

# When institutions turn digital: mapping the emerging landscape

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# The ICT and Justice Project

## 2003-2006

- **Objective: Explore ways in which ICT can help to deliver better judicial services to citizens, both by automating judicial work and developing e-services**
- Sponsored and funded by the Italian Ministry of University and Research
- Multiple actors involved - public and private
- Ministry of Justice, National Research Council, University of Bologna, local Courts, system development firm, providers, contractors
- Total funding: 1,500,000 Euro over the three year period
- 150,000 Euro for a study on methods of innovation

## **Four projects for the development of e-services in the judiciary 2003 – 2006**

- 1) **Electronic Legal Communication, Austria**  
(retrospective reconstruction)
- 2) **Tuomas & Santra legal services, Finland**  
(studied and reported by chief officer)
- 3) **Office of the Justice of the Peace, Italy**  
(online tracking and observation)
- 4) **Money Claim On-Line, UK and Wales**  
(retrospective reconstruction)

# Project stories in a nutshell

- **Austria.** E-services and other ICT-based tools mainly developed for the legal professions, that mediate service to the citizens. Automation of exchanges between the lawyers and the courts. Internal coherence of the system. Protecting the state's legal monopoly, the iron cage of justice. Little self-reinforcement. Little exploitation of ICT potential. **(bureaucratic perfection)**
- **Finland.** Accessibility and user-friendliness. Expanding democracy and empowering citizens' rights. Bringing justice closer to the citizens, without legal intermediation. Development of new practices and legal norms related to e-justice. ICT dis-intermediates legal transactions. Self-reinforcement. **(democratic empowerment)**
- **Italy.** Buffering the justice system from environmental threats: unauthorized access, manipulation, disruption, sabotage. Issues of privacy and security. Authentication of identity as a legal problem. Focus on professionals: automating legal transactions. Battle of jurists and engineers. Struggle between technology and the law. Hyper-regulation. Little self-reinforcement. ICT unexploited. **(bureaucratic self-protection)**
- **United Kingdom and Wales.** By-passing legal representation and reducing legal costs for the citizens. Pragmatic use and resourceful conversion of available resources: Practicality and system usability. Functional simplification. Buffering and managing legal and procedural complexity by online/offline channels. ICT dis-intermediates. Self-reinforcement. **(economizing)**

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All stories tell of encounters between ICT  
and institutions,

...triggering healthy or unhealthy  
institutional dynamics in the development  
of e-services...

...affecting architectures, capabilities,  
performances, behaviours and...

...leading to different kinds of outcomes

# Research focus

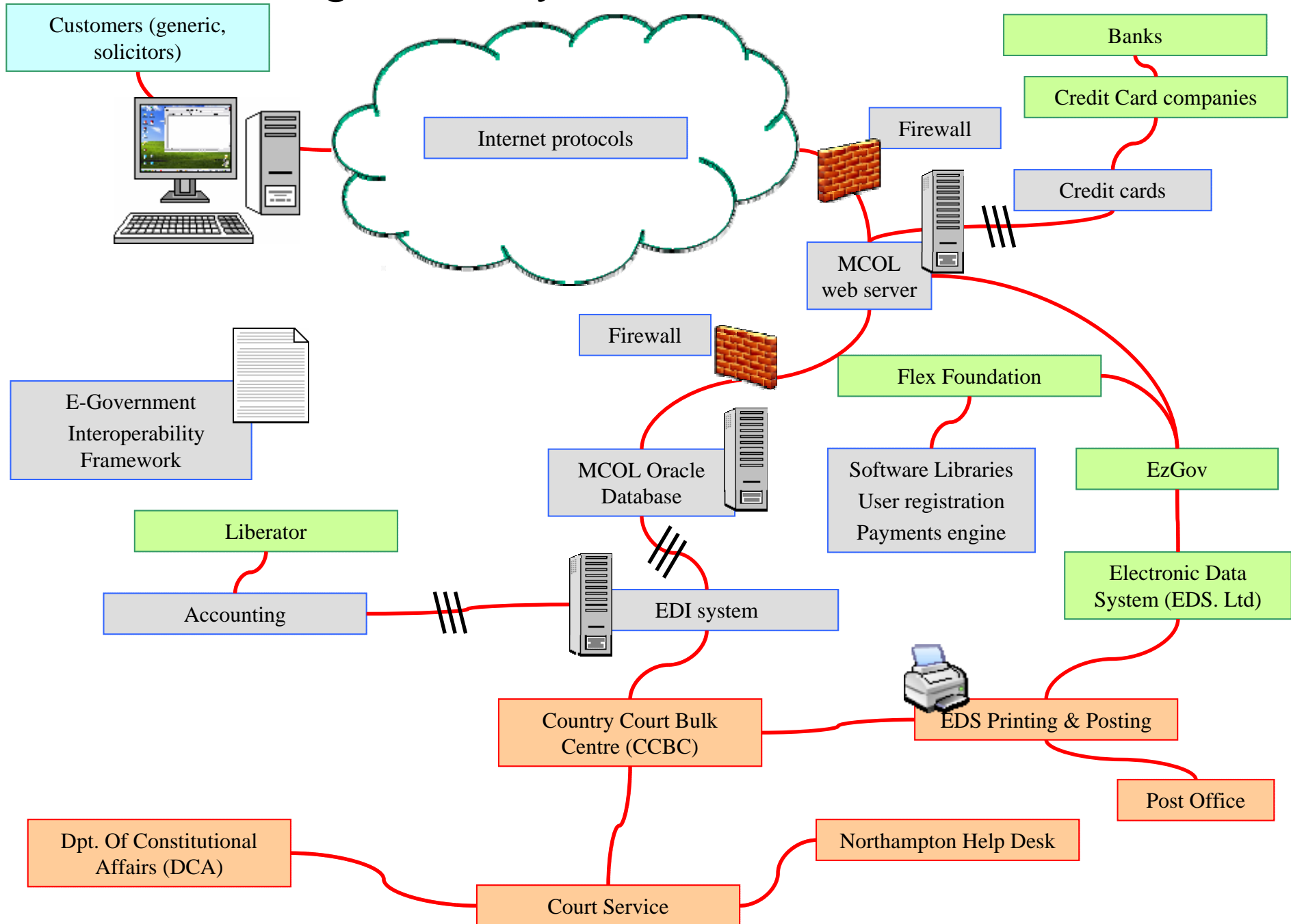
## •The encounter between ICT and institutions

