Reprogramming power through crowdsourcing:

time, space and citizenship in crowdsourcing for law in Finlan

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Abstract

This paper explores emerging typologies of democratic ideals and practices in the context of crowdsourcing for law. Interviews were held with key players developing, regulating and using digital tools for civic crowdsourcing in Finland. The study used qualitative analysis on the transcribed texts of the interviews. The findings were interpreted in the light of Manuel Castells' abstractions of space and time in the network society. Crowdsourcing and using citizens' skills emerge as ways to improve democratic participation in a context where transformation of time and space is constitutive. The findings suggest that crowdsourcing for law can be understood as an attempt to reprogram power networks in the space of autonomy. The reprogramming power of crowdsourcing is directed to transgress the spatial and temporal boundaries of representative democratic institutions and strengthen democratic legitimacy.

Introduction

"The role of technology is that it brings people together and enables decentralized co-operation regardless of time and space, and that those with skills find each other in new ways."– A civic hacker

The national campaign for a same-sex marriage law, the "I do 2013" –campaign, launched in Finland on the 19th March 2013 was targeted at crowdsourcing names to support the law, utilizing the newly passed Citizens Initiative Act (CIA) and accompanying digital crowdsourcing tools.

Over the first hours of the campaign it became clear that the campaign was a success. The legal threshold of 50,000 signatures for the Equal Marriage law to enter Parliament was broken within hours. At the time of writing, the initiative is going through parliamentary proceedings and is expected to be voted on in the fall of 2014 or early 2015.

The Equal Marriage law is one of five crowd-sourced legislative initiatives that have made their way to the Finnish Parliament and either have faced or are facing the possibility to be voted on in a parliamentary plenary session.

This article focuses on the overlapping realm of the representations and practices formed by the following perspectives. 1) Legislating for and regulating the Citizens Initiative Act 2) A government built digital crowdsourcing platform, www.kansalaisaloite.fi 3) A Non Governmental Organization (NGO) built digital crowdsourcing platform, http://www.avoinministerio.fi/ (www.openministry.info in English) 4) Use of the Act and accompanying digital tools to campaign for the Equal Marriage law.

The focus of the study can be visualized as the central area in picture 1. For the sake of brevity, I refer to this focus area simply as "the case".
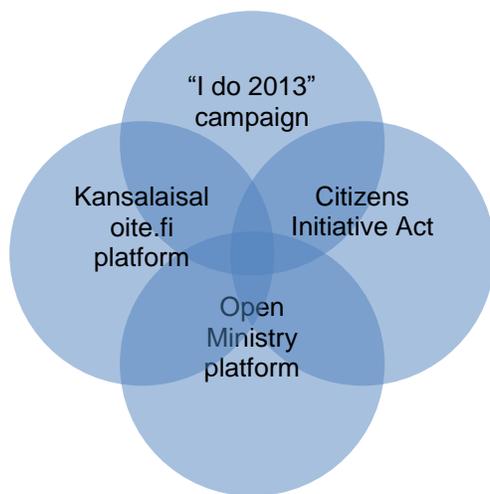
Picture 1

Background and chronology

The CIA was introduced as part of Finland's constitutional reform on March 1 2012. Over the first year

of its existence 650,000 signatures were collected, predominantly through electronic identification. In a country where 4.4 million people are eligible to vote, this is a very large number. The government's CIA site attracts 10,000-15,000 visitors daily.

Two hundred and forty one initiatives have been submitted, of which four have reached the threshold of 50,000 signatures and entered Parliament. One crowdsourced law draft, the initiative for criminalizing fur farming, was turned down in Parliament on June 19th, 2013.

Citizen initiative laws and accompanying practices exist in many countries. However, in most countries signatures for support are collected manually, making it laborious and slow to gather support. A digital signature identification system using strong digital identification is less common.

Finland's CIA was unique compared to citizen's initiative models in most other countries in the following ways:

1) The Act created a direct legislative pipeline for citizens' initiatives. This means that the initiatives are not merely advisory. In effect, citizen initiatives that attract 50,000 signatures have to be dealt with in the same manner as legislative initiatives from Members of Parliament (MPs).

2) The Act utilizes strong digital identification. Individuals' identities were confirmed through online banking passwords.

3) The Act makes it possible for third parties (such as NGO's or civic technology startups) to build digital tools and amass signatures in support of initiatives. Civic hackers and government officials simultaneously developed their own web services for the same purpose, crowdsourcing laws. Two independent platforms for collecting signatures emerged. The first on-line platform was the www.openministry.info, a newly founded NGO. Six months later the Ministry of Justice launched their digital service for Citizens Initiatives, www.kansalaisaloite.fi. Initiatives submitted to both services are treated as equal in Parliament and signatures from these services are pooled and counted as one.

These properties attracted relatively wide international interest and even enthusiasm. The Act can be

described as a fairly radical law, with the potential to empower citizens in a novel way. It gives citizens a means of setting the agenda for political debate in the middle of an election cycle and to initiate changes in legislation. Digital signaturing makes the tool and campaigns that utilize it effective, fast and potentially viral.

The history of the Act goes back to the Citizen Participation Policy Program, initiated by the government in 2003. The Program raised concerns that Finland was in the lowest third in ranking among established democracies, measured by election turn out rates. Less than half of the electorate under the age of 40 vote. This Program led to a number of digital citizen engagement initiatives, of which the CIA is among the first to be fully implemented and is arguably the most important one.

