-petition. This multiplicity of institutions to which to petition is a reflection of devolution (the Scottish Parliament launched its own e-petition site, http://epetitions.scottish.parliament.uk/default.asp) and the importance of the office of Prime Minister, which as the de facto substitute of the sovereign can be petitioned alongside the legislature.[5] Moreover, in the UK, the act of signing of petitions is, besides voting in national elections, the most common political activity undertaken by citizens.

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[5] Indeed, the growing tendency to address petitions to the Primer Minister rather than the House of Commons can be seen as another instance of the well-noted "presidentialization" of British politics (Norton, 2003).

The more infamous of the two e-petition initiatives is the 10 Downing Street E-Petition site (http://petitions.pm.gov.uk/), launched in November 2006. In its first year of operation, the site collected 5.5 million signatures for over 29,000 petitions; over 3.9 million people have used the system to author a petition or sign an existing one (http://www.pm.gov.uk/output/Page11051.asp). The system is designed so that authors can check through a keyword search that they are not duplicating existing petitions, they then are asked to categorise their petition using predefined keywords. Outside webpages are free to link to an existing petition[6] but for legal reasons the site does not allow petitions to link to external sites from within the 10 Downing Street site.

The targeted audience of the site is national – the intention behind creating the site was to provide an outlet for British civil society to address concerns directly to the executive. However, although it is a procedural requirement that the petitions can only be signed by British citizens there is no technological function to enforce this as only a British address and postcode are required but paper petitions likewise do not have more sophisticated ID checks. Moreover, the very functionality of the site is expressly straightforward to use. Again, the aim was to allow those engaged citizens without the wherewithal necessary to conduct a formal "hardcopy" petition to be able to solicit signatures online in as user-friendly a way as possible. To establish a petition or sign in support of an existing one, users are required to confirm submission or signature by responding to an automated email. For data protection reasons, only the names of sponsors and signers are available on the site. The site itself was developed on behalf of the Prime Minister's office by a charitable society (www.mySociety.org) whose mission is to build websites for civic betterment. The code used is open source thus anyone is free to develop their own petition site based on the 10 Downing Street platform.

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[6] One of the most popular petitions, which beseeches the government to rescind a rise in petrol duty, is backed by a road haulage lobby group that advertises the petition on its website (http://www.transaction-2007.com/).

Figure 1 Screenshot from 10 Downing Street E-Petition Site

The site's user-friendliness gave rise to certain unintended consequences. Initially, there was no restriction on humourous submissions, yet the volume of pointless and merely cheeky petitions resulted in a change of direction. Thus the site now states that ''petitions which are intended to be humorous, or which have no point about government policy' will be rejected. Nonetheless, many petitions continue to be accepted whose policy implications are trifling and/or tongue in cheek. Two examples should suffice. For instance, one petition called for the Prime Minister "to invade France, and hence provide us with a war we can all get behind". Another, one of the most popular petitions so far in 2008 (nearly 50,000 signatures by April 2008) is one advocating that TV presenter Jeremy Clarkson should be made Prime Minister.

The last is a pellucid example of the manner in which countless e-petitions have addressed issues beyond the actual competence of the Prime Minister's office. This is the case, for example, with multiple petitions calling for the reintroduction of capital punishment for

egregious crimes (child abuse, murder, treason), which would require first a vote by the legislature and which in any case EU treaty law prohibits.

Perhaps most worrying from a democratic perspective is the willingness of certain petitioners to introduce mischievous petitions based sometimes on hearsay or misrepresentation, which nevertheless attract many signatures. A notable example of such a petition based on false information was one asking the government to abolish plans for a supposed "£100 million mega-mosque" in East London, which had no basis in fact. Indeed, such was the pertinacity of this rumour – the petition was signed by nearly 50,000 people – that the Mayor of London's office had to issue a press report to clarify that this was completely false (London Mayor Press Release, 17 July, 2007).

Yet this example can be counterbalanced by the most successful petition, which attracted over a million signatures, protesting about the government's supposed plans to introduce road tolls in the future. This overwhelming display of public mobilization in fact led the then Prime Minister Tony Blair to pen an email response to all the signatories of the petition as well as publish an article on this subject in a leading Sunday newspaper. Although this particular petition was initially seen as a public relations gaffe, with the e-petition site considered a naïve platform for dialoguing with the public, Blair described the existence of an outlet for such public feeling as 'good news for the health of our democracy' (Blair, 2007). At the same time, however, concerns were expressed that the collection of such a large number of email addresses (all signatories have to submit a valid email address) could be used for party electioneering purposes. Moreover, Blair's promise of a more informed and engaged debate has yet to materialize as the policy in question has simply been put on hold.

Overall, the evidence from the 10 Downing Street e-Petition site suggests its success has been mixed. The government has pledged to respond to all serious petitions with more than 200 signatures and has carried out this commitment. This represents a considerable time investment and thus can only be interpreted as a sign that the Prime Minister's office is earnest about promoting this new form of petitioning. Indeed, as a consequence of the introduction of electronic petitioning the volume of petitions to 10 Downing Street now resembles the peak of petitioning

activity in the middle of the nineteenth century as in 1843 when 33,898 were addressed to the Commons (House of Commons Procedure Committee, 2008: 6).

Government responses to petitions, perhaps unsurprisingly, vary greatly in terms of their capacity to inform the public and creating a dialogue between governed and governing. On matters of very general public policy, the tendency is for the government to simply re-affirm existing policy whilst mooting possible review. For instance, following a petition asking the government "to reduce or take away benefit from people who show no intention of working", the official government response was:

> the rates of benefit are unlikely to give people an incentive to put themselves into a situation where they are eligible to claim, or to increase the size of their family to claim an increase in benefit … Our successful labour market policies have already shown the benefits of our rights with responsibilities approach. Recent figures provide a picture of a strong labour market with the highest employment rate of the G8.

Conversely, in responding to more technical questions – for instance the powers of Bailiffs that was changed in the 2004 Domestic Violence, Crime and Victims Act – the government line conveys helpful legal analysis accessible to the layman. In this case, the response went into the necessary detail as to what the changes to the law did and did not entail:

> In reforming bailiff law we are not weakening the protection afforded to vulnerable debtors. However, legitimate judgment creditors who have proven their case through the courts should have the right to have their debts enforced effectively. A judgment debtor should not, therefore, be able to avoid recovery action simply by locking their door and refusing to open it … The Tribunals, Courts and Enforcement Act 2007, and its underlying regulations, will clarify the confusion and inconsistencies that have arisen over many years as to what is and is not regarded as lawful entry. Currently bailiffs have varying powers of entry, including the power to effect entry through windows, skylights, or even, in the case of landlords, to lift the floorboards of premises above to gain access to premises below. It will codify in one place the powers of entry, including re-entry and forced entry, for all types of enforcement agent and for all debts and clarify that entry to domestic premises will only be by normal methods of entry, i.e. doors and French windows.

In this sense, the utility of the e-petition device to a large extent differs according to the subject matter.

As far as the management of the tool is concerned, the volume of petitions is such that comic, mischievous and redundant petitions sometimes manage to sneak through the vetting procedure. Yet the administrators have also decided that the very existence of mischievous petitions can be combated best not by systematically removing them each time they appear but by introducing an early response system that warns users wishing to sign an e-petition that it is based on factually incorrect information. In this way, the Prime Minister's office is committed to a dialogue designed to combat misrepresentations and misapprehensions, which can only be a boon. By contrast, TID+, which is expected to handle a smaller number of legislative ideas, has chosen to remedy this problem by opting for an "acceptance phase". Under this procedure, administrators will review the admissibility of a petition prior to its official posting online.

In addition, there are many petitions merely duplicating the demands of previous ones. Despite the presence of a convenient search facility for the whole archive of petitions, there is no categorization of petitions by type of government response. This absence means that users are not wont to see what success petitions have met with. In this way, the agenda-setting impact of the whole site is opaque. But perhaps this is a reflection of the fact that it was always intended as a means of G2C communication rather than a means of ushering in citizen decision-making – a feature that distinguishes it from the Estonian TOM experiment. Finally, it must also be pointed out that the 10 Downing Street e-petition platform is still operating as a public "beta test" phase. This means the site was launched as a work in progress and various features and functionalities shall be modified according to feedback and the discovery of technical shortcomings as and when they emerge. In this sense the platform is not the "final product", which itself reflects the fact that the British executive's overall e-participation strategy is still a little unsure of its objectives and instruments to meet them.

1. 2.3 The Scottish Parliament

Further north, the Scottish Parliament (established in 1999) in 2004 launched its own e-petitions site (http://epetitions.scottish.parliament.uk/).[7] In this system, rather than being addressed directly to the executive office, e-petitions are initiated by citizens and submitted to a Public Petitions Committee (PPC). The latter is a parliamentary committee dedicated to considering petitions; the PPC considers the merits of each petition individually and there is an opportunity for a petitioner to address the committee in person. Records of all the PPC debates are published and available online, whilst the meetings are also webcast.

The scope for citizens to submit a petition online is defined by the purview of the Scottish Parliament's powers. Only petitions concerning a policy field in which the parliament is competent – broadly speaking, health, education, police and fire services and the environment – are admissible. At the same time, even if the grievances mentioned in the petition cannot be rectified *stricto sensu* through the exercise of the Parliament's legislative competences, the PPC is prepared to act on behalf of petitioners in asking the Scottish Executive to review certain decisions that may have adversely affected citizens. The instructions for submitting the petition itself are very clear and available in several languages.[8] The system used was designed by the International Teledemocracy [sic] Centre and BT, which still runs the platform. During the period 2004-2006 the e-petitions website gathered more than 33,000 signatures alongside more than 880 comments.

There is no formula for how long each petition is open for, but generally this period lasts between four to six weeks. Each e-petition has its own discussion forum, where any user can leave comments and engage in debate on the petition or related issues. The ability to contribute comments ceases once the petition has been submitted, but all comments made during the open phase remain viewable to users. Petitioners are asked but not obliged to kick start the discussion with initial

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[7] In 2007 the Scottish parliament's e-petition system was awarded an EU Best Practice Label. See http://www.epractice.eu/cases/1812
[8] The available languages are: English, Gaelic, Arabic, Bengali, Punjabi, Chinese, Polish and Urdu.

comments to stimulate online debate. In fact, most petitioners provide general background information explaining the importance of the subject matter. In addition, there is a "tell a friend" feature to allow users to publicise petitions.

The striking difference between this system and the 10 Downing Street site is the vastly reduced number of petitions submitted: a reflection of the much lower profile enjoyed by the Scottish Parliament and its circumscribed policy brief. Consequently, it appears that the seriousness of the petitions is much higher than on the Downing Street site. Discussion, however, is far from intense – a mere 880 comments in comparison with over 30,000 signatures in the first two years' operation – given the low salience and more technical (prohibiting the sale of snares) or local nature (e.g. hospital parking fines) of most of the petitions. All submitted petitions have a feature allowing users to track the progress in parliament of a petition.

