



**Canadian
Study
of Parliament
Group**

**Interactive Government:
Sorting Out the Fads
and Fundamentals**

**Ottawa, Ontario
November 1-2, 1996**

**Canadian
Study
of Parliament
Group**

The Canadian Study of Parliament Group (CSPG) was created with the object of bringing together all those with an interest in parliamentary institutions and the legislative process, to promote understanding and to contribute to their reform and improvement.

The constitution of the Canadian Study of Parliament Group makes provision for various activities, including the organization of seminars in Ottawa and elsewhere in Canada, the preparation of articles and various publications, the establishment of workshops, the promotion and organization of public discussions on parliamentary affairs, participation in public affairs programs on radio and television, and the sponsorship of other educational activities.

Membership is open to all those interested in Canadian legislative institutions.

Applications for membership and additional information concerning the Group should be addressed to the Secretariat, Canadian Study of Parliament Group, Box 660, West Block, Ottawa, Ontario, K1A 0A6. Tel: (613) 996-0707, Fax: (613) 992-3674.

ACKNOWLEDGMENTS

On Friday evening, November 1 and Saturday, November 2, 1996, the Canadian Study of Parliament Group held a conference in Ottawa on the theme *Interactive Government: Sorting Out the Fads and Fundamentals*.

I would like to express my gratitude to all those who contributed so much to the success of the conference. A special thanks to the two keynote speakers: Jodi White, Vice President, Corporate Affairs, Imasco Ltd. and Professor Heather MacIvor of the University of Windsor. Thank you also to the panellists, Chairs and participants in the four workshops: Senator Marie-Paule Poulin; Stephen Bindman, Legal Affairs Correspondent, Southam News; Ted White, Reform MP for North Vancouver; Justice Barry L. Strayer of the Federal Court of Canada; Jean-Pierre Kingsley, Chief Electoral Officer, Elections Canada; Reg Alcock, Liberal MP for Winnipeg South; and Robert Desramaux of the House of Commons.

I would also like to thank the director of the Parliamentary Internship Program, Professor Clinton Archibald, for lending us the assistance of seven parliamentary interns as rapporteurs, namely Linda Gionet, Joseph Odhiambo, Marilyne Landry, Ian Trites, Jeff Heynen, Kristen Boon and Mèlika Carroll.

The important contribution made by the House of Commons through its financial and administrative support is also recognized as well as the support of my fellow CSPG Executive Committee members. I wish to thank in particular Carmen DePape and Danielle Gougeon for all their assistance in organizing the conference. I would also like to express my gratitude to the editorial staff of the *Canadian Parliamentary Review* for helping us put together this report.

Donald Eldon
Conference Chair and
Counsellor, Canadian Study
of Parliament Group



Interactive Government: Sorting Out the Fads and Fundamentals

OTTAWA

November 1-2, 1996

Table of Contents

Keynote Address <i>Technology and Aids to Communication: Changes and Prospects</i>	2
Speech <i>Democracy and Technology</i>	4
Plenary Session <i>The Impact of Modern Communications on Political Parties, Parliament and the Courts</i>	7
Workshop 1 <i>Focus on the Courts</i>	11
Workshop 2 <i>Focus on Political Parties and the Democratic Process</i>	12
Workshop 3 <i>Focus on Electronic Voting and Parliament</i>	14
Workshop 4 <i>Focus on Information Flow and the Political Process</i>	16
Conference Findings <i>Democracy and Technologies: Risks and Opportunities, Winners and Losers</i>	18

Keynote Address by Jodi White

Technology and Aids to Communication: Changes and Prospects

The conference opened with an address by **Jodi White**, Vice President of Corporate Affairs for Imasco Limited, in which she examined the topic of technology and aids to communication.

The development of information technology has the potential to dramatically expand citizen participation by offering a direct channel of communication between the electorate and government. Some common mechanisms for this interaction are the Internet, deliberative polling, and electronic voting. Technology as an aid to communication has been hailed as a means to "close the gap between the governed and the governors."

Since the mid-eighties, the federal and provincial governments have attempted to increase public consultation. The principal event precipitating this process was the failure of the Meech Lake Agreement. Meech Lake was criticized as an exclusionary process which precluded substantive discussion and debate. Subsequently, both levels of government initiated an extensive program of consultation starting with the Spicer Commission, followed by Senate House committee hearings, followed again by a series of constitutional conferences, and the creation of a number of provincial laws requiring referenda.

Referenda represent the most prominent example of direct citizen participation in public policy. Nevertheless, despite the benefits of including a wide sector of the electorate in policy decisions, the Quebec referendum has raised doubts concerning their related consequences. Several negative effects of the referendum are: a splintered society; charges of ballot fraud; charges against citizens under the Referendum Act; a result so close that it is inconclusive and divisive; and a government that has now admitted that it will continue to hold referenda until it gets the answer it wants. In sum, the referendum appears to have exacerbated tension and introduced disunity into Quebec society.

Mrs. White, noting the experience of the Quebec referendum, asked; is citizen participation an improvement for our democratic system or will it bring about the same type of divisive results? More importantly, she also asked, what specific implications will elec-

tronic democracy have on key segments of our system of parliamentary democracy?

Many Members of Parliament are already increasing their accessibility through electronic mail and the dissemination of information through web pages. Improvements in communication technology offer several other possibilities: MPs may be able to poll their constituents before every vote, thus taking instructions on how to cast their ballot; electronic voting could become the norm which would reduce the need of parliamentarians to stay in Ottawa; finally question period could be conducted on an interactive basis which would also free MPs from their Ottawa responsibilities.

In an era when an electorate perceives itself as non-partisan, political parties can take advantage of technology which will enable them to maintain their base of supporters and to increase membership. Several mediums are offered such as teledemocracy for leadership races and virtual policy conventions. Both innovations eliminate the inconvenience of conventions and permit those with either a pedestrian interest in politics or party members to engage in a more accessible style of politics. Yet Ms. White added, "I do regret the movement away from what might be called the political pageantry of conventions."

With respect to elections, Ms. White forecast that sometime in the next century we will vote by phone. Election campaigns are likely to feature more prominently electronic town hall meetings and interactive videoconferencing debates. As more voters move away from television to personal computers, election advertising will change dramatically.

