

6. The social construction of anti-corruption technologies: Analysing the e-participation platform *rahvaalgatus.ee* in Estonia¹

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INTRODUCTION

Estonia is broadly recognised as an example of fast societal transformation while ensuring effective control of corruption after the Soviet regime collapsed.² In the last decade, rapidly evolving communication technologies have been increasingly considered an effective tool to counteract corruption (Chêne, 2016). Naturally, the explanations of the success in Estonia are due to the high technological development of the country, providing transparency and impartiality in public services.³

In 2000, Estonia provided a legal framework and infrastructure to enable digital signatures. Consequently, most interactions between citizens and the state moved online, not only administrative but also political ones (Björklund, 2016). Estonia became the first country in the world that legitimised e-voting in national elections and that experimented with e-participation, in 2001 (Toots et al., 2016; Toots, 2019).

Nevertheless, Estonia experienced a political crisis resulting from a scandal in 2012, when an illicit political finance scheme was exposed. The trust in representative democracy was additionally undermined by the low political will and institutional failures to condemn the malpractices. Thus, e-governance, useful to reduce petit and administrative corruption, failed to prevent corruption on the input side of the political system. E-voting, which was helpful in optimising elections in representative democracy, did not change the way representation of interests is organised in society.

In this chapter, I argue that the crisis revealed the demands for a new social contract, i.e. new patterns in citizen-state relations. The search for crisis solutions took place in a process known as People's Assembly 2013 or *Rahvakogu*. The new principles of co-creation and crowdsourcing, inclusivity,

and deliberation were contested and exercised during the People's Assembly. These principles are materialised and institutionalised in the Estonian Citizens' Initiative Portal. Thus, compared to other e-participation platforms introduced top-down, *rahvaalgatus.ee* emerged from the grassroots when the society questioned representative democracy and experienced participatory democracy principles as a new imaginary for state-society relations.

Empirically, this chapter will analyse the Estonian Citizens' Initiative Portal (ECIP) *rahvaalgatus.ee*. The platform was a product of the crowdsourcing and deliberation process in Estonia, known as Rahvakogu or People's Assembly in 2013. It aimed at opening the political system on its input side and enabling political influence for ordinary citizens using e-democracy tools of the collective proposal.⁴ Both the People's Assembly and the ECIP are analysed, as a case of an indirect anti-corruption measure in response to the corruption on the input side of the political system. The case study explores the relationship between social practices that arise in response to corruption and the material aspects of technology developed to manifest these practices in Estonia.

Theoretically, this contribution aims to revise the assumptions of technological determinism and explore the social influence on the development of digital media from the perspective of the Social Construction of Technology (SCOT) theory (Bijker et al., 1987) whose underlying assumption is that the development of technology is a social process. There are many possibilities for technical solutions, but the one that materialises reflects the meanings that social actors assign to technology, their beliefs, as well as relations between the actors etc. In the case of *rahvaalgatus.ee*, I propose that the online portal for collective address is the materialisation of societal change, including new demands and attitudes towards the existing social contract, manifested during the People's Assembly in 2013. In particular, *rahvaalgatus.ee* reflects the co-creation, inclusivity and deliberation aspects inherent to participatory democracy and challenges the conventional decision-making in representative democracy.

This chapter has policy relevance, elaborating on how e-participation can be considered an anti-corruption technology. While there is extensive research on the effects of e-governance on corruption (Chêne, 2016; Gans-Morse et al., 2018), the work on e-participation and anti-corruption remains scarce. At the same time, global regimes that promote citizen participation, such as Open Government Partnership, account for anti-corruption in practice and lack differentiated theoretical foundations about the mutual effects of using technologies to engage citizens to address corruption. I argue that e-participation is critical to address the specific form of corruption on the input side of the political system, while e-governance and e-voting are failing to do so. Importantly, accepting participatory democracy principles in society as a type of state-citizen relations precede e-participation technology, not vice-versa.

Thus, the new social contract was response to corruption (Rothstein, 2021) and provided the ecosystem for new practices and technology to strive (Mattoni, 2017).

The chapter is structured as follows. I elaborate on the analytical framework, data collection, and analysis methods in the methodological section. Further, I discuss the peculiarities of corruption and anti-corruption on the input side of the political system. In the empirical part, I explore the Silvergate corruption scandal and the following legitimacy crisis of Estonian representative institutions from the constructivist perspective. I argue that the crisis and the following protests posed the demand for and experimented with the new social contract, shifting from representative democracy to a participatory and deliberative one. The following section discusses how e-participation technologies reflect the type of citizen-state relations. The case of the Estonian Citizens' Initiative Portal (ECIP) *rahvaalgatus.ee* represents the new generation of e-participation technologies compared to the previous ones developed in the country. In the following section, I bring both perspectives together and show how the core principles of People's Assembly 2013 materialised in the ECIP *rahvaalgatus.ee*. I conclude with a discussion about the implications of the case study.

