E-CONSULTATION IN THE UK AND THE USA: ELECTRONIC DEMOCRACY BEYOND THE VOTE

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Abstract

This paper seeks to add to the empirical knowledge on the implications of ICTs for democracy, by looking at the impact of technologies on the state-citizen relationship. The research focuses on central governments in the UK and the USA, evaluating the extent to which the Internet – rather than ICTs more generally – has been used to expand consultation of citizens within the policy-making process.

Through surveying the contents of government websites in January and February 2001, evaluating previous web-based consultations, and analysing government policy commitments on their own Internet presence, an assessment was made of the governments’ commitment to net-based consultation. These findings were then compared with an evaluation of the extent to which these governments are using the Internet to facilitate state-citizen interaction through other channels – such as online service provision and information dissemination.

The research findings indicate that central governments in the US and UK are committed to using the Internet to facilitate interaction between state and citizen. Considerable resources and political credibility have been invested in the goal of getting government “online”. However, these commitments in practice have meant the online delivery of public services rather than the expansion of consultation. New technologies are being adopted in order to meet the needs of citizens as consumers of government services rather than to encourage participation by citizens. In other words, governments are using ICTs to make it easier for citizens to receive outputs from the state, but are not allowing citizens to play an expanded role in influencing inputs. Based on these findings and on the policies that are currently being adopted in order to expand future interaction, it is predicted that, although the state-citizen relationship will be reshaped by new technologies, it is likely to follow a consumerist model, with the democratic content of citizenship left largely unaffected. Change will centre on the electronic delivery of government services and the provision of information. The dialogical potential of the Internet will be largely underutilised.
The state-citizen relationship remained essentially static in the twentieth century. The content of state-citizen interactions shifted in response to the expansion of the suffrage, the development of a rights culture, and the growth and subsequent retrenchment of the welfare state. Yet the form of the relationship, the mechanisms for interaction between voters and their representatives, changed little. Constituents could request face to face meetings with their representative or correspond by post; the government consulted on its policies via consultation documents, taking written and oral evidence, and weighting the responses heavily in favour of experts and the representatives of favoured interest groups. The costs – in time and resources – to governments of consulting more widely, and to citizens of participating more fully, were high enough to form a barrier to closer interaction.

Information and communications technologies are stripping away those costs. Once the hardware has been purchased, the marginal costs of e-mailing, downloading information and participating in online debate are low. Geographical and mobility limitations become almost irrelevant. The Internet, in particular, has the potential to have an enormous impact on state-citizen dialogue, given its unique scope for, “interactive, simultaneous mass transmission and reception”.1 A report on e-government by consultants Deloitte & Touche concluded that, “In the past two years, the Internet has advanced citizen access to government more forcefully than any other technological development.”2 There is potential to create a dynamic state-citizen relationship, and to reconceive representative democracy. Indeed, Grossman has argued that “Interactive telecommunications technology makes it possible to revive, in a sophisticated modern form, some of the essential characteristics of the ancient world’s first democratic polities.”3

Yet among political scientists there are more sceptics than optimists.4 There are frequent calls for ICTs to be used to foster “strong democracy”,5 but those who look into the future

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tend to see either little change in the nature of democracy, or dystopian transformations. There is widespread agreement, however, on one thing: that technology is not deterministic in its effects; the impact of technological change will be mediated by the political and cultural context. As Noveck puts it, “It is not technology per se which either fosters or denigrates the connection between communications media and participatory democratic culture. Technology exists within a framework of values and ideals both inherent to it and imposed by the external legal and institutional structures.”

The sections below site online consultation within the context of definitions of representative democracy and distinctions between the citizen and consumer. The empirical sections of the paper then follow, evaluating online consultations and the provision of services and information online.

**Consultation and representative democracy**


will soon allow direct democratic consultation of citizens on all issues, but the boundaries of technological capacity should not set the parameters in the debate about what we can expect from so-called 'electronic democracy'. Yet representative democracy does not require that citizens become active only during periodic elections and have no input into the policy process. In both the UK and the USA there is a long tradition of consulting citizens and organised interests in the drafting of detailed legislation or regulations. The Internet offer opportunities to extend these consultation processes, both qualitatively and quantitatively, opening them up to more participants and emphasising interactivity between participants rather than one way submission of evidence.

Within the literature it is often assumed that expanding consultation through the use of ICTs involves moving from a representative form of democracy to a more direct form. The potential for consultation to play an expanded role within the boundaries set by representative democracy is attacked from two sides in the literature on politics and ICTs. Norris, for example, draws on the Schumpeterian view of politics, in which citizens only participate in politics via “the selection of parties and representatives through free, fair and periodic elections.” She sees the Internet as performing an important role in providing information for citizens, allowing them to scrutinise their governments, and enabling people to direct grievances towards their representatives. But she argues that greater interactivity of websites is not appropriate given the role of parliaments in representative democracies. She argues: “The extensive debate about the role of the Internet for direct plebiscitary or strong democracy in the United States and Western Europe can be seen as a distracting irrelevance, a buzzing mosquito, which deflects attention from the potential function of the Internet to strengthen the institutions of representative democracy and the process of democratization worldwide.”

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7 Barriers to doing this at present include the lack of a digital register of voters and software to allow simple verification of identity.
8 ‘Electronic democracy’ is an umbrella term with varying definitions. As Moore puts it, “‘Electronic democracy’ has no generally agreed upon definition – the term is used to refer to everything from community networking and online discussion of issues, to e-mail lobbying of elected representatives.”
10 Ibid., p. 5.
Elshtain, by contrast, is part of the ‘buzzing mosquito’ debate, and is highly critical of the ability of ICTs to play any role in extending representative democracy. Elshtain “compares electronic participation with making consumer choices on a shopping channel due to the lack of opportunities for deliberation.” For Elshtain technology will enhance democracy only if used to radically reconfigure democratic practice away from the representative model.

The requirement that technologies meet only the minimum standards set by Norris or the high threshold set by Elshtain in order to be relevant to democracy is not supported by this author. Both Norris and Elshtain underestimate the extent to which the Internet can deepen democratic participation, without radically transforming it. Greater democratic participation is not inconsistent with representative democracy.

