

INTRODUCTION

Citizenship in a Connected Canada

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Citizenship has become digital. In 2020, all experiences and expressions of civic and political life in Canada are impacted by digital technologies in some way. Whether they use a mobile app to listen to a news podcast, log in to their online banking profile, order food online, or connect through social media with co-workers, friends, or family, most people's lives are necessarily digital to some degree. Even for those who choose not to use digital technologies in their daily lives and for those who do not have the needed access, resources, or skills to employ these tools, governments and other institutions make use of digital technologies in ways that impact everyone. For example, even unconnected citizens are impacted by automated decision-making in government—from benefit assessment to the justice system—and by corporate actors—from financial offers to traffic management.

We could argue that citizenship has been digital for decades. Yet many different actors in society—civil society groups, governments, journalism organizations—, and legal systems struggle to keep up with shifting the ways in which individuals might enact their citizenship, with the impacts of increased use of digital tools, and with questions about what is technically possible and ethically advisable. This book outlines some of the ways in which civil society, governments, and legal systems are being challenged by an evolving digital context to rethink their relationships with citizens. Informed

by academic literature and empirical research, this collection of policy-focused essays puts forward a research and policy agenda providing recommendations for next steps both within and outside of academia. The aim is to help develop better policies, tools, and research. In order to do so, we need to understand how individuals enact their citizenship in digital contexts. Reflection on the uses of technology by citizens and their preferences about how technologies and digital data could or should be used is important for developing relevant responses in a digital context. While the digital context is not entirely new, it is sometimes overlooked.

Furthermore, as technology advances and as our use of technologies matures, the way we citizens are impacted by those technologies evolves. For example, at one time the “digital divide” conversation centred on who had Internet access and who did not (Paré, 2005). This was the primary concern for anyone trying to assess the most important policy issues related to digital technology. Indeed, a connected Canada certainly requires better broadband and connectivity policies (Clement et al., 2012) to minimize a digital divide related to access and to ensure equal and equitable opportunities for enacting citizenship. Particularly in remote and rural parts of Canada, there continue to be individuals with limited or no Internet access (Canadian Internet Registration Authority [CIRA], 2020) who typically pay higher rates than those in urban centres (Waterhouse, 2019). However, the problems at hand have become more complex than connectivity alone: skill, experience, social treatment, and many other factors must also be considered when we think about who is digitally enabled and who is digitally excluded (Paré, 2005; Quan-Haase et al., 2018; Robinson et al., 2015). As a host of new kinds of digital tools enter the arena—ranging from mobile apps to the Internet of Things and smart cities—many actors are faced with new digital contexts which require new skills and approaches. These technological advances, and the resulting changes as we incorporate them into our lives, have meaningful effects on our relationships with each other, with societal institutions such as government and journalism, and with the law and its frameworks.

Consequently, these changes have sparked both optimism and fear about what is next for Canadian society and how citizens will be impacted. A digital context provides the potential for innovative engagement of citizens in their political systems (Matheus et al., 2010; Haro-de-Rosario et al., 2018) as well as the potential for

disinformation (Faris et al., 2017), election interference (Goldman et al., 2020), and an amplification of existing injustices (Powell et al., 2018). Similarly, unchecked development in artificial intelligence, while offering possible benefits, also raises significant challenges, such as creating uncertainty surrounding the future of work (Loewen & Stevens, 2019) causing shifts in power, and building new structures outside the control of existing and understood governance and accountability frameworks (Millar et al., 2018). This list could continue for many pages, but ultimately each opportunity or challenge offered in a digital context requires us to understand both how digital technologies are currently impacting civic life and how people feel about the various ways in which these tools are used by different actors in society.

Historically, technology and policy developments have responded unevenly to the needs of individuals and have excluded people and groups such as linguistic minorities, LGBTQ2S+, those who are differently abled, and Indigenous Peoples. But for our society to thrive in its digital context, technology and policy developments need to be intentionally inclusive and must recognize a need for decolonization and reconciliation, which call for new perspectives and policy frameworks. From a base understanding of the experiences lived by people in Canada, we can develop better policies and make better decisions about whether and how to regulate new technologies as they emerge.