RESEARCH DESIGN AND METHODS

As a country case, Estonia provides a unique context to analyse anti-corruption technologies in a setting of a highly developed technological infrastructure⁵ and low level of corruption.⁶ At the same time, the 'digital culture' or 'culture of e-government' evolved in the country, given high public trust towards digital solutions in citizen-state relations. (Björklund, 2016; Madise & Vinkel, 2014; Maria Vooglaid & Randma-Liiv, 2022) The analysis of the e-petition platform *rahvaalgatus.ee* is designed as the most likely case: while the pioneer country in e-governance and e-voting had all preconditions to succeed in e-participation technologies, five predecessor projects of *rahvaalgatus.ee* failed to provide an acceptable and institutionalised solution for citizens to submit their ideas for legislation and policies. Departing from this puzzle, I argue that, unlike other e-participation projects, *rahvaalgatus.ee* reflects the change of citizen-state relations towards participatory and deliberative democracy that manifested in the People's Assembly 2013 practices.

Methodologically, the analysis is based on semi-structured interviews with the social movement leadership (9 interlocutors) – the initiators, organisers, and IT developers, who played a critical role in each stage of the process, from People's Assembly 2013 to the development and use of *rahvaalgatus.ee*. In the interviews, I pay particular attention to the imaginaries and values of the leadership and the most salient conflicts they faced in the discussion. The con-

textual information has been conducted in 6 semi-structured expert interviews on (anti-)corruption and civil society in Estonia. In addition, visual data on the protests and secondary data, including related websites, social media, and documents, on both the social movement and technology have been collected and analysed.

To operationalise change, I rely on the role of ‘antagonism’ in the discourse theory of crisis and change by Dirk Nabers (2015). The logic of antagonism implies ‘the openness of one [social] identity to be infected by another’ (Nabers, 2015, p. 113). As a rule, ‘opposed elements are articulated as conflicting’ (Nabers, 2015, p. 122). Thus methodologically, to identify antagonism as an indicator of societal change, in the course of data collection and data analysis, I focus on the conflictual issues, i.e., themes that caused most discussions, disagreement, and contention. In addition to conflictual issues, I highlight which alternative values and processes the respondents propose as a ‘new’ solution. I reflect on antagonism on two levels: the societal level, which elaborates on the subject of the public outcry, as well as on the individual level, by identifying repeating themes among different stakeholders, independently from each other.

During this mapping exercise across all interviews, I inductively identified four concepts that were reoccurring among respondents about both People’s Assembly and ECIP *rahvaalgatus.ee*: co-creation and crowdsourcing, inclusivity, and argument-based deliberation. Based on the literature on the continuum of citizen-state relations from representation to partnership (Vigoda, 2002) and the difference between both, as well as conceptual work on collaborative governance (Ansell & Gash, 2007; Sørensen & Torfing, 2021) and deliberative democracy (Felicetti, 2016), I argue that the identified categories propose qualitatively different perceptions of citizen-state relations, shifting from representative democracy towards a participatory and deliberative one.⁷

To analyse ECIP *rahvaalgatus.ee* technology, I refer to the analytical framework from information systems’ literature with a focus on e-participation (Randma-Liiv, 2022) while considering the ‘media ecology and media practice approaches’ that allow a situated understanding of technologies in social movements (Mattoni, 2017). I assess *rahvaalgatus.ee* on four levels: organisational project level, including technology’s ownership, administration, and maintenance; technology level, including functionality of hard- and software, IT architecture, development, functionality etc.; process level, including all procedural steps that the path of e-petition includes; and the stakeholder level, including mapping and analysis of individuals and organisations, as well as interrelations among them, involved at different stages of development, maintenance, and use of technology.

THE PECULIARITY OF CORRUPTION AND ANTI-CORRUPTION ON THE INPUT SIDE OF A POLITICAL SYSTEM

In democracies, the input side encompasses accumulating public interests through political parties, which represent those interests and process them into legislation. This process includes the creation of political parties, their activities, and political finance for elections. In contrast, compliance with established laws and procedures and policy implementation represents the political system's output side. This input-output logic of the political system goes back to the political systems analysis by David Easton (1957).

There are several interrelated peculiarities of corruption on the input side of the political system. First, it is difficult to counteract, as it is not illegal but illegitimate in most cases. Thus, typical measures of checks and balances are problematic in a grey zone where formal rules are not violated. Second, the effect of corruption on the input side is devastating because particularistic abuse of the decision-making process results in legal norms favouring a narrow circle of interest groups instead of citizens. Thus, corruption on the input side restricts the possibility of fair and competitive distribution of public resources. Third, any meaningful change towards increasing political competition and opening access to political decision-making seems irrational from the side of political decision-makers on the 'winner-side.' It means that political parties and individual politicians profit from illicit finance by gaining material support or additional votes in exchange for particularistic favours in public office. Low prospects for success make it worth studying the exceptional cases of positive change concerning corruption on the input side of the political system.

The forms of corruption on the input side of the political system vary from illicit finance of political parties and individual candidates to clientelism, non-transparent lobbyism, etc. (Rothstein & Varraich, 2017; Varraich, 2014). All these forms have the same effect: they are based on the favouritism logic in political decision-making and skew political competition. The main challenge is that, in most cases, these practices are not illegal, or their criminal component is challenging to prove. Nevertheless, perceived favouritism in the decision-making undermines the expectations that go along with representative democracy, namely that politicians represent the interests of their voters. Therefore, illegitimate political competition on the input side fosters frustration with representative democracy and undermines trust between citizens and authorities.

