

ONLINE CONSULTATION IN A DEMOCRACY: THEORY & LITERATURE REVIEW

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This chapter was the product of research between 2003-2008 whilst I was working towards a doctorate at SPRU, University of Sussex. In 2008 I decided not to pursue the doctorate any further, however some may find this work done so far of use or interest. I would like to acknowledge the superb help and advice of my supervisor Prof Ed Steinmueller and of my incredible wife Ania Kitcat. For more of my work visit <http://www.jasonkitcat.com>

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Published online July 2010

A tale of bees, oil and telephone consultation

“Mehmet is a beekeeper in the Turkish village of Hacibayram. It is a village with many hives and no people.

“Mehmet was born in Hacibayram. Like those he lived alongside, and those in generations before him, he worked the fields’ pasture for livestock, meadows for hay and the flowers that feed the bees. Then the guerrillas from the PKK came and soldiers from the Turkish Army shortly after – another fragment of the war that raged in this region for 15 years. What followed is not clear, but every single person from the village left their homes and the buildings were deliberately destroyed.

“Those who had lived for so long in Hacibayram were scattered. Some went to the cities, the shanties of Ankara and Istanbul, some to the nearby villages and towns. Mehmet settled in Tercan, six miles from Hacibayram. He travels back and forth to the deserted village each day, tending his hives. Sometimes he stays overnight in the ruins.

“The map shows Hacibayram in the corridor of a new industrial project: the Baku-Tbilisi-Ceyhan Oil Pipeline. The thin black lines on the white paper of the map are spewed out from the belly of a computer hard drive, part of the Social Impact Assessment for the Baku-Ceyhan pipeline, produced by Environmental Resources Management (ERM) in London. ERM was contracted by BP in May 2000 to consult those who lived along the proposed pipeline route: to ask them their views, to reassure them of the benefits of the planned project.

“The study was published in June 2002. Its careful detail reassures readers in the cities that time and attention have been given in the villages and fields. Its little ‘T’ marked on the map by Hacibayram indicates that here the consultation with villagers was carried out by telephone. Yet all the time the study was under way the village was in ruins. There were no telephones. There was no-one to answer them.

“As Mehmet climbs along the roof among the hives, that ‘T’ lies buried in computers and CDs in the offices of ERM and BP. It is as though a huge funnel had sucked up the fields and the hay harvest, the ruins and the evictions, and concentrated them into one tiny byte of information. The noise of the bees, the breeze of the late afternoon, is translated into some new language, so that the eyes of those few who read it, glowing on a computer screen, can say ‘yes!’

(Marriott & Muttitt, 2003)

This thesis explores the use of technology in government consultations. Using technology to consult people is not new, telephones have been used to reach people more effectively for some time. Yet the advent of the Internet and associated technologies heralds the opportunity for technology to play more than a simply instrumental role. Internet-based consultations have the potential to be very different to traditional models of consultation.

...

This chapter is when I, the explorer, go to the outfitter and carefully run through the equipment I will need for the journey ahead. You will watch me select my tools, discarding a few along the way. Suitably outfitted I will then be able to proceed to ascend the mountains and hack through the jungles of the subsequent chapters.

The Land Ahead: Defining the terrain to be covered

By examining government consultations this thesis aims to answer the question, does technology help or hinder democratic participation? In answering this question the research aims to provide a framework for evaluating online consultations. Such research is needed as there is little empirical work on how technology affects democratic activities. Consultations are one of many democratic activities where technology can and does play a role. As will be shown consultations are becoming increasingly required of local government, agencies and ministries hence evaluating the improvements technology might offer is a useful goal. But before looking to the future and what role ICTs might play in our democracy, we must return to fundamental principles. If we can't agree on what participation is and whether it is desirable then subsequent discussions are immaterial.

What does participation mean?

In general political science terms we can define participation as the public taking part in political decisions (Teske, 1997, pp149-150). Unfortunately such a definition leaves a huge amount of latitude whereby the most cursory involvement could be equated with a long and deliberative consultation process. What our ambiguous friend participation means in real terms depends on the model of democracy a person espouses (Whyte & Macintosh, 2002, pp15 citing Thomas). So that what I consider the desirable form of participation is made clear, the range of models of democracy (which itself is assumed to be preferable) will need to be examined in this chapter. Before diving straight into these models other terms such as e-government, e-democracy and consultation will be defined. However first, as the political party in power when the consultations to be examined were performed, how does New Labour perceive participation?

Exploring the Models of Democracy

As both a government's and a citizen's conception of participation is founded on their mental model of democracy, the types of democracy must be examined. Then the norms of deliberation in a complete democracy will be presented thereby providing an ideal model. Subsequently the role of citizens and government in a democracy will be discussed before how they interact through the consultation process is examined.

Models of Democracy and the ideal: Complete Democracy

To begin developing the ideal one must begin with Arblaster's perspective that 'democracy is a concept before it is a fact' (Arblaster, 1994, pp3) thereby allowing one to recognise that democracy is an ideal model to which society aspires. What form this ideal democracy takes is open to debate with suggested models including Athenian, strong and deliberative democracies (Arblaster, 1994; Fishkin, 1995; Barber, 1998). I take the view that a democratic politics of technology, effectively a technologically-aware expansion of Barber's 'strong democracy', is what should be aspired to. Mumford, as characterised by May, would argue in a similar vein that "while technology is itself neither authoritarian nor democratic, it must be *positively* integrated into democratic technics; its democratic potential will not emerge without effort and social action." (May, 2002, pp31, emphasis as in original). Hence, as Ellul so eloquently argues, responsibility lies with technicians, politicians and the wider citizenry for harnessing technology in positive ways (Ellul, 1992). The ideal which I propose builds upon the Athenian concept of a democracy's claim to legitimacy being because the will of the people has been expressed. While this risks being the tyranny of the majority, deliberation, which the ideal strongly recommends, helps to mediate between competing interests so that, in the utilitarian manner, the greatest possible number benefit. What also needs to be integrated to form the idealised model is a rich and balanced understanding of technology so that developments serve the needs of the populace and the goals that have, as a society, been decided upon through deliberation. Such an understanding of technology is possible, by using the emergent characterisation of technology adoption which sits between determinist and constructivist perspectives.

This idealised model of democracy, that I refer to for convenience as a 'complete democracy', is one which encourages citizen involvement, develops technology which supports societal and democratic goals, and rejects elitist notions of representation (Sclove, 1995). Such a model requires:

- Inclusive participation in elections, deliberation and representation which does not exclude minority groups on the basis of criteria such as, but not limited to: race, sexual orientation or socio-economic background;
- Constitutionally protected decentralisation of government and hence deliberation based on the concept of subsidiarity where each decision is taken, service managed and item of legislation drafted at the most appropriate level, whether local, regional or national;
- Protected civil rights which support a healthy democracy including freedom to speak, to assemble, to work and to choose and practice a religion;
- Opportunities for citizens to set the agenda of deliberation and government, thereby allowing needs to be at least partially prioritised by those experiencing them rather than just those observing the needs.

(Sclove, 1995, Chapter 3)

This final point – providing citizens with opportunities to set the agenda of deliberation and government – is fundamental to differentiating complete democracy from other models. How to achieve this differentiator in a meaningful sense is particularly challenging but consultations are one means through which citizens can participate in agenda-setting. While majority consensus may be used to decide outcomes, it is essential for healthy, progressive deliberation that agenda themselves contain diverse issues from across society including minorities.

Scaling a Complete Democracy

A key problem for complete democracy, which even the Athenians wrestled with, is how to, with ever-larger populations, create a participative democracy where citizens can deliberate issues communally? High numbers of participants result in too many voices for individuals to process. It also presents a problem of how to allocate a fair opportunity to each citizen for making their view known whilst still allowing for decisions to be made in a timely manner. In introducing his idea of Strong Democracy, Barber was very aware of this challenge: “Strong democracy tries to revitalize citizenship without neglecting the problems of efficient government by defining democracy as a form of government in which all of the people govern themselves in at least some public matters at least some of the time.” (Barber, 1984, ppxiv) Decentralisation, localisation and representation (whether through election or by lot) have all been suggested and tried as countermeasures to the problems of scaling democracy.

In recent times technologies, such as television and the Internet, have been posited as tools to help societies attain the goal of strong democracy in spite of mass populations (Fishkin, 1995). While clearly many

technologies are employed to create mass media that cost-effectively reach huge numbers of people, critics argue that consumption of such media results in passivity, individualisation and the breakdown of engaged communities (e.g. Postman, 1985). Other commentators see interactive technology, in particular, providing new opportunities for activism and heightened levels of citizen engagement (Toffler & Toffler, 1990; Docter & Dutton, 1999). In fact activists themselves tend to argue that the Internet empowers the individual more than organisations (Coleman, 2004a). Such divergent opinions are based on the most tentative evidence, this research project aims to clarify the discourse with empirically grounded analysis. Whilst researching the use of ICTs in consultations will be indicative of the wider impacts ICTs might have in other democratic¹ uses, in no way do I expect the findings to be generalised to other contexts without extreme caution.

