

Innovation, Reform and E-democracy

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The new Information Communication Technologies (ICTs) are demonstrably innovative in their revolutionary effect on the way we can and do communicate with one another. Governments in industrialised democratic states now hope to use some of these technologies to revitalise atrophied relations between government and citizens.¹ The initial wave of improvement to the public face of government in its front-line service departments is in many ways complete, as jurisdictions such as the Australian state of Victoria report conversion of nearly 90 per cent of eligible government services to electronic delivery.² Many leading e-government jurisdictions are now turning to e-democracy (ICT-enhanced democratic practices) as the next step in improving government–citizen relations. The main idea seems to be this: just as technological innovation has driven innovation in communication, so technological innovation can drive social innovation in the communication and relation between government and citizens. In this chapter, I shall reflect on this analogical argument, and advance two theses about the purported causal link between technological and social innovation. In the first, general thesis I shall argue that leading e-democracy work to date is reformative rather than innovative. This thesis reminds

us to avoid premature declaration of victory in democracy-enhancing use of ICTs. The second thesis addresses the gap between reform and innovation. I shall argue that where efforts in ICT-enhanced democracy are justified by its capacity to produce social innovation, that justification is adequate only to the extent that it reaches beyond generic democratic practices such as e-voting to find innovative solutions to problems of democratic practice in particular political cultures. This justification condition is not a simple matter. Social innovation is an elusive goal, whose achievement involves a kind of reversal of the current mutual alienation of government and citizens. Part of my argument will explore briefly in the context of Canada one way to understand what it might mean for the new ICTs to deliver social innovation. I shall close with an illustration of the distance between democratic reform and innovation using the new ICTs via an overview of recent experiences of the Delta Project in e-democracy in the Province of New Brunswick, Canada.

Innovation Is Not Reform: The State of E-democracy Today

Edmund Burke famously warns that 'To innovate is not to reform'.³ Burke's supporting analysis argues that:

Change is novelty, and whether it is to operate any one of the effects of reformation at all, or whether it may not contradict the very principle upon which reformation is designed, cannot be certainly known beforehand. Reform is not a change in the substance or in the primary modification of the object, but a direct application of a remedy to the grievance complained of.⁴

Innovation, then, accepts the risks inherent in a course of modification which may do away entirely with the objection

of modification. Reform, by contrast, always maintains the essence of the object of modification. This distinction is a useful tool for the dissection of the claims made on behalf of ICT-enhanced democracy, especially when we evaluate the quantity and quality of our progress toward the social innovation. There is little point in cataloguing the claims made by advocates of e-government and e-democracy. Here I shall cite just one source to illustrate the general sense that e-democracy and e-government is thought to promise not merely reform but revolution. In the consulting firm Accenture's most recent sustained argument about the nature of e-government, Jupp and Astall write that:

In the past, most democratic governments inched forward on the long path toward far-reaching reform. "Today, a series of global demographic, socio-economic and political shifts are stressing the benefits of rapid and far-reaching response. Emerging waves of technology change have changed the art of the possible, allowing government to consider dramatic, not incremental change."⁵

On any reading, I think, this is a reflection of Burke's well-known distinction. What is sought, and what is thought valuable in e-government and e-democracy, is 'dramatic' innovation with the potential to replace the existing object of reform with an entirely new object. Yet what has occurred so far is reform and not innovation.

Let me illustrate the distance between innovation and reform through a quick review of leading examples of e-democracy, limited to those practices intended to have an immediate and substantial effect on government and governance.⁶ The greatest initial blast of attention to the potential for the new ICTs to change practices of democratic citizenship came in 1999 in the Minnesota gubernatorial campaign of former wrestler and now Governor Jesse Ventura. Ventura's supporters blended politics with internet sales of Ventura merchandise, using a single website