Anti-corruption efforts to counteract such manifestation of illegitimate malpractices on the input side mostly take place in an indirect way (Rothstein, 2021). Their main goal is to increase trust and legitimacy of the political

system, which is different to the conventional approach of exposing and punishing corruption as a criminal offence (Wedel, 2012). The perception of political legitimacy reflects the social contract, defined in this chapter as a dynamic, discursive manifestation of relations between the society and authorities, which may vary across countries and change over time. Social movements are critical to articulating injustice and demanding a change in the social contract. They also provide space to generate ‘new meanings of contentious issues,’ as alternatives to the existing social contract (della Porta & Mattoni, 2021, p. 8; Melucci, 2009). The crisis of 2012 in Estonia and societal response to it allow for tracing a case of such a changing social contract.

CRISIS IN 2012 AS A RESONANCE OF CHANGE

The idea of *Rahvakogu* and *rahvaalgatus.ee* takes its roots in the political crisis that evolved around the Silvergate scandal. In 2012, Silver Meikar, a member of the Estonian Reform Party represented in the Parliament, published an online article about shady funding of political parties that came in cash from unknown sources (Meikar, 2012). After Meikar blew the whistle, it turned out that illicit political finance was widespread in Estonian politics and high-level officials (for example, Minister of Justice, political party secretary) were involved in these transactions. The political parties lost even more trust among the population when they indicated implausible funding sources during the investigation, like the money coming from the mother-in-law (Cavegn, 2016). Although the Minister of Justice resigned because of the scandal, the justice system failed to provide sufficient evidence for convictions. This scandal resulted in public protests in the main cities across Estonia. It turned out to be what Karlsson et al. defined as a ‘legitimacy crisis of Estonian political parties and representative institutions’ (2015).

In his speech to the Parliament, the President of Estonia Toomas Hendrik Ilves placed this political crisis in the context of societal change taking place in Estonia:

All successful states reach a certain crisis point when they have become wealthy enough. Expectations change. People’s primary needs have been satisfied, wherefore people are no longer content with what they have. ... In Estonia, we are also living through an important change in our value system. Several things that five or ten years ago brought votes at elections are today looked upon with a smile. Especially among those, whom we consider to be the guarantee of our future – among the broad-minded and well-educated youth. (Ilves, 2013)

The president’s assessment of the political crisis as the catalyst of an updated value system in society corresponds to the constructivist viewpoint, according to which a situation of crisis provides discursive space for change. In line with

the discursive theory of crisis and change by Dirk Nabers (2015), the crisis occurs when sedimented practices in the society are questioned. At the same time, the crisis provides space for antagonism and the hegemonic struggle of competing discourses. The antagonism is primarily visible in the conflict lines around specific issues or practices that question sedimented practice and indicate change. After the crisis, the ideas that people identify with the most can become a new sedimented practice. In other words, a crisis is a space for alternative knowledge to rise and materialise.

Nabers' theory provides two essential ways a crisis can provide opportunities for revising a social contract in a society. First, the crisis in 2012 in Estonia revealed how implicit norms and silent practices, like illicit political finance, became salient and disputed. In this logic, the event of Silvergate played the role of a trigger for the crisis, while the reason for the crisis was a different one: It is arising change of the norms, values, expectations and demands that become visible in this society.

Second, the antagonism in a crisis opens space for discussion and social innovation. It means society has a space to experiment and create new practices in state-citizen relations. These are structural opportunities and 'discursive opportunities' that trigger a change in a society (Bröer & Duyvendak, 2011). Having the possibility for engagement is necessary but not sufficient for mobilisation. People mobilise when 'they conceived of these openings as real opportunities because they started to feel differently about their situation and their capacity to change it' (Bröer & Duyvendak, 2011, p. 242).

In response to the crisis, civil society in Estonia took a constructive and inclusive way of elaborating solutions in cooperation with the authorities. The proposals aimed not at punishment but at institutional opening of the decision-making processes for the citizens. When public outrage spread nationwide after the Silvergate, few students saw the 'window of opportunity' to identify areas needing systemic change.⁸ Inspired by several influential Charters in the Soviet Union (Charter 67 in the Czech Republic, Letter of 40 in 1980), they invited 17 influential public figures to sign Charter 12, which shortlisted five areas that had to be revised (electoral system, political competition and creation of political parties, party funding, direct democracy and open decision-making) all aiming at the change on the input side of the political system. To launch the Charter, the activists closely worked with journalists, which resulted in broad media coverage of the initiative. The charter was posted online for electronic signatures to other citizens and collected over 17,000 electronic signatures supporting the demand for change within two days only.

This resulted in the so-called Ice Cellar meeting that President Ilves initiated in an informal group of Charter 12 authors, several civil society activists, experts, and representatives of four political parties represented in the Estonian

parliament Riigikogu. In that meeting, the former Minister of Reforms and member of the e-Governance Academy, Liia Hänni, proposed that ‘no parallel institutions’ are needed to solve the political crisis in Estonia, ‘but a new process.’⁹ With an example of a crowdsourced Constitution writing in Iceland in mind, she proposed to initiate ‘an open process to ask from the people how to renew Estonian democracy,’¹⁰ which found the support of most meeting participants. The meeting participants agreed to launch crowdsourcing for the ideas to address the five areas listed in Charter 12. This decision gave the conceptual beginning of the People’s Assembly.

