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Making laws in a digital age

This paper provides evidence on the following Commission's question:

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?

This paper presents evidence on the use of social media in the European Parliament (EP) as an example from a supranational institution. The EP has shown in the past decade some innovative information and communication policy choices to improve transparency, enhance communication by making use of new technologies to 'reconnect with citizens' at election time but also to communicate during the legislative process.

Introduction

This paper is an attempt to summarise the findings of a PhD study I conducted between 2009 and 2012 at the Institute of Communications Studies at the University of Leeds entitled "Introducing Social Networking Tools into Members of the European Parliament's Communication Patterns". My research focused on the use of social networking tools (or social media) in the context of legislative work and I specifically looked at the European Parliament and Members of the European Parliament (MEPs) as a case study.

My research sought to answer the following research question: *to what extent could Members of the European Parliament incorporate social networking tools as part of their communication resources in engaging with other actors when carrying out their work as legislators?*

This study was based on the assessment of MEPs' motivations of use and perceived benefits of using social media, focusing therefore on users' cognitions rather than the content of their communications. This piece of research was exploratory and represented a limited sample of MEPs. However the grounded theory approach adopted for this study allowed a systematic exploration of empirical data gathered through (1) elite interviews with MEPs, their staff, EP officials and lobbyists who were identified for their early adoption of the technology and (2) data gathered during the observation of two MEPs and their staff during several weeks.

Given the early stage of social media adoption at the initial stage of this PhD research (2009), early adopters were selected for the sample (early adopters were defined in terms of their activity online at the time of sampling, with the help of an online platform called Europatweets¹). Thus, 18 MEPs and/or their staff were interviewed in 2011 and 2012, 6 EP officials were interviewed in 2011 and 2 Brussels-based lobbyists were interviewed in 2011.

¹ Europatweets.eu "is a service that connects the public with politics, and promotes better and more transparent communications between voters and Members of Parliament through open conversations", retrieved on

Observation with 2 MEPs and their staff was conducted in order to provide a contextual understanding of communicative practices in the EP. Observation took place in Brussels during four non-consecutive weeks.

The findings of this study have suggested ways in which MEPs could further use social media as communicative tools when carrying out their role as legislators. Findings have shown that social media could further be used by MEPs to:

- Democratise lobbying practices in the EP;
- Establish a two-way relationship with citizens by raising their own awareness of public opinion;
- Reconfigure their relationship with traditional media;
- To initiate a more networked form of representation that includes more systematically the European civil society and European citizens in the legislative process.

The following sections summarise the findings of this doctoral study. Although focus was put on MEPs and their perceptions of use, the broader institution (its administration and its parliamentary committees) has also been explored and evidence is presented below.

Social media use in the EP (2010-2011)

The European Parliament has been proactively promoting and implementing innovative communication strategies in the Internet era. Since the 2009 EP elections, the EP as an institution, via its WebComm Unit within the Directorate General for Communication (DG COMM), has developed its own online presence and has consistently provided support and advice to MEPs, their staff and political group who have been willing to increase their visibility online on social media. An official of DG COMM explained that EP's presence on social media originated during the 2009 EP elections:

It was for the 2009 elections [...] there was a kind of enlightened Director General who gave the green light and those in the Bureau, which is the administrative... oh, the political body that administrate the administration, they gave its green light to go on social networks and try to get in touch with citizens that wouldn't be interested in EU affairs otherwise, young citizens especially and that this is how we did these three viral videos that were quite... quite broadly welcomed in all member states and got kind of a media... coverage and then, we opened all of these platforms. (EPO 2)

First launched as a campaigning tool, the tools soon became an integral part of EP communication practices.

The EP regularly monitors MEPs' presence on social media, mainly Facebook and Twitter. The results of the survey in 2011 showed that an increasing number of MEPs had a Facebook profile or a Facebook page (from 55% in 2010 to 70% in 2011) and 38% are on Twitter, up from 21% in 2009. At the time of this doctoral study, the institution had not taken (yet) further exploration of social media use (i.e. nature of use, purposes, etc.) and no large-scale survey has been conducted since to my knowledge. The only fairly large-scale research conducted on MEPs' adoption of digital tools – including social media – has been conducted in 2009 and 2011 by Fleishman-Hillard (2011).