Technological progress has re-kindled radical concepts of direct democracy which advocate the elimination of government and representation take a literal interpretation of rule by the people (Moore, 1999; van Dijk, 2000). In such a direct democracy there would be no government to consult the citizenry, it would be the citizens themselves who set and vote on legislation. How such a system could be implemented logistically remains difficult to see (Cross, 1998). More fundamentally however there is a strong argument that asking all the citizenry to vote regularly on issues is not equivalent to, nor does it inherently encourage deliberation. Atomised citizens may well be bewildered by being asked to vote on a huge number of issues without sufficient guidance or debate. The risk is that a small minority would control the outcome through abstention of the majority (Fishkin, 1995, Chapter 2). Indeed Fishkin states that:

“...the ideal of face-to-face democracy does not translate directly to the large nation-state. When a decision is placed in the hands of millions of people rather than a small group who can gather in a single room, the social conditions that might motivate discussion and deliberation are largely suppressed, because of the incentives created for rational ignorance.” (Fishkin, 1995, pp25)

Thus, even if a truly direct democracy could encourage deliberation and thus support democratic decision making, many would agree that even with new technologies for communication citizens cannot all deliberate simultaneously. However, there have been means proposed for widening the field of participants in less direct models of democracy. Both localisation and subsidiarity, it is argued, allow for citizens to take a greater part in decisions than they do currently (Fishkin, 1995; Sclove, 1995). In both representative and elitist models of democracy encouraging participation raises challenges and expectations. Citizens, by taking part, will expect to see that their submissions are properly considered. But in the elitist model those in power want to minimise

¹ In this context by ‘democratic’ I mean activities and interactions between and by politicians, governments, citizens and NGOs. I refrain from using the term ‘political’ as schools of thought such as feminism and Marxist criticism argue (e.g. Greent & LeBihan, 1996) that all things are political and have politics and I have no wish to muddy the waters any further.

participants' influence whilst maintaining citizens' acceptance of the elite's control. Elites reinforce their decision making power by withholding details on how those decisions are reached. In the representative model, representatives wish to act not as delegates but to use their own independent judgement, whilst assuring their constituents that concerns have been taken into account. Whether the perspective taken is of elites or representatives in control the risk is the same, expectations are raised that by listening during a consultation government will to an extent agree and modify its actions.

Citizens and Government in a Democracy

Citizens are a key group of actors within democracies and so consultations. In a complete democracy sovereignty lies unequivocally in the citizenry (Arblaster, 1994, pp87-88). Civil Society, which many argue is fundamental to turning people into engaged citizens (Putnam, 1995; Sassi, 2000), is situated between the state, the business world and the family. The connections, associations and organisations that emerge out of Civil Society play a key role in maintaining the dynamism and evolution of democratic society. Indeed Tocqueville noted that, in his view, Americans' propensity to form associations played an important role in establishing US democracy (Fishkin, 1995, Chapter 5). The most fundamental associations in Western liberal democracies are governments and parliaments.

This research is UK-centric and assumes a liberal democracy which, within the prevailing discourse on modern democracies, lies between the two extremes of participative democracy (typified by the Athens of Pericles) and an elitist model where representatives are independent agents (after Burke) because (an elitist would argue) most citizens are not able to deliberate public affairs themselves (Vedel, 2006, pp232). As discussed previously, the more direct methods of participation in democracy are difficult to scale as populations grow, this is a core justification given for the need for representatives (Arblaster, 1994). Mechanisms such as elections, referenda and consultations legitimise the structures of indirect democracy by holding governing elites to account (Ranney, 1971; Ponton & Gill, 1993). For useful analysis government must be assumed to be rational, otherwise it cannot give account of its decisions through such mechanisms (Raab & Bellamy, 1999). Whilst government occurs at a variety of levels from hospital trusts to regional bodies, this project will focus on national structures of government. Thus I define government as *"a rational organisational apparatus for implementing the policies of a ruling party and laws of a state"*.

Going online: e-government, e-democracy and so to e-consultations

Government online service provision, which is often referred to as e-government, has been a focus of attention throughout Europe. NGOs and governments have thus far used technology for political activities infrequently and without much sophistication (Coleman & Gotze, 2001; Gibson, Lusoli, & Ward, 2002b; Gibson, Lusoli, & Ward, 2002a; Lusoli, Ward, & Gibson, 2002; Ward, Lusoli, & Gibson, 2002), thus providing scant data for analysis. As a result the bulk of the discourse has been speculative with opinions dividing into three key categories (Wilhelm, 2000):

- Neofuturists, who argue that technology can create a communitarian utopia of equality (e.g. Rheingold, 1993; Kelly, 1994);
- Dystopians who perceive today's use of technology as undermining social capital thereby atomising citizens into apathy (e.g. Postman, 1985; Putnam, 1995; Streck, 1998) and
- Technorealists who contend that technologies have both positive and negative results dependent on how they are used, and by whom (e.g. Barber, 1998; Bimber, 1998; van Dijk, 2000).

The idea of using ICTs in the democratic process dates back to the origins of computing in the 1950s and cybernetics (Vedel, 2006) but today has come to be known as e-democracy. Within this nascent sphere of online debates, representative email contact and other piloted technologies, moving the consultation process online, e-consultation, is by far the most prevalent form of e-democracy practice thus far (Whyte & Macintosh, 2002). The prevalence of e-consultations make them ideal for analysis, thus hopefully clarifying the discourse on ICT's role in democracies by examining ICTs' effects on the consultation process. This analysis is not being approached in a deterministic manner, in which technology is taken as being inserted into an existing process without context or contingency. Online consultations are using existing technologies modified to new democratic uses due to the varied motivations of government to undertake consultation activities.

Wright's summary history of e-democracy in the UK emphasises the pioneering role the Government has played in promoting e-democracy. Policy began with some tentative thoughts on using email to enhance participation. By 2001 e-commerce minister Douglas Alexander, in launching the UK Online brand, stated that "it is time to put e-democracy on the information age agenda and for governments to set out what they mean by e-democracy and how they intend to use the power of technology to strengthen democracy" (Wright, 2006, pp239). A small team of four people dedicated to e-democracy was formed in the Office of the e-Envoy at this time and began work on developing a green paper. This alone was a pioneering development which lead e-democracy expert Steven Clift to write that this was "a completely new phase in the evolution of thought about

government's democratic role in the information age – that of an initiator and actor and not simply a reactor to political and civic uses of the Internet” (Wright, 2006, pp239). The Green Paper was published as part of an e-consultation, the content of which has been discussed in the previous section on New Labour. As Wright notes there was considerable criticism of the content of the Green Paper from important actors such as Stephen Coleman and The All Party Parliamentary Group on E-democracy who disliked “the document's ‘top down, centralist approach’ and because it ‘fails to set out a vision’ of how e-democracy will transform the relationship between citizens and their representatives because of a mistaken focus on e-voting” (Wright, 2006, pp240)

Despite the controversies the UK Government took a strong lead globally in funding and running e-democracy activities and pilot programmes. Surprisingly willing to take risks and experience inevitable failures, considerable experimentation was encouraged by the Government. Hence the maturity of the UK e-democracy field makes British online consultations particularly attractive for research as, one would hope, they will likely be more developed than practice in other nations.

It must be made clear that this study's scope is restricted to the receipt and processing of consultation submissions, not their use in the larger issue of decision-making. Consultations are only one of many factors that may be taken into account when bureaucrats and ministers make decisions, how the decisions are come to is beyond the realm of this work. This study will only examine the implementation issues and changes in participation, if any, that introducing ICTs into consultations create.

Exploring Consultations

What is a consultation?

Consultations are formal, government initiated activities where stakeholders² are asked to submit comments in response to proposed or draft legislation, policy formulation or implementation of legislation coming into force. Consultation activities can include a wide variety of interactions from public meetings, online discussion boards to citizen juries. However all consultations by UK departments must include a written consultation conducted over a minimum of 12 weeks, other activities may optionally be performed during this period (Cabinet Office, 2004). It is this compulsory written process which is the subject of analysis in this thesis and is what I mean

² I explicitly use the term stakeholder as interests affected by a policy proposal may include those who are not citizens of the state e.g. asylum seekers or foreign companies. (Baynes, 2001, pp176)

when I use the term 'consultation'. While spontaneous interactions with ministers and departments are another important part of the democratic process and part of the e-democracy applications of ICTs, they will be regarded as being outside the scope of this research. For the rest of this thesis I will use the term 'submissions' to refer to comments offered in response to consultations. I shall use the term 'participants' to refer to those writing and sending submissions.