In the following steps, the crowd-sourcing process known as Rahvakogu – the People’s Assembly – was initiated (GovLab, 2018; King, 2019). Over 2000 proposals for institutional change in response to the crisis were generated in three weeks. They were carefully clustered into 18. The main round of discussion took place during the Deliberation Day. For this purpose, 550 citizens selected in a representative sampling were invited to discuss proposals to the parliament. Finally, 15 proposals were submitted to the Parliament, while seven were adopted as Estonian laws (three without changes and four modified). One of the adopted laws was regulating e-petitions. The Estonian Citizens’ Initiative Portal *rahvaalgatus.ee* was the technical response to the institutionalised possibility.

The societal response to the corruption scandal in the form of the People’s Assembly is somewhat unusual for anti-corruption social movements. As a rule, social movements raised in response to the corruption crisis aim at creating counterpowers through oversight, prevention, and judgment – what Pierre Rosanvallon calls *counter-democracy* (Rosanvallon, 2008), or what is known in corruption research as *societal accountability* (Bauhr et al., 2010). As a rule, mobilised actors of social movements against corruption are ‘positioned outside the state,’ which allows them to act as a controlling agency of ‘outside of the market,’ as they ‘do not follow a profit motive’ (della Porta & Mattoni, 2021, p. 5).

Although *counter-democracy* is a natural way to handle societal distrust, della Porta points out that ‘rather “the age of mistrust” requires an institutional adaptation that can transform challenges into resources’ (della Porta 2020, p. 7). Thus, the activists recognised in the political crisis the chance to ‘transform challenges into resources’ (ibid, p. 7): they questioned not only the fact of shady funding of political parties but the access to politics in general and aimed at changing the status quo. People’s Assembly did not improve trust towards representative institutions in Estonia (Karlsson et al., 2018). However, it initiated a change that is taking place gradually, resulting in new societal demands and expectations while *rahvaalgatus.ee* provided the platform to accumulate and communicate those expectations for co-creation and collaboration, inclusivity and argument-based deliberation.

E-PARTICIPATION TECHNOLOGIES AS MATERIALISATION OF A SOCIAL CONTRACT

Participatory governance is not a new phenomenon (Koopman & Isbister, 1958) and discussed in contrast to representative democracy for a long time (Arnstein 1969; Gittel, 1972). However, in the past decades, using new technologies and institutionalising the open government approach through the global Open Government Partnership significantly increased experimental citizen participation. Using digital technologies in citizen-state relations decreased the costs of citizen participation, which otherwise required immense coordination of resources that were impossible to generate for participation on a large scale before computing algorithms were developed for these purposes. The utopian ideas of deliberative or collaborative democracy became feasible, which pushed their conceptual development (Ansell & Gash, 2007; Felicetti, 2016; Sørensen & Torfing, 2021) and practical application on the national and transnational scale (della Porta, 2020). Researchers speak of a new generation on the ‘evolutionary continuum’ in citizen-state relations (Vigoda 2002, p. 531). The shift is taking place from the New Public Management paradigm, according to which citizens are recipients of the services of public authorities, to the new collaborative paradigm in which citizens become partners in the process of governance and not only share decision-making rights and responsibilities but also engage in the policy implementation process.

Estonia began relying on digital technologies in its public administration in the 1990s, and e-governance became a part of the social identity in Estonia. Many new people, who came into public administration and boosted e-governance, had a scientific background and computer literacy, including the former Minister of Reforms Liia Hänni, who reflects in an interview:

After regaining independence, introducing e-governance in Estonia was part of the complete reform process. It came like a separate policy project, but initially, it was just trying to eliminate the ruins of the Soviet system.¹¹

E-Governance was introduced in the late 1990s when the x-road system provided an interoperability solution that connected different databases in different state organisations, which was crucial for integrated public services – this minimised citizens’ need to interact personally with bureaucrats and reduced administrative corruption.

An important milestone for e-democracy was the Digital Signature Act in 2000. The digital signature provided the necessary infrastructure for the future e-Estonia (Maria Vooglaid & Randma-Liiv, 2022, p. 107). In 2005, Estonia became the first country in the world to enable a countrywide, unrestricted, remote e-voting channel in legally binding elections (Toots et al., 2016, p. 5).

The share of e-voting grew to almost 50 per cent of all eligible voters in the European Parliament elections in 2019 (Maria Vooglaid & Randma-Liiv, 2022, p. 107). Complementary e-voting system for the local level of governance (VOLIS) serves to manage voting for participatory budgeting and citizen consultations in the form of polls, in addition to its primary purpose – to ensure transparent decision-making on the local level.¹²

In contrast to the e-voting tools that aim at improving the election process in a representative democracy, e-participation tools use digital technologies to facilitate online consultation and dialogue between government and citizens in the sense of participatory democracy. The e-participation researchers divide e-participation technologies into at least two generations: first-generation tools are provided mainly by governments in a top-down way to collect feedback from citizens on governmental initiatives. The second generation aims at citizen sourcing of new ideas and enables direct input for legislation from the grassroots (Medaglia, 2012; Toots, 2019). Some authors identify the in-between step of ‘passive crowdsourcing,’ when governments explore citizens’ needs, issues, and opinions by use of social media (Charalabidis et al., 2014).

