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A communication genre perspective on e-petitioning: the case of the Citizens' Initiative

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Abstract. The European Citizens' Initiative is designed to make European democracy more direct by allowing citizens to propose (including electronically) legal acts to the Commission. The present paper offers a conceptual model for the analysis of this eParticipation case, and other similar e-petitioning practices, which is not biased by political ambition or technological determinism. The operational framework proposed aims to understand the nature of communication between citizens, governments, and the civil society among other stakeholders in the contemporary media landscape by using the concept of genre systems for this purpose.

Keywords: eParticipation, e-petition, European Citizens' Initiative (ECI), genre theory, communication studies

1 Introduction

It is no longer possible to imagine socio-political life in isolation from digital channels for information and communication. The role of the Internet for new democratic practices, transparency, accountability, participation, etc., is rapidly growing. However, governments are still struggling to find ways of using such tools in conjunction with their formal operations. More ambitious aspirations of eParticipation, such as citizen consultation and involvement in decision making are yet largely lacking, although there have been numerous trials over many years.

In this perspective the upcoming European Union (EU) "European Citizens' Initiative" (ECI) is a bold and potentially ground-breaking innovation, announced as "the next big thing" [1] in its history of democratic experimentation. Starting in 2012 a citizens' committee will have an opportunity to register a trans-European citizens' initiative and request the European Commission to examine the issue in question and possibly devise a legislative proposal based on it. For the first time a multi-national, multi-linguistic polity will make use of a common participatory mechanism to empower the citizens and engage them in the agenda-setting process. There is an active debate about whether the ECI will revolutionize public participation in the EU decision-making and give citizens a voice in the EU institutions, or whether it is a bogus type of participation, a political façade which will not have much influence on

the “clandestine committee-based policy-making” [2] in the EU. The actual outcome will of course depend on a large number of factors [3], like legal/policy environment, political culture, socio-economic environment, interest intermediation structures, technological pool etc., to name a few. While both sides have made reasonable points regarding the democratic effects of the ECI, the discussion itself - framed in black and white - is too simplistic. ICT-mediated communication can grant more opportunities for interaction but at the same time create a more complex environment requiring new skills and tactics. In this perspective the ECI deserves a more nuanced analytical perspective, which is the purpose of this paper.

This paper offers an analytical framework of the communication practices which are to take place at different stages of the ECI process and discusses the prospective use of Internet technologies therein. It is a conceptual paper with the aim of advancing the understanding of the new participatory tool and building a basic analysis matrix for it. It uses a neutral communicative theoretical framework, is not tied to any specific technology, and includes a process perspective including antecedents and outcomes. Although our focus is to analyze the ECI specifically, the framework can be used for studying e-petitioning activities as well, given that the Citizens' Initiative belongs thereto in the eParticipation lingo.

2 The European Citizens' Initiative

The European Citizens' Initiative was introduced in the Article 11 paragraph 4 of the 2007 Treaty of Lisbon which reads: “not less than 1 million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties” [4].

All along the development of the formal rules a balance between user-friendliness and credibility of the participatory instrument was sought. Following intense negotiations between EU decision-making bodies, the Regulation on the citizens' initiative was passed on 16 February 2011 and specified all the requirements for launching a Europe-wide citizens' initiative. The following makes up the basic regulatory framework as outlined in the Regulation [5]:

- An initiative can only be launched on a subject matter which falls within the EU competence and in which the Commission has the power to propose legislation;
- An initiative can only be organized by natural persons, a committee of at least 7 EU citizens coming from at least 7 member states;
- Signatures have to come from at least $\frac{1}{4}$ of member states while each country has an established quota for the minimum number of signatures required;
- Admissibility check of the initiative (formal and legal) will be conducted by the Commission upon its registration in the web-based Official Register;
- Signature collection can be done on paper as well as online, the Commission has developed an open-web software OCS precisely for this purpose, all signature collection software (including the one offered by the Commission) has to be certified nationally to prove compliance with security requirements;

- Signatures will be verified by the competent authorities of the member states where they were collected according to the procedures to be determined;
- The minimum age of signatories is the voting age for the European Parliament elections (16 in Austria, 18 elsewhere);
- The Commission is obliged to respond to the submitted initiative with 1 million signatures within 3 months.
- Mandatory public hearings will be organized in the European Parliament on successful citizens' initiatives where the organizers of ECIs will be able to officially present their proposal backed up by 1 million EU citizens.