Consultations in a Democracy

Arblaster situates consultations right at the heart of legitimate democratic government, immediately highlighting the commonly perceived risk that consultation submissions have no real effect:

"Democracy as popular power... should be seen as a continuous process of interaction between government and society, with a maximum involvement of the people in public decision-making at every level. A parody of this, a pseudo-democracy, occurs when the decision-makers put on a show of consulting those whom decisions affect when in fact the crucial decisions have already been taken and the policies decided on." (Arblaster, 1994, pp91-92)

Taking the position that today the parody is continual as we experience 'virtual representation' where citizens watch the elite thinking aloud on TV, Coleman argues:

"The way in which citizens in society deliberate is as significant for a functioning democracy as the way in which they cast votes. The question of communicative presentation of ideas is no less important than constitutional representation. So, just as actual representation in legislatures is a necessary but not sufficient condition of democracy, actual rather than virtual deliberation within social structures of communication is a democratic condition that must also be achieved." (Coleman, 1999, pp199)

Thus, in the participative model of democracy, consultations are characterised as an important method of involvement and a way to inform decision-contexts. They can help to build the closer relationships with representatives that Coleman argues for in a more recent work (Coleman, 2005). On the other hand, if one takes an elitist perspective, then consultations can be portrayed as a method of controlling the direction of those in power, hence it is convenient for the ruling elite to minimise interference. For the elitist government consultations are a form of tokenism as citizens have no control over the decision-making process, offering relatively low levels of influence, see Figure 1 (Arnstein, 1969; Anttiroiko, 2004). From the elitist viewpoint, it is the elites in power who usually define consultations and make the final decisions as they are the only ones with, in their perception, the correct knowledge and expertise (van Zwanenberg & Millstone, 2005, pp11). But for a proponent of a representative model of democracy it is expedient and legitimate for representatives, along with their advisors, to set the terms for a consultation and decide on the final outcome. However both of these perspectives do not meet the ideal, which as Barber argues, requires that citizens can set the agenda for deliberation and decision making:

“... a people that does not set its own agenda, by means of talk and direct political exchange, not only relinquishes a vital power of government but also exposes its remaining powers of deliberation and decision to ongoing subversion. What counts as an "issue" or a "problem" and how such issues or problems are formulated may to a large extent predetermine what decisions are reached.” (Barber, 1984, pp181)

Arblaster emphasises the importance of consultative activities to a healthy democracy:

“Not only should government consult people about what it proposes to do. The health of democracy requires that government should be not merely ready, but obliged, to listen to what the people (in all their multiplicity) have to say.” (Arblaster, 1994, pp94)

In contrast supporters of both elitist and representative viewpoints regard such participatory democracy as impossible, forcing elites or representatives respectively, to always control the reigns of power. Elitist theories tend to imply passive, uninvolved electorates (Arblaster, 1994, pp49) whilst representative models focus more on the logistical challenges in wide participation. Thus, for the champions of representative democracies delegating power and deliberation is unfortunate but necessary, if it were possible wider participation would be welcomed. While the elitist models do not accept the ideal of rule by the people, the representative models do while arguing that such a goal is only possible through the mediation of representatives. Thus there is a scale of engagement emerging from these perspectives, different participatory activities espoused by differing worldviews can be plotted on this scale, which simply put extends from simply informing citizens to allowing full participation (Whyte & Macintosh, 2002).

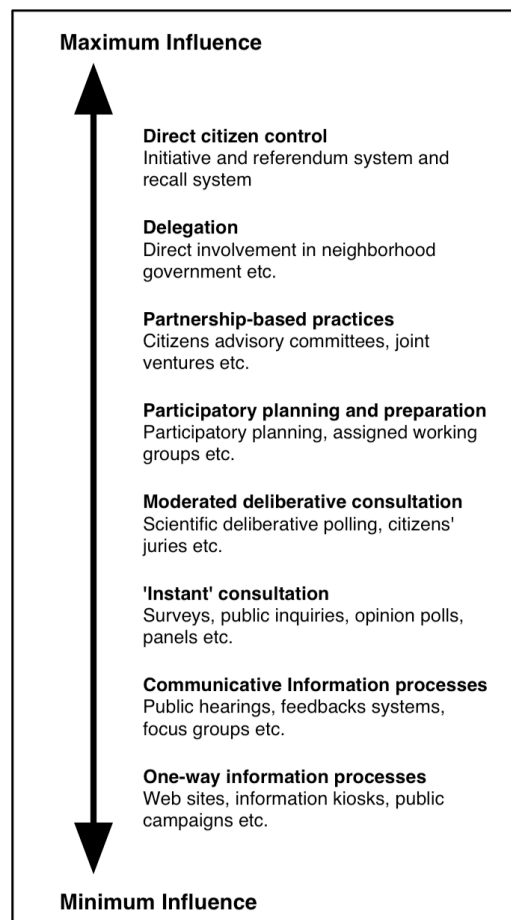


Figure 1. Continuum of Citizen Influence
From (Anttiroiko, 2004), applied from (Bishop & Davis, 2002)

Needham argues that consultations are undertaken primarily pragmatically, to involve those whose compliance will be needed for a proposed policy to succeed, or as a matter of principle because government wants to be seen as being more accountable and responsive than elections alone allow (Needham, 2002). Citing an OECD review, Whyte and Macintosh expand the motivations for consulting to three objectives: improving the quality of policy, building trust and acceptance for a policy and sharing responsibility for policy development (Whyte & Macintosh, 2002, pp12). Whyte and Macintosh argue that, ideally, citizens should be made fully aware of which reasons have motivated the consultation they are participating in (Whyte & Macintosh, 2002, pp15).

Yet despite potentially enhancing engagement, legitimacy and understanding, consultations risk creating more discontent and dissension than would have arisen without such a process. This can occur when a large consensus is reached among submissions yet the government decides against this body of opinion. Consultations should not be treated as opinion polls, their participants are self-selected and are thus unrepresentative, yet despite this the government frequently wields majority opinions from submissions as a

justification for policies³. Francissen and Brants, citing Frissen, argue that there is a democratic paradox when individuals express themselves through consultations. Citizens build high expectations, which can, at best, be only partially fulfilled due to the limited resources that government has to meet the general and not individual interest (Francissen & Brants, 1998, pp21, pp38).

Consultation submissions are solicited on the basis that they will feed into a decision making process that will have some impact on stakeholders. Yet how the final decisions are taken and the extent to which submissions have an influence on those in power is something of a black box. One rare glimpse into the impact of consultation submissions was not encouraging, when asked how much influence submissions had had on a decision in a Canadian municipality, an official stated “not an iota” (Culver, 2003). Rigorous analytical and empirical studies of consultation outcomes are exceedingly rare (Whyte & Macintosh, 2002, pp12) indeed “it is rare to find any direct relation between traditional consultation responses and changes to policy” (Whyte & Macintosh, 2002, pp16). Whilst the decision making that follows consultations warrants research, this study will only examine the consultation process itself, how the decisions are taken and whether consultation responses have an influence on those decisions is beyond the scope of this thesis. If one excludes the decisions made, which may appear to be the obvious outcome, what output can be observed to provide meaningful evaluation? Consultation submissions are independent of the ‘final outcome’, the decision made, yet are observable and are recorded by the very nature of the exercise. Submissions embody the participation activity which forms the heart of this thesis and thus are the chosen measurable output.

Because consultations have a common format based around asking for and receiving submissions they are measurable and comparable. This thesis will compare and evaluate four consultations, in the process a framework of evaluation for any e-consultation will be developed.

Consultations as part of the Policy Process

Consultations are a tool to be used during various stages of the policy-making process, often to be responded to by those perceived to be ‘experts’ in their fields. Once government moved beyond omniscient and omnipotent rule some form of rational justification has to be made for a policy to be made politically acceptable. At first rhetorical assertions were enough:

³ Take, for example, the Home Office consultation on ID cards where 70% of responses were opposed to introducing ID cards. Yet, by arbitrarily splitting the responses, the Home Office went to the press claiming support for their proposals, bitterly disappointing the 70% of nearly 10,000 submissions who were against ID cards (STAND, 2003).

“For much of the nineteenth century, however, and the first half of the twentieth century, the role of experts in policy-making was rarely thought of as emerging from the wisdom of the rulers, whose wisdom extended from time to time to seeking the advice of relevant experts. Policies were typically legitimated with narratives that simply insisted that all relevant considerations and information had been fully taken into account - a rhetorical tactic that continues to have some currency.” (van Zwanenberg & Millstone, 2005, pp12)

By the Second World War scientific expertise was considerably more prominent with Weber and Durkheim noting science’s exceptional role in the industrial age. Weber turned against Plato’s concept of the ‘right people’ in power being able to making the ‘right decision’ by arguing that facts alone could never decide policy. Thus Weberian Decisionism had politicians frame any input from experts with explicit policy goals. The problems with this model were that ministers needed a huge amount of scientific knowledge to be able to formulate policy goals and it assumed that experts could agree conclusively on the same outcome (van Zwanenberg & Millstone, 2005, pp12-14).

