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## **Investigating information management weaknesses in a local government organisation: A critical hermeneutic ethnographic case study of internet documents from information warfare and legal perspective(s)**

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**INVESTIGATING INFORMATION MANAGEMENT WEAKNESSES IN A  
LOCAL GOVERNMENT ORGANISATION: A CRITICAL HERMENEUTIC  
ETHNOGRAPHIC CASE STUDY OF INTERNET DOCUMENTS FROM  
INFORMATION WARFARE AND LEGAL PERSPECTIVE(S)**

**Edward Edmond Roy Andre**

**A Thesis Submitted in Fulfilment of the Requirements for the Award of Doctor of  
Business Administration Degree at the Faculty of Business and Public  
Administration, Edith Cowan University 2005.**

## DECLARATION

I certify that this thesis does not, to the best of my knowledge and belief:

- (i) incorporate without acknowledgment any material previously submitted for a degree or diploma in any institution of higher education;
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- (iii) contain any defamatory material.

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Edward Edmond Roy Andre

Date: 8/08/05

## ABSTRACT<sup>1</sup>

In this thesis I develop an approach to analyse and interpret internet documents belonging to a particular organisation in a State of Australia. My intention in the research is to find ways to protect a local government organisation from litigation and other threats due to weaknesses in information management on the internet. Based on Gadamer's (1985) approach to the interpretation of text discourse, this thesis is a critical hermeneutic ethnographic case study of one local government organisation investigating internet documents from information warfare and legal perspective(s).

In order to assist me with the interpretation of internet documents I aim to achieve an appropriately in-depth understanding of internet texts by drawing on the philosophy of appropriate thinkers. In particular I draw on the philosophy of Heidegger (1985), Gadamer (1985), Habermas (1985), Forester (1980), the narrative work of Pottleiger and Purinton (1998) and systems thinkers such as Checkland (1990) and Ledington (1987).

I worked in the particular local government for a year. As I have studied law, this research has a strong focus on the legal implications of concern to the organisation. In particular, one concern is for the purpose of protecting individuals that have a part in the writing of internet documents. Legal method, the Rule-of-law, and hermeneutics, are used as tools that assist in the understanding of text documents. This understanding is interlaced as appropriate with legal thinkers such as Derrida (1992), and Rawls (1971) as a basis for protecting internet rights.

Using a heuristic and rich modelling methodology, with a writing style incorporating post/modern elements of surprise and play, I develop a rich picture model of the major themes of this thesis. Capturing the essence of this investigation, I conclude with a detailed analysis and description of the rich model that provides a summary and detailed description of my final assertions. This study of internet documents makes a contribution to discourses about hermeneutics, critical theory, deconstruction, organisation narratives, power, conflict theory, post modern heuristic research and critical ethnography by carrying out a case study of a local government's internet system albeit from the information warfare and legal perspective(s).

In conclusion, I give some insights on the importance of my new reading of various internet documents, thereby answering the second research question and the interrelated sub systems. Hermeneutics and narrative theory are used to reveal weaknesses about management practices and information management in a local government organisation.

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<sup>1</sup> Important Note: All names and some inconsequential details have been changed to ensure adequate anonymity and care for persons and all organisations concerned, which were researched as part of my original program in a state of Australia.

## ACKNOWLEDGEMENTS

I would like to thank my principal supervisor Dr Mark Campbell Williams for his unending and enthusiastic support and encouragement throughout the duration of this research work that had a focus on a critical ethnographic study of a local government organisation in Australia.

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I am also eternally grateful to the team of dedicated doctoral scholars that meets on a weekly basis to further and critique each person's research progress. In particular I extend my thanks to Geoff Wilson, Casty Nyaga, Edward Wong, Edmond La Vertu and Kenneth Webb.

I also extend my thanks and gratitude to local government of Australia and the City Council, the subject of this case study, for making this research possible. Especially, those government organisations that habitually post organisation documents on the internet, and perhaps unknowingly unaware of the fact that this practice has the potential to expose local government to the threat of litigation and loss of public money. My experience in local government organisations allows this author to carry out a hermeneutic research about text documents posted on Councils internet systems.

Finally, I dedicate this thesis to my parents Laurette and Francois, Lilly my wife and partner and my three young boys Claude, Lyndon and Justin for their enduring and untiring support throughout this journey of learning.

Readers of this research should note that the full appendix of this thesis was made available to examiners, but only after each examiner and my supervisor has signed a consent form agreeing to maintain anonymity of the local government / local authority organisation that is the subject of this case study research. However, an abridged version or short text only is included in the appendices in accordance with the principle of hermeneutic approach of synecdoche and also in the ethical interest of maintaining transparency.

Thanks are also extended to Associate Professor Peter Taylor of Curtin University and Professor Dr Dr Thomas Schildauer of University of Arts, Berlin, for their comments. In accordance with adopting a hermeneutic perspective based on Gadamer and Habermas as major philosophical referents the examiners comments have been accommodated in this thesis for the purposes of enriching the final research text.

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## GLOSSARY OF IMPORTANT TERMS

**Key words:** Information management, organisation narratives, hermeneutics, systems theory, Rule-of-law, information space, Intranet, information warfare, knowledge management, critical ethnography, internet documents, conflict theory, local government. Many of the definitions in this study are taken from Craig (1998) the Routledge encyclopedia of philosophy, Bowie (2003); Rucker (1996); Aronwitz, Martinsens & Menser (1996). This research provides a brief definition of terms used in this study for the purposes of clarifying meaning, interpretation and understanding of internet text or document interpretation. In accordance with the hermeneutic tradition contradictory definitions are provided of word(s) in the glossary to provide a sense of an alternative viewpoint, and also for the purpose of improving reliability, validity, and triangulation of this qualitative research.

**Purpose of glossary.** To promote a common understanding of terms used in this research and to also find disconfirming evidence that may suggest an alternative definition.

### Key definitions

**Action research.** This type of research is applied research that treats knowledge as a form of power and abolishes the line between research and social action." (Neuman, 2003, p.24) "Action researchers assume that knowledge develops from experience, particularly the experience of social political action. They also assume that extraordinary people can become aware of conditions and learn to take actions that can bring about improvement." (Neuman, 2003, p.24)

**Admissibility.** Evidence will be excluded if it is insufficiently relevant. There is no precise quantification of the doctrine. It is a vague doctrine and there is a fine line separating what is relevant and what is sufficiently relevant. The law determines whether evidence is admissible in a court of law or not. For example under the hearsay rule evidence that falls under this legal rule is inadmissible. (Aquino, 2000, p.3)

**A priori.** "Typically connotes a kind of knowledge or justification that does not depend on evidence, or warrant, from sensory experience." (Craig, 1998, p.3) "Broadly characterised, a posteriori knowledge is empirical, experience-based knowledge, and a priori knowledge is non-empirical knowledge." (Craig, 1998, p.3)

**Aion time.** "Because it is incorporeal, the Aion is definitely divisible, continuously folded and unfolded rather metrically fractured (sriated) and accumulated - countered." (Menser, 1996, p. 314)

**Alternate worlds.** "When I see something unpleasant from either a reality or dreaming perspective in this Monday's T1 future, I am able to move in the T2 direction into an alternate space-time with a different T1 future in terms of infinite regresses." (Rucker, 1986, p. 218). Therefore, if the "dreaming mind can see ahead into T1 future, it is not unreasonable to suppose that it can also see into T2 future. And if you can see T2 future you can change it." (Rucker, 1986, p. 218). Rucker (1986, p. 219) summarises this notion of regression time

as follows: "If you can see T2 future, you can change it, which means that you are really moving along, let us say T3 time to a whole different T1-T2 plane. Therefore, if I accept this notion of regressing time then it is self-evident that time does not stop at T3 and therefore as an infinite dimension.

**Anthropocentric.** In this research a narrative, conversation or document which assumes that a person is the focus or centre of the universe. An interpretation of reality from the exclusive viewpoint of human experience and human values at the exclusion of beings and things such as sentient beings.

**Aristotle (384-322 BC).** "One of the most important philosophers of the ancient world." (Craig, 1998, p.414). Some of the major areas of inquiry are: Logic, The study of nature, Metaphysics, Philosophy of the mind, Ethics and politics, Literary criticism and rhetorical theory.

**Austin, John Langshaw (1911-60).** "He developed a method of close examination of non philosophical language designed to illuminate the distinctions we make in ordinary life." (Craig, 1998, p.570)

**Auslegung.** Interpretation.

**Austin, John. (1790-1859).** "Austin's is probably the most coherent and sustained account of the theory of legal positivism. The complex relationships between legal positivism and the concepts of morality and politics are explored by him but are often neglected or misunderstood in modern commentaries." (Craig, 1998, p.569)

**Beings.** "We do claim that human beings are not the only beings that are 'social' and have 'agency'." (Menser, 1996, p. 314) Being addresses four questions. "(1) Which things are there? (2) What is it to be? (3) Is existence a property? (4) How is an understanding of being possible" (Craig, 1998, p.699). Martin Heidegger emphasised the question "How is it possible to intend that something is?" (Craig, 1998, p.698)

**Bentham, Jeremy. (1748-1832).** Bentham believed that everyone "should maximise utility, which for him is the same as producing the greatest happiness of the greatest number, which again, is the same for him as maximising pleasure and minimising gain." (Craig, 1998, p.718)

**Change.** "As the various individuals interact with each other, their knowledge about each other changes." This is the essence of understanding. (Rucker, 1986, p. 198)

**Chaos theory.** "States that we would have to know the initial conditions of a system to infinite accuracy to be able to determine its evolution." (Al-khalili, 2003, p.54)

**Chronos time.** "The present is in some manner corporeal" and can be measured in terms of 'state of affairs'. (Menser, 1996, p.314)

**City Council.** Refers to the local authority which is the subject of case study research in this thesis titled: Investigating information weaknesses in a local government organisation: A critically Hermeneutic case- study of internet documents from information warfare and legal perspective's. The words "City Council", "City of Rome" and others are used metaphorically for the purposes of protecting this researcher, the university, the employees and the

organisation the subject of this research from litigation and also for maintaining an ethical and transparent stance in this research.

**Clock time.** "Chronos is 'clock time' and is divisible as technologies allow: from sundial to digital to atomic. (Menser, 1996, p.314)

**Communicative action theory.** "A theory of society conceived with a practical intent in which truth is negotiated through the discursive generation of a rational consensus between competent participants." (Hillier, 2002, p.33)

**Concept.** "Concepts are the building blocks of theory. A concept is an idea expressed as a symbol or in words. Natural science concepts are often expressed in symbolic forms, such as Greek letters,  $t = \text{time}$ . Most social concepts are expressed as words." (Neuman, 2003, p.45). Height is a familiar concept to all human beings.