Co-operation and competition between government and activists emerged in the process of planning the digital crowdsourcing services. The Ministry of Justice engaged with civic hackers and formed a developer community to specify the features needed for a crowdsourcing service.

Before the government managed to launch its site, the newly founded NGO, the Open Ministry, launched its own service. The Open Ministry publicized the Act and made it familiar to people. Through the activity of the Open Ministry the CIA acquired grass-roots credibility even though it was a government initiative.

In particular, the Open Ministry introduced new practices for creating law. On the Open Ministry website citizens can debate preliminary ideas and drafts for legislation. These ideas and drafts can also be voted on before the initiative is submitted. Users can also sign up as voluntary "specialists", who act as the Open Ministry's Secretariat. The Secretariat assists in developing the best and most feasible ideas to become actual law drafts, and lawyers particularly are urged to sign up to the Secretariat. Group work continues throughout the electronic petitioning. The Secretariat assists in the campaigning phase, for example, in social media usage and media relations.

In terms of user numbers, the CIA and the governmental crowdsourcing platform have been successes. However, the winning streak was short for the Open Ministry, as the NGO could not continue to afford to license the compulsory electronic signaturing system from the banks that owned it. Funding from

public or private sources was not available. Crowdsourcing on the Open Ministry website declined and the NGO then took an advisory role, helping campaigners to create viable legislative ideas and running effective campaigns. The Open Ministry has been involved in most of the five initiatives that have entered Parliament.

At the time of writing, the "I do" campaign also received a setback, when their initiative was turned down by the Committee of Law in Parliament. It is still possible that the initiative will be accepted in a vote in a parliamentary plenary session, expected to take place in the fall of 2014 or early in 2015.

Theory

This paper analyses emerging typologies of democratic ideals and practices in the context of crowdsourcing for law. My analysis utilizes Manuel Castells' theory of the network society and communication power. More specifically, I use Castells' theory of space and time to organize and interpret my analysis of the data.

Castells (2010, 2013) considers that dimensions of space and time are in a state of change. Digital network technologies and social forms of modern life initiate this change (Castells, 2010, p. 407). In the pre-modern era, time and space were intertwined. In the network society, the traditional notion of space as a passive entity is transformed. Castells proposes a new concept of space, the *space of flows* that is opposed to the historical perception of the *space of places*. The space of flows is "the spatial form of the network society" (Ibid, p 35.), and also the expression of that society (Ibid, p. 441).

I treat Castell's theory of space of flows as part of the research tradition that emphasizes the mobile and networked nature of contemporary societies (cf. Urry, 2007, Bauman, 2005, Lee and LiPuma, 2002, Straw, 2010). In this literature, flow, mobility and circulation are linked to the constant movement, and interconnectedness, of a wide array of social phenomena, including time, people, artifacts, meanings and practices in a global world (Urry, 2007). Lee and LiPuma (2002, p. 192) suggest that circulation does not consist of mere movements, but rather, circulation is *constitutive* of contemporary societies. This paper explores the implications that this paradigmatic turn towards mobilities and flows has on democratic citizenship.

The space of flows is the technological and social structure of the network society. It is made up of digital communication circuits and communicating nodes. Even though the space of flows is an abstraction, it is not an intangible non-place; it also consists of "real" places and social practices.

Examples of spaces of flows include, for Castells, such modern phenomena as internet enabled networks of urban centers, globally distributed industrial production networks, urban innovation centers, telework, and online shopping and banking (Castells, 2010, loc. 9737–10226).

The historical shift Castells attempts to capture with the space of flows is inextricably linked with a changing concept of time. Castells thinks that society and power have always been linked with notions of time. For example, modern industrial societies are created with and dominated by clock time. When time used to organize space, spaces of places were spaces of contiguity (Castells, 2010, loc. 650). In the network society, space organizes time. Space becomes the infrastructure for simultaneous real-time flows without contiguity (Castells, 2010, loc. 9737–9749).

A new conception of time emerges, the timeless time. The space of flows is the material basis for *timeless time*, a new kind of temporality typical of the globalized and digitally interconnected world. Timeless time is epitomized in global flows of money, people, work, and symbols, a circulation (cf. Castells 2010, loc. 10940) that creates a "forever universe", a condition where time and space cease to be contiguous (Castells, 2013, p. 34). Temporal phenomena in the network society are uprooted from their sequential order, or time is compressed. Castells vividly describes timeless time: "Split-second capital transactions, flex-time enterprises, variable life working time, the blurring of the life-cycle, the search for eternity through the denial of death, instant wars, and the culture of virtual time, all are fundamental phenomena, characteristic of the network society, which systemically mix tenses in their occurrence." (Castells, 2010, loc. 11396)

What are the implications of the space of flows and timeless time for democratic citizenship? Castells does not provide direct answers to the democratic implications of the fluid and networked society, but he discusses viewpoints that inform my analysis.

In Castells' view, power elites are a *dimension* of the space of flows. Elites impose their will on other nodes of the network, thus becoming central nodes in the space of flows. Castells points out that elites try to avoid "becoming flows themselves", in order to be able to impose their rules on others. Access to elites is enabled by the possession of cultural codes that are embedded in the social structure (Castells, 2013, loc. 10448). Decisions are made in spaces that are secure and exclusive to the elite, uprooted from national traditions.