Taken together, the chapters in this collection advance the argument that we need to understand how to work toward a connected Canada that maximizes equitable access to information and communication technologies, and boosts digital literacy and skills. We must be cognizant of the need to mitigate risks and take advantage of persistent and pervasive connectivity in a society that is increasingly impacted by digital tools. In order to do this, various actors within society must come together to grapple with the difficult questions related to Canada's digital future. Multi-stakeholder approaches have been leveraged in many fields and have been called for by stakeholders within digital policy development (e.g., Buell, 2019). Multi-stakeholder initiatives have been identified as the best approach to discuss and address the complex issues that implicate a wide range of actors and to ensure better representation of the different layers of society (Dentoni et al., 2018). Indeed in 2013, discussing the future role of civil society, the World Economic Forum called for such an

approach, to build resilient societies with civil society, academia, industry, and government working together across their usual silos to take issues outside of their organizational boundaries.

This edited collection continues a unique conversation which stemmed from the Connected Canada initiative, launched in 2017, which embraces the ethos of this multi-stakeholder approach. We bring together scholars, activists, policy-makers, and businesses to build consensus around what a digitally connected society means for Canada. Ultimately, we aim to better understand both what it means to be a citizen in Canada in a digital context as well as the implications of such citizenship on policy-making in a digital context. Our aim in this collection is to extend and expand upon the research agenda we outlined in the *Canadians in a Digital Context* report (Dubois & Martin-Bariteau, 2018).

Defining Citizenship in a Digital Context

As we have previously articulated,¹ for us, “citizenship” describes the civic experience of individuals. In this collection, we focus specifically on those living within Canada. We intentionally take this broad definition in contrast to more narrow ones based on legal requirements of citizenship, which can be exclusionary. Defining citizenship in this way requires us to consider the various ways in which individuals enact their citizenship. Such civic experiences can include various acts from requesting government services, to submitting taxes online, to signing petitions. It also includes digitally mediated relationships between societal actors such as journalists reporting public opinion, data being collected to prioritize government resource deployment, or political parties targeting messages to potential supporters. In these and many other ways, citizenship is experienced with and through digital contexts.

Definitions of citizenship vary across sectors and disciplines, and have evolved over time, but core commonalities can guide our understanding of who is a citizen and what enacting citizenship looks like. From a legal perspective, citizenship is bound by recognition from a given nation-state: “The notion of citizenship provides people living in these nation-states with certain civil, social, political, and economic rights and responsibilities” (Choi, 2016, p. 3). Marshall (1964) describes elements of citizenship: civil (such as freedoms and rights), political (such as the ability to exercise power over elected

officials and voting) and social (such as civic culture and national heritage). These are widely accepted as a base framework for understanding citizenship (Banks, 2008). Meanwhile, democratic political philosophers argue that citizens play a crucial role in selecting representatives through elections, suggesting that citizens must be, to varying extents, informed about their political system, the decisions of political leaders, and current affairs (Delli Carpini, 2000; Strömbäck, 2005). From this perspective, citizenship involves not only participating in procedural aspects of democracy but also being part of information systems and communities. However, legal definitions of citizenship may then break down because one can participate in and contribute to those systems and communities without legally being a citizen of a given nation-state. As such, legal conceptualizations of citizenship can be exclusionary, and the lines of exclusion too often fall along differences in language, religion, ethnic, or cultural groups.

Conversely, citizenship might be more usefully considered in terms of identity and belonging to a community (Banks, 2008). While there are various conceptualizations of “cultural” citizenship (Choi, 2016, pp. 4–5), these approaches all tend to define citizenship in terms of a sense of community and the construction of identity developed through shared experience and common aspirations and purpose, which are often outside legal bounds. In the Canadian context, this is particularly relevant given the many nations found within the geographic bounds of Canada.

Culture-based understandings of citizenship are even more relevant when discussing digital contexts, since these often extend beyond national borders and governments (Barlow, 1996). Overall, they allow for more fluidity in understanding who counts as a citizen within a specific context because belonging and community shift as those involved grow and change, and as social norms evolve. Ultimately, definitions of citizenship are necessarily fluid. Different perspectives on citizenship are therefore useful, depending on the *contexts* in which those definitions are employed or discussed. That notion of the context in which citizenship is enacted is most interesting for the present collection—in particular, digital contexts.