(www.jessenventura.org) to raise money and consciousness of the former wrestler's political aspirations.⁷ Similarly intense attention was focused on the Arizona Democratic Primary in 2000. Democrats were able to vote electronically to select a Democratic Party candidate for President, using software provided by the private sector firm Elections.com.⁸ As Joe Mohn, CEO of Elections.com, viewed the proceedings, it was 'a new milestone in democracy'.⁹ A rather more intriguing use of ICTs in voting arrived in the practice of 'vote-swapping' which first emerged in the United States in the 2000 elections among supporters of Ralph Nader. Voters in jurisdictions where Nader had little chance of success agreed to vote for some other candidate leading in that jurisdiction, in trade for a vote for Nader by a voter in a jurisdiction where Nader stood a much better chance of success. In this way the Nader and non-Nader voter each aim to increase the likelihood of the preferred candidate securing victory in some jurisdiction even if not the voter's home jurisdiction. Perhaps the best example of the movement is www.votetrader.org, which promoted trading of votes between Gore and Nader sympathisers in order to protect Gore in swing states where Nader voters more favourably inclined to Gore than Bush might by voting for Nader cost Gore a crucial victory. The practice is also widespread in the UK (see, e.g., <http://www.tacticalvoter.net>), with rather more hope of enduring success to the extent that UK organisers have not yet suffered legal setbacks of the sort which brought a quick end to vote-swapping in the State of California.¹⁰ More recently, quite exciting Scottish work in e-petitioning and e-consultation of formally disenfranchised youth shows signs of breaching assumptions about the nature of the electorate, and the way and frequency with which the electorate engages its representatives.¹¹

These leading examples of e-democracy may be valuable reforms but it is unclear that they are innovations. They are

instead modest milestones. Raising funds for a leadership race is a familiar task, as is the American process of voting in party-centred primaries. Vote-swapping shows dissatisfaction with the status quo, but is still firmly entrenched in the practice of voting for representatives. Gathering of support for petitions has an equally lengthy history. There can be little doubt that there have been improvements in speed and perhaps in security with the use of ICTs in these practices. Yet all of this falls far short of innovation as a course of reform which accepts as a possible outcome a doing away with the original object of reform, in this case those democratic institutions implicated in the decline in government-citizen relations.

I shall suggest here (with just the beginning of the supporting argument needed) that the relatively hesitant progress we have seen is due in part to the vagueness of the guiding ideal. Tony Blair's articulation of the ideal of democracy and its new needs is an instructive example, cited approvingly in the new HM Government consultation paper *In the Service of Democracy: A Consultation Paper on a Policy for Electronic Democracy*.¹² Blair writes:

The democratic impulse needs to be strengthened by finding new ways to enable citizens to share in decision-making that affects them ... The truth is that in a mature society, representatives will make better decisions if they take full account of popular opinion and encourage public debate on the big decisions affecting people's lives.¹³

It is difficult to know what to make of this as a statement of a guiding ideal to be realised through innovative use of ICTs. Why does Blair suppose that democracy is best strengthened by finding new ways for representatives to make better decisions, rather than devolved local governance, or perhaps distributed governance with norm-setting power vested in citizens themselves? Is a 'mature society' all we really want? Is that mature society uniquely British? And

how is change toward that state of strengthened democracy to be assessed? These questions about Blair's statement of ideals are not in themselves especially alarming, I hope; but I do think the standard answer to them is. Socially innovative e-democracy is widely characterised as an ICT-driven change in the communicative relation between government and citizens from one-way to two-way, leading to a kind of renewed accountability of government to citizens, given expression in increased government responsiveness to citizens' deliberations on policy matters and transparency in government process and information, all without loss of security and privacy. Cruel as it may sound, I think this formulation captures the full sophistication of government-sponsored e-democracy today.

We are left with a complex slogan and ideas whose application conditions in daily life are not any clearer for addition of definition or deft conceptual analysis. 'Accountability', for example, is not an idea whose requirements in practice can be deduced from a better definition of the term. No amount of discussion of what it means to be accountable, or understanding of the history and diverse instances of what is said to be accountability, will help us to understand when we justifiably assess a government in Canada, Britain, France, or Peru as being accountable to its citizens to a lesser or greater degree than other governments. What is required to make sense of the loose ideal articulated by Blair and others is a coherent, fully expressed and well-justified political theory of democracy with appropriate adjustment for local variations. That theory must give content to the supporting ideal of accountability, which can develop a distinctive institutional character suited to the problems and aspirations of particular governments and citizens, and particular e-democracy tools can be devised to enhance pursuit of the ideal. To settle for anything less in support of the ideal of democracy is to accept a set of generic e-

democracy practices which may do little more than reform existing practices at great effort and financial cost. Real social innovation requires careful thought about where we are going with the marvellous tools found in the new ICTs. And here, as the next section will suggest, the going gets difficult, as we must decide just who 'we' are for the purposes of social innovation driven by e-democracy.