Figure 2 Screenshot of Listing of Scottish Parliament E-Petitions

Subject:	Principal Petitioner:	Closing Date:	Status:
Scottish Parliament: Session 3			
Display of sexually graphic magazines and newspapers	Margaret Forbes	14 June 2008	Collecting Signatures
Billy Liddell	Bill McCulloch	12 June 2008	Collecting Signatures
Rights of biological fathers	Lydia Reid	31 May 2008	Collecting Signatures
Use of live and hybrid embryos	Lydia Reid	31 May 2008	Collecting Signatures
Amendment to the Graduate Endowment Abolition (Scotland) Act 2008	Miss Elaine Ramsay	02 June 2008	Collecting Signatures

Perhaps the most meaningful contrast with the 10 Downing Street site south of Hadrian's wall concerns the nature of the responses offered to the petitioners. Whereas the Prime Minister's site mostly took pains – at least in response to credible petitions – to clarify the nature of current government policy or statute law, the

Scottish responses tend to emphasise the PPC's dialogue with the Scottish Executive on behalf of the petitioners and the extent to which the aims of the petition have been satisfied. As mentioned in the previous section, the interaction between governed and governing in the 10 Downing Street site is based largely on an anonymous logic of G2C information with practically no legislative or policy impact. The Scottish Parliament's system differs, therefore, by offering a more personal communication – notably by inviting the petitioner to participate in the PPC's hearings on the petition – that encourages the Scottish Executive to respond directly to the immediate policy concerns of the petitioner. Hence by contrast with the 10 Downing Street e-petition site, the Scottish Parliament's experiment with e-petitioning places a greater emphasis on C2G interaction. This corresponds fully with the Scottish Parliament's original ambition to bring into the political fold groups marginalized from the traditional political process. Indeed, the e-petitioning site was associated with a series of 'community events aimed at providing practical advice and guidance to local community organizations' (Adams, et al. 2005: 268) wishing to mount a petition.

1. 2.4 The House of Commons Procedure Committee Report on E-Petitions

Faced with the challenge of responding to technological advances that permitted the electronic submission of petitions, the House of Commons, the traditional institution to which such documents are presented in the UK, undertook to examine how it could "reclaim that role in a digital age". Indeed, the popularity of the 10 Downing Street e-petition platform raised eyebrows in the lower house of parliament because the sheer number of petitions addressed to the Prime Minister was seen as a fundamental misunderstanding of the functions of the respective institutions. As so many of these petitions simply call for legislation, the House of Commons, as the legislature of the UK, is adamant that it should be the proper recipient of petitions. In fact, one of the hopes associated with the launch of a House of Commons e-petition platform is precisely 'to help ensure that the public has a better understanding of the work and role of Parliament as distinct from Government' (House of Commons Procedure Committee, 2008: 14). Such modernization of petitioning is nothing new:

already in 1993 restrictions on the decorous wording necessary for admissibility of petitions was relaxed.

The House's Procedure Committee (the body that considers the practices followed by the House in the conduct of public business) published a first report on the matter in March 2008. This report, which established the blueprint for a future e-petitioning procedure for the House of Commons, is worth exploring in detail as its recommendations have a very high likelihood of being adopted. In fact, the future web platform is expected to be functional by the beginning of 2010.

Traditionally, petitions submitted to the House of Commons must be passed on by citizens to their constituency Member of Parliament. As a result, the MP is responsible for providing petitioners with advice and support as well as information on its impact after having been presented. It is precisely this connection between citizens and their constituency MP that the Procedure Committee seeks to graft upon the new electronic form of submission. Indeed, MPs themselves actively lobbied the Procedure Committee to retain this link. The proposed e-petition platform, therefore, would function through a central parliamentary website to which petitions would be submitted. However, once vetted successfully according to the rules for submission, an accepted petition would then be passed on to the constituency MP, who would take the role of "facilitator". Hence the method for launching an e-petition is more convoluted than for the Scottish Parliament. In fact, the proposed procedure adds an extra threshold to the e-petitioning procedure by comparison with the traditional hard copy petition. The latter, can be addressed simply to the House of Commons without the need for facilitation by a constituency MP.[9] However, for a petition to be formally presented in Parliament requires the assistance of a constituency MP.

The Commons e-petition website would, on behalf of the facilitating MP, be responsible for providing two updates on the petition's progress to petitioners and signatories (who may opt out) from the MP's constituency. This procedure would

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[9] See the guidelines on public petitioning:
http://www.parliament.uk/parliamentary_publications_and_archives/publicpetitions.cfm

come only after the petition was posted for a set period on the parliamentary website for the collection of signatures. Moreover, the e-petition website will contain regularly updated information on the progress of each petition, which anyone can access. The petitions themselves will be sent to Parliamentary "select committees", which deal with particular policy areas. Given the furore over the ability of the 10 Downing Street website to serve as a means of collecting email addresses, the email addresses of signatories will not be available to individual MPs or their parties. The British government would be expected to reply to each petition within two months of its presentation before the House, which in fact would simply entail publication in Hansard (the official record of Parliament) rather than its being read out. Finally, on three occasions per year certain e-petitions will be debated by the House as happens in the Scottish parliament although the exact procedure for selecting which petitions would be discussed has not yet been specified.

Figure 3 Sample Screenshot of the Future Commons E-Petition Site

Thus the proposed e-petitioning system for the UK House of Commons is intended to serve a variety of purposes. In particular, the object is not merely to provide citizens with the possibility of using twenty-first century ICT to carry out the ancient right of petitioning the House of Commons. Of course, there is the desire to enable citizens – especially young people who are seen as marginalized in contemporary political life – to access parliament more easily. However, the very introduction of e-petitioning is also explicitly seen by the Procedure Committee as a means of achieving the Commons' strategic objective of 'maki[ing] it easier for people to

understand the work of Parliament and do more to communicate its activity to the general public' (House of Commons Procedure Committee, 2008: 50).

In part, as explained above, this is a reaction to MPs' perception that the popularity of the 10 Downing Street website is a reflection of British citizens' confusion about the competences and role of Britain's main political institutions. Consequently, e-petitioning is understood by the House of Commons as more than just a procedure for providing enhanced public access to the legislature or what is termed citizen to government (C2G) interaction. Rather, the use of ICT is perceived as welcome means of enhancing knowledge about the working practices of British democracy. In this sense e-petitioning is viewed as a means of remedying failed government to citizen communication (G2C). In this sense the overarching hope associated with e-petitioning is much less to do with empowering citizens to affect public debate than with communicating how democracy is supposed to work in practice. This underscores the fact that the introduction of e-participation is best interpreted as part of a conscious political design rather than a spontaneous adaptation to technological change.

1. 2.5 The European Parliament E-Petition System

The 1992 Maastricht Treaty introduced the right of EU citizens to petition the European Parliament,[10] a right that is also now enshrined in the EU Charter of Fundamental Rights and Freedoms promulgated in 2000 (Article 44). This right was introduced in order to provide EU citizens and residents with a simple way of contacting the institutions with a request or grievance. However, the petition itself must relate to a subject falling within the sphere of activity of the European Community and concern the petitioner directly; failing this, the complaint is deemed ineligible. There are three broad categories for such petitions: a request for policy action, redress for an individual grievance and finally a plea for the Parliament to take a position on a certain topical issue. There is no standard form for drafting a petition; moreover, they can now be submitted online.

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[10] Article 138d reads: 'any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on a matter which comes within the Community's fields of activity and which affects him, her or it directly'.

Figure 4 Online Submission of a Petition to the European Parliament

Once submitted, the petitions are examined by the European Parliament's Committee on Petitions, which rules on its eligibility and gathers information (including from other EU institutions) before holding a meeting. At its meetings, the Committee on Petitions is joined by representatives of the European Commission, who respond to the issues raised by the petitioner. Thereafter, the petitioner receives a written response outlining the action taken in pursuance of the petition. These answers, therefore, are not posted on the Parliament's web page; nor is there a list of current petitions. This explains why the European Parliament's e-petition system has been labeled a "letter box model" (Santucci, 2007) allowing individual citizens to deposit their complaints but not to mobilize others around a certain issue or discover the government position on certain policy questions.

Thus the e-petitioning facility offered by the European Parliament is simply a complement to its existing petitioning service. In its basic function of providing citizens a further access point for the potential redress of grievances it is in essence identical to e-petitioning facilities offered by 10 Downing Street or the Scottish Parliament. In fact, the main benefit it offers is an additional level of lobbying access for the remedy of individual complaints (*Ibid*.). However, it should be clear that there is no particular political project associated with this move to online petitioning on the part of the European Parliament. The intention is not to engender a new form of political participation through mass mobilization of citizens or politicize further the role of the European Parliament. Rather, the ambition is simply to provide better access to the existing function of redress offered by the Committee on Petitions. Hence the overarching emphasis for this service remains C2G diaolgue.

1. 2.6 Queensland Parliament E-Petition

Queensland, one of the six states of the federal Commonwealth of Australia, introduced an e-petitioning facility in 2003. This was one component of a wider e-democracy and e-government strategy going by the name of "get involved" (www.getinvolved.qld.gov.au). The move to e-petitioning permits citizens to submit their petitions electronically to the Queensland Parliament, whose competences cover mostly policing, health, education and public transport. Yet there is no requirement – unlike the Scottish Parliament's system or the European parliament's – that the topic of the petition be limited to issues of governance coming under the purview of the state's policy prerogatives.

The principal feature of e-petitioning in Queensland is the need to find an MP to sponsor the petition, thereby mimicking the procedure followed for traditional print petitions. Thus completion of the e-petition form[11] provided by the website is not a sufficient condition for submission. Instead, the e-petition request is then circulated by the petitioner to a Queensland MP of their choosing (one at a time) who will then decide whether or not to sponsor it. The MP is also able to encourage the petitioner

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[11] This form is only a crib sheet and not a compulsory component of the petition request.

to make changes to the petition before supporting it. Once a petition has found a sponsoring MP, the parliamentarian will submit it to the Clerk of the Parliament who checks the petition for conformity with the rules for eligibility – in particular for "false, scandalous or groundless allegations".[12] Once this screening has been completed the e-petition is then listed on the website. Only the name and address of the author of the petition are visible on this site – otherwise the site merely lists the tally of signatories for each petition.

The principal petitioner in tandem with the sponsoring MP decides on the length of time the petition will remain open for gathering signatures; the minimum period is one week and the maximum six months; there is no quorum of signatures required. Once closed and submitted, it is then the responsibility of the Clerk of the Parliament to send a copy of the petition to the Minister responsible for the administration of the matter that was the subject of the petition regardless of the number of signatures the petition may have garnered. However, there is no official obligation for the minister to respond to each petition. Yet any ministerial response is published on the website.

Figure 5 Example of a Queensland Ministerial Response to an E-Petition

Dear Mr Laurie Neil,
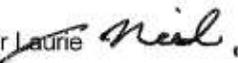
Thank you for your letter of 27 February 2008 concerning Petition No. 976-07 regarding the Japanese harvest of the whales and calling for action by the Queensland Parliament.

Queensland waters are graced every year by the migration of the humpback whales. The recovery of their numbers is the consequence of concerted efforts and reforms by the Queensland Government along with other State governments, the Commonwealth Government and non-government organisations. Though the other whales mentioned in the petition do not reside in or visit our waters, the Queensland Government nonetheless believes that their conservation is important.

