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# Does Public Participation Really Matter? The Case of Iceland’s Crowdsourced Constitution

*Alexander E. Hudson\**

## Abstract

The Icelandic constitution-making process in 2011 was widely celebrated for its openness, transparency, and level of public participation. This article seeks to answer three related questions about this case. First, what impact did public participation have on the draft constitutional text? Second, is this impact contingent upon its subject matter, authorship, or timing? Third, why would constitution makers give attention to proposals from the public? Through an analysis of the textual data created in this process, this paper measures and explains the impact of public participation on the final draft of the new constitution. The data analyzed in this paper indicate that almost 10% of the proposals from the public generated a change in the draft text of the constitution. Additionally, there is evidence that public participation had a greater impact on the constitutional text in the area of rights. This extraordinary level of impact from public participation is explained by the unique, apolitical context in which the constitution was drafted.

## I. INTRODUCTION

Constitution-making processes have increasingly involved programs for public input, and with the growth of e-democracy tools, this trend is likely to accelerate. Recent examples include a promise from the government of Chile to “open up dialogue on the constitutional process to citizens” in their reform process that began in October 2015 (de la Jara and O’Brien 2015; Mohor 2016), and the Citizen Assembly on constitutional change in Ireland that took place in 2016-2017 (Lynott 2017). This increasing level public engagement in constitution making has been normatively justified in terms of the rights of citizens to participate, and in terms of the good that participation can do for the legitimacy of the constitution. However, we still know very little about whether or not public participation has an impact on the text of the constitution, or when participation may be more or less effective. The Icelandic constitution-making process was the first to take the program for public engagement online, using an official website and social media to facilitate a thorough engagement between the constitution drafters and the

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public, and provides us with an excellent opportunity to measure and explain the level of impact that public participation can have on the drafting of constitutions.

Following a groundswell of popular opposition to the existing political system in 2009, the people of Iceland embarked on a unique process of constitutional reform that prioritized transparency, openness, and public participation. By July 2011, the Icelanders had completed a new draft constitution through a process that has been rightly celebrated by both scholars and more casual observers the world over. It was reputed to be the world's first "crowdsourced" constitution (Morris 2012), using internet communication technology (ICT) to involve the public directly in the drafting process. Iceland is almost uniquely suited for this kind of process with its tiny and homogeneous population, high levels of education, high level of voter turnout (averaging 88% since 1946) and a remarkably high level of Internet access, at 96% (Kelly et al. 2013). One would think that if participatory constitution making using online tools can work anywhere, it would work here.

In terms of our broader understanding of public participation in constitution-making processes, Iceland is a crucial case for the argument that participation can have a meaningful impact on the development of the text. A finding of no impact from public participation in this case would cast doubt on the larger program of increasing public involvement in drafting processes. The combination of the case's relative simplicity and highly level of participation allow us to evaluate the impact of public participation on the drafting of a constitution without many other variables to consider (Gerring 2007, pp. 115-122). Endeavoring to contribute to larger debates about public participation in the drafting of constitutions (and other legislation), this article seeks answers to three related questions:

1. What impact did public participation have on the development of the constitutional text?
2. Was this impact contingent upon a proposal's subject matter, authorship, or timing?
3. Why would constitution makers give attention to proposals from the public?

There are already a number of excellent accounts of the Icelandic constitution-making process by Icelandic scholars (Ólafsson 2016; Valtýsson 2014) foreign academics (Landemore 2015; Landemore 2016; Suteu 2015), and by the members of the Constitutional Council that drafted the new constitution

themselves (Bergmann 2016; Gylfason 2011b; Gylfason 2016; Nordal 2016; Oddsdottir 2014). The unique contribution of this article is an analysis that is primarily focused on the textual data generated in the drafting process, supplemented by interviews with participants in the drafting process. One of the key findings in this research project is that the Constitutional Council did in fact implement many of the changes to the constitution proposed by participants in the consultation process. The analysis shows that effects from this popular consultation were more pronounced in some areas of the constitution than in others, with rights being more affected by public participation than institutional design.

I argue that the level of impact in Iceland far exceeds that of any other constitution-making process, and was a result of the unique political context in which the drafting took place. This drafting context is also important for understanding the ultimate outcome of the process, as the constitution produced by the Constitutional Council in 2011 ultimately failed to be enacted by the parliament. While we should not overemphasize the break between political elites and masses, the disconnection between these groups was important to both the protests that began this constitutional-reform process and to its ultimate failure.

## II. LITERATURE

As noted above, the Icelandic process was unique, but the fundamentals of the process are shared by many recent constitution-making processes in other countries. Nor did Iceland's constitution-making process take place in a theoretical vacuum. Rather there has been a great deal of academic interest in democratic innovations of this sort in recent years. What is new in the Iceland case is the way that the Internet opened the entirety of the drafting process to public input and scrutiny. Iceland's experience of constitution-making through online public participation thus speaks to debates in political theory, public law, and e-democracy.

The drive to open the process in this way is closely tied to foundational works in political theory on developmental and participatory models of democracy, which highly valued citizen participation to the greatest extent practically possible (Pateman 2012; Held 2006, 79–92, 209–216). Recently, some scholars have expressed optimism about the ability of a wide range of individuals to contribute meaningfully to political choices (Surowiecki 2004; Landmore 2012), but there are also influential works in political science that strongly question both the interest and ability of many citizens to participate

in politics (Berelson 1952; Verba et al. 1993). We know that in many arenas of public participation, those who participate are not truly representative of the population, being far more wealthy and educated than the average citizen (Fiorina 1999). Yet, not all kinds of public participation are equally costly, or subject to the same incentives. For example, research on the participatory budgeting process in Porto Alegre, Brazil has found that citizens with lower income levels are actually more likely to participate (Baiocchi 2003; Fung 2006). I would argue that writing a demand for a particular constitutional provision in an online comment box or an email is not an onerous task for most people in Iceland, and that given the right priming many would participate in this way.

From the beginning of Iceland's constitutional reform process there was a significant realization of the idea of the "wisdom of the crowd" (Gylfason 2011a; Surowiecki 2004), or in the language of theorists of democracy, the selection of a mini-public to make decisions that reflect the will or wisdom of the larger group (Smith 2009; Pateman 2012, p. 73). The first significant events in the constitutional reform process in Iceland were two deliberative bodies composed of randomly selected citizens, assembled for the express purpose of discussing constitutional reform. The effort that the organization of these two national forums required, demonstrates the importance of these radically democratic ideals to Icelandic activists. This idea of harnessing the collective knowledge of a large group of individuals has continued to gain support in scholarly circles in recent years (Sunstein 2006). The close relationship between the design of the Icelandic constitution-making process and these developments in political science in part explains the continuing scholarly interest in the case.

This kind of thinking has been shown to have currency in contexts quite similar to the constitution undertaking in Iceland, as similar bodies have been formed to gather public input on institutional changes in Ireland and two Canadian provinces, among other places. In the British Columbian Citizen's Assembly, a randomly selected group of 160 voters were brought together for weekend meetings over the course of a year to discuss changes to the electoral system in the province (Lang 2007). Drawing on the Canadian example, Ireland has implemented a somewhat similar system for reviewing its constitution. In 2013, the Irish Constitutional Convention brought together members of the political elite, and a randomly selected group of citizens to discuss seven controversial institutional reforms that touch upon some of the foundational aspects of Irish political identity, including same-sex marriage, and removing the crime of blasphemy from the constitution (Farrell 2013).

Within the literature on public law, scholars assert that there is a clear trend toward greater public participation in the process of constitution making, and that constitutional processes that neglect this will be inherently less legitimate (Banks 2007; Benomar 2004; Hart 2003). This view is certainly not universally held, and a number of recent publications on the process of constitution making have been much more skeptical about the value of an open or participatory process (Bannon 2007; Elster 1997; Partlett 2012; Elster 2012; Tushnet 2012–2013; Saati 2015; Brown 2017). Whatever the normative justifications, there is certainly an observable trend toward greater public participation from the 1990s to the present, and the recent constitution making enterprise in Iceland was the most participatory the world has yet seen, with hundreds of people participating through online outlets for public input on the new constitution (Tushnet 2012–2013; Landemore 2015).