**Confession.** "Here we allow the self, the embodied subject, to enter mathematical discourses and practices so that – in the context of classroom debates, journals, and 'portfolios' – activities, fears, and phobias will be brought to the surface, with intended therapeutic effects, particularly for girls and minority students." (Zolkower, 1996, p. 64)

**Confidential information.** "The law can prevent the disclosure of information which arises from many types of confidential relationships. The required elements are threefold. First the information is confidential. Second, the information is imparted in circumstances imparting an obligation of confidence. Third, there has been unauthorised use of the information to the detriment of the plaintiff." (Confidential information, n.d., p.1)

**Conflict theory.** "Major concepts: power, exploitation, struggle, inequality, alienation. Key assumptions: Society is made up of groups that have opposing interests. Coercion and attempts to gain power are ever-present aspects of human relations. Those in power attempt to hold onto their power by spreading myths or by using violence if necessary." (Neuman, 2003, p.63)

**Construct.** Assemble in accordance with certain rules.

**Content of the law.** A process of interpretation that facilitates understanding about whether the law / Rule-of-law is just or unjust. (Aiyars, 2000, p.479)

**Context.** "Centres on bringing real life into the classroom and/or letting the students out of school to discover the mathematical concepts by exploring their environment. Researchers have documented extensively the skilful ways in which children and adults handle mathematical concepts in everyday, street, and shopfloor contexts. The principle of context results from a peculiar reading of these findings: since math works outside of school, why not try to draw the outside in or let the inside out?" (Zolkower, 1996, p. 64)

**Contradictory evidence.** An alternative view. See definition of evidence.

**Conversations.** "On Gadamer's account, a genuine conversation is one which each partner to the conversation is concerned entirely with the subject matter (*die-sache*) and with arriving at the truth with regard to it." (Warnke, 1987, p.100)

**Critical ethnography.** "Ethnography is a research approach that recognises the culturally shared, common sense perceptions of everyday experiences. Ethnography involves the task of describing a particular culture, from the inside, as it were, with the researchers(s) either being part of the culture as a member of the tribe or group, or having lived with or entered the culture." (Wong, 2004, p.280). "Critical ethnographers use their work to aid emancipatory goals or to negate the repressive influences that lead to emancipatory goals or to negate the repressive influences that lead to unnecessary social domination of all groups." (Thomas, 1993, p.4)

**Critical Legal Studies.** "To argue that the law is indeterminate, and that any result could be chosen and justified to further particular and social ends." (Leiboff & Thomas, 2004, p.314)

**Critical realism.** "Critical realism holds that there is more to 'what is' than 'what is known', more to powers than their use, and more to society than the individuals composing it. It rejects the widespread view that explanation is always central to understanding and can be used to criticise." (Craig, 1998, p.721) There is an emphasis on "the deep structures and mechanisms that make up the world." (Dobson, 2003, p.285)

**Critical theory.** "Critical theory demonstrates in what ways contemporary society fails to live up to its own claims." (Craig, 1998, p.723) "The theory that philosophy should constitute a critique of the unjust nature of society associated with the Frankfurt school." (Bowie, 2003, p.273).

**Critical theories.** "Assert the subjectivity of knowledgeable phenomena and propose 'reflection' as a valid category and method of discovery." (D'Andrade, 2004, p.611)

**Cyberspace.** "A peopled driven environment that is intricately connected with human agency; yet as we sit in front of the computer terminal we are simultaneously relocating ourselves in the space behind the screen, between screens, everywhere and nowhere." (Brown, 2003, p.139).

**Daesin.** "A type of creature where things in the world and interpretations of what those things are comes together. It is called daesin." (McAuliffe, 2004, p.1)

**Deception.** "In order to be 'misleading' conduct must convey a 'meaning' which is inconsistent with 'truth' and thereby 'lead into error' [or] cause to err." (Lockhart, 1998, p.45)

**Deceptive conduct.** "May have a narrower meaning in that the word appears to carry 'a connotation of craft or overreaching'." (Lockhart, 1998, p. 45).

**Deconstruction.** "Linguistic analysis applied to the texts of law." (Curzon, 1999, p.54). "Deconstruction pursues a more complex and critical path, examining the texts of philosophy with an eye to their various blind spots and contradictions." (Craig, 1998, p.836)

**Defamation.** "Where the conduct has damaged the plaintiff's reputation." (Lockhart, 1998, p. 45).

**Definition.** "A definition is a statement, declaration or proposal establishing the meaning of an expression." (Craig, 1998, p.845). My proposition is that alternate definitions and meanings are possible because words, language and the law are necessarily open textured. Therefore leading to different understandings.

**Derrida, Jacques (1930-).** "His work can be understood in terms of his argument that it is necessary to interrogate the Western philosophical tradition from the standpoint of 'deconstruction'. As an attempt to approach that which remains unthought in this tradition, deconstruction is concerned with the category of the 'wholly other'." (Craig, 1998, p.897)

**Dialectic.** "In Plato, seeking truth by discussion; in Kant, the use of forms of thought which are only valid for dealing with the phenomenal world to talk about noumenal things in themselves; in Hegel, the account of the fact that all particular thoughts are 'negative' because they must relate to all other thoughts in a system. The dialectic functions in Hegel by 'Aufhebung', sometimes translated as 'sublation': the word has the threefold meaning of 'negation' or 'destruction', 'preservation' and 'elevation'." (Bowie, 2003, p. 275)

**Dialectic evidence.** Voice triangulation.

**Dialogue.** "Relies on 'empowering' students by allowing them to take charge of their own learning process. In Walderdine's terms, the old methods of rigid, hierarchical organisation and overt discipline gave way to a more invisible form of power; again, conflict between teacher and pupil becomes displaced onto rational argument, in which a central trope is the illusion of control. Math classrooms are turned into micro public spheres in which everything pertaining to problems – production, interpretation, strategies for solutions, and final answers – is open to negotiation." (Zolkower, 1996, p. 64)

**Dicey, Albert Venn (1835-1922).** Dicey formulated the notion of the Rule-of-law. "Dicey suggested that the concept had three meanings: the absolute supremacy of regular law as opposed to the influence of arbitrary power; the principle of equality before the law; and finally, that the constitution is a product of individual rights." (Craig, 1998, p.62)

**Difference.** "Aims at correcting the Eurocentric character of school math *curricula* by allowing space for the other, that is ethnomathematics. In the words of one of its critics, the logic is the following: 1. Mathematics as an activity, if not as a body of knowledge, is not *culture-free*; 2. The learner's *cultural* equipment may prove at variance with the cultural prerequisites of mathematical activity and mathematical learning; 3. Whenever this is the case, specific learning difficulties follow. In order to deal with this situation, there are two programs at work: the strong program- adding units on non-western math topics to the curriculum (Mozambican basket-weaving, Angolan sand-drawing, and so on;) and the weak program – inventing story problems which are multicultural in context rather than from -formulating (math problems about African- American astronauts, Mexican tortillas, and so on.)" (Zolkower, 1996, p. 65)

**Dilthey, Wilhelm (1853-1911).** "Claims that all the human sciences are interpretive and mutually dependent. Hermeneutically conceived understanding is a process of interpreting the 'objectification of life' the external expression or manifestation of human thought and action." (Craig, 1998, p.77)

**Documentary analysis.** According to Kayrooz & Trevitt (2005, p. 243) this "often involves more than just reading and interpreting text in a report, brochure, leaflet or promotional magazine." Thus it seems evident that documentary analysis often "entails viewing and interpreting photographs, images and graphics which depending on their purpose, may not tell us a lot explicitly about what is excluded and not shown." (Kayrooz & Trevitt, 2005, p. 243).

**Dogma.** "A metaphor used in this research to maintain ethical integrity." See also City Council and instances where the words 'Gadamer', 'Habermas', 'Plato', 'Dogma', 'Adams' and 'Socrates' are used metaphorically.

**Dreaming mind** is able to rise up out of impressions taken equally from past and future. "The Dreaming mind and the notion of dreams are able to rise up out of space-time and See what lies ahead and is arguably one of life's many paradoxes." (Rucker, 1986, p. 202)

**Dworkin, Ronald (1931).** Proposed a "thesis that there are right answers in hard cases in law, coupled with his attack on the idea that law is simply a system of rules, gained him a prominent and distinct place in the anti - positivist strand of legal theory. He has developed and enriched his earlier insights by trying his notion of law-as-interpretation to the ideals of community and equality." (Craig, 1998, p.186)

**Effective domain.** Considers emotions and feelings. Generally associated with subjectivity, and intuitive insights.

**Effective historical consciousness.** "Understanding is rooted in prejudice and the way in which we understand is thoroughly conditioned by the past or by what Gadamer calls 'effective history'. (Warnke, 1987, p.2).

**Ethics.** "Aristotle determined that it is by nature that some people are good, others it is by habit, and others it is instruction (Aristotle, 1976). In this new information age humankind has the ability to wage total war using the global information infrastructure there is no room left for "goodness". (Warren & Hutchinson, 2002, p.162). See also (Tushnet, 1984). "The change in research approach and direction rested upon my growing awareness of the importance of ethics, reflective practice, art, symbolic interpretation of experience, and spirituality." (Williams, 2002, p.165). In the area of field research this research uses various methods of heuristic inquiry to overcome "ethical issues in field research: deception, confidentiality, involvement with deviants, the powerful and publishing reports." (Neuman, 2003, p.397)

**Ethnographers.** "Ethnographers use an informant or participant-observation approach to study cultural 'scenes' or cultural settings. They ask questions such as: 'what do people do here? What kind of people are here?'. (Wong, 2004, p.280) See also the definition of participant-observation.

**Ethnomethodology.** "Ethnomethodology studies the methods that people employ to accomplish or constitute a sense of objective or social reality. The purpose is to elucidate how taken-for-granted or seen-but-unnoticed *rules* lie at the basis of everyday communications and interactions among social actors.". (Wong, 2004, p.280) See also the definition of reality.

**Erfahrung.** (experience)

**Epistemology** is defined as the theory of knowledge. (Bowie, 2003, p. 277). Also means an interpretation that searches for the author's intention of text.



**Experience.** One's experience of seeing electronic microscope photograph of an atom "is in fact a collection of sensory phenomena, involving colour, brightness, and so on. Matter may explain our perceptions, but it is our perceptions that tell us matter." (Rucker, 1986, p. 194).

**Evidence.** "The rules of evidence are designed to make the evidence which is admitted in a trial objective and value-free – so evidence (such as identification evidence) is acceptable, but subjective evidence (such as a witness' opinion) is usually not. This way of thinking also means that we tend to be sceptical of some types of personal stories believing them only when they come from an objective source." (Leiboff & Thomas, 2004, p.87). Hence, the importance of contradictory evidence in achieving triangulation in research.

**Evaluation.** Evaluation draws on our thinking abilities and requires judgement to balance and give weight to relevant evidence or factors such as balancing a chemical equation. Through the process of evaluation persons are able to construct "original insights into a legal theory and being able to discern how well argument has been constructed." (Leiboff & Thomas, 2004, p.36). This cannot be done "without a full and well-developed understanding of the legal theory or theories under consideration." (Leiboff & Thomas, 2004, p.36). To evaluate requires ascendancy to the highest levels. Metaphorically this means rising to the highest levels of a tree for example.

**Euclid.** Greek mathematician and philosopher. The author of elements. The earliest known form of systematic geometry. This laid the foundations for a new chemistry.

**Fact space.** "Fact space is probably infinite – dimensional. Our world is a part in an infinite – dimensional, or 'infinite – D' space." (Rucker, 1986, p. 199)

**Flacius, Matthias.** "A Lutheran, criticised the Catholic emphasis on tradition in the interpretation of supposedly obscure parts of the Bible and maintained that it could be understood on its own grounds as the word of God." (Warnke, 1987, p.5). "Dilthey further credited Flacius with the first formulation of the idea of a hermeneutic circle." (Warnke, 1987, p.5).

**Fusion of horizons.** Understanding equals knowledge.

**Fiction.** Our ordinary notions of space and time are just a convenient fiction. Higher dimensions are everywhere. There's no need to work for enlightenment; enlightenment is here and now, as close as the fourth dimension. (Rucker, 1986, p. 203).

**Forester, John.** An American academic and practitioner of Town planning. This practitioner aims to link practical action with political wisdom based on his understanding of deceptive communication practice in government. (Hillier, 2002, p.5)

**Formalism.** "A body of logically connected, certain principles which are to be applied deductively so as to solve legal problems." (Curzon, 1999, p.54)

**Foucault, Michel (1926-84).** "Foucault's genealogical studies also emphasise the essential connection between knowledge and power." (Craig, 1998, p.709)

**Fuller, Lon Louvois (1902-78).** "A leading US legal philosopher and contracts lawyer who in his controversies with H.L.A. Hart and with US 'legal realists' advanced a version of 'procedural natural law' deriving an 'inner morality of law' from the formal properties of

law. At the same time, through his insistence that legal interpretation must always consider the essentially purposive character of legal activity, he forms an intellectual bridge between earlier pragmatist accounts of law and the late twentieth-century interpretivist approach associated with Ronald Dworkin." (Craig, 1998, p.801)

**Fuzzy theory or Fuzzy logic.** "Fuzzy logic is a mathematical approach to problem solving. It excels in producing exact results from imprecise data, and is especially useful in computers and electronic applications." (Wong, 2004, p.309)

**Grundnorm.** "German for 'basic norm'." "The *Grundnorm* is not a legal norm in itself, because it cannot be validated, as all norms must be, by another norm further up the hierarchy. Neither is it a legal norm in the sense that all other legal norms are created by a law-creating institution, using a legal procedure. It is Kelsen suggests, a fiction-just an *assumption or presupposition* that the first constitution is valid." (Leiboff & Thomas, 2004, p.104).