These are huge problems given how often ministers move department and the basis of science on disagreement, hypotheses and uncertainty. Nevertheless post-1945 scientific decision-making was until the late 1990s "legitimated by a technocratic rhetoric, and embodied in a set of institutional arrangements that correspond to that model of policy-making." (van Zwanenberg & Millstone, 2005, pp18) After the BSE crisis of March 1996, van Zwanenberg and Millstone argue that the UK (and EU) have adopted the US’s ‘Red Book’ inverted Weberian model which puts science and experts first, in that they provide a limited menu of choices to the politicians. This model has its own problems, such as putting too much authority on the experts (van Zwanenberg & Millstone, 2005). Hence preliminary consultations have broad agendas to collate expert opinion which is used to find the scientifically ‘ideal’ goals before politicians get to work on how to make the policy palatable. Which experts are contacted and which questions they are asked remain open to manipulation.

Setting the Agenda for Consultations

The remarkable politician Otto Von Bismarck remarked that “politics is the art of the possible” (11th August 1867). In consultations, as well as voting and other democratic decision-making processes, agenda setting is how the choices presented to those participating are selected. The participants are then left with the problem of finding the ‘possible’, or how to decide an outcome which is mutually desirable or at least mutually acceptable. Barber addresses this challenge:

“As long as decision-making is associated with choosing, the question of how to formulate topics, interests, and issues for the public agenda will raise a host of rational-choice dilemmas. There is the problem of overload: an infinite number of alternatives placed on what is a finite agenda. There is the

problem of ordering choices: the sequence and position of alternatives on the ballot can affect the decisions of the voter. There is the problem of transitivity: if A is preferred to B, which is preferred to C, will A also be preferred to C (as the rule of transitivity dictates)? Or are preferences A,B, and C incommensurable, so that (paradoxically) A may be preferred to B, B to C, and C to A?" (Barber, 1984, pp203)

Inexorably one is led to Kenneth Arrow's work on social choice and his impossibility theorem which he wrote as:

"If we exclude the possibility of interpersonal comparisons of utility, then the only methods of passing from individuals tastes to social preferences which will be satisfactory and which will be defined for a wide range of sets of individual orderings are either imposed or dictatorial.

"The word 'satisfactory' in the above statement means that the social welfare function does not reflect individuals desires negatively. . .

"[In other words] if consumers' values can be represented by a wide range of individual orderings, the doctrine of voters' sovereignty is incompatible with that of collective rationality" (Arrow, 1963, pp59-60)

Thus consultations with three or more respondents cannot be guaranteed to have an outcome preferred by all respondents. But with agendas, questions and participation carefully controlled the type of response desired by those running the consultation is much more likely. "In a strong democratic system some of the dilemmas of rational choice are muted or circumvented. Agendas there are integral to the process of talk and deliberation, and options are as much created as chosen" (Barber, 1984, pp204)

Thus individual choices are consciously and subconsciously imposed (van Zwanenberg & Millstone, 2005) which leads the reality of consultations away from where complete democracy aims to have it. "The ideal ground of strong democracy is *creative consensus* - an agreement that arises out of common talk, common decision, and common work but that is premised on citizen's active and perennial participation in the transformation of conflict through the creation of common consciousness and political judgement" (Barber, 1984, pp224)

By limiting or attempting to mould outcomes, whether with a specific goal in mind or just to ensure *an outcome*, those in power often risk unintended outcomes. As choices, according to Arrow, should be generally regarded as being incommensurable, then limiting which choices are available leads to unpredictability over which substitutes participants will pick. Monnoyer-Smith cites an example of this when a consultation on locating a new Parisian airport ended with convincing the minister that a new airport wasn't needed. This completely undermined the base assumptions of the processes' starting agenda which had assumed the need for a third airport in Paris (Monnoyer-Smith, 2005).

Models of consultation participant recruitment

Needham and also Finney report that in some consultations examined participation was restricted by the consultation only being publicised within a specific field of expertise or to a small circle of experts and interests known to the department sponsoring the process (Finney, 1999; Needham, 2001). From an elitist perspective such an approach to soliciting submissions is understandable, the elite wishes to minimise the costs of engaging with an electorate which is perceived as not ever likely to meaningfully engage with the details of governance. Despite this, elites can find a use for consultations when they act as a lightning rod deflecting dangerous discharges of citizen anger or preventing mobilisation of opposition, protecting election results from being affected or just to avoid nuisance. The flashes of anger allow the elites to identify issues that arouse passion thereby facilitating compromises to be reached that preserve the elites' power.

On the other hand Needham's observation of restricted participation would be a criticism if such an approach to participation is taken on the basis of a representative model. For consultations are, in part at least, to support the legitimacy of the decision makers and this legitimacy is imparted by the accessibility of the process for citizen participation. However representatives can riposte by arguing that, as their own election shows, full participation is a mirage. It is better to mobilise the key contending interests who perceive that there are risks or benefits for them in the issue they are being asked to comment on. Thus those that don't mobilise are those that don't perceive any risks to themselves or their interests from the issue at hand. In other words silence is taken as tacit agreement, a silent consensus.

A proponent of complete democracy would accept that comprehensive participation is logistically improbable but that it should be left to citizens to decide whether they mobilise on a certain issue or not. If only select groups are informed of a consultation then it is possible that some citizens, unaware of the opportunity to participate, are missed. If informed of a consultation some might feel sufficiently affected by the issue to mobilise, or not, but the decision would be theirs. For successful participant recruitment and later evaluation, Whyte and Macintosh argue the importance of clarifying who 'owns', runs and acts as intermediary for a consultation (Whyte & Macintosh, 2002, pp17).

When consulting online, the need for outside implementation expertise increases the number of intermediary agents involved in a consultation. Nevertheless ICTs present the potential to widen involvement in consultations through the reduced transaction costs in informing citizens of the opportunities to participate as well the lowered costs in actually participating. However ICTs' power to control and monitor activity also present

opportunities for those espousing an elitist perspective to restrict access to consultations in new and powerful ways.

A further argument for restricting participation in consultations to selected experts is based on participant competence. In other words ordinary citizens do not have the requisite knowledge for a specific consultation and so are considered beyond the scope of the consultation. This can be justified from an elitist perspective of reducing the burden of consultation or a pragmatic representative approach of picking leading voices to speak for the wider citizenry. The danger is that the selection process will miss the hidden passions that threaten election results, if governments do not know of the passions they cannot access their voices.

Sclove strongly challenges restrictive approaches, no matter the justification, seeing them as undemocratic. From a complete democracy perspective he argues, citing examples of citizen juries and inquiries, that citizens without backgrounds in a specific topic can still make valuable contributions to deliberations and consultations (Sclove, 1995, Chapter 3). However, in the cases Sclove cites many still did not participate. But considered and deliberate attempts were made to inform a large proportion of citizens in specific jurisdictions of the issue being considered and how to submit to the consultation or enquiry. Thus citizens not usually mobilised were given the opportunity to decide whether the issue affected their interests and if it did, they could participate. ICTs can either support this wider publicity and mobilisation process, fail to have any impact or, restrict it.

Coleman argues that ICTs actually turn the participant recruitment equation upside down. Instead of trying to draw participants into “the alien structures, procedures and languages of political authority” government instead should go out and connect with the informal networks of civic interest forming online (Coleman, 2004a, pp14). This is a tempting argument in that it places responsibility for participation firmly with government. Compared to the ideal of broad, mass participation such an approach is effectively elitist yet compared to closed consultations between a few favoured experts Coleman’s proposed approach is certainly an improvement.

Technology in Consultations

Government and politicians struggle with ICTs (Carter, 1999; Harrop et al., 1999), yet they are drawn to their dynamic, progressive nature, which promises efficiency and quality benefits (Kling, 1996c; Kling, 1996b; Kling, 1996a). The increasing ubiquity of Internet usage means that it is creeping into all aspects of social, business and political life. Castells encapsulates the issues particularly well:

“Societies change through conflict and are managed by politics. Since the Internet is becoming an essential medium of communication and organization in all realms of activity, it is obvious that social

movements and the political process use, and will increasingly use, the Internet as well, making it a privileged tool for acting, informing, recruiting, organizing, dominating and counter-dominating. Cyberspace becomes a contested terrain. However, does the Internet play a purely instrumental role in expressing social protests and political conflicts? Or is there a transformation of the rules of the socio-political game in cyberspace that ultimately affects the game itself - namely, the forms and goals of movements and political actors?" (Castells, 2001, pp137)

This thesis builds its framework on the view that technology has an unpredictability whereby intended benefits (focal impacts) can be realised, but rarely without other non-focal consequences (Sclove, 1995). This perspective rejects strong constructivist approaches which tend to imply that a single social group negotiates and directs a technology, when this is rarely the case. Furthermore the unintended consequences and uses of so many technologies indicate that direction of a technology by a group cannot be absolute. The unpredictability of technology can be formalised into the Emergent Process model, which portrays technology and user choices interacting with mutually causal influences to unanticipated ends (Markus, 1994). This model is helpful in preventing simplistic constructivist or deterministic explanations of ICT adoption.