In Estonia, some early experiments with e-participation were initiated in a top-down way. The first e-participation project TOM (‘Today I decide’), was launched in 2001 to allow citizens to make and discuss proposals for new legislation. TOM failed due to low citizen engagement, poor quality of ideas, and lack of integration into the policy-making process (Toots et al., 2016, p. 6). The online forum Themis, initiated in 2001 by the quasi-governmental foundation (the Estonian Legal Centre) was shut three years later (Maria Vooglaid & Randma-Liiv, 2022, p. 107). In consultation with civil society activists, the Government Office launched a new platform for public consultations on legislative drafts in 2007, which also failed to attract users and had no impact (Toots, 2019). Another governmental draft law portal, EIS is still operating, but its primary goal is to encourage intragovernmental consultation on the draft laws, although input from NGOs and citizens is possible. The only bottom-up alternative *petitsioon.ee* is informal and not legally binding.

The Citizen Initiative Portal *rahvaalgatus.ee* is a new-generation tool for e-participation in Estonia, as it not only allows citizens to react to the draft laws but feeds new policy input from citizens in a legally binding way. *Rahvaalgatus.ee* enables any citizen to create proposals for legislation, share ideas on the amendments to the existing regulations, hold discussions, and compose and send digitally signed collective addresses to the Estonian Parliament (Riigikogu) and local public authorities.¹³ The online platform was launched in 2016. Within seven years, the platform generated 550,000 e-signature for almost 400 initiatives, 185 of which reached the Parliament (in comparison, 19 petitions were submitted to the Parliament on paper). Notably,

the use of *rahvaalgatus.ee* evolves exponentially: it took four years for the first 100,000 signatures to be collected, while the following 450,000 signatures were collected in only three years.¹⁴

There are three significant differences from the previous e-participation platforms. First, in contrast to the previous top-down initiatives, *rahvaalgatus.ee* was built ‘bottom-up’, as a ‘collaborative effort’: the NGO Citizen OS Foundation developed the IT architecture; the hybrid organisation Estonian Cooperation Assembly (founded by the President of Estonia, but operating in the third sector) administers the platform; and the Chancellery of the Parliament manages the petitions that reach the Parliament (Randma-Liiv n.d., p. 7). Second, a mandatory procedure of the collective address with at least 1000 signatures by citizens of Estonia aged at least 16 years is regulated by the Riigikogu Rules of Procedure Act. Unlike previous platforms, it means *rahvaalgatus.ee* has been integrated into decision-making procedures. Third, despite the complex, collaborative management of the platform (Randma-Liiv n.d., p. 7) and unstable funding that relies on donations, the platform has been accepted by both citizens and authorities and indicates sustainable growth of users, unlike the previous initiatives.

Although the idea of e-solutions was very early in public service of Estonia, it was fully missing in the political dimension of the country, which is conceptualised in the literature as an ‘Estonian paradox’ (Toots et al., 2016). In other words, Estonia had no e-democracy, while e-governance was advanced (Pehk, 2018). The Estonian Citizens’ Initiative Portal *rahvaalgatus.ee*, as a bottom-up collaborative effort, manifests the change towards the generation of e-participation technology in Estonia.

THE SOCIAL CONSTRUCTION OF THE ESTONIAN CITIZENS’ INITIATIVE PORTAL *RAHVAALGATUS.EE*

In this section, I analyse central aspects of the People’s Assembly that materialised in the Citizens’ Initiative Portal *rahvaalgatus.ee*. The Citizens’ Initiative Portal technology inherited several principles of participatory and deliberative democracy that were contested but finally practised in the People’s Assembly: co-creation and crowdsourcing, inclusivity, and argument-based deliberation. The first principle is critical to citizen participation and a social contract based on networks and partnership ideas of different stakeholders instead of hierarchical governance. The second and third principles regard participation and a specific way of inclusive and argument-based decision-making, which is the foundation for deliberative democracy (Felicetti, 2016).

Co-creation and Crowdsourcing

The co-creation practices (different stakeholders work on the same matter) and crowdsourcing (different stakeholders generate different ideas or resources) became the foundation of the People's Assembly and *rahvaalgatus.ee*. Already at the pre-stage of the People's Assembly, the text of the Charter 12 was developed in a co-creation process. One of the initiators reflects:

We generated a mailing list, which in the end was like 500 emails in a little more than 2 weeks, quite intense. We had 3–4, maybe 5 meetings in real life. The meetings were a bit difficult to achieve because quite many of us were not in Estonia at the time. So basically, the email list was one of the things where we could, maybe, not agree with each other, but more specifically, put down the grounds that we were most definitely not agreeing with. Sort of, like, we should not do this; otherwise, the whole thing will be a joke. And how the text appeared was that some of us had written some stuff, some others were riffing on it.¹⁵

Crowdsourcing of citizens' ideas to resolve the legitimacy crisis was at the heart of the People's Assembly. Technically the crowdsourcing process was launched on the Icelandic online platform 'Your Priorities'. It attracted around 60,000 visitors and 2000 registered users, who generated over 6,000 proposals and comments. Experts were involved only at the stage of proposal evaluation and clustering. Out of the large pool of ideas, 18 proposals were formulated and submitted to the Deliberation Day Assembly for further processing.¹⁶