**Habermas, Jurgen (1929-).** "A German philosopher and social theorist, is perhaps known for his wide-ranging defence of the modern public sphere and its related ideals of publicity and free public reason. He has also made important contributions to theories of communication and informal argumentation, ethics and the foundations and methodology of the social sciences." (Craig, 1998, p.193)

**Hearsay rule.** "Hearsay evidence is when a prior statement, made before the present court proceedings, is tendered as evidence to prove the truth of its contents. The rule extends to statements made previously by the witness himself, or by others." (Aquino, 2000, p.99)

**Hegel, Georg.** "The dialectic worked out by the philosopher Hegel, is like a work in progress. For Hegel, a stable situation (a *thesis*) will be destabilised (by an *antithesis*) to be replaced by an improved, or better outcome (the *synthesis*). Hegel's dialectic sought to find the Absolute, or the perfect state, based on a philosophy called 'idealism'. (Leiboff & Thomas, 2004, p.190).

**Heidegger, Martin.** "It might seem strange, but probably the most politically and morally compromised major philosopher of the twentieth century Martin Heidegger (1889-1976) devoted his philosophical life to the exploration of what is meant by 'being'/'to be'." (Bowie, 2003, p.198).

**Heidegger's view of technology.** "Technology is metaphysics and unfolds itself while it 'enframes' everything else. The weaker version of this argument claims that although technology is not 'in itself', it is still monolithic and operates 'one way', hegemonically 'progressing'." (Menser, 1996, p. 294).

**Hermeneutics.** "The Art, or theory of interpretation; also the philosophy developed by Heidegger and Gadamer which regards understanding as fundamental to what we are." (Bowie, 2003, p. 277).

**Heuristics.** "Rules-of-thumb for deciding the best strategy, and handling specific domains or for knowing when the game is, for all intents and purposes, lost or won". (Way, 1991, pp.61-73).

**Hinton's concept of regression time.** "Is that one's life is repeated over and over, but with slight changes each time. After doing your life often enough, you finally get it right." For this researcher this is the meaning of understanding. (Rucker, 1986, p. 219)

**Holism.** "The idea that no particular phenomenon can be understood in isolation, so that its nature depends on the contexts in which it occurs." (Bowie, 2003, p. 276).

**Holmes, Oliver Wendell, JR (1841-1935).** The most famous judge from the United States of America. "For him, the life of law was not logic but experience: and experience was too diverse and conflict-ridden to be controllable on the basis of any sweeping formulae." (Craig, 1998, p.493).

**Hume, David (1711-76).** "His first and now famous work, his Treatise, was of 'human nature' which takes to include our understanding, our passions, and what drives our moral and political life." (Craig, 1998, p.543).

**Husserl, Edmund (1859-1938).** "Husserl emphasises that our perspective(s) and anticipations are not predominantly factual: 'this world is there for me not only as a world of mere things, but also with the same immediacy as a world of values, a practical world'." (Craig, 1998, p.574).

**Ideology.** "A type of quasi-theory that lacks critical features required of a scientific theory. A researcher can never test and show an ideology to be true or false. By contrast a researcher can test a scientific theory or parts of it and show them to be false." (Bowie, 2003, p.43).

**Indirect discourse.** "Indirect discourse is a mode of speech-reporting where someone conveys the content of someone's utterance without quoting the actual words." (Craig, 1998, p.743).

**Induction.** "Moving from a series of different particular phenomena to a law which explains them." (Bowie, 2003, p.276).

**Infinity.** "A form of myopia that destroys the possibility of seeing the actual infinite, even though in its highest form sustains us, and in its secondary transfinite forms occurs all around us and even inhabits our minds." (Rucker, 1986, p. 201).

**Information as thing.** See daesin.

**Information.** Information can be used to spy on what individuals are doing in the workplace or unethically. Thus information can be mismanaged in organisations and used by businesses and governments to carry out illegal monitoring and also for the purpose of carrying out unfair monitoring and collection of data on their employees.

**Information space.** "We are not to think of objects as 'being like people.' The point is only that we might perhaps think of objects as integrative centers in fact space, existing entities in the same sense that we are existing patterns ourselves." (Rucker, 1985, p.199).

**Information technology and ethics.** The study of the ethical issues arising out of the use and development of electronic technologies. Its goal is to identify and formulate answers to questions about the moral basis of individual responsibilities and actions, as well as the moral underpinning's of public policy." (Craig, 1998, p.778).

**Information theory.** "A major problem for contemporary philosophy is to relate the statistical conceptions of information theory to information in the semantic sense of knowledge and content." (Craig, 1998, p.782).

**Information warfare** is defined in terms of breaches of the Rule-of-law. "Government no longer owns the resources nor do they have the monopoly on the flow of information, therefore they can only coordinate its use. The fact that information has been disseminated from the government to the masses, is a huge and radical change that is now beginning to dawn on politicians, bureaucrats and the military." (Armistead, 2003, p.107).

**Insight.** To comprehend or feel something.

**Intuitive insights.** To sense something or thing. Sense the future by use of various methods of research inquiry such as heuristic inquiry and dreams.

**Intuition.** "In German philosophy refers to the contact one has with something: our empirical contact with the world takes the form of 'sensuous intuition', for example. (Bowie, 2003, p. 276).

**Interpretation.** "There is no reasonable consensus about what matters. Instead, our view of what matters – and therefore, how we should pay attention to meaning – varies from one historical moment to another." (Ochberg, 2003, p.131).

**Irrationalism.** Irrationalism is like positivism. "Positivism insists that it is irrational to draw conclusions in the absence of solid evidence. So, while empiricism cannot provide us with any certain knowledge of morality, it can tell us something about the *existence* of positive law. Positive law is something which can be ascertained (or its *validity*) established as a question of fact). It can be made the subject of analytical observation and enquiry". (Leiboff & Thomas, 2004, p.142).

**Irony.** "Something is ironic when it presents an *incongruity* or *ambiguity* between expectations and reality, nature and artifice, revealing and concealing and so on." (Potteiger & Purington, 1998, p. 38).

**Jurisprudence.** "Jurisprudence is a term that can be used interchangeably with legal theory or legal philosophy. More particularly, it is concerned with explaining law within its own boundaries. In another sense, jurisprudence provides the guidance for good or wise judging and lawmaking." (Leiboff & Thomas, 2004, p.6).

**Justice.** The idea of justice lies at the heart of moral and political philosophy. (Craig, 1998, p.141).

**Kant, Immanuel (1724- 1804).** "Kant was the philosopher of human autonomy, the view that by the use of our own reason in its broadest sense human beings can discover and live up to the basic principles of knowledge and action without outside assistance, above all without divine support, or intervention." (Craig, 1998, p.178).

**Kelsen, Hans (1831-1973).** "He wrote widely, on legal philosophy, constitutional and international law, and political philosophy. Kelsen is best known for his Pure Theory of Law

(*Reine Rechtslehre*) (1934). This is the basis of a theory which, with many changes he espoused till he died." (Craig, 1998, p. 226).

**Knowledge (Defeasibility theory of knowledge).** "An individual's justified true belief fails to count as knowledge because the justification is defective as a source of knowledge. According to the defeasibility theory of knowledge, the defect involved can be characterised in terms of evidence that the subject does not possess - which overrides, or defeats, the subject's *prima facie* justification for belief." (Craig, 1998, p.277).

**Knowledge.** Derived hermeneutically from interpreting written text in ways that help both individuals and organisations to reinterpret information in the form of a manual or guide for employees. In time this forms an easy guide that translates raw information or data to knowledge. This is "the production of informational objects. It is human work that requires a feeling and thinking agent who brings his/her subjectivity (in its relative, inter subjective sense) and tacit knowledge to bear on the informational object that is the product of knowledge work." (Schultze, 2000, p. 7). The prerequisite to acquiring knowledge is to understand something about the subject matter. This is my warranted assertion.

**Law.** "Law = rational ordering of things concerning the common good, Law is made by the ruler of the community. The ruler uses practical reason to rule the perfect community." (Leiboff & Thomas, 2004, p.59).

**Language.** "Language simply lacks mathematical precision. Hart calls this characteristic of language (and as a consequence, of rules) 'open texture'. Harts' description is that language has a 'core of certainty', surrounded by a 'penumbra' of doubt or uncertainty. 'Penumbra' is a technical word in astronomy for describing an area of partial shadow around the full shadow cast during an eclipse- it comes from the Latin meaning 'almost a shadow'. (Leiboff & Thomas, 2004, p.179). "Words do not have intrinsic meanings. They mean what they do because speakers have given them this meaning." (Craig, 1998, p.368).

**Lex injusta.** Aquinas "meant that he said you could ignore the unjust law because it was not law (*'lex injusta non est lex'*). However, it seems that Aquinas was more concerned with maintaining the good order of the community, in an Aristotelian sense, than permitting a person to disobey the ruler's law." (Leiboff & Thomas, 2004, p.61).

**Locke, John (1632-1704).** He held "that all our ideas are either given in experience, or are complex ideas formed from simple ideas so given, but not all our knowledge is based on experience." (Craig, 1998, p.664).

**Logos.** *Logos* apparently means his own account of the world, which is 'common' but rarely grasped; it also suggests the everlasting cosmic order whose contrasting aspects or phases disclose an underlying unity." (Craig, 1998, p.664).

**Meaning.** "Words are meaningful only if there is such a thing as using them correctly or incorrectly." (Craig, 1998, p.214).

**Meaning and communication.** "The two fundamental facts about language are that we use it to mean things and we use it to communicate. So the philosophy of language tries to explain what it is for words and sentences to mean things and also what it is for us to communicate by using them. Although it cannot be accidental that meaning and communication go together." (Craig, 1998, p.212).

**Meaning and Rule-following.** "The fundamental issue is what it is for words to have meanings, and for speakers to use words in accordance with their meanings." (Craig, 1998, p.214).

**Meaning and truth.** "Analytic philosophy has seen a resurgent interest in the possibility of explaining linguistic meaning in terms of truth, which many philosophers have seen as considerably more tractable than meaning." (Craig, 1998, p.218).

**Meaning and understanding.** "The existence of a close connection between the notions of meanings and understanding can hardly be denied...." "Questions about meaning are essentially questions about understanding." (Craig, 1998, p.226).

**Meaning and verification.** "The verifiability theory of meaning says that meaning is evidence." (Craig, 1998, p.230).

**Meaning in Islamic philosophy.** "The main issues focus on identifying the people best qualified to interpret texts, valid interpretations of the texts, and the notion of meaning that should be employed in our understanding of texts." (Craig, 1998, p.236).

**Memory.** "We use narrative as a means of tying together events to make sense of both experience and place. Memory, as re-collection or re-membering, is also a gathering. To the degree it is shared, it becomes a collective gathering linked to common experiences between family, community, region, or nation." (Potteiger & Purington, 1998, p.164).

**Metaphor.** A story or account of a narrative. "Metaphor means to 'carry over', to convey. To use a metaphor, the aspects of one object are carried over, or transferred, to another object so that it is spoken of as if it were the first." (Potteiger & Purington, 1998, p.164). Examples of the use of metaphor in this thesis are 'Councilor Jacques', 'Adams'.

**Metaphysics** is defined as an account of the general principles of reality. (Bowie, 2003, p. 276).

**Metonymy.** "Constructs meaning by association." (Potteiger & Purington, 1998, p.37).

**Mill, John Stuart (1806-73).** "He held that all knowledge is based on experience, believed that our desires, purposes and beliefs are products of psychological laws of association, and accepted Bentham's standard of the greatest total happiness of all beings capable of happiness- the principle of utility."