**Citizens versus consumers**

Governments have a range of objectives as they develop their own Internet presence, which have often been defined under three headings: e-commerce, e-government and e-democracy. The exact contents of these categories are not fixed, but there is consensus on their broad meanings. E-commerce refers to commercial transactions undertaken over the net and is largely a private sector activity, which governments regulate and encourage. E-government refers to the provision of government services and information on the net. E-democracy, where coordinated by governments, involves online participation in political processes. This final category can be further subdivided into electronic voting and electronic consultation, to capture the difference between ballots held on the Internet – either replacing or supplementing the existing voting procedure at election – and qualitative exercises designed to allow citizen feedback on policies.

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12 This three-part distinction is adopted from the Hansard Society – [www.hansardssociety.org.uk](http://www.hansardssociety.org.uk) – and is in common usage elsewhere within the literature on politics and ICTs.

13 This is one of a range of definitions of electronic democracy (see footnote 8). In other contexts the term need not imply a government presence and can refer to citizen-to-citizen interactions within civil society.
Within the three headings, users of the Internet can be differently categorised. It is clear that when people shop on the Internet, participating in e-commerce, they act as consumers. In contrast, when they vote online or participate in government consultation processes they are acting as citizens and expect to be treated according to the norms of citizenship, such as equal and free access. E-government is a more ambiguous category, however. When accessing state services or surfing the web for government information, it is not clear whether users are acting as citizens or as consumers of services and information. As passive recipients of services or information, choosing from a predetermined list of alternatives, they are making choices much as consumers do in the private sector. Their role therefore may be categorised under a hybrid ‘consumer-citizen’ label, indicating a web-user who is accessing government sites but whose activity on the Internet is oriented towards government outputs. It can be contrasted with the citizen qua citizen – an informed, publicly active, member of the polity, who participates in decision-making over the set of available choices – i.e. about inputs. This involved, participatory citizen is an ideal type rather than a descriptive term, close to Aristotle’s notion of the good citizen, but it serves to highlight the distinctions within the citizen category between acting as a consumer in the public realm and acting as a full citizen.

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Table 1: Government on the Internet

The categories of citizen and consumer are not ascriptive – their meanings must be chosen from a range of alternatives, using a normative framework. To claim that full citizenship necessitates active participation in political life is to refute the liberal conception of
citizenship as limited to the bestowal of rights and membership of a community. To define consumerism as a condition of passive receipt is to ignore the extent to which consumption can be an empowering experience and a form of self-expression. It is being assumed in this research that there are characteristics of the private sector consumer – including individualism, passivity and the right of exit – which are not inferior to the characteristics of the citizen, but which can impose limiting conditions on citizenship where they are applied to the public sector. They ignore the distinctive relationship between citizens and the policies and services that they ‘consume’.

These two categories of Internet user – the citizen and the consumer-citizen – can be mapped onto the distinction between electronic government and electronic democracy. Through extending electronic government, governments are providing opportunities for people to act as consumer-citizens; through opening up electronic democracy they are tilting the balance towards the citizen as citizen. Hence if governments are developing e-government strategies without encouraging participation in electronic consultation, they are supporting a consumerist form of citizenship, rather than the development of active, participatory citizenship.

The next section will examine Internet-based consultations in the US and UK at central government level, and discuss the extent to which the Internet is being used to open up consultation opportunities in ways consistent with an expansion of active citizenship. The following section will look at electronic government and at the opportunities provided to act as a consumer-citizen.

**Electronic consultation**

In order to evaluate governmental performance in this area, electronic consultation was defined as follows. It was taken to include formal opportunities to participate in departmental policy evaluations and legislative committee hearings using Internet-based technologies. It was limited, however, to cases where interactivity was initiated by governments – i.e. where citizens were being asked to participate. Spontaneous participation by citizens is an important aspect of web-based interactivity, but it does not fulfill the requirement of being solicited feedback which is an essential component of consultation. It
was also limited to requests for feedback on policy areas, rather than on the design of a website or other technical matters. On-going and completed consultations were evaluated according to a set of research questions, designed to measure the extent to which these consultations allowed citizens to make substantive contributions to policy-making processes. The questions are listed in Box 1.

- How well publicised are consultations?
- Are consultations open to all?
- How much information is provided to consultees?
- What guidelines are consultees given to assist effective consultation?
- How structured are their responses? Are they made via e-mail, a discussion forum or formal submission?
- Is consultation being used for core policies or for peripheral policies to which governments are less politically committed?
- At what stage of policy development is consultation being sought? Are governments allowing public input at an early enough stage to substantively affect outcomes?
- How far are consultation findings incorporated into the final policy?

Box 1: Criteria for evaluating consultations

These criteria are designed to measure the extent to which citizens have the necessary tools for effective participation, and how far the government appears committed to the consultation process. Assessing the effectiveness of consultation in terms of its impact on outcomes raises methodological problems, since the absence of consultation responses from the final policy does not indicate that citizens contributions were ignored, nor does their presence indicate a causal relationship. Equally, the consultation process may be effective in the extent to which it performs an expressive function, allowing citizens an outlet for their views, even where there is no discernible impact on outcomes. However, it will be assumed here that those who participate in consultation exercises are doing so for instrumental reasons, and that it is acceptable to evaluate consultation on the basis of how far people’s expressed interests were represented in outcomes.
United Kingdom

The Labour government elected in 1997 has frequently expressed its commitment to technology-driven initiatives to bridge the gap between the state and the citizen. Indeed it has been central to Blair’s strategy to modernise government. In Blair’s second party conference speech as leader in 1995, he announced “a partnership with British Telecommunications to create a £10bn national information superhighway.” Following the 1997 election, the office of e-envoy was set up in late 1998 with the remit of “leading the drive to get the UK online”. The first e-envoy Alex Allan, showed a keen awareness of the consultative potential of the Internet, arguing that, “It is in the promotion of online consultations and forums that the Internet offers truly novel means of communication. A means of communication where messages and themes can emerge in ways that may not be expected, as the participants bounce ideas off each other.”