Innovation and Ideals in E-democracy

I shall turn now to my second thesis, that we should only accept the general proposition that ICTs can drive social innovation in government-citizen relations (and so deserve public respect and public funding) once e-democracy has provided genuinely novel and better ways to realise the ideals of democracy in particular societies. I shall suggest that the test for achievement of social innovation through e-democracy is its capacity to add to our understanding of how we might face up to our largest problems as societies. This of course adds the further complication of deciding just which problems are the largest in a given society, but that we will not let that detain us unduly here.

One useful way to begin is to ask a question borrowed from Sir Isaiah Berlin. All social life involves loss, Berlin famously argued.¹⁴ What can e-democracy do that orthodox democracy cannot to reduce that loss when independent-minded persons and groups live together? In Canada, social innovation is often thought to consist in new ways of instantiating key Canadian values in our social and political practices. Identification of those key values is of course contentious, and I shall do no more than assert the reasonableness of beginning by recourse to the Supreme Court's 1998 discussion of Canada's conceptual foundations in *Reference Re Secession of Quebec*.¹⁵ In that decision the Court reflected on the right of the province of Quebec to secede unilaterally as a matter of right, and in

its reflection one account of the underpinnings of the idea of Canada is expressed. The Court observes that:

Those who support the existence of such a right [of unilateral declaration of independence] found their case primarily on the principle of democracy. Democracy, however, means more than simple majority rule. As reflected in our constitutional jurisprudence, democracy exists in the larger context of other constitutional values such as those already mentioned. In the 131 years since Confederation, the people of the provinces and territories have created close ties of interdependence (economically, socially, politically and culturally) based on shared values that include federalism, democracy, constitutionalism and the rule of law, and respect for minorities. A democratic decision of Quebecers in favour of secession would put those relationships at risk.¹⁶

What interests me most in this passage is the Court's refusal to separate the idea of democracy from the surrounding values which give democracy concrete meaning in the context of Canadian experience. Federalism is itself an optional characteristic of political order committed to democracy. Equally there is nothing inherently democratic about tolerance for minorities. Democracies typically though not necessarily exhibit this virtue – indeed, the problem of a tyrannical majority is explicitly identified by de Toqueville as a risk of unconstrained democracy. This particular combination of characteristics goes a very long way to giving the Canadian practice of democracy a distinctive content. Canadian commitment to tolerance of minorities, for example, is given special expression in constitutional acknowledgement of aboriginal peoples, and two founding nations. Yet later, largely non-European immigrants and other minorities emerging within established cultural groups are not ignored simply because they did not manage to have their identities specifically marked in the Charter. In the evolving conception of Canada, the ideal of

multiculturalism has emerged as a Canadian response to the choice to assimilate or to tolerate. Canadian toleration allows national and other internal minorities to maintain their distinct cultural identities within Canada to the extent they choose.¹⁷ This particular brand of tolerance makes possible a Canadian way of life which may ultimately be far more respectful of individual, autonomous aspirations than the great American experiment in the democracy of overlapping consensus.¹⁸

Canadian respect for autonomy drives us to face up to pluralism distinctively, even to the point where we must accept with the evolving face of multiculturalism a kind of enduring, managed conflict as the price of our respect for the search for recognition,¹⁹ played out in the individual and collective preservation of cultural identities. We pay a very high price for our autonomy-respecting explorations of the boundaries of democratic pluralism.²⁰ Our respect for the autonomy of individuals and groups rests uneasily on hotly disputed arguments for the viability of collective or group rights as mechanisms for securing cultural recognition.²¹ The practical output of this dispute in the form of sovereigntist movements has taken Canada to the brink of collapse as a unitary state, on the back of a democratic majoritarian referendum practice whose bluntness played a significant role in the outcome of the 1995 Quebec referendum.²² I suspect many Canadians have an indelible memory of Preston Manning, then Leader of the Opposition, standing in the House of Commons days prior to the referendum, asking just what a majority is in the context of secession. 'Fifty per cent plus one?' he famously asked,²³ as others queried the viability of settling the fate of a country by use of a badly phrased referendum question up for simple assent or dissent, without special space for the interests of internal minorities.²⁴