While the public service has been profoundly conservative and averse to risk in the handling of information, already departments are establishing home pages and designing programs for citizen discussion and feedback.

The impact on the media of electronic communications technologies is more difficult to judge.

The role of television and the print media could be altered. There is widespread public annoyance with the media's current role as analyzer and interpreter of information, rather than objectively reporting the news. Access to live events on 24 hour news channels and raw information on the Internet will permit interested parties to circumvent the prevailing sources of information.

The role of elites will also be challenged by technology. Innovations in communication will permit

Parliamentarians to act instantly according to the will of the electorate. Elites such as academics, journalists, economists and senior bureaucrats may find their roles modified or even replaced. Members of Parliament could become delegates, acting directly on behalf of their voters, rather than using their own judgment or following the party line.

However, Mrs. White foresees three dangers for cyber democracy. First, one of the goals of democracy is to create public judgment. Democracy brings together groups of people who represent both the people and geography of the relevant jurisdiction—whether it be city, province or country and have them engage in examination, interpretation, comparison and contradiction and ultimately debate and decision. Mrs. White believes that the permanent polling of the electorate and the use of constant direct voting would diminish deliberation in government. Citizens would not be able to engage meaningfully in debate. In other words, instant opinions taken in isolation do not represent a positive alternative to the challenge of the “marketplace of ideas.”

Second, she believes that decision-making will not necessarily improve. It is true that parliamentarians make mistakes and that there is a need for greater public input in political decisions. However, electronic democracy is still beset with certain problems such as voter or electronic fraud. For example, a participant in the Nova Scotia’s leadership review was able to vote 260 times. The potential for potential fraud and abuse raises serious doubts concerning cyber democracy.

Finally, Mrs. White asks what would happen if computers became intelligent? Conventional wisdom would have us believe that information is processed. It is not analyzed using judgment, or common sense. However, some question the absolute neutrality of machines. If one were to examine the dense interconnections between the human and non-human components of technological systems, our placid assumptions that machines are unproblematically passive or morally neutral may be shattered. This possibility will raise grave concerns for democracy.

In summary, despite several problems, Mrs. White believes that technology can offer many potential benefits for Canada. Our country is challenged by several factors such as its vast size and the diversity in political issues that this engenders. Technology has the potential to create a positive relationship of consultation between citizens and government in order to address these issues. Yet we must also be cautious of not only the effects of direct democracy, but also the limits of this concept. In an era of down-sized governments, we must acknowledge that capacity of Parliament to address most issues is being curtailed and our expectations must reflect this reality.

Rapporteur: Joseph Odhiambo

Speech by Heather MacIvor

Democracy and Technology

(1) Introduction

The relentless evolution of technology, particularly information and communication technologies, has had and will continue to have a profound effect on our lives, both positive and negative. But as Neil Postman argues in his book *Technopoly*, Heather MacIvor asks us to look beyond the immediate benefits of technology, the nifty things it can do, to try to understand the things it can undo.

Pursuing Postman's ideas, Professor MacIvor contends that the consequences of technology are always mixed and that our task is to look at the consequences of these technologies. In particular, we must look out for those who have been and will be displaced by new technologies from the blacksmiths, to the secretaries, file clerks, telephone operators and bank tellers who are now being replaced by silicon chips. Computers do not need vacations, benefits, or sick days. Nor do they need maternity leaves, a point which is particularly relevant when we consider the gender of most telephone operators and bank tellers.

Ms MacIvor doesn't believe that technology is, by itself, a determining force in history, though it can exert a profound and independent influence on events. What technology gives it can also take away. But it does not do this by itself. Somebody had to make the crucial choice at every stage. Society has the power to choose how we use technology and for what ends. If we make irresponsible or harmful choices, the fault lies with us and not with the technology. If we have the ability to process billions of bites of information per second, and if, as a result, all those tellers and clerks who used to process information lose their jobs, who do we blame – the silicon chip or the people who run the banks?

Ultimately, technology is a tool, no more and no less. It should be used correctly, for the proper ends, and it should not be touted as the solution for problems which it can't fix. Computer and communications technology can process and disseminate oodles of information; but they cannot cure the ills of democracy. These technologies do have some applications in politics, when they work properly, but they are not a panacea for apathy, disaffection, ignorance and prejudice. In the

following section Professor MacIvor examines what role communication technologies are playing in party leadership selection and in communication between party organizations and their members.

(2) Technology and Party Leadership Selection

Some federal and provincial parties have stopped using the traditional leadership convention to choose their leaders and switched to various universal membership voting (UMV), the most prominent being telephone UMV. Telephone UMV allows all registered party members to vote directly for the leadership candidate of their choice, either at a central party gathering or at home. The impact of telephone UMV on a party leadership race is examined when the Nova Scotia Liberals tried to elect a leader in 1992. At least three characteristics of telephone UMV became apparent when hundreds of Liberals lined up at telephone kiosks in the Halifax Metro Centre and thousands more tried to vote from their homes. First, the party had to rely on television to broadcast the candidates' speeches, so party members at home could see them. CBC Nova Scotia agreed to cover the voting, gavel-to-gavel, but the event lacked the drama of a traditional delegate convention and there wasn't much for the reporters to talk about – until the second problem cropped up.

This second problem was technological: the computer system was overwhelmed by the number of calls and it shut down. This failure embarrassed both the party and the phone company (MT&T), who were made to look foolish on live television.

Third, there were concerns about the security of the computer and telephone systems. The CBC scanners picked up a cell-phone call to MT&T which appeared to report the numbers of votes for each candidate. In fact, the numbers were the totals of people trying to vote for each candidate, not the actual vote totals. But the third-place candidate was furious that the CBC had announced the numbers on the air, and argued that the outcome had been skewed. Equally as damaging, a party member later claimed that he had bought and voted hundreds of PINs himself, using a list of phony names and addresses. There is no proof that this actually happened, but the claim rattled the party and made some observers question the security of telephone UMV.