Castells postulates that in democratic societies the elite is bound to distance itself from the people. He appears to be saying that business elites try to prevent politicians who represent the people from accessing power. "The more a society is democratic in its institutions, the more the elites have to become clearly distinct from the populace, so avoiding the excessive penetration of political representatives into the inner world of strategic decision-making." (Castells 2010, loc 10449). It is unclear whether Castells thinks that not only financial elites, but also democratic elites have a tendency to distance themselves from the people. In our case, it is worth asking, whether the democratic establishment tries to prevent those who declare themselves to be *even more* democratic – the crowdsourcing campaigners and hacktivists – access to power.

In Communication power, Castells (2013) builds on his previous theories of the network society and develops his theories on communication, space and time. He claims that our era, the information society, is characterized by power relations constructed in communication networks and sees modern societies through the interaction of power and counter-power. Power is presented in institutions, counter power in civil society. Technology, the Internet in particular, gives individuals and civil society an unforeseen capability to question and challenge institutions of power through communication counter-power.

In Communication power, Castells further develops his theory of changes in space and time. A "third space" emerges as an intermediary position between the space of places and the space of flows. Digitally enhanced social movements create what he calls the *space of autonomy*, a space between the urban spaces and cyberspace (Castells, 2013, p. xl). In this space of autonomy, citizens "challenge the disciplinary institutional order". When they do so in an organized way citizens may become what Castells calls *reprogrammers* of power networks (Castells, 2013, p. 302–414) .

Programmers, reprogrammers and switchers are power positions in networks. Power, for Castells, is not an attribute of individuals, but a relationship between network positions. The most powerful positions are what he calls the programmers and the switchers. Programmers create and manage networks; switchers act as link nodes between the networks. Reprogrammers are individuals or organizations – e.g. social movements – that challenge this power.

Importantly for my analysis, Castells points out a new kind of attitude towards democracy among networked social movements. They "do not object to the principle of representative democracy, but denounce the practice of such democracy as it is today, and do not recognize its legitimacy." (2013, p. xliv) Castells' empirical material is on social movements in the US, but this observation can be useful in analyzing civic crowdsourcing.

This study is also inspired by scholarly analysis of digitally enhanced citizenship. Research suggests that individuals adopt an increasingly active and multifaceted civic role through digital communication (Bruns 2007, 2008, Jenkins, 2006, Dutton, 2007.) Concepts such as the peer progressive (Johnson 2012), the actualizing citizen (Bennett, 2007, 2009), produsage-based politics (Bruns, 2008), commons-based peer production (Benkler 2006, 2006b), and DIY citizenship (Ratto, Boler, Deibert, 2014), convey this message of changing citizenship and its relation to democratic institutions and estates.

This new type of *citizenship* is linked not only with using, but, increasingly, also, building digital tools. New tools have been introduced in areas such as crowdsourcing for politics and policy, use of open data for government transparency and accountability, crowdsourcing for funding for civic purposes, and building digital tools for community organizing. This development calls for more research on the understanding of democracy and citizenship accompanied by these purpose-built tools.

Key concepts: crowdsourcing, hacktivism, citizenship, civic technology

Crowdsourcing at its simplest refers to tasks outsourced for large numbers of people on the Internet. I agree with Howe (2006), who defines crowdsourcing as an "act of a company or institution taking a

function once performed by employees and outsourcing it to an undefined (and generally large) network of people in the form of an open call."

Crowdsourcing has been used in democratic processes in a wide variety of cases, such as re-writing a constitution, open budgeting, idea generation for law, and petitioning for policy (Aitamurto 2012, Aitamurto and Landemore 2013). Aitamurto (2012) considers that crowdsourcing for policy can make democratic process more porous, introduce elements of deliberative democracy in representative systems, and increase legitimacy.

Howe (2006) also makes a distinction between commons-based peer production (Benkler, 2006) and crowdsourcing. Commons-based peer production is a collaborative act, whereas a single individual can be an actor in crowdsourcing.

Hacktivism is a combination of hacking and activism. I use the term hacktivist to denote the activists who either build digital tools or use activist-built digital tools for civic objectives. I interpret hacking as constructive action as opposed to cracking, which can have malicious or criminal intent (cf. Levy 1984, Himanen, Torvads, Castells 2001, Stallman 2002). To emphasize the social intentions of hacktivists in our case, I also use the term civic hacker.

Citizenship in this article is the focus through which I observe temporal and spatial changes in democracy. I treat citizenship as a concept that is both historically changing (Schudson, 1998) and multifaceted in its contemporary manifestations, and define it as the rights, duties and actions related to the self-governance of a political community.

I treat crowdsourcing for law as part of the wider phenomenon of civic technology (Patel et al, 2013). By civic technology I mean commercial and non-commercial digital technologies developed for civic use. Examples of civic technology include crowdsourcing services, community and neighborhood platforms, open data services, collaborative consumption tools, and crowdfunding. Even though some of these services have existed since the early days of the Internet, the enhanced interactivity, usability and potential user base of the Web2.0 Internet environment grant civic technology novelty value. Civic technology can also be seen as a new development in comparison to civic use of such social media

platforms that were originally intended for entertainment, business or both (e.g. Facebook and Twitter).