**Mobius strip.** "Taking a strip of paper, giving it a half twist, and taping the two ends together forms a Mobius strip." (Rucker, 1986, p. 101).

**Morality.** "Rules associated with morality are most often supported by social pressure based on inducing feelings of shame on the part of someone who breaks these rules. Other rules in a society however are met with another form of disapproval- often in the form of physical sanctions imposed by the community. Such rules are, for Hart, set apart from the rules, which create obligations." (Leiboff & Thomas, 2004, p.173). This notion of obligations is akin to a form of social contract. "Hart suggests that the obligation rules which are legal in nature can be further subdivided. All forms of social order must have laws, which apply generally to all

members of society, setting out what legal obligations they are under. Hart calls these *primary rules*. (Leiboff & Thomas, 2004, p.173).

**Natural law.** "Natural law theory is closely connected to what can be called 'morals', in this case meaning 'what is good'." (Leiboff & Thomas, 2004, p.16). "Natural law theory is based on unchanging guiding principles, including those which come from God, which are discovered by reason, to which human laws are expected to conform. Natural law theory therefore guides how human law should be created and interpreted. Natural law is not a theory about nature." (Leiboff & Thomas, 2004, p.45). "A naturalist insists that the notion of law involves not only posited rules, what ever their content may be, but a concept of shared public purposes and a set of critical moral standards." (Morawetz, 1980, p.14).

**Narrative.** "Narrative, in its broadest sense, is the means by which a story is told, whether fictional or not, and regardless of medium. Novels, plays, films, historical texts, diaries and newspaper articles focus, in their different ways, on particular events and their temporal and causal relations; they are all narratives in the above sense. Accounts of mathematical, physical, economic or legal principles are not." (Craig, 1998, p.654).

**Narrative inquiry.** "The work takes place in hermeneutic circles, where new learnings are built as background knowledge expands. Thus, a researcher may begin at a certain point only to learn as a result of the research, that the question she had so carefully framed loses meaning in the context of experience of the participants and has to be reshaped to fit the local circumstances." (Josselson & Lieblich, 2003, p.259).

**Noumenal world, Noumenon (pl.noumena)** "In Kant, a thing as it exists independently of our apprehension of it". (Bowie, 2003, p. 276).

**Observation.** "Requires a careful attention to the information conveyed from the world so that an observation is meaningful." (Craig, 1998, p.81).

**Ontology** "is the theory of what kind of thing there is in the world: idealist ontology would claim there are only ideas, a materialist ontology would claim that there is nothing but matter." (Bowie, 2003, p. 277).

**Organisation culture.** "A pattern of shared basic assumptions that the group learned as it solved its problems of external adaptations and internal integration, that has worked well enough to be considered valid and therefore, to be taught to new members." (Schein, 1992, p. 2).

**Participant observation or ethnography.** "Is a qualitative style in which a researcher directly observes and participates in small- scale social settings in the present time and in the researcher's home culture." (Neuman, 2003, p.363).

**Personalisation.** To personalise your space. An example is your home or office space.

**Phenomenalism.** "The doctrine that we only apprehend phenomena, not real things." (Bowie, 2003, p. 277).

**Phenomenology.** "An account of the ways in which something appears, also refers to the philosophical movement associated with Husserl." (Bowie, 2003, p. 277).

**Phenomenon** . "(pl. phenomena) that which appears." (Bowie, 2003, p. 277).

**Plato (427-347 BC)**. Greek philosopher. Devoted follower of Socrates. "The most potent image in Republic is the analogy of the cave, which depicts ordinary humanity as so shackled by illusions several times removed from the illumination of truth that only radical moral and intellectual conversion could redeem us." (Craig, 1998, p.401).

**Positivism**. "In Comte, the final stage in science that results from the overcoming of the 'theological' and the 'metaphysical' stage, in the name of knowledge based on empirical observation. Later tends to refer to conceptions in which the only valid knowledge derives from empirical observation that is ordered in terms of logical laws." (Bowie, 2003, p. 277).

**Positivist**. "Hans Kelsen is considered a positivist. His theory was an attempt to exclude subjective material from the scientific analysis of law." (Leiboff & Thomas, 2004, p.141). "One of the characteristics of legal positivism is that it insists on the separation of morality and law." (Leiboff & Thomas, 2004, p.141). A positivist approach to the concept of law insists "that an account need not and should not include reference to any substantive moral content of law. A positivist says that the most illuminating and satisfactory account identifies law by formal features, such as that law is a system of rules, promulgated by those with power and authority. (Morawetz, 1980, p.14).

**Post- modernist heuristic research**. The use of written word, art, poetry, sculpture, drawings, dreams, rich pictures and images to assist in interpreting narratives /internet text for the purposes of facilitating understanding, knowledge, wisdom and triangulation.

**Potteiger, Mathew & Purinton, Jamie**. "The former is currently Professor of Landscape Architecture at the College of Environmental Science and Forestry at the State University of New York at Syracuse. The latter teaches design and practices landscape architecture for her own firm in New York City. The authors have published numerous articles in scholarly and professional journals on landscape architecture and design." (Potteiger & Purinton, 1998, p.342). My interest in file notes and narrative began with this quote. "I don't consider myself a storyteller. But if I reach into my coat pockets. I'm likely to find scraps of notes, a ticket from a concert, ATM statements, bibliographic references for this book, phone numbers, a map [of Boston] from a spring trip, a frayed napkin – each piece an unlikely memento recalling a time, an event, or a place. The contents of coats worn less frequently seem to span longer time frames. From this partial anthology, edited as much by chance as by intention. I can begin to reconstruct the various narratives that cohere around this life." (Potteiger & Purinton, 1998, p.342).

**Power**. "The power of governments was constrained, for example, by theories of a social contract, which limited power to what people consented to." (Leiboff & Thomas, 2004, p.111). "In exercising power, governments should themselves be subject to the law." (Leiboff & Thomas, 2004, p.141).

**Privacy**. "The idea of minimal government intrusion into human affairs can also be seen in the traditional liberal split between the right of government to interfere in public affairs, contrasted with the limits which are assumed to intrude into private matters." (Leiboff & Thomas, 2004, p.115). Information stored on internet systems provides such a dilemma. John Stuart Mill's 'harm principle' "proposed that the only basis on which individual liberty could be curtailed - the only legitimate justification for the state to intrude on the individual's freedom of action- was to prevent harm to others. An individual was free to act in any way



they liked, as long as they were not harming someone else in doing so." (Leiboff & Thomas, 2004, p.116). In law defined as: "(a) Listening to or recording, by any means; (b) a communication; (c) in its passage over a telecommunication system, and (d) without the knowledge of the person making the communication." (Privacy, n.d., p.2).

**Public documents.** Documents such as council reports that can be accessed on the internet.

**Qualitative research.** "Sometimes called narrative research because it seeks to understand the particular details of a story or stories in historical and social contexts." (Rogers, 2003, p.53).

**Quantitative research.** "The paradigm of quantitative positivistic research. Hypotheses to be tested are set out and located within the research tradition or theory from which they emerge. Methods are employed to test the defined hypothesis. Statistical analysis that will be specified." (Josselson & Lieblich, 2003, p. 260).

**Rationalism.** "The view that reason, as opposed to say sense experience, divine revelation or reliance on institutional authority, plays a dominant role in our attempt to gain knowledge." (Craig, 1998, p.75).

**Rawls, John (1921-).** "A theory of Justice (1971), presents a liberal, egalitarian, moral conception- 'justice as fairness'-designed to explicate and justify the institutions of a constitutional democracy." (Craig, 1998, p.106).

**Raz, Joseph.** Raz asserts "that the structure of a legal system is best understood by examining the complex internal relations of many different kinds of laws. (Morawetz, 1980, p.290).

**Reflection.** "The splitting of something into related aspects, as when I look in a mirror and see an image of myself." (Bowie, 2003, p. 278).

**Reflective judgement.** "Judgement which seeks a general rule by abstracting from particulars." (Bowie, 2003, p. 279).

**Reflective practitioner.** "Reflexive practice research operates as a form of reflective practitioner research whereby the researcher changing their own practice based on their insights gained from reflecting on their own research. It focuses on particular concepts of reliable, useful, good, and wise to be tightly bound to the context in which the practitioner is producing that knowledge." (Wong, 2004, p.282) Also see definition of organisation culture.

**Reliability.** Accuracy. See definition of reflective practitioner.

**Relativism.** "Someone who holds that nothing is simply good, but only good for someone or from a certain point of view holds a relativist view of goodness. Protagoras, with his dictum said: 'that man is the measure of all things' is often taken to be an early relativist." (Craig, 1998, p.106) "The idea that all claims to truth are relative to the social or historical context, or the language in which they occur, and so cannot be absolute." (Bowie, 2003, p. 278).

**Relativity theory.** "Einstein's theories have important repercussions for philosophical views on the nature of space and time, and their relation to issues of causality and cosmology, which are still the subject of debate." (Craig, 1998, p.191)

**Relevance.** See definition of admissibility.

**Ricoeur, Paul (1913-).** "Along with the German philosopher Hans-Georg Gadamer, Ricoeur is one of the main contemporary exponents of philosophical hermeneutics: that is, of a philosophical orientation which places emphasis on the nature and role of interpretation. While his early work was strongly influenced by Husserl's phenomenology, he became increasingly concerned with problems of interpretation and developed – partly detailed inquiries into psychoanalysis and structuralism – a distinctive hermeneutical theory. In his later writings Ricoeur explores the nature of metaphor and narratives, which are viewed as ways of creating new meaning in language." (Craig, 1998, p.319).

**Rights.** "There is widespread consensus's that rights are ways of acting or of being treated that are beneficial to the right holder. Controversy begins however, when one attempts to specify the notion of rights further." (Craig, 1998, p.331).

**Rights discourse.** A philosophy of rights used in this research to mean a discourse as to whether things such as computers have rights. There are two versions of rights; a deontological style and teleological style. In the former an individual's rights forms "an intrinsic part of their existence as a human being and are not dependent on the existence of laws supporting or enforcing those rights- ie pre-legal." (Leiboff & Thomas, 2004, p.119). In the latter an individual's rights are created by law and granted for the purpose of bringing about a desirable goal." (Leiboff & Thomas, 2004, p.119).

**Right and good.** "Right and good are two basic terms of moral evaluation. In general, something is right if it is morally obligatory, whereas it is morally good if it is worth having or doing and enhances the life of those who possess it." (Craig, 1998, p.323) (Craig, 1998, p.319) An alternate view is that "the Rule-of-law refers to the proposition that governments should operate within the rules." (Leiboff & Thomas, 2004, p.121).

**Rilke, Rainer Maria. (1875-1926).** Writer from Austria and lyric poet.

**Risk.** "There are three main classes of ethical issue associated with risk. (1) Who should define risk, and how should it be defined? (2) Who should evaluate risk, and according to which rules? (3) What are the conditions under which it is ethically acceptable to impose societal risk?

**Roman.** A metaphor used in this thesis to maintain ethical integrity. See also City Council.

**Rorty, Richard McKay (1931-).** "A leading US philosopher and public intellectual, and the best-known contemporary advocate of pragmatism." (Craig, 1998, p.353).

**Rousseau, Jean-Jacques (1712-78)** "Perhaps his best-known remark is 'man is born free but is forever in chains.' " (Craig, 1998, p.369).

**Rule of Law.** "The Rule-of-law most simply expresses the idea that everyone is subject to the law, and should therefore obey it. Governments in particular are to obey law- to govern under and in accordance with law." (Craig, 1998, p.388).

**Sache (fact) – A something.**

**Schopenhauer, Arthur (1788-1860).** "Schopenhauer, one of the great prose writers among German philosophers, worked outside the mainstream of academic philosophy." (Craig, 1998, p.545)

**Schleiermacher, Friedrich Daniel, Ernst (1768-1834).** "The most notable German-speaking Protestant of the nineteenth century. Removes hermeneutics from its traditional contexts of theology, philology and jurisprudence, and develops it into a general theory of understanding (first lectures 1805 (1819)) (Craig, 1998, p.535)."