Two weeks later, the technological problems were fixed and the party elected Dr. John Savage as its leader without further difficulty. But at this stage a fourth characteristic of tele-voting became apparent:

only 41 percent of party members bothered to dial in. Here is a paradox of technology and its relationship to democracy: the ostensible purpose of technology is to allow more people direct access to the political process but fewer people are taking advantage of it. Anecdotal evidence suggests that a majority of party members participated in the selection of delegates to traditional leadership conventions. But parties which have used telephone UMV— and indeed, all forms of UMV — have experienced much lower turnout rates: from a high of 49 percent for BC Liberals to a low of 20 percent for the Alberta Liberals.

The low turnout in a process explicitly designed to permit the greatest participation is an example of what Edward Tenner calls a “revenge effect” which happens when a new technology creates a result opposite to the intended effect. Revenge effects occur because “new structures, devices and organisms react with real people in real situations in ways we could not foresee”. The people in charge of running a political party, who know full well that socializing is a prime motivator for political involvement, should have foreseen the limited appeal of technology which left party members isolated in their homes. Consequently, the tele-democracy activities at MT&T have been scaled back, and the company is now focusing on corporate applications. So the technophiles who applauded telephone UMV as the democratic wave of the future may have been routed by the cost and limitations of the technology.

(3) Technology and Democracy Within Parties

The second area that Professor MacIvor examines is the growing use of computer technology by political parties. In an era when party leaders perceive a need for better communication with the grassroots, 1-800 numbers and computer links appear to be the perfect way to keep in touch. In 1995 the Progressive Conservative Party of Canada introduced the National Membership System (NMS), a computerized 1-888 telephone system which distributed information to members allows new members to sign up electronically. All of the major parties now have home pages on the World Wide Web, some of which are state-of-the-art.

However, will these technological links prove effective? Firstly, 7.4 percent of Canadian households actually use the Internet, according to Statistics Canada. One might assume that party members have a higher degree of computer access and sophistication than other people, given their higher than average levels of educa-

tion and income, and the likelihood that white-collar workers will have access to computer networks at the office. However, it would be very surprising if even a bare majority of party members are on-line, given the fact that party members tend to be older than the average Canadian and older people are much less likely to use computers. Second, Canadian party membership figures are among the lowest in the Western world — less than 2 percent of the electorate, according to reliable estimates — and there is no reason to expect that a new technology will overcome decades of apathy, let alone the recent upsurge of active hostility toward parties.

And what about Ted White’s idea that public opinion would be allowed to override the policy positions which party members had just spent two days discussing. Several party members took issue with White’s recommendation that MPs should vote in the House of Commons as a majority of their constituents tell them to, through surveys, electronic town halls and other forms of consultation, instead of following the established wishes of a majority of the party membership. They pointed out that if the Reform Party achieved its goal of a breakthrough in urban Ontario in the next federal election, there would be several Reform MPs whose constituents would likely oppose unrestricted gun ownership, a traditional definition of the family, and other key planks in the party’s platform. Should such MPs vote against the rest of the caucus, reflecting the wishes of constituents who did not even support the Reform Party? Or should they vote instead for the policies to which the party had committed itself during the election campaign which got those MPs elected in the House of commons in the first place? How can we resolve this dilemma?

(4) The Future of Techno-Democracy

To some extent, the potential of techno-democracy depends on improvements in the technology itself. Problems such as those encountered by the Liberals in Nova Scotia and Alberta will not be tolerated, particularly by customers paying a hundred thousand dollars up front. It will take a long time to erase the memories of the technological fiascoes and only a series of perfect and highly publicized tele-votes could accomplish this.

But the future of techno-democracy depends more crucially on a factor beyond the realm of technology. It depends on the state of democracy itself. Canadians, like the citizens of most Western democracies, are not noted for their high levels of political interest,

information and participation. In order for direct democracy to work, we do not need tele-voting, electronic town halls, or interactive computer networks. We do need several million informed, enthusiastic democrats – people with jobs and families, taking time away from their television sets and golf games to acquire information and make a meaningful contribution to public discourse in this country. Most Canadians already have the tools to do this; we have a reasonably good system of public education, though it has a lot of room for improvement, and we have vast amounts of information available to us in newspapers, libraries, and public affairs programs, if we would only make the effort to get it and use it. But we choose not to do so. If people refuse to use inexpensive media of communication and information-gathering, why on earth would they invest thousands of dollars in computers just to participate in public deliberation? More fundamentally, how can new tools help us to rebuild democracy when it seems that most people neither know nor care that the job needs to be done? No amount of fibre-optic cable can make up for an apathetic, ignorant political culture. The answer to our democratic malaise lies not in a broader newsgroups but in a more interested electorate.

Rapporteur: Marilyn Landry

The Impact of Modern Communications on Political Parties, Parliament and the Courts

Moderator:

Barry McLoughlin
Barry McLoughlin Associates

Panellists:

Senator Marie-Paule Poulin

Stephen Bindman,
Legal Affairs Correspondent, Southam News

Ted White, M.P.
North Vancouver

Ted White, M.P.

Ted White is a Reform MP elected in 1993 to represent the riding of North Vancouver. He began his presentation by noting that, while the MP who represented his constituency prior to him did not even have a fax machine in the office, he himself is an avid user of some of the new communications technology. For instance, Mr. White was the first MP to get permission to use a laptop computer in the House of Commons. While the changes over the past few years demonstrate the dramatic evolution in communications that is currently taking place, it is still unclear as to which of these new technologies will succeed.

The first such new technology examined was the use of electronic mail (email). While there has been a lot of talk about this *nouveauté* of late, it would appear that, of the many messages he receives (and presumably other MPs as well), most come from the same small number of people. Mr. White noted that not everything about these new technologies is necessarily an improvement. He personally does not like email that much, finding it somewhat unprofessional and too easy to tamper with. Email messages can be quickly changed and re-sent to many different addresses, con-

veying a false message, which is very difficult to correct. To avoid this problem, Mr. White prefers to fax information, and then follow up by mail.

Another practical problem with email is, due to the ease with which it can be sent, users often send copious amounts of information and they expect expeditious and detailed responses, which are not always possible. One question that arises is whether there will ever be enough people on email for it to be considered representative of the general population. Is it just a fad, or is it a potentially valuable tool by which to measure public opinion and engage in democratic dialogue? Time will tell.