Executive

The off-line consultative processes undertaken by the executive level of government tend to be routine and standardised. Most consultations are formally open to all members of the public, but the existence of established channels of communication between some organised interests and government departments, in practice limits the effectiveness of outsider groups and individuals. Most legislative initiatives will be announced in one or all of the following formats – consultative document, green paper and white paper – with established routes for responses. The issue of good practice in consulting the public was addressed in the 6th Report of the Neill Committee on Standards in Public Life: “We see [consultation] as a standards issue, because without the consultation of a wide cross-section of the public the openness and accountability of Government can be impaired.” In November 2000, the government launched a new code of practice for written consultation, which also covers Internet-based consultations, emphasising the need for accessibility, adequately lengthy

15 http://www.e-envoy.gov.uk/
17 Consultation documents are general statements on future policy. Green Papers are more formal statements of policy, often forming the first stage in the legislative process. White Papers contain an official set of proposals in specific policy areas.
consultation processes, and feedback on consultation responses. All departments are expected to work to these standards from January 2001. In a foreword to the draft code on written consultation, published in April 2000, Blair described consultation as “critical to the trust between the Government and the people.”

The role of the Internet in governmental consultation exercises was originally limited to information provision. In 1996, in one of the first examples, a joint Department of Health/Welsh Office consultation on the Mental Health Act 1983 Revised Code of Practice uploaded text onto the web in a zipped file. This was accessible for those who knew that the information was available and who were capable of unzipping a file, and interested parties could submit responses to the consultation document only by conventional mail.

The launch of UK Online in September 2000 began to standardise online consultative process for departments for the first time. Prior to this only two consultations had been undertaken that both provided information online and allowed interactivity between participants. The first, in November 1996 was undertaken by the government’s Advisory Committee on Genetic Testing (AGCT). The Committee requested responses to its draft code of practice on over-the-counter devices for genetic testing (such as commercially available tests of cystic fibrosis). A draft code of practice and a discussion forum were placed on the web. Interested parties could participate either by joining the discussion forum or by making a written submission. Participation rates were low, which probably reflects the narrow and specialised subject matter and the limited publicity given to the consultation. Only 20 responses were posted on the discussion forum.

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20 See http://www.cabinet-office.gov.uk/servicefirst/index/consultation.htm
24 Health care professionals in the field of genetics were notified individually of the consultation process; notifications were also placed on relevant websites and USENET newsgroups. The science and technology pages of daily newspapers were encouraged to publicise the consultation, though only the Guardian did so. Finney, C. (1999), ‘Extending Public Consultation via the Internet: the experience of the UK Advisory Committee on Genetic Testing electronic consultation’, Science and Public Policy, Vol. 26, No. 5, p. 363.
The second consultation took place in December 1997, when the Home Office in association with the independent, non-partisan public online forum UK Citizens Online Democracy,25 consulted over the government’s Right to Know (Freedom of Information) white paper. The online consultation was well publicised in off-line media and ran in parallel with a traditional printed consultation. Background resources were provided on the site, and respondents were given a range of ways to submit their views. One hundred and sixty nine submissions were made online.26

In both consultations, the sponsoring agency or department had agreed to include submissions made via the electronic discussion forum in its analysis of the consultation results. Yet, in the case of the AGCT, when the Committee Secretariat published its summary of consultation responses in January 1997, submissions made within the discussion forum were not included. Finney concludes: “there was no indication that submissions made solely on the website…were ever formally considered in the final code of practice.”27 The outcome of the FOI consultation was also disappointing. Stephen Coleman, director of the e-democracy programme at the Hansard Society, describes it as a “model consultation”. He says:

This was exactly how a consultation should work. Lots of people came on…something like 80 percent of people who came on to the site had never submitted anything previously to government before. What happened at the end of the consultation? The white paper was withdrawn, the legislation didn’t go through. And when the freedom of information bill came back it was in a spirit completely opposed to anything the consultation had suggested.28

In both these cases, therefore, there was no discernible impact on the outcome of the consultation, indicating a lack of commitment to the consultation exercise within the sponsoring department or committee.

25 http://www.democracy.org.uk
27 Ibid., p. 370.
28 Interview with Stephen Coleman, 21 November 2000.
The next stage in the development of online consultation came in 1998, when departments began to make consultation materials available on their website and to provide e-mail addresses to enable respondents to give electronic feedback. This process became standardised when the UK Online site went live in December 2000.\(^{29}\) The site includes a “Citizen Space” portal, through which users can access two options: “Say so” and “Know how”.\(^{30}\) Under the “Say-so” section, users are given the option to either “make policy through consultations” or “share your views with other citizens” through discussions. The discussion forums are well utilised, containing over 9000 postings on issues from social exclusion to food safety.\(^{31}\) A commitment is given by administrators of the forum that a summary of the discussions will be sent to the Prime Minister.\(^{32}\) However they are not attached to particular policies or consultation processes, and so fall beyond the scope of this research.

Clicking on the consultation link takes the browser to a register of all on-going departmental consultations with links to the relevant consultation documents, and a standardised feedback procedure. The status of consultations is given, showing whether they are currently open, pending or closed, and allowing visitors to the site to display only open consultations if they prefer. On a visit to the site on 21 February 2001, there were 59 open consultations, with one pending, and 89 closed – enabling visitors to participate in 40 percent of the listed consultations.\(^{33}\) Feedback is made via e-mail, with a hyperlink provided to the relevant e-mail address.\(^{34}\) The background documents provided on the site vary in length and detail. Most are consultation documents, rather than the more formal white or green papers.

\(^{29}\) <www.ukonline.gov.uk>.

\(^{30}\) The “Know how” section allows the user to “identify your elected representatives at different levels of government; register to vote, and get information about elections. It also tells you who you can talk to if you have problems with, or wish to complain about a government, or public, service.”

\(^{31}\) http://www.ukonline.gov.uk/online/citizenspace/default.asp. There were 9,202 postings as of 6 March 2001.

\(^{32}\) However, one interviewee who was closely involved with UK Online described this as “nonsense”.