The Commonwealth Government has Queensland's full support in the current round of dialogue and negotiation concerning the International Whaling Commission. It is the Queensland Government's view that research should be directed at conservation priorities.

Thank you for bringing this matter to my attention. If any further information is required, please do not hesitate to contact Ms Rebecca Williams of the Environmental Protection

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[12] http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/forms/RequestForm.pdf

1. 2.7 Categorising E-Petition Initiatives

The above overview of a variety of the most significant examples of e-petitioning initiatives was intended to demonstrate briefly what measures have been taken to deploy ICTs for the sake of enhancing citizen participation in politics. The attraction of e-participation is precisely its supposed potential for using modish yet also indispensable ICTs to make possible hitherto implausible forms of citizen participation. The introduction of such processes is considered all the more necessary given omni-present foreboding about the quality of democratic participation around the world. Of course, since these are merely the first experiments in e-petitioning – a trend that seems certain to continue – any analysis of their use and impact can only be deemed preliminary.

Nonetheless, even at this initial stage, the e-petition initiatives discussed above warrant close scrutiny. Especially significant are the differences in both their functionalities and the outlets they intend to provide for citizen participation. In particular, the analysis showed how the relative emphasis on government to citizen communication as compared with citizen to government communication often differed. Certain e-petition systems in fact are designed for one purpose or the other, with various features able to encourage or else stymie both types of communication. To make clear what these differences consist of, they are listed in the following table that also indicates what the overall balance of C2G and G2C communication is all the e-petitioning systems surveyed above.

Background notes for implementors

Table 1. The Balance of C2G and G2C Communication in E-Petitioning Systems

E-Petition System	C2G Feature	C2G Drawbacks	G2C Features	G2C Drawbacks	Overall C2G/G2C Balance
10 Downing St	Easy to Use; attracts mass petitions; broad range of topics	Humorous, spurious and malicious petitions slip through; PM may not be competent to treat	Respond to serious petitions with 200+; pre-empting falsehoods Detailed responses on points of law; list of rejected petitions	Mealy-mouthed response on policy issues, email details collected by government'; many duplicated petitions	Most successful for G2C communication on points of law, no C2G policy impact of consequence
Scottish Parliament	High quality of petitions; ability to address PCC; tell a friend function; events to familiarize citizens	Only covers SP competence areas; low volume of signatories	Petitioners can track petition's progress; PCC often obliges Executive to respond to citizens' grievances	Less emphasis on responding to points of law	Highly successful C2G for local and individual grievances and to hold Executive to account
House of Commons	Petitions facilitated by MP; circulated to committees' petitions debated 3 times a year	No reading of petition; no procedure for which petitions will be discussed by the House	MP helps to craft petition; MP also updates petitioner and signatories on progress of petition; response within 2 months	Unlikely to lead to legislation given little scope MPs have to sponsor bills independently of parties	Intended to provide G2C dialogue about role of Parliament
European Parliament	Request for policy action, grievance redress or policy stance	No list of petitions; no chance to sign; petition must fall within EP competences	Committee on Petitions considers action alongside Commission; written response to petitioner	No list of responses on website;	"Letter box model" not intended to create new form of dialogue between governed and governing
Queensland Parliament	No policy area limit on eligibility; petitions drawn with help of MP; up to 6 months for signing	Need to find sponsoring MP	All responses posted online	No requirement for official response; impossibility of taking action on issues beyond its competences	Emphasis on C2G as part of broader strategy to encourage participation

1. 3 The Estonian TOM Platform

On 25 June 2001, the Estonian State Chancellery launched a web-based e-participation application known as TOM – the acronym for "Today I Decide" in Estonian (https://www.eesti.ee/tom/ideas.py/avaleht). This was a pioneering move[13] since TOM enables Estonian citizens to participate in the national legislative process; other e-participation initiatives around the globe have so far been restricted to the municipal, local or sub-national level (Avdic, et al., 2007; Carman, 2007; Seaton, 2005). According to the OECD conceptual framework for categorizing varieties of e-engagement, the TOM platform perfectly fits the model for using ICT to promote active citizen participation as opposed to providing information or acting as a consultation mechanism[14] (OECD, 2001: 15-6). The relationship between citizens and government assumed by the TOM platform is thus one of partnership.

First of all, it must be pointed out that the TOM project is more ambitious than an e-petition platform, such as the United Kingdom's or Scotland's. Rather than being a mere medium for collecting signatures, the TOM tool is a forum for citizens to discuss legislative proposals, within a ten-day period following submission, and to vote upon them. After an idea has been proposed, the system functions as follows. To allow for discussion between TOM users, authors of legislative proposals have three days to amend them before they are voted upon by users (a simple 50% plus one majority is needed to pass). Once a proposal is backed by a majority, it is forwarded to the relevant government department, which then has a month to respond to the proposal explaining what action was or was not taken and why. This formal government response is then posted on TOM. In other words, in addition to C2G and G2C communication, the purpose of TOM is to promote citizen to citizen (C2C) interaction and engagement in politics, notably the legislative process. It is precisely this C2C ambition that TID+ retains whilst also seeking to improve.

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[13] Estonia, an EU member-state of 1.3 million inhabitants, is also known for its groundbreaking use of internet voting. In 2007 it was the first country to introduce e-voting for national legislative elections (Trechsel, 2007; Breuer and Trechsel, 2006).
[14] On consultation see, for instance, the growing literature on "e-rulemaking" in US federal agencies' regulatory rulemaking (Shulman, 2003).

Although the lessons from TOM will be discussed in detail in the following chapter, it is necessary to provide a brief survey here of how this e-participation initiative fared in practice. In total, 1045 legislative ideas were put forward using TOM. The first year was the most successful, in terms of the generation of legislative ideas, with the number of TOM legislative proposals dropping from a 2001 peak of 369 to almost a quarter (97) in 2004. Thereafter, the number of ideas climbed to 144 by 2006, still only 40% of the number of TOM-generated ideas in its launch year of 2001. The initial peak of activity can easily be explained by the fact that during its launch year TOM received plentiful media coverage, including a prominent presence on Estonia's most popular portal (delfi.ee). Of these 1045 TOM-generated legislative ideas – at the time of conducting this study, March 2007 – 1025 had completed the TOM e-participation process.[15] Amongst this total of 1025 completed TOM proposals, 654 (or 64%) were voted in by registered users, 371 (34%) were voted out whilst 25 (2%) were stillborn and were not communicated to the government as they attracted no votes before the cut-off point (3 days after first being proposed),

In total, the TOM platform attracted 6837 registered users. Visiting the site was possible without registration but registration was required for authoring, commenting and voting on legislative proposals. The intention was to provide a forum for citizens to debate the legislative proposals, precisely in contrast with the passive nature of e-petitioning. However, in practice, as will be explained in chapter two, the platform struggled to provide a successful medium for connecting the authors of legislative ideas with the wider user community in either the debating or voting phase. This is evident from the data on author participation, which shows that only 40% of authors commented on their own ideas and even fewer, 34%, actually voted on them.

Government departments to which TOM legislative ideas were sent for consideration officially had one month to respond to the proposal through a posting on the TOM website. Of the 654 TOM ideas successfully voted in, 580 elicited an official

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[15] Of the twenty that had not, 2 were still under discussion, 5 were yet to be voted on and 13 were still awaiting a government response.

government response – an 89% response rate. Yet nearly half the answers were negative, whilst only 9 ideas (1% of the total) were implemented. Thus TOM has confounded fears that e-participation offers wily politicians a novel way of harnessing the power of populism to pass hasty or ill-thought out legislation. In this way, the practice of e-participation belies Daniel Moynihan's quip that 'citizen participation [is] a device whereby public officials induce nonpublic individuals to act in a way the officials' desire'. The nature of the dialogue between governed and governing made possible by TOM is represented in the following table:

Table 2 The Balance of C2G and G2C Communication in the Estonian e-Participation Platform TOM

C2G Features	Easy to use; broad range of topics; ability both to comment and vote on proposals; votes for and against proposals
C2G Drawbacks	Small user community; few comments on ideas; few votes
G2C Features	Government obliged to respond to voted-in ideas within a month; responses posted online
G2C Drawbacks	Very few legislative ideas implemented; government answers tend to be defensive of official policy
Overall Balance	Attempts to achieve balance but lack of policy impact hampers this objective

1. 4 Enhancing E-Participation: TID+

The existence of the TOM tool is the inspiration for the current TID+ project. However, whereas TOM clearly offered a model of e-participation that goes beyond existing e-petition initiatives, the Estonian experiment was by no means flawless. In particular, as explained and analysed in detail in the subsequent chapter, after its initial period of success, the use of and enthusiasm for the TOM system declined rapidly. Obviously, this result presents a serious challenge for proponents of e-participation. At stake is the question of whether ICT can fulfill their potential to enable a hitherto impossible form of dialogue between governed and governing. In the light of this question, the development of TID+ was based on analysing and learning from the implementation and operation of the TOM tool. In particular, TID+ is designed to contain a set of improvements that will make for a more successful version of e-participation. Equally importantly, the novelty of this project is to make such an enhanced e-participation tool available, in English and with an open software license, to interested parties in Europe and beyond.

TID+ is thus a tool that can be used by any interested entity (governmental or nongovernmental) irrespective of language, locality or administrative setting. Hence the new tool contains the three following distinguishing characteristics in comparison with the original Estonian e-participation platform.

- **language**: the software and user documentation for the TID+ project are in English and can thus be easily translated into any other language as necessary;
- **availability**: the source code of the software is open source thanks to an accommodating license, thereby allowing anyone to use, add or change the format or functionalities of this e-participation platform in accordance with their own requirements;
- **enhanced functionalities**: the platform has been thoroughly revised so as to improve the impact it can have on public debate, however administrators are free to adopt or not the enhanced options offered by the tool.

Nonetheless, the TID+ project does not claim that these improvements are in themselves sufficient to ensure a better quality of e-participation, as measured in terms of impact on public debate and legislation. Rather, they are a necessary component as part of a broader strategy for enhancing e-participation. Hence the recommendations of this report for adopting the TID+ platform will be placed within the context of the need for a broader political strategy that is necessary for the successful implementation of e-participation.

1. 5 Conclusion: The Need to Improve E-Participation Practices as much as Technologies

The review of existing e-petition platforms as well as the Estonian TOM project reveals above all that the advent of the technological possibility of enabling citizens to participate in the legislative process is not by itself a sufficient condition for achieving a transformation in democratic practices. This merely confirms the fact that the simple causal interpretation of ICTs as leading to automatic change in social systems – technological determinism (Hansen, 1921; Heilbroner, 1967) – is erroneous (Preston, 2001), just as functionalism is far from always being the most persuasive explanation of particular institutional arrangements (Pierson, 2000). Rather than constituting a sphere separate from social life, it appears that technology is 'constitutive of social life' (Mackenzie and Wajcman, 1999: 23) and the design of TID+ takes account of this fact.

Instead of representing a democratic *deus ex machina* (cf. Sunstein, 2000), therefore, e-participation needs to be embedded in the social and political landscape of a particular polity if it is to fulfil any of its potential for empowering citizens. The TID+ platform thus contains a set of technological improvements that allow for an enhanced e-participation experience. However, making the most of the democratic potential of ICTs is also fundamentally a question of political practices adopted by governments or other administrations seeking to deploy ICTs for such purposes.