Scholarship often distinguishes experiences of online and offline citizenships, conceptualizing *digital citizenship* as distinct from traditional (offline) citizenship. Some have conceptualized digital citizenship in terms of behavioural norms online (Ribble et al., 2004)

or in terms of frequency of and competence with technology use (Mossberger et al., 2008). Others focus on identifying digital versions of analog acts of citizenship in order to expand our understanding of what constitutes such an act (Bennett et al., 2011). Digital citizenship as delineated by the Council of Europe (2018) is construed as any online participation (Greffet & Wojcik, 2014). Hintz, Dencik, and Wahl-Jorgensen suggest commonalities across definitions of digital citizenship: “In most iterations it tries to understand the relation between the digital and the political, and thus the role of the digital subject as a political subject” (Hintz et al., 2019, p. 20). They argue, commenting on the role of government and business in capitalist systems, that “digital citizenship thus denotes our roles, positions and activities in a society that is organized through digital technologies” (Hintz et al., 2019, p. 144).

Problematically, many definitions of digital citizenship require active and intentional use of digital technology by individuals. Research into digital divides has shown that individuals may choose to not use digital tools for various reasons, may not have access to the Internet, or may not have the skills required to make use of the digital tools available to them (Helsper & Reisdorf, 2017; Bertot, 2003; Hadziristic, 2017; Paré, 2005). However, this does not mean that their experience of citizenship is not digital. Regardless of individual citizens’ digital activity, policies and laws are developed about digital data, privacy, and other issues; data about individuals are collected and used by governments; and political information is almost always shared digitally at some point in the information system.

Given that our lives have become unavoidably impacted by digital technologies, we endeavour to examine citizenship *in a digital context*, rather than *digital* citizenship. This slight change in phrasing may seem pedantic but it draws necessary attention to the fact that, in this collection, we wish to focus on a digital context which is continually evolving. Indeed, we suggest that it is most useful for policy-makers, civil society groups, and researchers to think about the ways citizenship is enacted in increasingly digital contexts. The aim is not to think of an entirely new form of digital citizenship—as if it is something distinct from an offline citizenship—but instead to reconcile both online and offline experiences and to think about the ways in which individuals enact their citizenship in evolving digital contexts.

Of course, digital contexts have existed for many years, and what we propose is not new. However, the COVID-19 pandemic has underscored the many ways in which our lives are indeed unavoidably digital and has intensified dependence on digital tools. Due to the COVID-19 outbreak, governments, corporations, and communities all over the world shut down physical spaces almost overnight and shifted to a new online reality compatible with physical distancing. Responding to the pandemic has prompted increased digitalization of political institutions, and even of the justice system; yet the quick shift has left out a growing number of citizens. From privacy to access to news media to connectivity issues, the road is long for vulnerable people to be part of the digital conversation (Ranchordas, 2020; Bailey et al., 2020).

Now, more than ever, is an important moment to reflect on the ways in which our understandings of both citizenship and digital contexts are shifting, and the challenge this raises for building an inclusive society. Governments, journalism organizations, law- and policy-makers, and other actors are routinely faced with pressures to innovate in their uses of technologies and to respond to others making use of digital tools in new ways. Without continued reflection on these practices, it is possible to lose track of the state of the digital context and the needs of the citizens who act within it.

Exploring Citizenship in a Digital Context in Canada

Individuals have been enacting their citizenship in digital contexts for decades, but “there has been a remarkably limited discussion, let alone theorization, of the relationship between citizens and the Internet” (Isin & Ruppert, 2015, p. 6). In Canada, there is a lack of information about how Canadians interact with the Internet and related technologies and how they enact their citizenship digitally. For instance, we do not yet know how Canadians feel about the use of their digital data for digital government service delivery; in political and news information systems, which are increasingly online first (Hermida et al., 2012); or in the development of new laws and policies. However, the majority of Canadian adults are uncomfortable with governments, journalists, and political parties (among others) making use of even publicly available social media data (Gruzd et al., 2018). Similarly, if the forceful response by Canadians to the attempt by Statistics Canada to collect personal banking information in

2018 suggests that Canadians feel strongly about the ways in which governments collect and use their data (Gilmore, 2019; Press, 2018; Russell, 2018). In order for societal actors, such as civil society groups, governments, and journalism organizations, and legal systems to respond to the needs of Canadians in a digital context, we need critical reflection on the gaps in our knowledge and how to fill those gaps.