**Semiotics.** "The study of signification. Semiotics takes as its central task that of describing how one thing can mean another." (Craig, 1998, p.674)

**Scientism.** "The doctrine according to which only explanations involving scientific laws have claims to truth." (Bowie, 2003, p. 279).

**Sense data.** "A philosophical theory of perception must accommodate this obvious fact: when one perceives, or seems to perceive something, how things appear may differ from how they are. A circular coin tilted will look elliptical. A stick partially immersed in water will look bent." (Craig, 1998, p.694).

**Simulations.** "Taking specific formulations, equations that govern a certain process, and propagating them as if you were the system, and accumulating the knowledge of the behaviour of the system, within a given formulation." (Difazio, 1996, p.202).

**Socrates (469-399 BC).** "An Athenian Greek of the second half of the fifth century BC; wrote no philosophical works but was uniquely influential in the later history of philosophy. His philosophical interests were restricted to ethics and the conduct of life, topics which thereafter became central to philosophy." (Craig, 1998, p.8).

**Socratic dialogues.** "After Socrates' death in 399 BC, a number of his followers composed imaginary dialogues between Socrates and various persons, usually historical." (Craig, 1998, p.18).

**Sophocles.** Writer of plays and tragedies. Sophists adopted a philosophy of man, their rhetoric, and their scepticism.

**State of affairs.** Helps to explain the concept of metaphor. "By increasing its mass and density, the state is able to capture bodies, (goods, persons, and others) 'as' a planet is able to capture a body and make it a satellite. No one group independent, though one may possess more status and power than others. (Meuser, 1996, p.295).

**String theory.** For the moment this is unifying theory of the universe. Quantum mechanical theory (chaos at the micro level) is equal to Einstein' theory of relativity. (Stability) (E = MC<sup>2</sup>). "The best way to interpreting quantum mechanics is to say that particles are patterns in infinite- 'D' Hilbert space" (Rucker, 1986, p. 202; Al-khalili).

**Structuration theory.** "A theory which portrays Information Systems as technical systems with social implications 'or' social systems only technically implemented. They perceive information systems from a structural perspective as a social system which is 'an embodiment of interpretative schemes, facilities for coordination and organisational / social forms.'" (Dobson, 2003, p.31).

**Such verstehen.** "To agree on something." (Grondin, 2002, p.39).

**Synecdoche.** "Synecdoche is the use of a part of something to represent the whole, or part of the whole to stand for the part." (Pottleiger & Purinton, 1998, p.37).

**Tautology.** "A statement which says the same thing twice; 'a man is a man'" (Bowie, 2003, p. 279).

**Thesis.** "A positive argument to which an antithesis is opposed." (Bowie, 2003, p. 279).

**Transformation.** "A process of learning and reflection." (Sa'ari, 1999, p.55). "May take the form of a being of light who bathes in radiant love and composition for a timeless moment that feels as if it stretches into infinity. This is always a transformative encounter, something accompanied by a telephonically received 'voice' that speaks of our difficulties and offers guidance." (Peters, 2000, 124).

**Technology** is defined as a medium of communication that uses state of the art information technologies such as the computer. (Organisation for Economic Cooperation, 2000, p.10). In this research I am especially interested in the technology of the internet that creates the information space that facilitates the creation, reclassification and transfer of information to human beings. There is a contradictory view of technology. "Technology refers to those technical apparatus constructed in a geographical material – social space. We call this space 'culture', and intend to eradicate any fixed and determinate ('clear and distinct') separation between nature and culture." (Menser, 1996, p. 294).

**Theory.** "Things that are based on laws, which then are, extrapolated either numerically or analytically to formulations, to specific formulations." (Difazio, 1996, p. 202).

**Things** – What kinds of things in our world are going to count as individuals? Just people? People and animals or both? People, animals, plants, computers and information. Researchers should be generous about this because it is a philosophical question. (Rucker, 1986, p. 198). Another view exists. "Any given object, animate or not, 'knows' or embodies information about a number of objects. This viewpoint that everything is in some senses alive or conscious – has historically been known as hylozoism or panpsychism."

**The Internet** is defined as a "network of computer networks. That is, a huge number of computer networks connected to each other from all over the world." (Organisation for Economic Cooperation, 2000, p.10) Managing information within organisations especially on intranet and internet information systems is creating a demand for information specialists. A new group of information managers is emerging within the computing community to address issues relating to privacy and breach of confidentiality on intranet systems. (Schultze, 2000, p.70). This group of specialists call themselves "information warfare or information assurance specialists." (Warren & Hutchinson, 2002, p. 157). Sometimes these specialists or people with knowledge of information systems choose to use information unethically and thereby use information to infringe individual liberties and basic privacy. (Rucker, 1986, p. 199). The internet has also been "described as a non-hierarchical, democratic structured, collaborative arrangement entered into by millions of network users." (Fink, 2002, p. 107).

**Triangulation.** "Applied to social research, it means it is better to look at something from several angles than to look at it only one way. There are several types of triangulation. The most common type is *triangulation of measures*. Researchers take multiple measures of the same phenomena. Another type is *triangulation of observers*. In many studies, one researcher conducts interviews or is the sole observer of people's behaviour." (Neumann, 2003, p.138). *Triangulation of theory* occurs when a researcher uses multiple theoretical perspective's in the planning stages of research or when interpreting data. Last, *triangulation of method* means mixing qualitative and quantitative styles of research and data." (Neuman, 2003, p.138).

**Tropes.** "Tropes are the basic schemes by which people construct meaning in language, narrative, and landscape. They perform the necessary function of relating one thing to another, the known with the unknown." (Potteiger & Furlington, 1998, p.34).

**Trust.** "Most people writing on trust accept the following claims: trust involves risk; trusters do not constantly monitor those they trust; trust enhances the effectiveness of agency; and trust and distrust are self-confirming. Three further claims are accepted: trust and distrust are contraries but not contradictories; trust cannot be willed; and trust has non-instrumental value." (Craig, 1998, p.466). See also Papazafeiropoulou & Pouloudi (2002, p.191) for an alternative definition of trust. Here trust is defined in terms of uncertainty.

**Truth.** "In Western Australia truth is a complete defence. There is no need to prove that there is also a public benefit unlike Queensland, Tasmania and the Australian Capital Territory or a Public Interest as in New South Wales. It is also irrelevant that publications be motivated by malice." (Defamation - defences, n.d., p.5).

**Truth. (Coherence theory of truth).** "The most we can say by way of a general definition is that a set of two or more beliefs are said to cohere if they 'fit' together or 'agree' with one another." Typically, then, a coherence theory of truth would claim that the beliefs of a given individual are true to the extent that the set of all their beliefs is coherent." (Craig, 1998, p.470).

**Truthfulness.** "Humans are the only species capable of speech and thus of lies. Choices regarding truthfulness and deceit are woven into all that they say and do." (Craig, 1998, p.480) "Throughout life, no moral choice is more common than that of whether to speak truthfully, equivocate, or lie-whether to flatter, get out of trouble, retaliate, or gain some advantage." (Craig, 1998, p.470). Some examples are included. "How open should spouses be to one another about adultery, for example, or physicians to dying patients? These are quandaries familiar since antiquity. Others such as those involving the backdating of computerised documents, false claims on resumes in applying for work, or misrepresenting one's HIV positive status to sexual partners, present themselves in new garb." (Craig, 1998, p.481).

**Tushnet Mark.** Professor of Law George Town University Law Centre. "Rights most people believe are good 'things'. (Tushnet, 1984, p.1363) Tushnet developed a critique theory of rights as follows. "(1) Once one identifies what counts as a right in a specific setting, it invariably turns out that the right is unstable; significant but relatively small changes in the social setting can make it difficult to sustain the claim that a right remains implicated. (2) The claim that a right is implicated in some settings produces no determinate consequences. (3) The concept of rights falsely converts into an empty abstraction. (4). The use of rights in contemporary discourse impedes advances by progressive social forces, which I will call the

party of humanity." (Tushnet, 1984, p.1363). He is a supporter of Habermas, but makes the following important conclusion, which has some empathy with this researcher. "Every decision becomes political. One asks oneself, do I think that this, as far as I can tell now, more likely to advance the cause of the party of humanity?" (Tushnet, 1984, p.1402) His conclusion about the choices that face humanity is this: "What does ground the choice is the sure and certain knowledge that things can be better than they are." (Tushnet, 1984, p.1363).

**Understanding.** "We move beyond school mathematics as a mechanical practice of rule – following towards the generation of deeper understanding. 'Activity' and the articulated reflection on that activity is what is taken as a sign of 'real' understanding. This understanding will be enacted – and meticulously evaluated – in the context of 'portfolios' and 'authentic' problem solving performance assessment tests." (Zolkower, 1996, p.65) "In Kant, the capacity for knowledge governed by rules and based on intuitions." (Bowie, 2003, p.280.).

**Validity.** "Before you can decide whether or not the criticism is valid, you need to have acquired a full understanding of theory being criticised." (Leiboff & Thomas, 2004, p.223).

**Verstehen.** To understand.

**Wisdom.** "In ancient times, wisdom was thought of as the type of knowledge needed to discern the good and live the good life. Philosophy takes its name from it (philosophia means love of wisdom)." (Craig, 1998, p.752) This research explains how to attain wisdom? Understanding the subject matter is therefore a prerequisite to knowledge and wisdom. This is my warranted assertion based on my rich model. See Appendix 5.0.

**Wholeness. Unity.** In this case study for example the study of scientific subjects such as chemistry, physics, biology, and biochemistry is studied or could be studied wholistically. If the aim is to gain an understanding of the scientific method as opposed to information management then, an extensive analysis of various scientific subjects and objects would need to be studied hermeneutically, in order to contribute to the understanding of an integrated body of scientific knowledge. For example, in the study of the refractive index of glass this subject could be studied hermeneutically. In turn this requires the study of physics as a body of knowledge in order to determine the refractive index of glass, using Snell's law. But, from a hermeneutic perspective there is a need to go beyond science, before understanding comes to being.

## **CHAPTER ONE**

### **INTRODUCTION TO RESEARCH TOPIC: AN EVOLUTION OF IDEAS**

#### **Introduction**

After carrying out an extensive literature review based on my initial proposal my thesis title evolved to be: "Managing intranet information for local government in Australia: some legal and theoretical implications for Australia." This title is a reflection of reading in this area and reflects my understanding of various authors. (Graziano & Rawlin, 2004; Environmental Defender's office, 1992; Coombes, 2001; Khosrowpour, 1998; Ulrich, 1983; White, 1995; Kurtz, 1996; Wellman, 1995).

Later as my thinking process evolved I decided to focus on the management of intranet information in local government because the course work component of the DBA made me realise after critical reflection that management of information on the intranet is critical to achieving excellent local government administration. However, this title had to be amended for the purposes of facilitating ethics clearance, and also serves to demonstrate my evolving learning experience as well as the process that led to a better understanding about the scope of the topic and the legal implications for local government.

Information is a complicated concept and the management of information is essential for good governance and also for local government management. Subsequently, my research focus evolved in a hermeneutic sense to focus on the intersection of three newly emerging paradigms. These paradigms are knowledge management, information warfare and information space. The intersection of these paradigms results in an ethnographic study of information weaknesses. In particular the research purpose is to protect and manage information from the threat of litigation based on hermeneutic interpretation of internet text. This is the sense in which I define and use information warfare in this research. Information warfare means the possibility of litigation and therefore has a legal connotation. This definition is adopted in this research.

These paradigms will be firmly bedded against Checkland and Scholes (1990, p. 288) soft systems theory or systems theory and integrated with Polteiger and Purinton's (1998, p. 32) organisational narratives theory. In this context my preliminary research outline evolved to embrace these early thinking processes and this is reflected in my preliminary research methods.