Perhaps the biggest shortcoming in the use of e-participation is the failure of public authorities to publicize such initiatives. A United Nations study of this nascent field of e-democracy recently concluded that 'one of the main reasons for lack of interest in e-participation stems from the fact that public authorities do not take the trouble to market the initiative or explain the use and advantage of e-participation efforts' (UN, 2007: 123). This finding only confirms the fact that 'the use of ICTs alone cannot accelerate the democratic process because the process itself has to be thought through so that the use of ICT is designed to promote and nurture it' (UN, 2007: 121).

Hence the greatest challenge to e-participation is the threat of unmet expectations. When conceptualized according to Hirschman's model of the interrelation between exit, voice and loyalty, it appears that the addition of a new outlet for voice, in the form of e-participation, is no instant remedy for the problem of public distrust of political institutions. Voice only succeeds in promoting loyalty if the use of voice leads to reform; when voice becomes futile, the result is exit, in the sense of disengagement (Hirschman, 1970). From this perspective, governments, at any level, seeking to implement e-participation appear not to have the option of doing so half-heartedly. Citizens' willingness to trust the e-participation process can only be sustained if the system has notable effects on the legislative decision-making process.

Chapter Two

Estonia's Pioneering E-Participation Initiative: From TOM to TID+

Summary of the Chapter

- *Estonia's TOM platform provides plentiful data on the nature of e-participation but was hitherto under-researched*
- *Creating TID+ is designed to unleash further the potential of e-participation*
- *This requires extensive quantitative and qualitative data on the TOM platform*
- *A critical evaluation scrutinizes the successes and weaknesses of TOM from the user perspective*
- *This is further complemented by an in-depth account of the governmental experience of using and responding to e-participation*

2. 1 Introduction: Understanding how to Enhance E-Participation by Studying User and Government Responses

E-Participation, or the use of ICT to broaden and deepen political participation by enabling citizens to connect with one another and with their elected representatives, is a concept that is much more difficult to implement than it is to understand. The raison d'être of the TID+ project is to deliver a tool to citizens and governments alike that is based on seven years; practical experience of implementing a successful e-participation initiative. Consequently, the development of TID+ has constantly been guided by the lessons learnt from Estonia's own TOM platform. The purpose of this chapter is to outline exactly what these lessons are and how they were discovered by extensive study of both user and government responses to the introduction of e-participation in the legislative process.

Above all, the key to delivering an enhanced TID+ e-participation solution was unlocking the experience already gained with the TOM platform. While there was some statistical data on the use of TOM and some Estonian-language coverage of its implementation and functioning, the dissemination of this information was rather circumscribed. More fundamentally, the reasons for its pattern of initial success and popularity followed by dwindling citizen usage were scarcely analysed let alone understood.

Thus the chapter is divided into three major analytical sections. The first, scrutinizes extensively the usage data, examining general user data including level of activity and the sources of traffic activity. The second part of the report adopts a more critical approach by using detailed survey data from TOM participants to analyse how citizens engaged with the TOM initiative and their satisfaction with the process of e-participation it enabled. Lastly, the third and final section builds on the insights provided by governmental experiences with the e-participation platform. This section outlines how the Estonian government has responded and adapted to the introduction of this tool enabling citizens to participate electronically in the legislative process.

In this way, the analysis necessary for enhancing e-participation and designing the improved TID+ tool is based on a thorough tri-partite assessment of all the angles through which e-participation can be studied. As a result, it can be confidently asserted that the development of TID+ is based on the most up-to-date knowledge of best practices in the field of e-participation.

2. 2 Implementing E-Participation in Estonia: How was TOM Used?

Prior to the launch of the TID+ project, only sparse general user activity like the number of registered users and proposed ideas was collated and known. Even then, since all the source material was in the Estonian language, international awareness and recognition of the innovativeness of this e-participation platform was low. This lack of profound analysis explains the very rigorous and comprehensive methodology of usage assessment conducted adopted here to discover how to enhance such e-participation technology.

The analysis presented in this section is based on finding a number of possible performance indicators, harmonizing the content of TOM-generated ideas by assigning tags (keywords) to ideas, performing a full review of all the answers these proposals received from ministries as well as using Google Analytics to find the sources of visitors. The analysis thus traces trends in usage, including the number of proposals, their authorship and their subject matter, and identifies the factors explaining variations and patterns in usage.

2.2.1 TOM overall activity: number of new ideas and number of website visits

The number of new legislative ideas proposed by citizens each year is as follows:

Figure 6 Number of TOM-Generated Ideas by Year
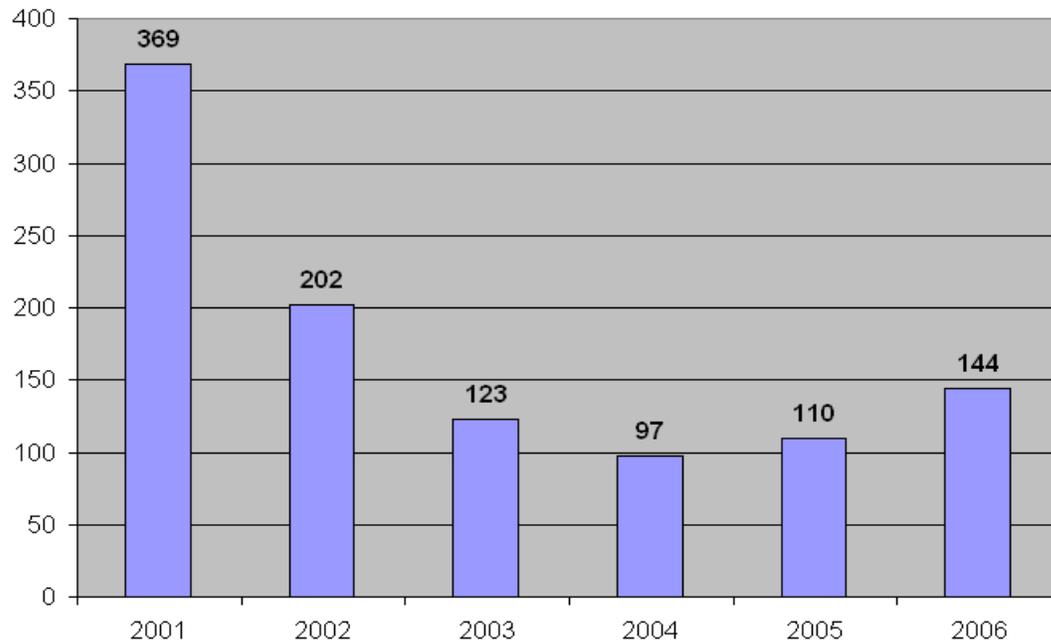
The number of ideas, monthly, with data for the first year scaled-out:

Figure 7 Number of TOM-Generated Ideas by Month
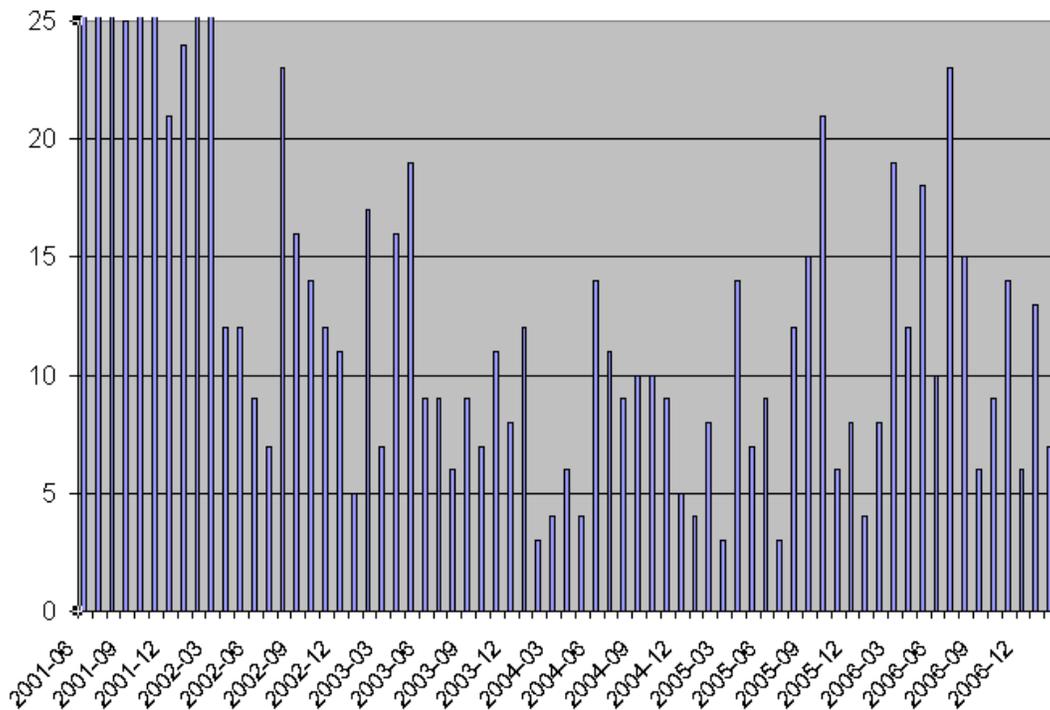
Figures 5 and 6 thus demonstrate a sharp decline in the number of ideas proposed via TOM after the first year TOM was launched. This can be explained by virtue of the fact that initially TOM received a lot of media coverage and the ideas for legislation proposed were mirrored on the largest Estonian portal delfi.ee - yet after 2004 the number of ideas started to rise again. This can be probably be attributed to overall activisation of citizen initiatives and internet usage.

At the same time number of visitors to TOM has remained notably low - typically 150-200 visits per day as shown below in Figure 8, peaking at about 300 when an idea author posts a link to online forum or mentions on weblog. Even in Estonian context this is comparable to slightly popular weblog or homepage of a small company. On the public statistics of Estonian online publications available at http://tnsmetrix.emor.ee that would compare to websites of Baltic Business News newsagency and some programmes of Estonian public radio (r4.ee is russian-language channel, klassikaraadio.ee broadcasts classical music).

Figure 8 Number of Daily Visitors to the TOM Website April-May 2007

2.2.2 The Number of TOM Users and Their Level of Activity

In total, the TOM platform attracted 6837 registered users. Visiting the site was possible without registration but registration was required for authoring, commenting and voting on legislative proposals.[16] The intention was to provide a forum for citizens to debate the legislative proposals, precisely in contrast with the passive nature of e-petitioning. However, in practice the platform did not provide a successful medium for connecting the authors of legislative ideas with the wider user community in either the debating or voting phase. This is evident from the data on author participation, which shows that only 40% of authors commented on their own ideas and even fewer, 34%, actually voted on them.

Table 3 Author Participation in Commenting and Voting (June 2001-March 2006)

	N	Percentage of Total
Total Legislative Ideas	1025	100
At least one comment	911	89
Author commented	411	40
Author voted	350	34
Author commented or voted	570	56

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[16] It should be noted that the TOM platform is available only in the Estonian language and not Russian, the language spoken by nearly a quarter of the population. This mono-linguistic policy is also present in e-voting (Trechsel, 2007).