- What kind of phenomena can be observed?
- How can we track and map the institutional dynamics associated with the development of e-services?
- implications for institutional architectures
  - what happens to bureaucracy and institutional forms?
- implications for institutional and administrative capabilities
  - to what extent administrative action becomes T-dependent?
- implications for ICT choices and developments
  - to what extent technological choices and developments are channeled by institutions? Technology tamed by the law?

## ***‘Seeing the phenomenon’***

- tracking the rise of assemblages
- institutional dynamics
- nature of design activity
- implications

# Assemblage: Money Claim On-Line, UK & Wales





# What is an assemblage?

- Heterogeneous composite, not a hybrid entity, not a chimera
- Loosely integrated collection of “ready-mades”
- Multiple logics
- Stratified; segmented
- Standardised; modular
- Open-ended; emergent; evolving
- Shifting and drifting; in formation; at stake
- Inter-temporal (dyschronies) (Alter 2003)
- Some kind of reversibility? Path-dependent?

## Again, what is an assemblage?

- A mix of old and new, stiffness and fluidity, order and mess
- Linkages, corridors, pathways, gateways, interfaces, hook-ups
- Connectivity: the *in-between* is more important than the connected elements (Cooper 1998)
- Supported by (layers of) infrastructure
- Disaggregated normativity: *fragmented normative space*
- Competitive fields for rival regimes of regulation: *by law* and *by technology* (legally enforced rules + technical standards, codes and devices)

## How design happens - shared features

- Multiple actors with different interests, competencies, endowments, jurisdictions, and claims - each one is only in charge of parts of the assemblage, not of all of it
- Episodes of activities: intermittent, discontinuous, fragmented, focalised, with variable intensity (bursts and slowdowns)
- Converting, adapting, linking, plugging in, interfacing, transferring, re-coding and re-writing
- Hooking administrative components to technical infrastructure
- Migration of ICT components through administrative boundaries

## How design happens - differences

- Nature of the installed base: hindering versus enabling
- Authority and problem-solving skills unevenly distributed
- Presence or absence of entrepreneurs and mediators
- Cultural styles: pragmatism versus formalism
- Different normative frameworks and different ways of looking at the rule/action relationship
- Degree of dependency on the private sector (IT companies, providers, consultants, service firms , etc.)
- Differential speed of development (UK much faster than Italy)

# Some questions concerning the making of assemblages

- **Conversion problem**
  - Regenerating / discarding existing components
  - The installed base: active and 'acting' materials
  - Resourcefulness and balancing capability
- **Innovation and conservation**
  - The new 'thing': offspring / negation of the old world
  - The shadow of the past
  - Self-destructive dynamics
  - Durability and transience
- **Design and evolution**
  - Who designs what?
  - Design as cultivation?
  - Evolvability versus robustness
  - Historicity

## Implications for administrative action

- ***Dislocation*** of administrative action to ICT
- ***Concatenations*** of ICT-mediated operations crossing administrative boundaries
- ***Interoperabilities***: technical, functional, and institutional
- ***Emergent forms of organizing***
- **Empowering** or **dis-owning** administration?

## Implications for government

- ***As institutions turn digital, digital turns institutional***
- ***As ICT calls for functional simplification of administrative and legal procedures, at the same time the law weaves its pervasive and tightly-knitted web of regulations around the technology***
- ***Technification of the law or juridification of technology?***
- Jurisdiction, territoriality and authority
- Regulation, accountability and legitimacy
- De-scaling / re-scaling of hierarchies: often perceived as loss of control, centrifugal tendencies and increasing disorder
- Dis-assembling / re-assembling of administrative structures
- Restructuring of spatial-temporal frames

Forthcoming book 2008

Building Online Institutions  
European Perspectives on the Making  
of e-Government

Francesco Contini & Giovan Francesco Lanzara

Editors

Palgrave MacMillan

# **Why do we have difficulties in grasping the essence and scope of ICT-induced institutional change?**

Engrained ideas about technology

Dominant ideas about institutions and government

Managerial bias

## Reframing our ways of thinking

- ***Technology is constitutive/configurative***

- a way of worldmaking - designing - enframing
- a medium, a habitat, a hosting environment
- it reveals the world as a potentially infinite source of inventable forms and multiple meanings
- ontological effects - sense-making

- ***Social order comes in multiple inscriptions***

- Institutions and legal norms are only a particular embodiment of social and institutional regulation
- Other kinds of embodiments: technical artefacts, standards, spatial arrangements, mundane objects, social relations, behavioural patterns, templates, beliefs, linguistic structures, perhaps even the material stuff of which things and bodies are made of

***The gods are all too many,  
they cannot all be counted***

ancient Maori dictum