



## **E-Democracy in Europe – Prospects of Internet-based political participation**

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### **Theoretical framework and overview. In-depth examination of three selected areas - Phase II**

Deliverable No.2 of the STOA Project

“E-Democracy: Technical possibilities of the use of electronic voting and other Internet tools in European elections”

Commissioned by STOA and carried out by ETAG

Order Form No. IP/A/STOA/FWC/2008-096/LOT4/C1/SC2

Ref.: Framework Contract No. IP/A/STOA/FWC/2008-096/LOT4

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October 2010

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# Project Description

Contract number IP/A/STOA/FWC/2008-96/LOT4/C1/SC2

The project is being carried out by the **Fraunhofer Institute for Systems and Innovation Research (ISI), Karlsruhe** (project co-ordinator); together with the Institute of Technology Assessment (ITA), Vienna; and the Institute for Technology Assessment and Systems Analysis (ITAS), Karlsruhe, as members of ETAG.

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Submission date:

October 31<sup>st</sup>, 2010

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## GENERAL INFORMATION

This document is the second deliverable of the STOA-project "E-Democracy – Technical possibilities of the use of electronic voting and other Internet tools in Europe". The paper marks the end of phase 2 of the project. In this report we address three central dimensions of E-Democracy, which are E-Public, E-Participation, and E-Voting.

The paper is structured according to the following three main research questions:

1. How can the Internet contribute to the development and establishment of a genuinely European public? (Part A: E-public in Europe)
2. What are good practices for E-participation in Europe, resp. how can public organisations profit from opening their processes to a wider audience by using the Internet? (Part B: E-participation in Europe)
3. Is E-voting a realistic means to increase electoral participation and what are the concrete conditions for its success? (Part C: E-voting in Europe)

These research questions were the condensed result of the phase 1 investigation in which the state-of-the-art research of E-democracy was analysed and in which the main areas of interest were defined (see deliverable 1 "Interim Report – Phase 1" of March 2010).

The three parts were researched and written by the three participating institutes, the Fraunhofer Institute for Systems and Innovation Research ISI, Germany, the Institute for Technology Assessment and Systems Analysis (ITAS), Germany, and the Institute for Technology Assessment (ITA) in Austria.

The results which are presented in this report critically assess some far-reaching visions concerning the Internet and the political process. Our starting point is the claim that the Internet will fundamentally change democratic politics by providing easy and universal access to information, that it will democratize the processes of agenda-setting, increase the rates of political participation, improve the quality of deliberation and make plebiscitary forms of decision-making feasible. Also, many observers expect that the participation in elections will increase substantially if Internet-voting was made possible for all.

We particularly argue that there is a need to reflect on the potentials and realistic prospects of Internet-based applications to contribute to the democratic practices of the evolving political system of the European Union and the formation of a European public sphere. We give many examples of cases where positive effects of the Internet concerning the political process are visible. However, it becomes clear as well that not all of the potentials of the new technology have been realised so far and that there are different technical, legal, political and social issues which need to be addressed in the future.

We have put together and analysed a wide range of relevant conceptual and empirical material in order to answer the three main research questions. Although we have illuminated many interesting aspects and have drawn several connections between the

subjects at hand, not all questions could be answered. Thus, we plan to carry out two expert workshops in which the findings of this paper will be presented, discussed and enlarged. One workshop will deepen aspects of e-participation and the other will deal with e-voting. Both workshops will take place in spring 2011 in Brussels. Especially overarching questions which tie together the results of the three papers as well as questions which focus on the specific European context will be at the centre of these workshops.

An important element of the whole project is the involvement of those MEPs who are particularly interested in the issue of e-democracy. For that reason, a presentation of research questions and preliminary results was given at the STOA panel in Strasbourg on September 23, 2010. In the presence of several MEPs an interesting discussion arose and valuable feed-back was given.

We will continue to take into account the different perspectives of the representatives of the European Parliament. Especially on two occasions there will be the formal opportunity for MEPs to comment on the research results. These will be the two workshops mentioned above. The workshops will take place under the auspices of Vice-President Silvana Koch-Mehrin, the supervisor of this STOA-project. We are particularly grateful for her support and encouragement.

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## **PART A: E-PUBLIC IN EUROPE THE EUROPEAN PUBLIC SPHERE AND THE INTERNET**

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## 1. INTRODUCTION

In political as well as scientific discussions on the integration of Europe and the further development of the European system of democratic governance, the formation of a European (political) public sphere is addressed as being one of the most important problems on the agenda. A “public sphere” related to policy-making on the European level only emerges – if at all – on an “issue by issue” basis and is usually restricted to small “expert-communities”.

Over its roughly five decades of existence, the European Union (EU) as a political body has taken over more and more decision-making competences from its member states. This concentration of powers at the level of the Union is in many respects an indispensable condition for establishing Europe as a unified socio-political area with common and equal rules, rights and standards of living. The expansion of the political competence of the EU has always been and still is accompanied by complaints about an inherent democracy deficit, since the executive branch of the EU is not directly elected by the European citizenry. As a reaction to the expansion of competences and as a means to overcome the democratic deficit and foster the legitimacy of EU decision-making, the role of the European Parliament has been successively strengthened. Thus nowadays the parliament is equipped with powers largely comparable to those held by national parliaments towards their national executives. However, one fundamental problem of European democracy cannot easily be overcome by institutional changes, but is connected to the social and cultural persistence of the nation state. This has been coined the “communication deficit” of Europe (Meyer 1999), rooted in the lack of an active political public sphere at the European level.

This is not only an issue in academic debates on the theoretical foundations of European democracy but has become a main focus of attention in the European institutions themselves. In its White Paper on a European Communication Strategy (EC 2006, 4) the European Commission's (EC's) notion of the problem is phrased as follows:

*“The public sphere in which political life takes place is largely a national sphere. To the extent that European issues appear on the agenda at all, they are seen by most citizens from a nation perspective. The media remain largely national, partly due to language barriers; there are few meeting places where Europeans from different Member States can get to know each other and address issues of common interest [...]. There is a sense of alienation from ‘Brussels’, which partly mirrors the disenchantment with politics in general. One reason for this is the inadequate development of a ‘European public sphere’ where the European debate can unfold.”*

The EC identified this as a central barrier to the development of democratic governance in Europe (European Commission 2001: White Paper on European Governance,) and has set up a plan to “stimulate a wider debate between the EU’s democratic institutions and citizens” (European Commission 2005: Plan-D for Democracy, Dialogue and Debate).

A focal role in this respect has been assigned to the internet as a means of involving the public in ongoing processes of policy-making.

This paper intends to give an overview of the debate on the need for and possibilities of developing a trans-national European public sphere as an integral intermediate democratic structure between European policy-making institutions and the European constituency. To this purpose, conceptual arguments on the role of the public sphere and related concepts – citizenship and civil society – in trans-national democratic governance are discussed, and empirical evidence of the state of Europeanisation of the political public sphere is provided. This discussion is set against a reflection on features of political communication on the internet and the potential of the internet to support the emergence of trans-national forms of citizenship and trans-national political publics.

## 2. THE DEMOCRATIC FUNCTION OF THE PUBLIC SPHERE

What is so important about the public sphere with regard to democratic politics? The “public sphere” plays an indispensable political role for the democratic legitimisation of policies. In Habermas’ (1996) concept of deliberative democracy, the public sphere functions as an intermediate level between political decision makers and a politically aware citizenry or the “demos”. In this perspective, the public sphere is not an institution or organisation, nor is it a particular form of collective: “The public sphere should rather be perceived as an open field of communicative exchange. It is made up of communication flows and discourses which allow for the diffusion of intersubjective meaning and understanding” (Trenz 2008, 2). In Habermas’ view, the creation of a trans-European public sphere (in addition to a European civil society and political culture) is a central functional requirement for a democratically constituted Europe as well as for a European identity and citizenship (Habermas 2002, 18).

The public sphere is a concept with inherently normative aspects. It describes features that are necessary for a democracy to function. There must be room for public deliberation, in order to establish a link between the constituency and its representatives – i.e. to process the content of policy-making among those who will be affected by the decisions to be taken and who delegate their representatives to the decision-making bodies. Thus “public sphere” does not simply mean some form of public communication, but always implies a certain (deliberative) quality that transforms public communication into public opinion and will formation (Frazer 2007, Trenz 2008). The discourse of actively participating citizens is the backing for political decision-making in the representative system, as the citizenry (directly or via the media) provides the political institutions with ideas, interests and demands that have to be taken into consideration in the political process.

The public sphere comprises highly visible and formalised institutions such as parliaments, informal, more segmented spheres of casual communication among citizens, and citizens’ associations which make up the “civil society”. The latter can be denoted as “weak” publics, as the ongoing opinion forming is not connected with collectively binding decision-making. Parliaments are strong publics, where opinion forming is directly and legitimately channelled into binding decisions (Frazer 1992, also Fossum and Schlesinger 2007). As the legitimacy of democratic powers is rooted in the will, interests and opinions of the citizens, it is decisive for a democracy for “strong publics” to be related to, backed up by and rooted in the “weak publics” of civil societies.

Whereas historically the concept of the public sphere is closely connected with the emergence of the nation state in Europe, the public sphere nowadays is not conceived of as being one single – nationally focused – space of public communication. The public sphere as a communicative space is regarded as a “highly complex network” including a “multitude of overlapping international, national, regional, local and subcultural arenas” (Habermas 1996, 373f.).



### 3. DEMOCRATIC GOVERNANCE AND THE PUBLIC SPHERE IN EUROPE

Brüggemann (2006, 3) discerns three notions of the European public sphere that can be found in the political as well as the scientific debate:

- a) A European public sphere cannot flourish since there is no common language, no common media and no European civil society and identity. Thus European policy-making has to be legitimized in a different way than it is at the level of the nation state.
- b) A European Public sphere would imply communication in different countries about the same topic at the same time with the same frame of reference.
- c) The most ambitious notion regards the European public sphere as a network of Europeanised national public spheres connected by information flows, converging political agendas and camps in debate, transnational media and transnational speakers, and a European identity and citizenship.

The idea of the EC's White Paper on governance (COM 2001/428 final, 12) of how to provide for democratic legitimisation is as follows: "The aim should be to create a transnational "space" where citizens from different countries can discuss what they perceive as being the important challenges for the Union. This should help policy makers to stay in touch with European public opinion, and could guide them in identifying European projects which mobilise public support." This is very much in line with the Habermasian understanding of the democratic role of the public sphere. Moreover this concept very much resembles the ambitious model (point c above) of the European public sphere. The Commission is not satisfied with national discourse arenas being Europeanised by adopting more European issues to their agendas, but does conceive of the European public sphere as a genuinely European arena of exchange of citizens across borders and with the European political bodies.

In discussions revolving around a more ambitious, deliberative concept of the public sphere, there are three aspects that are usually mentioned: (i) The notion of a public sphere as a communicative space of political debate and opinion forming. Such a space can be observed on different levels. (ii) The everyday ongoing exchange of citizens at their workplace or in their neighbourhoods and family about public affairs. For modern mass democracies this more or less "private" way of democratic opinion-forming is related to and fed by (iii) the mass-media public sphere, by which the opinion forming of citizens is also related to the decision-making process in political institutions of representative democracy.

The extent to which this communicative space develops or can fulfil its function as an intermediate level between the citizenry and the institutions of representative democracy is regarded to be dependent on a common identity and a feeling of solidarity and public concern among the constituency that backs up the institutions of representative democracy. The public is made up of citizens who are formally part of a political entity or

community and must also subjectively regard themselves as members of a community and not merely individuals in order to engage in public interest.

A further societal aspect of the public sphere is linked to this. An active public sphere is in the need of active and participating citizens, who interact with each other and express their demands, fears and attitudes towards the political institutions and authorities. These active and organised citizens form the “civil society” that supports opinion-forming and contributes to the public sphere with public activities (events, protest) and contributions to mass-mediated public debate. An active, organised civil society is – as it were – an indispensable counterpart to political institutions and a salient part of the public sphere in addition to the mass media.

In the following, certain aspects of citizenship and civil society are first discussed with regard to their importance and relevance for developing a European public sphere, before conclusions are drawn on the prospects for a “European Public Sphere”.

### **3.1. European citizenship**

Citizenship, following the widely accepted classical definition of T. H. Marshall (1950), is an outcome of a historical struggle for civil rights in the course of which (a) equal rights and obligations before the law, (b) equal formal participation in political life, and (c) equal participation in social welfare have been established as the cornerstones of modern, Western democracies. As such, the emergence of citizenship is closely related to the emergence of the nation state. A further aspect of citizenship that is linked to the historical emergence of the nation state is the seemingly “subjective” dimension of civic-mindedness shared by the members of a political community. This kind of public spirit is based on the one hand in shared civil rights, i.e. citizenship according to the rights-based meaning mentioned above. On the other hand, it is bound up with nationally defined socio-cultural identities.

In the classical republican model, democracy is more than a process of bargaining for individual interests, but presupposes that citizens act, strive for and argue about public concerns and the common good. Thus a sense of belonging to a community and sharing a common set of values based in common traditions is necessary for a democratic community to function. “The formation of a *volonté general* is possible because citizens are equal and share common values and notions of the public interest” (Eriksen 2007, 29). It is contested to what extent a functioning democracy requires citizens to share certain values that constitute an identity, a sense of belonging and commonality, such as is held by so-called communitarian concepts of democracy. A strictly liberal concept of democracy would neither presuppose an active civil society nor a sense of public concerns on the part of citizens. A third middle position is held by deliberative concepts of democracy which do not see the need for or possibility of a shared substantial cultural identity, but regards the mutual acceptance of citizens as equal holders of rights to be a sufficient basis for rational societal deliberation on the common interest. This latter position is very much in line with arguments put forward in order to support the possibility of trans-national or European citizenship.

### 3.1.1. National and trans-national citizenship

Political integration on the basis of a cultural identity of the citizenry is without doubt an achievement of the nation state. A collective political identity which underpins the public sphere is based in common origin, heritage and language (Fossum/Schlesinger 2008, 6). Citizenship in terms of legal and political rights and duties is attributed to people on the basis of territorial and cultural (language) grounds. The question is whether this concept of citizenship, which includes rights as well as a sense of belonging and identity, can be transferred to the trans-national level. It has been argued that a pre-political fundament cannot by any means be achieved in trans-national democratic systems, and trans-national democracy thus cannot be conceptualised according to the model of the nation state (e.g. Grimm 2004). On the other hand it can be argued (Frazer 2007, contributions in Eder/Giesen 2003) that with globalisation and increasing migration, the foundations of national citizenship are vanishing, and national democracies need to establish a form of political and cultural identity that goes beyond national traditions and common values rooted in language and history. In the course of globalisation and migration, the legal and political aspect of citizenship will be uncoupled from cultural identity, as more and more people not born on the national territory and without any background in French, German, or Dutch culture (and language), for instance, are ascribed political rights as citizens of France, Germany, or The Netherlands. An ongoing uncoupling of rights and identities – the two major components of citizenship – can be observed (Shaw 1977, cf. Shore 2004, 34f.): “Rights increasingly assume legal uniformity and universality and are being defined at the global level. Identities, in contrast, still express particularity, and are perceived as being territorially bounded.”

If there is an ongoing dissolution of the old nation-state concept of citizenship, this does not, however, necessarily imply that trans-national citizenship is emerging. If citizenship has legal and political (rights and duties) as well as cultural (values, identity) aspects, the problem is to develop European citizenship not only in terms of rights and duties but also in terms of identity and of “being European” becoming a part of subjectively felt citizenship.

### 3.1.2. EU politics and citizenship

The concept of European Citizenship ranks quite prominently in official EU politics. The European citizen is addressed in EC programmes and conceptual papers directly. The involvement and engagement of the European citizen – as documented in several White Papers referred to above – is regarded to be crucial for overcoming the democracy deficit and for democratic legitimisation of EU politics. A “European citizenship” has been officially introduced into the fundamentals of the EU with the Maastricht treaty (Article 8): “Citizenship of the European Union is hereby established. Every person holding the nationality of a member state shall be a citizen of the union”. Since this establishment of EU citizenship so far has not been fostered by a concise definition of the rights and duties of citizens towards the EU institutions, the citizenship chapter of the Maastricht treaty has been criticised (from left as well as right) as being an empty phrase (see Shore 2004). According to critics, EU citizenship – without content – was a formula propagated by EU bureaucracy as a kind of palliative for the undeniable democratic deficit. A feeling of belonging was propagated “to placate an alienated populace by promoting feelings of belonging to what

was, and remains, a highly elitist, paternalistic and technocratic project of European construction" (Shore 2004, 34).<sup>1</sup> According to Shore "there is no citizenship without a shared history and tradition". And this can only be found in the case of the nation state. According to this position, Europe lacks what has been constitutive for the emergence of citizenship in the nation state: Europe "...has no effective pan-European trade unions, political parties, organized protest movements or spaces of popular resistance". Apart from the lack of a European civil society, direct control of the institutions by citizens has also not been established: "there is no way the European citizen can ever 'kick the scoundrels out of office'" (40).

An active civil society and a public sphere as well as structures that allow for direct legitimisation and control of the EU institutions by the European constituency are rightly regarded to form the fundamentals of European citizenship in the sense of a European political identity. However, are there no indications that core forms of these features already exist in Europe, and is it really impossible that these will further develop in the future? It is right to dismiss "European citizenship" as being an empty concept, as long as direct political rights and a vivid public sphere are not established? These are the preconditions for the emergence of a European "demos". However, in response to the criticism that there cannot be such a thing as a European demos, it can be argued that "demos" is obviously conflated with people in the sense of a nationally, territorially based community. From many perspectives, it is now argued that European civil society and European citizenship are evolving along with the growing competence of the Union and the Union's efforts to strengthen its legitimate foundations (Eder 2007, Trenz/Eder 2004, Giesen/Eder 2003, Schlesinger 2007). The integration of Europe from this perspective is conceived as "... an experiment in building an abstract political community based on a notion of citizenship that abstracts from the ethnic component of being the citizen of a 'demos'. The citizens of Europe become not only citizens of transnational institutions, but also of a post national community." (Giesen/Eder 2003, 2f.) Thus citizenship in the transnational European case cannot be conceived in the same way as national citizenship (see contributions in Giesen/Eder 2003). It is not based on common language and traditions or ethnicity, nor in a common culture, but in the consciousness of belonging to a political community with shared political values that provide for democratic rights and protects and respects the cultural diversity of the Union. Thus citizenship in terms of identity has to be established as a result of European politics. For the European case "identity is no longer disembedded from politics, no longer conceived as a higher order of reality than politics or something that 'underlies' politics. Identity becomes politics." (Eder 2003, 238)

### **3.1.3. European citizenship in the making?**

A trans-national political identity going beyond cultural identity can only be based in the appreciation and upholding of a democratic constitution and the related democratic procedures that accord equal rights to citizens. Such an appreciation allows for mutual

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<sup>1</sup> Similar criticism has been put forward with regard to the EC's ambitious propagation of dialogue and involvement of citizens in the field of science and technology policy. Compared to its practical political fallout in the Commission's practice of policy-making, this has been dismissed as "rhetorics of participation" (Levidov/Marris 2003).

respect of differences and cultural diversity and can be the foundation of general democratic solidarity. Thus, the feeling of belonging and responsibility is based on a joint appreciation of a constitution that guarantees the freedom of being different and living according to one's own values and following one's own objectives as long as these do not collide with the rights of other fellow citizens. This is what was denoted by Habermas as "constitutional patriotism", deriving from a set of entrenched fundamental rights and democratic procedures and functioning as a focal point for political identification and subjectively held citizenship. Thus Habermas strongly argues for a strong European constitution that accords political rights and duties to citizens as Europeans and not as citizens of a national state belonging to the EU (Habermas 2001). European citizenship is established by defining the rights of European people with regard to European Institutions (on a more formal level as well as on a more informal level of transparency and participatory openness of the policy-making process as propagated in the White paper on governance). There is some evidence that a core form of citizenship in this sense exists in Europe: Citizens directly observe and address the European Institutions, they approve their existence but disapprove their democratic make-up and "citizen protest directed against European governance and institutions is increasing" (Trenz/Eder 2004, 6).

In his reflection on the prospects of European citizenship, P.C. Schmitter (2003) developed a scope of "modest democratic proposals" for reforming the European polity that would be appropriate for strengthening the active role of the citizen. This includes extending civil rights to encompass new problems going beyond the classic welfare-state issues that modern democracies face. The EU is increasingly concerned with such issues as "environmental rights" or extending the political rights of all European citizens to actively take part in policy-making no matter where their place of residence is. Other suggestions concern the introduction of direct (but non-binding referenda) and to make use of electronic media to add more deliberative elements (fora) to elections. A decisive step in the direction of the former suggestion has now been achieved with the introduction of the "European Citizen's Initiative" (see chapters...), while the latter suggestion is clearly related to central issues of the present report.

It can be concluded that debates on European citizenship stress that it would include citizens' rights that go beyond individual liberties and "market membership", but cannot be based on cultural membership in the ethnic sense. Therefore, a direct relation between the European institutions and its citizens, and hence active political rights, move into the centre of debate on European citizenship. Thus, it is ultimately the establishment of a European Public Sphere that allows for as much deliberation as possible on European public concerns which would support the development of a post-national political identity and feeling of belonging to a political community. In terms of Eder's model of the dynamics of democratisation (Eder/Trenz 2004, Eder 2007), it can be argued that the opportunity for citizens to meet as equal partners and exchange their arguments and claims initiates a process of democratisation that in turn comprises the development of a public sphere as well as of citizenship as two sides of the same coin. The concept of subjective or felt European citizenship and identity as a procedural result of the development of a democratic EU is supported by a historical view of the emergence of national citizenship. It can be learned from the development of the nation state that a public sphere as well as citizenship

and civil society do not exist before governmental administrative structures, but develop in response to the emergence of decision-making bodies. In the struggle for a democratic state with democratic representation and control of decision-making bodies, the public sphere as space for people to communicate and share mutual respect as equal citizens, a civil society and also “collective identity” emerged and developed in parallel. Citizenship thus had “to be made rather than merely discovered” (Eriksen 2007, 30).

### **3.2. The regulatory state and the European civil society**

In the struggle to establish citizens' rights and democratic structures, the public could historically be regarded as being represented by organisations of civil society which aimed to enforce civil rights against the state. By contrast, in established modern mass democracies, the public functions more as an audience (in a theatre) that observes the protagonists on the political stage, evaluates their performance and, in periodical elections, rates and dismisses or reinforces the political actors (Eder 2007). National publics are mainly mass-media publics. However, there are also stakeholder groups, expert communities and common interest organisations. These form an active part of the public and function, on the one hand, as intermediaries expressing the interests, demands and fears of the general public and, on the other, as an observing, monitoring, and intervening counterpart of the established political system.

The concept of the civil society has been taken up from different theoretical perspectives and thus can cover a broad range of social activities. From a communitarian perspective, the social capital institutionalised in active neighbourhoods or participation in interest groups and civic associations (from sports to culture) is regarded as an indispensable fundament of democracy by supporting the norms of reciprocity and building social trust. From other perspectives, more formalised forms of political engagement – be it in local citizens initiatives or in organised special or public interest groups focusing on environmental and social politics – are regarded as a necessary counterbalance to and backbone of representative democracy. For the international and European context too, an active civil society is regarded as forming the legitimizing foundation for “governance beyond the state” (Smismans 2006, 4). The institutions of the democratic state, and especially parliament as the link between the citizenry and the government, need to be linked to an active civil society. Parliaments as institutions that ensure popular representation and executive accountability as “strong publics” need to be related to “weak publics” of civil society that inform and challenge the parliament, thus supporting its responsiveness to societal problems and demands (Frazer 1991, Fossum/Schlesinger 2008). Civil society is also regarded by Habermas as being a part of the public sphere, actually an active part that transfers the needs, interests, values of the “lifeworld” of the citizens to the public sphere where private interests, demands and claims become public to be discussed and argued upon in order to make them amenable to a discourse to explore the public interest (Habermas 1996, see also Armstrong 2006).

### 3.2.1. Civil society and the character of EU politics

The argument that there can be no such thing as a European Public sphere is based on the notion that there are no intermediate structures of a European civil society such as a European party system, European Media and social movements (Shore 2004, Grimm 2004). Moreover, it has been argued that, taking into account that the nature of policy-making on the trans-national, European level is different from that on the nation-state level, what has been called the "democracy deficit" of the EU may appear to be a "false problem". Prominent here are the positions held by Scharpf (1999) and Majone (1996). According to Majone, the EU has to be conceived of as a "regulatory state", which means all critical "redistributive" social welfare aspects of policy-making are left with the national systems, which implies that strong structures of democratic legitimisation need not to be in place at the EU level. The legitimacy of the regulatory institutions can only be established by the efficiency and credibility of the regulatory process. Regulatory politics can be made efficiently by experts and independent organs that have to be validated in terms of the quality of outcome and have to be held accountable via commitment to a set of "fiduciary principles" (restricted mandate, obligation to give reasons and report on their action) (Majone 1996). In a similar way Scharpf holds that since there is no (and cannot be) such a thing as a European "demos", EU policy-making has to be validated not in terms of input legitimacy (direct influence of the constituency on EU institutions, in terms of representativity and access of civil society to policy-making) but in terms of output legitimacy, i.e. to what extent the EU policy proves to serve the interests and solve the problems of the majority of European citizens (Scharpf 1999). The major argument of this "revisionist position" towards the democracy deficit is that - given the European multi-level system of policy-making, with the still dominant role of the governments of the member states and existing checks and balances - there is sufficient provision for an efficient system of policy-making.

This notion is obviously not in line with the self-image of the European institutions and with their efforts and expectations regarding the development of the European democratic system, as can be read among others in the several White Papers endorsing new forms of European governance. It can be doubted whether Majone's strict separation of regulatory and redistributive policies is reconcilable with the Lisbon strategy that goes beyond the "open market model" of the Union and aims at egalitarian welfare structures in the Community (Armstrong 2006). From a position stressing the deliberative elements of democracy (Magnette 2006, 25f.), it is argued that European democracy cannot be reduced to an efficient system to check and channel the arbitrary powers of the state. Instead it is also regarded as crucial for the trans-national context that the legitimacy of any political body should require procedures allowing for control and participation by citizens and for decision makers to be forced to present and legitimise their policy in the public and civil society.

