Making laws in a digital age

Response to Speaker's Commisson on Digital Democracy

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Introduction

Mark Ryan is Professor of Computer Security, director of the GCHQ Academic Centre of Excellence at Birmingham, and EPSRC Leadership Fellow. Gurchetan Grewal is a PhD student in Birmingham working with Ryan. We both work on an EPSRC project entitled "Trustworthy Voting Systems", which aims to develop secure technology to support politically-binding elections.

In response to the existence of the Commission, we developed our ideas about digital democracy, in an online article called "*Digital democracy lets you write your own laws*"[1]. In the article, we explore how technology can improve participation by citizens in the law-making process.

Responses to questions raised

Could technology improve the access to and usability of both legislation and the law-making process for the citizen, representatives and professionals (such as lawyers), and if so do you have any suggestions?

1. Technology has a huge role to play. It can dramatically improve the way democracy works, providing a mechanism for deep and useful involvement from citizens, experts, lawyers, advocates, lobbyists, interest groups, and other kinds of stakeholders.

2. Several mechanisms exist today which work well in specialised contexts. Examples include:

   a. Wikipedia harnesses and coordinates the views of expert writers to produce high-quality articles.

   b. Stack Overflow is software for online fora which allows users to vote-up or vote-down other user's contributions. The software displays the contributions with high numbers of votes first.

   c. Reddit is a discussion forum with similar features.

3. Research is needed to further develop this kind of system to build the systems that would support collaborative contributions to legislation, taking account of the different roles held by different users. For example, there might be a pre-defined hierarchy of users, and/or a hierarchy which evolves according to the contributions made by individual users , based on community approval. As another example, some balance must be found between authenticating users (to avoid sock puppetry and other kinds of abuse) and protection of users' privacy. Our article in The Conversation (see footnote) describes some other ideas. Our group in Birmingham is keen to carry out this kind of research.

4. A crucial aspect is how to deal with the scale of citizen involvement. If tens or hundreds of

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1 http://theconversation.com/digital-democracy-lets-you-write-your-own-laws-21483, which we append to this response.

thousands of citizens want to contribute different views, it isn't possible for legislators to read and digest all the comments. The online fora must facilitate citizens debating with each other, so that the views that attract greatest consensus are promoted and these are the ones fed back to legislators.

Should you need to be a lawyer to understand and use an Act?

5. Technology can improve citizens' ability to understand and use legislation in their daily lives. Already, people can consult online fora to understand laws about consumer rights, housing issues, taxation, family law, employment, debt, etc. Indeed, lawyers can seek business by offering advice on such fora, which may result in customer recruitment.

6. In the future, the kinds of technology mentioned in paragraph 2 can help make this process smoother.

7. Online chat (as used by e-commerce websites like Amazon) allows experts such as lawyers to conduct numerous conversations at once, and helps automate their processes. This can reduce the costs of consulting such experts.

Should technology be used to integrate citizens' views better into the legislative process? At what stage of the legislative process would this work best? How could the Public Reading Stage be improved?

8. Yes it should, in order to integrate citizens that feel disenfranchised or disconnected from society, and in order to improve the way democracy works. Democracy is currently failing in the developed world [The Economist[2]]; digital democracy is a way to restore it.

9. Technology can help at all stages:

    a. Gathering public opinion, through online fora;

    b. Drafting legislation, by harnessing expertise through online mechanisms;

    c. Coordinating online consultation about drafts;

    d. Online voting on proposed legislation;

    e. Allowing online access to and facilitated interpretation of enacted legislation

10. The Public Reading proposals by the Wright Committee didn't consider the difficulty of dealing with the scale of citizen involvement (see paragraph 4 above). It is essential to provide mechanisms for citizens to debate with each other (not just with legislators), and to use the automatic promotion/demotion of comments based on votes by other users, so that the software helps derive the consensus of opinion. (As mentioned, further research to avoid abusing this kind of system is needed.)

Are there any examples from other parliaments/democratic institutions in the UK or elsewhere of using technology to enhance legislation and the legislative process, which the Commission should consider?

11. In the UK, the government website epetitions.gov.uk invites citizens to propose petitions on any subject (subject to some conditions). If a petition gets more than 100K signatures, it may be discussed in Parliament.

12. Finland has a similar scheme; discussion in parliament takes place if 50K signatures are

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2   http://www.economist.com/news/essays/21596796-democracy-was-most-successful-political-idea-20th-century-why-has-it-run-trouble-and-what-can-be-do

made within six months.
13. In 2012, Iceland used crowd-sourcing to define a new proposed constitution. The first draft was posted on the Assembly's website to elicit other citizens to comment on the the Assembly's Facebook Page, as well as interact with council members on Twitter, YouTube and Flickr. Less than four months later and after 16 revisions of the draft posted online which gathered 16,000 comments, the draft constitution was ready. It was not finally adopted for some political reasons.
14. The website change.org supports online petition management, and recruitment of signatures. It doesn't seem to be used currently to support any democracy.