The principle of co-creation was at the foundation of the technological development of the e-petition platform *rahvaalgatus.ee*. The platform's alpha version was developed with the CitizenOS free, open-source code. The website is built with Java script. The code and the manual are publicly available on GitHub.¹⁷ The IT architect of the alpha version of *rahvaalgatus.ee* reflects:

I do open-source coding. CitizenOS is open source; you can download and install it; we don't want money for it. If we can write much code together, as a developer community, why can't we do this also with legislation? This leaves less room for corruption because it's totally transparent, and everybody sees what is written through the project. ... This is what keeps me in the project; what if people learnt to collaborate more? As open-source communities can collaborate, there's rarely any harm done with open-source, and everyone can double-check the lines of code and take out whatever harmful code was written. What if we could do the same on legislation and from there, if people get into this collaboration mode... If you introduce these to the new generation, this mindset will also come to other areas, like building a playground or cleaning a park.¹⁸

The logic of open-source coding was extended to the petition process as the 'open-source legislation'. Co-creation was integrated as a starting point in the e-participation process via *rahvaalgatus.ee*. Technically, the CitizenOS

system was coupled with EtherPad with similar functionality to Google Docs, which became the basis for collaborative document editing and voting. Thus, co-creation, as the ideological foundation of the platforms, was implemented technically.

Collaborative editing became, however, one of the main technical challenges, as it was very resourceful to provide user-friendly collaborative editing while coupling different IT systems.¹⁹ In the beta version of the platform that the *rahvaalgatus.ee* team launched in 2018, collaborative editing became secondary, although the philosophy of co-creation remained. Currently, every petition has a ‘collaborative phase’ – a ‘little nudge that for three days petition’s author would get and consider the feedback from the others’²⁰ – before the collection of signatures begins. ‘Other people can comment on it, make recommendations, change something, write something differently’ – as the project manager reflects.²¹ However, the author can decide individually to extend the co-creation time or set the deadline for the signature collection.

Inclusivity

While the co-creation process is suitable for generating the ideas, the deliberation process is suitable for selecting the best ideas. James S., Fishkin described deliberative democracy as follows:

In a deliberative democracy, everyone’s views are considered equally under good conditions for the participants to arrive at their views. The process is deliberative in that it provides informative and mutually respectful discussion in which people consider the issue on its merits. The process is democratic in that it requires the equal counting of everyone’s views. (Fishkin 2011, p. 11)

The inclusivity of various social groups and considering their interests in the political process is an important indicator of the democratic qualities of a deliberative process. Thus, ‘Without inclusion, there may be deliberation but not deliberative democracy’ (Dryzek 2009, as cited in: Felicetti 2016, p. 15). Inclusivity was another principle inherited by the People’s Assembly and the Citizen’s Initiative Portal.

Trust is the main goal and the main challenge of inclusivity in the political process: on the one hand, there is quick prejudice towards the capabilities of lay citizens to participate in the political process meaningfully; on the other hand, inclusivity of citizens is predominantly thought as a trust-building process, especially if political legitimacy needs to be restored (Karlsson et al., 2015; King, 2019; OECD, 2013). Another challenge is collaborating in inclusive policy-making with the powerholders who broke trust.

The idea of including the political party's representatives in the People's Assembly, who were breaking trust, was not accepted by default. Most responses to corruption, especially the direct ones, aim at either horizontal or vertical accountability, which implies hierarchical power relations and means exclusion. With the attitude of enforcement, it is practically impossible to cooperate. Thus, there has been controversy in the preparation of the People's Assembly about the involvement of the representatives of the political parties in the organising committee, as they caused the crisis. But in a discussion, the participants found a consensus, as one of them reflects:

One of the first decisions we made between the NGOs was: we definitely needed political party representatives to be on board. The discussion was a lot of political parties' problems; although some thought political parties were the problems, they have caused the problems by their actions. Therefore, we cannot involve them in solving this; we have to tell them how to behave and what we want them to do. But most of us decided that if we, as NGOs, demand that if there is an issue involving us, we want to be involved in discussions, so if the issue deals with political parties, they need to be on board since they know much more about this field. They can provide very useful information about what is feasible, what causes certain problems etc.²²

The Deliberation Day, when a randomised sample of citizens meets to discuss and decide which proposals from the crowdsourcing will be submitted to the Parliament, was another highly disputed decision in the Rahvakogu process, as one of the initiators reflects. Most organisers agreed upon two steps: crowdsourcing ideas for the institutional change and expert assessment of the proposals, which would be submitted for consideration to the parliament. They saw no point in the time-consuming and resourceful Deliberation Day. Counterintuitively, many voices from politics and civil society opposed the involvement of a random citizen sample and placing the decision-making into their hands. The sceptics questioned the capacity of citizens to make rational decisions. Besides, the Deliberation Assembly required resources without a guarantee of being effective. These cleavages were more than organisational discussions. They were borderlines between politics as usual and societal innovation.