Although the limitations of email dictate that one should proceed with caution, these technologies nevertheless hold some exciting possibilities *vis-à-vis* the exchange of information and ideas. Mr. White shared an interesting analogy which demonstrates some of the capabilities of the Internet. During the recent election in New Zealand, he got up-to-the-minute information on the ballot count off the Internet and faxed it to his brother in New Zealand, who received it before these results had even been broadcast there!

This type of new technology has significant effects on public access to knowledge in general. The courts have twice struck down legislation restricting the broadcast of certain information. Yet, increasingly, these decisions are rendered irrelevant by current information technology which permits the inexpensive and rapid transmission of news from all over the world.

One of Mr. White's most surprising revelations was the fact that he did not have a door to door visiting component during his election campaign. Instead, he had 2000 videotapes made and distributed them for people to watch at their convenience. When one household was finished with the tape, it was collected and re-distributed. Furthermore, he had his telephone number displayed prominently on the video and on all the campaign signs so that people could call him directly to discuss their concerns. He therefore spent much of the campaign in his office on the phone. Yet rather than hurt his chances of being elected, this technique seemed quite successful – he won the riding by several thousand votes.

During the next election campaign, Mr. White said that he plans to go even further in his use of communications technology with the possible use of two additional high-tech tools. First, he will furnish his campaign workers with cellular phones so that if anyone on the street has a question the volunteer cannot

answer, he or she can phone him directly. Second, he hopes to spread his campaign message using yet another format: CD ROM.

One final topic that was mentioned was the use of computer technology in opinion polls. Mr. White has already used computer-based polling for getting information about opinions in his constituency.

In concluding, Mr. White emphasized that above all other considerations, there is a need for political will.

Stephen Bindman

Stephen Bindman is legal affairs correspondent with *Southam News* who covers the proceedings of the Supreme Court and Federal Court.

Mr. Bindman began his discussion with two caveats. First, as a journalist, his perspective is that of someone viewing from the sidelines, rather than as a practitioner of the subject studied. Although journalists are sometimes quick to criticize, the media itself is not necessarily any better. Second, it is important to understand that the question of federal-provincial jurisdiction in the administration of justice is complex, and that the situation varies according to the province and even within provinces. Therefore, it is difficult to capture a truly national perspective.

Mr. Bindman lamented that our justice system in the late 20th century is still operating with the technologies of the 19th century. He gave the example of going to the Ottawa courthouse to see if an individual had been sued and to check the status of the suit. However, this simple task was rendered both difficult and time-consuming because of the archaic filing system, whereby cases are filed only by the name of the defendant. After taking a number and waiting in line, he had to look through pages and pages of names, and repeat the process for each year. All the entries were handwritten, many of them illegible. Moreover, only the first person sued is listed, so if there are several defendants and the name you are looking for is not listed first, you are out of luck.

There are numerous other examples of outdated practices that continue in the courts, while more convenient and time-saving technologies have by and large been overlooked. For instance, every single piece of paper must be submitted in person at court. Legal documents still cannot be submitted by fax. Witnesses travel thousands of miles to testify for all of half an

hour. Many judges still take notes long hand. Sometimes court even has to adjourn for a few minutes while the clerk searches for a certain exhibit because the pile of documents on the table is so huge.

Mr. Bindman cited the Canadian Bar Association's recently released task force report on the civil justice system:

The integration of modern computer, electronic, telephonic, and video technology in court operations is crucial to the creation of a viable multi-option civil justice system. One participant at the Task Force's national conference observed: It is clear that at least some of the courts' use of technological advances lags far beyond their general use.

The reasons for this technological lag were then examined. First of all, the lack of money at this time of cutbacks at every level of government has prevented the introduction of some of the needed improvements. But the second reason has to do with the generational gap. Until recently it has been a system largely run by older white male judges who are from the 'carbon paper' era who brought with them their old technological ways.

Nevertheless, Mr. Bindman admitted that there have been some signs of progress in the domain which he highlighted. Both the Supreme Court and the Federal Court have highly sophisticated computers which record every piece of paper in each file and allow the court to track the progress of each case. This fully computerized system is invaluable in trying to find information about a case and in monitoring it.

Laptop computers are also becoming more commonplace in courtrooms. Police can now obtain search warrants from a judge by fax. The Supreme Court of Canada now hears some cases via videoconference to save the expense of flying people to Ottawa for a brief hearing. Rather than having to transport them to court some prisoners now make brief video appearances from Region Detention Centres.

Furthermore, the Supreme Court now makes its judgments available within a few hours on the Internet. Legal research is often easier to access as much of it is now computerized. Most federal and provincial statutes and decisions are also on line and a pilot project will begin in early 1997 in Toronto aimed at the electronic filing of court documents.

The last innovation to which Mr. Bindman referred was that of televised proceedings which are slowly appearing in Canada. The Supreme Court allows televising of some of its hearings and even has a

regular Saturday night spot on CPAC. Similar experiments are underway in the Federal Court of Appeal and in the Nova Scotia Court of Appeal.

Since the impact of cameras on the behaviour of witnesses, lawyers and judges is uncertain, Mr. Bindman argued that it is time to launch a controlled study on the effect of such technology in the courts.

In conclusion, while improved technology is not a panacea for all that ails the justice system in Canada, it would nevertheless appear to be a good start.

Senator Marie-Paule Poulin

Marie-Paule Poulin was appointed to the Senate in 1996. She began her discussion with a number of statistics to demonstrate the rapid rate at which Canadian families are embracing some of the new communication technologies. Telephones, radios, and televisions are widely available to Canadians, while one third of Canadian families own computers. Moreover, four times more computers are sold than televisions!

In terms of the effect of technology on Parliament, one thing that has undergone a dramatic evolution since the arrival of television cameras is the daily Question Period in the House of Commons. Although it is a matter of debate as to whether this change has been positive or negative, the preparation for Question Period on the part of the MPs has definitely increased.

Television has also had the effect of focusing more attention on leadership. Politicians are judged more and more by how good they are at providing a good 'sound bite' (a 5-10 second catchy or provocative statement which can be used on the news).

The remainder of Senator Poulin's discussion concentrated on four main areas: 1) the impact of technology on politics, 2) on citizens, 3) on media, and 4) on the public purse.

