E-Government and Monitory Democracy: Iceland's Crowdsourced Constitution

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Abstract

This paper explores government use of information and communication technologies (ICTs) to facilitate civic involvement in democratic reform. It suggests that e-government offers the platforms needed to address increasing external pressures for greater government transparency and responsiveness, and to adapt to changing notions of political representation and participation.

This paper draws from Iceland's constitutional crowdsourcing to illustrate how it encouraged nation-wide public participation in democratic reform through both traditional and online methods. The initiative undertaken in Iceland signals a shift away from the transactional activities often associated with government ICT use, towards more open and responsive e-government practices that inform democratic decision-making. This paper suggests that, to facilitate civic engagement, such participatory e-government should be an ongoing process that is incorporated into the everyday operations of governments to support and supplement existing political practices.

Introduction

E-government offers opportunities for greater civic participation in political processes. Government use of information and communication technologies (ICTs) has, however, predominantly focused on one-way information provision and service delivery practices (see, for example, Verdegem and Hauttekeete, 2010; O'Toole, 2009). Idealised prospects of e-government heralding in a new era of democratic engagement through two-way dialogue have subsequently been labelled as myths and remain largely unachieved (Norris, 2010; Bekkers and Homburg, 2007). However, civic participation practices through e-government are advancing. While e-government engagement is a slower process than previously anticipated (see Seifert, 2006; Senyucel and Stubbs, 2006), this does not completely undermine the potential of ICTs to facilitate civic involvement in democratic reform.

Signalling a shift towards 'monitory democracy' (Keane, 2009), this paper draws from Iceland's constitutional crowdsourcing to illustrate how external pressures are placing increasing demand on governments to offer greater transparency, responsiveness and accountability for actions and decisions. Iceland's constitutional reform encouraged nation-wide public participation through both traditional methods and open e-government platforms. This example illustrates that governments are beginning to use ICTs to increase transparency and enable new methods of political participation and representation. This paper suggests that, to be effective, online civic engagement should be an ongoing process that is integrated into the everyday operations of governments to facilitate, support and supplement democratic practices. In this way, e-government can be used to maintain government legitimacy in the networked environment by

both responding to and pre-empting periodic instances of civil unrest that arise from increasing levels of scrutiny and contestation.

E-Government in the Context of Monitory Democracy

Keane's (2009) notion of 'monitory democracy' suggests that democracy is transforming to include more deliberative and participatory features. Citizens are enfranchised through advanced technologies and communicative abundance. Increased access to information and greater transparency of political processes, agencies and actions enable power monitoring and controlling bodies such as citizen assemblies, human rights organisations and public enquiries to demand greater accountability of governmental power. Traditional political structures remain important, but increased scrutiny and contestation from external influences transform their pivotal position in politics (Keane, 2009). Understandings surrounding democratic representation, participation, transparency and accountability are subsequently being redefined. This paper suggests that e-government mechanisms offer key contexts through which governments can address these changes in order to maintain their legitimacy in the networked environment.

In broad terms, e-government can be understood as use of networked, electronic communications between governments and citizens (see Mayer-Schönberger and Lazer, 2007; Moon, 2002). There are, however, many facets to this definition. Norris (2010) distinguishes between e-government, e-governance and e-democracy, suggesting that while they interrelate, they are not synonymous. 'E-government' is concerned with the continuous provision of online information and services (Norris, 2010). These types of online applications are often the first to be developed

by governments as they offer authorities the greatest chance of economic gains through, for example, decreased printing costs and reduced customer service staff hours (see Beynon-Davies and Martin, 2004; Silcock, 2001). This also helps to explain the prevalence of government centricity in e-government policy and practice, with the emphasis placed largely on improving government efficiency over developing effective, citizen-centric uses (Verdegem and Hauttekeete, 2010).

'E-governance' is a broad concept that relates to regulation and control by both governments and citizens through electronic means (Norris, 2010). Examples of e-governance include e-health care, online education and e-taxation, which are shaped by governments through, for example, funding and regulatory frameworks. Such processes can, but do not necessarily, involve direct communications between citizens and governments. 'E-democracy', according to Norris (2010), involves the use of ICTs to facilitate civic access to governments and enable citizen participation in political processes. This may include, for example, e-voting and direct contact with representatives (Norris, 2010). To diverge from Norris' definition, e-democracy can also be understood as a broader process that includes online practices that do not emanate from governments, such as political discussion forums, online news sites, and e-petitions. When considered by governments, these types of citizen-led initiatives can enable more informed decision-making (see, for example, Chadwick and May, 2003; Miller, 2009).