### 3.2.2. New forms of governance

There are actually some indications that a European civil society is evolving. In the mid-1990s the European Economic and Social Committee (EESC) already stated that a "civil dialogue" with civic organisations and groups going beyond the social partners represented

in the EESC was indispensable if the effectiveness and legitimacy of policy-making at the European level was to be improved (Smismans 2006). Similar ideas have been taken up in the White Paper on European Governance and in the White Paper on a European Communication Policy. In the latter, the weak nature of a European public sphere is explicitly addressed as a central problem of the EU, and arguments are made for more “dialogue” and “decentralisation” in EU policy-making. In order to “close the gap” between the EU institutions and the disenchanted publics of the member states, a “partnership approach” is argued for including “... other EU institutions and bodies; the national regional and local authorities in the member states; European political parties, civil society” (European Commission 2006, 2)

In propagating new transparent and accountable forms of governance, the EU institutions clearly refer to civil society in Europe, thus implicitly stating that a European civil society exists. Thus, the “multi-level model” of governance involving different (territorial) layers of decision-making and governmental authorities is now enriched by the inclusion of public and private actors across Europe. Governance is no longer regarded as a hierarchical relation between decision makers and the addressees of regulation, but is seen as “network governance” in which the authorities employ a network of civil society actors (experts, stakeholders, NGOs, companies) in policy-making in different fields at the executive level of the EC (social, environmental, consumer and S&T policy, see contributions in Smismans 2006).

This is in line with arguments against approaches that regard the EU as having no need for any backing by an active European civil society. Cohen and Sabel (1997) argue that the very nature of the fields of regulatory activities of the EU such as environmental policy and consumer protection affords close cooperation with a broad range of epistemic communities. The diversity of local or sectoral contexts is such that they cannot be tackled without making use of the knowledge of the different political, economic and societal actors affected. A “directly deliberative polyarchy” that includes authorities as well as societal groups from different regional and social contexts is indispensable for successful regulation. Thus “output legitimacy” of EU decision making – i.e. high quality decisions taken and regulations implemented – necessarily requires “input legitimacy” – i.e. as much involvement as possible of those affected in policy formulation. In other words, new forms of democratic involvement are needed precisely because EU policy-making is different from that of the nation state.

### **3.3. The European Public Sphere – a space for deliberation?**

A functioning public sphere consists of an active civil society and citizen participation in politics as well as public exchange on all relevant perspectives in media debate. From the arguments given above, it must be concluded that the extent to which these features of deliberative democracy have been achieved at the level of the EU or whether they are at all achievable is a matter of debate. For the EU to develop, EU institutions obviously deem it necessary to foster features of an active deliberative democracy by opening up the process of policy-making to society. Bringing the institutions of the EU closer to the European citizen is regarded as a necessary feature of strategies for strengthening the emergence of

a European public space for political deliberation. As shown above, there are hints that such a space is about to emerge, together with its concomitant features such as European citizenship and a European civil society. In the following we briefly present some insights into the actual state of a European public sphere in terms of a trans-national space of political communication as revealed by media research and then sum up on the future prospects of a Europeanisation of the public sphere.

### **3.3.1. The current state of a European space for political communication**

So far, European citizenship is only just beginning to develop in terms of active engagement in European affairs. The turnout at European elections is significantly lower than for national elections. Media coverage of European issues has been growing as the relevance of European policy on national policy-making has increased. However, policy debates and opinion forming as reflected in media are still nationally focused. In other words: there are several national public spheres taking up European issues, but there is no widely used cross- or trans-national European media system covering European issues, and the separate national public spheres (as e.g. reflected in mass media) are only weakly related to each other.

Systematic empirical research on the role of the media in the formation of a European public sphere has been growing since the 1990s, but is still in its infancy (for an overview, see Bärenreuter et al. 2009). One basic problem of empirical research is the definition of indicators for a functioning public sphere, i.e. to translate ambitious assumptions of democratic theory into research design. In communication and media research there are basically two approaches to measure the European public sphere (Risse 2003). One approach is to measure how often terms such as "Europe", "European Commission", or "European Institutions" are mentioned in media reporting. Generally the level at which European items are taken up compared with national items is rather low (Gerhards 2000). However, a slow increase in mentioning "Europe" has been reported over the past decades. Another approach is to measure media coverage of European issues (e.g. EU enlargement). These studies show simultaneous reporting about European issues in the media of the member states at a comparable level of intensity. It has been regarded as an indicator for an existing proto-European public sphere that European subjects are framed in the same way in the various national media, leading to the same interpretative schemes. There is also evidence of a growing importance of European issues in public debates in the member states. However, generally the level of media coverage of European issues is significantly lower than that of national political issues, and there is almost no interrelatedness of political debates as covered by the media of member states. In media research, the lack of a common European media space is considered to be rooted in socio-cultural factors (languages, cultural identities), institutional factors (lack of transparency of the European policy-making process, lack of opportunities for citizens to participate) and media-specific factors (fragmentation of media, national fixation of journalism) (Latzner/Saurwein 2006).

The results of research on media coverage of European issues are often contradictory and difficult to interpret; this fact, according to Neidhardt (2006, 46 ff.), reflects a methodological problem of research in defining to what extent e.g. a newspaper article has to deal with a European issue, or to what extent a European actor plays a role in the article

to categorise it as “European”. Results also depend on the type of articles covered in media studies, whether this includes all articles in the political part of a newspaper, or only commentaries etc. Thus it cannot come as any surprise when one study, for instance, shows European commentary articles to account for a share of 5.6 % of German quality newspapers in the period 1994-1998 (Eilders/Voltmer 2003); while another study of two German newspapers which includes all articles revealed 44 and 55.3 % of articles, respectively, with a European reference for the year 2000 (Trenz 2004).

It is also important to take into account that for many fields of policy-making (and indeed probably those most relevant for the general public) there is no or only secondary competence of the EU and they consequently remain just national subjects of observation (such as health care, pensions, taxation, etc.). Thus it does not make much sense to look for “Europe” in articles about subjects where the EU is only marginally involved. The EU-funded “Europub” project on the coverage of European issues in newspapers in six European countries<sup>2</sup>, which took the European relevance of policy-making fields into account, clearly showed that the salience of European politics in the mass media follows differences in policy-making competences (Pfetsch 2004). The study found that in fields where policy-making competences mainly lay in Brussels in all countries and all newspapers covered (except Great Britain), Europe plays a major role (Pfetsch 2004). Whereas according to this study there are indications of a Europeanisation of mass media reporting, it also found indications of a dominance of the executive branch of policy-making on costs of the “strong” and “weak publics” in media coverage of European politics. Whereas in the national reports a balanced appearance of executive, legislative and civil society representatives as active protagonists was found, in reports on European policy-making the EC is by far the most active protagonist while the European Parliament and civil society organisations are far less visible as political actors (Koopmans 2007). Thus media coverage of European issues reflects the European democratic deficit and the at best embryonic state of European civil society. Nevertheless, when it comes to describing the quantitative relevance of Europe in the national media, it appears to be an appropriate conclusion that Europe plays a minor role in the overall stream of news and opinions forwarded in the media, but that in those fields where EU policy and regulation are salient, the media coverage of “Europe” and European issues is big enough to dismiss the thesis of a marginal role of European politics in national publics (Neidhardt 2006, 51).

### **3.3.2. A European public sphere in the making?**

In academic discussions, it is widely agreed that the public sphere cannot be conceived of as being one common general communicative space. On the contrary, besides a general overarching public sphere that is open to any citizen (and mainly based on mass media communication), there are segmented publics that evolve around policy networks dealing with particular issues and problems to which particular communities relate. As the overview given above shows, there is no agreement on whether both types of public spheres (general and issue-related) exist at a European level. Those who expect the EU to evolve by strengthening the deliberative dimension of the policy-making, however, anticipate that in the course of this process a multi-layered structure consisting of European issue-related,

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<sup>2</sup> France, Germany, Italy, Netherlands, Spain, Switzerland, United Kingdom

national and overarching general public spheres will necessarily emerge. While an overarching general public sphere may remain latent for a longer period, one can perceive many strands of development that indicate the development of European publics. There are media which regard themselves as European mass media and which continuously report on European issues; some of these having editions in more than one European language (Financial Times, ARTE, Deutsche Welle, Le Monde Diplomatique). There are NGOs such as ATTAC or Greenpeace who host internet pages in several European languages and are involved in European policy debates. And there are also traits of trans-European general public debates (such as the Haider debate, the debate about the Iraq war) which can be regarded as indications of an existing (albeit ephemeral) European public sphere (Eriksen 2007).

Besides a general public sphere that must be regarded as being at best in the making, it is argued that important existing elements of a European public sphere are trans-national "segmented publics" that emanate from the policy networks of the EU. Such networks grow around the different regulatory activities of the EU, partly as a result of the EC's efforts to involve as much European knowledge as possible in policy formulation. As these segmented publics are organised around certain issues and problems and as they attract certain "epistemic communities", they have to be regarded as elite or expert publics. Nevertheless they have a function for the general public as well (Eriksen 2007, 33f.). The existing networks of policy-making on which the EC regularly draws can be seen as the core of a European public sphere. Trenz and Eder (2004) on the one hand observe a strong coupling of institutional and non-institutional actors through networks that have gained importance in the EU system of governance. On the other hand, they hold that this process of networking governance is increasingly taking place before a growing audience in Europe. Governance is not restricted to networks of European and national policy-making bodies, civil society organisations and expert communities, but those involved in these networks have to legitimise themselves towards and have to produce resonance in a wider European audience in order to gain public support for their demands and claims. Thus a central requirement for a public sphere can be assumed as being achieved: "The theoretical concept of the public sphere refers precisely to this basic insight: it includes not only those who take an active part in the debate but always presupposes that communication resonates among others who constitute a public for this communication" (Trenz/Eder 2004, 9).

Moreover, the increasing roles of policy networks at the EU level is held to be part of a self-constituting dynamic of the development of a European public sphere via mediatised public spheres, in which the governing elites are driven to account for themselves and the public demands greater accountability of its ruler (Trenz/Eder 2004, Eder 2007, Schlesinger 2008). With the dynamics of the segmented publics and with the EU actively addressing the democracy deficit in the course of its increasing competences, a process of societal learning is initialised among institutional actors and actors involved in the governance network of the EU (expert communities, NGOs). This is not restricted to learning and adopting by the different elites active in EU policy-making, but goes beyond that by including the European public at large. Once policy-making in the EU is regarded as in need of public legitimisation, policy-making will take place in front of an audience, and the elites thus have to take into

account the expectations of this audience. At the same time, by addressing the (albeit) virtual European Public and the European citizen – be it in terms of PR campaigns (as in the context of the convention) or by setting up public spaces for debate on the future of Europe – the EU institutions help to constitute this public or audience. No matter to which degree the debates about transparency, openness, dialogue and participation are purely rhetorical: “What counts is that [European, He] institutions take the logic of public sphere into account as the medium of public will formation” (Trenz/Eder 2004). This, as it were, will trigger expectations on the part of the citizens and the civil society which again will have to be taken into account by the institutional actors.

In a similar vein it is argued that the need for more coordination between member states, which results from restrictions on national decision-making capacity, requires more legitimisation of EU policy by means of a European public sphere, an active civil society, a European constitution, and a shared political culture. This points towards a further democratisation of the European polity (Habermas 2001, cf. Armstrong 2006, 50f.) with the European institutions organised according to the classical parliamentary system. This means an executive installed and controlled by parliament, and parliament elected by the citizens with only few interfering powers on the part of national authorities such as the Council of Ministers. If citizens feel that they can select and dismiss political leaders, it is more likely for a European public sphere to emerge, as was historically the case of the nation state. This development would change the EU from a community to a federalist state, and the role of the Commission from a mediator between national and trans-national interests to a democratically limited power in its own right (Magnette 2006, 35).

Thus the future of a European public sphere must be conceived of as dependent on the further development of the European institutions and the character of the European community (Fossum and Schlesinger 2007, 12ff.). If the EU develops alongside extended regulatory competences alone - as the “regulatory state” in Majones' (1996) terms - what might develop (apart from the existing different national publics) are issue-related trans-national epistemic expert communities that are orientated towards the different regulatory issues or fields with which EU bureaucracy is concerned. These will be “European” in character, but quite restricted and exclusive in scope. Schlesinger and Fossum hold this perspective of a “European public sphere” to have little obvious capacity to challenge the Union’s democratic shortcomings or to generate an overarching public sphere. Another perspective opens up with the development of a “federal EU”. This can be conceived as a prolongation of the current attempts to foster the constitutional fundament of the EU as a rights-based post-national state. This would imply a more significant role of public opinion in informing, influencing and controlling the performance of the EU institutions, as well as a further strengthening of the role of the European Parliament. This model of Europe relies on strengthening political integration by establishing democratic structures and procedures that provide for equal rights and mutual respect of cultural differences and identities as the core of a European identity in terms of “constitutional patriotism” (Habermas). What subsequently can be expected to develop is not a unique public sphere as in the case of the national state, but an overlapping set of “public spheres” alongside institutional, territorial and issue-orientated dimensions that will be overarched by a general European public sphere.

It is unlikely that Europe will develop into a unitary demos or people that form the societal basis of a general public sphere. There always will be a plurality of publics, and arenas and also national media publics resonating to each other on European issues. If we take this as the prospective future of the European polity, we can say today that there will be a multitude of different "epistemic communities" dealing with European policy issues. This multitude of "publics" will have to legitimise themselves in national public spheres which thus become more and more Europeanised in terms of the contents they process. Apart from that, segmented publics will have a strong need to relate themselves to a general European public of informed European citizens and legitimise themselves towards emerging European civil society organisations. More generally, it must be regarded as a decisive compensation for the European system of overlapping publics and for the "enormous institutional complexity and diversity at the national and regional level" to make use of governance practices "aimed at amplifying the role and scope of public deliberation and the critical scrutiny of decision makers" (Fossum/Schlesinger 2007, 16).



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## 4. THE INTERNET AS A PUBLIC SPHERE

### 4.1. The internet as a platform for political deliberation

Research on the use of the internet as a platform for political communication (for an overview, see Grunwald et al. 2006) includes studies on the design, use and discursive quality of political dialogue formats (internet fora, chatrooms) as organised by political institutions. Other studies explore how different political actors (public authorities as well as societal groups) use the internet as a channel of political promotion and campaigning or explore internet coverage of political issues as compared with mass media. Although the majority of these studies are dedicated to restricted questions of the quality of websites offered and specific political issues or events, some tentative conclusions with regard to the internet's potential to contribute to public political discourse can be drawn: The internet will not be a substitute for the public sphere made up by mass media, but is now and will in the future increasingly be used as a means of political information. Many functions of the political public sphere will be influenced by the internet (opinion forming, deliberation, agenda setting) and the relevance of political online communities will grow. Although participation in online debates and public consultations, for instance, is rather low in relative terms, these formats are important for binding decision-making to the opinion forming and demands of well-informed and attentive citizens.

There appears to be evidence that the internet allows the deliberative elements of democracy to be fostered by lowering the barriers between the communicative space of representative institutions and civil society. The internet permits communicative spaces to be organised, where citizens and civil society groups discuss and forward their opinions on ongoing policy-making processes directly to governmental bodies. The internet is being widely used for communication between politics and the public, and routines have developed at various points. There is programmatic consensus that the internet could play an important role in strengthening representative democracy (for an overview Grunwald et al. 2006).

As the internet offers two-way communication, from the very start it has been the focus of researchers exploring opportunities for deliberative processes supported by the net. Online discussions organised by civil society organisations and governmental agencies have been object of research on the discursive quality of debates as well as on types of users and the effects on public policy-making. The results so far are somewhat ambivalent. While specific sites and experiments have been shown to foster deliberation, "... the social context of the Internet's development and use is driving online politics towards pluralist interest group competition and individualist participation" (Dahlberg 2007, 51). Whereas some studies indicate dominance of partisan communication and a conflictive style of internet discussions, others show that the discursive quality of debates in internet fora is quite high. The latter obviously being the case for platforms provided and moderated by governmental agencies. However, online discussion platforms offered by political institutions are often

lacking a visible link to (and impact on) established decision-making processes (Grunwald et. al. 2006).

In the past few years there has been an increase in activities that involve e-participation and online discussion at the international and the EU level, too. European institutions are making use of the internet by setting up fora or dialogue options addressed to the European citizens, such as the commission's website "On the future of Europe", which is intended to stimulate European discourse on the institutional reform of Europe and the European constitution ([www.europa.eu.int/futurum](http://www.europa.eu.int/futurum)). Other examples are online platforms for public consultations on European legislative matters ([http://ec.europa.eu/yourvoice/consultations/index\\_de.htm](http://ec.europa.eu/yourvoice/consultations/index_de.htm)). These approaches can be regarded as attempts to support the growth of a European public sphere by involving citizens in the preparatory phase of decision-making. So far, however, little is known about the actual reach and possible achievements of the implementation of political dialogue via the internet. It is also amazing that - in contrast to discussions on the European constitution - the European Parliament is only addressed marginally in debates on democratic governance and the use of the internet at the European level.

Research has been carried out to assess the structure and quality of debates or consultations organised by the EU. The studies available so far merely concentrate on the deliberative quality of online debates. A study on the character of online debates on the platform "Your voice in Europe", which was provided by the EC in the context of the debate about the European constitution, covered postings in open online debates from 2001 to 2004 as well as online consultations that were carried out in the context of the platform (Winkler et al. 2006). As regards online debates, the study supports the expectation that online debates allow for a rational, interactive and fair exchange of political perspectives and arguments. The debates, however, were dominated by a relatively small group of well-versed discussants. As regards online consultations, interviews with participants revealed that the participants can mainly be characterized as experts in the respective field of consultation (which is in line with the EC's expectations). The content of the contributions was ranked as high quality. Much in line with findings of other studies on political online debates or consultations organised by public authorities, the study found that the participants complained about a lack of transparency regarding the uptake of recommendations by the EC, i.e. the impact of recommendations on the policy-making process. A recently published study, which included the citizens' online debates that were organised by the EU webpage "Futurum" (2001-2004) in the context of the European convention and the preparation of the European constitution, also underlines the deliberative rational and open character of the debates (although some deviations from the strong discursive model of rational debate were found) (Albrecht 2010).

#### **4.2. The internet and the trans-national public sphere**

Research has provided some insight into the deliberative quality of online political debate and the appropriateness of using online discussions for fostering the responsiveness of political institutions towards their constituencies. However, empirical research on the extent to which the internet has transformed the public sphere is scarce, and thus it is difficult to

provide indicators for the potential of the internet to support the development of a European public sphere. What can be provided here are arguments and observations that support the notion of the internet as a means of establishing a public space for political communication that goes beyond the boundaries of national publics. The notion of deliberative democracy must be complemented by the concept of civic cultures when it comes to appreciating the democratic potential and relevance of the internet (Dahlgren 2005, 155). The internet is then conceived of as a medium that might promote the development of issue-related trans-national communities which again may build up values and identities that can be regarded as the cores of trans-national citizenship.

Despite the obvious fact that political communication even in the global media space "internet" is still a national event to a high degree (Zimmermann/Koopmans/Schlecht 2004), it can be argued that although the public sphere developed historically in the context of the formation of nation states, it is evolving nowadays into a trans-national area of communication that refers to a global media economy. The internet gives everyone instant access to information and enables virtually anyone to publish to a global community of internet users. This fact makes the development of a political public sphere as a global communication space beyond and across the borders of the nation state at least conceivable (Trenz 2008, 2). In the trans-national sector, developments are emerging which justify speaking of the internet's potential to support trans-national democratic structures of will formation.

In media research there is some evidence of a dissolution of the national public spheres, by individualisation, a retreat of the citizen from the public to the private and in particular by a fragmentation of the mass media landscape: Do audiences of different TV channels or newspapers with different focal subjects really share the same public sphere? There are hints that one basic pillar of public opinion formation - a world of shared news and shared topics to be discussed at the same time within the same frame of reference - is shrinking (Trenz 2008). Similar problems are also discussed with regard to the internet. The internet opens up opportunities to actively intervene in debates and publish as well as gaining instant access to any information provided by internet users. On the other hand, to get the opportunity to publish does not automatically imply that your voice will be heard in the public sphere (Keohane/Nye 1998, Lindner 2007, 58ff.). The internet is a scattered and segmented galaxy of communication and information. The segmentation of the public in separate spaces for particular groups and communities may even be increased by the internet and its user communities. Thus the character of the internet as a political public sphere is twofold. It is a sphere of exchange and discourse that can be used for political communication; it is, however, also a sphere of segmentation, specialisation and dissolution of a common sphere of communication (Grunwald et al. 2006).

The segmented, issue-related publics that come into being via the internet, however, are at least partly free from the constraints of national boundaries but rather constituted trans-nationally. This is supported by the political effects of globalisation. With the emergence of the "network society" as a result of globalisation and new media (Castells 1996, 2001), the function of the nation state with its territorially bounded legislative and executive power changes. The national government must operate increasingly as a partner in a trans-

national network of other national governments and international political authorities. Manuel Castels regards the new media as preparing the ground for a new form of global or cosmopolitan mode of politics. Networks facilitated by new media go beyond national borders. It is arguably the EU which for him is the prototype of the new "network state". The EU is a network connected by different nodes – EU Institutions, national governments and agencies, as well as civil society (Schlesinger 2007, 74).

A consequence is a "gradual deterritorialisation of the public Sphere": national public spheres open up towards other national publics and overarching, trans-national issue-related publics emerge (Tomlinson 1999, Winter 2010). As far as these publics are focused on (international) political issues, it can be said that they mainly consist of well-educated elites with above-average communicative skills. The internationalisation of NGOs is a case in point. Global political issues and in particular global environmental issues are taken up by global networks of activists such as Friends Of The Earth ([www.foei.org](http://www.foei.org)) who organise protests, exchange views and documents, publish studies and statements, and take part in international negotiations. The internet thus is widely regarded as supporting such societal groups and organised interests that regard themselves as being in opposition to mainstream politics: "... the internet's interactivity and reach assists politically diverse and geographically dispersed counter publics in finding shared points of identity and forming counter-public networks and coalitions .." (Dahlberg 2007, 56). The trans-national publics that emerge around global political issues thus partly are driven by a "global civil society" of citizens' organisations. The protest against the second Gulf war is regarded as having been the first event where an internet-based globalised public sphere and a global civil society took shape (Kaldor 2003). The growing international virtual public spaces of communication can give rise to issue-related virtual communities that by constantly exchanging views, experiencing common interests, and establishing shared schemes of perception support a kind of cosmopolitan culture or global citizenship that coexists with local or national cultural and political identities. Moreover, the internet makes it easy for individuals to be part of several different communities at the same time, which allows for transparency among different communities and is expected to lower the opportunities for fixed ideologies to persist (Bennet 2003, Winter 2010). Research on international internet platforms of civil society organisations has found indications of what the authors call "unbounded citizenship" being supported by this type of trans-national communities. Citizenship is no longer defined alongside national or regional identities alone, but increasingly alongside trans-national shared political interests and concernment (such as ecological citizenship, or net citizenship), which however tend to be of ephemeral character since they are not backed by codified citizen rights and duties (Cammaerts/van Audenhove 2005).

Thus there are indications that (a) the internet supports a trans-national space for political communication, (b) it is an interactive and organisational means of an emerging global civil society, and (c) diverse forms of trans-national political identities might emerge from issue-related political communities. James Bohman (2004, 2007) in his work on the perspectives of a transnational democracy therefore holds the internet to be the key technology for global political communication. For the public sphere to function as a space for rational discourse, it is indispensable that communication be addressed to and potentially attended

by an indefinite audience. To guarantee open ended, non-exclusive communication that virtually allows for the inclusion of almost any potential argument and position, the space of communication has to be "published", i.e. opened up to any possibly affected or interested speaker. This was provided for historically by writing and printing, which provided for a one-to-many mode of communication (speakers to an indefinite audience). This was expanded later on by electronic mass media. The internet must be regarded in this continuity of technologically mediated public communication. The general principle of a rational public sphere which is its openness to an indefinite audience has been set into reality on a global level via the internet. In comparison to the mass media, the web radically lowers the costs for an individual speaker to address a large audience. To adopt the role of a speaker you do not necessarily have to pass the bottle neck of mass media criteria of publicity. Thus the opportunities for dialogue increase and a "many-to-many" type of communication emerges.

However, beyond that, the problem of "publicness", the extension of communication in space and time is solved in a new way by the internet. Cautiously optimistic, Bohman regards the internet as "perhaps" signalling the "emergence of a public sphere that is not subject to the specific linguistic, cultural and spatial limitations of the bounded national public spheres that have up to now supported representative democratic institutions" (Bohman 2004, 135). This feature of the internet makes it a technology for a new trans-national democracy. While there are reasons to speak of a "decline in the national public sphere" with a passive audience, and with an active role restricted to a few actors on the stage who struggle to keep the audience's support (e.g. Eder 2007), Bohman regards the internet as a technology on the verge of the national public sphere's decline and a kind of birth helper for the emerging trans-national public sphere. The ability of the internet to contribute to the establishment of a trans-national public sphere depends, however, on how the internet is shaped by its users, powerful providers and regulatory authorities. The internet must be used democratically: there must be motivation as well as institutional provisions for an equal and open discourse, i.e. forms of communication that are committed to discursive norms or, better, that are suitable for promoting the pervasiveness of these norms in public communication.

Internet postings address an indefinite audience in a purely aggregative sense. It cannot be determined to whom the argument is addressed and who can actually be expected to respond. As a consequence, the commitment to a public interest, which is embedded in citizenship and an active civil society, cannot be taken as pre-existing in trans-national spaces of internet communication. For Bohman, networks that are trans-national (or global) in scope need the support of a trans-national civil society to become trans-national publics. Thus some common culture, some shared sense of citizenship is indispensable for building up a (trans-national) public sphere. Bohman regards this to be a feature that emerges from interaction through dialogue itself. Using the interactive features of the internet, people address each other in a normative attitude in which all may propose and incur mutual obligation. This – as potentially realised in internet-mediated communication – is exactly the basis for citizenship: "To have the standing to make claims and incur obligations within an institutional framework is to have a political identity." (Bohman 153).