The experience of Iceland is not substantively different from earlier cases, and could be seen as a more technologically enabled update on previous constitutional processes that sought out public input on the constitution, notably Brazil in 1988, Uganda in 1995, South Africa in 1996, and Kenya in 2001. These examples of participatory constitution making included public engagement in the constitution making endeavor through popular consultations, and the opportunity for citizens to submit written proposals of ideas that they would like to see included in the text of the constitution. The author’s interviews with members of the Constitutional Council, and the writings of other members of the council (Gylfason 2011a), suggest that many of them were familiar with this trend, and excited about being a part of it. Scholars like Hart (2003; 2010), Franck and Thiruvengadam (2010), and Ebrahim, Fayemi, and Loomis (1999), have argued that there is an international legal right to participate in constitution making, on the basis of statements in the UN Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (especially articles 1 and 25). This right has been confirmed in international jurisprudence, notably the landmark decision in *Marshall v. Canada* (1991), in which the United Nations Committee on Human Rights (UNCHR) applied the provisions about participation in the ICCPR specifically to the area of constitution-making. We might also note, however, that many works in legal theory are silent on issues of constitutional drafting, and the legal rights claimed by the authors above are by no means accepted by all observers (Landau 2011–2012, p. 612).

In a piece investigating the role of citizens in ratifying constitutions, Elkins, Ginsburg, and Blount noted that “scholars have been far better at

generating hypotheses than at testing them” (Elkins, Ginsburg, and Blount 2008, p. 381). To the extent that participatory modes of constitution making have been subjected to empirical research, the focus has been on the effects of such a process on the quality of democracy in the resulting political system, or on the attitudes of those who have participated in the process. In a review article, Ginsburg, Elkins, and Blount (2009) reported that participatory drafting processes were more likely to create constitutions with more democratic institutions, and greater protections of rights. Similarly, Carey found that constitution-making processes that were more inclusive led to political systems that were more democratic, had greater constraints on governmental authority, and were more stable over time (Carey 2009). Moehler’s (2008) well-known study of Uganda focused on the outcomes of this process in terms of the attitudes of citizens, and did not devote a great deal of attention to the constitutional text the process created, or to the system of government the constitution established. In a similar vein to Moehler’s work, Wallis’s recent book evaluates the effects of a participatory constitution making process in creating unity within a post-conflict state, finding that more participatory drafting processes are more effective in creating a unified national political identity (Wallis 2014). In one of the most ambitious studies on this subject to date, Eisenstadt, LeVan, and Maboudi (2015) find that participatory drafting processes are associated with higher levels of democracy post-drafting, and that this effect is stronger when the participation takes place in the upstream part of the process. Their finding to some degree contradicts Saati’s (2015) medium-N study of participatory constitution-making in post-conflict states and states transitioning to democracy, which found that higher levels of participation were associated with declines in democratic performance. While these works have advanced our understanding of the effects of participatory constitutional drafting on the political system, none of them significantly address the issue of how much the *text* changed in response to public input.

As innovations like social media and open government initiatives have become an integral part of the politics in the 21st century, there is increasing interest in the possibility of citizens directly participating in the drafting of legislation. There are already some official initiatives in this direction. For example, the lower chamber of Brazil’s Congress created a “Hacker Lab” to develop innovative ways to involve citizens in lawmaking (Faria and Rehbein 2016). One of their projects, called Wikilegis, allows citizen participants to collaborate to write the text for new legislation. Similar initiatives have been developed at all levels of government in a variety of countries. The closest parallel to the Icelandic case is a tool for online public participation that was developed for Egypt’s constitution-making process in 2012. There,

as in Iceland, drafts of the constitution were posted online, and citizens were given the opportunity to comment upon, and like or dislike individual articles. A study by Maboudi and Nadi (2016) found that articles that were given more “likes” were less likely to be changed in later drafts, while those with more “dislikes” were altered at a higher rate. Maboudi and Nadi’s work is particularly notable, as it was one of the first attempts to measure the impact of public participation on the development of the constitutional text. Another work that addresses the impact of the process on the text is Landemore’s (2017) recent study of Icelandic case. Landemore used the constitutional proposals drafted by an expert panel and the constitution drafted by the Constitutional Council, to set up a quasi-experimental study of the effects of the process on the text dealing with religious rights. Her finding was that the text drafted by the Constitutional Council was slightly more liberal, and attributed this to the open and inclusive drafting process.

### III. HYPOTHESES

Building on these developments in political science, I argue that online public participation was highly likely to have an effect on the constitution-making process in Iceland. Here, there were no worries of partisan or ethnic divisions within the drafting body, and the constitution-making process was itself a response to public demand for political change. In all, Iceland was a much simpler and more propitious context for participatory constitution-making than many of the other places where this approach has been popularized, such as Kenya, Nepal, and Fiji (Brandt et al. 2011). The hypothesis responding to the first research question proposes that *H1: Public participation through written suggestions led to concrete changes in the final text of the constitution*. Later in the paper, I develop an argument that the high level of impact from public participation that we observe in Iceland is a result of the unique apolitical nature of the drafting process. The isolation of the drafters from both political parties and special interests made them more reliant upon and open to input from the public.

Pursuing the second research question, I further argue that this impact is conditional on a number of factors relating to the authorship and content of the submissions from the public. Regarding the authorship, I argue that submissions from individuals associated with interest groups, non-governmental organizations (NGOs) or civil society organizations (CSOs) would be more likely to be implemented. Due to the greater resources and expertise that personnel from this kind of organization can bring to bear, their submissions



are likely to include both more concrete proposals, and convey expert judgment (Yackee and Yackee 2006). Additionally, the aggregation of individual demands through organizations gives these submissions more legitimacy in their claims to speak for “the people” (Almond and Powell 1966). If this is right, we should expect proposals from interest groups or NGOs to have much more traction with the members of the Constitutional Council than those from individuals. *H2: Proposals from individuals representing organized groups will be more likely to be included in the constitution.*

Regarding the content of the proposal, I argue that proposals that deal with the subject of fundamental rights are much more likely to have an effect than those that deal with political institutions. While there are a remarkable number of people in Iceland who have a keen interest in the reform of the electoral system, or improving financial regulation, the easiest part of the constitution for individuals to understand and respond to is the chapter on rights. As the descriptive statistics discussed later in this article show, the plurality of submissions from the public addressed this issue. Additionally, there are many small changes that can be made to the list of fundamental rights without upsetting the balance of other parts of the constitution. This is not to say that rights are costless, but among the issues that drafters have to negotiate, I argue that there is more room for maneuver on rights. There is also a close precedent for this argument. In the Egyptian case discussed earlier, Maboudi and Nadi (2016) find that articles that dealt with rights were more likely to be changed in response to public feedback. *H3: Proposals that deal with rights are more likely to have an influence on the text of the constitution than those that deal with formal institutions.*

The third research question seeks an explanation for why constitution makers would change their draft to include proposals from the public. I argue in this article that it was the apolitical nature of the constitution-making process, where political parties and interest groups were excluded, that led to the level of impact we observe in this case. However, this argument cannot be empirically tested on the basis of this case alone, but instead requires a larger comparative study (Gerring 2007, pp. 37-39). Throughout the paper, evidence is presented in support of this argument, but it is not empirically tested.

#### IV. THE DRAFTING PROCESS IN ICELAND

It is helpful to begin by describing the context in which this project of constitutional reform started. Iceland was one of the worst affected countries in

the banking crisis of 2008. Following a period in which government policy favored ever-greater deregulation of the financial industry, Iceland's three largest banks became preposterously overextended, and collapsed in October of 2008 (Sigurjonsson 2010). The effect of this collapse was a significant economic crisis that touched the lives of the vast majority of the island's population of just over 320,000, and delegitimized the political parties and institutions in the eyes of many.<sup>1</sup> In the "pots and pans revolution," Icelanders took to the streets (cookware in hand) to demand new elections, and ultimately changes in the way their political and economic systems are governed (Castells 2012, p. 34). The center-right governing coalition eventually bowed to this cacophonous expression of popular discontent, and was replaced by an interim government composed of members of the Social Democratic Alliance and Left-Green Movement parties. These two parties gained enough support in the general election of April 2009 to form a government, and began to take steps toward constitutional reform (Benediktsson and Karlsdóttir 2011).