It is where these dimensions of government ICT use overlap that holds the greatest potential for democratic reform. E-government applications facilitate informed citizenries and aid equity of civic involvement with government through standardised public service delivery. Civic use of

online government information and services also contributes to a cultural shift amongst populations towards using ICTs to interact with governments. Government-led e-democracy practices rely upon these underlying aspects of e-government, including the infrastructure and platforms that are necessary facilitators of increased citizen interaction with government. Moreover, citizen participation through government-led e-democracy initiatives is arguably more likely to concern and impact underlying governance processes, including the policy and regulatory frameworks that shape society, than democratic involvement through non-government digital initiatives.

In relation to the democratic transformations described by Keane (2009), ICTs facilitate additional avenues for citizens to gain information and scrutinise and challenge traditional power structures, but political settings continue to influence whether and how governments respond to external pressures and adapt their communicative practices. E-government offers the platforms to address increasing external pressures and adapt to changing understandings of political representation, participation, transparency and accountability (see Bertot, Jaeger and Grimes, 2012; Eggers, 2005; Wong and Welch, 2004). For example, governments can use ICTs to increase the timely availability of government information and operations through websites, video streaming, and open data initiatives. Online discussion portals or wikis offer opportunities for direct contact between citizens and elected officials. Governments must, however, be receptive and responsive to such forms of citizen participation (see Jensen, 2009; Gauld, Gray and McComb, 2009), or run the risk of provoking further contestation and scrutiny. In other words, to be effective, civic participation must at least inform government actions and decisions, with the government providing feedback on the ways civic input is used (see Organisation for

Economic Co-operation and Development (OECD), 2003). These types of online developments empower citizens to become informed on issues, contribute to political dialogue, propose policy options and shape political agendas, while governments retain the final decision-making responsibility (see OECD, 2003; Kingston, 2007). In this sense, e-government offers the foundations to actively address increasing levels of scrutiny and contestation in order to maintain (and potentially strengthen) government legitimacy. One example of this is Iceland's recent initiative to increase government transparency and facilitate nation-wide public participation in constitutional reform.

Iceland's Crowdsourced Constitution

Iceland's government works within a representative democratic system and its parliamentary institution is one of the oldest in existence. As a republic, Iceland has always involved coalition governments. The prime minister is the head of state, with the president, who is elected by popular vote, largely serving a ceremonial diplomat role. The president, prime minister and cabinet are elected for four-year terms. Iceland is well positioned to utilise e-government practices for communication with citizens. It has a small population of approximately 320,000 residents, meaning it does not face the same issues associated with scale and manageability as more populated nation-states (see Jimenez, Mossberger and Wu, 2012). Iceland also has a high household Internet penetration rate of 95 percent (Statistics Iceland, 2012). Until recently, however, government use of ICTs for civic participatory practices was limited, with Iceland ranked at 135 in the United Nations' (2010) e-participation development index. A rapid increase in more open online engagement initiatives saw this position jump to number 26 in 2012 (United Nations, 2012). This section outlines one of the initiatives undertaken during this period −

Iceland's constitutional reform – to highlight the role ICTs played in facilitating civic participation in democratic processes.

Until recently, Iceland had experienced decades of relative political stability and little political activism. But in 2008 and 2009, following economic collapse during the global financial crisis, mass civil protests took place throughout Iceland against the government's management of its economic situation (Ginsburg, 2013). The resulting political instability led to the forced resignation of the prime minister, a change in government, and demand from the citizenry for greater government transparency, accountability and responsiveness, as well as constitutional reform. To address civic concerns, the new government sought public involvement in the constitutional reform process.

In 2010, a national forum was held to discuss ideas for the basis of a new constitution (Stjórnlagaráð, 2011). It was attended by approximately 950 members of the public who were randomly selected from the national voting registry. This equated to 0.5 percent of the country's eligible population and included participants ranging from 18 to 89 years of age. The conclusions drawn from the forum outlined values and principles to be addressed in the new constitution in eight key areas: country and nation; morality / integrity; human rights; justice, wellbeing and equality; the nature of Iceland, conservation and utilisation; democracy; division of power, responsibility and transparency; and peace and international cooperation (Meira, 2010).