\(^{33}\) See http://www.ukonline.gov.uk/online/citizenspace/default.asp

\(^{34}\) In the majority of cases e-mail is sent to the coordinator of the consultation at the relevant department or agency (and is the same person to whom written submissions are sent, rather than a webmaster or technical officer).
The consultations listed on the UK Online register are comprehensive and facilitate feedback through the provision of a central portal, but it is not clear that they do more than create a new and quicker access point into existing consultation procedures. Limiting consultation responses to e-mail submissions fails to develop the interactive potential of the net, which could be used to facilitate an exchange of views between respondents themselves or between citizen and government. The fact that in most cases consultation was being undertaken on consultation documents rather than on green or white papers implies that the process is taking place at a relatively early stage in the legislative process, before policy is formalised. However, the absence of feedback about the extent to which e-mail submissions were considered within policy-making makes it impossible to estimate the effect on legislative outcomes.

An insight into the government’s view of consultation was given on the pilot version of UK Online, launched in December 2000. On the “How government consults” page was a paragraph emphasising the limitations of consultations: “The responses are weighted according to who has sent them in. This means that the views of the organisations and experts, who have been invited to respond, count for more than the view of other organisations and people. But all responses are carefully considered and your views in a consultation may influence government policy more directly than voting for manifesto policies.”35 This is a revealing paragraph, explaining the hierarchy of respondents and indicating the relative importance of participating in consultation vis-à-vis voting. However this paragraph had been removed from this page when the site was officially launched on 19 February, suggesting that these were not sentiments that the government was keen to make publicly.

Parliament
Consultation on the content of legislation tends to be focused on the executive branch of government in the UK, but the system of select committee hearings within Parliament act as a quasi-consultative process, in which the views of outside interests are solicited. There is scope for committees to expand their inquiries via the Internet, gathering evidence

35 This was downloaded from http://www.ukonline.gov.uk/online/citizenspace/consultation/default.asp on 14 February 2001, but has now been removed from the site.
electronically rather than depending on written submissions or oral testimony. The Hansard Society has run a number of innovative online consultative exercises in collaboration with parliamentary committees on issues ranging from domestic violence to data protection. Unlike executive-based consultations, which have a tradition of being open to all, the Society has developed consultations that build on the ‘expert witness’ tradition of select committee hearings. According to Coleman:

When we started talking to parliamentary committees about running consultation over the internet the assumption that we had was that if the consultations are going to result in real evidence for committees the only way we can produce that evidence is by thinking very carefully about how we get people to deliberate and who we invite to do that. So the first thing we did was rule out opening a website and say to everyone and anyone come on and speak, because you can extend democracy without opening things up to everyone. And if you can extend democracy in this way the question is who needs to be involved, who currently is not being heard, how do you help them have their say in a useful way.

The data protection consultation, for example, was limited to invited participants from the data protection field, including lawyers, IT specialists, and people involved in privacy legislation in other countries. Held in 1998 to discuss a new code of practice on data protection, the process was run by the Hansard Society in collaboration with the Parliamentary Office of Science and Technology (POST). In October 1999, the Hansard Society again worked with POST to coordinate a consultation with scientists and engineers as part of the House of Lords Science and Technology Committee Inquiry into Women in Science.

An online consultation on domestic violence took place in Spring 2000, and was run by the Hansard Society on behalf of the All Party Parliamentary Group on Domestic Violence. It was a closed consultation, with participants identified via the Women’s Aid organisation, and

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36 The Hansard Society for Parliamentary Government is an independent non-partisan educational charity, whose President is the Speaker of the House of Commons – http://www.hansard-society.org.uk
37 Interview with Stephen Coleman, 21 November 2000.
38 Coleman, Stephen – evidence to the Select Committee on Public Administration, 11 January 2000.
then provided with a special password and PC access. Security and anonymity were essential given that most participants were living in refuges and needed to protect their identity and location. Internet-based consultation thus allowed them to provide testimony to a committee without the security risks that would have prevented them from testifying in person. MPs from the Domestic Violence Group logged onto the website periodically to follow the online debate, a factor Coleman believes encouraged participation: “We asked people why they participated and whether they felt more motivated to participate in the domestic violence consultation because they were speaking to parliamentarians. And they said yes, no doubt whatsoever.”

The Hansard Society is currently conducting a consultation on tax credits on behalf of the Social Security Select Committee, and is planning future consultations with the homeless and the elderly. Stephen Coleman, who has been project director on the consultations outlined above predicts that, “within a year to a year and a half, parliament will adopt online consultations as a standard part of its committee hearings.”

The extent to which these legislative consultations had an impact on outcomes is difficult to assess given that select committees and parliamentary groups are charged with making recommendations and scrutinising departmental actions, rather than making policy. Coleman acknowledges that the findings of the Women in Science consultation did not match the needs of the sponsoring committee, and so was not effective. The data protection consultation took place at a late stage in the policy process, with respondents being asked to comment on an existing code of practice rather than being brought in at the design stage, which led to criticisms from some participants about the consultation’s effectiveness.

Following the domestic violence consultation, Margaret Moran (chair of the All-Party Group) made a statement in the Commons on 7 June 2000, summarising the findings of the research and asking for government action in a number of areas – such as improving the protection of children in situations of domestic violence.

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39 Interview with Stephen Coleman, 21 November 2000.
40 Ibid.
42 Moran, Margaret (2000), Hansard, 7 June: Column 112WH - http://www.parliament.the-stationery-office.co.uk/
of the Lord Chancellor's advisory board on family law agreed to take the findings of the consultation into account when looking at proposed change to the act.43

**USA**

Given the advanced broadband technology and the high penetration rates of the Internet in the USA, the surprising finding from a survey of Congressional and executive websites is that the US lags behind the UK in its use of net-based consultations. The Clinton administration committed itself to establishing a strong online presence for government as part of its Reinventing Government initiative. As early as 1994, as part of the National Performance Review element of Reinventing Government, Gore pledged to “provide all citizens with electronic access to government by 2000, by connecting every classroom, library, hospital and clinic to a national information infrastructure.”44 According to Davis, “As the Internet spokesperson for the Clinton administration Gore claimed that the knowledge received from the information superhighway would “spread participatory democracy.”45 Yet thus far there have been very few attempts to stimulate that participate through online consultation.