The first major step in the process of reforming the Icelandic constitution was a National Forum (Þjóðfundur) organized by a group of grassroots organizations which called themselves "the Anthill" (Maurapúfan). The Anthill organized a one-day event in November 2009, for the purpose of gathering public opinion on the core values of the nation, and how Iceland's government should be reformed. The selection of delegates to this event also set the tone for much of what followed. Of the 1500 people who attended the event, 1200 were chosen at random from the national voters registry, while the other 300 were chosen to represent business and civil society groups (Burgess and Keating 2013, p. 424).

After the success of this first National Forum, the newly elected government got involved more directly in the process, and appointed a committee of seven experts to prepare the groundwork for drafting a new constitution. In November 2010, a second National Forum was held, this time a collaborative effort between the Anthill and the committee of experts. This second forum invited a similarly selected (quasi-random) group of 950. This time there was a greater focus on producing useful data from the discussions. Most importantly, the committee of experts summarized the findings of the second national forum, and published this along with a number of other resources (including two complete drafts for a new constitution) for the constitution drafters to use. This 700 page collection of resources provided the main

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<sup>1</sup>Respondent NRNJ, Interview with the author 2017; Stjórnlagaráð Member YIGY, Interview with the author, 2017

source of information for the Constitutional Council as they began their work in Spring of 2011.<sup>2</sup> Moreover, the recommendations from this National Forum are for the most part reflected in the draft constitution produced by the Constitutional Council a year later.

The Constitutional Council (Stjórnlagaráð) was elected by means of single transferable vote in an election held in November 2010 with a slate of 522 candidates. This election was then ruled invalid by Iceland's Supreme Court, ostensibly due to problems with the design of the ballots and the voting booths, though some commentators have suggested that the action was politically motivated, and facilitated by a court staffed with appointees of the then-disgraced Independence Party (Gylfason 2013b). The Althingi (parliament) then bypassed the court by directly appointing the 25 people chosen by the voters to the Constitutional Council.<sup>3</sup> The Constitutional Council began their work in April 2011, with a deadline to produce a draft a mere three months later.

The drafting process was designed to allow for a high level of transparency at the Constitutional Council, with significant opportunity for the public to engage with the members of the Council through offering comments on the drafts and suggestions for improvements. While the work of the Constitutional Council was to some degree governed by an act of parliament passed in June 2010 (which, for example, required the plenary meetings to be open to the public), much of the detail of the process was worked out on a rather ad hoc basis (Althingi 2010). In interviews, members of the Council suggested that there was an effort to meet the people where they were, and to make participation as simple as possible. One member of the Constitutional Council described the public consultation this way:

We were running on the ideology of programming, sort of crowd-sourcing... you do things in a period and then you test it, and then you do it again, you run it again. Instead of writing a whole new program, you test it as often as you can, trying to find the bugs before they become really sort of hidden inside the whole mechanism.<sup>4</sup>

The Council's deliberations were open to the public and live-streamed on the Internet, and minutes of the proceedings were posted later. The Council also set up accounts on Facebook, Twitter, Flickr, and YouTube in order

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<sup>2</sup>Stjórnlagaráð Member XQPC, Interview with the author, 2017

<sup>3</sup>Although, one of the 25 top vote-getters declined this appointment, and was replaced with the 26th place candidate.

<sup>4</sup>Stjórnlagaráð Member SBPC, Interview with the author, 2015

to facilitate engagement with citizens across a variety of platforms. The Council reported that they received 323 formal proposals,<sup>5</sup> and a total of 3,600 comments (Gylfason 2011a). The 323 proposals were discussed by members of the Council and other interested people in comment threads below the proposals, with 1,575 comments posted in this way.

After receiving a short extension to their original deadline, the Constitutional Council unanimously approved their draft constitution on July 29, 2011, and presented it to the parliament. Here, things slowed down considerably. A non-binding referendum on the text was held in October 2012. In addition to voting “yes” or “no” on the draft as written, Icelanders were asked to respond to five substantive questions addressing some of the most contentious issues that came up in the two national forums, and which remained controversial during the drafting process. Reflecting the divisions within the proposals the Council received, their final draft left several of these issues unresolved, offering ambiguous language, or allowing the legislature to make a decision.<sup>6</sup> Three particularly notable questions concerned language in the draft about public ownership of natural resources (a concern for the fishing industry), the decision not to reaffirm the Evangelical Lutheran Church as the national church, and changes to the electoral system.<sup>7</sup>

The referendum confirmed the choices made in the Constitutional Council where they had made clear statements (as in ownership of natural resources), demonstrated popular opinion about some areas where the text was left ambiguous (as on the questions of the establishment of a national church),<sup>8</sup> and endorsed the constitution as a whole (Robertsson 2012). The voters approved the draft constitution with a vote of 66.9% in favor.

However, turnout in the referendum was around 50%, which is quite low compared to presidential and parliamentary elections in Iceland, which have averaged around 88% turnout between 1946 and 2013.<sup>9</sup> Turnout in parliamentary elections is of course driven in part by political party campaigns, and the lack of such mobilization efforts in this referendum could partly explain the low turnout. It should also be noted that the original plan was for the referendum to coincide with the June 2012 presidential election, but

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<sup>5</sup>Excluding posts, by foreigners, and posts that merely convey compliments to the Council, the number of substantive proposals from Icelanders was 311.

<sup>6</sup>These means of avoiding final decisions at the drafting stage have been successful in constitution-making processes in divided societies (Lerner 2011).

<sup>7</sup>These are long-standing questions in Icelandic politics.

<sup>8</sup>Article 19 of the final draft read “The church organization of the state may be determined by law.”

<sup>9</sup>Voting in Iceland is not compulsory.

the Independence Party and Progressive Party mounted a filibuster in the parliament to prevent this from happening (Gylfason 2016). Iceland has only had four referendums in its history, but there were stand-alone referendums in 2010 and 2011 on legislation concerning the terms of Iceland’s financial liability to foreign depositors following the banking crash, providing us with good points of comparison for turnout. The turnout rate in the 2010 referendum was 62.7%, and turnout in the 2011 referendum was 75.3% (*Referendum 6 March 2010* 2010; *Referendum 9 April 2011* 2011). This indicates that turnout in the 2012 referendum was likely to be significantly lower than a parliamentary election, but it still fell short of the other referendums. Polling just prior to the 2012 referendum indicated that support for the draft text among all citizens was around 66%, which mirrors the outcome in the referendum (*Tveir Þriðju Styðja Tillögur Stjórnlagaráðs* 2012). In addition to the parliamentary maneuvers described above, opponents to the new draft ran radio advertisements arguing against approval in the run-up to the referendum,<sup>10</sup> which may have also contributed to the low turnout (Ansolabehere, Iyengar, and Simon 1999).

Following the referendum, the fate of the constitution was back in the hands of the parliament. By this point, almost four years had passed since the beginning of the “pots and pans revolution,” the economy had begun to improve, and it is likely that the sense of the urgent need for political reform had dissipated. Approval of the new constitution would have required an affirmative vote in the sitting parliament, and a second affirmative vote in the new parliament following the Spring 2013 election (Landemore 2015). The bill for the new constitution was not brought up for a vote on its own, and eventually failed to even be included as a last-minute amendment to a different bill before the parliament dissolved at the end of the session. One member of the Constitutional Council suggested that the parliament had reverted to its former ways, lessons from the financial crisis unlearned.<sup>11</sup> In the election that followed in April 2013, the center-left coalition that came to power in the wake of the financial crisis fared poorly, and the traditional center-right coalition that presided over the rampant neo-liberalism of the early 2000s was returned to power.