At the forum, it was also deemed necessary that an independent Constitutional Assembly be elected to review and re-draft Iceland's constitution, present the draft to the public through a

referendum, and then submit it to parliament for final approval. Twenty-five independent delegates from diverse backgrounds, including university professors, lawyers, media professionals and farmers, were elected to undertake this task through a nation-wide vote in late 2010. However, Iceland's Supreme Court revoked the election results due to complaints from political parties surrounding the election process undertaken. These included, for example, the use of cardboard partitions rather than traditional polling booths, and that it may have been possible to trace the ballot papers (Stjórnlagaráð, 2011). With no issues relating to the outcome or the specific members elected, in early 2011 the court instead appointed these people to a Constitutional Council to continue drafting a new constitution.

The activities of the Constitutional Council took place between February and April 2011. During this time, the council utilised crowdsourcing techniques to encourage and enable public input into the draft. Drawing from the forum's conclusions and signalling a shift in the open nature of representation, the council observed three themes during its work: transparency, distribution of power, and responsibility (Stjórnlagaráð, 2011). In order to engage with the public, the Constitutional Council posted draft clauses on its website. Citizens were able to comment directly on the website, join discussions on the council's *Facebook* and *Twitter* pages, and mail their comments via letter. Videos of interviews with delegates were placed on *YouTube* and meetings were both open to the public and streamed through the council's website (Stjórnlagaráð, 2011). Updates and advertisements were also distributed through mainstream media. Receptive and responsive consultation was offered to citizens, with civic input afforded significant consideration during drafting of the constitution, although the responsibility for the final draft was retained by the council.

Hard-copy letters remained the dominant form of feedback used by citizens (Stjórnlagaráð, 2011), which illustrates the importance of combining traditional and online forms of participation to encourage active and equitable civic involvement in democratic reform. But including the use of open and responsive e-government mechanisms highlights a change in governmental culture towards new two-way communicative practices and greater inclusion of civic views. The draft constitution itself was also designed so that it would facilitate greater public involvement in governance processes in the future, particularly through increased civic participation in decision-making. For example, the draft contains clauses including that, with two percent of the electorate, issues can be presented to parliament and, with ten percent, bills can be presented and national referendums on laws passed can be demanded (Stjórnlagaráð, 2011).

When the draft went to referendum in 2012, approximately fifty percent of the electorate took part, with nearly two-thirds of voters in favour of the council's crowdsourced constitution (Kosningavefur Innanríkisráðuneytisins, 2012). This result was not binding, however, as the responsibility for the final decision was retained by parliament. In early 2013, Iceland's parliament declined to pass the majority of clauses suggested by the Constitutional Council, instead proposing amendments and increasing the threshold of votes required to approve constitutional changes, both from within parliament and by the public (Ginsburg, 2013). Shortly after this, Iceland's parliament was dissolved in preparation for a general election, which means changes to the constitution are the responsibility of the next government in power. A new government was elected in late April 2013. As yet, this government has not addressed the constitutional reform issue.

Participatory E-Government: Lessons from Iceland

There are various, admirable stages of Iceland's constitutional crowdsourcing: the national gathering of citizens to share their views; inviting the public to be part of the Constitutional Council; encouraging public feedback into the draft constitution; and aiming to facilitate greater public involvement in democratic processes through the changes to the constitution. The use of ICTs to facilitate public involvement also demonstrates a step towards more participatory e-government. The outcome (to date) suggests, however, that the government's goal to include greater public involvement may have been a tokenistic gesture aimed to placate the citizenry. It also demonstrates that the inclusion of citizen involvement in government processes – on or offline – is dependent upon government willingness and capacity to use civic input to inform decision-making (see, for example, Hernon and Cullen, 2006; Flamm, Chaudhuri and Associates, 2006).

There is much that can be learnt from the case of Iceland. Worth noting, however, is that Iceland's small population and prevalent access to digital technologies mean that similar developments may not be replicable or feasible in other nation-states. Instead, e-government initiatives should be tailored to target the specific needs of particular governments, citizens and locales. Nonetheless, observations from the experience of Iceland (outlined below) offer other governments key areas for consideration when developing participatory e-government practices.

First, e-government mechanisms offer useful platforms to increase government transparency and provide additional avenues for receptive and responsive communication with citizens. Such

developments will be needed if governments intend to address growing external pressures. Keane highlights that the need for monitory democracy often arises through civic dissatisfaction with the political system, and is 'the result of skirmishes between civil society and government' (Keane, 2009: 715). The mass civil protests that took place in Iceland provide evidence of the existence of such forms of monitory democracy. External pressures created the need for a change in the nature of government to accept and engage with civic participatory practices and more transparent operations. Other governments may choose to pre-empt issues arising from increased external scrutiny and contestation by using ICTs to open both the transparency of political operations and additional channels for public participation in governance processes.