Given the dearth of knowledge, researchers in Canada often turn to studies about the United States and the United Kingdom because of shared language or similarities in culture or political systems. In these countries, large-scale surveys examine the impact of digital technology on many aspects of daily life. For example, the Pew Research Center in the United States maintains an extensive Internet and Technology program,² and the Oxford Internet Surveys run regular nationally representative surveys in the United Kingdom.³ While similarities between the three do exist, Canada is unique in important ways. For example, while Silicon Valley in the United States is home to many major technology companies, very few have headquarters north of the border. Canada is a relatively small player in terms of audience size and potential profit for most large technology companies, which limits Canada's regulatory bargaining power (Centre for International Governance Innovation, 2018; Dubois et al., 2019). Furthermore, the way Canadians are likely to use digital tools may be quite different, given how geographically dispersed the population is and how limited broadband access continues to be in rural and northern communities (Broadcasting and Telecommunications Legislative Review, 2020; CIRA, 2020; House of Commons Standing Committee on Industry, Science and Technology, 2018).

Responding to this lack of information about the experiences of Canadians, in 2017 we launched Connected Canada/Canada Connecté. This pan-Canadian, multi-stakeholder, and interdisciplinary initiative aims to foster a conversation about citizenship in a digital context, with a focus on policy and, more importantly, on Canada. Up until that point, pockets of robust civil society and government departments, as well as researchers at universities and think tanks across the country, had dedicated themselves to help solve problems and develop strong policies that would be responsive to the needs of Canadians and Canada in a digital context. Yet there was little collaboration across these groups, data about citizens' Internet use and preferences related to digital technology were limited or proprietary, and policy-makers often struggled to understand the needs of citizens in a digital context.

Through the Connected Canada initiative, we aim to draw together and facilitate a network of people and organizations interested in understanding citizenship in a digital context. Our goal is to work together to develop a research and policy agenda. We set out to answer questions such as: What research and what methods of inquiry have been the most successful at creating positive change? What do we need to know about Canadians to encourage the use of new digital tools, ranging from social media to digital government services? What aspects of digital life are we forgetting about in our research and policy-making? How can we, as academics, policy-makers, or members of civil society work together to create stronger digital policies in Canada?

On October 13 and 14, 2017, we hosted the Connected Canada inaugural conference at the University of Ottawa, bringing together 150 academics, policy-makers, and technologists around the common goal of mobilizing research into what it means to be a citizen in a digital context in Canada and how we, as researchers and activists, can overcome the existing gaps in data that limit our current understanding. Using the above questions as a springboard, participants at the Connected Canada conference dove deep into our existing knowledge and our knowledge gaps related to Canadians' Internet use, comfort levels, and needs. Throughout the event, we heard many suggestions for expanding research, which we presented in *Canadians in a Digital Context: A Research Agenda for a Connected Canada* (Dubois & Martin-Bariteau, 2018).

Conference activities began with an expert's meeting to discuss the institutional barriers to sharing data about how Canadians use the Internet to engage in their communities and enable their citizenship. Next, we organized the wider conversation around four streams: Digital Rights, Government Service Design, News and Media, and Citizen Engagement. As part of the Digital Rights stream, participants discussed how to design coherent legal frameworks to protect citizens' rights in a digital context. They identified several challenges constant connectivity poses for citizens. The conversation notably focused on the role, responsibilities, and obligations of digital platforms, and concerns regarding consent to terms and conditions, especially with respect to privacy.

Through the Government Service Design discussions, participants exchanged ideas about how to help governments identify risks in deploying new digital services and the importance of learning

from our mistakes. Participants made it clear that we need to create resources to help all levels of government choose between digital and analog service delivery, in recognition of the present limits of digital connectivity, as well as to promote an “Open by Design” approach to data, services, and the governance of both.

Within the News and Media Literacy stream, participants discussed the ways in which citizens access, understand, and share information about current affairs and their political system. The conversation highlighted a concern that there is a sense of disconnection between Canadian readers and news content. Many participants also expressed concern over disinformation and misinformation, as well as an interest in creating a culture that guards against over-regulation in order to future-proof Canadian news media against government interference.