**Executive**

The federal government launched FirstGov, a portal into all government websites, in 1995.46 It provides an effective and user-friendly search engine, but it lacks the interactivity of its UK equivalent, UK Online. It features a feedback section, with links to executive agencies, listed either alphabetically or by topic, but the opportunities for interaction are largely limited to providing service-related comments. The links to standard consultations are absent. An ad hoc survey of the feedback links offered by FirstGov on 11 January 2001 found that half of the links (53 out of a total of 107) offered only contact information, with the remaining 54 inviting users to provide comments. However the majority of these were general invitations to contact the agency; or to give feedback on agency performance in a particular area of its

46 http://www.firstgov.gov
jurisdiction. In no cases were agencies inviting browsers to participate in ongoing policy-making or in changing the services on offer.\textsuperscript{47} According to Steven Clift of the Minnesota-based Democracies Online, “When you compare the availability of online interactivity from the US government with the UK, the lack of US government interest stands out. There is no real chance to be an e-citizen on the government’s online turf here, for now we can only participate in commercial and non-profit online spaces.”\textsuperscript{48}

In part the absence of interactivity reflects the structure of US government. Government departments do not have the jurisdictions of their UK counterparts, and most legislative initiatives are drafted at state level or in Congress. Agencies or departments are most likely to consult on a new regulation than a major piece of legislation. The state and local level is particularly important in the US compared with the UK. However citizens themselves use federal government websites more often than local or state government sites, signaling that it is a relevant contact point for online browsers. A survey for the nonpartisan Council for Excellence in Government found that 54 percent of Internet users had visited federal government websites, whereas only 45 percent and 36 percent had visited state and local government websites respectively.\textsuperscript{49}

To date there has only been one online consultation undertaken by a federal agency. In 1997, the US Department of Agriculture initiated an electronic consultation process following the publication of a proposed standard on the marketing of organic agricultural products. The online journal GOVEXEC.COM described it as, “the first fully electronic rule-making for a major regulation in federal history.”\textsuperscript{50} It attracted considerable media attention. According to


\textsuperscript{48} Clift, Steven (2000), Democracies Online Newswire – http://www.e-democracy.org/do – posted 19 February. Clift was a founder of the Minnesota E-democracy programme in 1994. The programme aimed to provide political information and online discussion forums for local users. It is now widely held to be one of the most successful local electronic democracy initiatives. See http://www.e-democracy.org

\textsuperscript{49} Council for Excellence in Government, e-government: The next American Revolution, 2001, p. 9 – http://www.excelgov.org/. The Council for Excellence in Government is a non-partisan, non-profit organisation undertaking research to further the goal of better government performance. The fieldwork for the survey was done 14-16 August 2000 by the research firms of Peter D. Hart and Robert M. Teeter. It was a three-part study that included surveys of: 150 government officials; 155 business and non-profit leaders; and 1,003 members of the general public. The margin of error for the survey is +/- 4%.

Shulman, “Following publication of the proposed rule over the Internet, the USDA received over 275,000 public comments by e-mail, www, fax and postal mail.” Indications are that it did lead to a change of policy on the part of the Department of Agriculture. At the end of the initial consultation process in May 1998, Agriculture Secretary Dan Glickman announced that “fundamental” changes would be made in the proposed rule, promising that, “If organic farmers and consumers reject our national standards we have failed.” The revised code of practice that emerged in March 2000 was very different in tone from the original draft consultation, which had been heavily weighted towards the interests of food producers rather than consumers. According to Dr Margaret Mellon of the Union of Concerned Scientists, a persistent critic of the USDA’s original proposal, the new rule, “could turn out to be the most important rule the USDA has issued in 20 years.”

This experiment in electronic consultation has not yet been replicated by other agencies. However, in December 1999, the Clinton administration reinforced the importance of upgrading “the capacity of regulatory agencies for using the Internet to become more open, efficient and responsive.” Each agency head was required to “permit greater access to its officials by creating a public electronic mail address through which citizens can contact the agency with questions, comments or concerns.” However, there was no requirement that agencies use the Internet to extend their formal consultation procedures.

Congress

Congress has not, thus far, shown Parliament’s willingness to experiment with consultation procedures. Congressional hearings, like parliamentary committees, represent the point at which consultation is most appropriate within the legislative process. The role of congressional committees in determining legislative outcomes is so much greater than that of parliamentary committees that the scope to involve people in consultation appears to be considerable. Through their formal and informal off-line consultation procedures,
committees have historically been highly porous, allowing organised interests access into the decision-making arena. This tradition of openness to outside interests, which is much less pronounced in the British system, would suggest that online consultation would be highly appropriate for Congressional committees.

A survey of Congressional websites indicates, however, that online consultation has not yet been adopted by any of the committees or subcommittees. A range of possible reasons might explain this. Firstly, Congress is struggling to deal with the weight of e-mails which members receive and until it has devised a system to manage e-mail traffic there may be little incentive for members to widen communication channels with citizens any further. However, this problem is also faced by British Members of Parliament, and has not hindered innovation in the latter case – although MPs have smaller constituencies and lower Internet usage in the UK reduces their e-mail traffic. Secondly, Congress’ reputation for being more open to interest group influence than its UK equivalent, with multiple points of access for interested parties, may make online consultation less of an imperative if Congressmen and women feel that they already hear from a wide range of interests.