The Emergent Process model views technology development as a never-ending spiral where society's experience of technology feeds into technology design and development which leads to the implementation and use of technology which in turn alters society, subsequently changing the future development of technology (see Figure 2). Hague and Loader, citing Castells, explain the emergent perspective by arguing that "[i]t is important to recognise that new ICT applications, whether directed at enhancing democracy or not, emerge out of the 'dialectical interaction between technology and society'"(Hague & Loader, 1999, pp3). In this model there is no clear intended outcome of a technology's development, just a series of focal and non-focal impacts emerging from the influences of users, society, other technologies and so on.

This study will examine a specific stage in the spiral process. Government has taken existing Internet-based technologies and modified them to support online consultation activities. Society has clearly been affected by the introduction of the Internet and associated technologies, the volume of academic discourse on the topic alone highlights the levels of interest. Why government departments chose to use these technologies for consultation activities is dependent on the model of democracy in which they perceive themselves to be actors, but is open to investigation. The unit of analysis for this thesis however is the appropriated technology's implementation and use in consultations. The findings of this research, along with the experiences of users and implementers will be part of the feedback which will affect future developments of the technology and other potential areas of use into which the technology may be appropriated. Thus I will be examining one step, implementation and use, on one round of the emergent process spiral. The technology's design and

development will be a contextual input to the research and the findings will form part of the societal learning that completes a turn of the spiral.

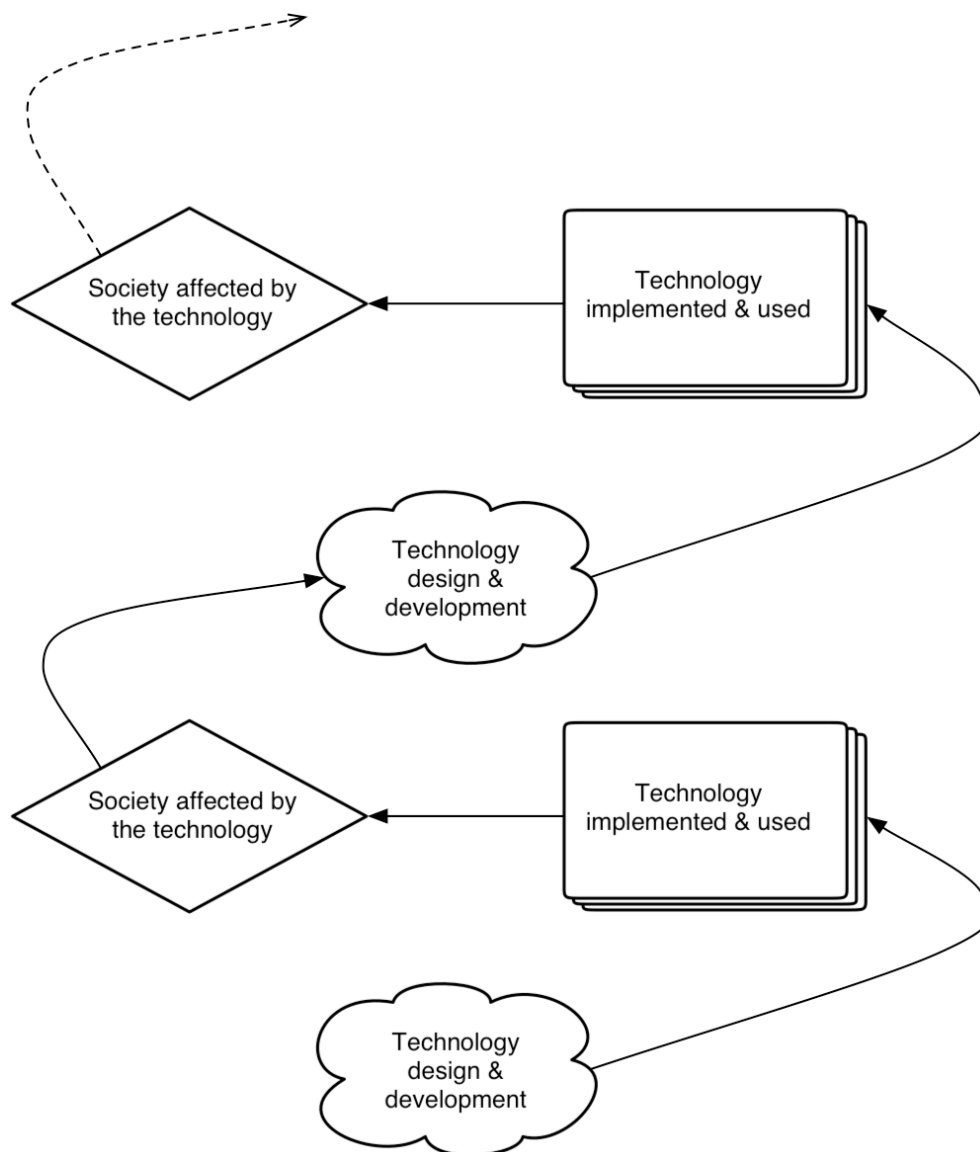


Figure 2. The Emergent Process model.

This image starts arbitrarily at the bottom with the design and development of a technology which will continue to change society and be changed over time in an endless spiral upwards.

By espousing the Emergent Process model this research rejects the notion that technology is neutral, instead accepting that technologies must be understood from political, economic, cultural and legal perspectives, acknowledging the iterative interplay where social choices shape technology which in turn influences society (Bijker & Pinch, 1984; Docter & Dutton, 1999). Thus technology is inherently political (Winner, 1980), making it imperative that its impacts on the democratic sphere are examined, as they may well act to the detriment of

some whilst to the benefit of others. This study, in the specific instance of technology's introduction into consultations, aims to contribute to such a research agenda.

Mobilisation and Transaction Costs

Existing political decision-making is face-to-face or paper-based, relying on verbal and management skills along with the art of negotiation. As political interactions move online and become mediated by the screen, people will need to rely more on technical and symbolic-intellectual skills than verbal-intellectual or practical-organisational skills (van Dijk, 2000, pp31). This is not a simplistic 'digital divide' issue of Internet access, or not, but a nuanced interface between levels of ICT literacy (Tambini, 1998; Steinmueller, 2000) and the complexity of the interactions required by online consultations. Whilst some assume the Internet is inherently equalising (e.g. Sassi, 2000, pp91) others argue, from solid empirical evidence, that this is not the case (Hacker, 2000; Jankowski & van Selm, 2000). Whilst the Internet may not be a totalising force for equality, the low costs of access and publishing online lead some to argue that the Internet has an equalisation bias (Bonchek, 1995; Norris, 2003). Thus while not everyone is equal online, this view holds that the bar has been lowered so that more can participate in public deliberation and discourse than could offline.

The Internet's 'logic of the database', which tends to help the informed become even more so without providing a way to push the disengaged into active participation (Kluver, 2002), potentially undermines optimistic views that putting activities online, such as consultations or voting, will inherently boost involvement. Merely putting an activity online is what we often see, simplistic e-government (transactions online) instead of e-democracy (democratic interaction online). Online consultations risk the recruitment bias built into the online population, just as there is for online polling and surveys (Whyte & Macintosh, 2002, pp19). Nevertheless public bodies using the Internet can "influence democratic process[es] and outcomes." (Snider, 2003) Castells paints the picture of what could be and what is:

"Interactivity makes it possible for citizens to request information, voice their opinion, ask for a personalized answer from their representatives. Instead of the government watching people, people could be watching the government - which is actually their right, since in theory people are the masters of the place. And yet, most studies and reports describe a bleak picture - with the possible exception of Scandinavian democracies.

"Governments at all levels use the Internet, primarily as an electronic billboard to post their information without much effort at real interaction." (Castells, 2001, pp155)

"The borderline between gossip, fantasy, and valuable political information becomes increasingly blurred, thus further complicating the use of information as the privileged political weapon in the Internet Age.

“Therefore, for the time being, rather than strengthening democracy by fostering the knowledge and participation of the citizens, use of the Internet tends to deepen the crisis of political legitimacy by providing a broader launching platform for the politics of scandal. The problem, naturally, is not with the Internet, but with the kind of polity our societies are generating. A polity that ultimately shapes the power of the state at a time when states are confronting a transformation of their security environment.” (Castells, 2001, pp158)

As Castells implies and Wright more explicitly states, whether government has a positive or negative influence on developing the democratic potential of ICTs is of massive importance (Wright, 2006, pp237). The role government bodies play can radically alter the perceived and actual barriers to entry into participation.