If this is the case, then with reference to the discussion of the perspectives of a European citizenship as an effect of a democratisation of European policy-making we can conclude that using the internet as a platform of political exchange would set an "obligation constituting element of dialogue" (Bohman) into practice that might support European citizenship. In line with the expectations of the European public as being multi-layered and comprising diverse issue-related communicative spaces, Bohman expects the internet-based global public sphere not "... to mirror the cultural unity and spatial congruence of the national public sphere; as a public of publics, it permits a decentred public sphere with many different levels" (Bohman 2004, 139). The new forms of computer communication support a new sort of "distributive" rather than a unified public sphere which is defined by boundaries of the nation state or by language. Trans-national democracy and thus a polycentric, post-territorial community will not work according to a single cooperative scheme as the nation state, but might require more fluid structures. Trans-national institutions are adequately democratic if they permit access to influence "distributively, across various domains and levels, rather than merely aggregatively in the summative public sphere of citizens as a whole" (Bohman 2004, 148).

Thus in the trans-national context, diverse internet-based direct forms of deliberative influence are more appropriate than a mass-mediated general public, given the scattered structure of authorities, institution and publics involved. And for this the EU functions precisely as a role model in Bohman's course of argument: For the EU "we have to abandon the assumption that there is a unified public sphere connected to a single set of state-like authority structures that seem to impose uniform policies over its entire territory" (Bonham, 2004, 149). He regards the EC's "open method of coordination" (see also Armstrong 2006 and Smismans 2006) as being a prototype of such a polycentric cooperation of publics and authorities. Nevertheless, an overarching sphere, a public of the diverse national, issue, and committee-related communities is needed that provides for interchange and translation between various linguistic and cultural boundaries. For Bonham, it is the internet that can provide such a new "public of the publics" which can "create precisely the appropriate feedback relation between disaggregated publics and such a polycentric decision making process" (Bohman 2004, 150).

## 5. CONCLUDING REMARKS

Both the European public sphere and the internet as a global space for political deliberation must be regarded as social structures or institutions in the making. The internet as a global media of many-to-many communication is a vast space of commercial, business, leisure and other communicative activities, compared to which the exchange of political information and political deliberation must be regarded as marginal. The European public sphere so far consists of rather specialised issue-related communities of experts and a European civil society, and an overarching space of exchange among European citizens at best comes into ephemeral existence on such rare occasions as the debate on the European constitution. A European public sphere as a mass-mediated space of political communication exists only as far as European political issues are taken up by national mass media.

Nevertheless, our review of debates on the prospects of European politics and the role of a European public sphere reveals that there are some indications for an ongoing Europeanisation of national media publics and that some of the features of internet communication can be regarded as supporting the development of a trans-national civic culture as well as a trans-national civil society, and might meet the needs of the dispersed, multi-layered and issue-related structures of policy-making at the European level. A European public sphere will be different from what is known in the national context. If Europe is going to further develop its democratic structures, means and media are needed to foster the necessary cultural and societal fundamentals of European democracy - European citizenship and an active European civil society. In this respect, the mass media will have a role to play as the "classical" space of public opinion forming in modern democracies. It appears, however, that the mass media system in the near future will hardly evolve to a trans-national European level. Civil society organisations are about to develop their international (and European) networks by making use of internet communication. European institutions make use of the internet in order to underpin the democratic legitimisation of policy-making by organising public consultations and by offering platforms for dialogue with citizens. So far these activities are quite restricted in their reach. Specialised communities that organise themselves alongside European political issues and make use of participation channels offered via the internet have to find a link to the "well informed European citizen". To explore the perspectives for dealing with this challenge, the extent to which internet-based communication can provide a "public of the publics" has to be further explored in the course of the STOA project. Especially the participatory formats of internet-based communication addressed in section X of this interim report must be further assessed with regard to their potential to support European citizenship and the dialogue of European institutions and civil society organisations.



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## **PART B: E-PARTICIPATION IN EUROPE**

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## 1. INTRODUCTION

Since the late 1990s, the Internet has become a ubiquitous phenomenon in the area of political communication in developed democracies<sup>3</sup>. Already with the looming rise of the Internet as a medium of mass communication, the question of the Internet's potential to change politics, the patterns of political participation and democratic decision-making – both in terms of quality and quantity – quickly captured the attention of many scientists and practitioners.

In the early phases of the debate on 'Internet and politics', numerous and often far-reaching claims about the new media's transformative potential were made. Due to the Internet's technological features and its impressive communicative capacity, many authors enthusiastically argued that the Internet will fundamentally change democratic politics by providing easy and universal access to information, undermining established structures of political power, democratising the processes of agenda-setting, increasing the rates of political participation, improving the quality of deliberation and making plebiscitary forms of decision-making feasible.

These optimistic accounts have to be understood in the context of the debates on the crisis of representative democracy. Declining turnout rates, eroding party memberships, political apathy and growing discontent with governments and politicians in established democracies are the most obvious trends raising concerns about the future of democracy and its institutions. In addition to the growing disenchantment with the *classe politique* and the disengagement from the democratic processes in the European nation states, the European Union is facing particular challenges such as the poorly developed European public sphere and the – real or merely perceived – democratic deficit of its institutions. Against this background, the new Internet-based channels for information exchange, communication and participation are often presented as a possible cure to these democratic ills.

Within the last decade, a large number of practical experiences with new applications being used for political communication purposes have been made, and the research field of e-participation evolved, often also addressed under the broader notion of e-democracy. E-participation is about how information and communication technologies (ICT) can be used to support participatory processes between citizens, civil society groups/NGOs and government for political decision-making. Deliberation and political discourse between public sphere and political authorities play an important role in this respect.

This part of the STOA-paper will look at key findings and conclusions of the relevant research conducted in the field of e-participation with the following aims: In order to develop a better understanding of the potentials and political impacts of different forms of e-participation made available to citizens as well as the organised civil society, interesting

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<sup>3</sup> Early roots of experimenting with ICTs for e-participation date back to the early 1970ies (c.f. Crickman/Kochen 1979).

examples of e-participation endeavours in Europe will be identified and assessed with regard to their significance to the political process and their possible impacts. For that purpose, relevant activities of governmental institutions as well as those performed by non-governmental actors will be included in the examination. By incorporating e-participation activities of civil society actors at large, particularly innovative and dynamic forms of Internet-based political communication can be taken into account.

Based on the general research question, if and under which circumstances e-participation opportunities have the potential to improve the quality of democratic processes, we focus on the role of ICT in the provision, retrieval, and exchange of politically relevant information and the changed dynamics of politics and policy-making. With regard to the increasing amount of top-down and bottom-up initiated e-participation approaches, the paper also addresses the question how formal participation channels (provided by governments and parliaments) and informal e-participation opportunities (offered by NGOs and civil society) might overlap and could be productively combined towards a better integration. The results of this research will serve as a basis for developing recommendations which aim at enhancing the contribution of e-participation for governance and political decision-making of the European Union in a next stage of the STOA-project.

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## 2. THE ROLE OF E-PARTICIPATION IN THE DEMOCRATIC PROCESS

Participation is a core element of any concept of democracy. In modern liberal democracies it is primarily realised in the form of parliamentary and representative democratic systems in which formal participation of the demos is largely concentrated on casting votes in elections. From the perspective of liberal democratic theory instrumental functions of political participation – legitimate selection of representatives, legitimate distribution of political power, and efficient decision-making – are in the foreground. Advocates of participatory democracy also point out the intrinsic value of political participation and its contribution to social integration of liberal societies. The relation between citizen participation and democratic legitimacy has also to be seen in the light of Scharpf's (1997) distinction between input and output legitimacy: the former depends on mechanisms linking decisions in the political system to the citizens' will, the latter on policy outcomes which effectively achieve the goals of common concern (for further elaboration see Part A of this paper).

During the last decade citizen participation in a broader sense has grown in importance, being extended towards participation in the political process across the whole policy cycle. This upgrading of participation has been driven by mainly three developments at EU as well as national levels. One is the launch of governance reform programmes at EU level towards network modes of governance, both in reaction to perceived problems ("democratic deficit", widening cleavage between citizens and EU institutions) and as active steps to strengthen the problem-solving capacity in policy-making. As shown by Saurugger (2010), a "participatory turn" in the official discourse at the EU level emerged during the 1990ies and became transformed into a norm which, however, has to be seen as still contested and ambiguous in its implementation.<sup>4</sup> Nevertheless this participative democracy discourse also had repercussions in member states, questioning traditional governance regimes and upgrading participatory elements. A second important change behind an increased role for participation is a postulated new demand for knowledge and expertise required for coping with growing problem complexity in the governance of advanced societies. This change encourages citizen participation because of the benefits of inputs which are functional for enhanced problem solution and decision quality. Some commentators argue that participation has even become both a moralising discourse, expecting responsible citizens with active contributions to problem solutions and a normative discourse, treating

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<sup>4</sup> Major steps were the inclusion of participatory democracy as a principle into the Constitutional Treaty signed in Rome in December 2004 and of the respective Article on the European Citizens' Initiative – although without its original heading of "Participatory Democracy" – into the Lisbon Treaty; an upswing of "civil society" consultations, increasingly via Internet, through a so-called "transparent consultation mechanism" by European institutions; the EC's launch of a "Plan D for democracy, dialogue and debate" in 2005 propagating to "go local, listen to and engage with citizens"; a White Paper on the European Communication Policy with similar mission; two large-scale meetings for exchange between civil society organizations and MEPs in the European Parliament in 2007 and 2009 ("European Agora"); launch of a Green Paper on the European Transparency Initiative; and most recently a proposal for a Directive on the European Citizens' Initiative (c.f. Saurugger 2010; EC 2010).

participation as a means to cure the cleavage between governments and the governed (Smith/Dalakiouridou 2009, 3; Jessop 2003). The third major driver which has reinforced the upswing of public participation is the thriving supply of new electronic means supporting and facilitating political participation. It has led to a decade of ample experimenting with diverse applications of ICT for new modes of citizen involvement in the political process. The role and potential benefits of e-participation first of all depend on the specific governance context in which it is embedded and the functions it is expected to fulfil. The key challenge still remains to find a mixed system of political participation and decision-making built on a pragmatic combination of the institutions of representative democracy with direct-democratic elements (c.f. Grande 2000).

## 2.1. Levels and types of e-participation

E-participation is about the utilisation of ICTs to support political participation. This general characterisation calls for further clarification of the variety of phenomena covered under the heading of e-participation. It can serve both the citizens' interest for being heard and involved in the democratic process, and governments' interest to use new instruments for encouraging public consultation to achieve better policies and public approval. As to the origin of the initiative to employ electronic means for participation one can distinguish between top-down and bottom-up approaches. A definition addressing both perspectives specifies e-participation as "the use of ICTs to support information provision and 'top-down' engagement i.e. government-led initiatives, or 'ground-up' efforts to empower citizens, civil society organisations and other democratically constituted groups to gain the support of their elected representatives" (Macintosh/White 2008).

Depending on the degree of integration into or influence on decision-making, different levels of participation have to be distinguished. A common categorisation is the distinction between information, consultation and active participation as "democratic political participation must involve the means to be informed, the mechanisms to take part in the decision-making and the ability to contribute and influence the policy agenda" (OECD 2003). Based on these levels, Macintosh (2004) derived *enabling* (to include a wider audience by providing relevant information which is accessible and understandable), *engaging* (to consult a wider audience to support deliberation), and *empowering* (to support active participation and to facilitate bottom-up ideas for the political agenda) as differentiating functional characteristics.

We prefer the following broad classification as it can be deployed to bottom-up as well as top-down initiated participation:

- *Information*: this level addresses a one-way relationship in which individuals receive information which is a major precondition for enabling participation in political processes.
- *Communication*: this level refers to a two-way relationship, individuals do not just receive information, they also bring their views and opinions into the participation process.

- *Collaboration*: at this level the two-way relationship has a collaborative character as individuals are actively integrated in proposing policy options and shaping the content of policy-making.

There are many different ways to support the involvement of citizens in the democratic process through the use of ICT. Major types of e-participation are listed in Table 1.

**Table 1: Types of e-participation**

|              |   |
|--------------|---|
| Information  | ICT to structure, represent, manage, provide and access information to support participation in different contexts  |
| Consultation | ICT in official initiatives by public agencies to allow stakeholders to contribute their opinion on specific issues |
| Petitioning  | ICT to host online petitions and allow citizens to sign in for a petition by adding their name and address online   |
| Deliberation | ICT to support virtual, small and large-group discussions, allowing reflection and consideration of issues          |
| Voting       | ICT in the context of public voting in elections, referenda or local plebiscites                                    |
| Polling      | ICT to measure public opinion and sentiment   |
| Discourse    | ICT to support communication and discussion among citizens, analysis and representation of discourse                |
| Campaigning  | ICT in protest, lobbying, petitioning and other forms of collective action  |

Source: Own compilation based on Macintosh (2003, 98) and Tambouris et al. (2007, 11f.)

## 2.2. Relevance across the policy cycle

An often applied heuristic in order to structure the complex processes of policy-making is its representation in the simplified model of the policy-cycle<sup>5</sup>. A common conceptualisation of the policy-cycle distinguishes between five different phases:

1. *Problem definition and articulation* (recognizing a policy problem or the need for policy change and expressing the necessity of state intervention; in this stage, the political process is completely open, interests or problems are articulated by individuals or interest groups and become politically relevant, when taken up by other political stakeholders who consider them important as well).
2. *Agenda setting* (selection of a recognised problem and putting it on the government's – formal or informal – agenda for serious consideration of public action).
3. *Decision-making and policy formulation* (transformation of proposals and demands into government policy documents, actions or programmes; this includes the definition of objectives and consideration of alternatives as well as the development of legislation and regulation).

<sup>5</sup> For a brief overview see Jann/Wegrich (2007).

4. *Policy implementation* (usually includes the specification of program details and the execution or enforcement of a given policy by the responsible agencies).
5. *Policy evaluation* (involves the evaluation and review of the policy in action, research evidence and views of actors concerned; the insights gained in this phase opens the possibility of a feedback loop to the first or second phase, perhaps resulting in a new policy initiative or a revision of an existing policy).

(E-)participation is of relevance for any phase of governance and democratic decision-making and can be linked to different stages of the democratic process. However, when relating different options for e-participation which governments offer to their citizens to the phases of the policy-cycle, it becomes clear that certain forms of e-participation are applied more frequently in some phases than in others. A linkage seems obvious in the beginning and the end, when policy becomes defined and formulated and finally evaluated (i.e., in the stages of problem definition and agenda setting and policy evaluation). For instance, e-petitions and other electronically submitted complaints and proposals tend to relate to the phase of problem definition and articulation. E-consultations are usually initiated in a later phase of the policy process in order to support ongoing policy formulation after the policy agenda has already been set. Some e-consultations which are addressed at selected expert communities (Lindner 2008) also deal with specific technicalities of the implementation process of a policy or program. The effective linking point between participation and the policy-cycle depends on the governance context and issues; linkage at the end with options for public contributions to evaluate policies could also be on the threshold to further agenda setting and reconfiguration of existing policy (cf. Donges 1999; OECD 2003).

### **2.3. Functions and potential effects**

An earlier STOA working paper (Kies et al. 2002, 3) points out major functions of the new technologies for the democratic process: "... enable/empower citizens in their efforts to hold rulers/politicians accountable for their actions in the public realm. Depending on the aspect of democracy being promoted, e-democracy can employ different techniques: (1) for increasing the transparency of the political process; (2) for enhancing the direct involvement and participation of citizens; and, (3) improving the quality of opinion formation by opening new spaces of information and deliberation." E-participation provides mechanisms to enhance the (direct) involvement and participation of citizens in political decision-making processes and can thereby be functional for many aspects of the quality of democracy and democratic goals, such as institutional responsiveness, legitimacy of and trust in the political system, quality of political decisions, community empowerment, and social inclusion.

Responsiveness is a central aspect and denotes the degree to which the views and interests of the public are effectively taken into account in the processes of decision-making of representative bodies. Of course, the degree of institutional responsiveness is influenced by numerous factors, including the constitution, the institutional setting, the prevailing political culture, and the structure of the communication relationships between the ruled and the rulers. With regard to the latter, governments and parliaments have considerable leeway to

determine their own communicative capacities. This may be achieved by increasing the number of contact points for citizens, the way information and content is made available, the degree of transparency etc. (Lindner/Riehm 2009, 511f.). Against this background, analysing governments' and parliaments' approaches to the provision of information and communication opportunities for citizens via new media technologies is particularly relevant for the question if and under which circumstances the Internet has the potential to contribute to a revitalisation of representative democracy.

Arguments focussing on the enhanced communication potentials of the Internet expect it to change political communication towards greater rationality and conditions of deliberative democracy. A link is also postulated between the new communication and networking culture and increased political participation: "Participation in blogs, citizen journalism, critical videos concerning public events or politics and confrontation of different opinions may arouse critical minds and interest in debate" (OECD 2007, 68). Kann et al. (2007) elaborate on similar arguments especially with respect to youth. They postulate positive effects of a new participatory culture on political participation through mechanisms such as promoting values conducive to democracy (e.g. citizen involvement, openness), teaching of citizen skills (e.g. exposure to political information and ideas) and inviting as well as facilitating political mobilization (e.g. via e-campaigning). A further expected political potential of ICTs is the enhanced mobilization capacity for which Garrett (2006) points out three main roots: reduced costs of information distribution and participation, promotion of collective identity and fostering community development. ICT can facilitate structuring and organising participatory processes (Jensen 2003) and open up new avenues for supporting organisation, coordination and mobilisation functions in political processes. A related function of e-participation can be enhanced social capital building and stimulation of active citizenship.

E-participation is expected to offer citizens better means to supervise government and the implementation of policies, thus contributing to a better balance of power (OECD 2003, 33). At the same time it could substantiate a new understanding of the relationship between governments and citizens conceiving citizens as partners as propagated by the OECD: "... citizens can make an active and original contribution to policy-making when their relationship with government is founded on the principle of partnership" (OECD 2003, 34). E-participation could also be instrumental for a better balance of the positions of citizens relative to the organised civil society and interest organisations as regards the influence on policy-making. The delegation of problem-solving capacity through participation arrangements at EC level has primarily involved strong publics (e.g. committees, consultative fora, specially chartered conventions) to date and has only lately also attempted to extend this to the general public sphere. Enhancing mutual learning between citizens and representatives of government can also be an important function of e-participation. It is activated with the increasing role of "political foundations" which often have a brief for awareness raising and "citizen training" (c.f. Smith/Dalakiouridou 2009, 7). An important new function of public involvement has emerged under the heading "Environmental Democracy" with measures against global warming. With participation in measures, in particular by collaboration of citizens and governments on planning goals, new forms of

engagement and self-commitment for changing behaviour have been introduced (Kubicek 2007; Kubicek et al. 2010).

Expected benefits of e-participation are closely related to those of participation in general. Smith and Dalakiouridou (2009, 2) sum up potential gains from both: "Typically, the benefits claimed for participation relate to service effectiveness and efficiency (e.g. more detailed knowledge of the public's needs and wants for service planning), decision-making quality and legitimacy (e.g. generating awareness, acceptance and commitment to policies), or active citizenship (e.g. generating social capital and mobilising people's voluntary labour, including their intellectual labour for problem-solving purposes). Participation using information and communication technologies (ICT) – e-Participation – may bring three additional types of benefit: reduced transaction and coordination costs in social and political relationships, greater deliberativeness due to certain qualities of the medium, and the enhanced information-processing capacity of information technology."

A good deal of potential benefits is linked to changes in provision of and access to information, new potentials of communication and mobilisation of participation. According to Levine (2002) this includes especially four premises: technology offers greater convenience and this will spur participation; citizens need more information and modern ICTs provide it; the Internet as such allows for virtual discourse like a "massive town meeting"; and direct online participation without interference by power brokers will make democracy flourish. Lower cost and better accessibility of politically relevant information are also expected to raise the aggregate level of political engagement (Tolbert et al. 2003). Macintosh (2003, 33) summarizes key potentials of technology-enabled participation. They include reaching and engaging with a wider audience; providing relevant information more accessibly; enabling more in-depth consultation and deliberative debate; and, facilitating the analysis and consideration of contributions.

However, also a number of counterarguments against the expected mobilization and democracy improving effects have been brought forward: the problem of information overload, more information not necessarily meaning better information, the need for assessing information quality and information paradoxes such as "the tyranny of light" with special relevance for transparency issues (Tsoukas 1997). Further objections address the digital divides in participation and the possibility of social polarisation, bringing benefits mainly to existing elites, and enhanced influence for privileged special interest groups. There are also sceptical views on the deliberative potentials of e-participation expecting a lack of discourse culture leading to "flame wars" and fragmented posting of opinions instead of deliberation with coherent outcomes. Kampen and Snijkers (2003) raise the point that using the Internet for political participation has to compete with more attractive alternatives and limited time budgets. Other problem areas include the fear that populism could be enhanced and that single issue approaches would entail inconsistent decisions.

Finally, three more general risks of participation strategies have to be addressed. One is the risk of a "high cost – low benefit" scenario. There is obviously a tension between the goals of democratic fairness and efficiency which have to be balanced against each other. A second risk has been pointed out by Eder (2007) as a "pathology of learning", i.e. where

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collective learning potentials of participation are hampered by situations which are characterised by a strong imbalance between participation and deliberation, either high participation paired with low deliberation (e.g. the fascist state) or an excess of deliberation with very low participation. A third risk is the failure to pay attention to the fragmented nature of public spheres, i.e. the existence of partial public spheres. The public sphere plays a crucial role as intermediate between political decision makers and the individuals affected by these decisions. It provides rooms for public deliberation necessary to transform public communication into public opinion and will formation (see Part A of this paper for a detailed analysis of the public spheres' role).

One major aspect of participation in general thus is the consideration of partial public spheres which determine the participatory process. This is equally valid for e-participation; only if political debates, decisions, alternatives, etc. become relevant also beyond their online-environment in "real" world so to speak, one can argue that e-participation affects political processes. Hence, an important precondition for potential political impacts of e-participation is the link between online communication and common traditional communication spaces and the relationship of e-participation to the policy process (Donges/Jarren 1999, Kamps 1999). The demand for a point of reference in the form of a concrete political issue, i.e., the integration of participation into a specific political context, is vital for its efficacy (Donges/Jarren 1999, Kamps 1999, 15). Thus, a key aspect of e-participation is its connectivity to the policy cycle. Approaches should consider creating links between online communities and offline public spheres. In line with the connectivity aspect is the importance of integrating technological concepts and tools with existing, traditional tools for engaging citizens. This is also relevant with respect to the continuing presence of a digital divide. Technological concepts have to incorporate participation contexts and become integrated into traditional "offline" forms of participation, not a substitute to them.



### 3. SCOPE OF E-PARTICIPATION

As pointed out above, technology-mediated forms of political participation comprise activities initiated and carried out by governments (top-down) as well as by citizens and the civil society (bottom-up). Initiatives led by government aim at providing citizens access to information and creating options to gather their views on a range of policy related matters. In this case the political agenda for the participation issue is set by the political stakeholders. In a bottom-up initiative, citizens and civil society organisations obtain a role which also allows them to bring in their own agenda and not just to react to political issues pre-defined by political institutions.

In practice, top-down approaches (e.g. e-consultations, participatory e-budgeting, e-legislation, etc.) are, if not fully led by government stakeholders, sometimes co-organised on a cooperative basis by government and private organisations. But at least they are backed by government institutions in some respect and sponsored or co-financed by government institutions. In principle this facilitates the awareness and public visibility of such projects. Bottom-up initiated e-participation (e.g. e-activism, e-campaigning, e-deliberation) is usually owned, financed and implemented by civil society stakeholders themselves without additional support. Thus, top-down approaches are expected to have a more direct impact on policy and decision-making processes whereas bottom-up projects tend to be independent from government (Delakorda/Delakorda 2009; Pratchett et al. 2009).

It is widely agreed among political theorists that "decision-making processes are democratically inadequate, even spurious, unless they are combined with relatively equal and extensive opportunities for citizens, communities, and groups to help shape decision-making agendas" (Sclove 1995 in OECD 2003, 30). Thus, participation approaches need to consider both perspectives. A successful combination of top-down and bottom-up initiatives could allow for a partnership between civil society and government with prospects of strengthening representative democracy (OECD 2003, 30).

The local level plays a particular role in the involvement of citizens in political decision-making as the citizens are expected to be more directly affected by local policies (due to relevance for everyday needs, greater continuity, and lower distance) as compared to national or supra-national governments. Participatory approaches supported by ICT are increasingly applied in spatial and urban planning. In this area e-participation contributes to local governance showing potentials for citizen and community empowerment. Among several key mechanisms that facilitate empowerment identified by Pratchett et al. (2009), e-participation plays a prominent role. Public participation can serve at least five functions in local planning (Innes/Booher 2004): revealing the public's preferences to decision-makers for being taken into account in decisions; incorporation of citizens' local knowledge to improve decisions; advancing fairness and justice; helping to establish legitimacy for public decisions; and fulfilling legal norms. Citizen participation in decision-making makes sure that more aspects of problems and solutions are considered and early consideration of

diverse viewpoints may reduce conflicts or at least help to address potential conflicts timely.

In the following we will provide an overview on the scope of e-participation structured into separate sections on top-down and bottom-up initiated forms of e-participation before focusing on overlaps and synergies of the two approaches. At this stage of the project the space devoted to individual types of e-participation as well as selected examples of good practice is still unevenly distributed. This will be corrected along with the progress of our work in the next stage including a revision of our conclusions where appropriate.

### **3.1. Governmental and parliamentary e-participation activities**

To start with the government-initiated part, a cursory overview of governments' activities in the area of e-democracy in Europe shows that the following main categories of online offers can be observed (European Commission 2009; Grunwald et al. 2006):

- *Provision and transmission of information:* Making information available to citizens is clearly the most common activity related to e-democracy governments and other public institutions perform.
- *Consultation and advice:* Governments actively seek input from citizens and experts on selected issues through the Internet. These e-consultations are very common in many member states and at the European level.
- *Complaints, proposals and petitions:* Governments offer opportunities to citizens and groups to raise issues, file complaints or submit petitions online (e-petitions). In the meantime, a number of member states, the European Commission and the European Parliament provide this type of e-participation channel.
- *Deliberation:* Processes of opinion formation can also be supported by electronic means. Most common are various forms of online discussion fora. Other examples of Internet-based participation with the explicit objective to generate consensus on selected issues are deliberative polling or participatory budgeting.
- *Decision-making based on voting:* In contrast to all previous e-participation channels, this type of e-participation guarantees that the citizen's involvement has a certain impact on a decision-making process (e.g., binding online votes or referenda). Empirically, this form of e-participation is quite exceptional (see Part C of this paper for a separate treatment of e-voting).