Of the total number of registered citizens (6837), 45% were active users (3081); in total there were 6107 comments and 12502 votes. This in itself is a very high percentage of active users since the phenomenon of lurkers – users who never contribute or participate – is particularly prominent in online communities.[17] Nevertheless, participation inequality is particularly noticeable with regards to authoring TOM-generated ideas: only 9% of registered users have authored a legislative proposal (or 19% of active users). However, 34% of registered users voted on TOM-generated ideas (representing 75% of active users) whilst 19% commented on proposals (41% of active users). The full statistics of active users are shown in Table 4 below:

Table 4 Statistics of Active Users

	n	% of total	% of active users
Registered Users	6837		
Users authoring 1idea	595	9	19
Users authoring more than 1 idea	134	2	4
Users authoring more than 2 ideas	61	1	2
Average ideas per user	1.78		
Users who voted	2305	34	75
Users voting for more than 1 idea	1072	16	35
Users voting for more than 5 ideas	362	5	12
Average votes per user	5.42		
Users who commented	1267	19	41
Users who commented on more than 1 idea	411	6	13
Users who	184	3	6

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[17] Jakob Nielson, 'Participation Inequality: Encouraging More Users to Participate', http://www.useit.com/alertbox/participation_inequality.html

commented on more than 3 ideas			
Average comments per user	3.68		
Users with at least one action	3081	45	100
Users with more than 1 action	1504	22	49
Users with more than 6 actions	428	6	14
Average actions per user	6.4		

At first glance this data indicating that a sizeable proportion of active users has performed more than one action could be interpreted as a very positive sign of TOM's ability to attract active users. However, a completely different result emerges when examining the proportion of activities by percentile categories of active users as shown in Table 5.

Table 5 Proportion of TOM Activities Performed by Percentile Category

	Ideas %	Votes %	ComIdeas %[18]	Activity %
Top 1%	18	26	30	32
Top 2%	24	37	40	44
Top 3%	28	45	47	51
Top 4%	31	50	51	56
Top 5%	34	54	55	60
Top 6%	36	57	58	63
Top 7%	38	60	60	65
Top 8%	39	63	62	67
Top 9%	41	65	64	69
Top 10%	43	66	65	71

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[18] Note, ComIdeas is not the total number of comments as counted for total activity but the number of ideas commented upon. Hence multiple comments on one idea only count as a single ComIdea.

This table thus demonstrates the highly unequal nature of TOM usage activity, whereby the top 10% of users are responsible for 70% of TOM activity, including more than 40% of ideas and two-thirds of all votes. Moreover, the system is in fact dominated by a single user, who accounts for 10% of all TOM-generated ideas. Indeed, the top two percentile of active users, responsible for the generation of nearly a quarter of TOM legislative ideas consists of only ten users. Although Time magazine's person of the year in 2006 was, thanks to the proliferation of user-generated web content, "You", it should be obvious that Web 2.0 is no democratic panacea given – besides the digital divide (Warschauer, 2004) – the extreme inequality in rates of user participation as shown in the TOM data.

2.2.3 The Outcome of Voting on TOM Ideas

The outcome of citizens' voting on TOM ideas that had successfully reached that stage at the moment the study sample was selected (March, 2007) are presented in the Table 6. In addition 20 ideas were still in various phases of completion and thus were not included in the analysis: 2 were still under discussion, 5 were yet to be voted on and 13 were still awaiting a government response. Overall, two-thirds of all ideas were passed by a majority of votes, although there have been ideas that have passed with a single vote cast (average votes per idea has dropped from 20 in 2001 to 4 in 2006).

Table 6 Number of Ideas and Results of User Votes (June 2001-March 2007)

Total proposed ideas	1025	100%
... voted in by users	654	64%
... voted out by users	371	34%
... abandoned e.g zero votes	25	2%

Surprisingly, the number of abandoned proposals, which attracted no votes, is very low (2%). This seems to be due to the presence of regular users and/or frequent visitors, who have stumbled upon proposals and voted on them before the cut-off

point (three days after the initial ten days period for potential discussion and a further three days for amendment).

2.2.4 How Tom-Generated Ideas Fared: Government Responses

It is commonly assumed by users that most government responses to TOM-generated ideas are negative. To verify this claim, we have examined every single government response and categorized them according to the nature of the answer: those that explain how the problem can be addressed using existing legislation; those informing TOM users that the solution to the problem is already in the pipeline as an amendment to current statutes; those expressing a possible implementation of the idea; those generally supportive; those that were negative; and, as a separate category, TOM-generated ideas that received positive answers and were implemented at least in part. This categorization is of course partially subjective since lengthy answers could often contain criticism and praise, thus we categorized answers as positive if at least some element of the proposal was deemed worthy. Table 7 presents this data regarding the nature of government responses according to the above classificatory scheme. This data relates to the 654 ideas that were successfully voted in, of which, 89% actually elicited a formal government response, that is, 580 voted-in ideas were responded to by the various government ministries.

Table 7 Nature of Government Responses to Voted-In Ideas

Total answers	580	100%
Explaining solution	80	14%
Amendment in progress	79	14%
Possible implementation	35	6%
Supportive	43	7%
Negative	276	48%
TOM-related	9	1%
Unclear	58	10%

2.2.5 Classifying TOM Ideas by Subject Matter

One of the drawbacks of the current version of TOM is the inability to categorize proposals by subject matter – the platform does not classify ideas according to content but merely lists them in the order in which they are proposed. The absence of subject categorization creates several problems: it impedes citizens' ability to find or track topics that are of interest, leads to a duplication of proposals and hampers the process of learning from already-posted government responses. Hence to track the content of TOM-generated ideas, we tagged all 1045 legislative ideas with a set of keywords and the database thus created was posted to the social bookmarking site del.icio.us.[19] This permitted the creation of a striking visual representation of the most popular subject matter, as can be seen in Figure 9 below

Figure 9 Tag Cloud of Keywords Associated with TOM Ideas

Using a more classical representation, Table 6 below shows the top ten most popular subjects for TOM-generated ideas also rendered into English.

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[19] The full set of tagged ideas can be seen at http://del.icio.us/tom.al.icio.us

Table 8: Top Ten Most Popular Subject Matter for TOM-Generated Ideas

n	Subject (Estonian)	Subject (English)
142	liiklus	Traffic policy
70	maksud	Taxes
59	eestiasi	Estonian nation
59	pere	Family policy
40	põhiseadus	Constitutional affairs
37	riigikogu	Parliament
36	krimi	Crime
32	noored	Youth policy
29	alko	Alcohol policy
29	keskkonnakaitse	Environmental affairs

2.2.6 Internet Traffic and Traffic Sources

Over the entire five-year period, the daily number of visits to the TOM site averaged 150-200. This number would peak to around 300 in the case where an author of a TOM idea would post a link to the idea on an online forum or mention it on a weblog. To put this in comparison, in the Estonian context, the number of daily visits is akin to that of a moderately popular weblog or the homepage of a small company. Using the public statistics of an Estonian webtracking site (http://tnsmetrix.emor.ee), the TOM platform ranks alongside the website of the Baltic Business News (a newsagency) or certain public radio stations (r4.ee, the Russian-language channel, and klassikaraadio.ee a classical music station).

Google Analytics, a free service provided by the IT giant Google, provides website statistics, including the source of internet traffic as well as the length and frequency of visits. This service was used to discover more about the peaks in visits to the TOM platform, crucially revealing that all the traffic peaks were the result of a TOM-generated proposal being discussed outside the TOM platform.

For instance, the spike of 9 January 2007, which saw 317 visits to the TOM site, was generated by referrals from a discussion board (auto24.ee), the website of a major

newspaper ([epl.ee](epl.ee)) and two weblogs all four of which referred to a particular TOM idea, as demonstrated in Figure 10, a screenshot from Google Analytics

Figure 10 TOM Traffic Sources on 9 January 2007, Provided by Google Analytics

Source/Medium	Visits ↓	Pages/Visit	Avg. Time on Site	% New Visits	Bounce Rate
google / organic	61	1.72	00:00:31	88.52%	83.61%
(direct) / (none)	50	3.54	00:02:43	76.00%	60.00%
auto24.ee / referral	41	1.66	00:00:17	95.12%	87.80%
epl.ee / referral	31	1.13	00:00:03	93.55%	96.77%
neti.ee / referral	27	3.00	00:01:45	92.59%	62.96%
delfi.ee / referral	25	1.32	00:00:14	96.00%	88.00%
voyag.blogspot.com / referral	23	2.39	00:01:06	100.00%	78.26%
wrongparking.blogspot.com / referral	17	4.12	00:10:45	41.18%	29.41%
riik.ee / referral	11	1.91	00:00:37	63.64%	72.73%
just.ee / referral	7	1.43	00:00:07	100.00%	71.43%

At the time of this spike in traffic, the most active TOM-generated legislative proposal was idea number 2050, which dealt with urban parking legislation and which was linked in the four websites mentioned above. The popularity of this subject arises from the fact that in Estonia there is no legislation permitting bad parking to be classed as a traffic or parking violation because of the restrictive nature of constitutional due process applicable for establishing such sanctions. Certain European countries with similar legal hurdles circumvent this constitutional obstacle by having the regime of fines imposed for such traffic violations classed as local taxes raised on parking "mistakes". However, no such legislation has been introduced in Estonia, which prompted TOM-users to ask for such a measure to deal with problem of reckless urban parking. It was precisely this particular TOM proposal that was discussed on a popular forum (auto24.ee), commented upon in a

newspaper article (epl.ee) as well as publicized on two weblogs written by the author of the TOM legislative proposal.

Thus by publicizing the policy issue and the TOM-generated remedy across various websites internet traffic directed towards TOM hit a peak. This is a crucial finding, which suggests that public interest in e-participation is greatly dependent on how the tool for citizen participation is publicized among internet users, especially the weblog community.

Google Analytics also tracks the internet search engine keywords that bring people into contact with the TOM platform. As can be seen from the following top-10 list of keywords generating TOM traffic, the hit parade unsurprisingly consists of expressions related to the site's name but there are also two real names of TOM idea authors/voters (blurred here for privacy reasons).

Figure 11 The Top-10 List of Keywords Generating TOM Traffic

Keyword	Visits ↓	Pages/Visit	Avg. Time on Site	% New Visits	Bounce Rate
täna otsustan mina	211	6.47	00:04:19	63.51%	24.64%
tom	160	5.58	00:03:27	59.38%	36.25%
pronkssõdur	80	1.81	00:01:21	91.25%	80.00%
emapalk	57	1.16	00:00:04	91.23%	91.23%
trahviühik	55	1.13	00:00:08	90.91%	94.55%
(blurred)	37	1.08	00:00:13	89.19%	94.59%
subclub.ee	34	1.56	00:00:18	91.18%	76.47%
õppelaenu kustutamine	30	1.07	00:00:04	96.67%	93.33%
(blurred)	28	1.14	00:00:11	3.57%	85.71%
valsi sammud	25	1.04	00:00:00	96.00%	100.00%

When examining search statistics beyond the top-10 traffic-generating keywords, it becomes obvious that a very notable amount of inbound traffic is generated by searches for the names of people who happen to have participated in TOM. However, it is impossible to say whether the searches were conducted because the name searched was known to have authored a proposal on TOM, although *prima facie* this possibility seems highly unlikely. Out of 5435 search phrases 1955 (35%) are names, whilst out of 8783 search instances 3404 (39%) are names.[20] TOM ranks pretty highly in Google searches (often on the 1st or 2nd page) so it is not unusual for a search for a person's real name to bring up in a prominent position the idea they have proposed, voted on or commented upon.