The initiator of Deliberation Day was Urmo Kübar, the head of the Network of Estonian Nonprofit Organizations (NENO), who was 'fascinated' by James Fishkin's idea of 'informed public opinion'. He pushed for this experiment. He was actively engaged with the team, building trust among all stakeholders as the precondition for an inclusive and deliberative policy-making process. On the one hand, to foster trust among organisers, they kept emphasising that the 'People's Assembly is not against political parties, and they are not under attack, but all trying to solve the problem together.' On the other hand, permanent presence in the media was helpful to explain the idea of Deliberation

Day to the public. Ultimately, Deliberation Day became the main innovation of the People's Assembly in 2013 and has been internationally recognised and studied as an example of an inclusive deliberation process.

Inclusivity in the policy process became the inherent idea of the Estonian Citizens' Initiative Portal *rahvaalgatus.ee*. From the procedural point of view, the portal provided a technical solution that allowed any citizen of Estonia to submit proposals for legislation and policies. At the same time, the legally binding regulation of the petition process prescribes mandatory consideration of the proposals with sufficient signatures by the authorities. From the technical point of view, the interviews with the team show the efforts to make the platform as user-friendly as possible to ensure engagement. Making the platform more user-friendly was among the considerations for its significant update only two years after launching. On the communication level, *rahvaalgatus.ee* provides the translation function to enable minorities to engage in initiation and co-creation, while the petition must be submitted in Estonian.

Argument-based Deliberation

As the main semantic component of debating, the argument contributes to the authenticity of the communication process in deliberative democracy. It is closely connected to further criteria of deliberation, such as non-coercion, meaning communication free from deception and domination, and reflection, which implies the possibility of changing the opinion when engaging in an argument (Felicetti, 2016). The principle of argument-based deliberation was inherent to the People's Assembly and continued in the *rahvaalgatus.ee*.

Several interviewees referred to professional debating when elaborating on the communication process at different stages of the People's Assembly. They either had debating experience or were integrated into the community of debaters. The central role of argument-based communication came to light during Deliberation Day. Under the influence of James Fishkin's book *When the People Speak* (2011), the initiator of the idea, explained:

On the deliberation days, you select a sample of the public, just similar to the public opinion polls, but instead of just asking them a few questions via phone or email, you invite people together and try to create the best possible conditions for them to come up with informed opinions. So, they really know about the issues, know the background, and have a chance to discuss with each other and hear different viewpoints before deciding their preferred solution.²³

When elaborating on his decisions about how to ‘create best possible conditions’ and moderate the event, the organisers relied on the impartial moderation prepared by the Estonian debating society:

It’s very good if you have this [debating] experience and understand that debate is a normal way of discussion in society and the best argument should always win.²⁴

There needed to be more than moderation for the effective deliberation assembly. The baseline attitude for deliberation is being open to the outcome and trust that community can deliver, as the initiator reflected:

I forced myself to be neutral and was ready to accept any outcome. It was difficult to leave aside your preferences and be ready to embrace the outcome.²⁵

To make the communication process inclusive, all necessary information for the debate was prepared in a neutral and accessible way. The language was understandable to everyone without a political science background. Besides, during the Deliberation Assembly, translation was provided to enable participants of ethnic minorities to discuss.

Deliberation, rooted in the debating culture, became the underlying philosophy in the *rahvaalgatus.ee*. The head of CitizenOS – the organisation that developed the alpha version of the tool, who is a debating trainer, proposed having arguments instead of comments as an underlying approach to discussing collective proposals. Thus, initially, there was no comment section, but the argument section instead:

Comment sections are always full of spam, not information, and we’re interested in information, not spam. So, we have fewer arguments or comments, but with higher quality.²⁶

This approach was also confusing for the users and turned out to be one of the main challenges, as the IT developer reflects:

Some people don’t know how to form an argument. Suppose it doesn’t say “comment”, you don’t know what to write. People were confused. Especially when they wanted to put a neutral comment, partly for and partly against the original argument, they didn’t figure out that you could make separate posts. They would rather not post at all. So, the regular feedback was that if I have mixed feelings, I don’t know what to post. This was overwhelming. Also, people didn’t realise they could post both pros and cons several times, and it’s ok.²⁷

Thus, the idea of using arguments instead of comments was compromised in the platform’s beta version to avoid confusion among users.

Finally, both the Rahvakogu process and *rahvaalgatus.ee* rely on the hybrid form of communication when technology is used most efficiently to reach as broad an audience as possible and coordinate the co-creation. At the same time, the offline component and personal interaction are crucial in the decision-making process.²⁸ Similarly to Deliberation Day, which happened live, the petition process foresees that the initiator of the petition presents their idea in the parliament in person (given there are 1000 signatures).

