

Country Overview Spain

**VOICE OR
CHATTER?**
STATE OF THE ART

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MAKING ALL
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A GRAND CHALLENGE
FOR DEVELOPMENT

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State of the Art: Spain

This report aims at providing an overview of the normative and institutional state of art of ICT-mediated citizen participation in Spain. The first section provides an overview of the political and civic liberties framework in Spain. In the second section the landscape of ICT mediated citizen engagement is mapped. In the third section, the report engages with implications of technology mediations for deliberative democracy and transformative citizenship.

1. Overview

In September 2015, Madrid – the capital of Spain – initiated a participatory democracy project, *Decide Madrid*¹ (Madrid decides), to enable participatory strategic planning for the municipality. Less than half a year after, in February 2016, Barcelona – the second largest city in Spain and capital of Catalonia – issued their own participatory democracy project: *decidim.barcelona*² (Barcelona, we decide). Both cities use the same free software platform as a base, and are guided by the same political vision. The success of the initiatives and the strong political vision behind them have caused the outburst of plenty of other initiatives across the whole Spanish state – and most especially in Catalonia – that are working to emulate the two big cities.

This report provides an overview of the historical evolution of ICT-mediated citizen engagement in Spain, tracing the movement from top-down, unidirectional institutional-centric initiatives to the liquid, bottom-up networked cultures of participation fostered by the emerging Spanish municipalist technopolitic movement.

1.1. Political Background

On 11 March 2004, Spain suffered its worst terrorist attack ever in history. Al-Qaeda claimed the lives of almost 200 people in Madrid, after bombing several trains during rush hour. The event happened three days before the general elections to the Parliament – whose result also decides the Prime Minister. Also, it occurred one year after the government of Spain had supported the invasion of Iraq against the will of almost the entire Spanish population (Traficantes de Sueños, 2004).

For three days after the attack, the official version of the Ministry of Home Affairs was that, the attack had been led by the Basque terrorist organization ETA, ignoring available evidence (Traficantes de Sueños, 2004). Two main reasons were behind this behavior: on the one hand, the fact that the fight against ETA had historically been electorally beneficial, especially for a right-wing party; on the other hand, to avoid acknowledging that there might be a cause-effect relationship between the Spanish participation in the invasion of Iraq in 2003 and the Madrid attacks a year later, an invasion that the government then in office had led against the will of almost the whole citizenry.

Amidst suspicious of fraud – moral fraud at least - Spaniards threw themselves into the World Wide Web to obtain information from third parties, as Spanish media were either under the control of the government or, at the least, failing to challenge the official

1 <https://decide.madrid.es/>

2 <http://decidim.barcelona/>

version. International outlets such as *The Guardian*³, *Der Spiegel*⁴ and *The New York Times*⁵, among many others, provided a much different story from the one held by the Ministry and local newspapers.

Enraged after becoming aware of the consensus in the world outside Spain about the veracity of the version that blamed Al-Qaeda for the attacks, hundreds of thousands of citizens self-organized, via Short Message Service (SMS), to demonstrate in front of the headquarters of the party in office, which ended up losing the elections against all odds.

From 2004 to 2011, the Spanish political arena became a continuum of all kinds of citizen initiatives where ICTs played a major role, especially in accessing extra-institutional information⁶ and circumventing state institutions to coordinate and engage in political action. Having learned that all kinds of information was available and that horizontal communication was a real possibility, platforms, groups, gatherings and all kind of extra-representative and extra-institutional ways of organizing flourished during the years, weaving a dense but distributed network of activists who self-organized and harmonized their ideas, protocols, tools and procedures.

Finally, on May 15th, 2011 came the outburst of the 15M Spanish *Indignados* Movement. Hundreds of thousands took to the streets and squares of dozens of cities in Spain, demanding better democracy by camping for a full month. The reasons that brought the citizens on the streets –and, later on, in local assemblies – were many – financial crisis, housing crisis, high unemployment and highest youth unemployment, corruption, sense of lack of political legitimacy of democratic institutions, etc. One of the clearest demands of the movement was the improvement of democratic processes and institutions, especially by increasing transparency, accountability and participation. Almost all these demands were realizable by means of ICTs. Ideas of direct democracy, deliberative democracy and liquid democracy were intensively brought to the public agenda, often times by using prototypes⁷ to use open, public data, building ICT-assisted decision-making platforms, and/or by making arcane information publicly available and accessible to enable whistle-blowing against corruption. (Calvo et al., 2011; Castells, 2012; Holmberg, 2012).

In the short term, the 15M had little effect. It only marginally affected the municipal elections of May 2011 (Anduiza et al., 2012), among other things because of the nearness of the events. Some effects were the increase of null and blank votes, and the clear shift of votes from the two major parties to minority/alternative ones. Notwithstanding this, it did contribute to strengthening the network of citizens who were very active but outside of institutions; totally ignoring other organized civil society organizations such as NGOs and labor unions, not to speak of political parties.

3 <https://www.theguardian.com/world/2004/mar/12/alqaida.spain1>

4 <http://www.spiegel.de/panorama/terror-in-madrid-zuege-von-bomben-zerfetzt-192-tote-mehr-als-1400-verletzte-a-290117.html>

5 <http://www.nytimes.com/2004/03/12/world/bombings-in-madrid-the-attack-10-bombs-shatter-trains-in-madrid-killing-192.html>

6 “Extra-representational actions are activities in which, even if participants can equally be trying to reach an institutional agent as the target of a demand, the action is realized in parallel to the institutional framework” (Cantijoch, 2009). That is, many citizens moved away from institutions (governments, political parties, mainstream media outlets, labour unions, non-profits) to get information or to influence the public agenda, and self-organized instead.

7 Quickly designed and released digital tools that worked for real, with the purpose to proof that a specific goal or task could easily be achieved.

It is worth noting that these new movements not only circumvented the concurrence of the public sector or the organized civil society, but also happened without any sort of support from private capital – which, if anything, was seen as a threat to such movements, acting on their own and outside of the traditional sphere of institutional participation often monitored – when not controlled – by the private capital lobbies. An example of this is the treatment of most mass media outlets – mostly owned by private capital – fighting hard against these initiatives, which they viewed as a threat to the status quo.

1.2. Technopolitics and “Network parties”

The year 2013 saw the birth of the Citizen Network Party-X. A sort of reinvention of the Pirate Party (though with many differences). It provided intelligence and tools for the “party coming from the 15M”, Podemos, founded in 2014 in concurrence with the European Parliament elections in 2014, where it won five seats. Later on in different forms, it won the municipal elections in May 2015 in the two major cities in Spain – Madrid and Barcelona.