2.3 Critical Evaluation of the TOM E-Participation Platform: Citizens' Perspectives

Whereas the previous section presented quantitative data on TOM usage, the focus in this section is on qualitative data. This is based on two separate yet complementary elements: a survey of TOM users and interviews with authors of TOM ideas. This qualitative data analysis complements the quantitative study of the former section by enabling us to complete the assessment of how well TOM functioned as a means for enabling e-participation. Above all, this data provides a profound insight into the expectations, frustrations and evaluations of e-participation as experienced by citizens.

2.3.1 The User Survey of TOM Authors

An online survey was conducted among the registered users of TOM between 30 April and 14 May 2007. The questionnaire was sent to 80 persons who had presented ideas via TOM in the period June 2001 - March 2007. The sample consisted of the authors of the ideas with the highest number of votes cast. The

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[20] A search phrase would be, for instance, a name such as Joe Bloggs. The search could then reveal several TOM-ideas by this one user thus leading to multiple search instances. This explains why there are more search instances than search phrases.

survey was completed by 25 respondents (a 31% completion rate). The aim of the survey was to analyze the "lifestory" of the typical TOM-generated idea, focusing on how and why the idea came into being, the efficiency and user-friendliness of the commenting, editing, and voting phase of the portal as well as the eventual outcome. It did so by asking the following six questions: What did you know about TOM before presenting your idea? How and why did your idea come into being and how did it get to TOM? What was your experience of using TOM like (disregarding the quality of comments, voting result, and the eventual government response)? Could you evaluate the comments on your idea, the voting process, and the answer received from the government? What functions should be added to TOM in order to make it more convenient to use and more effective? What should be changed? What could TOM be used for (in addition to its present function)? What would you do with TOM given the possibility?

Only the most salient responses revealing expectations, frustrations and evaluations will be discussed here. Overall, respondents were delighted that TOM existed and found the information presented on the portal explaining how to use the tool and propose ideas clear and sufficient. The instructions concerning voting and commenting were also considered easy and thus no major technical changes to the platform were proposed. Hence the general attitude towards the TOM website is positive, although the visual design of the portal was criticized for being old-fashioned.

The vast majority of those authoring a TOM proposal did so for personal, work- or family-related reasons and, to a lesser degree, because of media coverage of a particular issue. Upon reflection, however, users felt they had not spent sufficient time in formulating the idea as, with the exception of one user who had consulted an outside expert, they were all based purely on individual reflection. TOM authors also tended to be disappointed that they had not taken advantage of opportunities to advertise their legislative ideas in other fora. In particular, they expressed frustration at not being able to connect with other TOM users who might have comments or vote on their idea. This attitude was closely associated with criticism of the absence of debate among TOM users. Although comments were highly regarded as valuable

and insightful, it was acutely felt that there was not enough discussion or interaction amongst users.

In response to these drawbacks, the survey revealed that authors would have preferred the ability to edit their ideas whilst still in the commenting phase. Moreover, users felt that as potential voters and commentators they needed better ways of keeping track of new TOM ideas, through the use of tagging, RSS feeds and email notification, as a means of facilitating debate. However, despite the unmet expectations of inter-user debate, the survey demonstrated that authors nonetheless found the voting procedure fair and legitimate. The significance of this trust in the procedural fairness of the e-participation system must be underscored, since one study of e-petitioning concludes that 'process evaluations far exceed outcome evaluations in influencing petitioner public support' (Carman, 2007: 13). TOM thus meets the criterion of being considered by citizens as 'politically neutral and potentially influential' (*ibid*., 6), which is seen as the *sine qua non* of a successful participatory innovation.

The obstacles to contributing comments on TOM-generated ideas were not perceived as solely a problem of platform design due to the absence of tags, feeds or email notification. Survey respondents repeatedly mentioned how they felt they lacked the relevant knowledge and information necessary in order to be able to post comments and participate in thorough discussions. As most of the TOM-generated ideas concern a very specific policy area and require a certain amount of background information, the number of people commenting on TOM ideas is low and the persons involved in commenting and voting tend to be the same ones. Moreover, the reputation of TOM is considered high, a perception users referred to as the reason for not posting low-quality or offensive comments that are the norm in many Internet forums.

Besides the lack of discussion, the major criticism – dwarfing in fact the negative comments on the paucity of user debate – of the TOM e-participation initiative was reserved for public officials' answers to the TOM-generated ideas. All the respondents received negative answers (i.e. the presented idea was not to be

implemented) and all the answers are described as being too general and mealy-mouthed. This was interpreted by respondents as the sign of an unwillingness on the part of civil servants to contribute to the possible implementation of an idea, which respondents believe is merely seen as extra work by these public officials. Some frustrated respondents ascribed civil servant inability to implement TOM-generated ideas to the latter's low status and lack of higher-level political support. The absence of positive government responses to TOM-generated ideas thus resulted in the respondents' overall pessimism regarding the usefulness of the portal that can be illustrated with the statements like "nothing will change anyway", or "our opinion doesn't count" etc. This finding confirms the real problem of unmet expectations associated with e-participation as also shown by one study of the Scottish e-petitioning experiment revealing that nearly 60% of users felt that online petition failed to develop stronger links between governed and governing (*ibid*. 11).

2.3.2 Interviews with the Authors of TOM Ideas

In addition to the user survey, a smaller number of authors of ideas with a high vote count or ideas the government said had the possibility of implementation were contacted for private interviews. The aim was to discover what changes users wished to see implemented in order to counteract the problems revealed by the user survey. These interviews revealed that authors sought four substantive changes to the TOM platform, concerning *functionality, publicity, information and influence*. Invariably, these proposals all had a complementary goal, namely, unleashing the full potential of e-participation by increasing the use and impact of TOM.

The first, and perhaps most well-spelled out, demand was for various non-negligible improvements to the functionality of the TOM platform. Authors called for the introduction of a quorum of votes for approving an idea in the hope of improving the quality of ideas submitted to the government. In addition, there is a clear desire to improve the feedback flow throughout the different stages of the TOM process: in the

drafting phase, once in the hands of the government and after the formal answer. At the initial stage of devising an idea, authors explained how they required information on whether there had been previous attempts to address similar policy problems via TOM and how these had fared. They also wanted to be kept abreast of how a voted-in idea was progressing through the relevant department – tracking the progress of an idea is a common concern across e-petitioning initiatives (*ibid.*) – and felt even more strongly that it was necessary to introduce a discussion stage after the eventual government response. In the existing system users are not notified of government responses; this demand was also combined with the suggestion of creating the possibility of re-submitting an amended idea following a negative answer. Finally, authors agreed that they were an integral part of the solution for publicizing TOM. Hence they suggested the introduction of a "send to a friend" function as a way of establishing a campaign around TOM-generated ideas.

Closely related to this "send to a friend" function, was the authors' second demand was for the TOM platform to be publicized better in the Estonian public sphere. As shown in the usage analysis, TOM was at its most popular in its debut year when TOM ideas were carried on a major Estonian webportal, a link authors fully supported. Authors felt more creativity was needed in order to generate publicity, for instance by inviting appropriate NGOs to support relevant TOM-generate ideas once they had been voted upon in order to create a lobby effect.

Thirdly, authors repeatedly requested that the TOM platform make more information available in order to assist the development of ideas. In particular, authors want TOM to provide links to documents relevant for devising legislative ideas as well as external discussion forums. This would also be complemented by providing TOM users with information regarding the working plans of government ministries, including legal amendments in process or under consideration. The availability of this information would thus allow users to suggest ideas that would be congruent with current government priorities, thereby ensuring a better positive response rate. Finally, data should also be provided concerning the official responses to TOM ideas received by each government ministry.

Fourthly, it was considered vital to increase the influence of TOM-generated ideas on public policy in Estonia. Besides improving functionality, publicity and information – which should all indirectly, if not directly, increase TOM influence – interviewees thought the potential political impact of TOM ought to be extended beyond merely delivering ideas to government departments. In particular, it was suggested that ideas should also be circulated automatically to the relevant parliamentary committees as well as the coalition council.

2.4 Government Experiences with E-Participation

To gain a balanced and complete picture of Estonia's e-participation initiative it was also imperative to discover how government had responded to the challenge and opportunities presented by TOM. This feedback provides a crucial insight into perceptions of certain defects in the current TOM system and also reveals the types of changes considered necessary to ensure e-participation fulfills its potential for empowering citizens in a positive way that government can respond to constructively.

2.4.1 The Legal Framework for E-Participation in Estonia

In Estonia, the responsibilities for democracy and e-democracy development are decentralised. For state-level institutions, the State Chancellery and in particular, the Government Communication Office has taken the leading role in co-ordinating participation initiatives in conjunction with the various ministries. In recent years, Estonia's state institutions have provided and used various tools for citizen consultations and engagement. These are supported by the general development of e-services and adoption of new media channels for government communication.

Engaging interest groups for the purposes of drafting legislation and preparing policy documents is not mandatory under Estonian law. However, elements of participatory democracy and the engagement of non-governmental groups can be found in the

Constitution, rules of the Government of the Republic, and legislative drafting rules of the Government and the Parliament.

Consultations with NGOs are stipulated in a governmental decree adopted in 1999 which provides that the explanatory letters of draft laws should also include the opinions of NGOs and interest groups. Moreover, a project for the Development of Estonian Civil Society Development was approved by Parliament in 2002. This is a strategic document defining the mutually complementary roles of the public sector and civic initiative, the principles of their cooperation and mechanisms and priorities for cooperation in shaping and implementing public policies and building up civil society in Estonia.

In 2005, a "Code of Good Practice on Involvement" was developed by representatives of both the public sector and NGOs, elaborating the key principles that support active and meaningful participation of NGOs. The Code is intended to be applied by administrative agencies in the preparation of all the following documents: drafts of laws and their amendments; drafts of the regulations and directives of the Government of the Republic; drafts of Ministers' decrees; documents, concepts, policies, development plans,; drafts of legislation of European Union institutions and other strategic documents (i.e. green and white books); instructions and procedures for rendering public services; conventions and international agreements, etc as policy documents that are important to the country's development.

Key persons have been appointed in the line ministries, whose direct responsibilities include involving the public in decision-making processes. These civil servants supervise the implementation of the Code of Good Practice on Involvement in their respective ministries, and advise both government officials and non-governmental organisations on matters relating to their involvement. Usually communication professionals, they are knowledgeable on ICT measures and can assist colleagues in using e-participation channels and organise online consultations.