The official launch of the ECI took place on 1 April 2012, this is when it became possible to register the first initiatives in the Official Register of the Commission (online). A number of initiatives on a variety of subjects, e.g. environment, animal protection, taxes, education, telecommunications etc., have already started the process. The role of social media in the ECI process has attracted much attention recently: at a conference organized by the European Commission in January 2012 to demonstrate its official register and signature collection software representatives of major Web 2.0 companies (Facebook, Twitter, Google, DailyMotion) all emphasized their vital role for the ECI via the support of trans-European campaigning which social media facilitate [6].

3 State-of-the-art of eParticipation

Over the past several years we have seen numerous eParticipation applications at various levels; however it would be pretentious to say there is stringent research and conclusive findings yet [7, 8, 9, 10]. It is no news that the status of government-organized eParticipation is not impressive by any standard, and certainly not when compared to the use of social media for other purposes. For instance, according to the European eParticipation Study [11], eParticipation initiatives prevail on the local and regional levels; information provision, deliberation, and consultation are most common activities; and the case owners aspired for more participation in quantity as well as quality.

In the past decade European countries have been accumulating experience in using online petitions at national, regional, and local levels. Although the integrated e-petitioning experiences with parliaments and governments in Europe and the UK are mostly positive, Panagiotopoulos and Elliman conclude that "solid evidence about significant impact achieved" is not provided [12]. The most prominent experiences of e-petitioning practice include those of the Scottish Parliament, German Bundestag, and Bristol City Council. At the EU level citizens' petitions (both paper-based and online) are handled by the Committee on Petitions (PETI) of the European Parliament, and in the year 2010 it received 1,655 petitions, of which 64% were submitted in an electronic form (via e-mail) [13]. The use of Internet tools for facilitating 'distributed citizen participation' (across geographically dispersed territories) in Europe has also been recently piloted in the e-petitioning project

EuroPetition¹ effective in five EU countries – Spain, the Netherlands, Sweden, UK, and Italy.

eParticipation research has also been advancing in conceptualizing the democratic outcomes of using various technology tools for political participation; thus there is a number of models at the principal or theoretical level defining different kinds of democracy (e.g. deliberative, "quick", "strong", direct etc.) [14, 15, 16]. One of such recent frameworks is the modes of e-citizenship by Coleman [17] - "info-lite", "push-button", and "actualizing"; it offers a holistic view of the possible effects of citizens' online participation in various venues (not only government-controlled) and by using the varied media landscape at citizens' disposal. This model gives an understanding that eParticipation investigations should embrace as broad a context as possible in terms of process and available tools to accurately pinpoint changes.

4 Analytical framework

In the foundations of our analytical framework lies genre theory which was specifically picked from a large set to avoid the shortcomings of existing eParticipation/eDemocracy models (such as politicizing research and using technological determinism) [18]. Genre theory provides a neutral communication perspective, besides it meets the following basic criteria: 1) it is empirically oriented; 2) serves to induce theory; 3) can be used for comparison with real-life developments.

Thus our framework characterizes the ECI process based on five aspects of communicative genre systems (5W1H) developed by Yates & Orlikowski [19]. This approach, using genre taxonomy, recently gained popularity in the analysis of participatory processes and democratic interaction, including as mediated by ICT [20, 21, 22]. As a result, each of the stages of the ECI process corresponds to a genre system constructed based on the characteristics of the communication practices taking place at each phase. Before presenting the model we briefly introduce the genre framework and its relation to eParticipation.

4.1 Genres and genre systems in eParticipation

There are genre studies in many disciplines, most often connected with literature and other creative arts, but genre studies have over many years also been applied to information systems. Orlikowski and Yates define genre as a socially recognized type of communicative action “habitually enacted by organizational members to realize particular communicative and collaborative purposes” [19].

Although there has yet been no explicit genre analysis of eParticipation systems or processes, it is easy to see that similar concepts occur in a number of stage models in eParticipation research and practice [18]. There is a range of terms which in resemblance with genres describe various styles of communication bearing positive as well as negative connotations. For instance, deliberation, engagement, two-way

¹ www.europetition.eu

communication to name just a few refer to the positive communicatory outcomes; while one-way communication, provision of information, pseudo-participation and the like have the negative colouring being seen as intermediate steps on a ladder of improvement.

Modern eParticipation reality is a network of spaces, tools, actors, and objectives; a Facebook post can link to a newspaper article which reports on in-person interaction and so on. To distinguish specific types of communicative action is hardly possible, given the broad choice of media (online and offline) available for communicative purposes and the complexity of the participatory landscape including multiple actors, stakes, agendas, relationships etc. To cater for this situation it is proposed to use the concept of *genre system* which is a set of “interdependent genres that are enacted in some typical sequence (or limited set of acceptable sequences) in relation to each other, and whose purpose and form typically interlock” [23 cited from 19].