Without a surprise, the use of portable devices such as smartphones and digital tablets has been observed as a crucial shift in communication practices in the EP and was confirmed by the interviews. Whereas the use of laptops in meetings as work tools was limited during observation, the use of smartphones was significantly high. Half of interviewed MEPs (and/or their assistants) mentioned their use of smartphones and the intrinsic correlation it has with their use of social media. Whereas some of them favoured one type of smartphone over another, some use multiple devices, including tablets. Interviews showed that social media are used daily by interviewed MEPs but observation has shown that this appropriation of the tool as part of MEPs' communication resources goes beyond the simple use. In the case of observed MEPs, social media has become an integral part of communicative patterns to the point of making the tools commonplace and to mention them naturally in conversations, the same way one would mention phone calls or emails:

And of course, if you want to use social networks, you have to be there, you have to... it doesn't work if you are only making updates one time at a week or... people must have the feeling that they... I know a lot of my so-called 'friends', every morning when they open their computer they expect to have something that they can debate... 'debate' on... from me. (MEP 2)

There is not only one model of practice in the EP where all MEPs use social media themselves or where all MEPs leave the constraint to their parliamentary assistants. Fieldwork showed that, and as one MEP assistant put it, 'hybrid models' have emerged. A spectrum of three different types of use can be simplified. First, there are MEPs who use the tools themselves. When MEP 1 was asked if he was the only one using social media, he replied:

I'm the only one. No, no I'm the only one. Because it is a mash up between private and professional, and as long as there is an inch of private in it, it is my account... (MEP 1)

Second, there can be a mixture of personal use and delegated use where assistants (local assistants and/or Brussels assistants) maintain the network presence and upload content. For instance, MEP 5 uses the tools himself but is seconded by one of his colleagues:

I tweet myself and my staff helps me to put films on Youtube and they update the websites. But I use Facebook, Twitter and the Dutch social network myself. (MEP 7)

Finally, social media can be strictly delegated to parliamentary assistants. The use of social media can be spread between local and Brussels assistants, according to the nature of use of the tools. For MEP 8, anything related to electronic communication is delegated to her assistants:

[...] the assistants manage anything related to the Internet, even her email inbox, she does not even read her emails [...](MEP 8)²

The following table summarises interviewed MEPs' use of social media in terms of social media platform, frequency of use and nature of use (personal or delegated):

Table 1 Type of social media, frequency of use and personal/delegated use

² Translated from French to English by the author.

Interviewee	Social media	Frequency of use	Personal/ Delegated use
MEP1	Twitter, Facebook (FB), Smallworld, Xing, Geotagging	Daily	Personal only
MEP2	FB, Twitter	Daily (sometimes 3/4 times a day)	Personal only
MEP3	Twitter, FB, Blog	3/4 times a day during campaigns Blog: once a week to once a month	Delegated
MEP4	FB, Youtube	1 to 3 times a week	Personal + delegated
MEP5	FB, Twitter, Dailymotion, Blog, Flickr	Daily	Personal + delegated
MEP6	FB, Twitter	Daily	Personal + delegated
MEP7	FB, Twitter, Dutch social media site, LinkedIn, Youtube	Daily (Twice a day)	Personal + delegated
MEP 8	FB, Twitter, Blog	-	Delegated
MEP9	Twitter, FB, Blog	Daily (several times a day)	Personal + delegated
MEP10	FB, Twitter, Youtube, Friendfeed	Daily	-
MEP11	FB, Twitter, Flickr, Youtube	Several times a week	-
MEP12	FB	Daily	Delegated
MEP13	FB, Twitter, Foursquare	Daily	Personal + delegated
MEP14	FB, Twitter, Blog	-	Personal + delegated
MEP15	Twitter, Flickr, Youtube, FB, Soundcloud, LastFM, Yumme, Stayfriends, MeinVZ, Blogscript	Daily (several times a day)	Personal + delegated
MEP16	FB	Daily (several times a day)	Personal only
MEP17	FB, Twitter, Youtube	Daily	Delegated
MEP 18	FB, Twitter	-	Personal + delegated
EP (Institution)	FB, Twitter, Flickr, Youtube, Myspace	Daily	N/A
FEMM	FB	Daily	N/A
PETI	FB, Twitter, Google +, Flickr	Daily	N/A