Citizens engage in political action, whether as individuals or through collective action, for a number of reasons which tend to be directly or indirectly selfish. If the benefits of engagement aren't evident then personal mobilisation from friends, family and politicians has been shown to have an important impact (Pattie et al., 2003). If a citizen does make those tentative steps towards involvement, To remain committed the citizen needs to see her voice acknowledged and opinion count (Finney, 1999; Pedersen, 2001; Whyte & Macintosh, 2002). Yet as previously mentioned, consultation outcomes inevitably override or disregard some views, and nowhere is it easier to ignore someone than online (Mitra & Watts, 2002). Indeed, if some have not been made aware of a consultation, silence can often be misconstrued as consent leading those in power to overestimate support, and their being surprised when the angry rebel (Arblaster, 1994, pp89). Of course consent itself is a slippery notion, as Lindsay (cited in Arblaster) states:

“Is democracy a means of bringing about that the people shall consent to what the government proposes to do, or that the government shall do what the people want? The two things are very different, and yet if all we want is to produce consent, it can be got in either way.” (Arblaster, 1994, pp90)

It can be argued that the Internet breeds tribalism through self-selectivity, that people online tend to interact only with like-minded people⁴ (Witschge, 2002). Some work reinforces this notion, claiming that small groups tend to dominate online discussions (e.g. Jankowski & van Selm, 2000), these findings have been supported in analysis of early online consultations (Coleman, 2004b). While ICTs can enhance information retrieval, and to a lesser extent potentially support community formation (within the online sphere), there are several steps between having information and actively participating in political decision-making (van Dijk & Hacker, 2000).

⁴ Though as Fishkin points out, self-selectivity is not restricted to the Internet. Indeed it is often noted that people tend to read newspapers that express their own views (Fishkin, 1995). Thus one must avoid a deterministic perspective on self-selection, whilst noting that ICTs such as the Internet make it easier to find and communicate with groups of like-minded people.

This connects with the notion of mobilisation which explains that not all citizens informed of an issue and provided with an opportunity to participate will do so because they either support the existing position or do not see their interests threatened enough to bear the costs of taking part. ICTs can reduce the transaction costs of participating (Bonchek, 1995) and so may increase the numbers who, if informed of the possibility of making a submission on an issue, decide their interests are sufficiently affected that they mobilise.

Acknowledging the costs of informing and participating, which are addressed in a moment, from the perspective of complete democracy the ideal would be for all citizens to be informed of a consultation so that they can decide whether it affects their interests, a situation that is likely to lead to wider participation. Additionally in a complete democracy those citizens who feel that they need to defend or support their interests should feel that it is easy to mobilise others and submit their views with equal voice. In other words citizens, modelled as rational economic actors calculating the costs and benefits of participating in a consultation, should be able to perceive that the costs of participation are low enough to be worthwhile (Whiteley et al., 1994, pp84-86). The costs of participation will never reach zero as even with perfectly efficient communication citizens will have to spend time processing information and formulating responses, this is time which could be spent on some other economically productive activity. Thus reducing the costs of participation in consultations will only increase the likelihood of participation to some groups if the net benefits after costs becomes positive. If the perceived benefits of participating in a consultation are low then the drop in the cost of participating will have to fall dramatically, but if most feel that the benefits never outweigh the fundamental immutable cost of using their time then cutting the cost of participating will have little impact on the numbers participating. This study, by comparing offline and online consultations will shed some light on what impact specific configurations of ICTs may have on changing the costs of participating in consultations.

Interactivity and Consultation

Irrespective of how introducing ICTs may change levels of participation one can also assess the quality of the submissions provided in a consultation. Participation in a consultation can be typified as an interaction, which van Dijk models as existing on multiple levels. The most straightforward are asynchronous two-way interactions such as in traditional consultations where a prospectus is sent out accompanied by publicity and those wanting to respond return a written submission. At some point this submission may be acknowledged individually or in publishing a summary of comments received. The use of email or web-based forms to replicate this traditional process does not advance the level of interaction, but can alter the transaction costs of participating, as discussed above. However if collaborative software such as discussion boards or chat rooms are used then the

potential for higher levels of interactivity where there can be shared understandings and an intelligence over contexts becomes possible (van Dijk, 2000). This is where consultations may become qualitatively different from the common current practice where submissions are written in isolation of each other with no space for deliberation. But when consultations include public meetings with face-to-face discourse (the highest form of interaction according to van Dijk) then online equivalents may be argued to be poor substitutes. In essence Dystopians argue that offline methods, particular public meetings, offer an unrivalled richness of communication providing high quality deliberation and opportunities for reflection. Neofuturists on the other hand argue that ICTs, due to their low costs, can provide much wider opportunities for interaction with many more people than has previously been possible. The middle ground taken by Technorealists is that while well run offline interactions can provide the highest quality of interactions, they are costly and logistically inevitably limit the numbers who participate. For the Technorealist some ICTs can provide interactions which, while not as compelling as some offline opportunities, are far preferable to no participation whatsoever. The Technorealist will see new forms of exclusion in depending on ICTs to participate but may argue that overall, due to reduced transaction costs creating new forms of inclusion also, the balance of exclusion is lower with the use of ICTs than without.

At the very least the risks and benefits of introducing ICTs into the consultation process are worthy of further analysis. The challenge lies in assessing these new forms of interactions and the submissions they generate. While, as Coleman identifies, it is problematic to sensitively assess the quality of public submissions in a normative manner, methods have been proposed. Coleman suggests three criteria by which to determine the deliberative quality of submissions, assuming they are provided within the context of an interactive discussion forum or email list:

- The extent to which a message is supported by external information;
- The frequency of message posting by a participant;
- The level of interaction between messages.

(Coleman, 2004b)

However, later within the same study Coleman provides a caveat for his first criteria in that there are topics (domestic abuse of women in the case he uses) where personal experience is of great value in communicating an issue to legislators. Sharing traumatic experiences might greatly influence a decision-outcome but would fail to score well on the criteria of support by external information. Thus the investigator must remain aware of the context surrounding a consultation and may need to revert to more subjective judgements of quality formulated in collaboration with those who will be receiving the submissions.

The last two criteria build on the key concepts of feedback, message interdependence (i.e. interactivity) and reciprocity (Hacker, 2000) to formulate criteria for assessing deliberation. Reciprocity is the key to meaningful online deliberation, argues Hacker citing Rucinkski, as “with a low degree of reciprocity, a communicator knows only his/her own point of view, thus having knowledge of only one political perspective and one set of interests. Conciliatory discourse, which depends on reciprocity, facilitates co-operative political decisions through discussions which respect and consider a diversity of viewpoints” (Hacker, 2000, pp117). In other words questions in response to another are much more likely to form part of a deliberative discourse than messages posted in isolation.

There is no escape from the fact that “language *mediates* our experience of ourselves and the world” (Tyson, 1999, pp246). Deconstructive Criticism gives one an excellent foundation from which to examine deliberative discourse from multiple vantages. By searching for the binary oppositions and the hierarchies within those oppositions the researcher can reveal “a text's overt ideological project by finding the binary opposition(s) that structure the text's main theme(s).” (Tyson, 1999, pp259) In a sense analysis of a deliberative discourse becomes a task in excavating the ideologies and core beliefs behind the statements which may not be entirely direct either out of strategy intent or through difficulties in expression. Deconstruction takes the competition of ideas and beliefs to the inner self by arguing that we are not consistent selves but are in fact a competing, shifting set of ideologies , desires, anxieties and intentions (Tyson, 1999, pp251).

Critical Theory

When stripped back to its origins, free of the weight of jargon, Critical Theory excites the activist within. I can find no better definition that runs true to the spirit of the theory than the following:

“A critical theory of society is defined as a theory having practical intent. As its name suggest, it is critical of existing social and political institutions and practices, but the criticism it levels are not intended simply to show how present society is unjust, only to leave everything as it is. A critical theory of society is understood by its advocates as playing a crucial role in changing society. In this, the link between social theory and political practice is perhaps the defining characteristic of critical theory, for a critical theory without a practical dimension would be bankrupt on its own terms.” (Leonard, 1990, pp3)

I aim to avoid getting lost in the “metacritique of modernity” which Leonard cites as distracting from Critical Theory's practical origins. Indeed Whyte and Macintosh argue that while Habermas' work on the public sphere has clearly been influential for political theory, its use in examining participatory activities weighs research down with theory which may well put off those involved (Whyte & Macintosh, 2002, pp26)

Government consultations are an institutionalised method of deliberating and processing citizen views. As Habermas wrote: "According to discourse theory, the success of deliberative politics depend not on a collectively acting citizenry but on the institutionalization of the corresponding procedures and conditions of communication, as well as on the interplay of institutionalized deliberative processes with informally constituted public opinions." (Habermas, 1996, pp298) The deliberation in such processes is less about absolute representation but about open debate. "What is important for this notion of deliberation, however, is less that everyone participate - or even that voting be made public - than that there is a warranted presumption that public opinion is formed on the basis of adequate information and relevant reasons and that those whose interests (and the reasons for them) known." (Baynes, 2001, pp163)

Essentially Habermas is arguing for a movement towards an idealised form of citizen deliberation. Aware that his ideal is utopian he doesn't hesitate to expand on how to apply his concepts today. Fromkin writes that "Habermas argues that the commitments required for the a practical discourse capable of generating legitimate rules arise from a good-faith commitment to honest debate" (Fromkin, 2002, pp5). 'Practical discourse' is communications which are as good as they can be, but not necessarily ideal. To facilitate such discourse Habermas recognises the need for common language, through common background, geography etc. (Fromkin, 2002, pp6). So while ICTs might open channels for communication, they cannot immediately address the fundamental cultural differences between people typing from around the world or even a nation. Monnoyer-Smith argues that online consultative spaces do not correspond to Habermas' model as the Internet creates "moving space[s], with actors entering and exiting, a wide use of rhetoric, emotions and personal relationships" (Monnoyer-Smith, 2005, pp6). Of course, while of fundamental importance, complete democracy is not constituted of deliberation alone (Vedel, 2006, pp233). Nevertheless the implication from Habermas' work is that government must be very proactive for ICTs to play a positive role in the discourse he argues is core to lawmaking and governance.