Methods, Case Profile, and Data

Perhaps due to the novelty of emerging civic technology tools, ideals of democratic citizenship within the wider phenomenon of civic technology have not been thoroughly mapped and analyzed. The research presented here attempts to start filling this void by exploring what kind of democratic ideals are held and advanced by stakeholders in the process of regulating, building and using tools built for crowdsourcing for law.

Due to the exploratory nature of this study, hypotheses or explicit research questions were not set. The following questions capture the focus of the inquiry in the semi-structured interviews:

1. What is the democratic rationale behind Finland's Citizens Initiative Act and its accompanying digital tools?
2. How do digital civic hackers, regulators, campaigners and politicians describe and practice their democratic values and objectives?
3. How are these values presented in relation to democratic institutions?

Primary research data was gathered through interviews. There were eight interviewees and all of them were in key roles in legislating for the CIA, regulating and building the accompanying digital platforms, and using the platforms for developing legislative initiatives and campaigning for them. The interviewees included Ministry of Justice civil servants (MoJ, 3 interviewees,), MPs (2), digital civic activists (DCA, 2) and campaign activists (CA, 1). The semi-structured interviews were conducted on Skype or in person between March 3rd – July 17th, 2014, and they lasted from 45-156 minutes, with an average duration of 72 minutes. All of the interviews were transcribed.

A qualitative content analysis (Corbin and Strauss 2008) was carried out, drawing from both inductive and deductive forms of analysis. The data was first closely read and open coded, with an emphasis on naturally emerging themes. On a second round of coding, particular emphasis was given to practices, ideals and future visions of democracy. A third round of close reading compared the emerging themes

to Castells' existing theory.

Government documents and journalistic material (printed newspapers, blogs) were used as secondary sources to understand the chronology, background and legal framework of the Citizen Initiative Act. Virtual ethnography (Hine 2003, Sumiala and Tikka 2011) was conducted on the crowdsourcing platforms to understand their functions.

I analyzed the data through polar "positions" – the positions of *democratic continuity* and *democratic disruption*. By positions I mean abstractions of practices and ideals present in the data. The positions are analytical concepts that are drawn from data with regard to perceptions of time and space. Certain practices and ideals were more pronounced among certain individuals and groups than others, but the positions were not to be simply reduced to individuals or groups of people. For example, the hacktivists were more vocal than MPs and civil servants about their views on the changes required to tackle the legitimacy crisis in democracies. However, this does not mean that elements of the position of democratic disruption were totally lacking among civil servants or politicians. In other words, the positions are conceptualized to help in understanding emerging practices and values of citizenship in the context of crowdsourcing for law.

Findings and analysis

In the interviews, the need for new ways of civic participation was associated with a transformation in the concepts of time and space. This can be observed in the interviewees' direct references to time (such *as speed, stagnation, disruption, short period of time, lengthy, quick, years, weeks* etc), and space *(the Internet, parliament, committee, work space, social media),* but also in practices, institutions, metaphors and values that are embedded in time and space (such as *elections, navigation, conservative, agile, consultation, band* (of people), *mob, boost* (a campaign).

Two different concepts of time and space emerged in the interviews. A division between the slowly changing culture of representative democracy, and the need for a significant change in democratic participation to counter the legitimacy crisis of democracy can be observed. In analyzing the data I used emerging concepts related to time and space to abstract two polar positions with respect to

democratic citizenship: the positions of *democratic stability* and *democratic disruption*. In the following I analyzed how concepts of time and space were associated with notions of democratic legitimacy, stability and change in the context of crowdsourcing for law. I dealt with the positions separately, but, when required, compared the positions for clarity.

Democratic disruption

A position of democratic disruption emerged in the practices and texts of hacktivists. By democratic disruption I mean a significant change in democratic practices and institutions. An example of this kind of disruptive change is to accomplish, through new channels of digital civic engagement, legislation that the government has promised but failed to deliver.

An interviewee working in a central volunteer role in the "I do 2013" campaign for Equal Marriage law emphasizes the importance of digital tools that accelerate the process by which power is challenged. "The electronic signaturing helped a lot in getting such overwhelming support in a short period of time. It is a great thing because our society is so impulsive, people get enthusiastic about issues quickly and then the enthusiasm dwindles equally quickly. I'm 27 and people of my age are used to doing things really fast. We like and dislike quickly." (CA1)

In the civil society, speed emerges as a natural way of things for the younger generations. Digital tools assist in engaging with politics in a way suitable to younger generations. Change not only *can* occur fast, it *must* occur fast to occur at all. This position has it that slackers miss the moment to engage with people.

An accentuated notion of speed can also be observed in the way the NGO Open Ministry launched their crowdsourcing web service. The hacktivists were eager to be quicker than the government in launching the site. A hacktivist described their motivations and objectives for working in the project: "(W)e could launch our site up to six months before the public authority, which meant we could turn the mind set and media attention to Open Ministry, and boost the user base so the service could fly"(DCA2).

In our data, hacktivists and activists view representative democracy as nurturing outdated attitudes towards time, achievement and risk. For them, representative democracy overemphasizes continuity

and risk management, when failing should be part of experimenting. The hacktivists compared the work culture of the NGO Open Ministry to a startup company. Solution seeking and practicality were recurring themes. In a manner reminiscent of high-growth digital technology companies they spoke of "rolling out" their crowdsourcing services with speed, efficiency and reach. Changes to practices of democracy were welcomed in a similar manner. The campaigners and hacktivists considered that crowdsourcing presented an "astonishing leap" and a "shockingly big change" in the history of Finnish democracy (DCA1, DCA2). They saw crowdsourcing in politics as a major step towards individual civic empowerment. "We're speaking of the biggest upheaval in democracy (--) over my lifetime", a hacktivist said (DCA2).

