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The impact of information and communications technologies (ICTs) on parliamentary processes can be examined from different perspectives. On the one hand, one can consider the phase during which representative bodies are formed, hence the selection of candidates, election campaigns and voting processes. On the other, the attention can be focused on the internal organization of the parliamentary works and the different forms of interaction with citizens.

Although voting techniques and organizational arrangements are certainly important elements to be taken into account, they can be seen as part of an ongoing and natural adaptation to technological innovations and evolution, even when they raise relevant questions like in the case of the electronic distance voting, as its deployment may threaten the individual, free and confidential nature of the ballot.

The impact of technology is different instead when the combined and complex effect of innovation alters the citizens-parliaments relationship. The resulting changes, however, cannot be analyzed using traditional tools, since today we are beyond the historical opposition between representative and direct democracy and citizens can make their voices heard in ways that were unthinkable in the past. In the *Social Contract*, Jean-Jacques Rousseau, criticizing representative democracy, wrote:

*“le peuple anglais pense être libre; il se trompe fort, il ne l’est que durant l’élection des membres du parlement ; sitôt qu’il sont élus, il est esclave, il n’est rien. Dans le court moment de sa liberté, l’usage qu’il en fait mérite bien qu’il le perd .”*¹

His words may seem unduly pessimistic, or even unjust, but they essentially refer to a basic premise or evaluation of a political-institutional logic which took into serious consideration the post-electoral silence of citizens once elections were over. The 100 days immediately following an election have been in fact, and still are, referred to as the “honeymoon”, a period during which even unpopular reforms can be introduced as the remaining term of the legislature should be sufficient for reabsorbing their negative repercussions. This approach, however, has been gradually eroded by the increasing use of opinion polls to rate the activities of the government and parliament, which in turn resulted in a changed relationship between institutions and public opinion that has also influenced the political agenda, especially over the long term.

The effects of this innovation have been amplified by the use of information and communications technologies, to such an extent that we now speak of “pollocracy”, “permanent election campaign”, and, sometimes, of “perpetual democracy”. The ever broader range of opportunities made available by ICTs gives citizens the chance to intervene actively in several ways, break the silence between one election and the next, and rise above their former status of “election fodder”. We can see plenty of examples of this change, such as the

¹ The people of England regards itself as free; but it is grossly mistaken, it is free only during the election of members of parliament. As soon as they are elected, slavery overtakes it, and it is nothing. The use it makes of the short moments of liberty it enjoys shows indeed that it deserves to lose them.

increasing use of toll-free telephone numbers for so called legislative calls by citizens to MPs in which citizens demand their elected representatives to take a particular stance on a given law, or the various ways of using the web to create grass-root lobbies, form dynamic coalitions and organize demonstrations. All these forms of direct action influence government and parliament.

It is easier to appreciate the change that has taken place if we accept that we have now transcended the contrast between representative and direct democracy. The latter used to be seen as a net alternative to the former. Today's dynamics are more complex and can generate different results: the integration of the traditional representative democracy with e-participation tools (this is the model envisaged in the Treaty Establishing a Constitution for Europe, which enshrines the principle of participatory democracy side by side with the principle of representative democracy - Articles I-46 and 47); or, the establishment of an entirely separate political sphere, mainly performing those representative functions that traditional institutions have allegedly lost, thereby losing their legitimacy and historical role.

We can make a rough and ready distinction between the first model, in which new and interactive channels are formed between citizens and politicians or between civil society and representative bodies, and the second model, in which channels are conceived mainly, or exclusively, among citizens.

These changes necessitate an overhaul of the political system. What are in fact the effects of two systems of representation coexisting side by side, with one claiming to be the "true" embodiment of democracy on the grounds as the direct and diffuse expression of the current will of citizens?

Evidently, this question needs to be posed to historical institutions and, above all, to parliaments. Before venturing a response, however, it is important to give appropriate considerations to the trends and proposals occurred in the political system.

For example, Article I-47 of the Treaty Establishing a Constitution for Europe, which deals with participatory democracy, states: "No less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Constitution." Here the evident intention is to transfer to the European dimension, while clarifying its significance and scope, an already established institution, namely the popular legislative initiative.