4.2 Applying the framework to the ECI

The genre system framework proposed here is aimed to help answer the question: **What is the nature of communication as it evolves during the ECI process?** Hence, in our investigation scheme genre system is a dependent variable.

To classify genre systems Yates & Orlikowski [19] proposed a set of characteristics: purpose, content, participants, timing, location, and form (5W1H). In our model an additional component is added to the original arrangement - technology tools - to adapt the framework further to the eParticipation domain. In Table 1 we apply the genre system characteristics to the three stages of the ECI process. The stages – in the top row – represent the process perspective: alliance building, the official ECI process, and policy response as presented by Initiative.eu platform of the EurActiv PoliTech foundation [24].

In Table 1 each stage of the ECI process is characterized by a genre system devised based on the characteristics of the participatory practices taking place at each phase. For the purpose of this paper we limit the presentation of genre systems to three ideal types - deliberation, engagement, and dialogue; however each of the cells in the table can be filled in different ways since participants' experiences with the ECI will certainly vary. It is our intention to elaborate on the functioning of the ECI as a democratic ideal because this will provide a structured understanding of the high expectations vested in this eParticipation project. Moreover once empirical data becomes available it will be possible to assess the level of success of the Citizens' Initiative comparing the actual outcomes with the designed ones. Hence in the forthcoming empirical enquiry we will use an inductive approach which has good chances to elicit differing genre systems than the described ideal ones.

Table 1. Characterization of the ECI process based on 5W1H genre taxonomy

		Stages of the ECI process		
		“Alliance building”	“Official ECI process”	“EU policy response”
Characteristics of genre system	Purpose, why?	To federate interested individuals (and organizations)	To gather citizens’ support for a registered proposal in the form of 1 million signatures	To enter in conversation with the EU authorities who are to make a final decision
	Content, what?	To prepare a consolidated legislative proposal, secure financial support, develop campaigning strategy etc.	Communication with EU citizens through a variety of channels	Validity of the proposal, the level of support in the society, its implications for Member States
	Participants, who?	All interested parties including NGOs, think tanks, companies, individuals etc.	Initiative organizers and their supporting networks in Member States	EU institutions, initiative organizers, and other interested parties
	Timing, when?	Undefined term	1 year since registration of proposal	Within 3 months after submission of initiative
	Location, where?	Anywhere	In EU countries, online	EU official channels of communication for the formal response, open format for civil society contributions
	Form, how? Technologies used	Open format E.g. discussion forums, blogs, social networks, designated platforms, wikis	Range of activities for the purpose of obtaining signatures Online signature collection systems, media coverage, social media, websites, blogs etc.	Public hearing, official correspondence for the formal response; open format for public debate
ECI ideal genre type (Intentions)		Deliberation	Engagement	Dialogue

5 Ideal types of genre systems for the ECI

In this section some major eParticipation genre systems are applied to the communicative phases of the ECI. While other genre systems may emerge during our studies of the ECI practice, these ones depict how the participatory practices are envisaged to turn out in an idealistic way. We use this normative conceptualization in order to be able to compare the empirical data against the normative ideas and see if, to what extent, and how the reality differs from the democratic design.

5.1 "Deliberation"

In a broad sense deliberation can be defined as “mutual and carefully-balanced consideration of different alternatives” [25]. The recognized authorities theory-wise when it comes to deliberative communication in a democratic society are the classic works of Habermas and Dewey. In relation to democratic decision-making the concept of deliberation denotes a state when different perspectives and views are communicated and discussed in detail by all involved parties and thus the proposed decision is carefully motivated [25]. Political deliberation occurs in the ‘public sphere’ which, according to Habermas, has three distinct characteristics: the rational-critical argument as the only criterion of judgment of contributions in the discussion; the restriction of discussion topics to the domain of common concerns; and openness of discussions to all members of the public [26]. As Freelon [27] emphasized, deliberation is a normative idea which is rarely discovered intact in the field, but it is regarded as the ‘golden standard’ with regards to the democratic performance in virtual discussion spaces. Furthermore, the deliberative ideal is not the only metrics according to which political discussions in virtual spaces can be evaluated; different theoretical frameworks exist which draw on the critique of Habermas by Fraser and describe discursive environments online as various “counter-public spheres” [28].