This is not to say that the position of disruption is insensitive towards arguments against crowdsourcing. Hacktivists and campaigners mentioned concerns, such as problems in equality and representativeness, clicktivism, the digital divide and the skills divide, and provided counterarguments. An up-beat depiction of democratic disruption was accompanied by realism about what can and should be accomplished. Major upheavals in democratic institutions were not expected or even welcomed. Experiments in crowdsourcing or direct democracy should, in the foreseeable future, take place within the framework of the representative system. "—for now all of this complement traditional representative democracy so that we get better ideas in the process to decide upon.(--) Citizens' input in this process brings more information, sources and legitimacy in the decision making process that has traditionally happened behind closed doors", a hacktivist explained (DCA1).

In the interviews, political parties emerged as both essential in legitimizing power and as a central cause of problems in contemporary democracies. Parties accomplish things, but are either inefficient or corrupted. They do not make change and they barely adapt to change. "Parties, they are completely useless. A big part of the problems related to representative democracy is linked to party politics. I have the feeling that people are not so much frustrated with politics but with party politics", a hacktivist said (DCA1).

The distrust of activists towards institutions and practices of representative democracy was notable. They work with the representative system, value its achievements, but they also saw it as defective or profoundly flawed. The opaque and old-fashioned nature of proceedings in a representative democracy

was viewed as contrary to citizens' interests. "The parliament is always more conservative than the people, and they are now afraid that they let some power slip to the people", a campaigner said (CA1). This experience motivated the activists to look for alternative channels of civic engagement. The "I do 2013" campaign was created out of frustration after the parties failed to introduce the law on same-sex marriage despite promising to do so in the election campaigns of 2011. "It was extremely frustrating from an ordinary citizen's perspective that first they give a lot of promises, but in the end this kind of an important ethical question [of equal marriage] is overrun in the negotiations to form the Cabinet", a campaigner said (C1).

This practice of "forgetting" promises given in election campaigns is due to the Finnish multi-party system, where no single party gains a majority of votes. Broad coalition governments, often ranging from right to far left, are formed as a compromise, in closed post-election negotiations. It is not unheard of that in these negotiations parties change their positions on several issues in order to strike a deal on the program of the government (Boxberg and Heikka 2009).

Party politics was regarded as such a sensitive issue that campaigners who were affiliated to parties decided to keep a low profile. However, here again criticism of political institutions was accompanied by realism. Parties were seen as a given element in power making and legislation, and no alternatives were seen to them in the near future.

How, then, do hacktivists and campaigners reconcile the seemingly contradictory views of distrusting politics and not wishing for immediate change in political institutions? An answer emerged through the use of citizen's skills. In the disruptive view, the legitimacy crisis of democracies can be countered by utilizing citizens' skills for social good within existing institutions. The government is seen to *need* the skills of citizens to ensure the best possible outcomes of democratic change. Offering these skills for social good is a cause for pride. For example, when speaking of an initiative to engage all public libraries in Finland for their crowdsourcing project, they were proud of using a self-made technical solution to collect relevant contact details from public websites. A hacktivist said: "Had it been a government project it would have taken six months. We did it in a few weeks. I coded the scraper, and [name] and I spent most of the time contacting libraries and placing them and their addresses on a map. (--) The end result was that with a few guys working voluntarily a few evenings we got all libraries

onboard." (DCA2)

Appreciation of skills was associated with a meritocratic view of democracy. It was considered acceptable that those with more skills and enthusiasm had more say in decisions. A hacktivist said that claims of minority rule or mob rule through digital technologies was "nonsense", as long as these groups have no real decision making power. In crowdsourcing for law, the parliament has a final say. "I believe in a kind of meritocratic democracy... In the decision making itself, representativeness has to be taken into account. (--) If there are people who have something to say and even technologies that enable us to select among those people the most sensible and merited, it is only for the common good that they contribute more", the hacktivist said (DCA1).

The "I do 2013" campaign and the Open Ministry both attracted voluntary help from journalists, marketers, communicators, social media experts, developers and graphic designers. An interviewee at the "I do 2013" campaign said the supply of volunteers was so plentiful that the campaigners could simply choose the best and the volunteers could use their skills in a short-term but potentially impactful project. The campaigners and hactivists saw the CIA as a way to bring new people to the civic sphere. A hacktivist put it as follows: "The role of technology is that it brings people together and enables decentralized co-operation regardless of time and space, and that those with skills find each other in new ways" (DCA1).

The hacktivists were proud of their skills and of the fact that they were able to assist the Ministry of Justice with technical issues. They also thought that in many cases they had more skills and knowledge than the government. The reward for their work was meaning acquired through accomplishment. The hackers simultaneously nurtured a competitive and collaborative spirit towards their civil service counterparts. "Our tools and contacts are now on the level that people can create crowdsourced legislation that is more or less on the par with Government Bills. (--) One way to see this phenomenon is that we're no more waiting the government to come up with the optimal result, but instead we do it ourselves and suggest 'would this be ok?'", a hacktivist said (DCA1).

