Written views from The Democratic Society

Thank for inviting me to submit and present my thoughts on digital democracy to the Commission on Parliamentary Reform. My submission will concentrate on the potential for digital engagement to impact on how citizens can engage effectively with parliament.

Open Policy Making and Open Law Making.

The Democratic Society believes that our democracy should be more participative and ensure that people can be involved in decisions that affect their lives. Ideally, there should be an opportunity to participate at every level of government, be that local issues at council level, national policymaking, or parliamentary processes.

We have previously discussed the concepts of Open Policy Making and Open Law Making and how important it is for the public the to see the evolution of policy into legislation as a transparent process that allows for opportunities for involvement.[1]

In some senses parliament is the final section on conveyer belt of democratic decision-making, while people must be able to participate in choosing their elected members, and help shape government policy, the public should also be able to work with elected members to ensure that the decisions they take on behalf of their constituents reflect local needs and priorities.

At no point do we wish to call for participative democracy to replace representative democracy. Rather, we feel a more involving and participative democracy could help representatives be more responsive with the public and assist an increase public trust in political institutions.

Digital engagement is method that can be used to assist the parliament to engage better with the people of Scotland and to deliver better scrutiny.

Digital Engagement: Potential, Not Panacea.

There is much to be said for the power of the internet and its ability to transform so many aspects of our lives. There is no doubt that digital technology has massively impacted on how we communicate with people, access services, and digest information.

As we have previously noted[2], the internet and digital tools provide an opportunity to "increase participation… boosting inclusiveness and engaging individuals who were

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[1] Making Laws in the Digital Age, The Democratic Society's Submission to the Speaker's Commission on Digital Democracy, 2014 (available: http://www.parliament.uk/documents/speaker/digital-democracy/Digi058CharlotteMulcare.pdf)

previously uninspired by traditional politics and community activities"[3], including younger generations.[4] This is partially due to digital's distinct qualities of interactivity, affordability and connectivity. These attributes create the possibility of a "Networked Public Sphere"[5] that allows "active, creative and vocal citizenship"[6] and enables "many new forms of participation and collaboration"[7].

In other words, digital engagement tools could help parliament: reach new audiences; involve more people in decision making; be more flexible in the delivery of engagement processes, by overcoming barriers of time and place; speed up engagement processes; and connect local networks to engage with the parliament and each other.

However, digital tools may also generate potential problems for engagement including the "Digital Divide"[8], which is the phenomenon of digital haves and have-nots, in terms of access to, use of, and the literacy, knowledge and understanding of digital tools.

Therefore, it is claimed that the Internet and digital engagement tools could amplify existing offline voices, [9] or create what could be termed E-Usual Suspects: people who regularly engage offline, and continue to engage online.

While these pros and cons could encourage optimism or pessimism about the ability of digital tools to improve parliamentary engagement processes, it is important to guard against technological determinism (an overreliance on technology) and focus on the added potential of digital tools, and not focus on the impact of digital tools on their own. In other words: it is not digital engagement tools that will determine the success of a parliamentary engagement process, but how those digital tools are used and the quality of the engagement process as a whole.

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[2] Digital tools and Scotland's Participatory Budgeting programme, The Democratic Society, 2016 (available: http://www.demsoc.org/wp-content/uploads/2016/01/DS-Digital-Tools-paper.pdf)

[3] Peixoto, T, Unusual suspects? Effects of technology on citizen engagement, Democracy Spot, 2015

[4] Loader, B, Young Citizens in the Digital Age: Political Engagement Young People and New Media, Routledge, 2007

[5] Benkler, Y, The Wealth of Networks, Yale University Press, 2006

[6] Brants, K & Voltmer, K, Political Communication in Postmodern Democracy, Palgrave MacMillan, 2011

[7] Dahlgren, P, Media and Political Engagement: Citizens, Communication and Democracy, Cambridge University Press, 2009

[8] Norris, Pippa. The Digital Divide: Civic Engagement, Information Poverty and the Internet Worldwide, Cambridge University Press, 2001

[9] Agre, P.E, Real-Time Politics: The Internet and the Political Process, Information Society 18, 2002; Hindman, M, The Myth of Digital Democracy, Princeton, 2009

Our recommendation is that digital engagement should be part of parliamentary activity as long as digital is part of a broader engagement process, integrated with quality offline engagement methods.

Using digital for Parliamentary engagement.

There are many aspects of parliamentary engagement where digital tools can be helpful, including: dissemination of information; communicating opportunities to engage; idea generation; deliberating, discussing and scrutinising legislation; prioritising aspects of policy, and even collaborative drafting.

We would like to commend Parliamentary staff for the recent experimentation with Instagram, including the #ParliamentPeople[10] campaign, showcasing the work and personalities of parliamentary staff, and using Instagram stories to inform people about the work of the parliament.