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<sup>10</sup>Stjórnlagaráð Member GNEL, Interview with the author, 2017

<sup>11</sup>Stjórnlagaráð Member DLEA, Interview with the author, 2017

## V. DATA AND METHODS

The analysis that follows relies to a significant degree on two types of data: online records generated in the drafting process, and interviews with participants in the drafting process, especially the members of the Constitutional Council. Though the Council used a number of websites to enable public engagement, the main point of contact was the Council’s own website, which facilitated the posting of substantive proposals for the constitution, and public comments on these proposals through Facebook. The most important documents for this analysis are the substantive proposals submitted through the Council’s website, and the successive draft constitutions that the Council produced. All of these documents are available at the time of writing at the Council’s website.<sup>12</sup>

For the analysis, two sets of text files were created for all of these proposals: one set in the original Icelandic, and a second set that was automatically translated with Google Translate. Next, each proposal was coded according to the topics which it addressed using a coding system based on the taxonomy of constitutional topics created by the Comparative Constitutions Project (Elkins, Ginsburg, and Melton 2014). This coding was accomplished through a careful reading of the English translations, with the automatic translation supplemented by the use of an Icelandic-English dictionary. These topic categorizations were used to create a dataset, to which additional variables were added, including: the name of the author, date of submission, word count, number of Facebook comments responding to the proposal, number of Council members responding to the proposal, whether or not the author responded in the comment thread, the total number of proposals submitted by that author, and whether or not the author was affiliated with an NGO or CSO. Some of the substantive proposals addressed more than one topic, and were coded accordingly.

For the purposes of statistical analysis, this dataset was altered in two principal ways. First, proposals that dealt with more than one topic were split into a proposal for each topic. Second, the categories of topics were collapsed into two new taxonomies, one with nine categories,<sup>13</sup> and one with three.<sup>14</sup> This smallest categorization was the most useful for statistical analysis, given its focus on distinguishing between the effects of public partici-

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<sup>12</sup><http://www.stjornlagarad.is>

<sup>13</sup>Executive branch, legislative branch, judicial branch, direct democracy, oversight institutions, fundamental rights, cultural issues, and the amendment process.

<sup>14</sup>Institutions, rights, and a residual category for topics not subsumed into these two.

pation on institutions versus rights, and was most appropriate for the small number of observations available for the study.

The drafts published by the Constitutional Council were collected in a similar way to the substantive proposals, in both Icelandic and English text files. Using some text analysis software (WCopyfind), each change between successive drafts was identified in new html files. These files with the changes highlighted were used to determine whether or not the substantive proposals led to changes in a draft of the constitution, as described in greater detail later in the article.

The views of the members of the Constitutional Council were vital to this analysis, and were collected through semi-structured interviews. Two interviews were conducted via VoIP in 2015, and four more were conducted in person in Reykjavik in 2017. The views of several citizen-participants were also collected through semi-structured interviews. One was conducted in person in Reykjavik in 2017, and three more were conducted via VoIP. Each interview lasted between 45 and 90 minutes, and followed a list of questions prepared in advance, with the opportunity for the respondent to also suggest new avenues of conversation. The majority of the interviews were recorded in digital audio. Data from the interviews has been anonymized in this publication, following a research protocol approved by the author’s Institutional Review Board.

## VI. ASSESSING THE IMPACT OF PARTICIPATION

### A. *The Substance of Public Participation*

As noted earlier, 311 substantive proposals were posted by Icelanders on the Council’s website.<sup>15</sup> Other citizens, as well as a few international observers, also posted 1,575 comments about these more substantive proposals. Some concerns about the representativeness of the participants are warranted. The 311 proposals came from only 204 individuals, and the nine most active individuals combined to submit 24% of the proposals. All of these nine individuals were male, as were about three-quarters of all those who submitted

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<sup>15</sup>This number can be contextualized somewhat by comparing it to the level of participation in other cases of constitution making. The blog-post like system on the Constitutional Council’s website in Iceland seems like a close parallel to earlier avenues for participation in Brazil and South Africa. In the case of Brazil, with 72,719 proposals from an electorate of 82,074,718, there was a participation rate of 88 proposals per 100,000 voters. In South Africa, 15,292 submissions from 22,709,152 eligible voters yields a participation rate of 67 proposals per 100,000 voters. The comparable metric for Iceland is 311 proposals from 235,495 registered voters, with a participation rate of 130 proposals per 100,000 voters.

proposals. While the age of the participants is more difficult to assess, one Icelandic scholar has estimated that 80% of the participants were between 40 and 65 years of age (Helgadóttir 2014). These dynamics tend to confirm both broader trends in offline political participation (Verba et al. 1993), and research on online political participation that suggests that dialogues are dominated by a few highly-active users, and often by males (Albrecht 2006; Dahlberg 2001).

The vast majority of these substantive proposals are well organized, and communicated in a positive and collegial tone. Many of them are also highly informed. Some cite supporting evidence from the writings of prominent legal scholars and philosophers. Other commenters supported their claims with links to reports from NGOs, particularly International IDEA. A few Icelanders cited precedents from other national constitutions, notably the United States, Norway, Sweden, Denmark, and Finland. Depending on the issue, some commenters looked further afield, noting examples from other states that have declared neutrality, or the electoral systems of states similar in size to Iceland. International human rights treaties were also mentioned by a significant number of commenters.

[Table 1 about here]

Many of the proposals addressed several issue areas, and some went through large portions of the draft constitution in a point-by-point response, thus being coded as addressing a number of topics. The number of substantive proposals is at the least an indicator for the level of public interest in a given issue, and perhaps even serves as a proxy measure for how controversial a given issue area may be. Table 1 details the distribution of topics covered in the substantive proposals and the Facebook comment threads. Not surprisingly, emphases between the proposals and comments have a correlation of 0.86 (in terms of the number of posts per topic). There are some particularly interesting differences between the tables. One that immediately stands out is the fact that the establishment of a national church was by far the most commented on issue (and the most contentious), while in terms of formal proposals and responses the issue only came in fourth place. Electoral reform is highly ranked in both measures. It should be noted that while some of these topics are long-standing controversies in Iceland, others are more niche subjects. One of the members of the Constitutional Council wrote that “the people who participated in the online dialogue were a self-selecting cohort, that is generally more interested in topics such as the freedom of



speech and the Internet, than the members of the general Icelandic public” (Oddsdottir 2014, p. 1217).<sup>16</sup>

### ***B. Verifiable Links between Proposals and the Constitution***

To determine the precise connections between public submissions and the text of the constitution, I compared the successive interim drafts of the constitution with the proposals from the public. As described earlier, I used some text analysis software to identify and highlight all wording changes between successive drafts of the constitution, and sought to match these changes to individual proposals. This work principally consisted of reading a translation of each of the proposals and matching these specific demands with changes in the subsequent drafts. While the method of analysis here is not quite process tracing, it does bear some similarity to the logic of causation used in process tracing. Bennett has described four kinds of tests of causality that can be used in process tracing, which are differentiated by the degree to which they describe necessary and sufficient conditions for causation. (Bennett 2010, p. 210). My decision rule for finding an impact from a proposal is much like Bennett’s “smoking gun test.” I code a successful proposal when there is a specific demand or complaint that precedes a change in the constitutional text. Admittedly, this kind of test does not completely eliminate the possibility that the outcome we observe was brought about in some other way: it is a sufficient cause, but not a necessary cause (Collier 2011, p. 827).

Using this method, I identified 29 instances where a “smoking gun test” is successful, and it seems reasonably certain that the Constitutional Council made changes in the text of the constitution in response to a public comment. In none of these cases was the precise wording suggested adopted, but the substance of the comment was incorporated into a subsequent draft of the constitution. In most examples of lawmaking there would be significant reason for skepticism about the role of proposals from the public as the causes of these changes. However, in the Icelandic constitution-making process, the non-participation of elites in general, but especially political parties and interest groups, isolated the drafters from other potential influences. In this context, we can be reasonably confident that these proposals from the public are indeed the causes of these changes in the constitutional text.