What is important about all of this in the context of e-democracy is not the details of my account of Canada's

foundational ideals. What is important is the way the intertwined elements of Canada's conceptual foundation, history and citizens have framed the practice of democracy in Canada. Our practices and the issues they face are Canadian, not generic, and the value of e-democracy as a part of social innovation lies in the potential of e-democracy to enable Canadians to face up to Canadian issues in ways which allow us to set aside our outworn institutions and practices. As Joseph Raz characterises the demands of tolerance expressed as multiculturalism, 'It calls on us radically to reconceive society, changing its self-image. We should learn to think of our society as consisting not of a majority and minorities, but as constituted by a plurality of cultural groups.'²⁵ Genuinely innovative e-democracy must offer us fresh tools for response to this challenge, to re-engage the question of how to devise democratic institutions with room for First Nations citizens, descendents of English and French colonisers, and more recent immigrants. But this is not all. Innovative e-democracy must provide us with fresh tools to discuss new problems of pluralism, new internal minorities and their claims to recognition, or failing that, a right of exit. The age of ICTs is equally the age of global travel and multiple citizenships. How might ICTs be used to draw on the insight of the Canadian diaspora in democratic activity beyond mere voting? And how might ICTs help us to examine the boundaries of democratic pluralism? We need careful assessment of the assertion that those with multiple-citizenships and formal title to democratic participation in Canada ought, ethically, to withhold from doing so in certain circumstances. On this argument, multiple national allegiances, prolonged absence from Canada, or other factors may leave some citizens insufficiently acquainted with the facts, needs, issues and aspirations of a Canadian community faced with an issue requiring response from a moral community of which some citizens are not genuinely a part. We are

equally in need of e-democracy tools to help us to make good on our commitment to tolerance by giving us new ways for internal minorities to advance their views. Can gender-equality organisations, or those united in their choosing to live in rural areas, be given better access to a participatory and deliberative brand of democracy? Can e-democracy permit limited self-governance as, for example, knowledge-intensive aquaculture industries might use ICTs to regulate themselves in a manner continuously open to public scrutiny – perhaps all the way to public availability of pollution data transmitted to the web from wireless instruments? Can e-democracy help us to refashion the role of representatives in Canadian democracy, permitting, perhaps, forms of proportional representation previously rejected as too technically unwieldy to be feasible in so large a country as Canada? These issues and possibilities matter, both for Canadians concerned to foster Canadian democracy, and as a basis from which to demonstrate to the world the benefits of Canadian e-democracy.

The Delta Project in E-democracy

In the preceding argument I have claimed that the difference between reform and innovation is mirrored in the current gap between the practice and the promise of e-democracy, and I have suggested that our sluggish progress toward closing the gap is due in part to the difficulty of imagining what innovative e-democracy might look like. I have tried to illustrate in the Canadian context an approach to this gap which argues that ICT-driven social innovation will have been achieved when some of the largest social questions facing Canada have been answered in wholly new ways. I do not know what that waypoint or end state might look like, of course, because an innovative, revolutionary approach is logically not the kind of thing whose content can be known clearly and precisely in advance. Here we arrive at a further

difficulty in understanding what to make of the promise of e-democracy: how to assess, understand and begin to bridge the distance between reform and innovation driven by ICT-enhanced democracy. A full answer to that question is beyond the scope of this short chapter, but something of a beginning can be mustered through the lessons of the Delta Project in e-democracy. I shall try to focus in what follows on lessons about the process of seeking social innovation, so I will include some factual elements but will not dwell on them as I might in a case study.

The Delta Project gains its name from the association of the Greek Δ with the idea of change, and the rich fertility of a river delta. The Delta Project is less a particular project with a beginning and end than a group of researchers and practitioners who have come together to ask one question: how do and how can the new ICTs affect the nature and structure of government, methods of governance, and the practice of citizenship? Members of the Delta Project come from several departments of the Government of the Province of New Brunswick, the University of New Brunswick, and private sector ICT firms CGI Group and Xwave. An international dimension was added to early stages of the project through our contact with the City of Sunderland in the UK, and research partners at the Centre for Law and Society at the University of Edinburgh. In our initial formation, members of the Delta Project attempted to use our diverse capacities to deliver and evaluate an ICT-enhanced public policy consultation,²⁶ on an issue provided by the Department of Environment and Local Government, but delivered to the public by Service New Brunswick. Private sector partners were to use this experiment to examine technical issues, and university researchers were to examine the progress of government as a learning organisation. University researchers additionally proposed to focus on the place of senior citizens in this consultation, as a particularly interesting group of citizens ordinarily

least exposed to ICTs yet typically most at leisure to participate in civic activities. All of this, we hoped, might be replicated in parallel in the UK, to establish a cross-cultural comparison. This quite rigid initial formation of the Delta project foundered when the academic partners were unable to secure research funding, as funding bodies shied away from a project identified as excessively ambitious. This conclusion had a predictably negative effect on the morale of project members, for whom the project was largely a labour of love, sitting as it did outside the sole mandate and jurisdiction of any one of the participants.