Using skills opens an international perspective to time, space and citizenship. When skills and capabilities result in scalable models, practices and software, they can be circulated globally. The

interviewees spoke about how the Open Ministry and the CIA is a model that interests many countries' governments and civil societies. "I went to the Cabinet Office in the UK (--) to talk about our project. The British are taking a close look at how crowdsourcing for law works in two countries. The countries are Finland and Brazil. (--) On a European scale many countries have expressed interest. (--) definitely we could roll out as Open Ministry country by country." (DCA2)

NGO's and governments alike can utilize globally circulated open source tools to build platforms for democratic crowdsourcing. NGO's are less restricted than governments in using communication servers abroad and in circumventing the privacy laws that governments must adhere to.

Democratic stability

At the other end of the continuum, democracy is a mechanism for controlling risks. I call this the position of democratic stability. Democracy's legitimacy is attained through representative democratic institutions and strengthened by success in maintaining stability. Change is part of democracy, but change must be managed through existing institutions.

For the politicians and civil servants I interviewed, continuity was an important value in democracies. They were aware that many of their practices contrasted with the "agility" of the civil society, and their innovative practices for engaging with citizens. At the same time, the activity of citizen's at times other than during elections emerged in the interviews as a destabilizing factor. Change in democracies is ideally seen as incremental and the interviewees associated this with the slow process of lawmaking. A civil servant expressed this view: "Things – routines and such – they change slowly. And often that is a good thing. When you look at democracies where things do not happen overnight and the decision-making process is stable, they are also the affluent and so-called well-doing nations". (MoJ1)

Stability is managed in institutions and physical places, such as Ministries, Committees and Parliamentary Plenaries, ensuring legality. Crowdsourcing for law is seen as shortcutting the time-consuming process of preparing for a Bill: "[Ministries] usually conducts preliminary investigations, reports, impact evaluations and so forth – an enormous job before a bill enters parliament", a civil servant said. (MoJ1)

This does not mean that change is unwanted or that only riskless change would be accepted. Change includes risks, but risks can be managed with experiments, evaluations and incremental improvements. Fast, disruptive change is seen as uncontrollable and vulnerable to mob rule. A civil servant at the Ministry of Justice expressed this concern: "One can also ask, that if a group of say five chaps say they know how to do this (crowdsourcing service) (--) and they attempt to push things through as fast as possible – it should raise the question of how representative are they and what is the societal context at large." (MoJ3)

Another interviewee, a junior MP, considered that seasoned lawmakers in particular see legislation as a traditionally long process that is usually initiated by the government, consisting of preparatory work undertaken by civil servants, a consultation round of stakeholders, hearings in closed parliamentary committees, and, finally, a political debate and a vote in parliament. "And only after this lengthy process one can regard that the big vessel, which must be navigated with great responsibility, arrives at a port. So from that perspective it is understandable to hold the skeptical view, that one cannot legislate on the basis of citizens' initiatives, which essentially can be done by any band whatsoever." (MP2)

Democratic stability is concerned with equal access to power in terms of technological capabilities and representativeness of decisions. This does not rule out innovative methods, for example, co-operating with civil society. For example, the Ministry of Justice initiated a developer community of volunteers and civil servants to plan digital engagement tools and the Ministry considered this a positive experience.

Both positions, democratic disruption and democratic stability, shared the perspective of a democracy in crisis that was already present in the preparatory documents of the CIA. However, an urgency to do something about it was more pronounced among hacktivists and campaigners. Both positions also shared the view that political parties present a problem in modern democracies.

The crisis of democracy is epitomized by the downward spiral of election turnout rates, visible since the 1980's in Finland. "The reality is that after my generation (born in the 1960's) is gone, it is possible that we leave behind a gigantic legitimacy crisis with less that half of the electorate voting", an MP and former government minister said, pointing out that this looming crisis was a major rationale for

introducing the Citizens Initiative Act (MP1) . Legislators and civil servants viewed the crisis more broadly, as a crisis of civic participation. A civil servant interviewee suggested that the problem was the decline of party membership and parties' diminishing roles, not necessarily parties as such.

The importance of engaging citizens by providing opportunities for them to use their skills is shared by both positions. Crowdsourcing is a vehicle to amass and organize these skills for social causes in an effective and fast manner.

In all interviews the appreciation of citizen's skills was associated with a willingness to experiment and a tolerance of failure. However, there is a difference between the positions in the rationale for using skills. Politicians and civil servants emphasize the importance of skills in ensuring the legitimacy of the representative system. Engaging skillful citizens carries the risk of creating new unequal practices dominated by the web-savvy. For example, a Ministry of Justice civil servant expressed a concern that "new tools create an evermore unequal democracy, since we know that there is usually a strong correlation of voting and taking part in other (civic) activities" (MoJ1). This was in contrast to the hactivists' and campaigners' meritocratic view, which is that it is only natural that those with more skills and activity get more say in society.

Civil servants and politicians also see crowdsourcing as an answer to the challenges presented by ethnic and cultural heterogeneity. The mobility of people challenges the stable practices of democracies in nation states and new kinds of channels for participation are needed.