Finally, with respect to Citizen Engagement, participants discussed the importance of institutional bridge building and of creating strong methods for measuring citizen engagement. The conversation highlighted the need to use existing knowledge about who is excluded from digital technologies to create concrete actions aimed to connect all Canadians. Discussants noted that to develop best practices, we need to better understand how online influencers as well as lobbyists shape government outreach and policies.

Our vision for the conference came from concern about a lack of data about Canadians’ Internet use, preferences, and comfort levels. Indeed, when we began our work in 2017, there had been no detailed surveys about Internet use conducted by Statistics Canada since 2012. A report on the future of news and democracy commissioned by the Government of Canada also found there was such a lack of Canadian data, and one of the report’s 12 recommendations was to establish a research institute dedicated to the topic (Public Policy Forum, 2017). However, we learned that some more recent data exists, but this is siloed and inaccessible to most researchers because of institutional and communication barriers. Despite this lack of consistent data, our motivated and active governments at all levels, civil society groups, and private sector actors are working to develop new tools and practices. Since then, on October 29, 2019, Statistics Canada published a long-awaited update of the *Canadian Internet Use Survey* (Statistics Canada, 2019). While a helpful addition which provides some much-needed data, the limited scope of the survey, an inability to compare year to year, and uncertainty about the next update have confirmed

for us that more coordinated, regular, and comprehensive studies on Canadians' Internet use are needed.

The conference also confirmed that academia, civil society, and government were ready to work together but were lacking a Canadian space for such a conversation. Since then, we continued the conversation with participants and reached out to some of the missing voices from our conference.

Building on the *Canadians in a Digital Context* research agenda (Dubois & Martin-Bariteau, 2018), we invited some of Canada's pre-eminent leading and emergent voices—from academia, government, and civil society—to expand on some of the most urgent policy issues through short policy papers, informed by evidence-based research. We have organized this collection of policy-oriented essays around three building blocks for a comprehensive digital policy for a Connected Canada, reflected in this book's divisions. Part 1 examines the current landscape of digital civic participation, and notes some of the missing voices which are required to ensure an inclusive digital society. In Part 2, experts reflect on relationships between citizens and their political and democratic institutions, from government service delivery to academic and citizen engagement in policy-making. Finally, in Part 3, experts address key legal frameworks that need to be discussed and redesigned to allow for the building of an inclusive society and the strengthening of our democratic institutions.

These three components are important building blocks for digital policy in Canada, but they certainly do not represent an all-encompassing examination of all the ways in which citizenship is being enacted in a digital context. In selecting these areas of focus, and the chapters which make them up, we aim to spark discussion on some of the most pressing issues. However, readers should not consider this list to be exhaustive. As technologies, and our relationships to those technologies, continue to evolve, so too does the list of priorities. Furthermore, we intentionally did not substantially address electoral politics and participation because a recent report addressed key issues related to political uses of digital media during the 2019 Canadian federal election (Dubois & Owen, 2020).

Building an Inclusive Society in a Digital Context

As a society, we need to reflect on what it means to be a citizen in a digital context. In Part I, we have invited community-based voices to

examine opportunities and challenges for digital equity and inclusion, highlighted in the *Canadians in a Digital Context* report. These chapters draw both on academic literature related to well-defined concepts as well as the experiences of community-based organizations in order to highlight some of the voices which have been missing in digital policy discussions. The chapters provide opportunities to develop more inclusive approaches to understanding and advancing a connected Canada.

In conversations about digital policy, Indigenous perspectives are too frequently excluded. In “Decolonizing Digital Spaces” (Chapter 1), Alexander Dirksen reflects on the dominant narrative of the technology sector’s rise and the urgency of grounding ourselves more deeply in the current realities and complexities of citizenship in a digital context as it relates to reconciliation in Canada. Dirksen identifies ways in which the private and public sectors can begin to mobilize around a more robust definition of citizenship in a digital context in Canada that will serve and support the emergence of decolonized digital spaces.