Of course, if these different forms of e-participation are analysed with regard to the democratic functions they fulfil, a certain degree of overlap can be observed. For instance, providing substantial and high-quality information on current policy issues plays an important role for processes of deliberation. Likewise, deliberation processes can be designed to function as an integral element of a binding online referendum.

Many public institutions on all levels of government in Europe have been and still are active in using Internet-based applications in order to disseminate information, communicate with citizens and provide channels for political participation. In contrast to the rather "fuzzy" approaches of public bodies to provide information and communication opportunities to

citizens, e-consultations and e-petitions are two quite common forms of e-democracy activities that can be grasped more easily for the purpose of analysis. Both forms of e-participation have in common that they are well integrated in the institutional logic of representative democracy. In both cases the final decision on and responsibilities for a policy remain with the elected representatives; as such, e-consultations as well as e-petitions have an advisory or consultative character. Nonetheless, these forms of political participation can contribute to the quality of policy-making and the legitimacy of the political system as a whole (Riehm et al. 2009b). These two e-participation channels differ with regard to the initiation of the participation process: the agendas of e-consultations are usually set top-down by government or parliament. E-petitions, on the other hand, are initiated bottom-up by citizens or groups. Moreover, e-petitions tend to give participating citizens more procedural guarantees with regard to the petitioning process compared to e-consultations. Elected representative bodies such as the Scottish Parliament, the German Bundestag and the European Parliament are operating e-petition systems, and governments at all levels regularly carry out web-based consultations as part of their policy-making routines. Case studies of ICT-supported participation projects in this area include subjects such as "participatory budgeting" (Bürgerhaushalte) or urban planning processes (cf. Lührs 2009; Kubicek et al 2007) which seek to create public consensus about policy priorities on the municipal level.

Given the large number of public e-consultations and the growing number of e-petition systems operated by governments and parliaments in Europe, an analysis of empirical findings allows identifying good practices. Moreover, these insights can be instrumental in the process of assessing the possible role of and developing recommendations for the design of an Internet-based participation channel in the future European Citizens' Initiative. In the following, e-participation options offered by governments and public bodies to citizens will be discussed in more detail, starting with an assessment of general strategies and trends regarding the use of new electronic media by governments in their relations with citizens. In a second step we will present research results on the most common forms of e-participation currently provided by governments in Europe.

### 3.1.1. E-consultations

In the field of e-consultations a variety of forms and increasing experimentation with them can be observed but their systematic analysis and assessment are still in their infancies. A core function of e-consultations is to inform political institutions on what citizens and the organised civil society think on specific policy issues or proposals, which actions or solutions they would prefer or suggest. An integral assumption is that the outcome of an e-consultation is to influence policy decisions. Usually they are characterised by a certain level of formal and structured procedure. Tomkova (2009) provides a systematic account of some basic features of e-consultations. She distinguishes five types: (1) simple question and answer discussion fora (e.g. "Diskussionsforen" hosted by the German Bundestag<sup>6</sup>); (2) e-polls or e-surveys such as those offered with the consultation branch on the EC's "Your Voice" platform<sup>7</sup>; (3) e-petitions (we prefer to categorise them as a separate

<sup>6</sup> [www.bundestag.de/forum/index.htm](http://www.bundestag.de/forum/index.htm)

<sup>7</sup> <http://ec.europa.eu/yourvoice>

category); (4) e-panels (a self-selected or recruited sample group of citizens); and (5) so-called editorial consultations (invitations to comment on targeted policy documents) such as in the drafting of base documents in the European Parliament's Citizens' Agoras<sup>8</sup>. The general benefits of the Internet such as practical convenience, immediacy, interactivity, flexibility, speed and efficiency of communication also apply to e-consultations, complemented by specific aspects such as the possibility to design innovative outreach targeting large or special groups of addressees.

Given the still modest body of empirical scientific evidence on the impacts of e-consultation, a tentative result is a seeming mismatch between the normative aspirations of e-consultation projects and their actual role in the political process, in particular their impact on political decisions and the formulation of policies. Main deficits seem to be insufficient post-consultation responsiveness and structural readiness of the political institutions involved, together with insufficient measures against false expectations among citizens of direct implementation of their input to e-consultation procedures.

According to Tomkova's (2009) review of the literature, existing evidence suggests that e-consultations represent a popular e-participation practice, provide opportunities for interactive spaces between political institutions and citizens which have been unknown before and promote cost-effectiveness. However, it is uncertain whether e-consultations contribute to reciprocal learning between government and citizens and whether they have any impact on the quality of deliberation in preparing policies. There is little indication that citizens' recommendations are integrated in policy decisions and citizens tend to be left uninformed about how their input is processed. Under these circumstances it appears that e-consultations remain "more facades for political correctness than new meaningful instruments for civic engagement" (Tomkova 2009, 9).

Evaluations of individual e-consultation projects provide a mixed picture. An evaluation of ten completed e-consultations in the UK (Coleman/Ross 2002) found that effective deliberative discourse did not take place. Boucher (2009) provides a very critical perspective on approaches and practice of e-participation initiatives at EU level and sees clear deficits of the European Commission in making meaningful use of citizens' inputs to e-consultations. The evaluation of the European Citizens' Consultations 2009 (ECC 2010) which ran both offline and online is able to present quite positive results on five criteria (fairness, competence of the citizens, transparency, efficiency, impact) but its validity is decisively hampered by a measurement framework which invites response patterns biased by social desirability and subjective indicators. Nevertheless the evaluators conclude that "... the findings reaffirm and consolidate the importance of citizens' debates like the European Citizens' Consultations in helping to educate people about issues, making them think, exchanging ideas and forming a basis for a fuller development of their opinions/attitudes ..." and even "... that ECC 2009 encouraged the development of a European public sphere ..." (ECC 2010, 6). A more critical assessment of earlier online consultations in the period from 2001 to 2004 in the context of the debate about the European constitution via the platform "Your voice in Europe" provided by the EC came to a

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<sup>8</sup> [www.europarl.europa.eu](http://www.europarl.europa.eu)

less positive and more differentiated result (Winkler et al. 2006). While the contributions were ranked high quality, participation was socially skewed because participants were mainly experts in the respective field of consultation and, much in line with earlier findings, there were complaints about the lack of transparency regarding the processing of inputs by participants.

Reviews of e-consultations at national and regional/local levels complement the present picture. An evaluation of four e-participation projects covering consultation, petitioning and deliberation functions at local level in the United Kingdom (Whyte et al. 2005) found that much in terms of establishing an organized interaction and active participation by the public had been accomplished, but also pointed out some problems: limited support from partners and councillors in e-consultation projects; uncertain outcomes of the e-petitioner project and weaknesses in the integration with other engagement processes; strong efforts needed to encourage public response the success of which depends on the issues being general enough to interest a cross-section of citizens; transparency in each project, requiring first to establish what citizens would need or expect more specifically in this respect; potentials to enhance inclusiveness as participation was strongly skewed towards male and middle-aged citizens. It also turned out that citizens had modest expectations regarding the impact of their contributions on decision-making but strong expectations that the governments should publish some response on their input. This latter point is reinforced by findings on motives for e-participation in Germany which include, besides influencing decision-making, a wider set such as learning, association with others, special issue interest, playing with tools, and personal self-expression (Westholm 2009, 23ff.)

### **3.1.2. E-participatory budgeting**

In participatory budgeting (PB), citizens are integrated into decision-making processes of public budget allocation. Scholars qualified the concept as "one of the main innovations that aim to reinforce accountability at the local and regional levels" (Peixoto 2009, 2). The concept has its origins in the Brazil city of Porto Alegre (population of 1.3 million) which consults citizens since 1989 on a regular basis on the distribution and investment of municipal funds. Due to the positive experiences in Brazil, the model received a growing interest and several European countries experiment with similar approaches (Roeder et al 2005). Projects have been conducted e.g., in Germany, Italy and Spain. The UK plans to implement participatory budgeting (PB) at local level at all public administrations by 2012 (Peixoto 2009). Germany has established a relatively active scene for participatory budgeting with several projects in different regions (for examples see e.g., [www.buergerhaushalt.org](http://www.buergerhaushalt.org)). Among the first with ICT-support was the public budget dialogue in the city of Esslingen in 2003. Although this project had only little impact as it did not become integrated into the political-administrative structures due to lacking political backing (Roeder et al 2005), the valuable experiences led to further initiatives in other regions which were more successful. In the city district Lichtenberg in Berlin<sup>9</sup>, ICT-supported PB has become institutionalised. Since the first trial in 2005 citizens have been constantly involved in the annual budget allocation with an increasing number of participants (for a description of this case, see Section 4.1.2). A similar case is the

<sup>9</sup> [www.buergerhaushalt-lichtenberg.de](http://www.buergerhaushalt-lichtenberg.de)

participatory budget project in the city of Hamburg<sup>10</sup>, first held in 2006. Due to the success, citizen participation in budgeting has been continued on a regular basis in this case as well.

While the settings of the participation processes vary in the different regions, the basic structure of PB processes, mostly designed in different major phases for general information, dialogue and discussion of ideas and further specification of selected proposals, has proved to be practicable in Germany. Interactive tools can be used to convey complex issues such as budgeting, e.g., with online-calculators where participants can schedule their own budget allocation and learn how changes affect the funds. Moderated discussion fora and wikis allow to collect opinions and ideas that become further elaborated towards the end of the process which is completed with a voting of selected suggestions. The combination of online and offline channels to reach a wider audience and to include citizens that are not reachable over ICT, became more or less status quo in German PB processes (not least because of the experiences in Esslingen, where the strong focus on online participation had been criticised). In Berlin-Lichtenberg, real-life citizen meetings were held as well as a defined online consultation phase where citizens were asked to bring in their opinions and discuss different topics in the scope of the local budget plan. The first PB dialogue in Hamburg was held completely online, but to reduce the problem of exclusion, in further processes, questionnaires were sent to offline participants as well.

Stakeholders involved in participatory budgeting processes mention the following effects of this kind of participation: higher quality of the decision-making process, increased legitimacy of and stronger identification of citizens with local community, enhanced transparency of public policy for citizens, the possibility to actively engage in policy-making, useful information for involving public demands into priorities of budget allocation and avoidance of false decisions against the will of the public. Further experiences point to possible effects of the increased level of interactivity; e.g., complex topics such as public budgeting can be better explained and the use of e-tools in planning processes (e.g., GIS-tools) contributes to increase quality of information provided by the participants (Lühns et al. 2010). Heidelberger (2009) even mentions that a survey among 25 municipalities in Latin America and Europe who involved their citizens in budgeting “revealed a pattern of increased tax revenues and decreased delinquency”. According to the survey respondents, increased participation and transparency contributed to help residents in understanding the “process, limitations, and results of their municipal budgets” (Heidelberger 2009).

However, these processes are time- and resource-consuming for public administration as well as for participants. Citizens have to deal with complicated budget issues and the dynamics of discussions about how to distribute public funds among larger groups is challenging for all involved stakeholders. From a technocratic perspective, one could argue that a few experts might handle this process more efficiently and effectively with less political pressure and public distraction. Contrary to this technocratic vantage point, public budgeting can be seen as an important decision-making process with widespread impact.

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<sup>10</sup> [www.buergerhaushalt-hamburg.de](http://www.buergerhaushalt-hamburg.de)

Involving citizens in that process contributes to strengthen community building in moral and practical ways. “[T]he proper response to high cost of participation is not to minimize participation but to minimize the cost through the best methods and technology available” (Heidelberger 2009). This refers to the vast importance of proper process design.

### **3.1.3. E-petitions**

A specificity of the field of e-petitions is that these are “clearly at the forefront of official, fully operational e-participation opportunities provided to citizens” (Lindner/Riehm 2010, 3). They have already left the experimental stage and reached a high level of institutionalisation and maturity in procedural terms. The experiences with e-petitioning systems have been analysed in a recent cross-national study conducted on behalf of the German Bundestag (Lindner/Riehm 2009; Riehm et al. 2009a). The systems operated by the national parliaments in Germany, Queensland and Scotland have been accepted by the petitioners and their supporters. The share of e-petitions among all petitions ranges from 17% in Queensland to 62% in Scotland, the country with the earliest introduction of an e-petitioning tool. In contrast to this picture, an e-petitioning system in 14 Norwegian municipalities has not gained popular acceptance. Regarding the e-petitions systems at the parliaments in Germany and Queensland (Australia), their introduction did not result in an overall increase of petitions submitted. In all four cases the introduction of electronic channels for petitions failed to mobilise non-participating and underrepresented groups. There is strong evidence from Germany that the electronic participation channel for issuing petitions to the national parliament tends to amplify existing inequalities in participation patterns (Lindner/Riehm 2010). Confirming the “socio-economic status theory” on participation, it turned out that e-petitioners are individuals with a disproportionately high socio-economic status and level of active political engagement. To assess the e-petitions’ impact on decision-makers in policy is extremely difficult, but there are some indications of improved responsiveness of the parliamentary representatives both in Germany and Queensland.

### **3.1.4. E-deliberation**

Political discussion on the Internet is a new form of communication which did not exist before. Online discussion fora, boards and panels as well as electronic tools such as e-deliberative polling play an increasing role for democratic debate (Macintosh et al. 2005, 17f.). They are cornerstones of yet another specific category of e-participation activities summarised under the term e-deliberation. This form of democratic dialogue is strongly linked to the idea of a renewal of the public sphere and rational deliberative discourse envisioned by Jürgen Habermas (see the chapter on the European public sphere). In fact it is argued that online discursive interaction is becoming a part of the modern public sphere (Dahlgren 2005; Grönlund et al. 2009, 190). Mainly two factors have given rise to this facet of political participation: the theory of deliberative democracy as one of the most influential contemporary theoretical models of democracy and the outstanding capacities of the Internet for interactive communication. E-deliberation involves group processes characterised by elements of public deliberative reasoning and exchange of arguments among citizens and with government, ranging from the mere exchange of opinions and ideas to being oriented at resolving problems of public concern. From the perspective of the theory

of deliberative democracy it promises to improve both the legitimacy and quality of political decisions. The specific advantages of the Internet for political discourse include the possibility of large-scale participation, both synchronous and asynchronous, overcoming the restrictions of place of living and fixed time schedules; information access unhindered by filters and censorship; and reduced influence of social status and rhetoric skill differences in virtual, mainly text-based discussions. However, it should not be neglected that not all have access to the Internet or can use it and that specific new competencies are required which favour people with higher levels of education.

Deliberative processes are often integral elements of e-consultation projects established and offered by governments. However, there are also political discussion fora on the Internet established by citizens or civil society organisations independently from government; they will be taken into account in the next section. Examples of government-initiated e-deliberation can be found on all levels:

Many online discussion fora are offered by local governments around the world, as shown by Dunne (2009) who identified 138 cases. A successful example at local level was the online discourse on the city of Hamburg's urban development vision with the final selection of the seven most promising ideas for consideration by the government (Lührs et al. 2004). An interesting case at regional level was the county council of Nordjylland's Nordpol.dk forum (Northern Denmark) on eight topics of county politics, comprising a combination of online debates and consultation processes between citizens and politicians (Jensen 2003). A very large-scale e-deliberation at national level is exemplified by the Electronic Dialogue Project during the 2000 presidential campaign in the USA, involving monthly, real-time electronic discussions over one year among sixty groups of citizens – a representative sample of Americans – about issues facing the country (Price/Capella 2000). Finally, large-scale e-deliberation processes have been organised already for several years at EU level, e.g. via the EC's Your Voice in Europe platform (topics range from the future of Europe to issues of youth and multilingualism) or the European Parliament's Agora projects in 2007 (on the future of Europe) and 2008 (on climate change).

In theory enhanced dialogue and participation give citizens a better chance to regain control of the public sphere and thereby also of the political process. There are different views about the main purpose of deliberation but important aims include better informed and enlightened citizens, who are thereby better equipped for democratic practice. More considered opinions by new information, exposure to alternate perspectives and fact-based argumentation play a key role for learning through deliberation. Information, argumentation and reciprocity are regarded as constitutive elements. Deliberative processes are expected to contribute to the formation as well as transformation of opinions while the e-polling component is rather confined to aggregating preferences. However, political discourses on the Internet also run the risk of remaining fragmented and isolated sub-publics. External links to the wider societal and political agenda are therefore important and vital for the citizens' influence on political decisions (cf. Jensen 2003, 30).

That deliberation has positive effects on citizens' issue knowledge, political efficacy and active political participation has been confirmed by many empirical studies (see Min 2007).

Evidence on the question to what extent this also applies to the various forms of e-deliberation is still incomplete but a number of studies have already gathered valuable insights. Among the practice of e-deliberation the range of deliberative quality, effects on participants and extent of influence on policy-making is quite wide. Dunne's analysis of 138 local political online fora found that they fall into three general categories in relation to how each category views and uses rational debate, while a third of the sample did not support any form of deliberation mainly because it lacked interaction (Dunne 2009, 231). In a study by Albrecht (2010) nine online fora in Europe (including the EC's FUTURUM discussions) and the USA were selected on the following criteria: large number of participants and contributions, link to political decision-making, public character and focus on specific issue. It confirms the frequent asymmetry of active participation and reveals an interesting relationship, a positive correlation with the level of interactivity or in other words discursive quality (2009f.). A second important result of this analysis of discursive online communication is that much of the reality of online discussions rather resembles what he calls "plays of reflection" than being confined to serious, rational deliberation. Mixing various kinds of communicative styles and playing with arguments shows an important but neglected characteristic of discourse, reciprocal reference among the participants. Hence, Albrecht argues that what is usually seen as a deficit (in terms of rationality and equality) of online discourses, from the perspective of normative discourse theory, should rather be acknowledged as a specific new form of communication with its own merits and discursive quality, but insists on the importance of taking account of the institutional embedding of online discourses.

A review of research on deliberation in discussion forums provided by Winkler (2007) also reveals considerable scepticism about the deliberative potential of online debates. The early verdict by Wilhelm (1999) that the political online forums analysed "... do not provide viable sounding boards for signalling and thematizing issues to be processed by the political system" is cited among these. In contrast to this are empirical findings by other authors which show that reciprocity, substantial critical discussion, well-reasoned arguments, rational argumentation and facts are also present in cases of e-deliberation, although a dominance of male posters is admitted as an indication of inequality (c.f. Dahlgren 2001; Fuchs 2006). While experiences with electronic discussion forums provided by local governments in France point to weak links between online debates and political processes of decision-making (Woicik 2007), two projects in Denmark and Germany have been very successful examples, including to some extent also the link to policy-making. One is the online discourse on the city of Hamburg's urban development vision (Lührs et al. 2004) which managed to find a quite promising balance between adhering to rules and claims of both representative and direct democracy. The second one is the Nordpol.dk forum of the county of Nordjylland mentioned above, one of the most ambitious government-initiated cases in Scandinavia (Jensen 2003). Not only established the online discussions on various topics of county politics relations to external agendas (media and local political system), but politicians were also very active participants in the debates, contributing to its respectful and fact-based nature. Moreover, the online debate running over more than two months showed fairly high levels of interactivity between citizens and politicians, less among citizens, and new information brought into the discourse. Citizens and politicians largely agreed on the project's overall success in enhancing citizens' interest in and

knowledge of politics. The set up of clear rules and light moderation were seen as instrumental to this outcome. However, the project could not mobilise new groups for political debate: most participants were already politically active before this exercise, a well-educated group of mainly male, very active Internet users. Unequal participation is certainly a wide-spread phenomenon which was also noted by Winkler et al. (2006) who found that the debate about the European constitution on the platform "Your voice in Europe" was characterised by a high quality in terms of interactivity, rationality and fairness but carried mainly by a small group of dominant and competent discussants. Finally, Grönlund et al. (2009) confirm clear knowledge gains from citizen deliberation, based on a comparison of face-to-face and virtual experiments, although the virtual environments proved to be challenging due to technical problems (host server and broadband capacity) as well as the lack of computer skills.

### **3.2. Civil society and NGO e-participation activities**

Civil society actors include a heterogeneous set of entities such as non-governmental organisations, social movements, community groups, registered charities, professional associations, trade unions, business associations, self-help groups, coalitions and advocacy groups (c.f. LSE 2008; Nanz 2007). In the public sphere, which addresses the space between the state and the public and is a vital source of legitimacy, civil society groups play an important role as intermediaries in between political authorities and citizens on issues of public interest (Nanz 2007, 11). Their activities are vital for public deliberation which is a crucial requirement for links between constituency and its representatives and thus for deliberative quality that affects public opinion and will formation (for details about the function of the public sphere see Part A of this paper). By extending these activities into cyberspace and exploiting its wide-ranging options, political interactions of civil society can contribute to the creation of new spaces for a public sphere (Leggewie 2003).

NGOs and other civil society stakeholders engage in a relatively broad scope of different e-participation forms and applications; projects span a variety of sophisticated and mature forms of interaction at all three generic levels of participation (information, communication, collaboration). ICTs have stimulated the development of new forms of communication practices and interactions. Common features and potentials such as the decentralized networking structure of the Internet provide a suitable space for a broad scope of political communication and are particularly relevant for civil society actors (Kamps 1999; Leggewie 2003). Equally important is the assumption of a logistic advantage of Internet communication for resource poor actors, or in the words of Street and Scott (2001, 46): "High impact on little resource". Due to these advantages, civil society groups recognised the Internet from early on as an important technology with potentials for political activity which are in accordance with their distributed organisational structures. They started to use the web mainly for organising themselves; followed by first approaches to initiate campaigns, mobilising engaged individuals in terms of political activism and raising public awareness for different political issues. As the Internet now becomes more and more entrenched in society, it is also a deep-seated instrument in the public sphere. On one side, NGOs use the Internet for organisation, coordination and acquisition of resources for their activities; on the other for political mobilisation, agenda setting and campaigning to engage

their constituency. With Web 2.0 and social media becoming mainstream, the communication channels and forms of interaction have been further multiplied. This also impinges on the formation of a counter-public sphere to the general public sphere and supports civil society in fulfilling its role as intermediaries between political authorities and citizens (Plake et al. 2001).

It is still an interesting and mainly open question to what extent these new online options will effectively change the capabilities of civil society actors to articulate political positions, their roles in (co-)shaping the public sphere and their influence on political decisions. As the Internet reduces transaction costs of political communication and mobilisation due to its speed and outreach, it is likely to facilitate organisational strategies of political communication such as decentralisation as well as transnationalisation, especially of political campaigning (Baringhorst 2009, 19). This argument towards a possible strengthening of the position of civil society actors in the context of political communication is supported by the significantly reduced threshold and effort for implementing applications and platforms for political interactions in the world of Web 2.0 and social media.

### **3.2.1. E-activism and e-campaigning**

Activities for campaigning set by civil society actors address the realisation of different forms of interaction for raising public awareness and interest in certain topics in a set time period (Baringhorst 2009, 10). These activities primarily aim to highlight current political topics and raise the attention of the public in order to influence ongoing political debates or current political decisions which are seen as controversial. The many different shades of Internet-based political interactions of civil society represent a combination of known variants of civil disobedience and recombinant forms that became only possible due to these advanced modes of interaction. The Internet extends the repertoire of collective action as it both serves the functions of information and framing, and as a tactical medium in political campaigning (Baringhorst et al. 2009). With the advantages of digital networked environments and the multifaceted available tools (ranging from mailing lists, blogs, youtube videos, discussion-fora, wikis, social networks, etc.), civil society is now able to make information available for a wider public also decoupled from former dependencies of the traditional mass media. Although traditional mass media still has a leading role in affecting public opinion, there are indications that the new interaction possibilities used by the variety of different actors have impact on this role, one example is the absorption of alternative communication practice (in blogs, social networks, etc.) into journalism. However, the relationship between counter-public spheres and the mass media is complex as Wimmer (2009, 32) points out: while "different counter-public spheres are not plausible without coverage from alternative media or without established mass media", campaigns of critical publics differ from campaigning of established political actors, as "critical publics understand themselves as a part of the normative tradition of counter-publicity", which intend to revitalise a critical civil society rather than to merely receive public attention (Wimmer 2009, 32).

A crucial aspect in this respect is responsiveness, i.e., how the media respond to issues initiated by civil society. The impact of activism and campaigning actions depends on

whether different media take up on the subject to produce further public awareness. ICT-supported activities can be expedient in this respect to leverage the issues of campaigning (Wimmer 2009; Baringhorst 2009).

There are manifold examples for electronic campaigns of the civil society reaching from ICT-supported citizen initiatives and activism supporting or opposing certain political issues, electronic forms of protest and demonstrations. E.g., the European campaign against software patents (nosoftwarepatents.com), organised by the NGO Foundation for a Free Information Infrastructure (FFII) which was supported by several software developers and open source companies. Participants of the campaign expressed their protest with different instruments, e.g., extensive information with arguments against software patents, protest banners on support web sites, mailing lists, web-discussions, etc. The campaign had some impact as the European parliament in 2005 voted against the planned software patent directive<sup>11</sup>. Another example is the recent European-wide campaigning against the introduction of the EU data retention directive and for the protection of civil rights (www.dataretentionisnosolution.com, www.vorratsdatenspeicherung.de). These examples demonstrate the ICTs suitability to support partial publics in deploying and substantiating their engagement. The activities in these campaigns led to the formation of a counter public-sphere in many European countries that still fulfils its corrective role to some extent. Particularly the activities of German civil society against data retention had some visible impacts with high public awareness: the campaign led to the foundation of a new social movement represented by the NGO "Arbeitskreis Vorratsdatenspeicherung" (www.vorratsdatenspeicherung.de), which mobilised almost 35.000 individuals to sign a constitutional complaint against the legal implementation of the data retention directive in Germany in 2008<sup>12</sup>. This movement seems to become relevant on a broader basis for issues regarding net politics and digital civil rights in Germany. As both campaigns addressed issues relevant on a European scale, these examples also point to the existence of a European public sphere in terms of online citizenship.

Although in both examples impacts are visible to some extent, it remains rather speculative whether these are attributable to the deployment of online media. Evidence for a leverage effect of ICT in e-campaigns does not allow drawing the conclusion that this was the main reason for stimulating individual engagement. However, with an already established capacity of engagement, e-campaigning can be expected to foster this capacity and alleviate further mobilisation. This underlines the importance of the connectivity between online communication spaces and traditional offline communication environments and the necessity to enable the integration of already existing partial publics into e-participation activities.