2.4.2 E-participation channels, the TOM experiment

The Estonian government's participatory internet portal TOM (Täna Otsustan Mina, i.e. Today I Decide) was launched in June 2001 by the State Chancellery. The aim of the portal was set to increase citizens' ability to participate thanks to online discussions about social and political issues. TOM was the Government's first experiment in engaging people in decision-making courtesy of an ICT tool.

The political and ICT situation in Estonia were favourable to the launch of TOM. More than 10 years into the process of re-building the state, the government aadministration was aware of increasing gap between the governors and the governed. Led by political will and the direct support of the Prime Minister and backed by communication professionals, TOM was an attempt at building bilateral communication between constituencies, making the operation of the government more transparent to citizens. It was also recognized that besides a lack of motivation in having a say in "official matters", citizens did not know how to put forward a proposal for legislative change or where it should be presented. Rather than a one-way, broadcasting model of information flow about the operation of government, therefore, TOM was designed to serve interaction between citizen and government as well as citizen-to-citizen communication.

Importantly, Internet usage in Estonia was relatively high, with growing recognition of the web as new social networking and participatory tool. In 2001, Internet penetration in Estonia was almost 90 percent among people aged between 15 and 35. Therefore it was logical to presume that online portal could prove effective in engaging people in policy making process.

2.4.3 Functionalities of TOM

User registration is required for presenting ideas, commenting, voting and electronic "signing". Everyone can read the ideas and comments. Users present their ideas with the aim of starting a discussion, so that other participants can support (or

criticise) the idea and place votes for and against these ideas. If a majority of users supported an idea, the relevant state agency had to review it and post a response. In addition, citizens could monitor the whole process. This kind of participatory democracy places rather high demands on participants, as the proposals have to be objective and participants have to agree among themselves regarding whether an idea is worth implementing.

In theory, citizens had the opportunity to actually initiate legislation through TOM, however, this in practice this has seldom occurred. The original vision for TOM included a notion that ideas generated in this wasy should be regarded as the "incubating" stage of the state legislative process. This expectation has not proved valid. No proposals for a whole new act have ever been posted. However, several proposals have been adopted as a topic for a potential new act, or as an amendment of an existing act. From a government perspective, this clearly shows that public opinion and legislative initiatives are inter-connected if not always directly. Social dialogue in its various forms and channels influences policy-making and vice versa – people talk about issues that are currently in the legislative process.

2.4.5 Strengths and Weaknesses of TOM

The fact and image of TOM as a tool for interaction with central government was its strong point, as no citizen proposal was to be left "hanging in the air". On the other hand, TOM has been criticised as politically influenced and as a government PR project, with only a pretence at enhancing democracy. This critique stems from lack of trust in political elites, which seems common in all democratic systems.

TOM was most actively visited and used in 2001, when it was first opened. Later, the volume of ideas decreased, whilst commenting and voting activity became relatively passive. There are several reasons for the decline. Partly, TOM was a victim of circumstances as the context of online communication and e-services changed rapidly. At its launch in 2001, there was a need for public discussion *fora*. Gradually, public commenting moved to various online media, where topics were raised (and also ended) fast and furiously and discussion was anonymous. Opinion leaders and

commenters also entered the blogosphere. With the abundance of opportunities to publish one's opinion and enter into debate, the central government-linked site did not seem attractive enough for online community.

More particularly, from a government perspective, the main problems with the TOM as a tool have been as follows. Firstly, the bulk of presented ideas were unconstructive and superficial in nature, which also failed to stimulate a reaction from other users. Even in the case of constructive ideas, discussion often remained insignificant. There was a lack of dialogue between citizens and public officials/politicians; while civil servants provided formal answers, politicians did not get involved in the discussions or responses at all.

Secondly, interviews with TOM users also indicated that citizens want transparency and clarity in the decision-making process and easy access to current policy work. When presenting a proposal to government, citizens expect a solution to their problems as well as guidance as to whom the query should be addressed. In the case of commenting on regulations, people expect feedback and arguments supporting the proposal, they also want to know whose opinion has been asked. It goes without saying that citizen expects to receive a response or feedback quickly, and without excessive formalities.

TOM enabled public debate and deliberation, with an added value of official commenting/ responding on the presented ideas. Consultation was not part of the process. Therefore, contrary to initial expectations, the government discovered that TOM did not really create a participatory environment through which people could influence decisions.

2.4.6 Interviews with Public Officials

To provide a balanced and complete picture of Estonia's e-participation initiative, representatives of relevant government ministries handling TOM-generated ideas were also interviewed. The participants were public servants who dealt with the TOM

ideas the State Chancellery had forwarded them. Their feedback provides a crucial insight into their perceptions of certain defects in the current TOM system and also reveals the types of changes they are willing to countenance.

The first and most sizeable problem from the civil servants' perspective is the fact that ideas have passed through the system with very few votes as well as often being disproportionately authored by a select few users. Nonetheless, the quality of TOM-generated ideas was considered higher than the general correspondence from citizens that finds its way into the ministry inbox. Hence there was a willingness to see the TOM system improved as a way of lessening the burden of answering letters from citizens.

A second complaint concerns users' expectations of establishing a policy dialogue with the government courtesy of civil servants' responses to TOM-generated ideas. As with e-petitioning (*ibid*. 10), TOM users expect that the internet provides a unique and hitherto-inexistent means of having their voice heard by government. In practice, this entails burdening civil servants with the task of responding to TOM-generated ideas. Under the terms of the Estonian Public Information Act, Estonian citizens already have a far-reaching right to make public information requests. However, TOM-generated ideas are more difficult and time-consuming to treat because they typically require a more complex answer, one that is taken at a higher administrative level than a public information request.

Consequently, answers to TOM-generated ideas are treated as the official government position. This means the possibilities of citizen to government dialogue using the TOM platform are limited since once a government position has been determined civil servants are obliged in public to defend it. Civil servants thus pointed out that TOM induced unrealistic expectations of civil servants' ability to effect policy change – their function is to execute rather than decide public policy. Nonetheless, the interviewees accepted that TOM would be made more effective by providing users with the working plans of government ministries as well as allowing TOM-generated ideas to be supported by NGOs and other advocacy groups.

2.4.7 Recommendations for Administrators of E-Participation Channels: a Checklist of Best Practices

The key element in any form of participation is the willingness to hold a government-citizen dialogue, to be transparent and inclusive in policy-making. When an e-participation channel is been established, there should be the political will and resources for constant promotion, the provision of user help-desk and undergoing dynamic development of technological features. The technical side should be "foolproof", easily understandable, navigable and convenient for users. This may sound straightforward in theory but gets complicated when programming starts. However important the ever-developing technical solutions are, it is more vital to consider how to support cultural changes of democratic participation. This is why we suggest the following checklist of best practices:

1. The aims of the e-participation portal and usage rules should be clearly defined and explicitly described for all stakeholders and users.

2. The operation, administration and moderating of the participatory website should not be too formal or technologically complicated to hinder the two-way discussion.

3. Sufficient personnel and financial resources should be available for moderating and up-dating the web.

4. Website administrators should plan for continual development, e.g. usability amendments according to user feedback and pptional add-ons of new functionalities, such as web 2.0 social networking functions.

5. Using statistics tools, there needs to be a constant monitoring of user statistics, to define sources of incoming traffic and use this information for promotional activities.

6. Co-operation and co-ordination with institutional users, i.e. line ministries, is vital. Regardless of whether government responses are voluntary or mandatory, there should be help-desk offering technological support, hands-on user training and easily accessible advice.

7. It is also important to decide whether how to identify users In Estonia, anonymity is common in online discussions. On the other hand, identification by ID-card has become a general practice and many users prefer it in comparison to password-based identification. However, it is advisable to consider several identification options.

8. Continuous promotion of participation principles and e-participation channels is vital. Links should be established to outside sources, such as online media and the blogosphere.

2.5. Conclusions

Government's willingness to incorporate citizen input into the policy-making process is a key element of citizens' expectations about e-participation. If this expectation is not met, trust in e-participation remains low and citizens' involvement in democratic process is likely to be undermined. It cannot be promised that the addition of a new channel of e-participation will instantly solve the problem of public distrust in political institutions. But it is one way to encourage more engagement and more debate on social issues.

The key to e-participation is to offer the appropriate functionalities to users. As the Estonian case shows, it is important to update technological applications to avoid lagging behind the general context of online services. Technology should however not be complicated, as the aim is to engage even citizens with little ICT skills – it should be easy to join the online community.

Moreover, as revealed by the TOM case, the novel mechanism for bottom-up political participation cannot rely solely on citizen activism in order to be effective. Rather, top-down coordination by government is required to support and promote e-participation. Only in this way can e-participation meet the expectations of enhancing democratic debate and involvement.

Any e-participation tool can be used by the government to provide the public detailed information on the current policy priorities and work plans of government institutions. This would enable citizens to tailor their ideas and suggestions to current priorities, thereby increasing the chances that ideas generated in online channels will meet with a constructive answer.

In Estonia, the local government's engagement practices and democracy work have had less attention than state level initiatives. However, most of the interaction between citizens and institutions happen in local communities. Therefore, awareness of public officials needs to be enhanced on the principles of civil society engagement and tools for better policy-making and decision process. Regardless of the way in which the administration of e-services is organised, the efficient use of e-participation requires common guidelines and monitoring as well as horizontal and vertical cooperation across and between the levels and spheres of government.

Chapter Three

Meeting Citizen Expectations about Empowerment: Promises and Pitfalls of E-Participation

Summary of the Chapter

- *Using the Estonia's experience of TOM, both successes and weaknesses in using TID+ and enhancing e-participation;*

- *Improving user functionality of TID+ by introducing technological changes;*

- *The effectiveness of TID+ and e-participation is not just about technology, it is about the ways the Government and the Public uses e-participation;*

- *Suggested changes to accelerate the democratic process with the use of ICTs*

3. 1 Introduction: How to Enhance E-Participation?

The previous chapter identified two overarching problems with the current TOM tool: poor citizen mobilization and the low impact of TOM-generated legislative ideas. Both are symptomatic of TOM's limited ability to influence democratic legislative decision-making in Estonia. Improvements to an e-participation platform for the sake of enhancing its ability to empower citizens thus have to target ultimately the issue of unmet expectations about e-participation's ability to engender new forms of citizen to government and government to citizen interaction. In this sense, the problem of TOM is one of the burden of expectations, which is also true of most areas of the nascent e-democracy (Schulman, 2003). Hence the value of this project's in-depth study of Estonia's e-participation experiment is precisely the ability to identify the types of changes necessary to help unleash the potential of this new form of democratic interaction. TID+ is based on putting into practice these recommendations both through technological procedures in-built in the software and through procedural changes in how such a platform is used. Both these types of change will be discussed in detail in this chapter.

The study of the TOM data clearly demonstrated that the advent of the technological possibility of enabling citizens to participate in the legislative process was not by itself a sufficient condition for achieving a transformation in democratic practices. This merely confirms the fact that the simple causal interpretation of ICTs as leading to automatic change in social systems – technological determinism (Hansen, 1921; Heilbroner, 1967) – is erroneous (Preston, 2001), just as functionalism is far from always being the most persuasive explanation of particular institutional arrangements (Pierson, 2000). Rather than constituting a sphere separate from social life, it appears that technology is 'constitutive of social life' (Mackenzie and Wajcman, 1999: 23) and the recommendations for improving TOM take account of this fact.