The process of developing a legislative proposal (leave aside organizational aspects of campaigning) which would address a trans-European problem, meet the formal admissibility criteria, and adequately respond to the stakes of different stakeholders is an essentially deliberative process as defined in the above. The normative scenario thought of in the introduction of the Citizens’ Initiative was that it will empower ordinary citizens from EU Member States with an opportunity to get together, reflect on their common problems, and come up with a proposal for an EU law. Early observations show that indeed there are some organized efforts to support discussions and debate among prospective ECI organizers, e.g. the Initiative.eu platform² which aims to bring together stakeholders in the process and facilitate alliance building. Another example is using crowd-sourcing technologies for the formulation of prospective initiative proposals, like it was the case with users of the social media site Reddit who produced a draft of the Free Internet Act using GoogleDocs and intended to submit it as a citizens' initiative³.

5.2 "Engagement"

The topic of inclusion in the context of political participation (‘no one is left behind’) is both relevant in discussing traditional and digital media of citizens’ engagement. For instance, a study by Grönlund, Hatakka, & Ask [29] compared manual

² An online space bringing together ECI stakeholders and other interested parties for the purpose of discussing, cooperating, sharing, and gaining support for their ideas of citizens’ initiatives (www.initiative.eu)

³ <http://snuproject.wordpress.com/2012/02/29/reddit-reveals-first-draft-of-crowdsourced-free-internet-act/>

governmental services with their electronic versions and found that in most cases the levels of knowledge and skills required from the user (“administrative literacy”) were lower in the case of eServices. However, in certain eServices cases a replacement of skills was required to use digital services compared to traditional ones, e.g. Internet search skills instead of communicative abilities [29]. In this respect, making ICT-mediated interaction ‘inclusive’ is one of the core values when creating virtual spaces of communication between all sorts of participants in the political process.

There is an on-going debate in the research community about the transformative potential of the Internet in relation to participatory inequality, or the so-called ‘democratic divide’. The discussion revolves around two contesting theses – the mobilization and reinforcement effects – although a recent literature survey by Taewoo [30] suggests the latest empirical works support the reinforcement hypothesis to a greater extent, i.e. that online participation channel simply replicates the existing social inequalities in offline political participation. Yet, analyzing extensive citizen survey data Taewoo concluded that both mobilization and reinforcement effects are valid observations at the same time and that this “dual effect” is more advantageous for participatory democracy than the prevalence of just one effect over the other [30].

Regarding the potential of the ECI to enhance citizens’ engagement in the democratic processes, the participatory instrument combines both offline and online media for citizens’ political participation. However, the formal requirements for an initiative to be admitted and put to investigation by the European Commission are quite stringent – one million statements of support from at least a quarter of the EU Member States. It is a valid question whether European citizens running into millions will actually take up this opportunity to play a part in the agenda-setting process. In other words, will the ECI extend the scope and reach of public participation in the EU? On the one hand, there are quite obvious socio-political trends of the decade: declining voter participation, decreasing party membership, diminishing trust in institutions etc. Additionally, an ‘ordinary citizen’ may face a great deal of hurdles if willing to become an initiative organizer – due to the limited amount of resources and time one can allow, the general lack of experience with campaigning, the absence of contacts in other EU member states etc. [31].

To understand the factors behind the uptake of e-petitioning tools, including the Citizens’ Initiative project, the qualitative framework by Cruickshank and Smith [32] which is based on the concept of ‘self-efficacy’ can come particularly useful. In a broad sense self-efficacy can be understood as an individual’s belief about one’s capabilities; in the context of eParticipation it takes on two dimensions – computer self-efficacy (CSE) and political self-efficacy (PSE) [32]. Thus as a preliminary hypothesis it can be inferred that the success of the ECI to a certain degree depends on the perceptions of the prospective users of 1) their abilities to participate effectively (including to use technologies confidently for this purpose) and 2) of the responsiveness of EU institutions to the citizens’ demands.

5.3 "Dialogue"

The meaning of dialogue in communicative practices is the subject of a special field of studies - dialogic theory. To define the concept of dialogue it is not enough to equal it with mere interaction, response, or finding a common ground. The key for grasping the meaning of dialogue is "multivocality", or refusal to privilege any single opinion, interest, ideology etc.; therefore, for a dialogue to be possible therefore it is vital to reduce any socially determined asymmetries determining who gets to speak, what is being communicated, and if the voices count [33]. The understanding of dialogue in democratic contexts builds on the works of Habermas and Arendt and largely relates to the discussion of deliberative, "strong" democracy, and public sphere.