#### *Relationships between e-campaigning and e-petitions*

To some extent, e-campaigning and e-petitioning are complementary concepts. E-campaigning primarily includes different interaction mechanisms of civil society that aim

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<sup>11</sup> <http://wiki.ffii.org/Ep050706En>

<sup>12</sup> <http://www.heise.de/newsticker/meldung/34-443-Klageschriften-gegen-die-Vorratsdatenspeicherung-185285.html>

at bringing controversial issues on the political agenda, which have a strong informal character. Petitions are possibilities to bring in the topics and contents of campaigns into the political system in a formal way. In this respect, the dual character of petitions becomes visible: on the one side they allow for bottom-up “practices to intervene in the political process” and on the other they are “opportunities set up by institutions to enhance citizens’ participation” (Mosca/Santucci 2009, 122). These characteristics represent one transition point between the public sphere and the political system. Major preconditions for this transition are the formalisation of campaigning issues by civil society initiators and the consideration of the concerns expressed in the petition by political representatives (c.f. (Mosca/Santucci 2009). Options for electronic petitioning support forms of integrating political activities in online public spheres into policy-making.

### 3.2.2. E-participation as continuous discourse

Campaigning aims at staging communicative activities for raising public interest regarding specified goals within a certain period of time (Baringhorst 2009, 10) and is strongly related to a specific cause or occasion (e.g., organised protest against nuclear power due to a political decision to extend the lifespan of nuclear reactors; campaigns and demonstrations for digital civil rights due to the data retention directive). Campaigning contributes to create a discourse regarding such causes. Other civil society activities focus on participatory forms of interaction and create opportunities for the public to gather information and to express and discuss their views on controversial issues (Baringhorst 2009, 19). The aim here is to enable a continuing discourse between the public sphere and the political system.

Important functions for enabling a discourse between public sphere and the political system are

- the provision of and access to politically relevant information, i.e., information transparency in order to raise awareness and enable active citizenship;
- improving communication channels between citizens and their political representatives in order to enable public deliberation

The role as intermediaries between the public sphere and the political system is addressed by many different approaches contributing to enable a discourse among the different stakeholders. Important functions in this respect include awareness raising, information transparency, representative accountability and issue-oriented cooperation with authorities, i.e., linking citizens and their political representatives. The following subsections describe some practical examples for these functions.

#### *Awareness raising and enhancing transparency*

Awareness raising and improving transparency is exemplified by NGO web sites and activities in different fields, e.g., interactive websites that inform on public spending. [www.wheredoesmymoneygo.org](http://www.wheredoesmymoneygo.org) provides analysis and visualisation of information about

public spending in the UK. The project was initiated by the Open Knowledge Foundation<sup>13</sup> and aims to facilitate public understanding about how public funds are spent, i.e., how the public budget is composed and the amounts used for the different categories (e.g., health, education, social protection). The tool uses public datasets and the budget can be visualised for the whole UK as well as per region. In the longer term, the project wants to visualise government spending through the 'lifecycle', i.e., from when money enters the system as tax to when it leaves as services, support, etc. This should include complete coverage of central government spending in the UK, estimate personal tax contribution based on income and any other relevant factors and coverage of local government spending in the UK. With the tool, public spending becomes visible and changes become documented and thus traceable (e.g., it can be compared, how budget allocation changed from 2004 to 2010). These features contribute to raise transparency of public funding and awareness as citizens are able to get more insight in public budgeting.

A similar project is [www.farmsubsidy.org](http://www.farmsubsidy.org) which discloses subsidies in agricultural policy of European countries. The aim is to make detailed data about payments and recipients of farm subsidies in every EU member state available to European citizens. The project initiators are from the civil society network consisting of European journalists, researchers and activists. The public gains insight into the amount of agricultural funds in the countries in total, as well as some details about the beneficiaries and the received funding rates.

A follow-up project by the same initiators on a larger scale is [www.followthemoney.eu](http://www.followthemoney.eu), which aims to foster public understanding of the EU budget, i.e., on which decisions it is based on and where the money comes from and how it is spent. The website acts as a central entry point to further information and analysis of EU budgeting.

Similar instruments could be used to encourage citizens and civil society actors take more active interest in public funding and to make better informed contributions to policy-making. The disclosure of financial relations between public institutions, private organisations and NGOs/NPOs also contributes to reveal lobbying activities which is also accordant with the EU transparency initiative<sup>14</sup>.

### *Linking citizens and political representatives*

One important civil society actor developing and promoting such projects is the British NGO mySociety<sup>15</sup>. The organisation runs a number of different projects facilitating citizens in comprehending the work of their political representatives. One of the most relevant is [www.theyworkforyou.com](http://www.theyworkforyou.com), a website for the disclosure of parliamentary information in the UK. The portal provides a broad spectrum of information about MPs and political debates in the Parliament as well as practicable communication tools (for a description of this case, see Section 4.1.3). Other projects outside the UK adopted the concept, e.g., the German project [www.abgeordnetenwatch.de](http://www.abgeordnetenwatch.de) or the Austrian pendant [www.meinparlament.at](http://www.meinparlament.at).

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<sup>13</sup> OKF is a non-profit organisation which seeks to promote open knowledge in order to create social benefits. See <http://okfn.org>

<sup>14</sup> <http://www.ehfcn.org/eu-corner/eu-policy/european-transparency-initiative/>

<sup>15</sup> <http://www.mysociety.org>

Related sites (e.g., [www.candidatewatch.ie](http://www.candidatewatch.ie), [www.kandidatenwatch.de](http://www.kandidatenwatch.de), [www.yournextmp.com](http://www.yournextmp.com)) use similar concepts for alleviating communication between citizens and their representatives during election periods.

Similar projects also exist on the European level: [www.itsyourparliament.eu](http://www.itsyourparliament.eu) offers a lot of information about members of the European parliament. Users have access to profiles of MPs per country, can inform about memberships in national parties and political groups in the parliament, view parliamentary votes and policy areas which are on the political agenda. Users can create their own profile and can comment on the provided information. [www.votewatch.eu](http://www.votewatch.eu) is an analogue project providing insights into parliamentary work. The project allows the interested public to inform about the decisions and activities of EU politicians. The information structure offers further details and also provides some statistical analyses (e.g., about coalition tendencies based on the number of votes, the extent to which a national party followed the political line of the European political group it belongs to, etc.). Both projects use data available on the EU parliament website including attendance, voting and activity data.

These and similar projects are expedient for the political system at different levels. Citizen participation becomes stimulated as the initiatives contribute to link interested individuals and civil society to currently running “real” legislative processes, in the agenda-setting stage of the policy cycle. Transparency and accountability of parliamentary work becomes increased as the public has further possibility to inform about political decision making and relevant issues on the political agenda. This is an important contribution for the formation of a public sphere or partial public spheres. Policy makers and members of the parliament receive structured information about their activities; available communication features can also be very useful for grasping which topics and issues are of concern for the public. These are important indicators for agenda setting and forming policy.

### **3.3. Bridging top-down and bottom-up e-participation?**

The sections above described the scope of e-participation from a top-down and a bottom-up perspective. At the present stage of the project, some lessons can already be drawn from this review of a significant section of the existing practice of e-participation and its effects on the democratic process.

First of all, the range of findings on effects of e-participation on the democratic process includes cases confirming a number of positive effects which were expected to materialise as well as cases which did not so. This fact points to the obvious importance of identifying and understanding differentiating factors which could explain this variation. There are indications that they have to do with preconditions, design, organisation and context conditions of e-participation arrangements.

A case in point which illustrates this need for identifying crucial determinants of effective e-participation is the outcome of a systematic review on the potential of e-participation for community empowerment (Pratchett et al. 2009). E-participation turned out to be relatively successful with regard to empowering individual participants but not much effective in relation to the empowerment of the wider community, hence also hardly able to produce a

spill-over towards enhancing social capital building or collective efficacy and of very limited impact on decision-making. These findings also underlined the obvious importance of moderation and presence of a salient issue for efficient discussion in the process design. Another important factor is the connectivity of e-participation arrangements both to the political process and the wider public. Problems of e-consultation initiatives from governments are often caused by the lack of connectivity to the wider public. The precondition of connecting the online sphere to offline (partial) publics is often insufficient and this is a high barrier for enabling deliberative processes.

In view of the present evidence on top-down initiatives the overall impression expressed by Margolis and Resnick (2000) seems to be still valid. The different activities and initiatives have so far failed to materialise in the form of a visible new shape of politics in revitalising citizenship and democracy. The period of experimenting and gathering experience with the various forms of e-participation on a broader scale, at least in Europe, may still have been too short to expect such profound impacts so that more incremental and soft effects in the political arena seem to be more realistic. However, at the same time there is a gap in exploring the potentials of bottom-up initiated e-participation more systematically with the aim to identify possible synergies with top-down initiatives. The importance of this issue is underlined by a similar plea by Bruns and Wilson (2009) based on experiences in Australia. The genuine role of civil society for an active democracy is expressed by the growing amount of bottom-up e-participation projects with a focus on improving communication, deliberation and public discourse. Web-based opportunities for exchange between civil society and political stakeholders as shown above are promising examples, establishing a link between citizens' ideas and opinions and political representatives.

### **3.3.1. The European Citizens' Initiative**

A new opportunity for exploring constructive ways to bridge bottom-up initiatives and top-down activities of e-participation in the democratic process could be the European Citizens' Initiative (EC 2010). However, whether this instrument will have the potential to realise a better integration of the two approaches remains yet uncertain. The current proposal for defining the concrete terms and rules of this instrument may still undergo significant modifications but in principle this institutional innovation offers new potentials for enhancing not only the citizens' influence on political agenda setting but also carries the seeds for the formation of a European public sphere. At present it represents to some extent an experiment with many open questions and therefore it has been wise to foresee a clause for possible revision after a period of gathering some experience with the new instrument. To integrate an online channel is certainly indispensable for an efficient participation option. It would make sense to consider the development and provision of a common online tool and platform at European level for use in future European Citizens' Initiatives (ECI) instead of burdening every initiator with this task individually.

The Internet's advantage in mobilising support for an initiative could at least partially compensate for disadvantages of initiators who lack the required organisational resources. Appropriate multifunctional online tools could provide support at all stages of the process, from the preparation and registration of an initiative to its promotion, the mobilisation of

supporters, collection of support declarations, submission of the initiative, its publication and the formal reply to it as well as its evaluation. An important aspect will be to design such a system with appropriate provisions for privacy protection. This will also include the provision of practicable and secure ways of authentication possibilities, however, without creating barriers which could deter citizens from participation. Given the experiences of still modest acceptance and practical use of advanced means such as digital signatures among the general public it seems advisable to provide for alternative options of authentication as well. It also seems important to consider providing appropriate support to initiators to avoid that the ECI becomes an instrument which principally discriminates initiators which lack the required organisational resources and skills.



## 4. EUROPEAN GOOD PRACTICES

Research on e-participation is accumulating a growing body of empirical studies which shed light on practice as well as political significance and impacts. Systematic approaches to an assessment of the existing state of the art have just started, including comprehensive literature studies such as Rose and Sanford (2007), and Sæbø et al. (2008) based on 105 full-text papers. They point out the evaluation challenge as one of the key challenges of the field.

Recent European studies offer a useful starting-point for identifying good practice in e-participation: A broad review of cases across Europe with a main focus on Germany is provided by Albrecht et al. (2008). Another one had its main focus of analysis on European and trans-national level but included also national, regional and local-level cases where linked to European issues (Panopoulou et al. 2009). A third study is based on a survey of e-participation cases across Europe which includes all government levels and identified 255 cases from 23 different countries (Millard et al. 2009). This survey shows a continuous expansion all over Europe representing a wide variety of e-participation activities, the majority providing information and deliberation offers. In most cases the target groups are citizens and other stakeholders at local and national levels.

In order to identify examples of good e-participation practices for the European level, it is important to apply a broad focus by not only examining state-of-the-art activities of governments and parliaments, but also by taking the diverse approaches and solutions implemented by non-governmental actors into account.

### 4.1. Selected cases

The following examples represent good practice cases in e-participation. Each case stands for an advanced level of integrating top-down and bottom-up oriented processes of e-participation and shows specific strengths regarding important aspects. Further good practice examples selected under similar criteria can be found in Albrecht et al. (2008).

#### 4.1.1. The Scottish ePetitioner<sup>16</sup>

##### *Subject*

The online petitioning system of the Scottish Parliament primarily provides an opportunity for individual members of the public to participate in the democratic process by raising issues of public concern with the Parliament. It promotes community democracy through easy access to the decision making body and provides citizens with the ability to influence

<sup>16</sup> See <http://epetitions.scottish.parliament.uk>. Sources of case description: Lindner/Riehm (2009), Tambouris et al. (2007).

the political agenda. Specific strengths of this e-participation system are its high degree of integration into the procedures and institutions of the Scottish Parliament together with the high degree of transparency, the enhanced participation possibilities and the responsiveness of the public petitions committee.

### *Status*

The ePetitioner is active on a permanent basis. It was initiated by the International Teledemocracy Centre (ITC) at Napier University in Edinburgh and officially launched on the 11th of February 2004 but had been piloted since 1999.

### *Methods and tools*

The ePetitioner allows individuals to petition the parliament and includes online submission of a petition, supporting a petition online and an online discussion forum. The system was designed and developed by the International Teledemocracy Centre (ITC) at Napier University in Edinburgh with support from BT Scotland. It provides a means of enhancing accessibility to participation in the political process which in turn intends to strengthen the accountability of Members of the Scottish Parliament to the people of Scotland. A Parliamentary Committee dedicated to the consideration of all petitions provides robust and transparent management of the Parliamentary process for responding to petitions. The Scottish Parliament's e-Petitions System has led the way in offering citizens the possibility of a more active interaction with the political process which is readily accessible and transparent and provides a direct means of holding elected politicians to account other than through the ballot box.

### *Organisation*

Overall responsibility resides with the Scottish Parliament. The Public Petitions Committee (PPC) of the Parliament manages the process. Rules include an explicit privacy statement and a conditions of use statement. The discussion forum is post-moderated. The Clerk to the Public Petitions Committee makes the moderation decision based on the conditions of use. Moderator functionality includes: removing a selected comment from public view if the moderator decides it breaches the condition of use statement; adding any moderation comments; pulling together all the comments to produce an overall report; and viewing statistics such as the number of comments removed. The e-petition system also provides an online evaluation questionnaire, presented to the user after signing an e-petition, to monitor what users think of the system in terms of its usability, clarity, and overall purpose. The responses provide a means for the PPC to readily assess the perceptions of those who have signed e-petitions.

### *Further information*

The potential impact of ePetitioner in delivering increased democratic participation for citizens can also be seen from the evaluation carried out by the Napier following the pilots

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in two English local authorities. This report is available at: [http://itc.napier.ac.uk/ITC/Documents/eDemocracy\\_from\\_the\\_Top\\_Down\\_ODPM\\_2005.pdf](http://itc.napier.ac.uk/ITC/Documents/eDemocracy_from_the_Top_Down_ODPM_2005.pdf)

#### **4.1.2. Participatory budgeting Berlin-Lichtenberg**

##### *Subject*

The idea to integrate citizens into the process of budget allocation in the city district Lichtenberg in Berlin<sup>17</sup> came up in 2003 and after a concordant resolution of all political parties by the end of 2004, the first "Bürgerhaushalt" in Berlin-Lichtenberg was conducted in 2005/2006. A major driver of this approach was the increasingly stressed budget situation of local communities. This pilot project was one of the first approaches for participatory budgeting on a larger scale; Lichtenberg has a population of approx. 250000 and a total budget of about 504 million euro. In 2005, the citizens were involved in allocating the parts of the budget which are controllable investments (approx. 30 millions) (Klages 2006). Due to its success, the process became institutionalised. Since the first attempt in 2005, citizens are constantly involved in annual budget allocation with an increasing number of participants (BHLB 2010).

##### *Project objectives*

Based on the general goal to raise awareness among the population for the problems and challenges of local budgeting, the participatory approach aims to use the knowledge of citizens for identifying urgent problems in order to set usable and reasonable priorities in budget allocation. This should contribute to a mutual agreement in policy decisions, effective and fair budgeting and increasing transparency of local finances. In a long-term view, the stronger integration of citizens and civil society should lead to a partnership between citizens, local politics and administration with the intention to work out solutions for the local community (Klages 2006).

##### *Status*

First pilot: July 2005 – January 2006

Since then on a regular basis

##### *Methods and tools*

The process was based on a mixture of different instruments including online media as well as traditional offline channels. The core element is the web-platform [www.buergerhaushalt-lichtenberg.de](http://www.buergerhaushalt-lichtenberg.de) which offers broad information about the different budget areas, the process and its different stages, reports and results of earlier participatory budgets, etc. A budget-calculator allowed to experiment and learn about the relations between the different funding areas. The platform was also the main entry point for dialogue and discussion. In their member-area, participants used online-fora and wikis to discuss their opinions and

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<sup>17</sup> [www.buergerhaushalt-lichtenberg.de](http://www.buergerhaushalt-lichtenberg.de)

bring in their suggestions. To avoid exclusion and allow for broad participation, citizens also had the possibility to bring in their opinions and proposals over traditional channels (opinion boxes, postal mail) as well as in the regularly held citizen meetings in the different boroughs of the district during the dialogue-phase of the process.

### *Organisational design*

The process consisted of four main phases: information and mobilisation, dialogue, review and the voting phase. The first phase emphasised on information and mobilisation citizens and is initiated by postal information material about the process, including an invitation letter of the mayor which was sent to 25,000 households in the region. In this phase, several PR measures were set to raise public interest for the project, e.g., flyers and posters, press articles informing about briefly about the project, its initial event and the web-platform as core of the dialogue. The dialogue was the main part of the second phase. Online discussions were combined with different offline channels (a kick-off event, citizen meetings and postal material). The initial kick-off event represented the official start of this phase and aimed to explain details about the process stages and how the dialogue-results become integrated in the budget-plan. In the dialogue phase, participants were invited to discuss their opinions and views in several discussion fora and wikis on the web-platform. A moderation team supported participants and ensured a constructive discussion culture. The procedure of the online-dialogue was as follows: Participants were asked to bring in their opinions and ideas regarding relevant topics and spheres of activity; coherent topics were consolidated in subfora and wikis for further elaboration; eventually arising open questions and legal aspects become clarified with public administration; the different suggestions became further specified in the form of online-documents. The offline collection of ideas and proposals in citizen meetings followed a similar structure. During the third phase, the input of the dialogue phase became reviewed and weighted regarding realisation. This phase was carried out by an editorial team consisting of local administration members as well as volunteer participants of the dialogue. Tasks included e.g., sorting out duplicate suggestions, check the legal competence for the different issues and their feasibility. The proposals of the dialogue become clustered and prepared in form of a list. This list is the input for the fourth and final process phase, where participants vote about the listed proposals. The voting consists of three different options: Online participants could vote via the web-platform, 5000 randomly selected citizens received the proposal-list via a postal questionnaire and the last voting was during the final citizen meeting. The voting-results of all three options were delivered to the city council.

To give account to the public whether and how local administration considered the results of the process, another citizen meeting was held where local authorities presented the planned measures for realising the different proposals. Citizens were invited to discuss this final result of the participatory budgeting (BHLB 2010, Klages 2006). Reports about the realisation of the results are published on the process portal.

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## *Results*

In 2005/6 in almost 400 suggestions were brought in; and 37 of the complete list of 42 proposals could be realised by the local administration. About 300 citizens participated in the kick-off event, in total about 600 persons attended on the decentralised events in the different boroughs. In total, almost 10000 users visited the web-platform, whereas about 500 of them were registered users and approx. 300 were entitled to vote.

The mix of different channels allowed a broad spectrum of participation and contributed to balance representative bias. However, a corrective function on all three participation channels in this respect demands a higher number of participants. The process evaluation revealed that participants do not visit all meetings but tend to focus on particular events.

The process design contributed to mitigate lobbying tendencies (i.e. that interest groups try to enforce their concerns), e.g., by conflating suggestions from different sources and different voting procedures. The overall process conveyed transparency and accountability but also demanded high efforts for motivation of the participants. In this respect, different PR communication measures are highly important. The content of the different proposals revealed a high voluntary potential in the local communities which could contribute to the partnership between civil society and local administration. The genuine consideration of the final proposals and the reporting about the realisation is a sine qua non for a successful participation process (BHLB 2010, Klages 2006) and might be one important aspect for the continuous relevance of the participatory budgeting in the Lichtenberg case.

### **4.1.3. [www.Theyworkforyou.com](http://www.Theyworkforyou.com)**

#### *Subject*

The portal makes parliamentary information available to the public and fosters communication between citizens and their representatives. It was created by the British NGO mySociety ([mysociety.org](http://mysociety.org)) and became its most successful project. The portal more and more emerged as a relevant contact point between the public and the political system and acts as a cluster of different options for information and communication.

#### *Status*

It was created in 2004, and since then became a constant channel between citizens and political representatives.

#### *Project objectives*

Based on the premise that "yet most people don't know the name of their MP, nor their constituency, let alone what their MP does or says in their name", the site aims to reduce the distance between citizens and their political representatives. Fostering transparency of

the political system and enabling public engagement are seen as vital aspects in this respect.

### *Methods and tools*

The portal aggregates publicly available data such as content from the official Hansard record and provides access to a broad palette of parliamentary information. Over several different search functions, users can inform themselves about debates, speeches and statements in the parliament as well as about their political representatives (e.g., who their local MPs are, in which policy issues they engage, how they voted for political issues, etc.). The information is often not just available in the form of hypertext but also as audio or video. The project also has some communication features integrated<sup>18</sup>: Beside the possibilities to comment on available information, users can send e-mails to MPs in their constituency and can subscribe to receive e-mails from their MPs.

### *Organisational design*

Users have many different options to access information. The general search allows filtering by date, persons, departments, parties, etc. Detailed information about local MPs of a particular constituency is available by entering the postal code; information on MPs includes voting records, topics of interest, most recent appearances in debates, etc.

With the communication tools, citizens have two different options to come in contact with their MPs. Over the service [www.writetothem.com](http://www.writetothem.com) as integral part of the portal users can send a message to representatives. To avoid spamming and other abuse, messages are reviewed by an editorial. Another integrated option is [www.hearfromyourmp.com](http://www.hearfromyourmp.com) where users can subscribe with their contact details to receive e-mails from their MPs. To ensure that subscriptions are of some relevance, messages are forwarded to an MP if at least 25 users contacted her/him. If the MP answers, then questions and answers become published on a website for further discussion among the involved communication partners.

### *Results*

The portal includes a broad range of parliamentary data and the amount of available information is constantly growing. It includes debates in the House of Commons from the general election in 1935 and general information on MPs available from the beginning of the 19<sup>th</sup> century. The scope of the project extended and besides the UK parliament it also covers information about the Scottish parliament, the Northern Ireland Assembly and the Welsh Assembly. The concept was adopted in many countries such as New Zealand, Australia, the US and Germany. Its main functions, to increase transparency of the political system and to foster communication between citizens and political representatives is acknowledged on a large scale in the UK and its capacity to act as a catalyst for political interaction is also accepted among members of the parliament. With over 100,000 visitors a month, the portal became a well-established interface between civil society and the

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<sup>18</sup> which are also accessible via separate websites, e.g., [www.writetothem.com](http://www.writetothem.com), [www.hearfromyourmp.com](http://www.hearfromyourmp.com)

political system. The user statistics of the communication tools also point to the relevance of these services. For instance, in 2008, about 185000 messages were sent to elected representatives over Writetothem with an average response rate of 60%<sup>19</sup> (TWFY 2010, POST 2009).

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<sup>19</sup> <http://www.participedia.net/wiki/MySociety>



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## 5. CONCLUDING REMARKS

This part of the report provided an analysis of the different forms of e-participation, their functions, potential effects and empirical evidence of impacts on the democratic process. To cover the broad scope of different initiatives, participatory approaches from the established political system as well as from civil society have been examined.

The analysis revealed that the intended effects of e-participation can hardly be obtained by relying only on the technical means. A common fallacy is that the deployment of ICT for participatory approaches will directly lead to, e.g., more transparency, increased engagement, community empowerment and, as a consequence, to fostering the quality of deliberation on political issues. While there is some evidence towards such effects of e-participation in specific cases, there are several crucial determinants which are often neglected. On the technical and organisational level, ICT usage entails high requirements regarding organisation, structure, knowledge etc. for initiators as well as for participants; the employed technology needs to be embedded in the participation process in an appropriate way, i.e., the tools need to be suitable for the objectives of the participation and need to be in accordance with the organisational structure of the process. The mere offering of e-participation without convincing structural adaptations, provisions for integration into the political process and transparent feedback cannot lead to higher and better balanced levels of involvement and contribution quality. Besides this demand for an appropriate techno-organisational setting, the process as a whole needs to be well-structured and made public to its audience, i.e., the actors of the public sphere.

A particularly relevant aspect is institutional responsiveness, i.e., how the political system responds to the output of the participation process. It needs to be clearly communicated to the participants, why they are asked to engage and to what extent their input can be considered in policy-making.

In other words, the democratic value of e-participation cannot be created simply by applying ICT. It rather demands a coherent combination of participatory mechanisms with online and offline instruments. One key factor in this respect is the connectivity of e-participation, i.e., its integration into the political process. The effective integration demands a consideration of partial public spheres, i.e., creating reasonable possibilities for citizens to engage in specific public issues. This refers to the selected cases which include top-down and bottom-up e-participation. They are different examples of possible connections between government and civil society initiatives characterised by a well established integration into the political system.

The Scottish *ePetitioner* represents a formalised mode of embedding civil society initiatives into the political process which has become a reference case due its high level of transparency and successful integration into procedures and institutions of the parliament. *Participatory budgeting* in Berlin-Lichtenberg has become an integral part of local planning in this region. The case shows how public administration and civil society can act as

partners in local policy-making. The mix of different online and offline channels fostered the connections between online and traditional public and the transparent process design fostered the connectivity to the political process. The bottom-up initiated platform *Theyworkforyou.com* became an established interface between citizens and political representatives, not least due to its low threshold and pragmatic approach to alleviate the connection between the public and parliamentary work. It contributes to increase transparency of the political system and facilitates public engagement as citizens gain better insight into parliamentary work.

These examples illustrate the potential for strengthening integration and synergies between e-participation initiated by the established political system and by civil society actors. The intersections between those two poles play a key role in the discussion about the occurrence of a (European) public sphere and the European citizen initiative might offer new possibilities to integrate bottom-up initiated political contributions by civil society actors into the political process. This is one of the issues which will be further explored in the scope of the STOA project.