Our morale was revived recently by the decision of the City of Saint John, in the Province of New Brunswick, to conduct a public consultation on its budget priorities. The context of the consultation is of interest for a number of reasons beyond the City's eventual choice to use ICTs to enhance the consultative process. The City of Saint John is Canada's oldest city, incorporated in 1785, and governed by an elected mayor and ten Councillors elected at large to form the City's Common Council. Saint John is known for its blue-collar character, expressed in an average annual income of \$20,772 in contrast to the national average of \$25,196.²⁷ The City is also affected by a slow decline in population. Between 1991 and 1996 the population of the City contracted by 3.3 per cent, from 74,969 to 72,494. This population change only exacerbated a range of other difficulties facing the city, all culminating in the need to cut \$5 million from the City's budget for 2003. Councillors and city administrators agreed that reductions of this size required public consultation. This much of the story is a reasonably familiar picture for a city in an economically depressed region of any country. The picture is somewhat less familiar when we look to the kind of public consultation advocated by city administrators.

Finance Commissioner Andrew Beckett and IT Director Bill Todd suggested to Common Council that the City

undertake an e-consultation to inform and survey citizens, and use a discussion forum to gather citizens' considered opinions regarding policy options for a city forced to live more frugally.²⁸ Consultation alone is a significant shift in practice in a city government traditionally run by a mayor and at-large councillors whose representative function is limited by their lack of responsibility to geographically fixed jurisdictions. The decision to add a discussion forum to the admittedly non-binding format of the consultation moved beyond an attitudinal survey to a search for solutions, visibly opening dialogue between citizens and city government as city administrators went on-line to answer posted questions. Citizens using the discussion forum took up the opportunity to offer fresh policy options, including suggestions that the city issue bonds as part of securing more favourable conditions for debt repayment, or save money on snow-removal by requiring property owners to care for public walkways traversing their properties. The more unusual move on the part of city administrators came in their choice of partners to deliver this consultation on-line, bilingually and at low cost. The administrators of the City of Saint John took a fundamentally collaborative, interdisciplinary approach. They enlisted the help of Service New Brunswick, the service delivery arm of the New Brunswick Government,²⁹ private sector ICT consulting firm CGI in its capacity as on-site advisor to Service New Brunswick and University of New Brunswick researchers skilled in survey design and program evaluation. This formation of a purpose-specific, interdisciplinary cluster of expertise all occurred prior to the design of the consultation and its questions and methods. The e-consultation integrated the efforts of the private sector, university sector and two levels of the public sector, reaching from planning through execution, and on to data synthesis and program evaluation.

Over the four weeks of the e-consultation, brochures containing information and survey questions were

mailed to all Saint John households, and made generally available at City offices and in public libraries. A total of 317 persons participated in a survey instrument beyond the on-line forum, and 218 of those persons participated on-line. Participants answered eleven questions with subsections containing quantitatively analysable requests for statement of degrees of satisfaction with various city services, together with qualitatively analysable free-form text boxes permitting citizens to offer their views in their own words. The results of the consultation were posted for citizens' information, and brought before Common Council for consideration. Common Council directed 'that this report be referred to the City Manager for consideration as part of the 2003-2004 budget process'.³⁰ A typical danger of any consultation is evident in the result of this e-consultation: consultations are typically only politically binding on authorities, so improvements in the quantity or quality of participation in deliberation on policy matters may matter very little if there is no political incentive for authorities to put consultation results into practice. In this case it is too early to say whether e-consultation marks a fundamental social innovation in the City of Saint John. The City budget planning process is ongoing, and the City appears keen to carry out further e-consultations.