Finally, a major difference between the positions was not in the present or medium-term vision of democracy, but rather in what individuals felt was desirable in the long run. A radical vision of a major reform towards a technology-enabled direct democracy was nurtured in the position of democratic disruption. For the position of democratic stability, representative democracy and political parties would remain the predominant form of democracy even over several decades.

Conclusions

This study set out to explore emerging typologies of democratic ideals and practices in the context of

crowdsourcing for law. In analyzing the data, I identified the polar positions of democratic stability and democratic disruption as analytical tools for understanding differences in naturally emerging themes. In the further analysis of the data I concentrated on themes associated with changes in the concepts of space and time. In this concluding section, I used Castells' theory of space and time to organize and interpret my analysis.

Castells suggests that networked social movements and political activists are increasingly adopting networks as their space of functioning, changing the ways of political organization and power making. Castells identifies the conception of space of autonomy as an emerging spatial form of civic action. In this space, civic actors can reach the position of reprogrammers on power networks.

Findings from this study suggest that crowdsourcing for law can be understood as an attempt to reprogram power networks in the space of autonomy. Hacktivists and crowdsourcing campaigners have adopted their actions and thoughts to correlate with space and time of autonomy.

Crowdsourcing campaigners and civic hackers bring a distinctive dimension to time in democracy. In digital crowdsourcing time is compressed and compressed time is significant in different dimensions of digital civic action. Through co-creation, benchmarking of services and scaling of practices, contiguity of time and space is broken into four distinct levels. Compressed time:

1. is critical in engaging citizens inhabiting the space of flows. In other words, the real-time nature of digital crowdsourcing for law is appealing to a generation that "likes and dislikes quickly"
2. makes crowdsourcing and the co-creation of ideas over spatial and temporal boundaries possible
3. allows for the possibility of scaling and the circulation of digital civic innovations and ideas over geographical boundaries
4. enables the fast build-up of political pressure that is critical in introducing new and controversial issues in political debate.

Hacktivists and campaigners recognize that crowdsourcing for law is practiced within the spatial and legal confines of a nation state. Simultaneously, crowdsourcing for law is part of a global movement for open government and open data. Solutions and practices travel over physical borders and they have

the potential for immediate scalability. As the social movements that Castells describes (2013, p. xxxix), the position of democratic disruption is simultaneously local and global.

Hacktivists and campaigners can be seen as attempting to strengthen democratic citizenship in a situation where power is no longer rooted in experience (Castells, 2010, loc 10637). People are alienated from meaningful engagement with the representative power. People still live in spaces, but power, according to Castells, is practiced in the space of flows. In our findings, crowdsourcing activists attempt to re-root democracy in the experience of people through issues that they care about. Through reprogramming power it is possible to win victories, through introducing issues to political process, and strengthen the legitimacy of democracy.

Castells' perspective is that financial elites impose their will over other nodes of the network (e.g. democratic lawmakers). Our data suggests that this view needs to be broadened. In the data civic hackers and campaigners did not have the view that markets undermined democracy, but rather that it was undermined by old-fashioned or corrupted democratic practices. This does not, of course, rule out the possibility of financial power over democratic representatives, but there was no evidence of that in our data.

The findings from this study suggest that parliamentarians and civil servants live in bureaucratic time and the space of places. Bureaucratic time is the time of solid institutions. Physical spaces are required to provide contiguity. These places, such as the parliament and its chamber and committee rooms, are inseparable from the legitimacy of the decisions made. In our data, the politics of bureaucratic time legitimizes itself by ensuring equal access to power. This is accomplished by a well-planned process of consultations, checks and balances and traditions of power-making.

Crowdsourcing challenges the bureaucratic time and space of the representative processes. This contradiction in concepts of time and space between the hacktivists and regulators is epitomized in the question of how far the government's co-operation with the hacktivists could go. A physical working space was mentioned as a way of developing the co-operation.

From the position of democratic disruption, parties live in bureaucratic time and do not allow citizen

engagement beyond the legal minimum of elections. They are a "part of the problem" of the legitimacy crisis of democracies since their interests are jeopardized by new democratic practices. Crowdsourcing challenges the traditional route for initiating legislation through elections.

Co-creation of law erodes the bureaucratic time that was previously the temporal dimension of legislating. Contiguity of time and space is not required, when citizens contribute to crowdsourcing processes on digital platforms. Castells does not appear to name the corresponding temporal dimension for the space of autonomy. I will call this time the time of autonomy. The time of autonomy is a concept of time that exists between timeless time and bureaucratic time. The time of autonomy allows the use of affordances typical of timeless time, such as of the compression of time and the breaking of spatial boundaries.

However, autonomous time is also porous in the way that it allows interaction between other spatial and temporal forms. Crowdsourcing for law exists in the interaction of spaces of autonomy, places and flows. Our data suggested that crowdsourcing for law can be interpreted as an intermediary technology and social practice that legitimizes democratic power in the era of transformations in time and space. The decoupling of time and space allows for individuals and groups to contribute in civic action irrespective of geography, physical spaces and time. Equally importantly, law initiatives crowdsourced in the space of autonomy penetrate the spatial and symbolic boundaries of parliamentary space and aim at reprogramming power.