Looking at the ECI case in this perspective, the final stage is the examination of the initiative proposal by the European Commission and the public hearing at the European Parliament on this instance. The adoption of required policy is the ultimate aim of initiative organizers and the essence of the direct democracy element of the ECI instrument. To illustrate how the policy making works in this case a largely accepted model by Kingdon [34 cited from 35] is useful as it accounts for the human element and gives a realistic view of the process [35]. The multiple-stream (or agenda-setting) model (Figure 1) depicts the emergence of policies as a "policy window" which is when a pressing problem is identified, an appropriate solution is developed, and the political conditions are favorable.

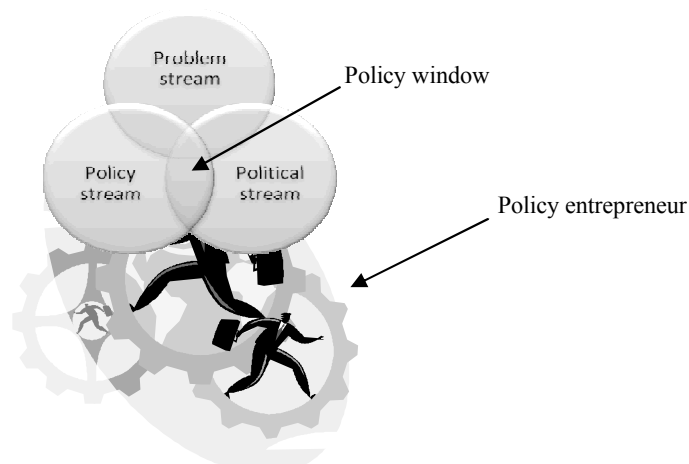


Fig.1. Multi-stream policy-making model (Source: Kingdon, 1984)

Regarding the impact of an ECI, it needs to be kept in mind that the European Citizens' Initiative is a democratic procedure of moderate strength. By definition, a citizens' initiative "allows citizens to initiate a vote of the electorate on a proposal outlined by those citizens" [36]; while an agenda initiative "enables citizens to submit a proposal which must be considered by the legislature but not necessarily put to a vote of the electorate" [37]. Thus, the official name of the ECI is misleading, as the European Citizens' Initiative was designed not as a citizens' initiative per se but as an

agenda initiative. Comparing agenda initiatives with petitions, on the other hand, the latter have little formal structure, can be initiated by one or several persons, and can have the form of a simple letter to the legislator [37]. This means an agenda initiative is a better regulated and stronger instrument of direct democracy. In practice there is often confusion of these three terms, including when it comes to the ECI; Balthasar [38] for instance underlines that the ECI is not a mere petition (the right to petition the European Commission is already granted in the Treaty on the Functioning of the EU) but an instrument comparable to “requests” of legislation the European Parliament and the Council of the EU can address to the Commission.

Thus, it is entirely up to the Commission's discretion to make decisions regarding whether to propose a legislative agenda to the decision-makers based on a successful initiative or not (and the Political Stream element in Figure 1 will thus play an important role in the final decision). Prior to the adoption of the Regulation the involved stakeholders urged to make it compulsory by law for the Commission to make a legislative proposal in the case of success of initiative organizers. But instead a provision was introduced that guaranteed initiative organizers who overcame the 1 million signature threshold a public hearing in the European Parliament. This is an opportunity for the citizens behind the initiative to engage in direct communication with the decision-makers, to enter in a dialogue if we may say so, to be heard by the politicians who are accountable to their constituencies all over Europe.

6 Conclusion and further work

In this paper we have applied a communication genre perspective on a particular case of eParticipation - the European Citizens' Initiative - and constructed a framework of genre systems which can be used to analyze the process of e-petitioning at large apart from the chosen case.

By applying the genre framework to the ECI project we have shown that although there are desired democratic targets (in the form of three ideal genre systems) the reality is open to many possible developments. It is therefore essential to empirically investigate actual outcomes in terms of the nature and content of the communication on the various arenas involved in the policy-making process. To "fill in" the theoretical framework with real-life data our intention is to structure the inquiry by the three stages of the ECI process (Table 1). At each stage we will look into the five aspects (5W1H) of the communication realities: purpose, content, participants, timeframe, and form (including medium). Thus, first, we plan to look into the ways initiatives-to-be are being conceived; second, to study the specifics of trans-European campaigning; and third, to follow the interaction of the initiative organizers who were successful with the EU institutions.

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