The parties currently in office in Madrid (Ahora Podemos) and Barcelona (Barcelona en Comú) are both a mixture of civic movement, civic platform and far-left political party, one of their main goals being the same as that of the 15M Spanish *Indignados* Movement: to improve transparency and accountability of the government, and to make the decision making process as open, deliberative and participatory as possible. A less explicit goal is to leverage the potential of technopolitics inside democratic institutions.

Madrid – from late 2015 – and Barcelona – from early 2016 – both engage in a participatory process based on the open source solution CONSUL⁸. CONSUL is the web software initially developed by the City Council of Madrid to support its strategy for open government and e-participation, that was later on adopted by Barcelona or the Barcelona county⁹ for their own strategies – and joining the core software of developers to include new features and contribute to the general development of the project core.

While the former mostly focuses on particular proposals and participatory budgeting, the later has been used as a supporting tool to draft the strategic plan of the city for 2016-2019. Notwithstanding, both city governments have ambitious plans so that the platforms become the axis of all decision making of the city, where the citizen will have a personal profile through which they can propose, engage with, and monitor all the activities, topics, etc. that they might be interested in.

One of the most important aspects: the evolution of both platforms has also been influenced by a constant dialogue between both cities. Leveraging the fact that the platform is free, many other cities have shown interest in adapting both the technology and the philosophy and organizational architecture behind these two initiatives led by Madrid and Barcelona.

⁸ <https://github.com/consul/consul>

⁹ Barcelona county is an administrative division that comprises the city of Barcelona and 310 other municipalities. It has an independent government body elected by the local representatives of all the municipalities.

1.3. The Institutionalization of Technopolitics

It is interesting to note that, despite the relatively limited power that municipalities have in Spain, the existence of such a platform and, most importantly, the coordination of cities through the platform –in their planning, design, development, implementation, evaluation, and escalation to supra-municipal structures (like national governments) is a direct – though implicit – challenge towards national sovereignty and an important devolution of sovereignty to both municipalities and the individual citizen.

It is important to acknowledge that these kinds of political and structural developments change perceptions, roles, designs of institutions and, on the whole, represent the crossing of red lines that will become very difficult to re-draw.

On the other hand, the dialogue between institutions and citizens, through a specific technological design is extremely liquid, especially when 1. the platform is open source; 2. citizens have some flexibility in the way they use technology; 3. there is a concurrence of other political actors such as other municipalities and; 4. governmental bodies adapt to the requirements of the technology and the participatory processes – and not the other way round, as it is the norm.¹⁰ This is not exactly saying that government inadvertently ended up becoming more open than they planned to be, but that most consequences became evident for many in traditional politics once the ball was already rolling downhill.

1.4. The Legal Framework

Participation in Spain, has traditionally been scarce and limited. One reason usually provided to explain this fact lies in the events that happened during the restoration of democracy, after the death of the dictator Francisco Franco and the approval of the Constitution of 1978. The Second Republic of Spain (1931-1939) had been chaotic, and sparked the uprising of the military against the legitimate government to establish “law and order”. When the dictator died, there was a huge consensus that the state needed strong institutions to avoid the chaos of the II Republic and, disincentivize another coup d’état.

The Spanish Constitution of 1978, and laws – like the *Ley Orgánica 5/1985, de 19 de junio, del Régimen Electoral General (LOREG)*¹¹¹² – are designed in a way that gives strong powers to democratic institutions – the Parliament, political parties, labor unions, etc.– and aims at funneling most civil participation through these institutions.

These institutions have often been seen as black boxes whose functioning is only known and mastered from people on the inside, and as having only few ways to contribute or interact with them. The Internet and the 15M Spanish *Indignados* Movement–among other things– challenged the status quo established by the Spanish

¹⁰ As it will be shown below, the architecture of the technological platform includes many possibilities of participation (proposals, deliberation, supporting to proposals) that were initially in the hands of a pocketful of people, mainly political representatives, public servants and major lobbies). Putting the platform to work necessarily implied the redesign of some procedures, including actual power shifts within the governmental bodies.

¹¹ Law of general electoral regime, that regulates legislative and municipal elections, and is the backbone for regional elections.

¹² Spanish laws are cited with two numbers – number of law approved that year / year –, the date when it was passed, and its title.

Constitution of 1978. The coming of age of the institutional use of the Internet in governance in Spain has two clear milestones.

The *Ley 34/2002, de 11 de julio, de servicios de la sociedad de la información y de comercio electrónico*¹³ (LSSI) enacted in July 2002 set the foundations of the main operations in the Internet, providing legal coverage for information, communications and transactions on the Internet. This law was followed by the *Ley 56/2007, de 28 de diciembre, de Medidas de Impulso de la Sociedad de la Información*¹⁴ of December 2007 which, with the aim to foster the Government's strategic plan for 2006-2010, set some rules to frame and define crucial concepts such as e-invoicing, digital identities (including corporate ones), adaption of other preceding laws etc.

In terms of Government, besides *Ley 56/2007*, the *Ley 11/2007, de 22 de junio, de acceso electrónico de los ciudadanos a los Servicios Públicos*¹⁵ (LAECSP) became a major turning point in the way the administration looked at the Internet – and at its relationship with the citizen, now also mediated by the Internet. In general terms, the LAECSP initiated a long and deep transformation in the Spanish administration at all levels, from the central and state government down to the municipalities.

If the first laws – *Ley 24/2002*, *Ley 56/2007* and some others – especially regulated the infrastructures and the actors using them, the *Ley 56/2007* – and some other regulations that came after it – set the basis of what governments can or must do on the Internet, and what citizens – as such – can or must do, especially in their interactions with different levels of government. The object and content of these laws, though, is mostly technical or procedural: more than granting rights to citizens, in the sense of liberties, establish some duties for public administrations to go online in their provision of public services. They also set the guarantees for citizens when they act both as customers or as receivers of public services: right to be accurately informed about a product, security in money transfers, possibility to return what was bought, right to complain, etc. That is, mostly bureaucratic issues or transposing rights onto the digital ground.

As time passed, it became obvious that the law from 2007 was falling short: as the citizen scaled up the “ladder of participation” (Arnstein, 1969), administrative transactions demanded an extension at both ends of the ladder. On one end, they demanded more active interaction, more initiative and more participation. On the other end, they demanded more evidence, more accountability and more information. The outdatedness of the law became even more evident with the cases of rampant corruption that started emerging.¹⁶ The demands for a more robust democracy during the first decade of the 2000s intensified after the 15th May 2011 *Indignados* Movement, the appearance of whistle-blowers, and the growing evidence that information, with digital support, could be distributed at a much lower marginal cost than in the past (and, thus, the main reason for the closure (inaccessibility?) of public information was quickly vanishing).