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## **PART C: E-VOTING IN EUROPE A MEANS TO INCREASE ELECTORAL PARTICIPATION?**

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## 1. INTRODUCTION AND DEFINITION OF ELECTRONIC VOTING

Decreasing participation in elections on the one hand and increasing use of the Internet in the population on the other have given rise to speculations about using e-voting as a means to increase turnout rates in general elections. Internet voting is considered the “ultimate in convenience voting” (Alvarez/Hall/Trechsel 2009, 497) because everyone with a computer and an Internet connection can vote at the time that best suits them. Also, Internet voting is seen especially promising for bringing young voters into the electoral process because they are familiar with using the Internet for many daily purposes already. Whatever made people refrain from voting in elections, so the argument goes, could now be overcome because casting one’s vote is just one click away. It can be done in-between watching YouTube videos and blogging on Facebook.

In fact, e-voting seems to be a promising approach to win back lost voters. Also, e-voting can give politically interested people the opportunity not only to comment on political issues online but also to engage in a formal and official procedure online. Election to public office represents the most fundamental, common and egalitarian channel for political participation. But exactly because elections are at the core of representative democracy, special prerequisites apply for transferring the offline election process into an online process. The most important prerequisites are: Correct identification of the voter, transparency of the voting process, traceability of the cast, transparency of the tabulation, and provisions against multiple voting.

In this paper we will analyse e-voting as a means to increase electoral participation, especially with a view on the elections of the European Parliament. We will use conceptual as well as empirical evidence in order to answer the question, under which circumstances Internet voting could result in a higher voter turnout. When approaching this question, the legal, technical, and social aspects of e-voting have to be addressed. In addition it has to be asked what the general reasons for low participation in elections are in order to answer the question what e-voting could contribute to solve this problem.

Thus, there are four lead questions which structure the paper:

1. What are real-life experiences with e-voting and what can be said with regard to the expectation that e-voting would increase voting participation?
2. What are the legal and technical requirements to be fulfilled in order to comply with the principles of democratic elections?
3. Which role do social issues, like the Digital Divide, play when implementing e-voting procedures? Also, how is the symbolic meaning of voting being affected by e-voting?
4. What are the reasons for low participation in elections and which role could e-voting play in this context?

For this purpose, the analysis of the technical solutions and procedures of the e-voting systems and concepts will be discussed in and assessed against the broader context of established election procedures and democratic values.

The paper is structured in the following way: After a definition of electronic voting and a list of chances and risks which introduces into the subject we will provide an overview of the experiences with e-voting in the different countries and on different political and administrative levels. Here, the Estonian case will be analysed in more detail because Estonia is the only country in which binding e-voting procedures were implemented on a national level and where a series of real-life elections have already been carried out during the last five years.

In the third chapter we will analyse the legal and technical issues in the context of e-voting. This will be done by asking how the principles of democratic elections, e.g. the principles of universal, equal, secret, direct and free suffrage can be transposed to the technical realm of online voting.

Social and cultural issues addressing problems of different access to the Internet as well as the question in which way the symbolic meaning of voting will change when voting electronically will be dealt with in chapter four.

In chapter five we will ask about the reasons for people not to participate in elections. In this chapter we will present current state of research in political science and election research and confront it with the expectations concerning e-voting.

Chapter six will investigate into another expected effect of e-voting: The hope to save costs when carrying out elections online instead of offline, in real-life polling stations with personell to oversee the voting process and to count out ballots.

As we will see, e-voting touches upon several aspects of the political self-conception of Western democracies. Although it may seem only logical to be able to cast a vote via the Internet just as we buy books and clothes over the Internet, we will show that there are major differences between e-voting and e-shopping and that there is no technological quick-fix to the current low participation in political elections in Europe.

### **1.1. Definition of e-voting: The different forms of e-voting**

The type of e-voting we consider in this paper is characterised by two features: one can cast a ballot remotely over the Internet and during more than a few hours on or before voting day. In this definition we follow Alvarez, Hall, and Trechsel (2009, 497) who state that what is revolutionary with Internet voting is the fact that ballots can be cast remotely via the Internet. This definition explicitly excludes the different systems of electronic voting that are based on direct recording machines (DRM) that replace the traditional ballot box and which are basically intended to make the election process more efficient and less costly.

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This concentration on Internet voting does not deny the fact that other forms of e-voting exist. In literature, e-voting systems are usually grouped into three general categories: poll site, kiosk and remote (see for example IPI 2001, 1; Neymanns 2002, 26; Enguehard 2008, 3f.):

**Poll site Internet voting** offers the promise of greater convenience and efficiency than traditional voting systems in that voters can cast their ballots from many polling stations. They are not restricted to their residential polling station but can vote from any location in the country. Since election officials would control identification, the voting process and the whole physical environment, security risks seem to be manageable in such a setting (see IPI 2001, 1).

**Kiosk voting** means that voting machines would not (only) be located in official polling places but in places such as kiosks, gas stations, shopping malls, libraries, etc. The advantage of the kiosk voting model is that voting could be done in between daily routine activities; the polling station would come closer to the voter (see Neymanns 2002, 27).

**Remote Internet voting** seeks to maximize the convenience and access of the voters by enabling them to cast their ballots from virtually any location that is Internet accessible. Since the voting act takes place in the private sphere, security and intervention issues become of importance. Without official control of the voting platform and physical environment, there are principally many possible ways for people to intervene and affect the voting process and election results (see IPI 2001, 2).

Whereas poll site Internet voting and kiosk voting systems may increase voter participation to a certain extent because they enable casting one's ballot from "on the road" and not only at the individual polling station, the main focus of these systems is to make the voting and tabulation process more efficient. There is no principal difference to the traditional voting process except for the fact that ballots are cast using an electronic display.

In contrast to this, remote Internet voting changes the act of voting in a fundamental way. As mentioned above, the fact that votes can be cast remotely from almost everywhere and that the voting process could be integrated in the daily online routine makes for the revolutionary potential of this new way of voting. Internet users could potentially cast their ballot on public elections just as they take part in opinion polls, consumer surveys or in discussions in social web platforms. E-voting makes it easier for people to participate in an official election because the voting act can be done from home or – via mobile Internet – from everywhere on the road. However, there are concerns of this kind of electronic voting which are not only related to security issues but also to the fact that transferring a public act into a private setting may change the way public elections are perceived by individuals which changes the very nature of the election process (see for example Neymanns 2002, 27).

In the next section we will list chances and risks of voting over the Internet in a systematic way before we will analyse e-voting in practice taking into account prominent empirical cases.

## 1.2. Chances and risks

Although the main question of this paper is to find out whether or not Internet voting is capable of increasing voter turnout in official elections, it is clear that the subject of e-voting is embedded in a wider discussion about modernising the election process. Thus, in this chapter we will list the chances and risks associated with Internet voting in order to gain an overview of the discussion.

But first of all the question is, why should we care about Internet voting at all? What are the reasons for the interest in e-voting? The most basic argument why we should deal with Internet voting is of course the explosive development of the Internet and its ubiquitous presence in almost all areas of life. The question raised by many is, why should we not be able to cast our ballots in the same way as we order books on the Web – from home, from work or on the road? Many analysts see the move to Internet voting as inevitable as the Internet gains increasing reliance in communication processes, business processes and also in public administration processes (see for example IPI 2001, 5; Neymanns 2002, 28f.).

In the U.S. discussion it is stated that voters see themselves as customers and expect governments to make the business of voting more convenient. In Europe, voters do not seem to have such a strong customer view as elections are rather considered to be attributes of state power. However, also in Europe, voting procedures are subject to modernisation following the IT-based modernisation of the entire administrative process. For most countries, the introduction of e-voting is also a matter of prestige and a sign of their innovativeness.

### 1.2.1. Chances

The following list enumerates the perceived chances and expectations of Internet voting. As the list on risks, this list was compiled from a variety of sources concerning e-voting like the article by Pippa Norris (2004) "Will new technology boost turnout?" or the report of the Internet Policy Institute (2001) on Internet voting. Other examples are the article of Neymanns (2002) concerning the question how online voting changes the symbolic content and Enguehard's work (2008) on the challenges of bringing transparency to e-voting.

- E-voting could make voting more convenient for the voters. Allowing citizens to cast a ballot from home or the workplace or even from on the road using mobile devices could reduce the time and effort required to participate in person at the polling station and make the voting procedure much more flexible. People with limited flexibility such as the elderly, carers confined to the home or employees and shift workers with little flexibility in their work hours as well as travellers and citizens living abroad could take part in the election. In this respect, e-voting would substitute the established mail voting procedure.
- E-voting could potentially reduce the information costs of participation by providing relevant information at the time people are actually casting their vote. For example, this can be done by incorporating an optional web page which displays a picture and biographical data of the persons to be voted for. Or a webpage in conjunction with a referendum could provide a short description of the issue at stake explaining the

arguments of each side. The referendum example shows that in general, e-voting could also be used to integrate more plebiscitary elements into the political decision process and lead to a better informed voter.

Whereas these two potentials or chances of e-voting are in principle suited to increase voter participation, the next two issues relate to the efficiency of organising the voting and tabulation process as such.

- E-voting could improve the process of electoral administration by increasing the efficiency, speed and accuracy of recording and counting votes.
- In the long run, e-voting could save personal costs and be a cost-efficient way to carry out elections and referendums.

### 1.2.2. Risks

As risks of e-voting, the following items are mentioned in the different sources:

- Although it may seem to be a convenient solution for voters just to click on a web site to participate in a public election, the actual need for proper identification and authentication of the voter introduces just another barrier to voting. Identification procedures usually require the use of e-signatures or digital ID cards and sometimes, personal identification numbers (PINs) or transaction numbers (TANs) are required which – for security reasons – are not distributed online but via postal mail.

As of today, there is no technical solution available which would guarantee transparency, accessibility, resistance to intimidation and vote selling and, last but not least, resistance to fraud or errors. Some of the technical problems may be solved in the future, some are of principal nature and would require a different attitude towards voting. In the next four paragraphs these aspects will be addressed in detail.

- Resistance to fraud or errors: There are many security flaws with remote voting because devices are used which can not be fully controlled: personal computers can be affected by viruses or Trojan horses and different attacks can affect the server or the connection can be spoofed and manipulated by third parties.
- Accessibility: E-voting can affect election results by excluding a certain part of the population. In principle, e-voting could increase voter participation of the elderly or of people confined to the home for any reason. However, this is a group of the population which is reluctant to use computers and the Internet. The so called Digital Divide is also running between educated and the non-educated, rich and poor, urban and rural as well as natives and immigrants.
- Transparency: Voters can not verify if their vote is correctly stored and counted. It is the nature of computers that their inner workings are not visible. Thus, it is not possible for humans to observe exactly what a computer is doing with their votes. As trivial as this may sound, it gets a special importance the context of binding elections because the offline process was designed exactly to guarantee transparency and verifiability.

- Resistance to intimidation and vote selling: Because people vote in an uncontrolled environment, there is no protection against intimidation or vote selling. The basic requirements for confidentiality are not guaranteed.

For some of these issues, technical or social solutions at least in the long run seem to be possible. However, the way e-voting changes the symbolic act of voting requires a different attitude towards voting, a fact which is widely criticised by analysts (see for example Neymanns 2002, 24ff.):

- E-voting alters the symbolic act of voting: In the view of many observers the actual walk to the polling station on election day symbolises the equality of the election. The principle of one person, one vote materialises in going into the public building where the election takes place and demonstrating participation to other people. Also, the speed of voting is an issue: By having to walk to the polling station, the act of voting is slowed down. One has to leave home and has the opportunity to think about the decision whom or which party to vote.

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## 2. E-VOTING IN PRACTICE: SELECTED CASES

An often cited case for a successful introduction of e-voting is Estonia. In fact, it seems that until today there is no other country where online voting in national parliament elections was introduced as a regular and guaranteed feature. Most governments which have seriously inquired into the issue and which already have carried pilot projects or test votings eventually refrained from introducing regular e-voting due to unresolved political, legal and technical challenges. In this context, the Estonian case is even more interesting and it seems worthwhile to report in more detail about the e-voting experience in this country.

In contrast to general elections on a national level, e-voting procedures have been tested and even introduced on a regular basis on lower levels, like local elections, referendums, party pre-elections, elections for student's parliaments etc. Although these elections are also binding elections, the formal level they have to comply with is comparatively low.

In the next sections, we will first report from the Estonian e-voting experiences and then analyse cases of lower level elections in other countries.

### 2.1. Estonia

Supporters of Internet voting often use Estonia as an example where e-voting was successfully introduced and claim that strategies to put online voting procedures into practise could be derived from their experiences. Especially striking is the increase in voter turnout at the European Parliament election of 2009, where approx. 44% of all Estonians had cast their vote compared to only approx. 27% voter turnout in 2004. The increase is often associated with the newly introduced opportunity to vote online. In fact, Estonia had started to include the Internet voting option into public elections as early as 2005 in an election for local offices and had offered the first Internet voting on the national level in 2007.

Before analyzing the Estonian case in more detail it has to be noted, however, that there is currently no other country which could be used to contrast or support the Estonian experiences. From a scientific point of view this is very disappointing and general recommendations which are based on just one case should be handled with care.

The Estonian e-voting experience itself was researched intensely by Alvarez, Hall, and Trechsel (2009), all three professors of Political Science at the universities of California, Utah and Florence. Their article in *Political Science & Politics: "Internet Voting in Comparative Perspective: The Case of Estonia"* reports in detail about the e-voting experiences in Estonia. However their analysis is constrained to the 2005 and 2007 local and national elections and does not include the 2009 election of the European Parliament. Their analysis will be used as a main source for the following paragraphs but it will be complemented by newer reports and analysis which cover the 2009 European election.

Estonia is a country of 1.3 million inhabitants and a former Soviet republic on the Baltic Sea. Since 2004 Estonia is a full member of the European Union and the country will be entering the Eurozone in January 2011. Estonia has a reputation to be the most advanced e-society and has the farthest developed e-voting system in Europe. Also, Estonia was a victim of a major cyber attack in 2007 which sensitised the country for matters of e-vulnerability.

Estonia has conducted three nationwide elections in which all voters could use Internet voting. The first election, in October 2005, was for local offices and the overall voter turnout was low at 47%. Only 2% of the voters made use of the option to vote online then. The second election, in March 2007, was for parliamentary elections at the national level. The turnout of the 2007 elections was approx. 62%, a figure reportedly higher than in the previous two elections held in 2003 and 1999. The percentage of voters making use of the Internet option in the 2007 election had increased to 5.4% (see Alvarez/Hall/Trechsel 2009, 498). The third occasion was the election of the European Parliament in June 2009 where 43.2% of all Estonians participated in the election, up from approx. 27% in the 2004 election of the European Parliament. At this election almost 15% of all voters voted online using their digital signature and two dedicated PINs.

In their analysis, Alvarez, Hall, and Trechsel (2009, 498f.) see four dimensions to be of importance for the success of e-voting in Estonia:

- (1) widespread Internet penetration,
- (2) a legal structure that addresses Internet voting issues,
- (3) an identification system that allows for digital authentication of the voter,
- (4) a political culture that is supportive of Internet voting.

Whereas Internet and broadband penetration as well as the common use of public administration services (e-government) are quite common in the European Union these days, the legal structure, the technical infrastructure and the political support of e-voting is not. Thus, these factors need to be described in more detail:

**Legal structure:** Today, all Estonians have an identification card which includes a digital certificate (signature) embedded in the card. In combination with a unique personal identification number (PIN) the card can be used for online authentication. The basis for this infrastructure was the Digital Signature Act (DSA) of 2002 in which legislation allowed individuals to use approved digital signatures to authenticate themselves in online transactions, including e-government transactions and e-voting. Concomitant with the passage of the DSA, Estonia began the process of mandating and introducing the identity card that includes the digital signature.

With the authentication system in place, the second component of the legal framework that facilitates Internet voting was put in place: A series of statutes – the Local Communities Election Act, the Referendum Act, and the Riigikogu Election Act – were passed in 2002. Each statute enabled the use of Internet voting in specific types of Estonian elections and specified the administration of such elections (Alvarez/Hall/Trechsel 2009, 499).

**Identification system:** With the legal structure in place and the signature cards available, a proper digital authentication procedure needed to be set up. Alvarez, Hall, and Trechsel (2009, 500f.) describe the actual authentication process as follows:

“Potential Estonian Internet voters went to the appropriate web site ([www.valimised.ee](http://www.valimised.ee)) and from there began the process of authenticating themselves to the system, obtaining a ballot, and voting. This began with them being prompted to insert their identification card into the reader, and to type in their first PIN. At that point, the voting server would query a server with the voter registration database; pending authentication of the voter they would be sent to a page that provided their candidate list. There they could select their candidate from the list, confirm their choice, and provide their second PIN. At this point some of the magic of cryptography entered into the process; the voted ballot was encrypted, and upon voter confirmation and provision of the second PIN the voter would effectively “sign” something like a digital version of an absentee ballot “envelope”; this envelope containing the voter’s identity would later be disassociated from the actual ballot if it were confirmed that the voter had not cast a paper ballot. Pending completion of this process, one of the voting servers verified the digital signature of the voter, and then it would pass the entire encrypted ballot to another server where it would be stored until tabulation. At this point, the voter would receive a confirmation message on the Web browser.”

Several safeguards were built into the Estonian e-electoral system, some of them concerning the technology, some concerning the voting context itself.

On the technological side it was necessary to prevent manipulation which often originates from faked links that redirect users to a hacked web site. Thus, voters were asked to type the URL by hand into their browsers and not to go to the web site by clicking on a link from an e-mail. Also, the server certificate was made publicly available, and e-voters were urged to check the certificate of the server they were using with the published version. Finally, Estonians were asked to make sure that the computers they were using were free of viruses and other malware before engaging with the Internet voting application (see footnote 9 in Alvarez/Hall/Trechsel 2009, 500).

Concerning the voting context itself, it was decided that Estonians could not use the e-voting option on election day itself but only in the three days before the actual election. This was to make sure that on the actual election day, a Web-crash or an electricity outage would not result in falsified results. Also, if, for some reason, an e-voter was concerned that the privacy of the ballot had been compromised, the voter could still cast a ballot in the polling stations on election day. The rule provided that the paper ballot be counted and the e-vote was deleted. Technically this could be done because the Internet ballots were electronically tagged. Thus on the night of the election they would not be counted when the voter had cast his vote on election day as a paper ballot at the polling station where he or she of course were also registered.

**Political Culture:** E-voting in Estonia was supported by politics and the public administration from the beginnings in 2002. The initial proposals for Internet voting were made by the Estonian prime minister and the minister of justice. Their decision to champion

this option provided high level support and helped to overcome initial hurdles for implementing Internet voting. Although there have been governmental changes since the initial legislative initiative, Internet voting remains a voting mode that almost all parties support. In addition, Internet voting has had strong champions within the Estonian government's administrative structure. The public too has championed Internet voting, with more than 30,000 individuals voting via that platform in the 2007 parliamentary elections. Internet voting in Estonia belongs to a broader, and many-year, effort to develop the information and communications sector in the economy as well as to put the Internet at the very heart of intra-governmental activities (e.g., the Estonian government is very proud about its "paperless government") and government-citizen interactions. Therefore, many experts in the information and communications technologies (ICT) sector humorously refer to this country as "e-Stonia" (see Alvarez/Hall/Trechsel 2000, 500).

Assessing the Estonian case of the 2005 and 2007 elections, Alvarez, Hall, and Trechsel come to a cautious conclusion: "Although we are somewhat reluctant to use the term success to refer to the Estonian experience, the system there has been an innovation used by the electorate, accepted by the political parties, and has pushed the technological envelope." (2009, 498) If they had included the results of the election for the European Parliament in 2009, their assessment would probably have been even more positive. As mentioned before, in the 2009 election it turned out that voter participation had increased from approx. 27% in 2004 to 43.2%, which is an increase of over 16% points.

However, it has to be noted that this sharp increase in voter turnout was presumably motivated by internal political events rather than the option to vote over the Internet. As is the case in many regional elections, politics on the national level play a dominant role and also election on the European level are often overshadowed by events on the national political level. Thus, in addition to Estonia, other turnout increases took place in the 2009 European Parliament election in 11 other countries, including Germany, Denmark, Poland, Hungary, Slovenia, Slovakia, Bulgaria, Ireland and Austria. Also, Latvia, a neighbour of Estonia, saw an increase from 41 to 54% voter turnout – all countries had no e-voting option in place.

Interestingly, a sharp change in voter turnout could also be observed in the other neighbouring country of Estonia, Lithuania: There, voter turnout fell from 48% in 2004 to a mere 21% in 2009. In small countries with less than 3 million inhabitants it seems that certain events may have much stronger effects on voter turnout than the option to comfortably vote over the Internet.

Another observation may be of much bigger interest here: In Estonia, more and more people actually made use of the option to vote over the Internet from election to election. The percentage of votes cast over the Internet in Estonia increased from 2% (of all votes cast) in 2005 to 5.4% in 2007 to 15% in 2009. It seems that Estonians have gradually built up trust in the system as they actually were able to use the system.

Regarding the question whether e-voting increases the turnout of younger people, the research results by Alvarez, Hall, and Trechsel (2009, 501) are ambivalent. Whereas the

age distribution of the Internet voters does not show any preponderance of young voters, they also state that within the younger age group e-voting is more attractive and enhances participation. Their research does not allow reliable statements concerning a potential age group turnout increase.

However, what their research shows is that e-voting mobilizes more casual voters. These are voters who say that they either vote "from time to time" or "never". Also, a fair amount of e-voters said in the survey that they "probably wouldn't have" or "for sure wouldn't have" voted if Internet voting had not been an option. Both groups taken together made up for 20% of all Internet voters (see Alvarez/Hall/Trechsel 2009, 502).

In sum, the positive experiences with e-voting in Estonia have to be seen in the context of the specific conditions in a country with 1.3 million inhabitants, the restricted and overcareful approach not to allow e-voting on election day, the specific Internet-fondness of Estonians and the will of Estonian politicians to become a leader country in e-voting.

Some critics also claim that there were incidents about vote-buying in the 2007 election in Estonia (Enguehard 2008, 10) and others state that the Estonian-made e-voting system – just as any other e-voting system – is far from providing the same level of security as regular pen and paper voting. The only known protection against a hacker attacks, says for example Internet security specialist Barbara Simons, is the ability to conduct a manual count of the paper ballots or records that represent the voters' choices: "That capability is clearly lacking in the Estonian system" (Simons 2010).

## 2.2. Other cases

Apart from Estonia, e-voting procedures were also introduced or were experimented with in other countries, although not for general parliamentary elections on the national level but on lower levels or with certain restrictions. In the following paragraphs some of these projects will be presented. This list is not exhaustive, nevertheless it gives an impression of the different approaches and the results of the projects of the last decade especially in Europe, but also in the US.

Following the three-level-classification of Krimmer, Triessnig and Volkamer (2007) we will assort the cases according to their political importance, legal commitment and real-life relevance.<sup>20</sup> The three levels stand for the following:

- **Level 1** denotes the introduction of e-voting on a national level, like presidential or parliamentary elections. E-voting procedures were made possible by specific laws and the votes cast via e-voting are legally binding. Estonian parliamentary elections and the Estonian elections of the European Parliament are examples for level 1 e-voting.

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<sup>20</sup> Originally, Krimmer, Triessnig and Volkamer (2007) developed a five-level model. We decided to skip levels 4 and 5 because they do not seem relevant for our special research question. Levels 4 and 5 both describe non-binding elections without real-life relevance because the outcome of the e-voting is not relevant for the election. The aim of level 4 and 5 e-votings is to either test e-voting procedures with a larger electorate (level 4) or with a smaller group of "friendly users" for the purpose of testing the system (level 5).

In the following, we will also include the e-voting possibility for residents staying abroad at the 2006 parliamentary election in the Netherlands as level 1. Although e-voting was not made available for all citizens in the Netherlands but only for a certain portion of the electorate – citizens staying abroad at the time of the election – the e-voting procedure was a real-life procedure, e.g. special laws were passed and the e-votes were binding.

- **Level 2** stands for elections at the regional and municipal level and includes referenda. It also includes elections of political figures in public administrations and within political party organisations. We will describe the following cases as level-2-cases: the UK pilot schemes in which local authorities were elected, the waterboard elections in Rijnland in the Netherlands, the Swiss case which includes referenda, and the Arizona primaries in which the Democratic Party elected their presidential candidate.
- **Level 3** stands for elections in associations and corporations with lesser political impact, like union elections. They are organizationally binding, but not necessarily legally binding. The following three cases will be presented as level-3-cases: the election of the Board of Directors for ICANN in the first worldwide e-voting procedure in 2000, the election of the university committee in Austria in 2009, and the election of the councillors of the assembly of the French nationals living abroad.

## Level 1

### *Parliamentary Elections in the Netherlands*

In the Parliamentary Elections for the Lower House in the Netherlands in 2006, remote Internet voting was offered for citizens living outside the Netherlands at the time of the election in addition to the traditional mail voting option. As an experiment and alternative to postal voting for voters living abroad the government decided to use the Internet voting system RIES for the election. RIES stands for Rijnland Internet Election System and was developed in 2004 for the election of the board of representatives of the Dutch local authority on water management in Rijnland (see next paragraph).

Voters abroad opting to use RIES had to register their request no later than four weeks before the election. If the registration was done in time, the voting procedure was as follows: After the eligible voter had requested to vote via the Internet, he or she received a 16 digit authorization code and an instruction booklet by mail. After having entered the code at the voting web site, the voter could cast his or her vote. In order to guarantee security, it was recommended to destroy the authorization code after use. After voting, each voter was given a “technical vote”, so that he or she could verify on the web, after the closure of polls, that their votes were counted. This technical vote did not disclose for whom the voter voted, but only the fact that he did (OSCE/ODIHR 2007).

The number of total voters, who registered to vote from abroad (either via mail or via the web site) was 32,126 and the number of valid votes cast was 28,170. A total of 19,929 valid ballots were cast online. The remaining votes were mailed by post (OSCE/ODIHR 2007). No fundamental security flaws were reported in this election.

Nevertheless, there is a broad consensus amongst developers and critics of electronic voting that up to now, RIES is not yet a suitable solution for nationwide Internet elections due to some safety-related questions. One problem for example is the observation of the storage of the code, which has to be safe until polls close. The theoretical possibility that the custodian releases the code or changes anything unauthorized can never be eliminated (OSCE/ODIHR 2007, 14).