Summary

This and the previous sections have explored the elitist, representative and complete models of democracy, presenting the complete model as an ideal. The role of consultations in these respective models has been discussed. ICTs' role in consultations has been explored using the Emergent Process model tied into how technologies have focal and non-focal impacts. The part consultations play in the policy process has been discussed before highlighting the importance of agenda setting to the level of participation possible. Models of

recruiting participants, in itself a form of agenda setting, have been explored. A key issue, technology's potential use in consultations has been raised. Then, using an incentives model based on transactions costs, participation in consultations has been examined. There has been an examination of the levels of interaction and how concepts of reciprocity provide a framework for assessing the quality and level of deliberation in interactions. This chapter will conclude with the arguments for using multiple theoretical approaches when analysing e-consultations before presenting a brief review of the literature that has been specifically directed at analysing e-consultations.

Online Consultations: A multi-disciplinary topic of research

Within the limited scope set for this research, how can one examine the changes introducing technology may or may not have in consultation processes? Using the Internet for government consultations is a new area of practice which combines aspects of politics, technology and social sciences. There is no established framework or single theory for examining online consultations, as a Cabinet Office report states:

“Recent research indicates a clear lack of an accepted framework on how to evaluate and measure the impact of e-consultations. Empirical research is needed to evaluate e-consultation and make sense of what has, or has not, been achieved. There is a need to understand how to assess the benefits and the impacts of applying technology to the policy process. As governments increasingly support the development of ICTs to enable citizen engagement on policy-related matters, there is correspondingly an increasing need to appreciate whether such electronic consultation meets government's and citizens' objectives.” (Cabinet Office, 2002 pp34)

Given the current nascent status of the field then, as Whyte and Macintosh so clearly argue, so that research into online consultations can be fully explored from political, technical and social perspectives a multi-disciplinary, multi-valent approach is needed (Whyte & Macintosh, 2002).

There is a need for evaluation of online consultation activities and a methodology for making such evaluations. This research proposes a multivalent approach to the normative assessment of how consultation participation is altered by the use of ICTs. Norms based on a democratic ideal derived from political philosophy, 'complete democracy', form one portion of the criteria. Another group of criteria may be derived from program evaluation and takes the stated goals of a consultation activity as a basis from which to assess its success. However, as the process-outcomes approach to program evaluation argues, stated goals are not enough, the implementation of a program compared to the planned activities must also be examined (Owen & Rogers, 1999, pp270-273). This is particularly true when evaluating the use of ICTs, whose flexibility allows them to be used in so many ways. How ICTs are actually installed and used as consultative tools is highly relevant to evaluating their resulting effects.

Fitting the ideal to reality

By modelling a consultation as a government programme (which in all likelihood feeds into a larger programme or policy) one can bring the literature on program evaluation to bear on the problem of how to assess consultation activities. However, while providing tools this literature provides no guidance in terms of what might be the desirable outcomes for participation in consultations. For this one must make normative judgements, an area which program evaluation literature does not (and cannot) prescribe in any specific manner due to the context-dependency of such issues. To guide such judgements I have created the notion of a 'complete democracy' by which preferred, or ideal, notions of participation can be derived. Clearly ideals can only be strived for and never reached, thus measuring purely against an ideal would be futile. But I take the view that without a philosophy to underpin the reasoning behind why the acts of consulting and participating in consultations are important, then evaluation would be without direction.

The Process-Outcome approach to Evaluation

A democratic ideal, complete democracy, has been established to philosophically ground this research. But when comparing one consultation against another an ideal cannot provide much nuance, all consultations will just be closer or further from the ideal, and none will reach it. To provide management information on government activities program evaluators have, since the 1950s, judged outcomes against the stated goals of the program being assessed (Owen & Rogers, 1999, pp267). While it is important to examine how a program has performed within its own terms, it has also become clear that implementation details are fundamental to a program's performance. If a program is to be diffused widely and/or improved, then how the program is actually delivered needs to be examined. For while goals may be met, the activities of the program may not match those planned. Thus, without evaluation of program implementation, the wrong activities may be credited or discredited with certain outcomes.

Evaluations can be performed at any stage during a program's lifecycle, but this research will take a summative or impact evaluation approach (Herman et al., 1987; Owen & Rogers, 1999). Hence the implementation and outcomes of completed consultations will be examined. The Cabinet Office's Regulatory Impact Unit has provided guidelines on how such evaluations should be conducted (Cabinet Office, 2002). The guidelines cover issues such as whether participants had equal opportunities to participate, whether participants felt the consultation met its objectives and the cost-effectiveness of the exercise. However when examining the role of ICTs in consultation the only suggested evaluation question is:

“To what extent did the design of the ICT directly affect the e-consultation outcomes?”
(Cabinet Office, 2002, pp34)

This leaves significant room for developing a richer framework for evaluating online consultation activity. Such a framework will be addressed in the methodology chapter.

What does New Labour mean by participation?

Wright argues that the roots of the government’s push for participation and e-democracy lie in the broader ‘modernisation’ agenda that Blair began to lay out before coming to power (Wright, 2006). In 1996 Tony Blair wrote that New Labour wanted “a new relationship between the individual and the state. We want to give power back to the people” thereby extending “the relationships between central government and the people” by “changing how national government is run.” (Blair, 1996, pp262, 316, 317)

The ‘Third Way’, Wright asserts, provides New Labour with a rationalisation for the government to take the initiative and encourage political participation, especially between elections. In 1998 Blair made his participation agenda clear:

“The democratic impulse needs to be strengthened by finding new ways to enable citizens to share in decision-making that affects them. For too long a false antithesis has been claimed between ‘representative’ and ‘direct’ democracy [...] open, vibrant, diverse democratic debate is a laboratory for ideas about how we should meet social needs.” (Blair, 1998, pp17)

In spite of this rhetoric New Labour has been sending mixed messages about the importance in which they accord to consultations. Consultation have dramatically increased in number and scope under Tony Blair’s leadership with consultations being regularly held at local and national levels across a vast array of topics. In 2000 the Downing Street website launched moderated discussion boards which received 110,000 posts. However only a tiny proportion of posts were from Government (0.3% in one forum) and moderators had removed 53.9% of messages by the time the discussions were closed (Wright, 2006, pp241). In December 2000 the Downing Street site’s discussions were replaced by Citizen Space, a separate site connected to the UK Online brand the government was promoting at the time.

“The title Citizen Space brings to mind Habermasian notions of a public sphere where people can communicate freely and easily, debating issues of the day before coming to considered decisions [...] Like the Downing Street website, it is said that summaries of the posts were made and sent to the Prime Minister. However, Catherine Needham has quoted one anonymous interviewee as saying this was ‘nonsense’.” (Wright, 2006, pp241])

Web-discussions aside, consultations came to the fore again when modernisation was made policy in the White Paper “*Modern Local Government: In Touch with the People*” which stated that “the Government wishes to see

consultation and participation embedded into the culture of all councils” (DETR, 2002). The result was an explicit duty to consult being placed on local authorities (Wright, 2006, pp244).

2002 also saw the launch of the e-democracy Green Paper “*In the service of democracy*” which brought technology explicitly into the participation equation by arguing that:

“ICT could help open new channels of dialogue between citizens and government, elected representatives, political parties and civil society [...] The Government believes that a policy for e-democracy and a strategy for its delivery are vital to ensure that participation is enhanced rather than diminished by new technology.” (Office of the e-Envoy, 2002, pp14)

The Green Paper made a very specific claim for when consultations needed to be run, and for which purpose:

“Government-run consultations on Green Papers or policy documents are the main way of gauging public reaction to new policies [...] ICT could play an important role in enhancing the quality and value of such exercises.” (Office of the e-Envoy, 2002, pp25)

Further on, “*In the service of democracy*” expressed a desire to increase the number and range of respondents to consultations. The justification, however, indicates that consultations were seen as a process somewhat akin to focus groups.