13 Law on the services of the Information Society and e-commerce, regulating all digital services and transactions, public and private.

14 Law on measures to foster the Information Society, as a roadmap to contribute to the development and uptake of digital content and services.

15 Law on electronic access to public services by citizens, or e-government.

16 As it has been said, several laws only took into account technical issues and matters of digitization of public services and e-commerce. Corruption, among other issues, raised awareness on the need to regulate this issues, now in the framework of the Information Society.

The *Ley 19/2013, de 9 de diciembre, de Transparencia, Acceso a la Información Pública y Buen Gobierno*¹⁷ was enacted as a response to this lacuna, and to fix the fact that Spain was one of the few western democracies to not have a law on transparency and access to public information. The law, nevertheless, was ambiguous and left plenty of room for arbitrariness from the government and, in many senses, it was born old, as it did not leverage the full potential of the digital revolution both in terms of information and communication (Peña-López, 2012, 2013a, 2015).

The Catalan *Llei 19/2014, del 29 de desembre, de transparència, accés a la informació pública i bon govern*¹⁸ was enacted as the regional version of the Spanish Transparency Law. Though slightly improved in some key aspects, in essence it was quite similar to the central law: with no paradigmatic changes (Peña-López, 2014a, 2014b).

Some months before, in September 2014, the Catalan Parliament had passed the *Llei 10/2014, del 26 de setembre, de consultes populars no referendàries i d'altres formes de participació ciutadana*¹⁹ to regulate citizen participation. As it had happened with the Spanish Transparency Law, that was replicated or adapted in many other levels of government (regional or even local), the idea of participation became very popular during the second decade of the 2000s and many Spanish regions and municipalities passed their own participation regulations. However, unlike the transparency law, the Spanish central government never passed a law regulating participation. The Catalan law, unlike others, is quite ambitious and provides a very open framework not only for citizens to be consulted for their opinions, but for civil society to organize, make proposals, and participate in public decision-making. Some of the later deployments of e-participation in many cities, including Barcelona, were framed within this law, especially when it comes to consultations binding decisions. Another reason behind such an advanced law evident to the locals is that the law could be the legal framework of an eventual process of independence of Catalonia from Spain.

As for the specific case of the City of Barcelona, the *Carta municipal de Barcelona*²⁰ and the *Normes reguladores de la participació ciutadana* (Ajuntament de Barcelona, 2002) both regulate how citizens can participate.

Most legal overhauls focused on updating governmental procedures to catch up with the new affordances offered by digital revolution, while important challenges of corruption and transparency, participation and citizen consultation, etc. only received minor attention through very inadequate/ineffective laws, ranking among the least ambitious ones among all states in the OECD. But, they also did contribute to the creation of a sensitive environment. These laws enabled the flourishing of a variety of e-government websites, transparency portals, open data portals and even some open government portals, along with the promotion of “politics 2.0” among elected representatives and higher rank officials who gradually entered social networking sites. Progress on creating an enabling legal framework, however, witnessed a significant roll-back in March 2015, when the Spanish *Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana*²¹ was passed. Aimed at fighting against terrorism and “restoring order” in social networking sites, the law – nicknamed the “Gag law” – was seen by many as a serious cut in civil rights, especially freedom of speech and

17 Law on transparency, access to public information and good government

18 Law on transparency, access to public information and good government (in Catalan)

19 Law on citizen non-binding enquiries and other forms of citizen participation.

20 Barcelona local charter.

21 Law on the protection of civil security

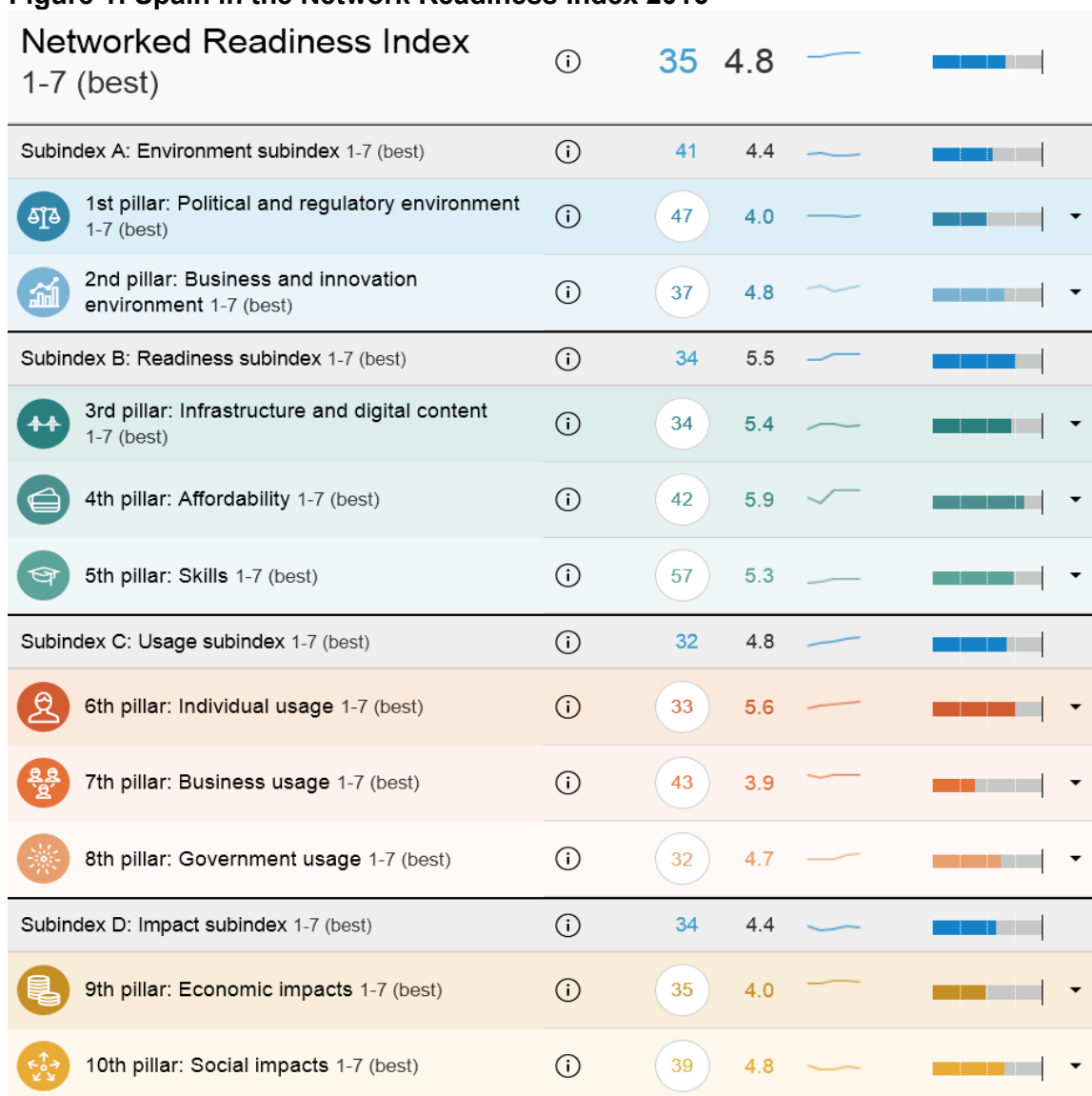
political freedoms. Despite being accurately designed not to fall in blanket censorship, its conscious ambiguity did look for a self-censorship effect.