Instead of representing a democratic *deus ex machina* (cf. Sunstein, 2000), therefore, e-participation needs to be embedded in the social and political landscape of a particular polity if it is to fulfil any of its potential for empowering citizens. This is

why, on the basis of the data analysis of TOM, TID+ is accompanied by a series of suggestions for how such a platform should be used by government, so as to address the problem of embedding e-participation into the public sphere. This type of change requires political will from the top in order to be put into practice. Hence the irony of e-participation is that an ostensibly "bottom-up" democratic procedure is nonetheless dependent on better co-ordination on the part of government, which has to place e-participation at the heart of public debate if this electronic form of participation is to have a real impact. Nevertheless, technology is by no means neglected, since the analysis also points to the need for certain technological emendations concerning the functionalities[21] the existing TOM platform offers to citizens keen to participate in the legislative process.

3.1.1 Problems with the Existing TOM Tool: The Causes

The intertwined causes behind poor citizen mobilization and the low impact of TOM in the Estonian public sphere can be summarized as follows:

Poor Mobilization:
- Few users
- Dominance of a few mega-users
- Authors disappointed by the lack of user comments
- No linkage between the authoring, commenting and voting phases
- Little discussion of government responses as no user notification of responses
- No possibility of re-submitting revised ideas

Low Impact:
- Public officials contemptuous of low public participation rate
- Answering is a burden on civil servants
- Ideas do not correspond with ministerial priorities

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[21] Thus the analysis does not dwell on software-related issues – for this it is necessary to consult the accompanying software manual.

- Civil servants in charge of responding do not make policy decisions - they execute
- TOM-generated ideas are lost once responded to; they drop out of policy debate as civil servants defend official line

3.2. Technological Changes for Improving User Functionality

From all the analysis conducted hitherto it is obvious that the impact of an e-participation platform is directly related to the number of users, in particular the number of user votes each idea musters. The TOM tool only required a simple majority of votes to allow an idea to pass; there is no quorum. This was interpreted by civil servants as a major weakness because it meant that they had to respond to ideas through a formal, cumbersome process on the basis of a mere handful of votes. To avoid this awkward situation, an *adjustable quorum* could be introduced to ensure that the ideas presented to the various government ministries have the backing of a more significant number of users. The quorum would be set in proportion to the total number of registered users so that greater citizen mobilization would be reflected directly in the voting process. As a result, the ideas voted in will have the sanction of a greater number of users, thereby increasing the chances that the government and other interested parties will take them seriously. Consequently, ideas voted in by only a small number of users would not burden civil servants, thereby avoiding removing a major source of their frustration with e-participation.

Another obstacle to enhanced usage of e-participation concerns citizens' ability to keep track of discussion and revision of ideas proposed by users.
As shown in the qualitative analysis of TOM users, there was widespread dissatisfaction with keeping abreast of the development of ideas, which led to frustration and disengagement with the e-participation process. For instance, authors were disinclined to remain engaged in e-participation in the face of the indifference of other users as indicated by a lack of comments. This flaw can be remedied thanks to the introduction of a *comprehensive system of categorizing of all proposals generated by an e-participation platform*, which would further allow for a search of

TOM ideas by tags or categories as well as a notification system for alerting users to new or cognate ideas.

The categorization of legislative ideas is easy to accomplish using a social bookmarking service such as www.del.icio.us, which would assign tags – in essence, keywords – to each idea and relevant comments. The introduction of comprehensive tagging of all legislative ideas and comments on the TOM tool would have two immediate benefits. Firstly, it would make it much less likely that an existing proposal would simply be duplicated. Secondly, and more importantly, searchable tags would assist authors when proposing new legislative ideas in cognate areas. A searchable database would enable potential authors to make contact with previous authors and those who have commented on relevant previous ideas, thereby making it easier to mobilize a community of e-participation users to support a TOM-generated idea. Furthermore, the knowledge that comments will be stored for future use should also act as a disincentive for users to post *ad hominem* messages (replying to an argument or factual claim by attacking or appealing to the person making the argument or claim, rather than by addressing the substance of the argument or producing evidence against the claim).

Tagging also needs to be complemented by the *introduction of a system of email notification or RSS feed* (Really Simple Syndication, an automatic system for alerting subscribers of updated website content without them having to visit the actual website) automatically informing users of new ideas in certain policy areas. In addition, this system could alert authors to comments on their ideas. Likewise, the RSS feed function would also notify commentators if an author amended her legislative proposal. Another way of achieving the same result is the introduction of a "send to a friend" function.

Users and, in particular, those proposing ideas to government through e-participation, were particularly disappointed with the lack of information regarding the progress of their ideas once successfully voted upon and sent to a government ministry. A remedy for this would be the creation of an automatic system (by email

notification or RSS) whereby authors and other users can track the progress of a voted-in idea in the stages leading up to the official government response. This would not only enhance the transparency of the e-participation process, thereby showing that the government takes the fruits of e-participation seriously. It would also enable the user community to mobilize in the crucial period of government decision-making by allowing users to know the timing of government decisions and thus organize their mobilization accordingly. Indeed, this notification system should also encompass the eventual government response as the interviews with authors indicated that they were particularly dissatisfied by the failure of the existing tool to signal a government response to their idea. Government responses could then also be tagged and added to the searchable database of the entire e-participation tool so as to help authors of new ideas to discover previous government responses to ideas similar to theirs. Furthermore, government responses would make an ideal subject for comments, thereby increasing citizen to citizen interaction within the user community, potentially acting as a means for generating improved ideas.

Finally, there is a need for establishing a system for revising and resubmitting ideas would represent a significant improvement of the e-participation tool. Depending on the type of response an e-participation generated idea received from the government, the resubmission facility should allow users to amend the legislative proposal accordingly. It seems only appropriate, however, that a newly-amended proposal for resubmission should also be subject to a new vote by the community of users. Resubmission could thus potentially serve to reflect the intensity of citizens' preferences, adding to the pressure on government for a positive response, especially if the idea was supported by third parties such as NGOs or political actors.

3.3 Suggested Procedural Changes: Changing the Way Government Uses E-Participation

Perhaps the Estonian government's biggest shortcoming in its use of e-participation was its failure to publicize the TOM platform. However, this shortcoming seems endemic in e-participation initiatives. A United Nations study of this nascent field of

e-democracy recently concluded that 'one of the main reasons for lack of interest in e-participation stems from the fact that public authorities do not take the trouble to market the initiative or explain the use and advantage of e-participation efforts' (UN, 2007: 123). Figure 6 showed that the launch year, when TOM legislative proposals were carried by Estonia's most popular webportal, saw the most TOM-generated ideas. Any government that is serious, therefore, about realizing the full potential of e-participation, *must take positive steps towards better advertising the existence of its e-participation portal*. These steps can vary across different media yet are nevertheless simple to put into effect. For instance, internet portals and online newspapers can be mandated to incorporate permanent links to the portal in their current affairs coverage. Likewise, traditional print media (newspapers and periodicals) as well as TV and radio coverage, especially public broadcasting, could mention the e-participation website, even if only in a byline, as a forum for further public debate or for demanding government action. By itself, the existence of an e-participation platform counts for little unless it is actively promoted as a means to pass new legislation.

Advertising alone is no nostrum for ensuring the success of e-participation. If it is to have a greater impact, it seems that *the ideas e-participation generates ought not to be circulated solely to government ministries*. Citizen to government communication has to be understood more broadly, in terms of a public sphere (Habermas, 1989) in which citizens participate and to which government is responsive. Hence ideas generated via e-participation can contribute to public debate within the public sphere if these legislative proposals are also communicated directly to decision-making actors such as parliamentary committees or even partisan or advocacy organizations such as political parties and NGOs. In fact, civil servants interviewed for this research approved the notion of allowing interest groups to express their support for such ideas during the phase of government consideration. In this way, e-participation can have a greater impact on political decision-making instead of being left in the hands of unelected public officials whose mission is to execute rather than decide public policy.

One of the complaints common to both the authors of TOM ideas and civil servants was the fact that TOM-generated ideas did not match ministerial priorities. Consequently, even ideas that did not require high-level decision-making did not meet with a positive response. To overcome this problem, governments need to provide citizens using the e-participation tool with *detailed information on the current policy priorities of each government ministry*. This would enable potential authors of legislative proposals to tailor their suggestions to current priorities, thereby increasing the chances that ideas generated via e-participation will meet with a positive answer.

The final suggestion aimed at changing the way government uses e-participation concerns the relationship between e-participation and future statute amendments. If the possible impact of e-participation on the legislative process is to be maximized, it seems fruitless to simply lose track of rejected legislative proposals. Thus rejected ideas should be kept on file in the relevant ministries, especially those rejected for their lack of congruence with current government priorities. In this way, subsequent statute amendment or policy priorities that might correspond with or relate better to earlier e-participation-generated ideas will not be lost and might well benefit from the input of earlier e-participation debates. Moreover, this promise to safeguard and potentially re-examine the usefulness of user-generated ideas will also demonstrate the government's willingness to incorporate citizen input into the legislative process, which as the interviews showed, is a key element of citizens' expectations about e-participation. If this expectation is not met, trust in e-participation as a cornerstone of reforming the democratic process in the twenty-first century is likely to be undermined.

3.4 Conclusions: The Importance of Being Earnest about E-Participation

E-participation gives citizens an unprecedented ability to use their "voice" (Hirschman, 1970) in the democratic process. This report has demonstrated, using data from the Estonian TOM initiative, citizens' overall trust in the e-participation process. However, the analysis also revealed the extent to which citizens were frustrated by the inability of e-participation to meet their expectations about having their voice heard – only one percent of the ideas generated by the Estonian e-participation platform were implemented. This finding only confirms the fact that 'the use of ICT alone cannot accelerate the democratic process because the process itself has to be thought through so that the use of ICT is designed to promote and nurture it' (UN, 2007: 121).

Hence the greatest challenge to e-participation is the threat of unmet expectations. When conceptualized according to Hirschman's model of the interrelation between exit, voice and loyalty, it appears that the addition of a new outlet for voice, in the form of e-participation, is no instant remedy for the problem of public distrust of political institutions. Voice only succeeds in promoting loyalty if the use of voice leads to reform; when voice becomes futile, the result is exit, in the sense of disengagement (Hirschman, 1970). From this perspective, governments seeking to implement e-participation appear not to have the option of doing so half-heartedly. Citizens' willingness to trust the e-participation process can only be sustained if the system has notable effects on the legislative decision-making process.

To a certain extent, as argued in section three, being earnest about e-participation is a product of offering the appropriate functionalities to users. As the Estonian case shows, the lack of certain functionalities hampered both the ability to create inter-citizen debate within the e-participation community and the ease with which citizens could be mobilized to join the community. Yet the evidence also points to the crucial importance of political will in fulfilling the potential of e-participation. The irony is, as revealed by the Estonian case, that this novel mechanism for bottom-up political

participation cannot rely solely on bottom-up citizen engagement in order to be effective. Rather, top-down coordination by government is required to place e-participation at the heart of public debate. Only in this way can e-participation begin to meet the expectations it has already engendered.

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