CONCLUSION

This chapter explored the relationship between social practices that arose in response to the corruption scandal in the People's Assembly process and the Estonian Citizens' Initiative Portal *rahvaalgatus.ee*, as an anti-corruption technology. The platform resulted from the People's Assembly – a social movement in answer to the legitimacy crisis of Estonian representative institutions, triggered by the illicit political funding scandal. People's Assembly stands apart from anti-corruption social movements, as the activists channelled the protest into a constructive discussion about solutions. The new principles of co-creation and crowdsourcing, inclusivity, and argument-based deliberation evolved in citizen-state relations. These principles materialised in the qualitatively new e-participation technology *rahvaalgatus.ee*. The ECIP is a new generation of e-participation recognised internationally. The OECD analysis of the *rahvaalgatus.ee* brings this difference to the point: 'Instead of the old-fashioned decide-announce-defend, it nurtures the culture of discuss-deliberate-decide' (OECD 2016). In contrast to the technological determinism approach, the analysis of ECIP *rahvaalgatus.ee* revealed the embeddedness of the technology in the social movement (Mattoni 2017; 2020). While previous e-participation projects either failed to receive sufficient citizen acceptance, were not integrated into the decision-making process by the authorities, or remained informal in their nature (Toots, 2019; Toots et al., 2016), they required the discursive re-definition and experience of new citizen-state relations to develop an e-participation technology, that became integrated into formal decision-making processes and accepted by the citizens.

At the same time, technologies affect society by making some practices salient and undermining others. According to the initiators, the technology was designed to encourage the behaviour of co-creation, inclusivity, and argument-based deliberation and reach, in the words of the IT architect – the 'complete mind shift' towards collaborative policymaking. However, some core principles were compromised when *rahvaalgatus.ee* was updated to improve user flow and overcome technical challenges. The fact that users were confused by such innovations as argument sections instead of comments or that technology reached its limits with collaborative editing shows the recip-

cal relationship that the technology evolved as an actant in the complex actors' network (Latour, 2005).

From the corruption research perspective, the case study of the People's Assembly about the ECIP *rahvaalgatus.ee*, broadens the understanding of anti-corruption technologies. Suppose we consider corruption a problem analytically located *between* formal institutions and norms regarding social practices, as Bo Rothstein suggests (Rothstein, 2021, p. 146). Anti-corruption must be considered a change of the social contract instead of mere criminal or administrative punishment. The aim of indirect anti-corruption measures is restoring trust in citizen-state relations based on the perceptions and expectations towards legitimacy and justice, which may vary across societies and over time. In this logic, *rahvaalgatus.ee* became the anti-corruption technology that assists the manifestation of new social practices in response to corruption, such as co-creation, inclusivity, and argument-based deliberation.

Finally, the findings of this analysis are relevant for policy practitioners. Anti-corruption technologies are increasingly analysed and circulated among international organisations regarding 'good' and 'best' practices to transfer them from one country to another. This chapter empirically demonstrated theoretical limitations in the good practices research (Bretschneider et al., 2004; Hall & Jennings, 2008; Mössner & de Matos, 2019; Veselý, 2011). In particular, it shows the complexity of social practices one must consider when extrapolating technologies across countries. Not only do structural conditions matter for the acceptance of the technology, but discourses, values, imaginaries, and expectations are consolidated in the social contract. Thus, the success or failure of technology must be understood as a learning process in which the reciprocal relationship between different stakeholders and technologies produces change.

NOTES

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2. In 2021, Estonia had a very high Human Development Index (0.89) placing 31st.
3. New technologies and e-governance are reoccurring among various explanatory factors for low levels of corruption, in six expert interviews on governance in Estonia, conducted in the fall 2020.
4. For conceptual differentiation between anti-corruption technologies and e-democracy tools, I refer to the demand that triggered the creation of the technology. Thus, the case of the e-petition platform is considered as a form of anti-corruption technology, because it was created in response to corruption on the input side.
5. In 2017, Estonia was 17th in the ranking of the ICT Development Index.

6. In 2021, Estonia was 13th in the ranking of the Corruption Perception Index (1 is the lowest level of corruption) and 11th in the ranking of the Index of Public Integrity.
7. Although used sometimes interchangeably, the difference is that participatory democracy does not require deliberation, but deliberative democracy is necessary participatory, as inclusivity is the core characteristic to assess its democratic quality (Felicetti, 2016, p. 15).
8. Interview with Charter 12 co-initiator conducted on 16/10/20, online.
9. Interview with Liia Hänni conducted on 30/10/20, online.
10. Interview with Liia Hänni conducted on 30/10/20, online.
11. Interview with Liia Hänni conducted on 30/10/20, online.
12. <https://www.volis.ee/gvolis/web.options?lang=en&kid=>.
13. <https://rahvaalgatus.ee/about>.
14. <https://www.facebook.com/rahvaalgatus/posts/345599457610412>.
15. Interview with Charter 12 co-initiator conducted on 16/10/20, online.
16. https://docs.google.com/document/d/1lh_oyZfRsgfhQ_kcSppu3L78_Uz_lugUkzMycN2xg3MPo/edit.
17. <https://github.com/citizenos/rahvaalgatus>.
18. Interview with the IT developer of the *rahvaalgatus.ee* alpha version conducted on 05/10/20, online.
19. Interview with the IT developer of the *rahvaalgatus.ee* beta version conducted on 16/12/20, online.
20. Interview with the manager of *rahvaalgatus.ee* conducted on 16/12/20, online.
21. Ibid.
22. Interview with the Deliberation Day co-initiator conducted on 08/12/20, online.
23. Interview with the Deliberation Day co-initiator conducted on 08/12/20, online.
24. Ibid.
25. Ibid.
26. Interview with the IT developer of the *rahvaalgatus.ee* alpha version conducted on 05/10/20, online.
27. Ibid.
28. Interview with a user of *rahvaalgatus.ee* conducted on 12/11/20, online.

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