#### **Background to the thesis**

Intranet technology usage occurs in a theoretical vacuum or paradigm. Managing information within organisations especially on intranet and internet information systems is creating a demand for information specialists. A new group of information

managers is emerging within the computing community to address issues relating to privacy and breach of confidentiality on intranet systems.

This group of specialists call themselves "information warfare or information assurance specialists." (Schultze, 2000, p. 7). Sometimes these specialists or people with knowledge of information systems choose to use information unethically and thereby use information to infringe individual liberties and basic privacy. This is a focus of my research.

People are still coming to terms with the medium of the internet. Schultze (2000, p. 9) asserts that there exists a lack of moral, ethical or cultural guidelines for using the web. Kreitner and Kinick (1980) assert that there has not been enough time for such guidelines to evolve within organisation culture making it difficult for organisations to manage change and conflict. Thus opportunities arise for breaching privacy and security for both individuals and organisations especially in relation to information and data stored on the intranet, and creating information management problems because organisations have a minimal understanding of this phenomenon. (Bowie, 2003, p.277)

This may assist local government to better manage information processes within various inherent contradictions existing within the three emerging cyberspace paradigms of knowledge management, information space and information warfare. The intersection of these three paradigms results in a study of information stored on intranets in a local government organisation, the better management of information including weaknesses in the management of information and the legal implications associated with information stored on the intranet.

The reader should note that the early part of the thesis had a focus on intranet systems and e-mails because this was my initial research interest and marks the beginning of this researchers learning process. This focus of study however changed to a study of internet systems and a hermeneutic study of internet documents, and serves to demonstrate what I have learnt as well as to show the usefulness of the active reflective practitioner learning process in actual practice. More importantly this change of focus occurred for the purposes of ensuring that I maintain an ethical, transparent and rigorous research process, founded on open communication, minimising harm to others and coming to an understanding of text interpretation that builds upon (Gadamer's 1975) hermeneutics of understanding.

I aim to interpret the meaning of the content of organisation reports by developing a understanding of information that is founded on the theory of hermeneutics and organisation narratives. These two theories provide a holistic view for the ethnographic study of information. (Professional diary of action research group, note 2, file 1, April 17, 2003).



## Overview of this chapter and the thesis

This chapter describes the organisational context of the City's information space, the organisation structure and the human beings that form part of the organisation culture. The time selected for study is critical because after being in the organisation for a year, a major restructuring of the organisation was initiated in October 2002 and the whole process of change finalised by April 2003. The CEO submitted a report to Council advising that the recruitment process for the appointment of a hierarchy of managers was now complete. (See Appendix 2.0). This period of change provides valuable insights for developing a theory of information, based on meanings and organisational narratives. (See appendix 3.0). (Professional diary of action research group, note 3, file 1, April 23, 2003).

My approach to developing a theory of information is based on the critical ethnographic study of information space within the organisation. This type of study is a case study of people who work and document their work experiences through planning officers' reports. Organisational narratives are an ideal methodology for studying how humans work in an organisation. This is because humans are responsible for writing reports and storing them on the organisation's intranet system. In this thesis I only use information that is accessible via the internet. The insights I focus on are the legal implications of information stored on the internet. In a nutshell, I aim to use the theory of organisation narratives and hermeneutics as tools for minimising legal liability to the community and local government. (Professional diary of action research group, note 3, file 1, April 23, 2003).

Where appropriate I recognise that the City is an organisation that functions as a system. (See Appendix 4.0). On 15 April, 2003 I had a regular meeting with a manager. This manager advised that I would continue to be coordinating planning activities for the City, and that I would now also be primarily responsible for the planning of community facilities within the City and reporting to the new manager of community facilities. I was also told by a newly appointed manager of community planning that I would be relocated from my present space to make room for a new manager of community facilities planning. Whilst I now have an expanded role to play in the City, I am uncertain about this role because it is not an area of my interest.

My reaction was that I hope the manager realises that it will be difficult for me to function well as a community facilities planning coordinator without an adequate desk or drawing space. I was disturbed about his new role but as this is an ethnographic case study I felt let's give change a go. Importantly, and on reflecting on my own phenomenology I began to understand what was happening and the effective domain of emotions and narratives came into being.

Therefore I think that an ethnographic study supported by a theory of landscape narratives provides a useful tool for adding meaning to information stored on the internet. Where appropriate I will supplement this with rich pictures or the soft systems model, to describe the realm of effective domain. (Professional diary of action research group, note 4, file 1, April 23, 2003).

The concept of organisational narratives and soft system methodology provides the theoretical backdrop for developing the three paradigms of knowledge, information warfare and information space. My investigation on the theory of information and the law of information will progress in six stages. These stages are outlined for the purposes of explaining to the reader my initial thinking processes pertaining to the management of information for a local government organisation in Australia.

First there is the introductory chapter. The chapter explains who I am, where I work, who I work with, what type of information system the organisation uses, describes the organisation and some of the legal issues pertaining to information on the Council's intranet system. This first chapter establishes the fact that my case study of the City is in fact an ethnographic study of the organisation that uses intranet information. However, this evolved to be a study of information as things stored on the internet.

Second, I will carry out a literature review explaining my evolving research approach. I will also introduce some notions of legal method and documentary evidence, as it relates to information systems and the intranet. The later was my initial topic of study.

Third, I will outline the theory of organisation narratives, because this type of narrative tells a story about the organisation that this case study is about. Here I mean that the study of documents tells its own story about how information is stored and diffused throughout the organisation. There is a strong link between organisation narrative theory and soft system methodology because both may be used as tools to interpret meanings of internet documents. A review of the underlying philosophy of hermeneutics, organisation narratives, ethnographic research and soft systems methodology will be discussed later in this chapter for the purposes of explaining major theoretical concepts and themes as well as introducing the reader to the purpose and scope of the thesis. This review provides the theoretical foundation for revealing weaknesses in a local government's information system.

Fourth, I will study how information knowledge is stored on the Council's internet system albeit from the perspective of philosophy of rights. In this part I ask whether internet systems have rights? In my previous capacity as a team member and coordinator of the strategic section I build on this background and experience as the basis for establishing the context for revealing information weakness by using organisation narratives and hermeneutic theory as a foundation for understanding what is happening within the organisation. Thus, I build on the work of other researchers (Leiponen, 2004; Schienstock, 2004) who recognise that information can be transferred from individual to an organisation by making organisational knowledge automatic. This aspect of knowledge transfer ensures that knowledge can be used collectively by the organisation. Thereafter, individual knowledge can be made explicit by making knowledge conscious and objectified. Finally, organisational knowledge is converted into products and services. Thus becoming part of the organisation culture.

Fifth, I will study how information is stored on the City's internet system. The concept of the internet as information space is analysed as a system that depends on human activity and the coming into being of a person in a different role for the purposes of providing a context of meaningful interpretation. In my new role as the coordinator of the City's strategic planning section and community facilities planning I draw on personal experience to enhance my understanding of internet systems. Both of these business units store information in a certain format, but other business units may also store information differently on the same intranet system. Therefore, whilst each business unit stores information, not all of this information may be accessible to other business units. However, some of this information is available to all members of the organisation, whilst other information are classified as restricted. The former is corporate information and the latter is confidential information. This chapter develops a unifying theory for improving the management of organisation information for City Councils, by identifying sources of information weaknesses.

Sixth, I will develop a philosophy of hermeneutics to study and interpret internet text as a basis for better understanding information and minimising threats to litigation. In the final chapters I will be switching between paradigms and looking for insights based on organisation narratives, hermeneutics and soft systems methodology.

Initially I intended to study information stored on a local government's intranet system. However, in order to be truthful to the hermeneutic interpretation of Council documents stored on the intranet, I changed my focus to accommodate the views of various members of the professional action group, thereby resulting in a study of internet documents. Hence, revealing weaknesses in a local government's information management processes, and facilitating a hermeneutic study of internet documents.  
(Professional diary of action research group, note 5, file 1, April 23, 2003).

The seventh chapter has a focus on the legal implications of breaching private and confidential information on a local government's internet system. However, I also draw on other aspects of the Rule-of-law especially defamation law and breach of confidence.

The notion of breach of confidence was cited in *Commonwealth v Fairfax*, where Mason J cited with approval the following formulation based on equitable principles. Thus according to the Australian Law Commission (2004, p.145) the principle is that the court will restrain the publication of confidential information improperly or surreptitiously obtained to be divulged.

The final chapter concludes the thesis by explaining my warranted rich model. This model is an original contribution to information management and also alludes to insights that may assist in minimising litigation to local government. This chapter also points out the limitations of the thesis identifying as appropriate disconfirming evidence and confirming evidence from various thinkers and actors represented in the rich model. See Appendix 5.0

### Research question

As the research matured the research questions became:

What warranted models, constructs, factors, insights, assertions can be gained for better local government information management by:

- 1 Conducting a reflective practitioner, ethnographic, in - depth case study?
- 2 Using hermeneutics and organisational narratives?

Research sub questions for this area are:

- A. Can the theory of the hermeneutic cycle and organisational narratives provide a model and framework for better managing information that is stored on the local government's internet systems?
- B. How can narrative inquiry / analyses of internet documents mediate the process of organisational change from an information systems perspective given that this local government is in the process of introducing a new system of information management? See Appendix 2.0. This Council allows Councillors to use the internet by providing Councillors with computer equipment free of charge? See Appendix 3.0 for the internet text documents that permit Councillors to use computer equipment.

- C. What key issues or constructs or concepts in the form of stories embedded in the history of an organisation inform the change process from information warfare perspective(s)?
- 3 Investigating one local government authority in Australia within the confluence of information warfare and legal perspective(s)? A research sub question for this area is:
- A. How can information offensive and defensive strategies be usefully employed in the context of local government?

### **Purpose and scope of research**

The purpose of the research is to use the critically ethnographic hermeneutic and narrative form of inquiry as analytical tools for improving interpretation and understanding of a local government's internet documents. Additionally, there is an emphasis on finding ways to minimise the threat of litigation by using the Rule-of-law as a guide to inform the interpretative process. The theoretical framework for the research is focused on (Gadamer's, 1985) philosophy of understanding.

Another purpose of the research is to identify strategies for revealing weaknesses about information management in a local government organisation. Using case law as legal precedents can provide insights for minimising litigation arising from Council's use of internet documents. I also touch on the issue of whether the Rule-of-law is too vague a concept to be of practical relevance to the evaluation of government actions and the proper interpretation of internet documents. (Widner, 2001).

### **Research methodology**

My initial research methodology was an informal ethnographic observation and reading of documents regarding intranet practices within local government. My supervisor and I subsequently decided to pursue a hermeneutic internet analysis of organisation documents in the interests of maintaining an ethical stance to the research. Thus, as the study evolved I employed a heuristic style that includes psychological, emotional, and artistic elements that exposes doubt about my own practices relating to information stored on intranet systems. I attempted to provide a personal account as to how intranet information is used within organisation structures, supported by a reflective practitioner research approach to analysis of organisation information systems. (Josselson & Lieblich, 2003).

### **Writing style**

My writing style, incorporating heuristic and post-modern approaches, includes both the first and third person voices. Inherent in this style of heuristic writing is a concern for how people in the organisation access other individuals' information spaces to further their own interests.

I use the first person voice, inserted in a text box using non-italic font, to express my thoughts and reflections. These comments often relate to a third person voice or a major thinker of law or philosophy such as (Gadamer,1998).

The third person voice will often take the form of a direct quote written in italics and located in a text box. This form of direct quote is used to demonstrate how an individual could potentially use information on organisational intranet systems to breach organisational security.

The heuristic research approach can use art, poetic, emotional, or inner psychological voices, which may use either the first or third person voice. I assert that these voices will contribute to the value of my research. This assertion has some support from Williams (2004, p. 183).

#### **The context for studying intranet information in a local government organisation**

In this research my initial aim is to explore documentary information as it exists on the City's intranet system, and the legal implications of information usage within the organisation. In order to develop a foundation understanding of what producing information entails, and how it can be protected from abuse within the organisation, I need to study how information is used or abused on the City's intranet system. My aim is to study how the law can be used to protect the organisation's information on the City's intranet system, by using the method of participant observation as defined by Neuman (2004, p. 381). The newly emerging paradigms of organisation narratives are researched as a tool for enriching information management in organisations.