Another example worth mentioning is the increasing use of primaries in Europe. The effect of this new practice is not just to involve citizens at an earlier phase of the political selection process, but also to remove the power of selection from the society's traditional mediators, the political parties. In France, on the occasion of the primaries for the selection of the candidate to run for the Presidency of the Republic, the success of Ms. Segolène Royal can probably be ascribed also to the fact that, in the months preceding the vote, it was possible to become members of the French Socialist Party online. This gave 50,000 people a chance to make their opinions known, without the filtering effect of the party machine. Ms. Royal herself then proposed the creation of a "jury de citoyens"² composed of people drawn from electoral lists

² Citizens' jury

to carry out "une surveillance sur la façon dont les élus remplissent leur mandat."³ In this way, the traditional relationship between elected representatives and voters would be profoundly changed as members of parliament would no longer be free from restrictions or constraints.

An even more radical hypothesis in this direction is the one that gives citizens the right "to recall the members or the US Congress" (a right accorded in different forms in 26 States of the USA), along with the further right "to veto any act of the Congress".

In the framework of the *ex ante* and *ex post* evaluation of candidates' political programs two cases can be recalled. Two US academics, James Fishkin and Bruce Ackerman, have proposed to introduce "deliberative polls", involving a relevant sample of voters preceded by periods of information and collective discussions, as well as the introduction of a "deliberation day", a remunerated national holiday dedicated to the discussion on candidates one week before elections. The aim was to make it possible for citizens to take an active part in the decision-making process by means of an informed debate, as opposed to responding passively and acritically to the traditional polls. On the other hand, during the previous campaign for the presidential primaries, the democrat candidate Howard Dean made considerable use of ICTs to promote greater citizen participation, new ways of fundraising and consultation with electors. Asked by Wired magazine how he would behave if one of his proposals turned out to be unpopular among voters, Mr. Dean answered quite frankly that he would change the proposal. This epitomizes one of the critical dimensions in the use of ICTs in the candidates' selection process and in the setting of the political agenda. Do ICTs make it easier to listen to the opinions of the people or do they reduce the autonomy in policy making by creating a new form of political passiveness, which would replace the traditional one through the transfer of it from citizens to politicians?

There are also different experiences of citizens' direct involvement in the legislative process. It can be recalled that in 2001 Estonia introduced the project "E-democracy environment TOM and Public Participation in Estonia" to involve voters in parliamentary processes through a procedure divided into six phases: submission of the idea or proposal; submission of comments; editing; voting in favour or against; signing; and, feedback from the government. Results were however modest, partly due to the attitude of the parliament, so that the emphasis was later shifted to a broader participation, through on-line consultations, in respect to strategic decisions or documents. In other countries, for example in the United Kingdom and in Hungary on bioethics, informal consultations were encouraged by inviting citizens to submit their opinions on proposed legislative changes.

These are all examples of major changes that are occurring in the relationship between citizens and institutions. The objection that some of the cases mentioned above did not involve ICTs is not really convincing. It is an incontrovertible fact that the increasing use of technology is causing complex contextual changes, and we are witnessing nothing less than a profound transformation of the public sphere and its relationship with the political process, whereby the technological dimension will progressively encompass the entire political arena.

So, what lessons learned should parliaments take into consideration? The basic and most obvious point of departure is the way in which the Internet is reshaping the public presence, both at the individual and collective level. We can discern a number of emerging dynamics, sometimes in contradiction with each other:

³ Oversight on how the elected carry out their mandate

- we are experiencing the emergence of a mass self-communication, also characterized by the involvement of the “lay” citizen, but with the possible outcome of an atomized individual participation;
- a fragmentation and segmentation of the public sphere is also taking place;
- the opportunities for instant political mobilization have grown;
- we are witnessing the rise of “hypermedia campaigning”, which can translate into a situation of continuous campaigning;
- the functions and nature of political mediators are changing;
- the emergence of phenomena such as the blogosphere has enlarged and increased the tendency for self-representation;
- the culture of social networking is reinvented every day.

This is how the world around parliaments is changing. Parliaments must step into the fray with courage and farsightedness as they strive to cope with this complex and contradictory process. If parliaments want to be part of the reinvention of politics, which is occurring in any case, they have to be prepared to reinvent themselves.