Castells' theory of changes in time and space has been treated here as part of a research field of flows, mobilities and circulation (Castells 2010, 2013, Urry, 2007, Bauman, 2005, Lee and LiPuma, 2002). In the space of flows democratic institutions are exposed to new pressures to change on a global scale. Through the co-creation of law, the production of law is detached from its physical boundaries. Law is crowdsourced in the confines of a nation state (defined by language and citizenship), but crowdsourcing as a method, ideology and technology is circulated globally; platforms, technologies (including servers, software and code), practices, ideals and objectives are shared and circulated in the open data and open government communities. Crowdsourcing for law, therefore, simultaneously re-enforces and deconstructs the power of a nation state. Furthermore, the networks for crowdsourcing itself are in a constant state of mobility. If needed, the crowdsourcing networks reconfigure in an agile

manner, typical of networked social movements. For instance, the Open Ministry transformed from a crowdsourcing platform to an NGO and advocacy group within a year when financing for the required technology was not available. I argue that crowdsourcing emerges in our data as a form of political activism embedded in the state of flows.

Furthermore, I argue that the Open Ministry and the Ministry of Justice created a model for co-creating political institutions in a space and time of autonomy. In this intermediary space, the positions of democratic stability and democratic disruption could function fruitfully in co-operation. Crowdsourcing for law was possible because it combined disruptive civic innovation with a long process of democratic legislation and checks and balances. In other words, the differing views between the positions inhabiting the space of places and the space of autonomy were successfully (even if temporarily) negotiated.

Underlining these contradicting perceptions of time and space the notion of democratic crisis and the fear of unequal access to power emerges. The concept of a democracy in crisis is shared by both positions of stability and disruption, but inequality is seen in opposite terms.

The disruptive perspective of democracy has it that change in participatory practices is the preferred and perhaps the only way to "save" democracies from increasing inequality in access to power. Inequality is seen as embedded in democratic and corporatist institutions through secrecy, deals and inertia. The reprogramming of power of crowdsourcing is directed to change these practices and transgress the spatial and temporal boundaries of representative democracy.

From the perspective of democratic stability, on the other hand, crowdsourcing has the potential to engage citizens in new ways but also provide shortcuts to new laws that erode democratic legitimacy. Politicians and civil servants fear that opening legislating for new and unpredictable forms of participation is vulnerable to mob rule.

The findings of this study with respect to time, space and democratic citizenship can be presented in the following chart.

	Democratic stability		Democratic disruption	
	Bureaucratic time	**Space of places**	**Time of autonomy**	**Space of autonomy**
Power and counter-power	Citizens are consulted in elections every four years	Power making takes place in ministries, party offices, parliament chambers, committee rooms, polling stations and other professional spatial institutions for negotiating and consensus-making	Citizens and groups challenge and enforce power in real-time and ad-hoc campaigns. Crowdsourcing constantly feeds initiatives into parliament	Power is challenged in spaces for ad-hoc action, such as social media and civic technology platforms
Crowdsourcing in representative democracy	Crowdsourcing is a complementing method of civic engagement that fits awkwardly in the temporal institutions of representative democracy	Crowdsourcing is feared to threaten the balance of power that is accomplished in existing spatial political institutions. This challenge is likened to mob rule.	Crowdsourcing can challenge the power holding institutions that are mired by bureaucratic inertia and non-transparency	Crowdsourcing complements the lack of spaces for democratic engagement and participation in the contemporary representative system
Citizenship and individual skills	Citizens' skills are welcomed in theory, but emerging autonomous civic practices do not fit well into the four-year cycle of representative democracy	Skills are used to complement the use, organization and hierarchy of power within existing spatial institutions	Skills are used to set agenda for debate and challenge power independently of the representative cycle of bureaucratic time	Skills are used to enhance quality of power by creating new spaces, media and practices for civic engagement

The findings of this study also contribute to defining crowdsourcing for civic purposes.

The CIA allows for an emerging form of civic collaboration that includes both crowdsourcing from individuals (Howe, 2006) and commons-based peer production (Benkler, 2006). Single individuals can submit legislative initiatives. Also, the signing of an initiative is an act of an individual. In many cases, however, the initiatives are a result of extensive group work. At the minimum level, the CIA requires

submitting individuals to name a deputy for the project, making the contributions for law crowdsourcing a social effort. For the most part the co-creation qualities of the Act were made possible by web design or the Open Ministry. In other words, the co-creation elements were made possible predominantly by allowing a third party – an NGO – to built their own vision of what a civic crowdsourcing web service should look like.

Policy implications

The Civic Initiative Act is a case where stakeholders, defined by different temporal and spatial contexts, were able to (even if briefly) collaborate fruitfully. Governments may want to examine the decisions and practices that led to the successes and failures in the co-operation with the hacktivists. Data suggests that positive outcomes were accomplished with deep co-operation between hackers and civil servants in the developer community. Among the positive outcomes were the relatively clear roles and divisions of labor between the stakeholders, positive media reactions and the relatively large user numbers of the crowdsourcing platforms.

A radical legislative framework – a result of a decade's work by three governments – was the key for success. It allowed stakeholders to work with a mandate to really affect power. Such long-term commitment to create new forms of civic engagement should be continued, with increasing focus on how to create civic practices compatible with the space and time of autonomy.
The failure of the Open Ministry to maintain its service after its initial success is a cause for concern. Resourcing a civic technology ecosystem should be examined. Lack of money was the likely cause of the downfall of the Open Ministry as a crowdsourcing service, but allowing NGOs deeper integration with existing government technical resources could alleviate this problem.

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