



France was [ranked 4th](#) in the United Nations E-Government Survey 2014. In the wake of such positioning, choosing regulation for the digital world of online consultation to help legislate on the matter made sense.

It could potentially help patch “the huge disconnect between how the policy-makers are thinking and the practical way it affects businesses on a day to day basis,” says Clara Maguire, chief operating officer of the London-based business networking company [We Are PopUp](#). She believes that regulation of the digital world must be participatory and have rapid feedback mechanisms to keep up with “a tech and innovation process that’s moving through iterative and rapid cycles.”

The advantage of performing a broad consultation reaching out to a wide variety of stakeholders also helps in avoiding to adopt a blunt top-down approach to regulation. For example, in the digital world, [regulation](#) targeting tech giants, such as the web-based private taxi company Uber, could inadvertently end up stifling innovation from smaller companies caught in the regulatory crossfire.

This open consultation of the French law is a significant test of the democratic process, according to Gilles Babinet, CEO of data aggregation company [Captain Dash](#) and [EU Digital Champion for France](#). “This could affect the constitution of our country. If it [public consultation] works, it could become mandatory,” he says, “Parliament would have a lesser important say.”

## Engagement level

He believes that the level of participation towards developing the new digital law is encouraging. “Digital laws are normally very technical and therefore it wasn’t obvious that it would be a success,” says Babinet, “but I can see it has worked and plenty of people replied and left comments.”

However, some independent observers of the digital sector are not so enthused about participation levels. 20,000 participants is a good start but it is “nothing when you consider the tens of thousands of stakeholders active in France,” says Christophe Deshayes, author of two books on the [digital revolution](#) and on how to find [happiness in the 2.0 era](#). Without a certain amount of expertise in the subject area, Deshayes believes that citizens could find participation difficult.

This bottom-up participation in law making is new in France but has been tested elsewhere. Switzerland's semi-direct democratic model has been engaging citizens for years in relation to regulatory decisions through [referendums](#). And the EU has various methods of public consultation via the online portal [Your Voice in Europe](#). By contrast, since 1994, South Africa has systematically made all its new draft bills available for consultation, prior to discussion by policy makers--the issue of [adequate level of engagement](#) has, however, been raised in the country.

## Next steps

Babinet and Deshayes note, that this type of online participation is a good start in promoting citizen engagement in lawmaking. “We need to find the triggers to create engagement,” says Babinet, “It’s an aspect of government in the future to go and fetch the voters in the right manner, to involve people.”

The digital law under debate itself will help lay the foundations for future digital engagement of citizens by improving rates of internet access and digital literacy in the French population. The open-source method of inviting public consultation on the text is certainly in keeping with the content of the digital law, which advocates a move to open access to data and use of open-source software.

The government is currently compiling the 147,710 votes and 8,501 comments from the online consultation, "a huge job" according to Babinet. The top contributors will then be invited to present their ideas to Axelle Lemaire, secretary of state for digital matters. It remains to be seen how many, if any, proposed changes will be taken on board for the final text of the law.

As Maguire points out "it really depends if it's a legitimate attempt to engage. That will be judged by what follow up consultation they do and where in the process they really were before opening consultation."

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