The role of several, but not all Delta Project members here is significant, and significantly changed from the early intentions of the Delta Project group. Our original formation was a monolith, intended to proceed as a kind of unified point of view maturing over a series of consultations in an effort to generate a reasonably comprehensive picture of the merit and demerits of e-consultations. Our initial inclination toward controlling all aspects of e-consultations to be devised and evaluated was overcome by the need for sheer speed to capitalise on the willingness of Saint John officials to engage in an e-consultation. Only a few

members of the Delta Project were able to move as quickly as the opportunity demanded and as we proceeded, we found this to be less a dissolution of our original intention than a change in the way we brought expertise to bear on the e-consultation. Delta members engaged directly in the e-consultation were able to rely on the advice and reflections of others members outside the e-consultation, all the while making forward progress in understanding the potential of e-consultation.

We are aware of the relatively small size of the step we have taken. This is certainly not a 'small step for man, and a giant step for mankind' in the wake of Neil Armstrong. Rather, this is a small step forward in an atmosphere where the rhetoric of innovation often runs hard against a wall of political realities. Those political realities include a perceived need to spend public funds on projects where success is guaranteed, and the related perception that successful projects must not simply be successful in the end, but successful in all stages of execution. Perhaps unsurprisingly, then, what I want to emphasise here are the twin benefits visible in the City of Saint John budget e-consultation. The consultation itself has independent value as an innovation in municipal governance in Saint John; but the larger lessons arrive in what we learned about conduct and evaluation of an e-consultation. In at least the early days of use of new technology to enhance time-worn democratic practices, would-be innovators must be intellectually and practically flexible. Innovators must be flexible in the form in which they collaborate in pilot program design, flexible in execution of the program, and flexible in finding ways to the general goal of understanding whether ICTs can provide genuine innovation in the atrophied relations between citizen and state. None of this flexibility restrains the enthusiasm of the Delta Project members for larger leaps where they are possible. Flexibility has simply led us to be open to the

possibility that incremental changes may, with proper guiding foresight, amount to the great leap forward properly characterised in hindsight as innovation.

Formation of this kind of diverse team prior to a project is rare. Government silos and institutional cultures generate the so-called political realities mentioned above. These factors are often blamed for a kind of inflexibility which is the death knell for collaborative projects. As significant as these problems are, I think emphasis on them draws away from the larger problem in e-democracy development: e-democracy as it stands is an ambiguous goal and process, and, as our experience shows, there are plenty of opportunities for missteps, embarrassments and worse. It is unsurprising that ready recruits for a risky event are not always easy to find. Yet in an era of diminished internal policy-making and research capacity in government, collaborative, multi-sector effort is a precondition of successful effort to find innovative solutions to the mutual alienation of citizens and government. By the same token, careful collaborative work in program evaluation is the key to understanding whether small steps forward in e-democracy pilot projects can plausibly be said to connect to a wider set of democratic ideals in Canadian democracy. These observations may sound trivial, but their lesson has yet to penetrate the daily practices of government. The Organisation for Economic Cooperation and Development (OECD) reports that 'No OECD country currently conducts a systematic evaluation of government performance in providing information, conducting consultation and engaging citizens in policy-making.'³¹ However limited our first step forward, the Delta Project has in place the key elements necessary to learn from reform to drive toward innovation in e-democracy.

Conclusion

Let me close with a few final words on innovation, reform and e-democracy. I have argued that there is a gap between the rhetoric of e-democracy's promise of technologically driven social innovation, and the reality of hesitant reform of a few democratic practices. This itself should not be too great a worry at this early stage in e-democracy work. We should be worried, however, about just what it is that we propose to drive with ICT to create a better public, political life for Canadians and other citizens of democratic societies. Canadian democracy is not a generic thing; it is a many-splendoured thing. Generic tools will likely fail to inspire and aid those who attempt to build socially innovative forms of Canadian democracy to give fresh life to the union of government and citizens of a multicultural society striving to reduce the loss any of its members suffer for the sake of membership in the society. Canadian e-democracy will lead the world in reviving the relation of government and citizens only through imaginative reconception of democratic practices in light of the distinctly Canadian ideals incorporated into the conceptual foundation of the country. That reconception of democratic practices risks innovation in which old ways are thrown aside, but that risk must be taken if democracy is to survive the new ICTs. Without viable guiding ideals, the new ICTs may gradually revolutionise democracy in a wholly unsatisfactory way. E-democracy may become a strange pastiche, where instant polling and unfettered direct democracy give life to the worst fears of Plato and de Toqueville, as we mistake pursuit of popular whims for support of defensible ideals, and tyrannise those minorities who protest.