Parliaments must begin by facing two issues. First, they must acknowledge that the crisis of representative democracy is their crisis. Secondly, they must recognize that the real antagonist of representative democracy is not direct democracy but populism.

It has been argued that electronic democracy is the most appropriate political form for the populism since ICT make it easier to appeal directly to citizens, bypassing all types of mediation, enfolding politics in a bottom-down logic frame, transforming elections into a form of investiture and transferring the need for representation away from the political system. In this way, however, the very concept of representation risks alteration, because it can transform itself in self-representation, it can appear in a myriad of places, raising the question of what is truly representative.

Parliaments must establish a dialogue with this segmented and fragmented society. But this implies to making some difficult choices and opening effective channels of communication. For example, the citizens’ right of initiative, as envisaged in Article I-47 of the Treaty for Establishing a Constitution for Europe, could be generalized and made binding to some extent. Bills submitted by groups of citizens should be considered by the parliament, and arrangements should be made to enable the sponsors to participate in the legislative process.

This would place a constraint on parliament that might well be considered excessive. Yet, the presence of manifest obligations on the part of parliament could persuade citizens that they have real power. This would eliminate what many polls have shown to be a chief source of popular disenchantment, which is that the many e-democracy and e-participation initiatives have yielded such poor results. Parliament can thus be conceived as an open forum, in which citizens are able to take part in the legislative process by submitting proposals, observations and amendments.

If the objective is to open channels of communication, then the channels need to be viable, and parliaments must therefore ensure that they are open to all on equal terms. Parliaments

need to put the problem of access to knowledge at the very top of their agenda. Access to knowledge means two things. In the first place, it refers to the availability of the necessary technical tools (free internet access, ICT literacy), the bridging of the digital divide, the recognition of knowledge as a common good (revision of patent and copyright laws). By acting in this way, parliaments can forge the new citizenship.

Secondly, access to knowledge implies plurality of content. In the new “Republic.com” society, one of the defining characteristics of citizenship is the continuous exposure to a plurality of contents, which enables people to compare information and develop a critical thought. Parliaments’ duty, therefore, is not simply to avoid censorship in all its forms, but also to prevent the establishment of situations of control over communication systems by actors able to reduce the available content while holding a monopoly or semi-monopoly over the market.

In the knowledge society, an increasingly important function of parliaments is to safeguard fundamental rights and freedoms in the vast public space that ICTs have created and are constantly reshaping. It is up to them to prevent our societies from becoming dominated by control and surveillance concerns and social discrimination, thus turning into “nations of suspects”, on the grounds of a need for security, which all too often becomes a pretext for the creation of a “factory of fear”. It is also up to parliaments to avoid that the market logic grants to citizens only those rights that are due to them as consumers. Although this has been an historical task for parliaments, today it takes a special significance: only if parliaments discharge their duty convincingly will citizens continue to regard them as necessary institutions. Parliaments must therefore learn how to build trust.

In the past year, in particular, the creation of trust and the legitimizing of players working to this end has been subsumed to a large extent by the business community. Microsoft started with the proposal of a digital identity card. It was followed by the joint initiative of Microsoft, Google, Yahoo! and Vodafone, who announced the publishing, by the end of the year, of a Charter for the protection of the freedom of expression in Internet. In July, Microsoft presented its “Privacy Principles”, and more recently, Google, having rejected a European Union proposal to block “dangerous” search terms (“bomb”, “terrorism”, “genocide” and the like), proposed the adoption of a global standard for privacy that would be supervised by a “Global Privacy Counsel” attached to the United Nations.

There is an emergent need to protect fundamental rights, especially those concerning the freedom of expression and the protection of personal data. Safeguarding these rights cannot be left to private parties, since they will tend to offer guarantees that suit their interests. Parliaments have an essential role to play in this field in terms of new cross-border collaboration, as they have to operate in a global dimension, by contributing to the establishment of a set of guarantees, such as those encapsulated in the concept of the “Internet Bill of Rights” to be discussed in the framework of the Internet Governance Forum of the United Nations in Rio de Janeiro.

Parliaments have many avenues open before them, but beyond identifying those which lead towards the best use of technologies in legislatures, they must also strive to find ways to avoid annihilation at the hands of the power of technology and the new social and institutional structures that this power is creating.

If they wish to remain the country’s real measure for democracy, they must change.