1) Impact on politics

High tech wizardry has already had an effect on politics in Canada. 'Town Halls' have been conducted on the Internet. Soon all MPs will have their own website, many already do. The November 1996 U.S. election is a perfect example of how politics meets cyberspace. Indeed technology can provide a new way for citizens to participate in the political process. The growth of the Internet and other new technology even makes us wonder if the ballot box will eventually be rendered obsolete.

2) Impact on citizens

The new information technologies can be used to empower citizens to express their views directly. That direct communication might raise expectations of citizens and prompt a response. Already some interest groups utilize the Internet for fund-raising purposes. Mme. Poulin also raised the question of whether it will eventually be possible to conduct electronic referendums.

3) Impact on the media

Technology might render redundant the jobs of some of the 'middle men' who currently work in the field of providing information to the public (i.e. some of the media). If the public has direct access to information, then the role of the media will be transformed. Citizens will still need some form of commentary on the issues, but the media will have to evolve. Just as the introduction of television changed the way we used radio and newspapers, the newer technologies will also change, but not eliminate, the media we currently use. Some information is (and more soon will be) available in combined forms such as newspapers on the Internet and the combined use of computers and televisions.

4) Impact on the Public Purse

Communication is an integral part of government and the money it spends. Will cyberspace come to the rescue of the treasury? There are a number of ways in which new technologies may help governments save money. Computers can now provide polling services. Politicians may no longer need to hold press conferences. The cost of paper can be reduced.

Mme. Poulin concluded by stating that the knowledge-based society is here now. The technology to give us instant access to information is therefore very important. All officials must continue to adapt to new technologies. However, we must remember that citizenship rights can only be exercised when the tools are available to everyone.

Questions/discussion

1) The first question had to do with technology 'haves' versus 'have-nots'. The panellists were asked if it concerned them that the high tech approach might distance them from the 'real' people. For instance, if a candidate does not go door-to-door during the election

campaign, she or he cannot see the homes of everyday citizens.

Mr. White's idea in using videotapes rather than door to door visitation was that, because people are so busy these days, most prefer to think about how they will vote when it is most convenient to them, rather than when a candidate happens to stop by.

Mr. Bindman stated that it is important to remember that not everyone is on line and high tech. With this in mind he urged that the government phone book be re-printed!

Mme. Poulin agreed that we must keep printing some things in order to assure accessibility to all.

2) What is the impact of the new technology (i.e. the Internet) on lobbying?

Mr. White said that the Internet can be an effective tool for gathering like-minded supporters. It can have some effect; however, being on line, there is also the risk of information overload. Due to the ease with which it can be done, people have a tendency to send huge amounts of information on a particular subject — more than one has time to read.

Senator Poulin has seen a major change in the degree to which lobbyists use technology, especially fax machines.

3) Mr. Bindman was asked how much of the current backlog in the courts could be solved by better technology and what other factors account for the backlog.

The reply was that it is very difficult to determine how bad the backlog is unless you manually check all the files! There is a lack of statistics. In terms of the factors which contribute to the backlog, Mr. Bindman pointed to the excess of papers to be filed and the cumbersome procedures which are all geared toward an adversarial approach. Instead there should be more emphasis on dispute resolution.

4) The last question was posed by the moderator, Mr. Barry McLoughlin, who asked whether high tech systems will increase the knowledge of the general public or whether most people will merely block it all out, frustrated by what they consider information overload? What does this mean for our institutions?

Mr. White argued that the question of whether citizens will be empowered all comes down to whether

there is the political will to allow it. If political parties continue to enforce voting along party lines rather than allowing more free votes, then empowerment will not be realized.

Mr. Bindman said that he sometimes feels less powerful. The Internet can be daunting and he sometimes feels swamped by all the information he receives by fax. Furthermore, it is a good idea to check just how representative interest groups are. Some groups that send out faxes and other information claim to be national organizations but really only represent a few people.

Senator Poulin highlighted the importance of mutual respect and cautioned that we should continue to be prudent. The most important source of information is people and personal contact. We cannot forget that.

Rapporteur: Ian Trites

Workshop no. 1

Focus on the Courts

Chair:

Justice Barry L. Strayer
Federal Court of Canada

The discussion began by considering the effects of broadcasting selected proceedings in all courts within Canada. A "justice network" analogous to CPAC (Canadian Public Affairs Channel) was envisaged. Various arguments were presented that both supported and opposed this proposition.

One participant opposed to this coverage pointed to the presumed demoralization of the House of Commons since the introduction of television. It was believed that the rise in cynicism towards Parliament might be similarly felt towards the courts. The participant also expressed concern about disenfranchising a large number of citizens by providing coverage of court decisions through expensive technologies. There may be many Canadians who neither possess the means nor the time to follow the courts on the Internet, for example. Another participant argued that increased coverage of the courts may artificially speed up the decision-making process on the part of judges. This may damage the degree of reflection necessary in many cases.

Several participants favourably viewed the wider dissemination of court proceedings either on television or the Internet. One speaker mentioned that increased coverage would stem the "Americanization" of our judicial understanding; most Canadians erroneously believe they can "plead the fifth." Another intervener argued that, given the greater concentration of newspaper ownership in Canada and concomitant ideological bias in reporting, unfiltered broadcast of court deliberations will serve the public interest. Several participants cautioned, however, that some set of guidelines would be necessary in order to render this increased coverage useful to the public rather than injurious to the judicial process. In response to this concern, one intervener proposed that a neutral narrator or running commentary be provided to explain and clarify the procedure of the

courts (akin to the Watergate trial in the United States). Without such guidance, it is unlikely that viewers – beyond the most specialized – would glean much understanding from the discussions.

The Chair of the workshop, Justice Barry L. Strayer (Federal Court of Canada), subsequently stressed the importance of distinguishing between the print and electronic media. Most reports on court proceedings presented on radio or television are lifted from printed sources. According to Justice Strayer, however, only half a dozen journalists regularly write for newspapers and magazines on this topic. Due to the dearth of written coverage, approximately 90% of Federal Court decisions remain unreported. Most of the other participants agreed that increasing media literacy remains the most important ingredient in furthering public awareness of judicial decisions.

The second major theme of the workshop addressed the impact of technology on judicial accountability. More specifically, will new technologies make justices and barristers more accountable or more political?