Notes

1. There is an extensive and varied literature on the collapse of participation in community-level voluntary associations, and an apparently concomitant collapse in participation in the institutions of democracy. Leading academic work often departs from Robert Putnam's *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000). A general overview of the role of ICTs in democracy may be found in Pippa Norris, *Digital Divide? Civic Engagement, Information Poverty & the Internet in Democratic Societies* (Cambridge: Cambridge University Press, 2001). Comprehensive statistical data on declining voter turnout is available at the International Institute for Democracy and Electoral Assistance (www.idea.int). The OECD has recently set out an institutional manifesto for response to the loss of social capital claimed by Putnam. Considerable attention is being given the OECD's *Citizens as Partners: Information, Consultation and Public Participation in Policy Making* (OECD 2001) (available at <http://www1.oecd.org/publications/e-book/4201131e.pdf>). A very useful summary of citizen-disengagement data driving various approaches to ICT-enhanced democracy is Stephen Coleman and John Gøtze, *Bowling Together: Online Public Engagement in Policy Deliberation* (London: Hansard Society, 2001).
2. See *Government Online – A Report Card 1996–2001* at <http://www.egov.vic.gov.au/Victoria/StrategiesPoliciesandReports/Reports/ReportCard/GOLtargets.htm>.
3. Edmund Burke, 'Letter to a Noble Lord on the Attacks Made Upon Mr. Burke and His Pension, in the House of Lords, by the Duke of Bedford and the Earl of Lauderdale, Early in the Present Session of Parliament 1795', in Peter J. Stanlis (ed.), *Edmund Burke: Selected Writings and Speeches* (Garden City, NY: Anchor Books, 1963), p. 561.
4. Burke, 'Letter', p. 560.
5. Vivienne Jupp and Lis Astall, *Technology in Government: Riding the Waves of Change* (Accenture, September 2002), p. 3.
6. By this qualification I mean to rule out experimental on-line communities and other activities whose exploratory character and lack of connection to a specific institutionalised political

process disqualifies them from claiming to make a substantial impact on the way the authority of the state is constituted, expressed and obeyed.

7. G. R. Anderson, 'Jesse Ventura, Inc.', *Salon*, 23 March 1999 (<http://www.salon.com/news/1999/03/23news2.html> (accessed 9 October 2002)).
8. Elections.com has recently agreed with consulting giant Accenture to take its e-voting products to the international market.
9. James Ledbetter, 'Net Out the Vote', *The Industry Standard*, 27 March 2000 (<http://www.thestandard.com/article/display/0,1151,13004,00.html> (accessed 9 October 2002)).
10. James Ledbetter, 'Vote-Swapping Hits the UK', *The Industry Standard*, 4 May 2001, reposted at CNN.com. (<http://www.cnn.com/2001/TECH/internet/05/04/uk.vote.swapping.idg/>).
11. This work was led by Napier University's International Teledemocracy Centre (<http://itc.napier.ac.uk/>).
12. Office of the e-Envoy, *In the Service of Democracy: A Consultation Paper on a Policy for Electronic Democracy* (London: Office of the e-Envoy, The Cabinet Office, 2002).
13. Tony Blair, *The Third Way: New Politics for the New Century* (London: The Fabian Society, 1998), cited in Office of the e-Envoy, *In the Service of Democracy*, s. 3.1.
14. Berlin makes this claim in 'Two Concepts of Liberty', *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), pp. 167ff.
15. *Reference re Secession of Quebec* [1998] 2 S.C.R. 217.
16. *Reference re Secession of Quebec*, para. 131.
17. As Joseph Raz records this Canadian advance in political theory: 'The term [multiculturalism] was used first in, and applied to, Canada. "Multiculturalism" means – among other things – the coexistence within the same political society of a number of sizeable cultural groups wishing and in principle able to maintain their distinct identity.' Joseph Raz, 'Multiculturalism', *Ratio Juris*, 3 (1998), p. 197.
18. I borrow here from John Rawls, 'The Idea of an Overlapping Consensus', *Oxford Journal of Legal Studies*, 7 (1987), pp. 1–25. The ideas introduced in this article are given fuller expression in John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993). It is of course controversial whether the United States' institutions are representative of an