Furthermore, I presented a list of these 29 examples to several members of the constitutional council during interviews. They were generally unable

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<sup>16</sup>For an analysis of the public engagement process from a communication studies perspective, see Valtýsson (2014).

to recall exactly this list, but found that the list was a reasonable recreation of what took place. They were able to recall some of the specific changes that I have included in my list. None of them suggested that I have included any spurious connections. The members of the Constitutional Council do of course have an interest in showing that they gave appropriate attention to the proposals from the public. However, at this point they are not all committed to continued efforts to pass the draft, and can discuss their work with some clarity. Their views on the subject should be understood in that context, but are nonetheless valuable checks on the accuracy of the coding. As a further check, in interviews with several of the authors of these proposals, I queried them about their assessment of the impact that their proposals had. They were certain that their proposals were given a fair hearing, but did not feel that all of their proposals were implemented (which agrees with my coding). When pointed to evidence that their proposal resulted in a change in the draft constitution, one respondent was unwilling to claim complete credit for the change.<sup>17</sup> The full list is reproduced in Appendix A. If anything, this list may under-represent the full impact of public participation, as by its design it ignores agenda-setting effects, or other potential impacts that are of a slightly nebulous nature.

Some of these changes involve rather unique provisions in the constitution, and are straightforward to link to comments from the public. For example, one of the earliest proposals from a member of the public was a request to add protection for the rights of animals.<sup>18</sup> This was added to the constitution following the tenth meeting of the constitutional council. Another clear example concerns the right to access the internet.<sup>19</sup> A proposal posted on 21 June discussed the importance of free access to information to democracy,<sup>20</sup> and references a report published a month earlier by the United Nations Human Rights Commission on freedom of expression, which described access to the internet as a human right (UNHRC 2011). Three days later, the constitutional council added the right to access the internet to their draft constitution. The day that this new draft was published, another individual wrote that he supported the addition of the right to access the internet, and suggested that this access should be uncensored.<sup>21</sup> The draft of the constitution published on 12 July changed the language of this

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<sup>17</sup>Respondent NRNJ, Interview with the author, 2017.

<sup>18</sup>Árni Stefán Árnason, 6 April 2011. <http://www.stjornlagarad.is/erindi/nanar/item33142/>

<sup>19</sup>If it had been approved, Iceland would have been the first country to include the protection of access to the internet in its constitution.

<sup>20</sup>Þórlaug Ágústsdóttir, 21 June 2011. <http://www.stjornlagarad.is/erindi/nanar/item33986/>

<sup>21</sup>Svavar Kjarrval Lúthersson, 24 June 2011. <http://www.stjornlagarad.is/erindi/nanar/item34042/>

provision to “unrestricted access.” These examples illustrate the engagement of the Constitutional Council with the public comments, and the manner in which they used that information to shape the draft constitution.

[Table 2 about here]

## VII. STATISTICAL ANALYSIS

### A. Description of the Data and Model

As reported in Table 2, the qualitative analysis of the substantive proposals from the public generated a list of 29 instances where a proposal is almost certain to have caused a change in the text of the draft constitution. Although this is a rather low rate (9.3%), it is likely higher than many observers of constitution-drafting processes would expect.<sup>22</sup> I consider this to be a significant level of impact, and a confirmation of Hypothesis 1. The levels of interest from both drafters and citizens are clearly uneven across categories, but the correlation between the overall distribution of proposals and the distribution of accepted proposals is actually quite high, at 0.88. Additionally, while the numbers of both positive and negative values in this dataset are small, they are sufficient for some statistical analyses of the probability that a particular comment would be included in the text of the constitution.

We can think more systematically about the kinds of proposals that made it into the constitution with a regression model that predicts inclusion with a set of covariates that include topic dummies, and a set of variables that capture characteristics of the suggestions and their individual contexts. Given this binary coding of the key outcome variable—whether or not a proposal was included in the constitution—I fit a probit model to estimate the values of a number of covariates that might be expected to influence the inclusion of individual proposals in the constitution. The full model is expressed mathematically as:

$$Pr(y = 1|x) = F(\beta_0 + \beta_1[daycount] + \beta_2[words] + \beta_3[fbcomms] + \beta_4[stjcomms] + \beta_5[opresp] + \beta_6[totsubmits] + \beta_7[ngo] + \beta_8[institutions] + \beta_9[rights] + \beta_{10}[others])$$

The first variable (*daycount*), is a count of the days passed since the first proposal was posted on the Constitutional Council’s website—which I

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<sup>22</sup>That is 9.3% of the 311 proposals submitted by Icelanders. The number of observations in the rest of the paper varies as proposals are split to consider the various subject areas dealt with within individual proposals.

expected to have a negative coefficient, indicating that earlier comments are more likely to be included.<sup>23</sup> The second variable (words), is the number of words in the proposal—also expected to have a negative coefficient, which would indicate that shorter proposals are more likely to be included. The next five variables all consider aspects of the comment activity that responded to the proposal: the number of Facebook comments on the proposal (fbcomms), the number of comments on the proposal from members of the Constitutional Council (stjcomms), a dummy indicating whether or not the author of the proposal responds to the comments (opresp), the total number of submissions from that individual (totsubmits), and whether they write on behalf of a non-governmental or civil society organization (ngo).<sup>24</sup> The remaining variables record the topic categories that the proposals considered.<sup>25</sup>

## *B. Results and Discussion*

Coefficients for several variations of this model are reported in Table 3. The coefficients are reported on the main lines, with the standard errors in parentheses beneath. The estimates are fairly stable across these statistical models. The variation in the models is chiefly that in Models 2, 3, and 4, I drop the variables for the timing and length of the proposal, and the dummy for proposals from an organized group, in an effort to investigate the variables of greatest interest in a more parsimonious equation. In Model 1, we see that “daycount” has a negative coefficient, indicating that later proposals were less likely to be included in the constitution, though the effect is small. We can be quite certain that the length of the proposal had no effect on its inclu-

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<sup>23</sup>I expected that comments made earlier in the drafting period will be more likely to be accepted. The agenda at that time is more open. Additionally, drafters may be working in a more research intensive mode early in the process, before shifting to an editing approach toward the end of the process.

<sup>24</sup>These variables capture information about some of my expectations (or hunches) about contextual elements that might have an impact. I expected that proposals that received attention from a higher number of members of the Constitutional Council will be more likely to have an influence on the text. Additionally, proposals that were followed by comments in which the original poster is active would be more likely to be influential. And, that proposals made by individuals who post multiple proposals would be more likely to be adopted.

<sup>25</sup>The “institutions” category includes all proposals relating to the three branches of government, and to elections. The “rights” category includes all proposals having to do with human rights and duties of citizens. The “others” category includes all proposals that deal with direct democracy, amendment procedures, oversight mechanisms, and cultural issues.

sion. Also—perhaps unsurprisingly—proposals that received comments from more members of the constitutional council were more likely to be included in the constitution, though the total number of comments was not important. The response of the proposal author to comments on the proposal was not influential.

The most important finding in Model 1 is that proposals submitted by organized groups were not more likely to be influential than those submitted by individuals. On the contrary, while the coefficient is not significant, it is estimated to have a negative effect. This surprising finding disconfirms Hypothesis 2. The finding may in part be explained by some of the unique features of the drafting process. Interest groups were not allowed to participate in the process with any sort of special accommodations, and by and large abstained from participating in the open process that was available to individuals. Even so, approximately 10% of the proposals on the Council’s website were posted by representatives of NGOs or CSOs. The results here may not be suggestive of how this dynamic works in other cases, where interest groups and NGOs are often given preferential treatment (Gylfason 2013a).

Models 2, 3, and 4 allow us to examine the possibility that the effectiveness of public participation depends on the subject matter of the proposal, by varying the reference category for the topic variables. In Model 2, we see that relative to the “other” category, “institutions” are less likely to be included in the constitution, and “rights” are more likely. Likewise, in Model 3, we see that proposals dealing with “institutions” and “others” are both less likely than “rights.” Finally, Model 4 shows that relative to “institutions,” both “rights” and “others” are more likely to be included.