According to the Chair, the answer to this question hinges upon the effect of public opinion on the courts and whether such pressure might become insurmountable. He pointed to the recent controversy surrounding Quebec Justice Bienvenu as an example. He also noted that judges are now required to enroll in a course on social context as a means of heightening their sensitivity to public concerns. According to Justice Strayer, the increased transparency of the courts – occasioned by technological dissemination of their decisions – will only enhance this challenge.

Another participant posited that the increased visibility of the courts in Canada has given rise to judicial appointment based on political ideology rather than careful consideration of legal specialization. A final intervener took the view that increased reporting during the last thirty years has actually strengthened the accountability of justices, as measured by the increased complaints of judicial behavior to the Canadian Judicial Council.

Rapporteur: Jeff Heynen

Workshop no. 2

Focus on Political Parties and the Democratic Process

Chair:

Jean-Pierre Kingsley
Chief Electoral Officer
Elections Canada

Participants in the workshop approached the relationship of democracy and technology by considering broad themes raised by a series of discussion questions. Participants focused on several important issues: the interplay between technology and party discipline, the changing roles of Members of Parliament, the ramifications of establishing permanent voters lists and finally the general impact of technology on the democratic process.

An initial point of repair in the discussion on the relationship between technology and democracy was the observation that new technologies are changing the ways in which Members of Parliament operate. Not only are new mediums such as faxes and e-mail facilitating communication between MPs and their constituents, but they are also altering the expectations Canadians have of their representatives. Easier communications mean that constituents can inform their MPs of their opinions immediately, and they often expect their representatives to respond with similar speed. Increased accessibility has also meant that constituents have begun to demand their MPs act on a wider variety of issues, affecting the jurisdictions in which MPs operate.

The increased interaction which new technologies promote may, however, remain largely superficial. Despite growing interaction with their constituents, Members of Parliament are still under the hold of party discipline which is rooted in the Westminster parliamentary system. Another individual argued that Canadian political culture itself may encourage strong party lines. Although party discipline has become an important campaign issue, especially among the Reform Party, there have been few concrete proposals for changing the prevailing traditions. Mr. Kingsley sug-

gested that one reason we have such a strong tradition of party discipline in Canada is that the "first past the post" electoral system produces majority governments, even when there have been minority votes.

A related topic which generated a lively discussion was whether the pre-eminence of new technologies will have a profound impact on the nature of political discussions. Debates which are carried on by e-mail are not particularly conciliatory. Several individuals observed that new technologies tend to encourage extreme rather than constructive dialogue. Another participant added that we are not virtual people and thus that electronic representation cannot replace personal presence.

Other participants commented that a major advantage in new technologies is the role they play in making politicians and the parliamentary process more accessible and cost efficient. Many organizations for example rely on teleconferencing, because they cannot bear the cost of bringing members together every time they meet. In general, the participants agreed that while technologies cannot and should not be expected to replace current parliamentary practices, they can complement traditional methods in important ways. A mixture of old and new, therefore is an important part of the democratic process today.

In the second half of the workshop, a question concerning the effect of replacing door-to-door enumeration with a permanent voter's list inspired an interesting discussion. One participant considered the real question to be whether a permanent list would weaken interest in elections, or reduce the number of people on the voter's list. Canada currently has a 70-75% voter turn out rate, and participants wondered whether this rate would drop. Although it is often assumed that door-to-door enumeration raises the general interest and awareness levels in elections, several participants argued that this is rarely the case. Lax rule checking and linguistic problems have meant that the door-to-door method is not a particularly effective way of increasing voter participation. According to Mr. Kingsley, although there are winners and losers whenever you change a system, replacing door-to-door enumeration with a permanent voter's list is important because it would create a \$30 million savings.

The final theme which participants addressed was the impact of new technologies on the democratic process in general. Participants gave somewhat mixed assessments of how mediums such as e-mail and the Internet are affecting the interaction of constituents and

their representatives. One participant noted that new technologies have been extremely beneficial for social interest groups, especially in the area of coalition building. The universality of these mediums has increased access to the democratic process and created, for the most part, a more level playing field. Other participants noted however that the type of people who are using new technologies are not representative of the Canadian population. Indeed there appear to be fairly narrowly defined demographic groups who have the access and the skills to new technologies. As such, it is important to keep the limits of new technologies in increasing general democratic participation as well as the benefits in mind.

One way in which political parties are taking advantage of new technologies in order to increase accessibility to the general public is in their conventions. The 1993 Nova Scotia Liberal Convention for example registered votes by phone in order to enable those who could not easily get to the convention centre to vote. Although many aspects of the convention were successful, others in the workshop noted that when there are technological problems with the systems the credibility of the process goes down. Furthermore, there are greater risks of fraud with these new voting systems.

One participant wondered whether new technologies would move us towards more open consultations with the public, perhaps like the California referendum model. Although more consultations could be beneficial in the long run, the gains for people who are illiterate or poor are circumspect. Mr. Kingsley also queried whether the current 25% non-participation rate in Canadian elections is related to illiteracy which has roughly the same rate.

In conclusion, the participants agreed that new technologies are a prominent part of the current political landscape. While there are pros and cons to these new mediums, we ultimately need to trust the people and have confidence in the ways they decide to employ them.

Rapporteur: Kristen Boon

Workshop no. 3

Focus on Electronic Voting and Parliament

Chair:

Robert Desramaux
Director General Information Technologies
House of Commons

Workshop discussion focused on the impact of technologies on democracy within the framework of Parliament. With the availability of new technology, there is increasing interest in making use of new technology as a tool for improving the effectiveness of democracy. However, several issues must be appropriately addressed to ensure that the use of technology as a facilitator does not have negative consequences on the overall functioning of the legislature. Participants in the workshop were asked to examine four questions as a basis for discussion.¹ Most of the discussion, revolved around the first question: "Should legislators be allowed to vote in Parliament electronically from remote locations?" The discussion then evolved to the issue of general electorate electronic voting and referenda. For each issue, participants examined possible positive and negative impacts of electronic voting as a tool in democracy.