- overlapping consensus; but I take it as relatively uncontroversial that the United States is closer than Canada to the practice of overlapping consensus. By parity of reasoning, I take it that Canada is closer than the United States to expression of a perfectionist style of liberalism.
19. On the historical and conceptual roots of this idea see Sir Isaiah Berlin, 'The Search for Status', in Henry Hardy (ed.), *The Power of Ideas* (London: Chatto & Windus, 2000), pp. 195-9. See also Charles Taylor, *Sources of the Self* (Cambridge, MA: Harvard University Press, 1989) and 'The Politics of Recognition', in Amy Gutmann (ed.), *Multiculturalism and the Politics of Recognition* (Princeton: Princeton University Press, 1992), pp. 25-73.
 20. On the conceptual foundations of this search see, e.g., Alon Harel, 'The Boundaries of Democratic Pluralism', in Arend Soetemann (ed.), *Pluralism and Law* (Dordrecht: Kluwer Academic Publishers, 2001), pp. 133-53. See also Leslie Green, 'Pluralism, Social Conflicts, and Tolerance' in Soetemann (ed.), *Pluralism and Law*, pp. 85-105.
 21. On the conceptual confusions involved in some of these conceptions of rights-ascription, see Michael Hartney, 'Some Confusions concerning Collective Rights', *Canadian Journal of Law and Jurisprudence*, 2 (1991), pp. 293-314, reprinted in W. Kymlicka (ed.), *The Rights of Minority Cultures* (New York: Oxford University Press, 1995), pp. 202-27.
 22. Sometimes we accept tactics for response to conflict even when those tactics fly in the face of global good graces, as in the case of the United Nations-condemned practice of public funding of separate Roman Catholic schools in Ontario. See, e.g., Michael Valpy, 'Not our problem, is Ottawa response on UN Bias ruling. Panel says Canada allows discrimination through Ontario's funding of RC schools', *The Globe and Mail*, 4 February 2000, A6.
 23. From Question Period, Monday, 18 September 1995: 'Mr. Speaker, Canadians want this Quebec referendum to be decisive and conclusive. They do not want any confusion or ambiguity concerning the meaning of the vote, before or after. Yet the Leader of the Opposition clouds the issue when he says that he is prepared to accept a yes vote as binding and conclusive but not a no vote, and the Prime Minister does not help things when he implies that he is prepared to accept a no vote as binding

and conclusive but waffles on the meaning of a yes vote.

'For the benefit of all Canadians including Quebecers who want clarity and certainty in interpreting the Quebec referendum, will the Prime Minister make clear that a yes vote means Quebec is on its way out, that a no vote means Quebec is in the federation for the long haul, and that 50 per cent plus one is the dividing line between those two positions?' Available electronically in Hansard at: http://collection.nlc-bnc.ca/100/201/301/hansard-e/35-1/225_95-09-18/225OQIE.html#14530.

24. Consider, for example, the limited consideration of the autonomy of aboriginal nations within the boundaries proposed by Quebec as the edges of its newly sovereign territory.
25. Joseph Raz, 'Multiculturalism', p. 197.
26. I give a stylised account of some of the difficulties encountered by the group in Keith Culver, 'The Road to E-Democracy', in Carolyn Johns (ed.), 2002 *Institute of Public Administration of Canada Case Studies in Public Administration* (Toronto: IPAC, 2002), pp. 1-5.
27. Statistics Canada, Census 1996 data.
28. See the City of Saint John Common Council Minutes for 16 September 2002 for a record of the original presentation of the idea by city administrators to Common Council: http://www.cityofsaintjohn.com/downloads_static/CC_Minutes_Sept_16_2002.pdf.
29. The Province of New Brunswick has designated the Crown Corporation Service New Brunswick as the central provider of government services to citizens. In that capacity Service New Brunswick has a highly developed single-window service system with over-the-counter, telephone and web delivery of more than 100 services from municipal, provincial and federal governments. For Service New Brunswick's mandate and function see their website at www.snb.ca.
30. See City of Saint John Common Council minutes of 12 November 2002, 89-365, item 5. http://www.city.saint-john.nb.ca/downloads_static/CC_Minutes_Nov_12_2002.pdf.
31. 'Engaging Citizens in Policy-making: Information, Consultation and Public Participation', *OECD Public Management Policy Brief*, PUMA Policy Brief No. 10, July 2001, p. 4.