

# **Is political participation online effective? A case study of the Brazilian Federal Chamber of Representatives' e-democracy initiative**

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## **Abstract**

In Brazil, the Federal Chamber of Representatives conducts an e-democracy initiative that enables people to participate in political decisions regarding legislation. There are forums in which people can discuss and propose amendments to draft bills, vote for surveys to decide on the most important issues and speak their minds regarding legislative activities. The goal of this paper is to analyze the effectiveness of citizens' engagement in the e-democracy initiative through the case study of the discussion of the Internet Civilian Landmark – a bill to regulate Internet use in Brazil. After a brief review of literature on e-democracy, we intend to measure if the platform guaranteed citizens an opportunity to affect decision-making by evaluating if the amendments suggested by users through the initiative were effectively taken into account by the legislative committee.

**Key Words:** Political Participation, Online Participation, E-democracy, Online Citizenship, Political Communication, Brazilian Politics.

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## **1. Introduction**

The growing presence of political agents and institutions online has been motivating scholars to investigate the possible effects of these phenomena in many political activities, such as political participation, democracy and citizenship. Because of Internet's technical features – non-hierarchical communication, intentionality, multiple flows of information, one to one and many to many forms of interpersonal interaction and replicability of contents -, the democratic potential of the Web is constantly addressed and questioned.

But there is a gap between the opportunities that online environments provide and the effective strengthening of the relationship between the civic and political spheres, in a sense that online participation depends not only on the citizens' willingness to participate, but also on the politicians' and governments' willingness to take citizens' opinions and demands into account when making political decisions.

In this paper, we will analyze the effectiveness of political participation online through a case study of the Brazilian Federal Chamber of Representatives' e-

democracy initiative – a web-based portal in which people can engage and debate political decisions regarding legislation issues. We investigate one specific case of collaborative law making regarding a bill that will regulate internet use in Brazil - regarding issues such as privacy, rights and duties of internet users, content providers and service providers on the *web*, digital crime and so on.

As a subject that concerns everyone who is constantly engaged in online activities, many citizens were willing to engage in the discussion through the e-democracy platform. We will study the suggestions that participants made on the e-democracy portal and examine to what extent the representatives took them into account, by comparing the draft bill with the report generated after the discussion that took place online, through the e-democracy initiative, and offline, in public audiences, hearings and at the Chamber's committees. The goal is to observe whether the discussions maintained within the e-democracy platform were taken into consideration and effectively affected the discussion of this bill at the Federal Chamber of Representatives.

## **2. E-democracy: the Internet and the enhancing of political participation**

The growing presence of technology in our everyday activities is one of the reasons why it is important to understand the potential of the Web to enhance civic and political participation. In 2010, 73 million Brazilians were on the Internet, according to a research conducted by the Internet Steering Committee in Brazil<sup>1</sup>, and 58% of these used the Web on a daily basis. Even though there are social barriers and inequalities on the Internet use, the access to this technology has been growing in all social substrates and regions. Communications, information and leisure activities are the main interests of Brazilian Internet users. E-mail (80%), social network sites (70%) and instant messengers (74%) are the communication activities preferred by users.

Due to limitations of scope and space, this paper will neither address the dichotomy between negative and positive approaches on the democratic potential of the web<sup>2</sup> nor provide an extensive literature review. The view explored in this paper is neutral and wary: the technology, itself, does not change political habits and practices. Rather, it is the motivations that the political actor has when using the Internet that can facilitate or enable a variety of processes regarding political participation and engagement.

It is undeniable that the Internet has a great potential to strengthen democracy by providing means for people to deliberate, mobilize and interact with political decision-making agents. It is easier to get politically involved online due to many reasons, such as being able to engage while comfortably seated at home, to reach like-minded people with low costs (through social network sites, bulletin boards, e-mail lists and so on) and to mobilize people to take public action online and offline (through petitions, protests and other forms of social organization).

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Studies on the Internet's potential for deliberative communication, political communication and participation often resort to Habermas well known concept of the public sphere. In his recent reflections on the subject, Habermas<sup>3</sup> suggests that the society is organized in various institutions which function is to provide a bridge between the issues that concern the private spheres and the political public sphere. Even though the civil society has limited powers for intervention, it mobilizes an alternate knowledge and can influence the political sphere by reverberating public opinion.

According to the density of communication and organizational complexity of an environment, there are three types of public sphere – episodic, organized and abstract: the first refers to casual encounters and reunions of the public life; the second has well-defined objectives and it is formed by organized meetings and situations in which people are organized around common interests; the third is the sphere organized by media.