[Table 3 about here]

Although the probit coefficients are suggestive, their interpretation is not immediately clear, so the marginal effects of these variables are presented in Table 4, and Figure 1. Here we can see that the effects of all of these variables are quite small. The variables relating to the metadata of the proposal have such small effects that they hardly bear mention. It is notable however, that additional comments from members of the Constitutional Council did increase the likelihood of a proposal’s inclusion in the draft constitution by one or two percent. Model 1 provides a nice comparison of the relative effects of being in the “institutions” and “rights” categories, with “rights” being 5% more likely to be included relative to “others” (though this is not quite significant), and “institutions” about 5% less likely. The strongest effect in Model 4 is that of the “rights” dummy variable. In Model 4, the marginal effect of moving from the “institutions” category to the “rights” category, is

an increase in the probability that a proposal would be incorporated in the constitutional text of approximately 16%. This finding strongly confirms Hypothesis 3, and agrees with the findings of Maboudi and Nadi (2016) in the Egyptian case.

[Table 4 about here]

[Figure 1 about here]

Why might public participation have greater effects in the domain of rights? In many areas of the constitutional text there are clearly competing alternatives. For example, one controversial topic in the Icelandic political system concerns the number of electoral districts in their system of proportional representation. This choice has a significant impact on the balance of power between rural and urban interests in Iceland. Other politically salient decisions are essentially binary, as between a presidential system or a parliamentary system, with clear implications for many interested parties. These are areas where public participation is less likely to be influential, both because these decisions have clear costs and benefits for established elites, and because the drafters are likely to encounter conflicting proposals from the public. Moreover, changes in these areas often require a cascading series of edits to maintain a coherent text. However, in the area of rights, the proposals are more likely to be additive, rather than competitive. For example, a new class of persons can be added to the equal protection clause without creating conflicts with other areas of the text (as was in fact done in the Icelandic draft). The global trend has been to increase the number of rights in constitutions over time (Law and Versteeg 2011), suggesting that rights in constitutions may operate with a ratchet-like mechanism in which adding more rights is straightforward, but it is almost impossible to remove a right. Beyond this, it is likely that members of the public find rights more accessible than the intricacies of the translation of votes to seats in the legislature (though there were two suggestions from Icelanders that addressed exactly that).

There is also a more positive interpretation to put on some of the insignificant statistical result in this case. Null findings could be interpreted as evidence of fair process of evaluation of the suggestions submitted to the Constitutional Council. There is clearly little in the way of a systematic relationship between characteristics of the suggestions and the probability that they will be implemented (beyond the subject matter effect discussed above). Perhaps this is the best outcome, and evidence that the “best” suggestions were implemented regardless of other factors.

## VIII. WHY DID THE DRAFTERS GIVE EFFECT TO PROPOSALS FROM THE PUBLIC?

Having established that the Icelandic drafters not only paid attention to the proposals from the public, but also included at least 29 of these proposals in their final draft, we must turn to the question of why. The explanation for this phenomenon relates to a number of elements in the context of constitution-making in Iceland, several of which have been touched on earlier in this article. First, the political context in Iceland between 2009 and 2012 involved a resurgence of democratic political activity alongside the deligitimation of political parties and institutions. It was this context of rejection of the political system that inspired the constitution-making process. The law that established the constitution-making process specifically forbade the president, government ministers, or members of parliament from standing for election to the Constitutional Council (Althingi 2010, Art. 6). The law further stipulated that the members of the Council should be bound only by their own convictions, and not by instructions from anyone else (Althingi 2010, Art. 19). Alongside these legally required barriers between the Constitutional Council and the political establishment, the political parties evinced no interest in the work of the Council during its months of drafting. For the most part, civil society groups were not very active either.<sup>26</sup> The combination of these legal and practical factors meant that the drafters were quite isolated from the political system, and thus both more reliant on the public for information about what should go into the constitution, and unmoored from any prior policy commitments.

Relatedly, many of the Council members seem to have had concerns about the legitimacy of their appointment and about the relationship between their work and the role of parliament. Although the complaints about the legality of the original election to the Constituent Assembly are not creditable, the nature of the appointment process did tend to hang over the Council. The mandate of the Council was also somewhat unclear. Some members of the Council understood their role to be to draft a new constitution which the parliament would duly approve. Others understood their draft to be something that parliament would significantly amend. This difference of opinions persisted both in the Icelandic public and on the Council throughout the drafting process.<sup>27</sup> Adding to this confusion about the fate of their draft in parliament was a worry on the part of some Council members that the

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<sup>26</sup>Stjórnlagaráð Members XQPC and YIGY, Interviews with the author, 2017

<sup>27</sup>Stjórnlagaráð Member XQPC, Interview with the author, 2017

draft could not be completed in the time parliament had allowed.<sup>28</sup> These considerations pushed the Council members to take steps to shore up the legitimacy of their work, and to demonstrate the support of the public for their draft. Council members believed that giving significant effect to proposals from the public would give the draft sufficient legitimacy to carry it forward.<sup>29</sup>

Finally, there is a real sense in which the simple explanation “No one told them not to,”<sup>30</sup> is the truth of how the Icelandic case can be explained in relation to more traditional examples of constitution making. The drafting process was somewhat ad hoc, without clear rules for how public input would take place or how it should relate to the drafting. In this context, the members of the Council had few reasons not to give attention to proposals from the public, and (as noted above) some rather strong incentives to be seen to be doing so. One member of the Council suggested that “There was really no cost in considering sensible suggestions.”<sup>31</sup> In this relatively apolitical context, proposals from the public were much more valuable and influential than they are in most law-drafting processes.

## IX. A FAILED CONSTITUTIONAL REVOLUTION?

At the time of writing, this draft constitution still has not been ratified by the Icelandic parliament, and the draft remains in a sort of limbo. There is a small movement to keep constitutional reform on the political agenda, but they face opposition from some of the political parties and entrenched interest groups. Constitutional revolution can be a problematic concept, but may be a useful way of thinking about what was attempted in Iceland. As used here, it is meant in the sense defined by Gary Jacobsohn, which includes the idea of renewal and paradigmatic shift (Jacobsohn 2012). This seems to be how the people of Iceland understood their broader endeavor in the aftermath of the financial crisis—rebuilding what the “banksters” (as they called them), had destroyed. In this sense, the constitutional revolution would have been deemed a success if it satisfied two conditions. First, the new constitution would have to reflect the demands of the people, and not merely serve as another example of elite domination of popular preferences. Second, and

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<sup>28</sup>Stjórnlagaráð Member GNEL, Interview with the author, 2017. Note that most successful constitution-making process in recent years have taken between two and five years (Updike Toler 2014).

<sup>29</sup>Stjórnlagaráð Member DLEA, Interview with the author, 2017

<sup>30</sup>As proposed by one early commenter on this project.

<sup>31</sup>Stjórnlagaráð Member YIGY, Interview with the author, 2017



perhaps most obviously, there would have to be real constitutional change. In the event, the analysis undertaken in this paper shows that the constitutional revolution was a success with regard to the first requirement, but not the second. It is possible that the success of the constitutional revolution in achieving real, popularly motivated change in the text of the constitution, ultimately doomed the draft to languish un-ratified. Change took too long, and in the interim, the old regime returned to favor with enough of the electorate to regain power.

[Table 5 about here]

The pots and pans revolution destabilized Icelandic politics, and we do not yet know what the new political equilibrium will look like. While the Independence Party did regain some of its vote share in the 2013 election, a number of new parties have also continued to spring up. This uncertainty persisted in national polls between 2013 and 2016. In a poll in March 2015, the Pirate Party had a plurality of support from Icelanders, beating the Independence Party with a predicted vote share of 23.9%, compared to 23.4% for Independence (Ward 2015). One of the members of parliament from the Pirate Party, Jón Þór Ólafsson was one of the most active participants in the online discussion in 2011, and the party has expressed strong interest in reviving the issue of constitutional reform. The Pirates led in the polls from the Spring of 2015 until the Spring of 2016, giving renewed hope to supporters of the 2011 draft constitution. As it turned out, the Independence Party won the most seats in the October 2016 election, and formed a center-right coalition government with the Reform Party and the Bright Future party. These parties (Independence in particular) have opposed the draft produced by the Constitutional Council, and are unlikely to move for ratification. Yet changes to the constitution remain a subject of debate both within Icelandic society, and in the parliament. A January 2017 poll conducted by the Social Science Institute of the University of Iceland showed that public support for both the 2011 draft (58%), and constitutional reform in general (66%) remain high (Gylfason 2017). This level of support is relatively unchanged from 2011.