1.5. From e-Readiness to e-Participation

Spain has usually been a “digital striver” in terms of e-readiness, occupying lower positions in e-readiness rankings among the higher income economies (Peña-López, 2009). According to the Web Foundation’s Web Index, Spain has always ranked below the 20th position.

As the World Economic Forum’s Networked Readiness Index shows (Figure 1) the overall digital performance is not very low, but the economic and political frameworks usually drag the country downwards in the global ranking. The indicators under the readiness sub-index perform quite well, including that which concerns individual usage. That is, technology is not bad in the country and people do use it intensively. But the political and regulatory environment, business usage or the economic impact are very low, and government usage and social impact only barely higher. The chronic bad health of the Spanish economy due to delayed institutional reforms, and the faulty privatization of the incumbent telecommunications operator which in turn has produced an imperfect competition in the connectivity market – are two of the main aspects pointed out by experts (Ruiz de Querol, 2006) to explain why the Spanish digital economy has had a hard time taking off.

Figure 1: Spain in the Network Readiness Index 2016



Source: World Economic Forum. See (Baller et al., 2016)

However, when we look to what is happening in the public sector, we see Spain has made big efforts not to lag behind digital leaders in terms of public e-readiness and e-government. So, the relative slow development of the digital economy is in stark contrast to the strong advancement of the digital government. As UNPAN shows (see Figure 2 and Figure 3) the efforts have had very good results both in terms of absolute values (as measured by e-government and e-participation indices) and in terms of its relative position in the global ranking.

Figure 2: E-Government and E-Participation Indices

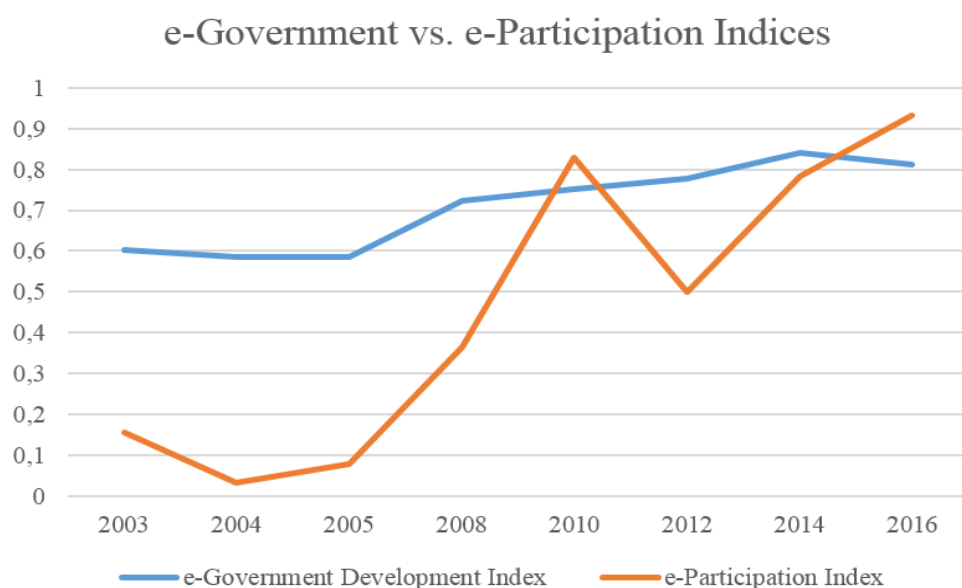
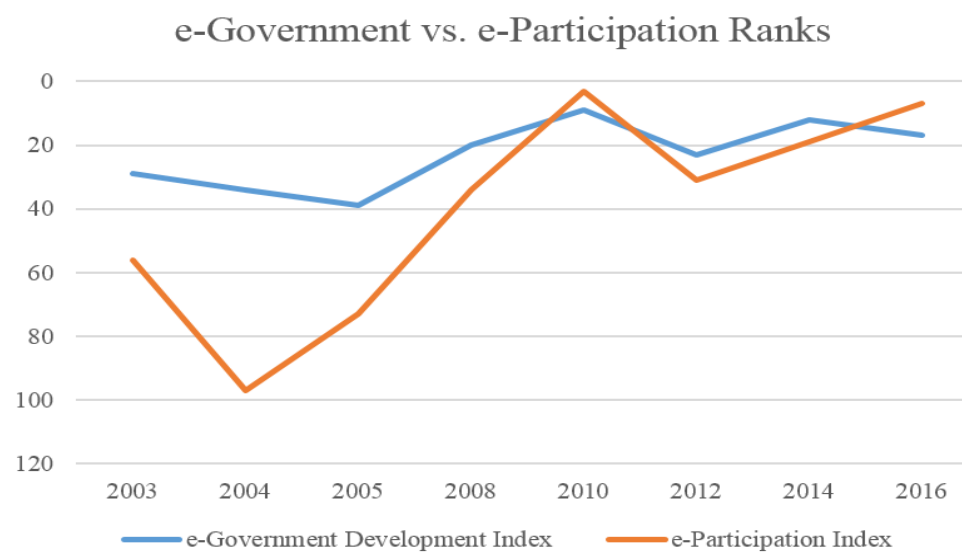


Figure 3: E-Government and E-Participation Ranks



Source: UNPAN (2016)


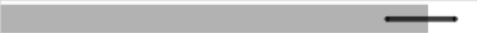


The whole scenario looks optimistic for ICT-mediated participation: e-readiness levels, (though with room for improvement) are more than adequate. Despite the fact that the digital divide is still an inhibitor for some citizens, digital infrastructure is in place and citizens are using ICTs. The government has deployed a big potential for both the delivery of services and interaction with the citizen. Thus, the arena is quite set for complex participation to emerge in the near future.