So, rather than focus on dissemination of information and communicating opportunities to engage, we will pay attention to opportunities to involve the public more in the scrutiny and legislation processes.
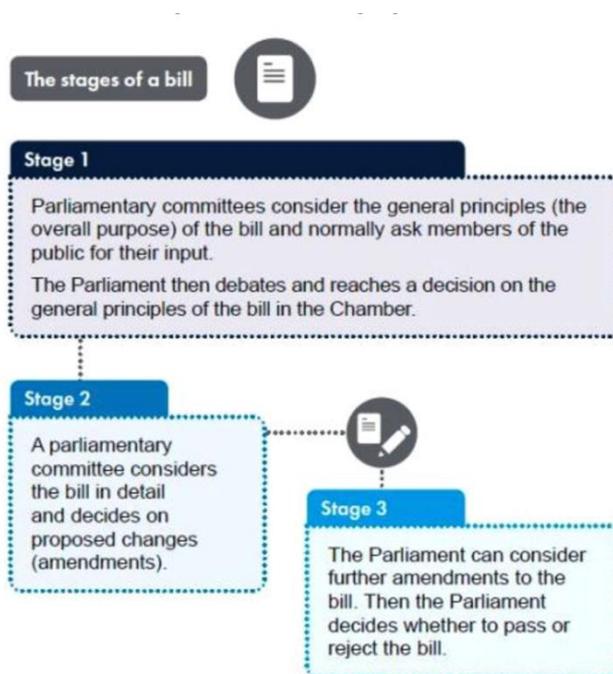
The stages of a bill, taken for the Scottish Parliament website[11]

Bill Stages and Digital Engagement Opportunities

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[10] https://www.instagram.com/p/BQIR_DRAf8A/?taken-by=scotparl&hl=en;
https://www.instagram.com/p/BQTPljLjg8z/?taken-by=scotparl&hl=en
[11] http://www.parliament.scot/visitandlearn/100530.aspx

Stage 1: Allowing the public to consider the general principles of a Bill

Committees could use digital engagement tools to allow the public to assist them to initially scrutinise a bill. For example there are a range of deliberative discussion platforms that could assist with deliberating, discussing and scrutinising legislation and assessing and prioritising aspects of policy.

Examples include but are not limited to: Dialogue, Your Priorities, Loomio, All Our Ideas, WeCo123, and Zilino. [12]

While there is no shortage to the number of digital solutions available it is key to ask a number of questions before engaging with the public, digitally or otherwise.

These questions include: Why are we engaging? Who do we want to engage? How will we communicate this engagement opportunity to the public? What difference can the public make in this process? What do we want to know? What other engagement and outreach is being done? Is digital engagement fully connected with existing engagement processes? How will public know that their engagement has made a difference?

Once these important considerations have been taken into account digital engagement tools could allow committees to have deeper and more meaningful discussions with people. These crowdsourced digital discussions could help committees with the scrutiny process and in turn increase connectivity and trust between the parliament and citizens.

Stage 2: Amendments and collaborative drafting

At stage 2 committees may wish to use digital tools to allow the public to suggest amendments to a bill, or at least comment on specific aspects of draft legislation.

Platforms such as Read+Comment, & Box[13] can provide the opportunity for collaborative and commentable drafting of legislation. Other digital platforms that could assist with consultations on draft legislation include Citizenspace and EngagementHQ.[14]

Stage 3: The public working with MSPs and the Presiding Officer

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[12] http://www.dialogue-app.com/info/; http://www.citizens.is/; https://www.loomio.org/about; http://www.allourideas.org/; https://weco123.com/; http://beta.zilino.com/
[13] https://helpfultechnology.com/readandcomment/; https://developer.box.com/platform
[14] http://www.citizenspace.com/info; http://www.bangthetable.com/engagementhq/engagement-tools/
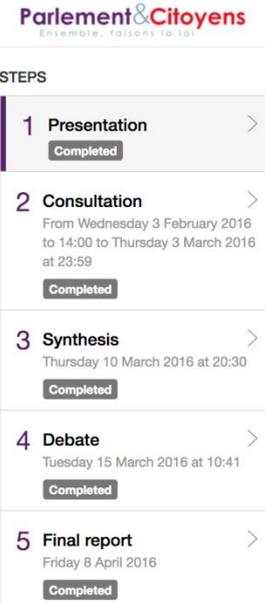
In normal circumstances only MSPs are able to lodge amendments at stage 3, and the Presiding Officer selects amendments that should be debated. As we mentioned above, we don't think participation should make elected representatives redundant, on the contrary, we feel participation can assist and strengthen the role of the elected representative.

For example, in France, the Parlement et Citoyens platform has been experimenting with closer collaboration between citizens and elected members.

Elected members offer up bills for discussion and collaboration. Participants can then comment, suggest amendments and rate ideas and proposals. There is also an option for a select number of participants to take part in a video conference call with the relevant elected member(s) to discuss the bill in more detail.