MP Electronic Voting

When discussing the possibility for Members of Parliament to vote electronically at a distance, most participants agreed that the most significant positive aspect would be in allowing MPs to spend more time in their constituencies. Such changes would have an important impact on MPs' lifestyles as well as their work. Electronic voting would significantly improve the lifestyles

¹ The four questions were: 1) Should legislators be allowed to vote in Parliament electronically from remote locations? 2) In an era of electronic "town hall meetings" and phone-in polls and referenda, is the present system of representation in Parliament obsolete? 3) What could/should legislatures be doing to take advantage of the opportunities provided by advances in modern communications technologies? 4) If legislatures fail to adapt to modern communications technologies, what are the two or three more significant threats to their effectiveness?

of MPs representing ridings away from the National Capital by allowing them to spend more time with their families. As well as improving their lifestyle, being closer to their constituents would also facilitate their role in the riding.

Regardless of the context, discussion on MP voting frequently raises issues of party discipline. It was argued that due to strong party discipline in the House of Commons, MPs frequently follow their Leader's decision on a vote without knowing the issue at hand. Some participants believed that electronic voting from a distance could compel MPs to make more informed decisions. In this context, it would be impossible for them to see their leader vote. Consequently, they would have to research and understand the issue on which they are voting in order to decide how to vote.

Participants also indicated that voting from a distance would help prevent MPs from deciding to abstain on different issues. In the current system, if MPs do not agree with their party's decision on an issue, the MP can abstain from voting by arguing that they were unable to attend the vote. Electronic voting would make it difficult for MPs to use distance (absence) as an excuse, which would likely compel them to take a stand on the issue in question.

All participants concluded that electronic voting from a distance would have significant repercussions on party discipline. Although participants may have disagreed as to the desirability of such changes, all agreed that electronic voting from a distance would have important repercussions on Canadian parliamentary traditions.

Several participants raised concerns about the impact of electronic voting on the traditions and symbolism of the legislature. Some participants questioned the impact of electronic voting on the collegiality between members within the party but also across party lines. Several participants argued that attention should be given to the importance of personal contact and informal discussion between members. Participants emphasized the importance of taking these elements into consideration when examining technology as a tool for improving the effectiveness of the legislature.

General Electorate Electronic Voting and Referenda

Much of the discussion during the workshop examined the possibility of electronic voting for the general population in referenda. Discussions focused on the idea of

having referenda with the general electorate on a wide variety of issues, although no issues were specified. Most participants agreed that electronic voting in referenda would help increase the general public's perceptions of closeness to their MPs and provide them with some feeling of empowerment. However their concerns about "direct democracy" by referendum far outweighed their support for this concept.

Participants generally agreed that there were too many issues and that issues were often too complex for individual voters to take the time and the resources needed to make informed choices in every policy area. It was also argued that not all voters had direct access to the technology necessary to vote electronically. Therefore only those with enough resources would be able to contribute to the process, thereby alienating the same segment of the population already alienated in the current system: the poor and uneducated.

Many participants questioned the appropriateness of "direct democracy" by referenda in the context of the current Canadian parliamentary system. Certain participants questioned the impact of such changes on the role of the Member of Parliament as a representative in the House of Commons.

Overall, the discussion was divided between those who believed technology was a positive tool which should be used and could be controlled to improve the system, as opposed to those who were skeptical about the impact of technology on human interaction within Parliament, on the symbolism of institutions, and traditions of the legislature. Participants generally recognized our growing dependence on technology in the daily functioning of Parliament. They were interested in raising awareness of both the possibilities and limitations of technology in governance. It was agreed that technologies could be used to improve the system; but in the end, it is simply a tool. Technology can not fix democracy; nor can it replace the people who make democracy work.

Rapporteur: Mèlika Carroll

Workshop no. 4

Focus on Information Flow and the Political Process

Chair:

Reg Alcock, M.P.
Winnipeg South

The workshop had two basic themes. The first one was the use and abuse of computer technology as a tool for accessing information. The second theme was the effect computer technology has on the political process.

Ideally, computer technology has the potential to become an effective educational tool. It places a wealth of information at the user's fingertips. People can get information more quickly and acquire it at a time that is convenient to them. Some participants mentioned that the Internet is useful for people who require specialized information. For example, a stamp collector or an Aztec scholar can access a discussion group or a web page whereas, prior to the Internet, one spent a lot of money travelling to foreign countries or making phone calls.

Some participants discussed how the electronic library will save time, money and paper. Previously, libraries tried to acquire all the latest books, articles, etc., administer the ever expanding collection of books and then hope for funding to preserve it. Computer technology allows all the libraries to be connected to a main branch, people can access information on the computer that is not available in hard copy and librarians can spend more time helping people find information than stacking shelves. The computer age shifts the role of the librarian to that of an information consultant. The challenge is no longer to collect as many books as you can on your subject matter, but to know how and where to find it.

While computer technology is unprecedented in providing greater access to a wealth of information, it does not make people more intelligent. Some participants mentioned that school children may be well versed in the use the computer, but they lack basic literary skills. Ironically, the medium for interacting by computer is writing, therefore, only those with good writing skills will hold sway in cyberspace.

The nineties are often dubbed as the computer age, yet the average citizen is not interested in using the Internet. Some participants stated that computer technology is still a tool used mainly by the elite. One reason is that people cannot afford both the computer and all the accessories. Another reason is that the Internet is not user friendly. Since data requires a purpose in order to become knowledge, the internet's database is useless without more refined web pages deciphering the data. As it stands, people are still using the television as their main source of information.

Some participants pointed out that the computer is a medium that is not conducive to in-depth study. Three examples were given to underscore the above. One participant explained that one generally prints out a hard copy any time a large amount of reading is required. He/she notes that it is mind-numbing and hard on the eyes to read at great length from the screen.

Another participant spoke of an individual who used to enjoy reading the Hansard in order to reflect on the events of the day. Now that the Hansard is on Pubnet, the individual feels that such a medium is not conducive to contemplative thought.

Another participant pointed out that the number of hits on an introductory website page is significantly higher than the amount of hits for the actual information offered in the website.

It was also mentioned that the computer's ability to provide more information does not mean it is also providing better information. The quantity of data available to computer users ultimately includes the good, the mediocre and the profane. There is a concern that the computer has not been given any moral guidelines from which to prevent distributing unacceptable material. Children were noted as those most at risk when discussing the free-for-all nature of the Internet.