But although participation is generally – and increasingly – agreed to be a good thing, the reality is that as a concept it still belongs to an industrial era participation that is almost exclusively institution-led and discrete. There is no continuum of participation, merely isolated initiatives where citizen voice is listened to (Peña-López, 2011a). The

literature shows that the crisis of participation and representation is pushing citizens outside of institutional politics (Fuster & Subirats, 2012) and into new kinds of organizations (Peña-López, et al., 2014; Espelt et al., 2016) which are strong in digital and social media. (Sádaba, 2012) But, they do not seem to be able to establish a dialogue with the institutions of representative democracy in order to perform the task that is needed – reform of the aforementioned institutions (Font et al., 2012).

According to the Worldwide Governance Indicators (Figure 4), Spain's data for voice and accountability have only worsened in the last decade. This is concurrent with what has been said before: there has been a lot of investment in setting up large-scale ICT platforms and services to broadcast messages to citizens, but not enough attention has been devoted to listening to citizen-voices. So such communication ends up as unidirectional engagement.

Figure 4: Voice and Accountability in Spain

Indicator	Country	Year	Percentile Rank (0 to 100) 
Voice and Accountability	Spain	2004	
		2009	
		2014	

Source: *Worldwide Governance Indicators (2015)*

Two examples will illustrate this statement. The first one is the Consensus²² platform. Run by Localret, a consortium of local governments in Catalonia, it provides a virtual space which municipalities can use to inform their citizens and to plan and operate e-participation initiatives. It has been quite successful where it is used, but only 21 municipalities (out of the 948 existing in Catalonia, that is, 2.1% of the total) are active users of the platform. Barcelona is not among them.

The consortium behind Consensus, acknowledging the limitations of the platform for a broader form of participation which includes deliberation, is now planning a major update of the platform based on the success of *Decide Madrid*²³ and hand in hand with the team behind *decidim.barcelona*. This would turn the actual platform –centered on raising issues or asking for information or explanations to public representatives– into an agora where issues are not only raised but commented upon, enriched, debated or supported.

The second example is about citizen initiatives (in Spain, *Iniciativas Legislativas Populares*, ILP²⁴). Mentioned in the Spanish Constitution (1978) and regulated since 1984, only 142 initiatives have been submitted in more than 30 years, all of them but one were rejected by the Spanish Parliament and been unsuccessful in their

22 <http://consensus.localret.cat/>

23 Decide Madrid, as it will be shown below, is the initiative by the Madrid City Council to engage its citizens in the making of proposals and collectively shaping the strategic plan of the city for the whole political term. It includes the deployment of a brand new digital platform, released as free software, thus making it possible to not only freely use it but also modify it or improve it.

24 In Spain, only the government and the Congress can propose laws, which the Parliament (both Chambers) will have to pass. The Spanish constitution introduces the possibility – the citizen initiative or ILP – that a collective of citizens can propose a law and submit it to the Congress for its approval. The type of law that can be submitted, topic, geographical scope, etc. is determined by the 1984 Law. In general terms they usually require 500,000 signatures backing the proposal for the Congress to accept the submission.

procedure, as the required 500,000 signatures is an overwhelming barrier for most civic organizations to achieve.

In a nutshell, Spain is fully prepared, in terms of infrastructure and adoption, for ICT-mediated and deliberation-intensive participatory democracy, but its institutions clearly do not seem to be. The answer to the claims and demands for more information and transparency have been uneven and mostly focused on the formal aspect of things: passing new laws and trying to pass the evaluations of national and international watchdogs working in the field of transparency and accountability.

But beyond that, deliberation and co-decision have been for the most part left aside and in some cases, pulled back or even punished, as can be seen by the several sentences passed by the Constitutional court, ruling against citizen initiatives or projects at lower levels of government to enhance participation²⁵.

This is unparalleled with what is happening at the street level. Since the March 2004 terrorist attacks in Spain and the political demonstrations that followed them (Traficantes de Sueños, 2004), the country has been going through a political “transition” from the old order established in the 1978 Constitution (the one after the dictatorship of General Franco) in to a new order that is yet to fully catch on (Peña-López, 2013c).

The new technopolitical landscape (Kurban et al., 2016), put in to full throttle during the 15M *Indignados* Movement demonstrations in May 2011 and the following year (Alzazan et al., 2012; Holmberg, 2012 Toret et al., 2013) opened the promise of a new kind of politics (Presno Linera, 2014) that many have called, a total change of paradigm (Jurado Gilabert, 2013; Batalla Adam, 2014), one that directly challenges representative democracy and its institutions.

This new era would be shifting from a democracy centered around institutions to one of technopolitical practices, taking place in a network-based architecture of participation (Monterde, 2015)²⁶. Of course there is still room for institutions, but with an organizational design different from the institutions of today, and with greater resemblance to social movements.

The way to make this shift from a traditional institution towards a social movement-like institution (or political party) seems to be rooted in an extensive use of deliberation within citizen movements, political parties and institutions, and an intensive use of ICTs (Borge & Santamarina Sáez, 2015; Haberer & Peña-López, 2016a). And this is, precisely, what could just be happening in the city – and the city council – of Barcelona (Aragón et al., 2015).

2. Exploring ICT-mediated Structures of Citizen Engagement

25 See, for instance, how the constitutional jury banned the Catalan law on public consultation: <http://www.lavanguardia.com/politica/20150225/54427618116/tc-tumba-unanimidad-ley-consultas.html>

26 Please refer to this work and Kurban et al., (2016), for a definition of technopolitics and an approach to net-parties and social movements in the Information age. About the hybridization of social movements and institutions, please see Peña-López et al. (2014).

In the previous section it was established that even if governments in Spain – at their respective levels – were quite advanced in using ICTs for information and broadcasting, it was organized civil society that has taken the lead in ICT-mediated participation, based on intensive interaction, deliberation and, in some cases, making proposals and voting on them.

As it has been explained, though, the most transformative approaches, both in politics and in civic participation came from grassroots organizations and social movements. Cause and consequence, they used ICTs to be able to fetch information, organize themselves, communicate and act. And in doing so, they appropriated technology and transformed its uses thus creating either new technologies or radically new approaches to them.

The case of Barcelona is a very interesting one, as the local elections in 2015 put in office a party that had emerged from one of these civic movements. And what the new city council did was to transpose the philosophy and ethos of the civic movement into the municipal institution.