As we can observe, the notion of contemporary public sphere is associated both to the casual interactions that take place in many encounters of the everyday life and in organized communication spaces with well defined goals and purposes. Informal communications, as conversations that happen on the episodic public spheres, should be taken into account as important resources of collective interpretation on political concerns and formulation of demands to be sent to the deliberative bodies of the political system<sup>4</sup>.

The democratic process is supposed to generate legitimacy through opinion formation based on group deliberation. To be democratic, these procedures need to grant “(a) publicity and transparency for the deliberative process, (b) inclusion and equal opportunity for participation, and (c) a justified presumption for reasonable outcomes”<sup>5</sup>.

According to Dahlberg, the deliberative public sphere is constituted by communicative rationality – “action involving the public use of reason aimed at mutual understanding”. He states that communicative rationality must respect six criteria: reasoned critique of problematic validity claims; reflexivity, meaning that participants critically examine their values, assumptions and interests; ideal role taking; sincerity, simply stating that deliberation is premised upon honesty; inclusion and discursive equality; autonomy from state and economic power<sup>6</sup>.

These criteria are generally the starting point for analyzing deliberation online considering the digital public sphere approach. Nevertheless, Chadwick argues that when e-democracy and political participation online are observed according to the normative ideal of deliberation (which means that they should fulfill Habermas' and Dahlberg's criteria), it is likely that the online spaces won't be seen as having a transformational influence on citizens. As it is costly, in terms of time and effort, to engage in sustained, reflective discourse, Chadwick believes that scholars should further analyze less demanding behaviours that emerge from the web and can

potentially enhance political participation, even though they may not fulfill the idea of a genuine deliberative public sphere.

The author believes that the growing of online platforms based on user-generated content and networks will have a positive impact on political participation online and suggests seven principles in which the Web 2.0 may affect citizens' engagement with politics: 1) the internet as a platform for political discourse; 2) the collective intelligence emergent from political web use; 3) the importance of data over software and hardware applications; 4) perpetual experimentalism in the public domain; 5) the creation of small scale forms of political engagement through consumerism; 6) the propagation of political content over multiple applications; 7) rich user experiences on political websites<sup>7</sup>.

The last theme is adequate to the platform we intend to analyze. As we will see in the next section, formal political institutions are trying to design online environments that allow rich user experiences as a form to incentive political participation. Based on social networking sites, e-democracy platforms are increasingly shifting towards more enclosed environments, adopting mechanisms that can provide greater trust (as the use of real names, profiles and even pictures) and represent the citizens' real identity.

### **3 The Federal Chamber of Representatives' E-democracy Initiative**

Online spaces that are designed to enable people to communicate with others with whom they share interests and concerns, such as forums, bulletin boards and more sophisticated platforms (ie. Social network sites, e-democracy initiatives), can provide support for deliberation processes and thus be seen as forms of enhancing democracy online. They lower costs for participation, dissolve physical or geographic barriers and connect people who probably would not be able to communicate with each other if it were not through the Web.

Spaces specifically designed to support political participation, such as websites developed by formal political institutions, provide a channel for communication between citizens and their representatives and effectively participate on the deliberation processes. Governments and the Houses of Representatives from several countries are increasingly investing on the use of technology to be more accessible and transparent to the public. As Bingham's<sup>8</sup> analysis of the US Open Government Initiative suggests, even though the project hasn't made much progress towards the goal of making government more participatory and collaborative, the gains in transparency are "potential game-changers".

Chadwick and May<sup>9</sup> developed three models of interaction to describe governments' efforts to make use of Internet-based communication technologies. The first one is the *Managerial Model*, in which the Internet is seen as an improvement of previously technologies that should be used to renew established government functions with efficiency – "increased speed of delivery combined

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with a reduction in costs<sup>10</sup>. The flow of information is mainly linear and top-down, from governments to citizens, and the goal is to reduce bureaucracies and costs to provide relevant information for users, media and companies<sup>11</sup>.

The *Consultative Model* fosters interactive possibilities for democratic participation with the goal of seeking citizens' opinions on particular issues to guide decision-making. Nevertheless, this model is regulated by policy-makers and has a top-down approach, meaning that people will only have a say on issues that were previously defined by governments<sup>12</sup>.

Finally, the *Participatory Model* is the one that supports more complex, horizontal and multidirectional interactivity between citizens and politicians. The underlying idea is that knowledge emerges through interaction and deliberative communication can (and does) happen in online forums, communities and networks that foster online encounters between people with similar interests<sup>13</sup>.