Certainly, the new centrality of online spaces in which political discourse can take place has disrupted politics and generated questions about the robustness and sustainability of liberal democracies, and the amplification of inequalities—both on- and offline. To build inclusion and trust in this digital context, we need to learn more about how Canadians perceive themselves and their democratic institutions in the networked society. With this in mind, Adelina Petit-Vouriot and Mike Morden, in “Telling a Different Story: Canadian Citizens and Their Democracy in the Digital Age” (Chapter 2), draw on recent public opinion research to examine trends in Canadians’ attitudes toward democracy and their engagement in formal and informal politics. They suggest that technological and geopolitical changes have produced concern among Canadians about the health of their democracy, yet they also illustrate how Canadians are becoming more engaged and satisfied with their democracy. The contribution also confirms some voices are missing in this crucial discussion.

Finally, Leslie Regan Shade, Jane Bailey, Jacquelyn Burkell, Priscilla Regan, and Valerie Steeves examine the digital perspectives and experiences of youth in “Framing the Challenges of Digital Inclusion for Young Canadians” (Chapter 3). Offering a critical discussion of elements of digital inclusion in a connected Canada, the authors report on findings of focus groups conducted across Canada

that explore online activities and platforms used by youth, ages 13 to 17. The authors examine whether and how privacy was an essential aspect to the youths' enjoyment, online experiences where they felt unwelcome or disrespected, and their strategies to mitigate these constraints.

Building Democratic Institutions in a Digital Context

A conversation around what it means to be a citizen in Canada's digital context requires us to reflect on the impact of technology on democratic institutions and on the social fabric. Naturally, we need to discuss, assess, and reimagine government service delivery and design. We also need to examine how citizens interact with their political institutions, for example by considering news and media literacy, citizen engagement, and corporate lobbying. In Part II, we have invited academics, public servants, and activists to develop a few of the key areas highlighted in the *Canadians in a Digital Context* report as they concern digital government, the journalism industry, and technology policy lobbying.

As we have argued before, "citizens' practices, preferences, and needs must inform the extent to which services could—or should—be digitized as well as the types of data governments should gather about citizens" (Dubois & Martin-Bariteau, 2020). The digital era has created unprecedented speed and reach for citizens accessing government services or voicing their opinion about the policies behind those services. Digital tools have been developed so that citizens can sometimes directly change or circumvent government programs. Perhaps most importantly, the digital age has revealed a staggering volume of previously invisible or ignorable voices and perspectives, such as those of people in marginalized populations. In "Government in the Connected Era" (Chapter 4), Kent Aitken explores how the Canadian government is evolving, what digital government means for citizens, and what questions remain unanswered.

Discussing this new orthodoxy of digital government service delivery, Amanda Clarke examines the needs for data governance reforms in "Data Governance: The Next Frontier of Digital Government Research and Practice" (Chapter 5). Building on case studies, Clarke outlines a research and policy agenda to ensure that digital era public management reforms bolster, rather than erode, Canadians' already-precarious levels of trust in government.

Journalism and political information systems also impact our experiences of citizenship in a digital context. Political information, including journalistic content, is crucial for individuals as they learn about their communities or make decisions—about voting, for example. As argued by the authors of Chapter 6, although Canada is seeing a market failure in journalism, there is possible growth in digital journalism start-ups. In “The Conversation Canada: Not-for-Profit Journalism in a Time of Commercial Media Decline,” Mary Lynn Young and Alfred Hermida assess journalism innovation in Canada through a case study of a not-for-profit start-up, The Conversation Canada. Their illustration of this case highlights opportunities and challenges for political information systems and offers a concrete case that can be a helpful starting point for discussions about how the industry might evolve and what role government, citizens, and academics might play.

A conversation about the relationships among citizens and their democratic institutions also calls for an examination of citizen engagement in policy-making. Citizens are too often far from these conversations and decisions, which will nonetheless have immense impact on their daily lives. In the Canadian context, for example, conversations about regulating technology platforms have been primarily led by technology corporations, behind closed doors and far from the public’s eye. The issue, shared across the digital policy spectrum, is discussed by Megan Beretta in “Influencing the Internet: Lobbyists and Interest Groups’ Impact on Digital Rights in Canada” (Chapter 7). Beretta offers recommendations to ensure that citizens are heard, as many legal frameworks need to be re-examined in a digital context.