2.1. The Institutional ICT-Mediated Participation Context of *decidim.barcelona*

All three levels of government above the citizen of Barcelona have long been running their e-government portals²⁷, their transparency portals²⁸ and their open data portals²⁹. The City Council of Barcelona took into consideration several other initiatives –both at the Spanish national level or at the international level– before initiating their own participation project.

Thus, in the technical report that the City Council commissioned for the preparations of *decidim.barcelona* (tecnopolitica.net, 2015b), the authors mention the cases of Icelandic Citizen Foundation's *Yourpriorities*³⁰; *Petitions*³¹ from the UK ; and the *Open Ministry*³² tool for crowdsourcing legislation in Finland. At the Spanish level, two main government-led initiatives were analyzed: *Irekia*³³, launched in 2010 by the Basque Government, arguably the open government pioneer in Spain; and *Decide Madrid*³⁴, since Fall 2015, for ICT-mediated participation in Madrid municipality. The preceding two are interesting initiatives but, as it has been said, they are exceptions in the Spanish landscape.

The case of Decide Madrid, though, deserves special attention. First of all, it is led by Ahora Madrid, a party similar to the one in office in Barcelona, in that it aims at putting deliberation at the centre of all political activity, just as many other parties born in the

27 Spain: <http://administracion.gob.es/>

Catalonia: <http://web.gencat.cat/ca/tramits>

Barcelona: <https://w30.bcn.cat/APPS/portaltramits/portal/changeLanguage/default.html>

28 Spain: <http://transparencia.gob.es>

Catalonia: <http://transparencia.gencat.cat>

Barcelona: <http://ajuntament.barcelona.cat/transparencia/es>

29 Spain: <http://datos.gob.es/>

Catalonia: <http://dadesobertes.gencat.cat>

Barcelona: <http://opendata.bcn.cat/opendata/en>

30 <https://www.yrpri.org/>

31 <https://petition.parliament.uk/>

32 <http://openministry.info/>

33 <http://www.irekia.euskadi.eus/>

34 <https://decide.madrid.es/>

aftermath of the Spanish *Indignados* movement have. Besides this political or ideological thrust, Decide Madrid was designed as an open source project in all its facets: its technology, to begin with, but also its political design, its communication procedures, the transparency of its results, etc. Decide Madrid opened a Pandora's box of a new kind of ICT-mediated participation and paved the path for Barcelona to go the same way.

2.2. The Civic led ICT-mediated Participation Context of *decidim.barcelona*

The institutional arena has very few cases of ICT-mediated participation, the civil society, however, has been much more fertile, especially after the events of May 2011³⁵. Of the many civic-led initiatives in ICT-mediated participation in Spain, at least three groups of them deserve special mention for their importance in their deployment during events and initiatives that came after them.

First of all, the group of initiatives, platforms and tools in general that were designed, hacked or adapted to organize the information and communication during the May 15, 2011 Movement. The movement used almost everything that was at hand, from blogs and social networking sites (such as Twitter and Facebook) to other tools that had not been much used in these scenarios, like wikis and virtual text pads (such as Titanpad, among others). Besides these standard tools, the movement adapted other tools to create their own communication ecosystem:

1. *Lorea*, a digital platform that was used to create the alternative social networking site *N-1*³⁶, as a substitute of commercial social networking sites as Facebook;
2. Questions2Answers for the proposition platform *Propongo*³⁷, used to propose ideas, debate them and try and reach consensus on them;
3. *Nabú*³⁸, for the management of cooperatives and assemblies in general, and production of collaborative documents (Haberer & Anglés Regós, 2016).

The second one is *Fundación Ciudadana Civio*³⁹, which was born in Fall 2011 as a civic response to the demand for transparency and accountability for government and elected representatives. Since its creation, Civio has arguably led the debate of transparency in Spain through action: either by creating tools for transparency and accountability, or by exploiting open data sets to produce data visualizations and raise awareness on specific issues or, probably the most important aspect of Civio's activity, by encouraging, guiding and helping governments (local and regional) to adapt some of Civio's tools and turn them into open government portals.

Both groups of initiatives – the ones emerging in distributed ways after 15 May 2011, or the more institutional *Fundación Ciudadana Civio* – pushed some political parties and leaders to embrace deliberation and transparency for their own organizations. Thus, Podemos – the political party that was founded in March 2014 leveraging the momentum of the Spanish *Indignados* – used many tools to constitute itself and write

35 For an incomplete but inspiring list of citizen democracy initiatives please see http://ictlogy.net/wiki/index.php?title=Citizen_democracy_initiatives_in_Spain

36 https://web.archive.org/web/*/https://n-1.cc

37 https://web.archive.org/web/*/http://propongo.tomalaplaza.net/

38 <http://nabu.cooperativa.cat/>

39 <http://www.civio.es/>

the first versions of its vision, mission and programme. Platforms like Agora Voting, Loomio or Reddit were used to make proposals, to write and comment on programmes, to prioritise proposals or, in general, to create communities of interest around topics that clustered around the idea of a new party.

In the case of Barcelona, Barcelona en Comú also used some of these tools, including DemocracyOS, to perform similar exercises of deliberation and political programme design.

2.3. The Strategic Vision Behind E-participation in Spanish Municipalities

The local elections of 2015 brought many changes in many city councils, with the emergence of parties that were a result of the institutionalization of some currents within the 15M *Indignados* Movement. These are the cases of Madrid, Barcelona, Cádiz or Badalona, to name a few. But not only in municipalities “of change” changes took place: some other municipalities led by right-wing parties, like Premià de Mar or Manresa, also seized the chance to foster participation in a genuine belief that it was time to open up institutions, thus answering to increasingly strong demands for openness, transparency and accountability.

The City Council of Barcelona clearly defines (Ajuntament de Barcelona, 2015) what are the goals of the participative process of *decidim.barcelona*:

1. To elaborate the PAM and the PAD (the strategic plan of the municipality and the districts, respectively) for 2016-2019 with the active participation of the citizenry, in an open, transparent and networked fashion.
2. To give a voice to the citizenry of Barcelona.
3. To give a voice to the neighbourhoods of the city
4. To collect proposals that come from plural and diverse opinions and interests.
5. To foster the participation of the least active collectives or collectives with more difficulties.
6. To foster a culture of active participation, of collective construction of the government of the city and citizen democracy.
7. To strengthen the foundations for future processes of citizen participation.