Whilst information in the form of Council's reports, data and e-mails are theoretically protected by a firewall, information can migrate external to the organisation for the purposes of initiating litigation against local government. The technology of the internet has facilitated the increased threat of litigation to local government.

From a legal perspective the *Local Government Act* (1995, p. 128) permits the Chief Executive Officer to remove any material that is of a defamatory nature. But it is unlikely that this power is applied stringently to information stored on the Council's reports and other information stored on the intranet but available on the internet.

From an organisation perspective information stored on the Council's intranet or the internet system can be stolen, copied, altered or even provided to other local government organisations interested in the same data set. For example, it is not an uncommon practice for officers to copy organisation information they require onto a disc or to burn a CD of organisation information they require prior to leaving the organisation.

Therefore from both a legal and organisation perspective information stored on the Council's intranet is susceptible to attack from the law, and also from its employees, and others external to the organisation.

I come to this conclusion because I am formerly an employee of a local government organisation in Australia. As an employee of this organisation I am in an ideal position to study and explore the flow of information within the organisation from a legal perspective. But this raises the question, how can an employee best study the legal implications of information stored on Council's intranet system. My conclusion is that this question can be studied by using critical ethnographic methods, participant observation, organisation narratives and soft systems methodology. (Checkland & Scholes, 1990, Flood, Jackson & Keys, 1989; Zickmund, 2000).

Based on my initial research proposal I intended to use these methods to analyse documentary information stored on the Council's intranet system. The period of study begins from the date I began employment with the City on 21 August 2001. The reason I choose initially to study documents stored on Council's intranet system is because the documents exist as secondary data and are readily accessible to the public. Therefore this form of scholarship is well suited to ethnographic and narrative study including integration with soft system methodology and the study of documentary evidence. The reader should note that whilst some text documents available on the intranet are also available on the internet the researcher has aimed to maintain ethical and transparency standards in research. Therefore information used in this research is restricted to organisation documents especially officer reports posted on the internet, supplemented as appropriate by metaphors and eclectic heuristic styles.

The advantage of using documentary evidence on the Council's internet system as opposed to the intranet system is that the data is transparent, and therefore allows the reader or examiner to verify or validate the data. Importantly documentary evidence allows for my own interpretation of data to be validated from both the organisation and legal perspective(s). Additionally, other researchers may use the same text documents to validate or come to an understanding of the text documents. This understanding is unique to the individual and invariably differs in content and scope because this understanding is inherent in the study of hermeneutics and interpretation theory. (Featherstone, 2000, p.616; Greenspan, 2003, p.79).

Documentary evidence as it exists in raw form on the internet allows for the easy use of legal concepts. Therefore, the ability to navigate the Council's website, and access information are two important spheres of knowledge that an organisation needs to establish for better information management and good governance. (*Local Government Act*, 1995).

Good governance depends on how well the information space is used on the internet as a tool for good communication. Good communication and transport of information to employees and the stakeholders who interact with the local government

organisation are essential to the survival of human activity and culture within the organisation. Essential to organisation culture is language. According to Paetzold (2000, p. 206) the moving force of language dynamics is comparable with orienting and disorientating walks through the city.

An organisation can survive in today's rapidly changing environment only if the organisation as a system is able to effectively and efficiently harness information. Navigational information may be accessed from the internet by exploiting the internet's information space for the purpose of enhancing organisational knowledge. Thus the study of information and its ready availability on the internet provides the foundation for creating knowledge and better understanding the organisation as a system that enables the intermarriage and free flow of information within the organisation. Sometimes this research may seem entirely theoretical but this is not unusual according to Difacio (1996, p.201) especially if the information being studied is not a closed system.

The free trade of information on the internet provides a powerful tool for the exchange of information, thus overcoming the barriers or creating a learning organisation by facilitating knowledge through organisation narratives.

However, the free flow of information can also hinder the creation of knowledge on the internet. The internet is loosely referred to as the information space. This information space is especially vulnerable to attack from cyberspace law and the newly emerging information warfare paradigm. In any organisation there is a tension between information space, information management, knowledge creation and the information warfare paradigm. (Warren & Hutchinson, 2002, p.160). According to Payyard (1996, p.25) "when dealing with databases of personal information governments and businesses have to be careful to adequately addresses the legal and ethical issues of invasion of privacy ignoring this issue can be dangerous."

### **Some definitions**

These definitions are provided for the purpose(s) of giving the reader a sharper focus of important terms used in this research.

Information can no longer be defined as "an input to decision making," (Schultze, 2000, p. 3) nor can the decision maker be considered a 'passive recipient of this information.' (Schultze, 2000, p. 3) The idea that the study of information is a passive activity is being challenged in the information systems literature. There is a growing view that an understanding of information as a tool that facilitates communication in the organisation provides the context for facilitating the use of communication technologies such as the internet. Intranet systems can be used to study information stored on the internet as well contribute to society's understanding of knowledge.



Information that uses communication technologies such as e-mail and GroupWare requires "both the sender and the receiver of a message to play an active role in the information exchange" (Schultze, 2000, p. 3). In other words information stored on the organisation's internet system requires an element of exchange before it can become knowledge. Importantly, information has an element of information creation and reciprocity.

Nonaka (1994, p.14) expresses this idea of the need to create information.

*"Any organisation that dynamically deals with a changing environment ought not only to focus on processing information efficiently but also create information and knowledge". (Schultze, 2000, p. 3).*

Knowledge has many dimensions. One dimension defines knowledge as acquired knowledge. This type of knowledge I believe follows a hermeneutic process and results in a form of understanding referred to as acquired knowledge. This transformation from information to knowledge is:

*"achieved through a process of learning and reflection." (Sa'ari, 1999, p. 55).*

In this thesis that is how I define knowledge. Knowledge is a form of human activity and in an organisation may be divided into two types of learning: learning and reflective learning.

*"Human learning consists of two kinds, one of them from outside, which is acquisition by learning, and the other from inside which is busyng oneself with reflection." (Sa'ari, 1999, p. 55).*

The concept of knowledge is important for understanding how information creation contributes to knowledge. Study needs reflection, just as information needs reflection. For human beings:

*"are unable to learn all particulars or universals and all known facts, but he learns something and gains some {types} of knowledge by reflection." (Sa'ari, 1999, p. 55).*

This focus on reflection allows an ethnographer to study how human beings use information stored on a local government's internet. Importantly this process of reflection provides valuable insights for understanding what people do.

### A reflective case study of a particular organisation:

*"investigates what people actually do rather than what they say they do or what they actually ought to be doing. It focuses on the socially situated, meaningful and intentional actions that follow certain general principles of procedure".*  
(Schulze, 2000, p. 2)

Information and knowledge especially revealed knowledge are inextricably linked. All three concepts are linked together into a coherent whole. I believe that the concept of organisation narratives (which I define later) provides the best analytical tool for articulating insights gained from the study of documents stored on an organisation's intranet system. In this thesis I adopt Schulze's (2000, p. 7) working definition of knowledge work which is:

*"the production of informational objects. It is human work that requires a feeling and thinking agent who brings his/her subjectivity (in its relative, inter subjective sense) and tacit knowledge to bear on the informational object that is the product of knowledge work."*  
(Schulze, 2000, p. 7)

Organisational narratives, confessional writing and ethnographic research provide the most useful tools for validating the reliability and validity of data in an inter-subjective sense. Thus ethnography is defined as follows:

*"Ethnography is an anthropological research method that relies on firsthand observation made by a researcher immersed over an extended period of time in a culture. The ethnographic method requires the researcher to closely observe, record and engage in the life of another culture, and then write about it in descriptive detail."* (Schulze, 2000, p. 3)

This form of research is basically unstructured and flexible allowing the researcher to be:

*"led by the social setting to new and unexpected insights"*  
(Schulze, 2000, p. 7).

In order to achieve real insights about the study of information on a local government's internet system, the researcher establishes a context for understanding

text documents by providing an account of events within an organisation and establishes a:

*"Confessional or vulnerable account of ethnographic research". (Schultze, 2000, p. 7) and this approach "highlights the ethnographic experience of doing fieldwork by giving a self-reflective account of the research process." (Schultze, 2000, p. 8).*

My data collection method and my position in the organisation are clearly described in the confessional. This confessional is provided later in the chapter. Once I have completed the confessional, I will make clear that my secondary data collection method is no more than a study of documentary information stored on the internet either by the organisation, another author or employee of an organisation. Thus, I use documentary evidence to provide the legal insights I need to study information stored on the internet. Throughout my research double quotes are used to demonstrate a verbatim quote from information stored on the internet, where I use a single quote this signifies that I have approximated someone else's speech work or words. When these quotes are analysed by me I use the first person, often located in non-italics and in a text box. The third person is used if I am using someone else's "ideas, thoughts and insights." (Schultze, 2000, p. 8) Generally, someone else's ideas are located within a text box, and take the form of Italics. (Schultze, 2000, p. 8).

*"Organisational narratives theory establishing covert accidents and the subjective insight of the lone worker into objective facts and universal truths. Seen from the perspective of the Sociology of knowledge, the difficulty in information and knowledge creation lies in convincing others of the reliability and validity of a knowledge worker's claims."*

(Schultze, 2000, p. 7).

A knowledge worker's claims including their tacit knowledge are sometimes revealed in the documents they write albeit sometimes unconsciously. This is how I will endeavour to study information stored on an organisation's internet system. In the next text box the idea of information as a thing or object is described.

*"Subjective insights and tacit knowledge must then be articulated in a way that is consistent with a community's expectation of what constitutes informational objects.."*

(Schultze, 2000, p. 7).

In this study I assume that a local government organisation is in effect a landscape that has the potential to tell a story or stories about how information is used on the internet. The organisation's landscape and the people living in it provide the backdrop, whilst the technology which comes with the internet provides the written texts or theatre that may be conceived as a narrative in its own right. Therefore, the documents stored on the organisation's internet system are in effect the informational objects I study for the purpose of revealing subjective insights and tacit knowledge. However, these insights into information and tacit knowledge can be achieved only by the study of information as it exists in documentary form, albeit using the medium of narrative theory.

*"Narrative refers to both the story, what is told, and the means of telling the story. What is told, and the means of telling, implies product and process, form and formation, structure and structuration. Narrative is thus a more comprehensive and inclusive term than story. While every story is narrative, not every narrative necessarily meets the conventional notions of a story as a well wrought tale plotted with a sense of clear beginning, middle, and end. A narrative may be as simple as a sentence". (Pottleiger and Purinton, 1998, p. 3)*

For example a narrative may be as simple as the sentence 'I had a dream last night', or as complex as the notion of 'insights.' *"Beyond conscious awareness or inherent daily actions, it may be as mundane, varied, scripted, or open-ended as our own lives."* (Pottleiger and Purinton, 1998, p. 3)

I realise that a first attempt at composing coherent / sense making narratives from documents stored on the organisations' internet system may not be theoretically sound enough to develop a consistency of insights and interpretation, especially legal insights. Mueller (1978, p.187) alludes to this form of interpretation as content analysis. However,

*"Narrative has emerged as a central concern not only for literary criticism but across disciplines ranging from art, the social sciences, anthropology, geography, law and history to the natural sciences."* (Pottleiger and Purinton, 1998, p. 3)

More recently, the study of narrative, organisation change, development and learning is being developed into a useful narrative theory.

Reissner (2002, p.1) "argues that mainstream narrative literature is still missin the trick by widely leaving out narrative as a key instrument in the management of change and organisational learning."

The art of interpreting documents as narrative evidence stored on the internet is to learn how to tell the story a second time in a way that provides meaningful insights for an organisation.

Reissner (2002, p. 2) states that "narrative helps to make the tacit explicit and to put thoughts, feelings and personal views into a real context. If we are talking about a problem or writing our thoughts down, a solution often appears nearly automatically and links to other areas can be established. Since the situation has changed by letting the thought out of one's mind, there is a reflexive process occurring that opens opportunities for learning and gaining insights. In this context it has to be emphasised that a story told a second time is a different story due to the reflexive character of narrative."