## X. CONCLUSION

On the whole, Iceland’s constitution drafting process almost lived up to the hype. If not actually crowdsourced, the 2011 constitution drafting process was a “fully open and transparent” process, as described by the Constitutional Council (Stjórnlagaráð 2011). Council members were highly engaged

with the proposals submitted to the Council website, and it is clear that many of these proposals were reflected in the text of the constitution. This really is a remarkable phenomenon. Individuals have no means of validating their claim to speak for the people, broadly understood. They also have no means of ensuring that the Council would pay any attention to their suggestion. In a strategic understanding of political behavior, this outcome does not make any immediate sense. Nonetheless, the evidence clearly indicates that the members of the Constitutional Council took public participation seriously, and included many of the suggestions of the public in the final draft. The quality of participation in this case was quite high, and should lend support to initiatives toward similar processes in other cases.

The impact of public participation is almost certainly much higher here than in any other case (though measurements of this kind of impact are quite difficult, particularly when the number of comments is orders of magnitude higher). I argue that the most significant reason for the greater impact was the absence of political parties. The drafters in Iceland were not bound to follow any agenda or program for constitution change other than the mandate they were individually given by the voters. Furthermore, in the context of political upheaval in which the drafting took place, popular participation had taken on a particular significance. Yet, despite the best efforts of the members of the Constitutional Council and their allies, the constitution was not ratified. It may be the case that the kind of drafting process that facilitates a high impact from public participation also decreases the likelihood that the draft can make it through ratification in the regular legislative assembly, as none of the parties have a significant stake in the document's ratification.

It is relatively rare in political science to have our cynicism challenged by a case in which there is an unexpectedly positive phenomenon. Yet that seems to be the case in this analysis of public participation in drafting a new constitution for Iceland in 2011. Here, public participation was meaningful. Proposals and comments from the public undoubtedly influenced the draft that the Council produced. The process on the whole should encourage us about the prospects for more democratic participation in an ever-more interconnected world.

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## XI. TABLES

Table 1: Distribution of Topics in Substantive Comments

<i>Topic</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>
	<i>Suggest.</i>	<i>Suggest.</i>	<i>FB Comms.</i>	<i>FB Comms.</i>
Legislature reform	57	18.4%	227	9.9%
Electoral reform	56	18.1%	240	10.5%
Other human rights	50	16.1%	228	10.0%
Established church	41	13.2%	433	18.9%
Executive reform	39	12.6%	162	7.1%
Equality	25	8.1%	113	4.5%
Property rights	25	8.1%	134	5.9%
Direct democracy	23	7.4%	98	4.3%
Judiciary reform	18	5.8%	51	2.2%
Natural resources	18	5.8%	46	2.0%
Financial regulation	17	5.5%	151	6.6%
Environment protection	14	4.5%	39	1.7%
Neutrality/Pacifism	11	3.6%	36	1.6%
Freedom of information	10	3.2%	39	1.7%
Privacy	10	3.2%	37	1.6%

Table 2: Simplified Topics in Substantive Proposals

<i>Topic</i>	<i>In Proposals</i>		<i>In Constitution</i>	
	<i>Num.</i>	<i>Pct.</i>	<i>Num.</i>	<i>Pct.</i>
Amendment Procedures	6	1.5%	0	0.0%
Cultural Issues	57	14.1%	3	10.3%
Electoral Process	56	13.9%	1	3.5%
Executive Branch	38	9.4%	1	3.5%
Judicial Branch	18	4.5%	0	0.0%
Legislative Branch	56	13.9%	1	3.5%
Direct Democracy	23	5.7%	4	13.8%
Oversight and Regulation	17	4.2%	0	0.0%
Rights	133	32.9%	19	65.5%
Total	404		29	

Table 3: Probit estimates

	Model 1	Model 2	Model 3	Model 4
(Intercept)	-1.29*** (0.38)	-2.06*** (0.27)	-1.58*** (0.20)	-2.71*** (0.33)
Days elapsed	-0.02*** (0.00)			
Length of proposal	0.00** (0.00)			
Num. Facebook comments	-0.01 (0.02)	-0.01 (0.01)	-0.01 (0.01)	-0.01 (0.01)
Num. comms. from Council	0.17* (0.07)	0.20** (0.06)	0.21** (0.06)	0.20** (0.06)
Orig. poster commenting	-0.21 (0.29)	-0.30 (0.27)	-0.29 (0.26)	-0.29 (0.27)
Total submits by poster	0.05* (0.02)	0.04 (0.02)	0.04* (0.02)	0.04 (0.02)
Submitted by NGO/CSO	-0.18 (0.39)			
Topic: Institutions	-0.74* (0.35)	-0.65* (0.32)	-1.14*** (0.29)	
Topic: Rights	0.65* (0.26)	0.53* (0.24)		1.20*** (0.29)
Topic: Other			-0.44 (0.25)	0.72* (0.32)
AIC	179.48	192.75	194.60	191.83
BIC	219.76	220.97	222.81	220.05
Log Likelihood	-79.74	-89.38	-90.30	-88.92
Deviance	159.48	178.75	180.60	177.83
Num. obs.	415	416	416	416

\*\*\* $p < 0.001$ , \*\* $p < 0.01$ , \* $p < 0.05$

Table 4: Marginal effects for Model 1 and Model 4

	Model 1	Model 4
(Intercept)	-0.082*	-0.237***
	(0.032)	(0.036)
Days elapsed	-0.001**	
	(0.000)	
Length of proposal	0.000*	
	(0.000)	
Num. Facebook comments	-0.001	-0.001
	(0.001)	(0.001)
Num. comms. from Council	0.011*	0.018**
	(0.005)	(0.006)
Orig. poster commenting	-0.012	-0.022
	(0.015)	(0.018)
Total submits by poster	0.003*	0.003
	(0.001)	(0.002)
Submitted by NGO/CSO	-0.010	
	(0.018)	
Topic: Institutions	-0.047*	
	(0.021)	
Topic: Rights	0.054	0.161***
	(0.028)	(0.045)
Topic: Others		0.087
		(0.047)
AIC	179.478	191.833
BIC	219.761	220.048
Log Likelihood	-79.739	-88.917
Deviance	159.478	177.833
Num. obs.	415	416

\*\*\* $p < 0.001$ , \*\* $p < 0.01$ , \* $p < 0.05$

Table 5: Election Results

<i>Party</i>	<i>2007</i>		<i>2009</i>		<i>2013</i>		<i>2016</i>	
	<i>%</i>	<i>Seats</i>	<i>%</i>	<i>Seats</i>	<i>%</i>	<i>Seats</i>	<i>%</i>	<i>Seats</i>
Independence Party	36.6	25	23.7	16	26.7	19	29.0	21
Progressive Party	11.7	7	14.8	9	24.4	19	11.5	8
Social Democratic Alliance	26.8	18	29.8	20	12.9	9	5.7	3
Left-Green Movement	14.3	9	21.7	14	10.9	7	15.9	10
Liberal Party	7.3	4	2.2	0				
Iceland's Movement	3.3	0						
Bright Future					8.2	6	7.2	4
Pirate Party					5.1	3	14.5	10
Dawn					3.1	0	1.7	0
Household's Party					3.0	0		
Iceland Democratic Party					2.5	0		
Right Green People's Party					1.7	0		
Rainbow Party					1.1	0		
Reform Party							10.5	7
People's Party							3.5	0