At the time of research, two parliamentary committees had a presence online: the Committee for Petitions – PETI Committee – and the Committee for Women’s Rights and Gender Equality – FEMM Committee. Their Facebook pages were used to share information about the committee work but also to share ideas and opinions.

It is worth mentioning here *online consultations* that have been launched by the EP via Facebook, since 2009 organised around legislative issues. From 2009 to April 2012, the EP had launched 33 official chats³ with MEPs via their Facebook page. A special platform was created on the EP Facebook page to allow interactive chats where, for a maximum of one hour, individuals can join a discussion with an MEP on a given issue (i.e. report to be voted or general EU affairs), via the EP Facebook page. The EP Facebook chat initiative resulted from simple curiosity as an EP official explained:

The only thing I didn't mention is the chats, maybe it's interesting because we started these a bit by game with the youngest MEPs which is 25-year-old, of course she is XX and very

³ Figures corresponds to the number of online chats on the EP Facebook page by the time that the gathering of empirical data was completed.

connected and tatata... and... and we saw that it was very well that people really love to talk to politicians and to have this impression to be somehow in a dialogue, in a conversation, and... (EPO 2)

Thus, at the time of research, the EP had established an online presence on social media, through the use of those tools by the institution itself but also and foremost by a majority of its members. The objectives of this PhD research was not to look at social media as campaigning tools in the context of political communication but rather to explore social media use as a communicative tool in the context of MEPs' work environment, that is to say their legislative work and function. Much work has been developed on the use of social media for political purposes. Most of the research in the field of political communication and Internet studies has focused on the use of interactive tools as a way to reconnect with constituents, considering therefore the representative-represented relationship (Dai 2007). New ICTs have widely been studied as campaigning tools during different elections in Australia, the UK or European Parliament elections (Elvebakk 2004; Jankowski et al. 2005; Lusoli 2005; Ward and Gibson 1998). When it comes to the use of social media, studies have emphasised the direct relationship that such tools offer between parliamentarians and their constituents (Busby and Bellamy 2011, Glassman et al. 2010). However, an exploration of the use of social media in a more organizational framework in a political context has remained the exception. The focus of this doctoral study was upon parliamentary committees where legislation is discussed and debated in its early days and where only a few studies have investigated the impact of introducing of new technologies into communication patterns (Leston-Bandeira 2007). As Leston-Bandeira notes:

“committee work is one area that still needs considerable development for the maximisation of the benefits of ICT. [...] committee work is still heavily based on traditional procedures, in terms of circulation of information, summoning of meetings, communication and so on.” (Leston-Bandeira 2007: 670)

That is why an exploration of the use of social media as a communicative tool in the legislative process was favoured. The following section describes the research findings.

Findings

▪ Democratizing lobbying practices

Findings of this study showed that, by using social media in their legislative work, MEPs have raised their awareness to a broader network of actors involved in the legislative process, a network that includes local actors, political party actors, associations and/or experts. Following a theoretical framework that considered social structures and network theories (Blau (1972), Wellman (1988), Granovetter (1973, 1983), Knackhardt (1987) and Haythornthwaite (2002)), I have suggested that when using social media in the work environment, MEPs' awareness of their network is expanding to weak ties. It follows Granovetter's argument on the strength of weak ties that states that it is through weak ties that crucial information is shared and spread in a network. Strong ties, in the contrary, restrict the size of the network to close friends who are typically socially involved with each other. The exchange and the diffusion of information among strong ties remain limited to a small group. Weak ties, in the contrary, can play the role of bridges between different networks, allowing the diffusion of information, ideas and possibly influence in a network. In this perspective, empirical findings showed that MEPs had initiated contacts on social media with weak ties, in opposition to strong ties. When the model of weak ties and strong ties is applied to actors