The evidence discussed above suggests that Internet-based consultation is highly undeveloped in the US and the UK. Online interactivity is certainly not yet a standard element of consultation exercises at executive or legislative level. The provision of e-mail addresses has made one way communication easier, but this is a complement to the traditional written submissions rather than signifying an important qualitative change. Very few consultation exercises have offered interactivity between citizen and state, with MPs, bureaucrats or government ministers providing feedback to consultation respondents. Those online consultations that have been undertaken, have been disappointing, with almost no evidence of responses being incorporated into policy outcomes to any greater extent than under traditional forms of consultation, and in some cases less so. Table 2 breaks down the existing consultations using the criteria for evaluating consultation given above.
<table>
<thead>
<tr>
<th>Consultation</th>
<th>Executive/legislature</th>
<th>Publicity</th>
<th>Open to all?</th>
<th>Form of response</th>
<th>Guidelines for consultees</th>
<th>Core/peripheral issues</th>
<th>Link to policy making</th>
<th>Reflected in outcomes?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory Committee on Genetic Testing 1996</td>
<td>Executive – UK</td>
<td>Low</td>
<td>Yes</td>
<td>E-mail submission</td>
<td>Yes</td>
<td>Peripheral</td>
<td>Review of draft code of practice</td>
<td>No</td>
</tr>
<tr>
<td>Right to Know White Paper, 1997</td>
<td>Executive – UK</td>
<td>High</td>
<td>Yes</td>
<td>Discussion forum</td>
<td>Yes</td>
<td>Medium</td>
<td>White paper withdrawn</td>
<td>No</td>
</tr>
<tr>
<td>Domestic violence, 2000</td>
<td>Legislature – UK</td>
<td>N/A</td>
<td>No – selected participants</td>
<td>Discussion forum</td>
<td>Yes</td>
<td>Peripheral</td>
<td>Not obviously linked to policy change</td>
<td>Unclear</td>
</tr>
<tr>
<td>Data Protection Act, 1998</td>
<td>Legislature – UK</td>
<td>N/A</td>
<td>No – selected participants</td>
<td>Discussion forum</td>
<td>Yes</td>
<td>Peripheral</td>
<td>Review of existing code of practice</td>
<td>No</td>
</tr>
<tr>
<td>Women and Science, 1999</td>
<td>Legislature – UK</td>
<td>N/A</td>
<td>No – selected participants</td>
<td>Discussion forum</td>
<td>Yes</td>
<td>Peripheral</td>
<td>Did not fit requirements of committee</td>
<td>No</td>
</tr>
<tr>
<td>USA – National Organic Program, 1997-2000</td>
<td>Executive – USA</td>
<td>Yes, high media attention</td>
<td>Yes</td>
<td>E-mail and web-based submissions</td>
<td>Yes</td>
<td>Medium (linked to GM and food safety)</td>
<td>Review of draft regulation</td>
<td>Some changes made</td>
</tr>
</tbody>
</table>

Table 2: Evaluating electronic consultation
The differences between institutions and between countries are significant. Consultation is less well developed in the US than in the UK, at both executive and legislative level, and there has not been the same willingness to experiment with ad hoc online consultations. At executive level this may be due to the decentralisation of the American system, which requires that federal agencies exercise an oversight or regulatory role, providing fewer opportunities for consultation through electronic or conventional channels. Paradoxically, however, the US Congress, which has more legislative power than its UK counterpart, is also less willing to initiate online consultations or to allow electronic participation into its established feedback processes.

Institutional differences within countries are also significant. Parliamentary committee hearings have a tradition of calling expert witnesses to give testimony rather than opening up consultation to the general public. Thus where Parliament has engaged in consultation over the Internet it has opted for closed schemes, where participants are pre-selected. The tradition of calling witnesses to give testimony is also a feature of formal Congressional committee hearings, suggesting that if Congress does move towards online consultation it may adopt a model similar to that used in Parliament. In contrast, the need to design consultations to allow the widest possible range of participants is the challenge facing executive departments and agencies in both the UK and the USA. This raises questions about how much publicity consultations receive and how far all affected groups have Internet access, which need to be addressed before online consultations can effectively supplement off-line procedures.

Based on current levels of consultation, and the lack of a clear commitment to extend online consultation further, it seems likely that the impact of the Internet on standard consultative procedures in the institutions studied will be small. Davis concludes an analysis of Internet usage within Congress by arguing that, “What changes do occur in the legislative process are likely to be procedural rather than substantive.” This conclusion seems applicable to the US and UK central governments more widely.
E-government

E-government is distinguished from e-democracy by its focus on state outputs rather than inputs, relating to the implementation of policy rather than its formation. That is not to say that service recipients and website users will not be consulted to measure levels of satisfaction and provide channels for complaint. But consultation on satisfaction with outputs is qualitatively different from the pre-legislative consultation that was discussed above.

Provision of information

This is an area where governments, and particularly executive branches of the state, have performed well. It is now possible to find an extremely wide range of government information on the web - ranging from the full text of bills to details of those countries which are safe for UK or US citizens to visit.

United Kingdom

The UK launched a portal for central government in 1994, with the aim of creating a single point of entry for people who wanted access to government information. By December 1994 it was receiving 35,000 hits a week; by August 1999 this had increased to over 14 million hits a week. The site has been criticised for its non-intuitive name, and an unwieldy search engine, but it does provide an organisational index of all public bodies on the Internet, a topic index, a list of what’s new on government sites, and links to other government portals. The site complements UK Online, discussed above.

The National Audit Office’s Government on the Web report, published in December 1999, surveyed the information facilities provided by government websites. It found that almost 90 percent included a statement of current activities; 67 percent included a ‘what’s new’ section; 60 percent contained a mission statement; and 56 percent included a list of basic...

55 http://www.open.gov.uk
56 http://www.open.gov.uk/services/about.htm
58 For example, a search using the term “e-government” generated 1321 hits. Second in the list was a link to electronic government in Australia, suggesting that the site does not sort hits for local relevance.
responsibilities.\textsuperscript{59} Three-fifths of sites included a designated contact route, but often this was by fax or telephone rather than e-mail. Over a fifth of sites included details of how citizens could complain or appeal against decisions.\textsuperscript{60} The report found, however, that “Features that allow more extended interactive communication of information with citizens are still weakly developed in public agency sites. Only one in six sites allowed any forms to be downloaded by users, and only one in eight allowed users to submit forms to the agency online. Chat rooms or forums for outsiders to discuss issues were provided by less than a tenth of sites.”\textsuperscript{61}

The Parliamentary website is poor by comparison, and difficult to use for those who are not familiar with parliamentary structures and procedures. Few MPs have websites, and a recent survey rated those that did exist very poorly – branding them “inept”, “flaccid” and “bland”.\textsuperscript{62} All MPs now have publicly available e-mail addresses, but the fear of overload has made most MPs very circumspect in their usage, and until constituency screening processes are in place they will probably be continue to be so.