## APPENDIX A: FULL LIST OF INCLUDED SUGGESTIONS

Date	Participant Name	Change in draft constitution
6-Apr-11	Árni Stefán Árnason	Draft 10 <sup>32</sup> adds a provision protect the rights of animals.
14-Apr-11	Olgeir Gestsson	Draft 7 adds provisions against government ministers voting as MPs.
15-Apr-11	Hjalti Hugason	Draft 11 places the religious articles in the human rights section, and adds protections for a broader category of organizations.
17-Apr-11	Lúðvíg Lárusson	Draft 7 bans conscription.
18-Apr-11	Herdís Þorvaldsdóttir	Draft 15 adds specific protections for vegetation, soil, etc. and promises that previous damage will be repaired.
28-Apr-11	Hans Tómas Björnsson	Draft 7 bans discrimination on the basis of genotype.
28-Apr-11	Samtök her- naðarand- stæðinga	Draft 7 bans conscription.
29-Apr-11	Kristinn Már Ársælsson	Draft 12 adds language requiring the government to keep minutes of meetings and to make this public.
29-Apr-11	Kristinn Már Ársælsson	Draft 12 adds requirements about publishing information about financial contributions to candidates and parties.
29-Apr-11	Kristinn Már Ársælsson	Draft 12 adds language on referenda and initiatives in line with this proposal.
2-May-11	Valdimar Samuelsson	Draft 4 changes the language on gender discrimination in line with this proposal.
5-May-11	Sigurður Jónas Eggertsson	Draft 10 adds new provisions to the article on education that is in line with this proposal.
8-May-11	Bergsteinn Jón- son	Draft 8 changes child rights language in line with this proposal.
9-May-11	Þórlaug Ágúst- dóttir	Draft 17 introduces new language in the preamble that reflects this proposal.

<sup>32</sup>In this table, draft numbers refer to the number of the council meeting. Not all meetings produced a new draft. The first new draft was published after the fourth meeting (Draft 4), the next was published after the seventh meeting (Draft 7).

9-May-11	Guðmundur Hörður Guðmundsson	Draft 10 adds language on environmental protection that includes the interests of future generations, as proposed here.
15-May-11	Hjörtur Hjartarson	Draft 18 lowers the necessary threshold for a popular initiative from 15% to 10%, as proposed here.
20-May-11	Örn Leó Guðmundsson	Draft 10 includes the fact that the natural resources are the “everlasting” property of the people, as proposed here.
27-May-11	Frosti Sigurjónsson	Draft 18 lowers the necessary threshold for a popular initiative from 15% to 10%, as proposed here.
27-May-11	Smári McCarthy	Draft 15 removes language allowing police to attend public assemblies and replaces this with language about restrictions in a democratic society.
30-May-11	Kristinn Már Ársælsson	Draft 11 removes some speculative language about the ability of the Althingi to hold secret meetings.
16-Jun-11	Jón Guðmundsson	Draft 17 changes the provision on freedom of association in line with this proposal.
21-Jun-11	Þórlaug Ágústsdóttir	Draft 14 adds a right to access the internet.
23-Jun-11	Sigrún Helgadóttir	Draft 15 makes changes to the protections of nature and the environment in line with this proposal.
24-Jun-11	Svavar Kjarrval Lúthersson	Draft 16 makes internet access unrestricted.
28-Jun-11	Nils Gíslason	Draft 16 removes the phrase “ever expanding” from the discussion of human rights protections, as was proposed here.
1-Jul-11	Sigurður Hr. Sigurðsson	Draft 16 requires asylum seekers to receive a speedy trial.
4-Jul-11	Svavar Kjarrval Lúthersson	Draft 16 changes referendum language to follow this proposal.
5-Jul-11	Daði Ingólfsson	Draft 18 removes government protection of religious groups, as proposed here.
5-Jul-11	Jakob Björnsson	Draft 16 changes language on the preservation of natural resources in line with this proposal.

## APPENDIX B: FULL LISTS OF TOPICS

Table 7: Distribution of Topics in Public Comments

Topic	Number	Percentage
Legislature reform	57	18.39%
Electoral reform	56	18.06%
Other human rights	50	16.13%
Established church	41	13.23%
Executive reform	39	12.58%
Equality	25	8.06%
Property rights	25	8.06%
Direct democracy	23	7.42%
Judiciary reform	18	5.81%
Natural resources	18	5.81%
Financial regulation reform	17	5.48%
Environmental protection	14	4.52%
Neutrality/Pacifism	11	3.55%
Freedom of information	10	3.23%
Privacy	10	3.23%
Taxation	8	2.58%
Const. amend. rules	6	1.94%
Citizenship	5	1.61%
Health rights	5	1.61%
Subsistence rights/Min wage	5	1.61%
Dignity	4	1.29%
Official language	4	1.29%
Animal welfare	3	0.97%
Education	3	0.97%
Right to life	3	0.97%
Shelter	3	0.97%
Children's rights	2	0.65%
Free expression	2	0.65%
Intellectual property	2	0.65%
Right to public assistance	2	0.65%



Table 8: Distribution of Topics in Facebook Comment Threads

Topic	Number	Percentage
Established church	433	18.92%
Electoral reform	240	10.48%
Other human rights	228	9.96%
Legislature reform	227	9.92%
Executive reform	162	7.08%
Financial regulation reform	151	6.60%
Property rights	134	5.85%
Equality	113	4.94%
Direct democracy	98	4.28%
Judiciary reform	51	2.23%
Natural resources	46	2.01%
Freedom of information	39	1.70%
Environmental protection	39	1.70%
Privacy	37	1.62%
Neutrality/Pacifism	36	1.57%
Animal welfare	32	1.40%
Official language	31	2.35%
Const. amend rules	27	1.18%
Education	25	1.09%
Subsistence rights/Min wage	24	1.05%
Taxation	22	0.96%
Citizenship	17	0.74%
Health	16	0.70%
Dignity	15	0.66%
Intellectual property	11	0.48%
Children's rights	10	0.44%
Free express.	10	0.44%
Right to public assistance	6	0.26%
Shelter	5	0.22%
Right to life	4	0.17%

## APPENDIX C: EXPANDED STATISTICAL MODELS

Table 9: Statistical models with expanded topics

	<i>Model 1</i>	<i>Model 2</i>	<i>Model 3</i>	<i>Model 4</i>
(Intercept)	-1.53*** (0.38)	-1.29*** (0.38)	-2.69* (1.12)	-2.89** (1.03)
Days elapsed	-0.02*** (0.01)	-0.02*** (0.00)	-0.02*** (0.01)	-0.02*** (0.01)
Wordcount	0.00* (0.00)	0.00** (0.00)	0.00** (0.00)	0.00** (0.00)
Num. FB comms.	-0.01 (0.02)	-0.01 (0.02)	-0.00 (0.02)	-0.00 (0.02)
C.C. memb's commenting	0.19* (0.09)	0.20* (0.08)	0.20* (0.08)	0.19* (0.08)
Orig. poster commenting	-0.29 (0.31)	-0.25 (0.29)	-0.28 (0.30)	-0.27 (0.30)
Tot. submits by same ind.	0.04 (0.02)	0.04* (0.02)	0.05* (0.02)	0.05* (0.02)
Submit. by interest group	-0.15 (0.41)	-0.13 (0.38)	-0.17 (0.41)	-0.17 (0.41)
Topic: Amendment	0.26 (0.74)		-2.94 (572.78)	
Topic: Culture	0.50 (0.31)		1.35 (1.12)	1.55 (1.02)
Topic: Electoral system	-0.33 (0.40)		0.52 (1.19)	0.73 (1.09)
Topic: Executive branch	0.17 (0.44)		0.84 (1.10)	1.03 (1.00)
Topic: Legislative branch	-0.05 (0.41)		0.75 (1.09)	0.94 (0.99)
Topic: Direct democracy	1.21** (0.39)		1.97 (1.13)	2.18* (1.02)
Topic: Oversight and reg.	-0.82 (0.79)		-3.50 (312.09)	
Topic: Rights	0.79** (0.27)	0.63* (0.26)	2.07 (1.09)	2.27* (0.98)
Topic: Institutions		-0.75* (0.35)		
AIC	174.32	179.56	184.10	180.24
BIC	234.06	219.85	248.55	236.64
Log Likelihood	-71.16	-79.78	-76.05	-76.12
Deviance	142.32	159.56	152.10	152.24
Num. obs.	309	415	415	415

\*\*\* $p < 0.001$ , \*\* $p < 0.01$ , \* $p < 0.05$