traditionally involved in the legislative process, external actors such as Brussels lobbyists – who already have an established relationship with MEPs – can be considered ‘strong ties’ and the broader European civil society, characterised by its physical remoteness and limited relations to MEPs, represent ‘weak ties’.

Given the increasing awareness MEPs have of ‘weak ties’ in their network, I raised the question of how social media can enable a democratisation of EP lobbying practices by allowing MEPs to further raise their awareness of a broader network of civil society actors and to potentially strengthen weak ties in the context of committee work. Evidence for example that contacts have been made between MEPs and weak ties once awareness had been raised via social media validates such argument. These findings should be seen however in light of the strong establishment of traditional communication practices (face to face communication, direct contact via phone and during public hearings) but nevertheless question the potential of social media as communicative tools between MEPs and the broader European civil society.

- **Retrieving and raising awareness of public opinion**

Findings showed that social media are used by MEPs as a public opinion awareness tool that could have a use in the legislative process. Different purposes of use have been observed, from passively listening to what people think, to actively asking for citizens’ opinions and finally, to be willing to make them participate in the legislative process by submitting amendments. MEPs’ strong commitment to listening (passively or actively) to their constituents and European citizens in general, describes characteristics of their act of representation in the EU legislative process.

- **Reshaping relationship with journalists**

Empirical data has suggested that MEPs use social media to reshape their relationship with journalists in order to get their stories put forward in national, regional and/or local traditional media. Traditionally, there has been a shared feeling that on the one hand, the media do not cover EU affairs enough and on the other hand, EU institutions, including the EP, lack to make their ‘stories’ more accessible to the average citizen, an inflexibility that is partly due to the slowness and the complexity of the legislative process. Informing on the process of legislative activities via social media appears as enhancing the creation of relationships between MEPs and journalists. MEPs see in social media the possibility to disseminate information to journalists by creating a relationship with them. This study has only explored MEP’s motivations and perceived benefits of using social media and a study of the journalist’s side would certainly be essential to get the bigger picture as this issue relates more broadly to the communication and democratic deficit of the EU.

- **Towards networked representation via social media**

Representation at the EU level has been defined in this study in a broader sense than the traditional principal-agent model or the simply legitimate (elected) representation conception. It is due to the uniqueness of the nature of the supranational representation in the EP and the increasing role of the European civil society in representing European citizens’ interests. The

European civil society's use of social media as an issue-campaigning tool, combined with elected representatives' use of social media for the same purpose should be seen in light of the networked dimension of those activities. The use of social media by MEPs, the European civil society and European citizens in the past few years has depicted changes in representation, in the paradigm itself and in the role each actor has traditionally played. The logic of relationship between the elected representative, the self-authorized and/or intermediary representative (European civil society) and the represented are called into question in this study. The empirical findings have suggested that the vertical vector of relation (i.e. as to inform and communicate) between those actors is to be reconsidered in the light of all parties' use of social media. Further research should address the following question: to what extent could representation at the EU level be characterised for its networked form?

Concluding remarks

The context of the European Parliament is very peculiar for its supranational dimension and for its everyday functioning just to name a few.

The findings presented here needs to be seen within this specific context. However, the findings of this study provide elements of evidence on how social media are being used in other legislative bodies and for what purpose they could be used in the legislative process.

When social media have been mostly considered in political communication as communicative tools for their potential to 'reconnect' representatives with citizens and mostly as campaigning tools, it is important to see social media from an organizational perspective where those tools can play a role in the work environment of elected members as well as of civil servants.

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