## **Level 2**

### *UK pilot schemes*

In 2002 thirty pilot areas in the UK carried out municipal elections using innovative technologies. The goals of the pilot projects were to encourage participation in the elections, to increase the diversity of voting methods, to improve the efficiency of vote counting and to increase the information available to voters (The Electoral Commission 2002). The projects were embedded in so called electoral pilot schemes, a program which seeks to technically update and improve the election processes in the UK.

Under the representation of the People Act 2000, local authorities in England and Wales can submit proposals to the Secretary of State for Justice to carry out electoral pilot schemes. Since 2000 a wide range of local authorities of the United Kingdom have applied to take part in the program. Every pilot that has been conducted in the United Kingdom was observed by the Electoral Commission, which was established as an independent public body with the duty to analyse elections. Their published evaluation reports are interesting sources for the analysis of the different technologies being used. Because of the UK trials and the activities within this programme the UK is often stated as being a pioneer on the road to electoral improvements.

In the 2002 election Internet voting was introduced as an alternative voting method within the thirty selected areas besides other innovations like electronic counting, voting over precinct-based touch-screen machines, over text messaging systems, via the telephone or with interactive digital television services. Of all eligible voters on that date, approximately 2.7 million people were eligible to vote in the thirty pilot areas, which is about 7.4% of the electorate.

Different localities emphasized different aspects in their pilots, some tested all-postal voting, some concentrated on e-counting, others on Internet voting. St. Albans, Swindon, Liverpool, Sheffield and Crewe were the five local authorities which tested Internet voting as one part of multi-channel voting methods. Each of them used slightly different voting procedures, however the common principle concerning identification was a combination of PIN and password (Will 2002, 53ff.).

An analysis of Internet turnout rates and overall turnout rates of the 2002 local elections revealed that Internet voting could not contribute to an increase in turnout. On average, 14.6% of the voters used Internet voting. But those were not voters who otherwise would not have voted, but voters who would have voted anyway but this time chose to cast their

vote over the Internet. As a result, remote electronic voting in the UK pilot schemes in 2002 expanded citizen choice, but did not increase the overall turnout.

Pilot schemes including online voting were held for the last time in 2007. In the analysis of this election, the Electoral Commission criticized the lack of a comprehensive modernization strategy and the fact that security risks in the e-voting process were not predictable. Also, the lack of transparency was criticized. Further testing of e-voting systems from private suppliers was recommended before they were utilized the next time.

#### *Waterboard elections in Rijnland*

For the first time in 2004, the Rijnland Internet Election System (RIES) was used to carry out elections of the board of representatives of the Dutch local authority on water management in Rijnland. In the Netherlands, 35 such authorities exist. They are responsible for everything that has to do with water in their region: the quality of the water, the quantity of the water, the quality of the dikes and so on.

The Dutch local authorities are free in organizing their elections. Internet voting is seen as a means to increase voter participation and to reduce costs.

The voting procedure took place as described in the previous paragraph on the parliamentary elections for residents living outside the Netherlands in 2006. With a 16 digit authorization code and an instruction booklet the voting web site could be entered and the vote be cast. Internet voting was possible in addition to voting by mail.

The previous Rijnland election in 1999 was an election by mail – with a voter turnout of 22%. In 2004, the turnout decreased to 17%, of which 33% had cast their vote via the Internet. This means, that around 70,000 people cast their vote online (Hubbers et al 2004). To draw a conclusion about the general impact of Internet voting on voter turnout this data does not seem to be adequate, since the informative value is not sufficient and the decrease cannot clearly be traced to the voting method.

#### *Switzerland*

A very prominent example of level-2-voting is Switzerland. This is due to the fact that there are many elections every year on different political levels and that referenda play an important role in Switzerland. In order to pursue the goal of bringing forward e-participation, e-information and communication, the Federal Council of Switzerland launched three pilot projects in cooperation with the regional units (cantons) Geneva, Neuchâtel and Zurich. The pilot projects are embedded into the "Strategy for an Information Society in Switzerland" which was adopted in 1998 from the Federal Council. Two elements of this strategy are worthwhile mentioning: The first is the "Guichet virtuel", which is an online portal that was set up in order to inform about administrative activities. Second, the "vote électronique", which should enable people to vote or sign petitions over the Internet. The long-term objective of the initiative which also foresees a series of e-voting pilot projects is a nationwide introduction of Internet voting in Switzerland. Pilot projects on a cantonal level

are seen as an important step to test the introduction of e-voting on a federal level. It is always discussed as an additional voting method, besides voting by mail and voting at the polling station. Below, different efforts in the three cantons are briefly described, usually this pilots contained referenda, which are regularly held in Switzerland.

#### (1) Geneva

Geneva seems to be predestinated for e-voting experiments, since the cantonal legal framework allows electronic voting, and people seem to feel comfortable with absentee voting, given that 90% of the votes are cast by mail (Will 2002, 39). Moreover, Geneva is the only canton which was already endowed with a centralized voter registry.

Starting in 2001, the projected e-voting system went through a number of trials and was then used from January 2003 for several official elections including cantonal and federal referenda. The pilots were conducted in a varying number of communities of Geneva. On February 8<sup>th</sup>, 2009, the Geneva citizens approved with a 70.2% majority the inscription of Internet voting in their Constitution. With this vote, they ended the Internet voting pilot phase at the cantonal level.<sup>21</sup>

The system used in Geneva works as follows: The usual voting card is sent to the voter, containing an individual identification number and an additional scratch-away opaque layer, which hides a special code. For voting online, no additional software is needed.

After verifying on the election Web page with the individual identification number, the voter can cast his or her ballot. After this, the system asks for the user confirmation. Therefore the rubber seal has to be scratched off and an individual code is revealed. The verification is accomplished by entering the code in combination with the year of birth. This code can only be used once (Gerlach/Gasser 2009).

A general statement about an increase or decrease of voter turnout due to Internet voting cannot be made because of a lack of available data.

#### (2) Neuchâtel

In Neuchâtel the e-voting pilot project was part of a larger e-democracy project. The goal of the e-democracy project was to make available public services in general using the "Guichet Unique" mentioned above. Instruction on how to use e-voting were embedded in this information and services aggregation web site. Over this web site the virtual administration of the canton of Neuchâtel also offers services like electronic voting and digital signatures (Schweizerischer Bundesrat 2006).

After an e-voting pilot project with four phases with administrative employees was completed, the "vote électronique" was firstly introduced in 2005 for a legally binding vote. Since electronic voting is one of the different services offered by the Guichet Unique, anyone who wants to vote online has to apply for an access to the Guichet Unique. After eligibility is proven, the voter receives an access code and a password. A central cantonal

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<sup>21</sup> <http://www.geneve.ch/evoting/english/welcome.asp>

registry has to be created and a unique code is allocated to every person in the registry. The casting of a vote is only possible with the access code, the password and the unique code.

### (3) Zurich

The first implementation of the Zurich e-voting-system was for student elections at the University of Zurich in 2004. After being stated as successful, further pilots for public elections in different communities were conducted.

A specific challenge concerning Zurich is the fact that this canton has highly decentralized and heterogeneous voter registration systems. Each community, from small ones containing 200 inhabitants, to large ones like the city of Zurich with 350,000 inhabitants, has its own software system, and no central voter registry, like in Geneva, is existing. Nevertheless the cantonal ministry has access to the databases of each community. To solve the problem of the missing centrality, a virtual voter registry was generated before each election.

Then every voter was assigned a unique identification number which was printed on the voting card, which was sent to the voter by mail. Furthermore the voting card contained a barcode and a PIN-code as well. With the identification number the vote could be identified on the election homepage and the barcode allowed to control if a voter, who would go to the polling station, has already voted via Internet or not (Gerlach/Gasser 2009). After voting, the user had to enter his or her date of birth and the PIN-code in order to submit the vote. An additional feature in the pilots in Zurich was the permission to vote via SMS as well as via interactive television systems.

In the canton of Zurich the development of e-voting has been continuously pushed on. In 2008 the amount of participating communities in the pilots was expanded to thirteen. Until then, only three were included.<sup>22</sup> For September 2010 it was that Swiss citizens from the communities in Zurich living abroad should also be allowed to use Internet voting for a referendum about the unemployment insurance.

### *Arizona Democratic Primaries*

In 2000, the Arizona Democratic Party held Internet elections for their Presidential Primaries. Their goal was to increase turnout and to save money. The Democratic Party assigned the company election.com to develop a suitable election system. This was possible, because the primary election does not fall under federal law, but under private law (Hanßmann 2004, 41ff.)

Prior to the election, Internet voting instructions and personal identification numbers along with an application to receive a mail ballot, were sent to all registered Democrats in Arizona.

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<sup>22</sup> [www.stadt-zuerich.ch/portal/de/index/politik\\_u\\_recht/abstimmungen\\_u\\_wahlen/evoting.html](http://www.stadt-zuerich.ch/portal/de/index/politik_u_recht/abstimmungen_u_wahlen/evoting.html)

Several possibilities to vote were given: For those who wanted to cast a ballot with pen and paper, the polling station was opened on election day. From four days before election day on, remote Internet voting or voting by mail was possible. Furthermore, those who wanted to vote via the Internet but not from home, or did not have Internet access at home, could vote via Internet at the polling station.

Internet voting took place in the following way: With the received PIN, correctly answered personal questions and the confirmation of the home address, the ballot could be cast on a secure election homepage.

From 821,000 registered members of the Democratic Party 86,907 (10.56%) cast a vote in the election 2000. Half of them (39,942) voted via Internet (Hanßmann 2004, 44).

In comparison to the previous Primary Election in 1996 (12,844 cast votes), the voter turnout increased immensely. Thinking about a number of technical problems, the turnout could have been even higher. Some people reported they had no access to the voting web site, because the system was overloaded or their Internet browser was too old. Moreover, the registration process did not work out well, because some people did not receive a PIN (Solop 2001, 290ff.). Since many problems occurred, the service hotline was busy most of the time (Hanßmann 2004, 44; Will 2002, 48).

Analysing the impact of e-voting in this election it has to be said that sharp increases or decreases in voter turnout are quite common in Primary Elections in the USA (Hanßmann 2004, 44). Additionally, high media coverage could have had an impact on turnout as well. It is unclear what role the newly offered possibility to vote online had in this process.

Concerning the composition of voters, in the Arizona Democratic Primaries the following findings can be noted: Internet voting was most popular among white, non-Latino voters, more popular among males rather than females and middle-aged voters rather than younger or older voters. People with higher socio-economic status were more likely to vote via the Internet than people with lower socio-economic status (Solop 2001, 291).

### **Level 3**

#### *ICANN*

The first worldwide Internet election took place in 2000, where the Internet Corporation for Assigned Names and Numbers (ICANN) elected one part of their Board of Directors. ICANN is responsible for the coordination of IP-Addresses, the administration of the Domain Name System, the Root-Name-Server and IP-Parameter. Entitled to vote was everybody with a minimum age of 16, an existing postal address and an e-mail address. Election.com organized the election. If anyone wanted to vote, a registration on a special web site between February and July was necessary. Everybody who was registered was an "At Large Member". Then a personal identification number was sent by mail to the voter and a membership number and password was received via e-mail as well. With this information

the voter could activate the membership online. After the registration period 158,593 people had applied for membership.

Technical problems already occurred in the registration phase. ICANN underestimated the interest in their election and therefore their servers were overloaded. Moreover, in the voting phase, several voters weren't able to vote due to technical flaws.

From the 158,593 registered users, 76,000 activated their electronic PIN and 34,035 people finally voted (Hanßmann 2004, 45ff.). The election in 2002 was planned to be an Internet election as well – but the ICANN Board of Director decided not to use this method again, due to a lack of representativeness and the relatively easy manipulation possibilities (Khorrami 2006, 51).

#### *Student elections Osnabrück*

The student elections in Osnabrück in 2000 are stated as being the first legally binding Internet elections in Germany. Eligible voters were about 10,000 students, which had the possibility to vote either by Internet or at the polling station. The elections were organized by the "Research Group of Internet Voting" from the University of Osnabrück.

Internet voting took place as follows: A prerequisite to vote online was a registration in advance and the application of a digital signature. The students received a card reader, a CD-ROM with election software and a driver unit, a smart card and a PIN. After the installation of the software on a personal computer and the verification with the electronic signature, the students could cast the vote with a mouse click. 409 eligible voters registered for voting online, and 313 cast their vote online.

The election procedure suffered under several problems. First of all, not enough card readers were available. And if a student could get hold of one, problems concerning the compatibility between card reader and digital signature card occurred. Furthermore technical problems with the installation of the software appeared (Hanßmann 2004, 54ff.).

#### *Assembly of French Nationals Living Abroad*

After trials in 2003 and 2006, the "Assemblée de français de l'étranger" (AFE) invited the French residents in Africa and America in 2009 to vote their councilors over the Internet. The AFE represents French citizens living outside France. It is a public law body that consists of around 155 councilors and is allowed to elect 12 members of the Upper House of the French Parliament, the Senate. Historically voter turnout is low (in 2006 around 14% for AFE elections), therefore the main objective in 2009 was to increase voter turnout by using a safe and user friendly voting system. Besides Internet voting, French abroad can vote by mail or by going to the consulate closest to their residence. More than 6000 voters chose to cast their vote online in 2009, which is about 9% of all registered voters (69,381). This is, compared to the elections 2003, a slight increase.<sup>23</sup>

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<sup>23</sup> [http://www.diplomatie.gouv.fr/fr/les-francais-etranger\\_1296/vos-droits-demarches\\_1395/elections-afe-2009\\_19513/index.html](http://www.diplomatie.gouv.fr/fr/les-francais-etranger_1296/vos-droits-demarches_1395/elections-afe-2009_19513/index.html)

## 3. LEGAL AND TECHNICAL ISSUES

### 3.1. E-voting and e-commerce

One reason that is often mentioned to support the implementation of remote Internet voting, is the fact that people highly use other Internet transactions like online banking or online shopping. Obviously, public confidence in such e-commerce activities seems to be on a high level. Nevertheless Jefferson et al (2004) point out that this is a far mistaken attitude. Besides the fact that people underestimate the threats of online transactions, online voting requires more security than usual commercial transactions do. Jefferson et al name three main reasons for that: first of all they mention the high stakes. Voting is an essential part of democracy and therefore anything that potentially threatens core values of democracy, like flawed elections, must be avoided. They state that "e-commerce grade security is not good enough for public elections." (Jefferson et al 2004, 7). Second, they underline that there is a structural difference between securing Internet voting and securing e-commerce. Attacks to online elections, like denial-of-service attacks have farther reaching consequences compared to attacks to commercial transactions. As Jefferson et al. (2004) explain, "a denial-of-service attack on e-commerce transactions may mean that a business is lost or postponed, it does not de-legitimize the other transactions that were unaffected. However, in an election, a denial-of-service attack can result in irreversible voter disenfranchisement and, depending on the severity of the attack, the legitimacy of the entire election might be compromised" (Jefferson et al. 2004, 7).

Moreover the voter cannot be sure that the voting decision was transmitted, even if there's no detected attack. The result of a commercial transaction is seen in any way, whether failed or not. Finally the required anonymity for Internet voting makes it difficult to trace errors and fraud. While Internet purchases must be traceable in order to know who bought what from whom, Internet voting must guarantee anonymity while assuring that individuals only vote once.

Elections are one of the key elements of democracy (Garrone 2005, 111) and accordingly have to be protected carefully. Every reformation of the election process underlies the challenge to comply with the constitutional framework, especially when this reformation has to do with the Internet, which poses specific technical challenges.

Therefore in the following paragraphs the main legal issues concerning elections, namely universal, equal, secret, direct and free suffrage, are presented, and the ability of e-voting to fulfill them will be discussed. The explanations are mainly based on the recommendations of the Council of Europe concerning legal, operational and technical standards for e-voting.<sup>24</sup> European constitutional principles of electoral law are enshrined in international instruments like the Additional Protocol to the European Convention on Human Rights (Garrone 2005, 112).

<sup>24</sup> [www.coe.int/t/dgap/democracy/Activities/GGIS/E-oting/Key\\_Documents/Rec%282004%2911\\_Eng\\_Evoting\\_and\\_Expl\\_Memo\\_en.pdf](http://www.coe.int/t/dgap/democracy/Activities/GGIS/E-oting/Key_Documents/Rec%282004%2911_Eng_Evoting_and_Expl_Memo_en.pdf).

### 3.2. Legal requirements

#### *Universal Suffrage*

The principle of universal suffrage contains that "everybody is entitled to the right to vote and the right to be elected" (Garrone 2005, 112). It must be guaranteed that every voter has the chance to cast his or her vote, irrespective of age, gender, state of health, profession or literacy. Thus nobody is allowed to be hindered to vote for political, social or economic reasons (cf. Will 2002, 75ff.). Since this is hard to guarantee, e.g. thinking about disabled or elderly people, the objective is at least to enable as many people as possible to vote.

Although voting over the Internet is in principle available to everybody, there are new restrictions which need to be considered. The first difficulty surrounds the previously mentioned Digital Divide (see for a detailed discussion chapter 4.1). Since not everybody is familiar with new technologies and has the knowledge how to use a personal computer and the Internet, some people's right to vote is impinged upon. Besides that, universal suffrage is also at risk because there is the principal possibility to lose votes (Will 2002, 83). Therefore organizational security must be assured (Hanßmann 2004, 101) and the transmission of votes must be organized in a way that makes vote losses most unlikely.

Potential reasons that infringe universal suffrage because of technical flaws concern vulnerabilities of remote voting systems. Attacks, which disrupt the correct vote and transmission of information, affect three main parts: the server, the client and the communications path (IPI 2001, 13).

One essential problem, which makes the vulnerability of Internet voting clear, is the delivery of malicious payload. "A malicious payload is software or configuration information designed to do harm" (Rubin 2001), once such a software is installed on a voting client or the server, people can be disenfranchised or votes can be altered (Jefferson et al 2004, 12). The distribution of malicious payload is typically executed by remote control programs or Trojan horses (IPI 2001, 13). Malicious payload can be transferred by any communication medium, like CD-ROMs, or e-mail attachments, Internet downloads or by exploiting existing security flaws in host programs like Internet browsers (Will 2002, 90; IPI 2001, 13). Jefferson et al (2004) state that up to date no virus checking software can prevent this threat altogether.

The main threat concerning the communications path are so called denial-of-service attacks (DOS). Connections between the voting client and the server are disrupted by flooding the communication channel with more requests than it can handle. The network is clogged up and legitimate information cannot be transferred (IPI 2001, 14; Jefferson et al. 2004, 19). An advanced version of DOS are distributed denial-of-service attacks (DDOS), where a cluster of computers is infected by software programs called daemons, which increase the threats caused by DOS. Here many attacker collaborate and can control a large amount of bandwidth (IPI 2001, 15; Jefferson et al. 2004, 18).

Another problem which points out the vulnerability of Internet voting systems is Web Spoofing (Will 2002, 88; IPI 2001, 16; Jefferson et al 2004, 16). In this case an attacker functions as a man-in-the-middle. Fake voting sites are programmed and since it is not guaranteed that all home computers are fully protected against such attacks, eventually the voter does not see the difference between the real voting site and the fake voting site. Votes can be lost or altered. A typical method to accomplish this malicious fraud is emailing a link that seems to establish a connection to the voting server, but in fact does not.

These are just a few possible threats, to exemplify the current vulnerabilities of the Internet infrastructure. Nevertheless a differentiation is needed here. Concerning the previously mentioned problems, remote Internet voting being the only voting channel would only disenfranchise a certain group of voters. However, several authors do not see the principle of universal suffrage violated, when it is used in combination with other voting methods (Hanßmann 2004, 125; Will 2002, 98). The Council of Europe even claims that "adding additional electronic voting channels to traditional forms of voting may make elections and referendums more accessible, strengthening the principle of universality." (Council of Europe 2004). Thus, the critical point here is the question, whether Internet voting is expected to replace traditional voting methods or to be an additional voting channel.

#### *Equal Suffrage*

The principle of equal suffrage is closely connected to the principle of universal suffrage. It can be seen as a special case of universal suffrage. The critical point here is that every vote has to be counted equally, which means only once (Council of Europe 2004). Each citizen must have the same influence on the election result, the possibility of multiple voting must be prevented. In contrast to universal suffrage here the weight of each vote comes to the fore (Khorrami 2006, 81).

What does this mean for remote Internet voting? First of all the problems of the secure transmission of the original voting intention apply here just as in the case of the universal suffrage question. As long as the secure transmission of the original voting intention is not guaranteed and system vulnerabilities allow manipulation, the principle of equal suffrage is not met. So, from a technical perspective the previously mentioned problems concerning universal suffrage can be applied. Several kinds of attacks can compromise the process of casting a vote. Moreover, the aspect of the Digital Divide comes into play again, since equal suffrage is not realized when voting is not accessible by everybody (Garrone 2005). But, again, this holds just in the case that Internet voting is the only voting channel.

As a new aspect, the principle of equality can be examined by observing the process of authentication. Traditional voting procedures at polling places assure that every voter casts a ballot only once by identifying with an ID and registering the vote which makes it impossible to cast it again (Khorrami 2006, 82). This seems to be more complicated in the case of remote Internet voting. Gritzalis (2002) lists three issues: prevention of duplicability of the vote (either by the voter herself or by someone else), prevention of reusability of the vote (either by voting online more than once or by voting both online and

offline), and prevention of modification of the cast vote (after a voter has dispatched his or her vote).

There are several practical approaches to solve the problem of multiple casts in order to ensure that people just vote once. Krimmer et al (2007, 5) differentiate four identification technologies. These are: The use of a combination of username and password, where the identification relies on the voter knowing a secret. Second, a TAN can be used with which the voter can identify him/herself. Furthermore individual biometric properties can identify the voter with a specific reader with biometric features, and finally the voter can be identified via a smart card which possesses specific information that can be used in combination with a secret, which is known only by the voter. As it is seen, an authentication procedure can, in order to satisfy legal compliance, be quite complicated and eventually counter usability requirements. In fact it may be very complicated for potential voters to undergo the online identification procedure which to some extent also undergoes equal suffrage.

The critical point here is that the correct identification of the voter has to go hand in hand with anonymity of the voting process. This leads to next legal principle – secret suffrage.

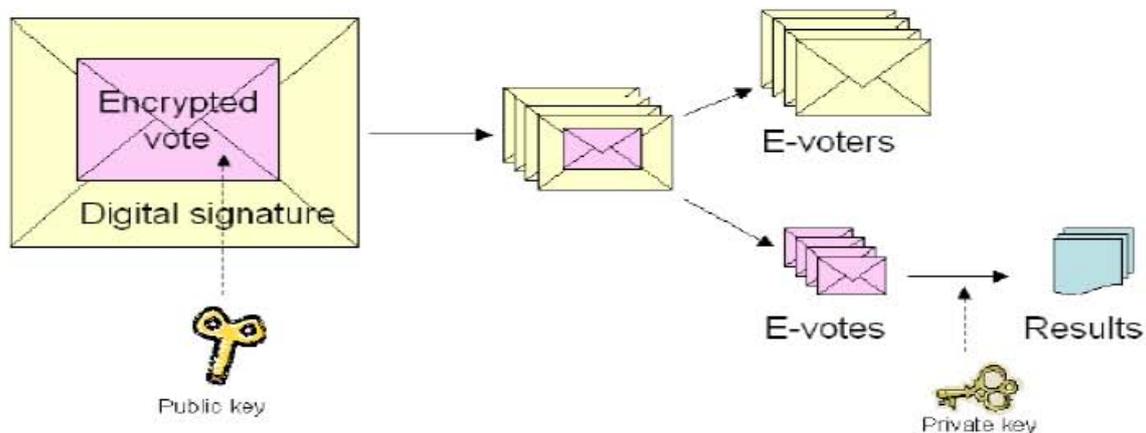
### *Secret Suffrage*

The principle of secret suffrage states that no one besides the voter himself or herself is allowed to know anything about the voting decision, it is a prerequisite to guarantee a free vote. For this reason the principle is also closely related to free suffrage (Hanßmann 2004, 164). Neither in the voting, nor in the tallying process it shall be possible to reconstruct the voting decision (Khorrami 2006, 85). Compared to traditional voting procedures, where the separation of voter identification and vote is organized by physical separation and surveillance by election officials (Council of Europe 2004, 34), remote Internet voting places this responsibility on the voter (Neymanns 2002, 27; Khorrami 2006, 86). While accomplishing the act of casting a vote at home via the Internet the possibility that some other than the eligible voter votes or that the voter is observed while voting cannot be eliminated altogether (as it is the case for voting by mail as well). Furthermore guaranteeing secrecy while the vote is transmitted is, again, a technical challenge.

In order to exemplify how the tension between authentication and anonymity of voting can be approached, the Estonian solution will be used as an example.

Because in Estonia the legal requirements for carrying out Internet elections in general are in place and national identity cards are available for all Estonians, the necessary prerequisites for e-voting are fulfilled. First of all, the Estonian voters authenticate themselves with their national identity card with a digital signature. This is done by using a smart card reader and a PIN. After selecting a candidate from a list and casting the vote, a second PIN is provided and the voted ballot is encrypted. Analogue to voting by mail, an “inner/outer envelope principle” is used. The inner envelope contains the casted vote and the outer envelope the identity of the voter. Before the votes are counted, the digital signatures are removed and the anonymous encrypted votes are put into the ballot box. The casted vote

Figure 1: The envelope-in-envelope-principle transferred to e-voting



Source: The Estonian National Election Committee (2005), p. 8.

is encrypted with a public key and can only be decrypted with a corresponding private key, which is officially known to the National Electoral Committee. After it is checked that the voter hasn't cast a paper ballot as well, the encrypted vote is decrypted on Election Day. (Alvarez et al 2009, 500; The Estonian National Election Committee 2005, see also chapter 2.1)

#### *Direct Suffrage*

The principle of direct suffrage prohibits intermediaries in the voting process (Gritzalis 2002, 544). Since assemblies of every description, local, federal or European, are voted directly by the people, and a mathematical calculation is the only thing that is interposed between the casting of a vote and the election result, there are no concerns about Internet voting with respect to the principle of direct suffrage (Garrone 2005, 112; Khorrami 2006, 76ff.; Hanßmann 2004, 135ff.).