Rethinking Legal Frameworks for the Digital Context

As digital tools permeate everyday experiences, the effectiveness of the legal system is brought into question. In particular, the increasing reliance on autonomous systems calls for a reimagining of legal frameworks. The building of an inclusive society and robust democratic institutions calls for the development of improved frameworks to ensure respect for fundamental rights in the digital space. Similarly, while the Internet offers remarkable opportunities for all Canadians to create, communicate, and engage in civic activities, policy-makers and regulators are facing several challenges to ensure

Canadian law offers adequate protection for citizens and a level playing field for all. In Part III, we invited leading Canadian legal scholars to discuss some of the key legal issues which were highlighted in the *Canadians in a Digital Context* report.

In order to be producers, creators, learners, critical thinkers, and citizens, Canadians click to agree to or sign lengthy standard-form contracts before getting access to goods and services—including government services. In “Consumers First, Digital Citizenry Second: Through the Gateway of Standard-Form Contracts” (Chapter 8), Marina Pavlović explores the relationship between consumer rights and digital citizenry, with a focus on standard-form contracts—such as the lengthy terms and conditions that one often accepts without reading—that have become the dominant regulatory mechanism of consumer relationships with goods and services, and their impact on digital civic participation. Pavlović calls for a paradigm shift to ensure proper protection of digital rights, and access to justice for citizens in a digital context.

This issue of standard-form contracts goes beyond consumer protection as it has been traditionally understood and engages with all aspects of the digital life. Building on Pavlović’s approach (2016), the Supreme Court of Canada highlighted the risks such contracts present for Canadians’ privacy in *Douez v. Facebook* (2017), framing privacy as a fundamental right to be protected as such. Although quite common in other parts of the world, notably in Europe, the reading of privacy rights as human rights is quite new under Canadian law. Building on the European approach, Teresa Scassa’s contribution, “A Human Rights-Based Approach to Data Protection in Canada” (Chapter 9), explores the potential for such a paradigm shift and proposes models for a human rights-based approach to data and privacy.

Within the conversation around the legal and regulatory framework of Canadian digital ecosystems, few issues have proven as confusing—and divisive—as the debate over taxation of digital services and platforms. The current state of affairs leaves domestic firms disadvantaged and government missing out on important tax revenues. Michael Geist examines this digital tax policy debate, the core policy choices, and the potential to develop a fair digital policy structure in “Making Sense of the Canadian Digital Tax Debate” (Chapter 10). Another heated policy issue is the confusing and uneven Canadian framework surrounding Internet intermediaries’

liability, especially as content moderation (e.g., copyrighted content, harmful speech, right of erasure, etc.) raises concerns related to freedom of expression and information. Today, Canada is at a crossroads and faces pressure to review its framework. Consequently, we conclude this section with “Online Abuse, Chilling Effects, and Human Rights” (Chapter 11), a contribution by Jonathon W. Penney that discusses how online abuses pose significant threats to human rights. Rooted in empirical findings, the chapter analyzes the current US framework, the possible reaches of its chilling effect, and lessons for Canadian policy-makers. Penney argues that Internet speech regulations, such as online harassment laws, rather than having a chilling effect on general freedom of speech, can also have a salutary impact on the speech and engagement of victims whose voices have been typically marginalized.

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Our concluding chapter reviews the key arguments presented in all three parts and suggests, as the chapter title says, “Next Steps for a Connected Canada.” In order to develop policy that responds to the needs of citizens in a digital context, we need high-quality and rigorous research into the agenda items and policy needs highlighted across the chapters in this edited collection. This concluding chapter ends with a discussion about how we, as academics, policy-makers, and civil society members, together with private sector actors, might endeavour to continue advancing existing lines of research and policy development, while adjusting our efforts to be more inclusive of the voices and issues which are too often excluded or ignored. This collection, we hope, will serve to spark discussion, debate, and future work in order to inform policy-makers, civil society groups, legal systems, and other actors as they adapt to a digital context.

Notes

1. This section builds on the previously published “Citizens and Their Political Institutions in a Digital Context” (Dubois & Martin-Bariteau 2020).
2. See: <https://www.pewresearch.org/internet/>.
3. See: <https://oxis.oii.ox.ac.uk/>.

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