\textbf{USA}

Like its UK equivalent, the US government’s portal provides access to a high volume of information. Via the <www.firstgov.gov> portal it becomes possible to navigate through the fragmented federal bureaucracy, with organisational charts providing an indication of the structure of the government, including the proliferation of agencies attached to it. Most divisions within agencies and departments maintain their own website; the Department of Defence alone has 3,000 websites with about 1.5 million pages.\textsuperscript{63} There are links to Congress, the judiciary and state and local governments. A link entitled ‘Doing Business with Government’ takes the browser to a list of the online transactions for citizens, including filing a tax return and reserving campsites at a national park.\textsuperscript{64} Agency sites provide a range of information, which Davis categories under four headings: mission description (i.e. general statement of what the agency does); mission activity (ongoing updated information about

\textsuperscript{60} Ibid., p. 14.
\textsuperscript{61} Ibid.
\textsuperscript{64} \url{http://www.firstgov.gov/top_nav/buswgov.html}
activities of the agency); consumer information (details of specific services agency provides); and interactivity (links allowing citizens to interact with agency staff). Davis points out that it is the last element – the inactivity – that is usually missing: “Nearly every site provides e-mail addresses, and may allow specialised feedback, such as complaints of fraud. But this rarely affects the agency’s decision-making processes.”65 These findings closely match those of the National Audit Office's content analysis of UK websites, discussed above.

Congressional sites also offer a large quantity of information, providing links to members, committees, and detailed information on legislative activities. Full transcripts of floor proceedings are available, along with roll call votes and committee proceedings.66 From each member’s website, a centrally administered link generates a form through which browsers can send an e-mail to a chosen Senator or Congressman. As Owen, Strickler and James point out, “Today, any user can check the status of any bill or amendment – a capability formerly held only by lobbying firms and interest groups.”67

The US executive and legislature do, therefore, appear to have an advantage over their UK equivalents in the provision of information. Davis is highly critical of the quality and content of information carried online in the USA, however. He argues that, “Each level or branch of government, of individual agency or member office, is using the Internet to fulfil the same functions carried on offline – primarily touting the accomplishments of the office or individual, and/or soliciting public support for policies. All of these activities are carried out at the taxpayer’s expense. The Internet thus is a public relations rather than a public participation tool.”68

Criticism of the use of the Internet as a propagandist tool has also been leveled at the UK Online initiative, which features a daily news information service. The Sunday Times likened this daily news component to the government printing its own newspaper – something that

was last done during the general strike of 1926. The paper alleges that civil servants have dubbed UK Online “Pravda.com”.69

These allegations threaten to undermine the credibility of the governmental websites, particularly when sited within wider criticisms of the Blair and Clinton styles of government for their emphasis on promotional methods of communication rather than more neutral information provision. Access to reliable information is a necessary, though not sufficient condition, of active citizenship, and the Internet offers unprecedented access to a vast array of political material. As Fineman points out, “One of the great advantages of the Internet, is that access to political information is being radically democratised.”70 Yet active citizenship requires that this information be accurate and unbiased, and also that there are opportunities to act on it within the political sphere. If governments are using their websites to advertise their achievements, and citizens are consuming information that they take no part in producing, full citizenship is unable to flourish.

**Service-delivery**

The second output-oriented dimension of e-government is the provision of online services. As with information, the assumption is made here that, unless connected to a debate about political inputs, this is a primarily a passive, consumer-based innovation and not an expansion of participatory citizenship. However, this should not be taken as a rejection of the value of online service-delivery to service users. Equally it is not to downgrade the importance of allowing consumers of services to provide feedback about their experiences of those services. Rather it is to argue that this does not indicate any commitment on behalf of the government to the goal of expanding electronic consultation as defined above.

There is no doubt that service delivery is the aspect of ICT usage that governments have invested most resources and political capital. Deadlines have been set for the delivery of 100 percent of services online, indicating the seriousness of the governments’ commitments. In 1999, the UK government expressed its commitment to providing 100 percent of

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government services online by 2008, a target that last year was reduced to 2005. In the USA, Clinton committed his government to the target of full online service delivery by 2003.

**United Kingdom**

The first commitment to online service delivery came in 1996, when the Conservative government published a green paper setting out a strategy for e-government, entitled, *Government Direct: the Electronic Delivery of Government Services*. In the foreword to the green paper, the then Minister for Public Services Roger Freeman said, “I believe that it will help to bring government closer to the individual and give citizens…more control over their dealings with government.” The language of the green paper shows the same orientation towards treating citizens as government “customers” that is evident in reports from the post-1997 Labour government. According to the green paper, the aim of the government’s electronic strategy should be “to make electronic direct delivery of services the preferred option for the majority of government’s customers (both citizens and businesses).”

Since 1997, the Labour government has published a number of documents directed towards extending online service delivery. The Modernising Government white paper, published in March 1999, called for an improvement in government service delivery, and highlighted online provision as the best way to achieve this. In the introduction the then minister for the Cabinet Office, Jack Cunningham called for government to recognise that people were “consumers as well as citizens.” The white paper also called for the publication of a strategy for ‘Information Age Government’. This strategy was published in spring 2000, and entitled *e-government: a strategic framework for public services in the Information Age*. It emphasised the potential of new technologies to bring about a “transformation of the way government and

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citizens interact.” Effectively this translated into a transformation in service provision. In a foreword to the report, Cabinet Office Minister Ian McCartney said: “We are at the start of an information revolution which is changing the way companies do business and the way citizens get many of the services and goods they need… Information Technology is a powerful enabler but the starting point should always be to identify what the customer wants and then to look at how we use IT to identify this.” In September 2000, the Performance and Innovation Unit, within the Cabinet Office, published a report – *e.gov: electronic government services for the 21st Century* - setting out the direction for the delivery of government electronic services. In its introduction, the report states that, “The digital revolution offers huge opportunities to improve public services by better tailoring them to the needs of individual citizens, who increasingly want to be able to choose when, where and how they interact with government.”

Bob Evans, director of UK Online within the e-envoy’s office, estimates that 40 percent of services are now online. According to the *Guardian*, “The Cabinet Office has even counted how many individual government services there are (457 of them) and is ticking off those that are delivered electronically.” Citizens can now fill in their income tax forms online, and even report certain crimes to the police via an Internal portal. According to a report by Deloitte & Touche, government websites are being transformed, “from one-way information sources to transaction processing commerce centres.” There may be doubts about whether or not these targets will be met – but there can be little doubt that service delivery is the priority for the government’s Internet strategy.