Although it was not the case in Chadwick and May's analysis – whose case study may be outdated –, we believe that institutional websites can offer higher levels of interaction and empower citizens to affect decision-making processes. As we will see, this case study suggests that legislative systems have a lot to benefit from political participation online, even though there is still much to improve in terms of effectiveness and openness to users' perspectives.

The Federal Chamber of Representatives' E-democracy initiative, named "Portal E-Democracia", is an online platform that allows people to engage in discussions that are currently being addressed by their representatives and to participate in policy making – either by making direct suggestions or voting for pre-defined issues. It is becoming a well-known initiative across the world due to its structure and functionality (see Marques, 2011)<sup>14</sup>.

The access is partially closed: one accesses content without being logged in, but needs to register and set up a profile (with personal information) in order to participate on the website. Once registered, the user can choose to participate in legislative communities that are focused on specific bill initiatives that are being discussed at the Chamber of Representatives. There's also a "free space", in which users can start discussions, suggest topics and communicate with others as well.

There are many ways in which citizens can participate: they can join the debate on the forums, suggest amendments to the bills (using a wiki tool named *wikilegis*), access a virtual library, and join online chats, with predefined date and time, which allow real time conversation between representatives and users and function as web-based public audiences.

In this study, we will focus on the legislative community of the "Marco Civil da Internet" (Internet's civilian landmark), which is a draft law that gathers several bills with the intention to regulate the Internet use. This topic was chosen for two main reasons: it was vastly discussed online and had more than 8200 members at the legislative community and it concerns Internet users' rights and duties and

therefore will directly affect the daily life of the population who uses the web on a daily basis.

While this paper is being written, the bill is ready to be voted by the Chamber of Representatives. As the Brazilian legislative system is bi-cameral, the bill also needs to be approved by the Senate.

#### **4 Citizen's contributions to the Internet's Civilian Landmark:**

It is important to notice that we do not intend to analyze citizens' participation through the normative ideal of deliberation. This paper is coherent to Chadwick's perspective, which we find more adequate to our case study. Therefore, in order to analyze the effectiveness of citizens' engagement, we will compare the suggestions made through the *wikilegis* tool, which allowed people to make written contributions for the draft bill's text, and the final bill that is ready for approval.

There were two possibilities for engagement: suggestions and comments. The first required that the citizen articulated a written proposal of an amendment on a clause and justified his suggestion, while the second enabled them to comment on the text without effectively suggesting changes.

The resulting bill is constituted of 25 clauses divided in five chapters. It received 52 contributions<sup>15</sup> and 104 comments at the wiki tool. Along with citizens' suggestions through the e-democracy initiative, the text also incorporated contributions from non-governmental organizations, groups of interest, researchers and professors, service providers and so on, and also modifications made by the Representatives in charge of the bill.

When comparing the bill's initial text with its final report, we find that suggestions made through the e-democracy portal resulted in amendments in 4 clauses<sup>16</sup>, while contributions from the organized society were accepted in 2 other clauses and internal modifications made by the reviewer changed 8 clauses. It is important to notice that the reviewer also appears as coauthor on some of the contributions from the e-democracy initiative and the organized society. However, for the purposes of our study, his participation on the discussion is only accounted in the cases in which he made amendments himself.

E-democracy contributions added some important variables to the fundamentals of the bill: at the second clause, along with preservation of human rights and the exercise of citizenship, participants added the development of personality and the social means of the network as guiding principles of the bill. Citizens' suggestions also excluded the need of further regulation to guarantee the neutrality of the network, at the third clause.

At the tenth clause, which concerns the service providers' rights regarding keeping connection logs and registers available for juridical processes, a citizen's suggestion made the text clearer and technically specific, facilitating the

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understanding of what kind of information could be legally required for juridical purposes.

The last contribution regards a collective of bloggers related to a political party, which sent their suggestions directly to the Chamber of Representatives after engaging in forum discussions at the e-democracy initiative. Their proposal states that whenever a content provider or service makes users' content unavailable due to court orders, it must not only notify the user, but also replace the content with the court order or motivation to explain why the content was removed.

By analyzing users' contributions that were accepted by the Chamber's committees and subcommittees and integrated the report of the Internet's Civilian Landmark, it is clear that internet users were able to externalize their concerns regarding the network's regulation, specially in terms of transparency and accountability – two variables that directly concern the users. Citizens' suggestions demonstrated high engagement, since they needed reason to justify their proposals in order to suggest amendments.