“...submissions tend to be from a narrow group of those with expertise or a particular interest in the subject. The Government welcomes, and indeed seeks, the opinion of experts during its consultations as this often informs policy change. The opinion of the general public is as valuable as that of experts during policy development. A greater level of participation by the public means that the policy-making process is more likely to reflect properly the views of the public.” (Office of the e-Envoy, 2002, pp27-28)

The previous passage also confused where in the policy process consultations were perceived to be situated by Government. Were they to judge reaction to new policies as noted earlier, to develop new policies or encourage change to existing policies? Despite this confusion, the document does in one paragraph very succinctly package key issues relating to e-participation:

“People will only want to participate seriously if they believe that their contributions will have an effect on policies and decisions. e-Participation will need to be integrated into the formal policy-making and decision-making processes, and government and representatives must show their commitment to listening to and learning from contributions, and should respond to them in a timely and transparent way. It is important that government and representatives recognise that e-participation – and particularly the requirement to respond appropriately – will require increased resources, skills and facilities.” (Office of the e-Envoy, 2002, pp20)

Those with an interest in the government’s activities in this field noted with some irony that no formal response was ever published for the consultation attached to the “*In the service of democracy*” Green Paper. It was in this context that the ambitious, multi-channel ‘Big Conversation’ was launched by the Labour Party in December

2003 in the hope of stimulating support and fresh thinking in the run up to their campaign for a third term in power.

...Chief architect of the [Big Conversation], Matthew Taylor, Downing Street's incoming policy analyst from the Institute of Public Policy Research (IPPR), recognises that in age of cynicism, the initiative may collapse if expectations are raised, or if the goals of the consultation becomes unclear.

"A bad consultation exercise is worse than no consultation," he has warned, adding that anything seen as a gimmick will only make the disillusionment worse. (Wintour, 2003)

Despite Mr Taylor's apparent realisation of the importance of their approach, the site www.bigconversation.org.uk was online for just over a year before become yet another sponsored link page with no relevance to party politics. As of August 2006 the Labour party website has no traces of the 'Big Conversation' except 3 references in member consultation documents on how it provides an example of how they would like to consult in the future.

Recalling his participation in the 1988 "Labour Listens" exercise, Roy Hattersley reveals the often cynical reality of listening exercises and consultations.

Labour went on listening for nearly six months - simply because we had nothing much else to do. At the time, those of us who went through the experience thought that our behaviour was, at worst, no more than ridiculous. In fact, we were guilty of one of the most serious political crimes. We were campaigning under false pretences. The innocents who turned up really believed that they were helping to shape the policies of HM Opposition and might even have some influence on a future government. In fact, they were taking part in a doubly cynical exercise. Labour was attempting simultaneously to appear responsive to new ideas whilst getting the names of its old leaders into the papers. (Hattersley, 1998)

The current Labour government is widely perceived to have encouraged greater use of consultation techniques, and this section has shown the policy and rhetoric that created this perception. A simple search of Hansard further supports Labour's greater emphasis on consultations. For the last nine years of Conservative government between 1988 and April 1997 (112 months) the word 'consultation' is found in Hansard 54,453 times; however between May 1997 and August 2006 (109 months) the term is found 193,886 times – 3.6 times more often than in Conservative government.

With such major emphasis by the Labour government there can be no doubt that the processes and procedures of consultation warrant further analysis.

Existing Literature on Consultations

The existing literature on the use of ICTs in consultations has naturally been influenced by the several modes in which ICTs have been used in consultation processes. The most basic has been to simply transfer existing practices online, thus publishing a document through a website and soliciting responses through email (Needham, 2001). Slightly more advanced have been consultations that actually create a space for deliberation through the installation of discussion boards on a special website (e.g. Coleman, 2004b). Such spaces create transparency by allowing parties to observe and respond meaningfully to each other's submissions, allowing for the possibility of combinatorial innovations in policy (Tuomi, 2002). Many argue that creating such deliberative spaces is crucial to reinvigorating political participation and working towards complete democracy as existing public spheres have been eroded by commercialisation and commoditisation (Bryan et al., 1998; Keane, 2000; Sassi, 2000).

One side-effect of consultation participants deliberating is that they become less representative (if they ever were due to self-selection) because the discourse may alter viewpoints as participants encounter alternative perspectives (Fishkin, 1995, Chapter 1), a process Hacker models on the concept of reciprocity, a discussed previously (Hacker, 2000, pp117). Clearly this is an idealised view of even the best moderated online discussions, as some practitioners would argue that the immediacy of ICTs result in 'top of the head' discussions rather than considered opinions (Rash Jr., 1997, pp150). What politicians fear, and already experience through fax, email and letter campaigns, is being electronically shouted at. Indeed this is not novel, for the Spartans 'the shout' was where councillors were elected by the loudness of the cheers when candidates stepped into an arena (Fishkin, 1995, Chapter 2). In other words ICTs might offer opportunities to increase the levels of deliberation, but they also present greater possibilities for being drowned in noise. A key finding from Coleman's work on online consultations was that legislative participants (MPs, Lords etc.) felt that their working days were currently structured in such a way as to prevent them meaningfully participating in online consultations. They were already struggling against massive volumes of constituent communications and felt unable to meet the expectations created by discussion board based consultation activities (Coleman, 2004b). This does raise the question of why politicians accorded such low priority to the online consultations against other demands on their time. Is it because politicians don't believe online consultations account for much or are not much of a political threat? It would have been useful if Coleman had asked this questions of his participants.

The advances highlighted in online consultations' use of technology epitomise Schumpeter's technological innovation model which sees technology first replicating existing processes before the technology creates

possibilities for new, more efficient processes (Harrop et al., 1999). We are yet to see the third step in online consultations, where organisations reengineer to focus on the technology, which has now become core. But suggested paths include three-step iterative consultations which use web-based groupware to let participants suggest and rank topics for further exploration in subsequent phases (Hyam, 2003). Whyte and Macintosh argue that no matter how advanced or simple the techniques, analysing e-consultations present unique multi-disciplinary challenges and make a strong argument for case study methods of research (Whyte & Macintosh, 2002), which the majority of papers examined in this section have indeed followed.

Of the online consultations in the UK conducted thus far (summarised in Needham, 2001), the government has predominantly focussed on service delivery, treating citizens as consumers, offering little opportunity to deliberate or agenda set (Hagen, 2000). Levels of participation have typically been low and frequently no evidence that online submissions were even formally considered has been found. Wright's analysis of open online consultations linked from the Citizen Space portal in October 2002 found that 95.8% of consultations only offered one-way communications with participations. 2% provided two-way communication of some form with the remainder having no feedback mechanism or were actually already closed (Wright, 2006, pp243-244).

Relatively sophisticated online consultation pilots⁵ in Amsterdam as part of a larger 'Digital City' project also garnered disappointing levels of participation, though this was claimed to be due to failings with the technology (Francissen & Brants, 1998). More fundamentally, online consultations have often been poorly implemented 'posted without feedback forms or consultation questions, or methods to collate the comments' (Richard, 2000, pp75). Additionally there has been doubt over what roles civil servants can play, how does their impartiality interact with needs for moderation and response (Edwards, 2004)?

A recent study of online consultations (Coleman, 2004b) focussed on the advisory processes used by parliamentary committees rather than legislative consultations that are the focus of this research. Nevertheless, both of the consultations examined used web-based forums to provide spaces for deliberation. Despite considerable attempts to recruit participants, the number of registered and active users was in the low hundreds. But within the limited groups who did participate, the quality of the online discussions was arguably higher and more interactive than discussions analysed in less constitutionally legitimate and serious settings (e.g. Jankowski & van Selm, 2000; Wilhelm, 2000).

⁵ Particularly considering that they used interactive teletext with decision-support trees in the technologically pre-historic times of 1993!

Monnoyer-Smith's paper on the major consultation process around the plan for a third international Parisian airport notes that many of her findings were possible due to a broad historical focus. Instead of focussing on just the six months of consultation proper, but also examining the build up and follow-through she noted how agenda-setting powers were partially wrested from the committee tasked with running the process (Monnoyer-Smith, 2005). Also noted were a number of unintended consequences such as restrictive forms on the consultation website being repurposed so that participants could fully express their views. Monnoyer-Smith also noted differing biases between online responses and those offered during one of many public meetings run by the consultation committee. The meetings tended to see more structured, complex arguments put forward as well as more explicit expression of emotion. Online more private, localised concerns from a personalised perspective were posted. Of particular note, given the topic of consultation, was that no civil engineers participated online, their participation was limited to meetings and personal contacts implying that some networks of practice have a stronger resistance to moving online than others.

At this early stage in the development of e-democracy it is inevitable that the associated academic field is in an even greater state of nascency. Thus it is not surprising that the literature on the use of ICTs in government consultations is limited. While this state does not provide the researcher with many pointers on how to conduct their own research in this area, there is the excitement and opportunity of breaking new ground where others have yet to tread. It is with this thought in mind that I have embarked on this thesis.

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