Some participants cautioned that using computer software which scans one's material may prevent the user from viewing differing opinions on a subject matter or directing the course of one's research. As well, one should check if the information he/she uses is from a company that sells the product, the adversary of the product manufacturer or, ideally, a more neutral source.

The next discussion in the workshop was how computers are changing the political process. On the one hand, government officials feel that e-mail, fax machines, and talk mail empowered constituents by increasing their chance to participate in the political process. One participant mentioned how throughout history, we have always been hesitant to allow a larger

pool of people to get involved in parliament. The elite always wonder if the people are knowledgeable enough to participate effectively while the people are insecure to exercise their freedom. It is hoped that computer technology will encourage people to participate more than once every four years.

On the other hand, some participants explained that computer technology may disturb the relationship between the government official and the constituents. When a government official receives e-mail, sometimes she or he cannot decipher if it is from the riding or not. Instead of placing priority on letters from his/her constituents, the official is left responding to e-mail which may have been sent to all government officials. As well, most offices must first call the e-mail correspondent to see if the letter is authentic, secondly, a response is written on hard copy since an e-mail can be altered along the way and thirdly, e-mails tend to be more voluminous than a letter and generally expect a more prompt response. Some participants noted that e-mail tends to generate more letters which members of the same organization will all send individually as opposed to a petition on hard copy. Perhaps due to the suspicious nature of an e-mail, government officials place more priority on hard copy letters in general, and hand written letters, in particular.

Some participants praised the ability for computer technology to facilitate voting. Some political parties use electronic townhall meetings where participants can indicate their choice among a number of options and use the results as the basis for public policy. Computer technology also allows for more referendums which mirrors a greater gauge for public opinion. Other participants suggested that referendums are based on a binary choice which would be ideal if we lived in a binary world. They pointed out that a decision goes through various stages most of which are not effectively answered by yes or no. In fact, the results of a referendum may aggravate the adversarial positions of the parties involved. As well, a citizen is left to accept or deny a given question instead of being encouraged to provide creative alternatives or simply to compromise. It was suggested that political questions need deliberation at a time of controversy, not polarization. As well, government officials have a role as decision makers for the people, not simply as parrots of public opinion.

The workshop ended with the chair asking the participants to offers some ideas for uses of the computer. One participant suggested computers be used in penitentiaries to get inmates more politically involved and as a tool in the rehabilitative process. The technology could also be used to have virtual parole hearings which would cut down on the number of inmates breaking out of the institution when they leave for parole hearings. Another participant suggested that computers be made accessible to everyone through government assistance. Another participant suggested that the computer could post a list of companies who are lobbying a particular government official at election time.

Rapporteur: Linda Gionet

Conference Findings

Democracy and Technologies: Risks and Opportunities, Winners and Losers

In the final plenary session each workshop chairman reported on the discussion and findings in his group. Some of the salient points mentioned were the following:

Reg Alcock

- Money and resources are required for wide public access to electronic means of communication. Dissemination of information to those without access to the Internet can therefore be a problem.
- A telephone is now both a right and a necessity. Will access to the "Web" be next?
- Web pages are not a problem if they invite a dialogue.

Barry L. Strayer

- Direct electronic access of the public to what the courts are doing avoids the "filtration process" of media reporting.
- The impact of direct broadcasting of court proceedings will depend on what type of court is involved.
- In the use of videoconferencing techniques to bring remote locations into the courtroom, there is distinction between the hearing of witnesses and the arguing of issues.

Jean-Pierre Kingsley

(for his group and that of Robert Desramaux)

a) Parliament and Legislatures

- Technology raises expectations which may be frustrated by party discipline at the end of the process.

- Technology alters the way politicians function. Majority governments have served the public well and the more direct democracy allowed by communications technology may not prove as satisfactory.
- Technology alone may result in a hardening of position; to make compromises people may have to meet. Electronics will save travel costs but a balance is needed.
- Progressive assimilation of new technologies is a wise course.

b) Political Parties

- Voter interest is not tied to voter enumeration door-to-door. Cost savings are associated with voter registration or a permanent voters' list.
- Problems associated with electronic voting need careful attention. The need for informed debate must be recognized and the validity of the process itself safeguarded.
- Technology is merely a tool. The people must be trusted or there is no democracy.

The moderator, Mr. Barry McLoughlin then posed questions to the workshop chairs and invited comment from the audience. Some of the points raised were the following:

Question:

Has television destroyed loyalty to political parties?

Answer:

(R. Alcock): The more highly educated constituencies are more volatile in their loyalties. Populist vote swings defy the logic of "left" and "right".

Question:

Do judicial institutions have to change under the impact of communications technologies?

Answer:

(B. Strayer): The public will expect a better handling of cases and there will be new expectations of timeliness. Decisions by the courts may not be much af-

pected. We can expect more use of evidence on line for the purpose of the court.

(R. Alcock): Electronic communications including cameras in the courts will change the way judges treat counsel.

(B. Strayer): Cameras may encourage civility but a stern hand on the bench may be desirable to minimize the risk of theatrics.

(A participant): The Charter of Rights and Freedoms has changed the courts by enlarging their involvement in social policy. Television removes the mask from the court. Broadcasting of court proceedings must be fashioned to provide information rather than entertainment.

(A participant): To the public the courts are mysterious and esoteric. So a commentary should accompany televised court proceedings.

Question

There was a loss of integrity of the voting process in the 1995 Quebec Referendum. Will this discredit future elections?

Answer

(J.P. Kingsley): After visiting countries that have never established a credible electoral system, Mr. Kingsley is particularly aware of the need in Canada to maintain its integrity all the time.

(R. Alcock): Electronic voting reduces the number of spoiled ballots. If bank cards work, so can electronic voting.

(A participant): Foreign interests or even a foreign state may invade Canada by means of the Internet without some government control here.

(J.P. Kingsley): Elections Canada has given thought to the problem of third party influences.

CANADIAN STUDY OF PARLIAMENT GROUP

EXECUTIVE 1996-97

President

François Houle

Vice-President

F Leslie Seidle

Past President

Michael Weir

Treasurer

Mark B. Hill

Secretary

Carmen DePape

Counsellors

Thérèse Arseneau

Judy Cedar-Wilson

Geneviève Giroux

Charles Robert

Robert Vaive

Susan Wright