These goals are in line with the ethos of the Spanish *Indignados* Movement and the demands for better democracy in Spain, and which was the central philosophy of the political parties, like Ahora Madrid in Madrid and Barcelona en Comú in Barcelona, that took office in the Spanish local elections of 2015. There are three aspects which are worth highlighting still in the field of the vision behind *decidim.barcelona*.

The first one is the stress in “providing tools that work for the democratic debate” (Ajuntament de Barcelona, 2015). This statement is interesting for two reasons. On the one hand because it puts the democratic debate and deliberation at the centre of the project. That is, it is not making proposals that counts, but facilitating deliberation. This is quite different, for instance, from what Barcelona did in its PAM 2012-2015, and it is different from the Basque Country’s experience with Irekia. On the other hand, the technological and procedural factor is explicitly mentioned under “tools”. That is, the provision of tools (digital platforms, events, facilitation by experts, knowledge management tools, etc.) becomes a major concern in order to promote deliberation.

This concern for tools is deeply connected with the aim to foster “self-organization, autonomy and empowerment of the citizen” (Ajuntament de Barcelona, 2015). And this concern is a game changer in politics in general and in politics in Spain in particular, where institutions have traditionally been very eager to keep power to themselves.

Thirdly, through this process there can be a “transversal participation of people and interests” and “participation in common spaces and networks.” In other words, the project will foster community building on the one hand, but not damage – on the other hand – already existing social capital, both in the form of associations or organizations, or in the form of reputed experts which can have a qualitative participation if duly approached.

2.4. Norms Informing E-participation

Most, if not all, the norms informing the participation processes are explicit, in concurrence with the ethos of the social movements that held up the political parties that emerged from them or the wind that dragged some other parties already open to participation. Quality democracy, transparency, citizen participation, deliberation—these are the norms that drive the participation process. Of top priority is the total traceability of the process, and of each and every proposal as the basic piece of the system. Every citizen, is able to know at any given time what the state of their proposals is. In addition to the traceability of the proposals, there is also total transparency on how the process works and at what stage in the process it is in.

Last, but not least, participation is fully open: any citizen of the city can participate. Indeed, participation is extended to any individual in the world. In order to increase deliberation, non-citizens can participate in the debates and submit new proposals, the only difference being that only citizens can vote on proposals (i.e. vote for them). The deliberation is richer as more people gather for a debate, but only denizens can really vote or prioritize the proposals that will eventually become actions and be put into practice.

2.5. Impact of New participation: Activity, Actors and New Actors

Although it is too soon to assess in depth the impact of recent participation initiatives, the available data already provides some evidence on two aspects: the quantitative changes in participation, and some shifts and qualitative changes both at the level of expectations and in terms of actual realization.

In general, we have witnessed an increase in the number of citizens taking part in different deliberations, but a decrease in the number of proposals. Far from being a bad sign, we believe that this is because there has been a big change in the game of participation: deliberation decreases dispersion and, at the same time, increases the likelihood that proposals are better in quality. We believe that the possibility to have real debates, with the ability to actually see what other citizens submitted, to comment on others' proposals, to highlight the pros and cons of every proposal and even support it has enriched the debate, thus promoting fewer proposals but ensuring that these are better defined and usually supported by several citizens.

However, it is important to note that organizations still do participate in e-participation initiatives in municipalities. And with good results: many people still participate through organizations and, in general, their participation has actually increased. It is a fact, though, that more people participated through associations, but more proposals came from individuals. The latter is in line with the findings that organized deliberation leads to less proposals, but quite probably better defined and with much more support than individual participation.

2.6. Design and Embedded law in *decidim.barcelona*

We have already talked about how the organization was very careful in giving access to different participation environments and spaces, including providing exhaustive information both about the process and the topics for deliberation. As it has been said, any person in the world could be part of the process by participating in debates or submitting new proposals. But the right to extend support is reserved to Barcelona's denizens.

Exhaustive information is usually omnipresent in all participation processes: in the form of municipality plans, City Council proposals, comments from peers, etc. This provides transparency on the working of the whole participatory project, and the source and fate of proposals. This also helps in identifying blind spots in information, which often triggers the corresponding demand for disclosure. As it has been mentioned, all the procedures – including the source code of most platforms – are accessible for inspection by any citizen. All dates and venues for face-to-face gatherings are also known in advance, and the state of every proposal submitted.

Deliberation is usually hard-coded in the design of the platform, In this sense, even face-to-face events followed the logic of the platform, as they required being created online, with the attendants (or its number) being updated online, and the proposals made during the event also uploaded afterwards by the organizers and/or a reporter.

Besides submitting proposals, commenting and supporting both proposals and comments was made easy and quite inviting through careful design of the platform and associated events. Sharing proposals in social networking sites contributes to their dissemination, attracts citizen participation, and builds momentum.

Last, but not least, it has created a tacit⁴⁰ “brotherhood” between cities whose parties in office come from the wave of indignation that put Spaniards on the streets in May 2011. This brotherhood operates at two levels: first, in the sense of being companions in a shared way; second, in a sort of friendly “competition” to see which movement or party comes out with the best idea and how others can copy, adapt and/or implement it. This has happened between Madrid and Barcelona and is already happening with Barcelona and many other Catalan cities.

In this case, what we are surely seeing and will surely see in the future is that governments will be held “captive” by their own participatory designs. In other words, it is very unlikely that the very proponents of these initiatives will be able to step back into traditional politics. The fact that these participatory projects enable distributed participation and decision-making makes co-opting or populist practices more difficult to gain momentum. In this case, distributed participation acts as a checks-and-

40 Or not so tacit: supra-local organizations are beginning to lead the spread of participation by ICTs, especially in smaller municipalities.

balances system that. While not infallible, it does reduce the probability of manipulation of the process or its results. This is a surrender that is wanted, but one that is quite bold, especially when the institutional context in Spain and in western democracies in general goes against this trend.

3. Observing the Shifts in Meaning, Norms and Power in State-Citizen Engagement

How are these technopolitical practices really transforming the ICT-mediated participation landscape? Have the political parties emerging from social movement really been able to bring some scent of the revolution to the institutions? In this section, we will state that, despite the initiative of *decidim.barcelona* being very recent, it has already sowed the seeds for a deep and thorough institutional transformation. Of course, the results and the changes in the institutional infrastructure are fragile in political terms, and are still easy to revert. But the dice are cast for true.

3.1. The Citizen in the Leading Role of Policy Making: New Structures

The big change of paradigm in *decidim.barcelona*, as in other initiatives related with the social movements in 2011 and after, is that the citizen has had a leading role in policy-making. *Decidim.barcelona* is a clear and committed step forward in this attempt of devolution of sovereignty from institutions to citizens.