## **5 Discussion**

Even though there are many barriers (social, economical and cultural, to cite some) that need to be transposed in order to reach a greater level of citizenship and deliberation on online public spheres, our case study shows that those who were engaged in the Internet Civilian Landmark's discussion were able to reach decision-makers and to effectively make amendments to this bill. Although the final decision was top-down, as the representatives had the power to decide on what suggestions they would take into account, they were clearly open to accept amendments proposed by ordinary citizens who participated through the e-democracy initiative.

While we believe that e-democracy initiatives such as the Brazilian Chamber of Representatives' can be an effective channel to strengthen communication between citizens and politicians, it is notable that the costs for participation are still high – as one needs to reason, elaborate and justify his/her points of view when engaging in these environments – and people may lack interest to participate (or knowledge of such tools, since they are not much advertised) because they have a negative view of politics and mistrust their representatives. This negative perspective is often related to the feeling of being powerless and misrepresented by politicians.

It is true that the Internet offers a great potential to strengthen democracy, especially when it comes to accessibility and transparency of political affairs. Nevertheless, there's still a gap between how e-democracy initiatives are supposed to empower citizens' and their real opportunities to affect decision-making processes, as a minority of users have sufficient information and opportunities to effectively interfere on political decisions.

### Notes

<sup>1</sup> PESQUISA SOBRE O USO DAS TECNOLOGIAS DE INFORMAÇÃO E COMUNICAÇÃO NO BRASIL: TIC Domicílios e TIC Empresas 2011 [Alexandre F. Barbosa ; tradução Karen Brito Sexton(org.)]. - São Paulo : Comitê Gestor da Internet no Brasil, 2012.

<sup>2</sup> GOMES, Wilson. Participação política *online*: questões e hipóteses de trabalho. In: GOMES, Wilson; MAIA, Rousiley; MARQUES, Francisco. **Internet e Participação Política no Brasil**. Porto Alegre: Sulina, 2011. ; SAMPAIO, Rafael Cardoso. Participação Política e os Potenciais Democráticos da Internet. **REVISTA DEBATES**, Porto Alegre, v.4, n.1, p. 29-53, jan.-jun. 2010.

<sup>3</sup> HABERMAS, Jurgen. O Papel da Sociedade Civil e da Esfera Pública Política (cap. VII). In: Direito e Democracia: entre facticidade e validade, livro II. Rio de Janeiro: Tempo Brasileiro, 2003, pp.99-106.

<sup>4</sup> MAIA, Rousiley. C. M. Democracia e a Internet como Esfera Pública Virtual: Aproximação às Condições da Deliberação. In: GOMES, W; MAIA, R. C. M (eds.). **Comunicação e Democracia – Problemas e Perspectivas**. São Paulo: Paulus, 2008, pp. 280-281.

<sup>5</sup> Habermas, Jurgen. Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research. In: **Communication Theory**, 16, pp.411-426, 2006, p.413.

<sup>6</sup> Dahlberg, Lincoln. Net-public sphere research: beyond the “first phase”. **The Public**, v.11 (1), p.27-77, 2004, 29-30.

<sup>7</sup> Chadwick, Andrew. Web 2.0: New Challenges for the Study of E-Democracy in a Era of Informational Exuberance. **I/S: A Journal of Law and Policy**, v.5(1), pp.9-42, 2009, p.19.

<sup>8</sup> BINGHAM, Lisa Blomgren. “Online Deliberation and the United States Open Government Initiative”, in "De Cindio F., Macintosh A., Peraboni C. (eds.), From e-Participation to Online Deliberation, Proceedings of the Fourth International Conference on Online Deliberation, OD2010. Leeds, UK, 30 June - 2 July, 2010. ISBN 0-96678-186-4.

<sup>9</sup> Chadwick, Andrew; May, Christopher: Interaction between States and Citizens in the Age of Internet: “e-Government” in the United States, Britain and the European Union. In: *Governance: An international journal of policy, administration and institutions*, vol 16, n.2, april 2003.

<sup>10</sup> Chadwick & May, 2003, p.276.

<sup>11</sup> Chadwick & May, 2003, pp. 276-278.

<sup>12</sup> Chadwick & May, 2003, pp. 278-280.

<sup>13</sup> Chadwick & May, 2008, pp.280-282.



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<sup>14</sup> Marques 2011

<sup>15</sup> available <http://edemocracia.camara.gov.br/web/marco-civil-da-internet/wiki>

<sup>16</sup> We refer to clauses to ease the process of understanding. Whenever we say that amendments were made to a clause, it can also mean that they were made to its sub clauses or paragraphs.