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79 Interview with Bob Evans, 23 February 2001.
80 Cross, Michael (2000), ‘How IT can change the way we deliver public service’, 15 November.
81 ‘Good day, bad day’, *Guardian*, 12 January 2001
83 A report by Forrester Research, published in February 2001 rated government departments according to their level and quality of online service delivery. The average grade, on an A to E scale, was a D. Forrester Research press release (2001), ‘Forrester Gives UK eGovernment A Failing Grade, And Advises Creation Of Private-Sector Partnerships’, 2 February - http://www.forrester.com/ER/Press/Release/0,1769,496,00.html
This was particularly evident when UK Online’s Citizen Portal was launched as a test site in December 2000. Its expressed aim was “to evolve into the single place where you can access available UK government information and services online.”\(^{84}\) The consultative and discursive aspects of the site were not mentioned. The E-envoy’s office published the UK Online’s first annual report in September 2000. The document listed 25 aims of the UK online strategy. Of these, 15 related to e-commerce; 5 related to e-government (such as moving to services and procurement online); 4 were oriented towards improving access and skills training for net users. Only one could be categorised as relating to e-democracy: “Drive forward citizen participation in democracy as part of the UK online citizen portal.”\(^{85}\)

USA

The reinventing government initiative was set up by the new Clinton administration in March 1993, as part of the National Performance Review. One of the goals of the initiative was to make the Federal government “customer driven”, in other words responsive to the users of its services. According to an executive order in September 1993, “The standard of quality for services provided to the public shall be: “Customer service equal to the best in business.”\(^{86}\) The Conversations with America initiative was launched in 1998, on the fifth anniversary of the creation of the reinventing government project. In aimed, to “engage federal workers in two-way conversations with their customers, the American public, on how to improve customer service.”\(^{87}\) Speaking at the launch of the initiative, Al Gore said, “We want a government that see citizens as customers, to be respected and served.”\(^{88}\) Agencies were required to demonstrate their commitment to the initiative. E-mail and the Internet played an important role in facilitating these conversations, and in providing customers with information about what had changed.


\(^{87}\) [http://ww.npr.gov/converse/conversa.html](http://ww.npr.gov/converse/conversa.html)

In a 1999 memorandum, Clinton required that “the heads of executive departments and agencies shall, to the maximum extent possible, make available online, by December 2000, the forms needed for the top 500 Government service used by the public.” This medium-term guarantee reinforces the commitment to full online service delivery by 2003.

The extent to which this pledge has been met and the government is on target to meet the 2003 deadline is the subject of ongoing research which is not complete at this stage. Until this data-gathering process is finished, conclusions about the level of online service delivery in the US must be tentative. As in the UK, the willingness of the government to set a clear target for full online delivery of government services appears to indicate a high level of commitment towards the goal of electronic service delivery. The decentralised structures of American government, however, ensure that the central government agencies are unlikely to have direct responsibility for delivering the bulk of government services. It is anticipated that the federal government’s primary role will be to oversee state compliance with e-government targets, since most citizens receive their government services at sub-federal level.

Conclusion: citizens and consumers in the UK and USA

The progress which governments have made in developing online service and information provision contrast starkly with the very limited development of online consultation opportunities. Where consultation does take place the extent of interactivity is often limited to one-way e-mail, and consultation tends to be on peripheral rather than core issues. As Moira Scobbie argues, “Most of the discussion to date has been focussed around seeking improvements in economy and efficiency within individual government departments. It appears that ICTs have been viewed very much as oiling the wheels of government bureaucracy rather than as potentially liberating and empowering the wider population.”

In both countries, it appears that resources are currently concentrated on catering for the
citizen as consumer, with little provision made to expand citizen participation. The rate at
which the administrative machine has adapted to other aspects of the technological
revolution, such as the provision of information and services, whilst not rapid by private
sector standards, is considerably quicker than their willingness to open up consultation
processes. This suggests that the barrier is political rather than technical or administrative,
based on reluctance towards or uncertainty about an extension of democracy.

There are some indications that this may improve in the future. The Cabinet Office in the
UK recently appointed a designated civil servant whose policy brief is ‘electronic
democracy’. Ways to expand and redevelop the Citizen Space element of UK Online are
being explored within that brief. In the US, it is unclear how far the incoming Bush
administration will prioritise electronic government and whether he will push new initiatives
towards electronic democracy. In both countries, the resources committed to online
consultation are small compared to those that are being ranged behind online services, and it
is difficult to foresee substantial change in the short-term future.

It is not only the absence of online consultation that should be a cause for concern for those
who seek to extend active citizenship. The shortcomings of those consultations that have
been undertaken may discourage people from taking part in subsequent consultations. Jamie
Percy-Smith points out that, “A positive experience of participation will in [itself] encourage
further and more effective participation.”91 The converse of this is that participation in token
consultations that have no discernible impact on outcomes may increase cynicism and make
people less inclined to take part. As Scobbie argues, “If we are to realise the vision of online
democracy then rebuilding people’s confidence in politicians, reconnecting them with their
representatives and restoring their belief in their power to effect change will be crucial.”92

The extension of Internet-based consultation raises many issues that have not been
addressed here – including access to PC hardware, training in online skills, and protection of

92 Scobbie, Moira (2000), ‘Responses to Digital Scotland Task Force Report, June -
www.scotland.gov.uk/digitalscotland/responses/moiras.pdf
privacy of citizens. New opportunities and problems will be raised, as the Internet becomes accessible via digital television or broadband cable. The issue of demand must also be addressed. The Internet is a difficult medium through which to reach the unmobilised and uninterested. Visitors to a website have to make an explicit choice to be there. This is less of a problem where the Internet is used to publish information or to deliver services electronically, since those sites cater to those with a prior interest. It is much more of a problem as governments start to explore the potential for using the Internet as a tool of consultation. If governments are to hear from a wide range of citizens, rather than those mobilised citizens who would previously have made their views known through other channels, they must publicise consultations effectively and demonstrate to participants that their contribution makes a difference.
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