Second, participatory e-government is an ongoing process. Bruns (2008) highlights that politics is a process that must be continually revised. He distinguishes between politics-as-product and politics-as-process; the former is concerned with winning votes and elections, and the latter emphasises ongoing participation, which enables public policy to be continually revised (Bruns, 2008). Methods of democratic civic participation, on or offline, are no exception to this observation. Participatory e-government should therefore reflect and facilitate ongoing political conversations rather than episodic involvement (Coleman and Blumler, 2009). Iceland's Constitutional Council increased the transparency of its operations and distributed power by enabling citizens to influence political agendas and shape decision-making. The whole process – from Iceland's economic collapse to the parliament's decision on the draft – spanned approximately five years. While this seems a significant amount of time and the document is yet to be finalised, the Constitutional Council only had a couple of months to draft the new constitution (Stjórnlagaráð, 2011). Given the significance of a constitution for a democratic

society, such a short-term process is unlikely to sufficiently enable its development or allow citizens enough time to become informed, consider the proposals, form and contribute their opinions, and reach a consensus. It is therefore of little surprise that Iceland's parliament did not approve the council's proposals, although it is likely that this was also a reflection of broader political processes at play, including the imminent general election.

Third, online civic participation through e-government should be combined with traditional methods of public involvement. This approach facilitates wide and equitable opportunities for civic engagement with government, and helps to ensure social inclusion (see Cullen, 2006; OECD, 2003). Traditional political participation methods remained popular in Iceland despite the availability of ICTs. Combining online engagement techniques with traditional political participation methods also helps to illustrate that e-government should not be viewed as something separate to ordinary government operations. Instead, it should be understood as a supplementary means to support and achieve the government processes and decisions that resonate through all aspects of everyday life.

Iceland illustrates that ICTs can be used for greater civic involvement in democratic reform. There are, however, many institutional settings that mould the use of technology to facilitate online civic engagement (Chadwick, 2011; Millham and Eid, 2009). In particular, government use of ICTs to communicate with citizens depends upon the capacity and willingness of officials to engage with new methods of civic participation, and to consider public input in decision-making (see Jensen, 2009). As this requires greater distribution of power to civil society, politicians may be reluctant to partially relinquish control of communications by opening

government operations and enabling greater civic involvement in governance processes. Moreover, representatives may be disinclined to use citizen input to inform policy decisions when it is the government that is held accountable for decisions made. These types of risks must be weighed against the threats posed by growing external pressures, and the increased monitoring, scrutiny and contestation of government operations. There are, of course, many benefits to online civic involvement beyond those associated with governments' reactive attempts to address particular instances of civic angst. For example, greater ongoing public participation can aid civic satisfaction with the political system and enhance trust in representatives (Eggers, 2005; Damodaran, Olphert and Balatsoukas, 2008). Moreover, the inclusion of civic views can lead to more informed government decision-making (Aurigi, 2005; Keane, 2009).

Conclusion

Democratic change is a gradual process and the adoption of ICTs by governments is no different. As advancements to and ramifications arising from government ICT use will take time, e-government is unlikely to overhaul current representative structures in the short term. Government use of ICTs to facilitate civic engagement does, however, provide opportunities to take the next step in broader democratic reform. E-government offers platforms to facilitate greater government transparency and increased civic participation in democratic processes. Opening channels for two-way dialogue with citizens enables governments to address emerging and growing external pressures, or otherwise risk potential demise from new forms of power scrutiny and contestation, with disenfranchised citizens finding or creating alternate paths for dissent. Governments that recognise the paradigm shift towards monitory democracy can utilise

ICTs to maintain their legitimacy in the networked environment by facilitating additional participatory and deliberative democratic opportunities, and adapting to changing understandings of political participation, representation and transparency.

Iceland's constitutional crowdsourcing highlights that e-government practices are advancing to incorporate more transparent information and additional opportunities for civic participation. The uniqueness of Iceland lies in the fact that it facilitated nationwide public participation in policy discourse and the development of a document that provides the fundamental basis for a democracy. While the outcome of this increased citizen engagement is limited (to date), Iceland's constitutional crowdsourcing highlights that processes of democratic reform through e-government have begun.

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