Many have criticized the different movements that have made a call to the “power of the people”, since the end of the 20th century, labeling them as populist (Mayorga, 1997). Of course, there is a possibility that some new movements have a populist bias, or even a populist end.

But in this aim to promote citizens having their say, the point of departure is not the common ground of populism. Indeed, the ethos behind putting the citizen at the center is the ethos of the Information Age as described by Himanen (2003), and which heavily relies in the ethics of hackers (Levy, 1984) and the distributed way that collective production has been working since the digital revolution (Raymond, 1999).

This new ethos is what leads the transformation of social production (Benkler, 2006), also in the political arena, where centralization and planning can lead to the metaphor of the blank paper as a horizontal and more democratic approach to decision-making. Or, digitally speaking, to a wiki mode of government (Noveck, 2009).

Although populism can be the outcome of such an approach (a failed outcome, indeed) the logic behind these new ICT-mediated participation initiatives is the logic of “connective action” (Bennett & Segerberg, 2012) that would constitute the next level of politics: technopolitics (Kurban et al., 2016).

Under this new paradigm, intermediation or representation is neither necessarily good nor bad. The goal is to unfold new participation spaces, deploy new participation mechanisms. And the primary intention behind this unfolding and deploying is not participation per se, or to pander to the citizen – which would be the populist roadmap

– but to leverage the power of the multitudes, the “wisdom of crowds” (Surowiecki, 2004), to improve the diagnosis, an extremely important stage of decision-making, – through deliberation. In other words, it would be an excellent exercise of naming and framing (Kettering Foundation, 2011) that will both legitimize the process and reduce the management of conflict once the decision is made.

Of course, shifting the subject that lies in the middle of the democratic process, from the institution to the citizen, comes with fresh contingencies: that of seeing new structures emerge and to see them compete or live along with the pre-existing order. What we are thus witnessing goes in three different complementary ways. First, as it has been said, an increase of individual participation that comes from emancipation and empowerment. Second, with the conformation of new, flexible, ad-hock networks and collectives where membership is fluid in the sense that it comes from a utilitarian standpoint: the organization is a tool, not a way to define one’s identity or to socialize. Ad-hock networks and ad-hock collectives form around a project on an idea and dissolve once the project or idea has been completed or been adopted by a bigger project or collective. Third, with the strengthening of traditional organizations that, nevertheless, have to transform and adapt to the new reality. There is an apparent contradiction or a paradox in the former statement. It would seem that individual action and fluid membership in organizations and lobbies would weaken traditional organizations and institutions. But what we see in *decidim.barcelona* – as a result of its design to nurture social capital whatever its form – is that participation empowers not only individuals but organizations. Or, in other words, that individual participation and representative participation are complementary rather than competitive.

But it is also true that as the means of participation are new and benefit individual empowerment, organizations have to adapt to this new reality. They have to communicate and coordinate and address their members in new ways, and they have to relate to other organizations in also new ways (Vilaregut Sáez et al., 2015; Peña-López et al., 2013).

3.2. The Dangers of Technocentrism: Digerati, Goverati or new Participative Citizens?

Of course, not only can fostering individual participation and citizen empowerment damage the social tissue and harm pre-existing traditional civic organizations. It can, of course, privilege a certain segment of the population by privileging online participation, and end up creating a new elite of *digerati* and/or *goverati* (Peña-López, 2011b).

Most e-participation cases –especially *Madrid Decide* and *barcelona.decidim*– have made a decisive movement towards equating online and offline participation, and towards shifting the core of the project into the virtual. But, as it has been said, this centralizing of everything online is a matter of digitization so that knowledge management is better performed, comprehensive and totally transparent and accessible. In other words, these initiatives: (1) enable online participation and (2) improve knowledge management by centralizing information in the online platform, while (3) maintaining the validity of offline participation modes.

Thus, “digital by default” applies to the management of the project, but not to the way citizens participate. The design of the participatory process is such that no one is left behind, it is guaranteed that everyone can and will participate. Face-to-face events or events and profiles for organizations go in this precise direction. In general balances in

the kind of participation – online vs. offline, individual vs. collective – are successfully achieved.

It is also true that the citizenry entering direct participation is a direct threat to pre-existing ways of collective participation, be they civil society organizations, local assemblies or similar gatherings. Thus, even if it is true that organizations and institutions still had an important role, the fact that individuals can participate and their proposals be included in the action plans also means that ICT-mediation can not only end the monopoly of institutions, civic organizations, but also of the political and local leaders behind them respectively. And this has been a game-changer, not only because participation changes the structures of power, but also because both the mechanisms of participation and the outcomes change too.

3.3. Towards Flexible and Plural Structures of Power?

The preliminary data⁴¹⁴² show that access for minorities (low income, deficient access to connectivity, etc.) can have an impact on outcomes. They also show that some new ad-hock lobbies and organizations have appeared to better organize around the participation initiative. What we do not know yet is how flexible and liquid some of these ad-hock communities (most of them informal) are.

New forms of participation have created –or accentuated– a tension between representation and emancipation, or between marginalized groups and emancipated groups. This is, a major impact upon existing structures of power in the public sphere. Besides traditional power structures (institutions, organizations) new structures emerge.

These two factors have to be taken into consideration in the light of aspects mentioned above, like the increase in the weight in online participation in relationship with offline participation⁴³, the (slight, but decisive and by design) decrease of the weight of organized or collective participation, the now existing and huge volume of deliberation (absent in previous initiatives) or the change in the increasing volume of support.

All this demonstrates that the initial vision to empower the citizen, and give them voice is not just words, but has translated into a real ‘right to be heard.’ A right to be heard, not only through the conventional way, through representatives, but also the right to be heard without intermediaries, and with the impact on the outcome, the composition that leads to those outcomes, and the structures of participation, including a change in the relationships of power in the triangle of government-organizations-citizens.

The change in the composition, is not only in the number and kind of actors that take part in the participatory process, but a change in how these actors interact and how para-institutions are created and how they behave (Peña-López et al., 2014). How this change in the structures, and how this appearance of new tacit structures affects

41 <https://decidim.barcelona/pam/6/dataviz/summary>

42 Some of these data were discussed in a former draft of this report (Peña-López, 2016b) and will be discussed thoroughly in an upcoming report.

43 Although offline participation was rich and even higher than in former participation processes, this is compatible with the boost in online participation, which grew notably, especially in what relates to commenting, debating and supporting proposals.

pluralism and diversity is difficult to tell, especially after just one participatory exercise which can become ephemeral if it is not continued in some other way.

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