#### *Free Suffrage*

The principle of free suffrage requires that the voting procedure takes place without any violence, coercion, pressure, manipulative interference or any other influence (Gritzalis 2002, 542). Two aspects have to be considered here: voters must be free to form their opinion and be free to express their opinion (Garrone 2005, 113). This principle is fundamental for the legitimacy of democracy, because when opinion formation and expression isn't of the voters' own free will the vote is not legitimate (Khorrami 2006, 78).

In contrast to the traditional voting procedure at a polling station, where the casting of a ballot is observed and intimidation or manipulation can be detected, this is not the case with remote Internet voting. The so-called "family voting", which counters the principle of free suffrage, could be a problem in regard to remote Internet voting as well (Garrone 2005, 116). Again, this can also be applied to voting by mail, which actually is practiced in many countries.

### **3.3. Absentee voting in general**

Thus, finally there should be drawn a comparison to currently used voting systems. Are there differences between different absentee voting methods? Should remote Internet voting be liable to the same requirements like voting by mail? Actually in some aspects remote Internet voting is very similar to voting by mail. The fact, that the secrecy of the vote is transferred to the voter affects all absentee voting methods. A common consideration having to do with the implementation of voting by mail is to balance between the principles of universal suffrage and secret suffrage. Voting by mail privileges universal to secret suffrage.

However, in some respect, the analogy between mail voting and e-voting cannot be drawn. Although voting by mail offers the potential of fraud as well, e.g. thinking of flaws in the postal delivery or vote buying, the critical point here is that remote Internet voting allows fraud on a grand scale (Jefferson et al 2004, 8), which could remain undetected.

The compliance of legal requirements poses great technical challenges for the implementation of Internet voting. Vulnerabilities arising from current fundamental Internet security problems (Hanßmann 2004, 66) need to be taken seriously. Furthermore procedural issues like transparency have to be considered. Additional potential susceptibility to flaws accruing from a multiplicity of agents (computers, servers, networks) involved in the voting procedure and multichannel voting (Xenakis/Macintosh 2005) are aspects that can seriously influence the legitimacy of voting. Transparent verifiability of the casted vote is requested (Council of Europe 2004, 35ff.) but difficult to achieve or even principally impossible to achieve. McGaley (2004) states, that "the nature of computers is that their inner workings are secret. Since transactions and calculations happen at an electronic level, it is not physically possible for humans to observe exactly what a computer is doing". Enguehard (2008) even does not see any chance to satisfy the requirement of verifiability in respect of remote Internet voting.

Here, apart from technically securing transparency, it seems that new attitudes towards e-voting will be necessary before a wide acceptance can be expected. In any case fundamental constitutional changes are necessary to introduce remote Internet voting in large scale elections.

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## 4. SOCIAL AND CULTURAL ISSUES

Apart from legal and technical issues, social and cultural issues are also relevant in the context of Internet voting. Here, three aspects are relevant: the Digital Divide, the symbolic meaning of voting, and factors of social mediating that could influence the voting process.

### 4.1. Digital Divide

The most important social issue concerning Internet voting is the so called "Digital Divide". The term "Digital Divide" refers to the gap between various socio-demographic groups in terms of access to and usage of computers and information technology (IPI 2001). The central question is whether a bias is introduced into the election process when Internet voting is applied.

Attewell (2001) differentiates between two Digital Divides: The first Digital Divide emphasizes inequalities in the access to technologies and the second Digital Divide emphasizes differences in usage skills. This distinction between information haves and have-nots and the computer literate and computer illiterate is a widely discussed topic, since some people may not benefit from the innovation of Internet voting (Bélanger/Carter 2010).

In this context, some authors see the implementation of Internet voting mainly as an advantage for people with higher socio-economic status (Alvarez/Nagler 2001). Thus, the outcome of electronically supported elections would be biased in favour of this special group. Obviously it can not be the intent of policy makers to introduce biases of any sort in the election process. So, the innovation of voting electronically has to be observed critically in respect of an exposure of democratic representation. The aim of election reforms should therefore follow a twofold approach: In order to make elections more democratic and representative, the goal should be to increase turnout by making it more convenient and at the same time ensure that the actual electorate comes closer to the actual socio-economic distribution in the the population (Kenski 2005; Coleman 2005; Bozinis 2007, 26).

### 4.2. Symbolic meaning of elections

A second aspect which also has to be taken into account is the symbolic meaning of the voting procedure. Besides the appointment of representatives which is the central function of elections, a second function is the symbolic one. While the former is not touched by an electoral reform, the latter may be changed by Internet voting. According to Neymanns (2002, 25), the symbolic function of elections includes three aspects: the public character, the equality dimension and the duration of the voting process.

The public character of traditional voting demonstrates the support of the voters for the system of democracy. With an official and public walk to the polling station, the voter expresses his or her agreement with the existing system and shows his or her will to actively take part in shaping public affairs (Neymanns 2002, 25).

The second dimension, equality, stands for the right of each person, whatever his or her race, income, education, etc. is, to participate in elections. All citizens who enter the voting booth are of equal stature (Neymanns 2002, 25).

The last dimension deals with the duration of the voting process. The speed of the voting process is inherently slowed down, when people vote at polling stations. The voter has to leave home in order to head for the voting spot and on the way the voting decision can be rethought (Neymanns 2002, 25).

Now it can be discussed to which extent Internet voting affects this symbolic function of elections. Opponents of Internet voting argue that by eliminating the physical act of going to the polls the cohesion within a social community can be affected since the interests of the individual seems to be promoted over these of the community (e.g. convenience before civic participation) (IPI 2001, 30). The public aspect is lost, equality is not expressed anymore, and the speed of the process is increased, what makes some authors talk about a "junk vote".

In contrast, proponents argue that Internet applications in general build social cohesion by enabling better communication among community networks (IPI 2001, 30) and therefore potential negative effects of Internet voting are just negligible aspects. In this rationale, Internet voting empowers democracy by making elections more convenient.

### **4.3. Social identity and trust**

Finally, the question can be raised whether voting technology influences the way people vote. Oostveen and van den Besselaar (2005) investigated this issue and focused on two aspects: trust and social identity as intermediate factors in the voting process.

Firstly, their assumption is that voting technologies could be an important factor which could have an influence on the election outcome. It may be possible, that different voters have different levels of trust in technologies and therefore handle electronic voting in different ways. The level of trust they assign to the technology might influence the level of commitment they have concerning the whole process and the election at stake.

Second, Oostveen and van den Besselaar (2005) refer to social-psychological aspects and suppose that there can be a difference in the election outcome depending on whether the vote is cast in public or in private. Thus remote Internet voting, which takes place in private, can lead to a different voting decision compared to traditional voting at the polling station. They state that the possibility exists that a voter rather reconsiders his or her voting decision if the vote is cast in a public surrounding, in contrast to the isolated vote in common social surroundings, for example at home. If one is confronted with any group

relevant for a voting decision (e.g. peers, minorities), the actual vote can eventually be thought over. Collectivist concerns may be more salient then.

The researchers conducted an explorative study where they investigated the mentioned aspects – and although they only found minor effects, they see their assumptions as being supported. Of course, these findings cannot be generalized, nevertheless they can be seen as aspects which need to be kept in mind.



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## 5. POLITICAL ISSUES

### 5.1. E-voting and electoral turnout

One of the central arguments put forward by proponents of e-voting is that turnout might be increased if this form of electoral participation is made available to citizens. This claim is particularly appealing given the downward trend in turnout and the observed “crisis of disengagement during the last three decades in most liberal democracies (Lindner et al. 2010, 8f.; see also Kersting 2004). As indicated in the introduction, many e-voting promoters are convinced that particularly younger, Internet-savvy citizens, who tend to participate in elections below average, will be more willing to vote via the Internet than in the traditional voting booth at the polling station (Borgers 2002; Stratford/Stratford 2001).

While this line of argument seems quite compelling at first sight, at this point there is little empirical evidence to support or question this claim. However, research on electoral behaviour in general has a longstanding interest in explaining why eligible voters decide to participate in elections or abstain. Due to the lack of empirical data on the effects of e-voting on turnout, an overview of the key insights provided by the study of electoral behaviour on the main factors influencing electoral (non)participation will be presented. Based on these findings, theoretically informed assumptions can be drawn with regard to the potential influence of e-voting on turnout.

### 5.2. Types of non-voters

Non-voters are defined as eligible voters who do not participate in one or more elections (Zinterer 2010). The research community studying electoral behaviour agrees that non-voters are by no means a homogenous group. Thus, speaking of the “party of non-voters” is misleading and obscures the different motives and causes of abstention.

The academic literature on the topic has come up with a number of different typologies of non-voters reflecting their diverse motivational patterns.<sup>25</sup> A commonly used typology differentiates between three non-voter categories (Eilfort 1994; Zinterer 2010):

1. Technical non-voters: This group of eligible voters cannot cast their ballot due to administrative, technical or individual reasons. For instance, voter registries might not be up-to-date or wrong. Also, sickness or other individual reasons can prevent citizens from voting. In Germany, it is estimated that the share of technical non-voters fluctuates between 3% and 5% of the eligible voters (Eilfort 1994, 55-57).
2. Principle non-voters: These citizens deliberately refuse to exercise their right to vote due to certain convictions, religious beliefs or due to fundamental opposition to the political system (Zinterer 2010). Abstention based on religious beliefs is estimated to represent about 0.5% of the eligible voters (Eilfort 1994, 59).

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<sup>25</sup> For instance, non-voter typologies are presented by Eilfort (1994), Wagner (2003) or Zinterer (2010).

3. Cyclical non-voters: Members of this group occasionally decide to abstain. Cyclical non-voters represent the largest share within the group of all non-voters and are therefore particularly interesting for researchers (Zinterer 2010). Finding explanations for this type of abstention behaviour is quite challenging and includes context factors as well as individual level factors. Positive turnout effects of e-voting are most likely to be found within the group of cyclical non-voters.

Against this background, Eilfort (2001) assumes that the highest level of turnout that can actually be reached is about 95%.

### **5.3. Explanations for non-voting**

Explanations for cyclical non-voting are numerous and diverse. As mentioned above, turnout levels are influenced by two complex sets of factors: (1) Context factors such as legal requirements, the institutional system, the political culture; and (2) individual level factors (Schultze 2010).

(1) Context or institutional factors include the frequency of elections, type of party competition, political relevance of the election (first or second order elections); registration requirements, compulsory voting rules or the conditions of the actual voting procedure (availability of postal voting and absentee voting, election day on weekdays or on Sundays etc.). Political culture is another important but rather elusive context factor which has impact on turnout rates. Particularly the degree to which – if at all – voting is broadly perceived as a civic duty or not has impact on the level of electoral participation (Goerres 2010).

(2) At the individual level, a number of socio-demographic factors have been identified to influence the likelihood to vote. Age, gender and socio-economic status play an important role in the explanation of different turnout levels within a given society.

The bulk of international academic literature on non-voting agrees that turnout levels are context dependent to a high degree. However, the current knowledge about the individual weight of these factors and the interplay between them remains limited. For instance, while there is clear evidence that compulsory voting increases turnout between 10 to 15%, the findings about the influence of the electoral system or the number of competing parties on turnout are ambiguous (Blais 2010).

Within the scientific community there is a broad consensus that voting fulfils fundamental democratic functions, and that a high degree of electoral participation in free and fair elections is an important quality indicator for democracy. Political inclusion of broad parts of society is mainly achieved via elections, and elections continue to be the most common form of political engagement (Barnes/Kaase 1979). At the same time however, researchers and observers alike disagree on the assessment of decreasing voter turnout. Some view the downward trend of electoral participation during the past decades in Western Europe as a process of normalisation. Others interpret low turnout as an expression of dissatisfaction with political elites and established party politics. According to the supporters of the

'protest or crisis hypothesis', a growing number of non-voters is characterised by a high degree of knowledge about and interest in political affairs.

Renz (1997) presented five different explanatory approaches which still dominate the academic debate on vote abstention:

1. Individual resources: Explanations of abstention focusing on individual resources emphasise the influence of citizens' socio-economic status (level of formal education, income, profession etc.) (Verba/Nie 1972). Generally, the likelihood to vote increases with the socio-economic status. By and large, the socio-demographics of non-voters confirm this expectation as abstention tends to be more common among individuals with below average income and education levels (Caballero 2005). Yet, explanations based on this so-called 'standard model of political participation' are limited as the composition of non-voters has changed during the last decades. According to the protest-hypothesis mentioned above, people interested in political affairs represent a growing share within the group of non-voters.
2. Group resources: The reasoning of this approach is based on a positive relationship between an individual's degree of integration in social structures and networks (such as family, milieu, civic organisations) and political participation. Party identification is often used as the central indicator for the degree of integration postulated within this approach. Findings show that socio-cultural and socio-political integration still has strong effects on electoral participation. A low degree of party identification corresponds with a higher likelihood for abstention. Similarly, strong integration in societal structures (indicated for instance by union membership, church engagement) increases electoral participation. Yet, the long-term trend of individualisation in European societies also means that the degree of integration in social structures is decreasing. Hence, the question is raised what replaces the explanations based on group resources as a growing share of society is less integrated in traditional structures? As long-term determinants of electoral behaviour are weakening, short-term situational factors such as political issues and candidate alternatives seem to become more influential.
3. Instrumental voting: The assumptions made by this approach are based on the economic theory of politics according to which individuals make their decisions based on individual cost-benefit calculations (so-called rational choice) and not according to long-term group or partisan ties (Fiorina 1981). The decision-making process is mainly based on retrospective assessments of the performance of parties and politicians and on issue-orientation. Voters' assessment of parties and politicians is operationalised by competence ascriptions. Empirical data shows that low levels of issue-related competence ascribed to the competing parties increase the likelihood of abstention.
4. Political support and legitimacy: Abstention can also be explained by withdrawal of political support for parties and/or the political system. Those citizens who are dissatisfied with the reality of democracy and the established political order have a higher likelihood to abstain. From this perspective, low levels of turnout are an indicator of decreasing legitimacy.

5. Value change: Theories of value change in western societies (e.g. Inglehart/Abramson 1995) try to explain abstention with long-term socio-cultural changes in industrialised countries. One of the important changes identified by these theories is related to the re-definition of the political arena: values such as stability and economic growth lose importance, other values such as self-actualisation and new forms of political participation become more influential. Traditional forms of political participation in the representative political system are "devalued", unconventional and direct forms of political involvement become more salient (post-materialism). In effect, political participation does not necessarily correspond with participation in elections. Increasingly, unconventional and/or direct forms are preferred. Viewed from this perspective, non-voters are not de-politized, on the contrary. And voting is not dismissed per se, but it is seen as one of many options to participate.

This brief overview shows that the phenomenon of non-voting can hardly be explained by a single approach. Both individual as well as group resources continue to be important factors that influence turnout. However, these approaches are not able to sufficiently explain why citizens with high levels of political interest and an above-average socio-economic status decide not to vote. In addition, weakening social ties due to individualisation cause more electoral volatility, including more abstention. Another important part of the non-voting equation is related to the protest-hypothesis. A certain share of non-voters is obviously dissatisfied with politics and deliberately decides to abstain. Similarly, value change has also contributed to a decreasing social norm of voting in some countries (Renz 1997).

The long-term structural and cultural changes in modern societies are the pre-condition for vote-abstention. Due to the weakening of traditional mechanisms of social integration, group ties or the social norm of voting, rather short-term motives such as retrospective voting, performance assessments, candidate ratings or situational factors become more and more influential. Hence, the question is not whether the normalisation- or the protest-hypotheses are right. Rather, we should look at the interplay of the different explanations presented. The factors identified all seem to play a certain role in the explanation of abstention, but most importantly, they also influence each other.

While the previous overview demonstrates how difficult it is to fully understand non-voting behaviour, the literature gives no indication that lack of convenience is a noteworthy factor preventing citizens from exercising their right to vote. In addition, all the mentioned factors for non-voting apply for all age groups. There are certain variations concerning the strengths of the effects in the different age groups and younger people in Western European countries have under-average voting participation rates (de Nève 2009, 90). This, however is an observation which is not new but which has a history of over 20 years. However, there is one interesting observation in the context of young citizens voting abstention: Whereas until the 1990s, abstention of younger people usually turned into voting participation as the generation grew older. Today observers claim that this development is not self-evident any more. A cohort effect, where the conceptualization of political activity differs between generations, has emerged. Young people are affected in a way that other age groups are not and this effect adheres to this group as they age (Phelps 004). However, empirical evidence on this effect is rare as there is a lack of longitudinal studies.

## 5.4. Empirical observations

As mentioned earlier, empirical data on the effects of e-voting on turnout are scarce. Next to the observations made in Estonia (see chapter 2.1), a further look at the already mentioned pilot schemes at the local level carried out in the UK is worthwhile. The main findings of the evaluation of these pilots are summarised by Norris (2004). In short, the results suggest that effects of e-voting on turnout should not be overrated. Depending on the concrete setting of the pilot (different combinations of e-voting with polling station voting and postal voting), little or no effects of e-voting were observed. The e-voting method was used disproportionately by different age groups, with younger voters more inclined to use e-voting opportunities than the older citizens. Norris therefore concludes that more convenience only facilitates participation of those citizens who are already motivated to cast a ballot (2004, 48).

Judging from the UK evidence, there are weak signs supporting the claim that e-voting will have a certain, but not a substantial impact on turnout. Norris (2004) argues that e-voting might have some positive effects on younger citizens. But one should not expect to solve deep-rooted civic ills by implementing e-voting opportunities. Similarly, evidence from the United States suggests that e-voting fails to reach the disengaged and apathetic (Norris 2002).

Summarizing, the overview of the academic debate on non-voting has shown that abstention is caused by a complex set of context and individual-level factors. Consequently, only a subset of these factors can be intentionally influenced in the short-term, many others would need to be addressed by long-term efforts. The overview also gave no indication that turnout can substantially or generally be boosted by just implementing new technological voting options. There seem to be no quick-fixes to the problem of low voting participation. However, it is plausible that there is some demand for more convenient forms of voting in addition to the traditional onsite-voting at the polling station. But many authors emphasise that the advantages of e-voting will not be enough to activate the disengaged (Kersting/Baldersheim 2004).



## 6. COST EFFECTIVENESS

One argument that is often mentioned to support the introduction of e-voting is the potential reduction of costs. Therefore it seems to be interesting to take a further look at this aspect. Statistics which allow a detailed analysis of costs arising from the introduction of electronic voting are not available. The lack of data availability and comparable specification of costs limit the possibility to draw a conclusion concerning cost effectiveness. Since Internet voting is often used as an additional voting method, the crucial question is, whether costs can be separated and allocated to the different ways of voting. Thus in the following just a few aspects are mentioned.

The Electoral Commission, which observes elections in the United Kingdom, considers the costs of the pilot schemes in 2007 as being high. In the five local authorities, where remote Internet voting and telephone voting was tested, the additional costs for e-voting range between £600,000 and £1,100,000. The e-voting costs per elector vary from £1.80 in Sheffield to £27 in Shrewsbury, and the costs per vote cast via e-voting lie between £100 and £600 (The Electoral Commission 2007).

In the evaluation report of the pilot schemes in 2002, the Electoral Commission (2002) also mentions the aspect of cost effectiveness. They compare remote electronic voting with postal voting and kiosk-based voting. Concerning all-postal ballots, it can be stated that the higher the turnout, the higher the costs. Kiosk-based electronic voting causes costs as well, since the machines have to be hired or maintained. In contrast to that, remote Internet voting uses an already existing hardware infrastructure. But, of course, high security standards and usability requirements necessitate high expenditures in software development. Nevertheless in the long-term perspective, the running costs for remote voting are expected to be significantly lower than for kiosk-based voting.

A further remarkable aspect in the pilot schemes of 2002 is the high amount of money the local authorities spent in campaigns promoting the new voting methods.

Braun and Brändli (2006) see the main challenge concerning cost-effectiveness in the balance between the compliancy of security requirements and the affordability. They refer to the e-voting projects in Switzerland and mention the 2002 report of the Federal Council, where the costs of a nationwide introduction of e-voting are estimated. By using the data from the pilot trials they make an estimation of 400-620 million Swiss francs for a nationwide introduction of e-voting including running costs over a 10-year period.

Braun and Brändli furthermore recommend that only if several cantons operate together in order to introduce e-voting, economies of scale can occur, and the financial costs for the development and operation of an e-voting system for both elections and referendums amounting up to 15 million Swiss francs can be shared and amortized.

Referring to Hanßmann (2004), a huge matter of expense in German elections are the personnel costs. Each community offers a polling station, which has a need for staff. Potential savings are seen in the decreasing need for staff and premises, since remote voting does not require physical observation.

It can be concluded, that the cost factor has to be kept in mind and be critically analyzed. On the one hand, a reduction of costs in the long run could be possible under several circumstances. On the other hand, it has to be considered that up to now almost all e-voting pilots are held as an additional voting method to traditional polling station voting. Thus, claims about savings resulting from fewer staff and premises are not fully supportable.

## 7. CONCLUSION

We have analysed the possibility to increase voter participation in political elections by introducing e-voting systems. Summing up the different aspects and empirical data analysed in the sections above, it can be said that it is not realistic to expect a substantial increase in voter turnout merely by implementing e-voting procedures. The reasons for voting abstinence are manifold and there is no technological quick-fix to the problem. Rather, non-technical aspects like the relevance of the institution to be elected or the immediacy of the issues or positions at stake must be considered when attempting to increase voter participation. Especially with respect to elections of the European Parliament these aspects are of relevance.

In addition, the technical requirements to carry out legally binding elections over the Internet are very high. Not all countries are already in a state where they can guarantee that the principles of general, free and anonymous elections and a transparent counting of votes can be assured in e-voting. As such, the technical requirements build up new barriers for voters. Contrary to the expected effects and the initial motivation, e-voting currently is not more convenient but more complicated than traditional voting because it requires digital signatures, PINs and TANs and multiple identification processes.

This is also a discussion point in the context of the European Citizens' Initiative (ECI). As soon as the procedures for the European Citizens' Initiative are clear, the Initiative will enable Europeans to put own issues on the agenda of European legislators. In order to make the European Commission deal with this issue, it takes one million signatures by European citizens. Currently, disagreement exists concerning the user-friendliness and the formal verification of the signatures. The initiative for the European Citizens' Initiative, which is supported by 120 NGOs, demands a simplification of the signature form and the elimination of the ID number requirements, since they see the danger that rigorous personal data requirements could lead to the abstention of citizens. The hurdle for European citizens to engage in a highly complex and inconvenient registration process seems to shy away potential voters. This may also have to be considered when thinking about the introduction of e-voting for the European Parliament in the future.

However, as the member states are beginning to introduce digital signatures via a special chip card or as parts of new passports and as card readers are becoming more widely available, it becomes technically feasible and one step less inconvenient to carry out e-voting in the future. The lesson from the Estonian case is that once the technical requirements are fulfilled and people had time to get used to the procedure, the acceptance will increase. This also means that it takes time to build up confidence in a new system and that political, legal and technical procedures need to go hand in hand in order to successfully implement such a system. E-voting as a singular political action point does not seem to work in reality. Rather it has to be part of a wider and comprehensive IT-strategy which has to be implemented and communicated nationwide.

Although younger people are more familiar with Internet technology there is no empirical evidence that e-voting would increase voter turnout in the younger age groups. Here, the same applies as was stated for the whole group of non-voters: There is no technological quick-fix to the problem of low participation. In the cases where e-voting was offered, we saw that people made use of this new voting form who were expected to vote anyway. The hope to reach formerly non-voters via the Internet was usually disappointed.

In the long run, however, it should not be underestimated that people will ask for the opportunity to vote via the Internet as they become used to doing more and more things online. Governments and public institutions should therefore be prepared to offer this possibility in the years to come. In order to do this, several prerequisites have to be accomplished. These prerequisites concern the specific legislation concerning the election process, the technical requirements, social aspects, and the symbolic meaning of elections in the public.

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## GENERAL CONCLUSIONS

In this report we have shown possible effects of using the Internet in order to generate a public sphere (E-public), to enhance political participation (E-participation), and to increase voter participation in elections (E-voting).

In the E-public part of this report it was argued that the Internet can help to generate a European public although the issues discussed in the Internet show a strong specialisation. This specialisation goes hand in hand with a fragmented rather than a uniform and broadly informed audience. However, this fragmented audience is a transnational audience nonetheless. It can be said that the issue related publics emerging on or supported by the internet in many respects can be regarded as elements of a European public opinion. An open question is how the specialised public opinions can be bundled and how they can be re-connected to the official political processes within the European institutions.

In the E-participation part of this paper we have shown that there are many examples of how the Internet can be used to enhance participation in political processes, including e-consultations and e-petitions. The examples included top-down initiatives to enhance participation as well as bottom-up approaches, where citizens were mobilised and have organised their request over the Internet. Especially for the different forms of bottom-up initiated e-participation it remains unclear, whether and how these forms become relevant for political decision making.

In the E-Voting paper technical, legal and procedural prerequisites were analysed which need to be fulfilled before elections over the Internet become possible. The expectation that e-voting increases voter turnout because the process of voting is more convenient could not be confirmed. Instead, the new technology builds up new barriers for voting. The development of an adequate technical infrastructure for e-voting as well as the generation of trust in the population for E-voting seems to be tasks which need political dedication and require a longer time-horizon.

Although many questions could be answered in this report, some open questions remain. They have to be analysed in the next phase of the project for which two expert workshops are planned in addition to further studying selected issues. The open questions include overarching questions which connect the different areas of this report as well as develop a stronger focus of the discussed issues on the specific European political process.

Especially it needs to be analysed how the formation of a European public sphere relates to concrete e-participation options. It needs to be made clear how the success of e-participation is based on traditional or online communication spaces and how the policy process can incorporate new forms of e-participation and make them an integral part of the policy circle.

In this context, the European Citizens' Initiative (ECI) will be analysed in more detail. The ECI has received some attention in this report already. However, being a genuine European initiative to open the political process for European citizens, this initiative deserves additional attention in our context.

Also, the project AIM (Adequate Information Management in Europe) which deals with journalism and the media within the larger research area of citizens and democracy in a knowledge based society needs to be looked at in more detail.

In the area of E-voting, we will continue our investigation with a special focus on the technicalities of the e-voting process. This includes the question whether so called technical votes (voting receipts) which signal to the individual voter that his or her vote was accepted can be decoded to disclose which party that person voted for. It also includes the question how to ensure that people having cast their vote over the Internet could not vote again at the polling station. Another task in the area of e-voting is to give an overview over the introduction and roll-out of digital signatures in European member states. Digital signatures are central prerequisites for any e-voting exercise.