Once online discussion has been completed elected members then debate the legislation.

Screenshots from Parliament et Citoyens showcasing collaboration process and range of opportunities for people to discuss legislation.

This collaborative approach has been successful and there is soon to be a debate on whether or not they should generalise such online discussions before parliamentary debate. This idea was also discussed on the platform and a parliamentary debate will take place on the subject in the first half of 2017[15].

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[15] https://www.parlement-et-citoyens.fr/project/generaliser-les-consultations-en-ligne/step/journee-deliberative

While Parliament et Citoysens shows what is possible in terms of digital parliamentary engagement, it should be noted that the tool's success rests upon the willing appetite of elected members to participate in such a collaborative process. Without a culture of genuine participation and openness, all digital engagement, or general engagement for that matter, is destined to fail.

It is not the digital tools you have, but the culture that they are embedded within, and the way tools are used, which will have the most impact on the efficacy of digital engagement.

Citizen Bills

There are also possibilities for parliaments to use digital to revamp petitions committees and allow citizen proposals to become law.

We believe that engagement should be possible at all stages of policymaking. We support a process that allows the opportunity for the public to play a role in the development of new laws. Specifically, open policymaking could lead to public-initiated legislation. The Open Ministry[16] (an NGO from Finland) uses crowdsourcing tools to collate citizen-generated suggestions for legislative change. Citizens and lawyers work collaboratively to develop popular ideas into proposals - those supported by over 50,000 people are presented to Parliament.

As we noted in 2014[17], 10% of suggested ideas have been drafted into proposals, with 1% debated in Parliament. Arguably, these figures suggest a low proportion of conversion, yet perhaps the salient point is that the opportunity exists at all: Finnish law provides a right for public-initiated legislation.

In Estonia, the People's Assembly Rahvakogu[18] provides an internet-based platform where citizens can contribute to the legislative process. Ideas are discussed online, complemented by offline events, and formulated into a coherent report to be reviewed by analysts and presented to Parliament. This is similar to the approach employed by the Brazilian Chamber of Deputies (eDemocracia) and the Senate of Chile (Senador Virtual) in their use of online tools during the legislative process[19].

So, rather than disrupting the traditional process of having elected members passing legislation at stage 3, digital tools can be used to ensure that the public have the

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[16] http://openministry.info/
[17] Making Laws in the Digital Age, The Democratic Society's Submission to the Speaker's Commission on Digital Democracy, 2014 (available: http://www.parliament.uk/documents/speaker/digital-democracy/Digi058CharlotteMulcare.pdf)
[18] https://rahvakogu.ee/
[19] https://edemocracia.camara.leg.br/home

opportunity to raise proposals for bills and work with elected members, parliamentary staff and the presiding officer to bring their suggestion into law.

In other words, elected members still have the final say over legislation, but the initial proposal for a certain law could have started with a proposal from a citizen. This approach could innovate the existing petitions process and mean that citizens could either eventually have an idea written into law, or be provided with clear feedback as to why it will not be pursued by the parliament.

Concluding remarks

We have compiled this submission in order to provide the Commission with inspiration and guidance as to what is possible in relation to digital and parliamentary engagement. We are currently working with the Scottish Government to test a number of digital tools as part of Participatory Budgeting exercises[20]. The learning we gain from this work will provide further evidence and ideas about the most effective digital engagement processes and methods.

We would strongly recommend that Commission considers opportunities for digital engagement within the day-to-day work of parliament and encourages experimentation with digital engagement.

But remember: digital is part of the engagement process, not the be all and end all of engagement. Digital engagement is nothing if it does not have strong existing engagement procedures in place and people can see the value of engaging with parliament and can see the impact of their engagement.

About the Author

Alistair Stoddart is the Scotland Network Manager, responsible for The Democratic Society's Scottish projects including: encouraging Open Government in Scotland; running engagement processes for the Commission on Local Tax Reform and the Scottish Government's Fairer Scotland Programme; and research into a Scottish Participation Framework.

He is also a member of the Scottish Government's Participatory Budgeting Working Group, which oversees Participatory Budgeting activity in Scotland. He has been exploring and testing digital tools for Participatory Budgeting in Scotland, working with 10 local authorities and a variety of community organisations to run projects that include aspects of digital engagement.

About The Democratic Society

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[20] http://www.demsoc.org/participatory-budgeting-in-scotland/

The Democratic Society (Demsoc) works for more and better democracy, where people and institutions have the desire, opportunity and confidence to participate together.

We work to create opportunities for people to become involved in the decisions that affect their lives and for them to have the skills to do this effectively. We support governments, parliaments and any organisation that wants to involve citizens in decision making to be transparent, open and welcoming of participation. We actively support spaces, places and processes to make this happen.

We are non-profit and non-partisan and have offices in Edinburgh, Manchester, Brighton and Brussels.