I now demonstrate how the reflective process and narrative theory works based on a dream I had. In this dream I had a fictional interview with a professor of architecture. In this dream I had a hidden desire to become an academic. The fictional people are the Professor, the secretary (Mary) and myself (Edward)

Edward: I am here to attend an interview.

Mary: Is this the interview for the position of professor of architecture?

Edward: Yes.

Professor: Sit down Edward. I will introduce you to the members on the interview panel later.

Edward: As I sat down I noticed that I was in a wonderful place. From an architectural point of view I could not help admire what appeared to be an immaculately finished building. The interior and quality of the finishes were perfect and visually stimulating.

Professor: Edward. Please tell the panel how you define architecture?

Edward: I define architecture as an activity support system that supports the activity of a particular culture.

Professor: Very good Edward. Could you please describe this place you are in.

Edward: I am in the interior of what appears to be a well designed building. I think this interior is a masterpiece modelled on a sound understanding of the colours and

materials found in certain types of ecological systems. I also see that the designer has an appreciation of deep ecology and the ecology of what makes a place interesting for human activity.

Professor: Thank you Edward. End of interview.

Edward: I woke from my dream and vividly remembered the wonderful place I was interviewed in especially the question: "Could you please describe the place you are in?" I recall providing an answer based on the particular place of my interview. In other words as I delivered my answer to the interview panel, the answer related very much to the space I was interviewed in. Importantly, in my dream the interior of this building was very colourful, bright, spacious and surrounded by trees.

According to Klaproth (2004, p.134) "Narratives are fictitious in the sense that they are conceptualisation's made by the human mind using particular narrative coherence structures to make sense of direct, unmediated human experience." In this research whilst I use the Forester (1980, p.189) model of "critical theory and planning practice" to explain my interpretation of documentary text, it is important to realise that there are also other contradictory models of communicative interaction. For example in discussing an aspect of narrative philosophy Klaproth (2004, p.134) states that "reflecting on the ontological status of narrated events, I accepted a philosophical framework that understands mind/conceptualisation and world as interdependent and co-emergent."

Throughout this thesis I will present my thoughts, feelings and reflection in text boxes like this: that is, non italics. I use the text box as a tool for showing the insights I have learned by virtue of the fact that I am presently an employee of a local government organisation that relies heavily on the intranet to store information.

Now back to the dream. After I woke up from my dream I reflected on both the second question and the answer I provided to the interview panel. In my subconscious world, I was convinced that I was in the interior of a well - crafted building. But in my conscious world, as I came into being I realised that my answer may not have been accurate, because I now realised that I may not have been in building at all, but a well - enclosed exterior space.

The purpose of this narrative is simply to reinforce the power of reflection as a tool for providing strong interpretative insights based on a particular narrative. My proposition is that the notion of progress as it applies to a particular organisation can be more easily explained by applying narrative theory. Narrative theory provides the stepping stone for improving organisation knowledge as well as providing the theoretical framework for explaining how humans make sense of their working environment. This theory also allows people to explain their experience and show through the medium of documentary evidence how information stored on the internet shapes the working environment and their learning experiences. The theory provides a rich method for gaining useful insights and also for learning something about how

an organisation and people use information stored on the organisation's internet system. Importantly, this theory allows the researcher to enrich the meaning of text by the effective use of poetry, art and pictures that provides a rich context for telling stories. (Conrad, 1999).

According to Pottleiger and Purinton (1998, p. ix) "*stories link the sense of time, event, experience, memory and other intangibles to the more tangible aspects of place. Because stories sequence and configure experience of place into meaningful relationships, narrative offers ways of knowing and shaping landscapes not typically acknowledged in conventional documentation, mapping, surveys, or even the formal concern of design.*"

On reflection I realised that a book about the theory and practice of landscape narratives has direct application to organisation narratives. The relevance comes from the fact that organisations and landscapes function as systems and provides a context for telling stories about information stored on the internet. The similarities between landscapes and organisations comes from the fact that they both involve elements of change, intersect with the activities of human beings and involve processes that are conducive to story telling. I borrow ideas from Pottleiger and Purinton's (1998) landscape narratives as a tool for analysing internet text hermeneutically and heuristically.

The important point to grasp about narratives theory is that it "should not be seen as representing reality, but rather as constituting the narrators' reality. In this thesis I use Pottleiger and Purinton's, (1998, p. 3) landscape narratives theory and Gersten and Soderbergs' (2003, p. 3) working definition of narrative theory as a new paradigm for studying information stored on the intranet and the internet, albeit accessible in the public domain. Gersten and Soderberg (2003, p. 3), like myself, has chosen to focus on four essential characteristics of narrative. These are listed in the text box below:

*First "a narrative is an account of events occurring over time." Second, "narratives are retrospective interpretations of sequential events." Third, "narratives focus on human action the action of the narrator and others." Fourth, "narrating is part of identity construction." In summary, a narrative is an account of events occurring over time. (Gersten and Soderberg, 2003, p. 3)*

The study of information in an organisation is an example of such a study, as is the dream I described earlier.

### **The paradigms explained**

In this thesis I examine information against the backdrop of three paradigms, loosely termed the good, the bad and the ugly. The good paradigm is knowledge because its proper capture leads to organisation wisdom. But the process of revealing knowledge requires a sound understanding of organisation narratives and its interpretation. This means that organisation information must be put to good use. The bad paradigm is

the information warfare paradigm. This alludes to the fact that information per se can defeat revealed knowledge based on the newly emerging information warfare paradigm. The ugly paradigm is the notion of information space, which I have loosely chosen to mean the technology, or information system, that integrates and facilitates the navigation of information stored on the organisation's internet system. (See Figure 1.0). The reader should note that the although references are made in the early part of this thesis to the City's intranet system, the focus of the thesis changed to a study of documents posted on the internet by the City's planning officers. Thus towards the end of this learning journey my thesis title evolved to be the title in the next text box.

A hermeneutically critical ethnographic case study of internet documents revealing weaknesses in information management processes in a local government organisation: legal and information warfare perspectives. (Professional diary of action research group, note 1, file 4, April 23, 2004). This title was finalised the day after I officially resigned from a local government organisation on 22 April, 2004 for the purposes of finalising this thesis for submission in March, 2005.

This research therefore is an ethnographic study of an organisation's information system and the management of information. The study of information is represented diagrammatically as the intersection of the three paradigms of knowledge management, information space, and information warfare. The focus of my research is shown diagrammatically as Figure 1 and demonstrates the tensions inherent in the management of information. This is because the management of information within a particular organisation culture requires that we learn a new language founded on hermeneutics and interpretation. Therefore if I am attempting "to understand the question what time is it on the sun" as stated by Malcolm (1986, p.91) then I need to understand something about clock time, space or information space-time (fact space) and therefore I would need to understand a new language. Malcolm (1986, p.91) asserts that this new understanding is akin to learning a new language and is in fact "an excellent illustration of Wittgenstein's general remark: 'to understand a sentence means, to understand a language.' Therefore, to understand a language means to master a technique." My understanding is that in order to understand Figure 1 the reader or examiner of this research would need to have some understanding of hermeneutics, and the associated philosophy of interpretation.

The simple diagram shown as Figure 1.0 demonstrates that the study of information is a double-edged sword. This is because the technology that is used to facilitate navigation through the information space can also be used positively or negatively to enhance knowledge or destroy information, and reinforce the knowledge divide as is apparent in a number of studies. (Sagasti 2004; Dierkes, Antal, Child, Nonaka, 2004)

Local governments have a moral duty to use information positively so that it benefits positively rather than negatively the community and the employees of its organisation. This means that information that exists in documentary or electronic form must be used to enhance organisation knowledge through a sound understanding of information storage systems. But before I can study information and



the legal implications of its use I need to make clear how the concept of organisation narratives will improve our understanding of information, and minimise litigation by protecting confidential information and data stored on computer systems and technologies. (Coleman, 1990, p.173; Walden, 1990, p.18)

This study is an ethnographic study of local governments' information space and the reports that are written by different officers for Council meetings between 2001 and 2003. The words 'information space' has now evolved to mean the study of text documents written by planning officers located on the internet, but recognising the reality that many text documents located on the internet are also located on Council's intranet system. See Appendix 2.0.

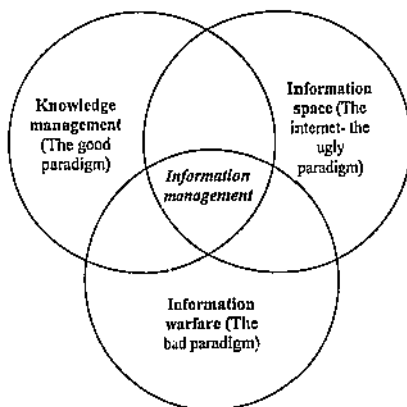


Figure 1.0: The intersection of the three areas of the Venn diagram results in the study of information and the management of information.

This study aims to make a contribution to the theory of information interpretation by demonstrating that the concept of information is related to meanings, because organisations are supported by a culture of human beings. Only human beings can give meanings to words and text. The study of information allows things pertaining to information to come into existence. That is, when I give meaning to information the "thing comes into being." Time, space, language, words and the affected domain facilitates communication of meanings through song, poetry, art and visions. In this research I collectively refer to these words as a form of heuristic analysis that requires reflection, interpretation and understanding. I will support this proposition by examining Council reports that are stored on the internet.

### **The confession**

I was appointed as a coordinator of strategic planning for the City in August 2001. My background is in architecture, town planning, and law. My task is to coordinate a team to prepare place plans for a local government in Australia. I am also responsible for project managing a range of projects such as the parking and urban design strategy, the City commercial centres plan, new growth management plan for the city planning corridor, and the city wide transport plan for the City.

When I joined the city in August 2001, I reported to the manager of strategic planning. This manager was then responsible for strategic land use planning, asset management and economic development. This manager has since been promoted to executive manager of community planning.

My information technology and computer literacy skills were almost non-existent when the City appointed me in August 2001. I do not like technology and experienced difficulty in carrying out the most simple of tasks such as creating a new file on the computer. Terms such as intranet and the internet were new to me.

I suddenly realised that I had launched into the information technology at the age of 47 years. At a superficial level I felt that the academic world had not prepared me for this new information age. I was suddenly required to use computers to carry out my work efficiently. Whilst I have formal qualifications in architecture and law, somewhere along the journey the world of computers and technology seem to have passed me by. This conclusion, according to Rucker (1986, p.17), like time and dreams may help to explain the existence of many beings paradox, not unlike his use of the example of "ships that pass in the night" and of dreams resulting in beings "saved by precognition." (Rucker, 1986, pp.217-219).

Of significance is the fact that people and colleagues who seemed competent at using computers surrounded me. My office colleagues could use computers effectively and efficiently, and of particular note was the fact that they had tidy desks. This observation was extremely troublesome to me, because whilst they all had tidy desks, my desk progressively became untidy. What I state is no more than how I felt at the time. In other words I am enriching the story by describing or moving into the subjective area of affective domain.

An urban designer previously occupied my workspace. This urban designer resigned some time in the year 2000 to join another local government organisation, and is now in private practice. I have yet to meet him in person. However, after being appointed as a coordinator of strategic planning projects with the City in August 2001, I occupied this designer's desk and workspace.

### **A former employee's workplace**

My first day at work was most interesting and the manager quickly introduced me to my colleagues. Those who worked in the same business unit as I were a social planner, another coordinator responsible for place planning, a strategic planner, a senior planning officer, a planner/sustainability expert, an environmental planner, an IT secretary person, and a manager. This group of people was loosely referred to as 'strategic development'.

The first few days in the office were a nightmare, because my knowledge of computers was in its infancy, and I was totally reliant on my colleagues for learning any sort of computer skills. Learning computing skills was difficult at first, because on reflection it seemed that the more I learnt the more I tended to forget what I was taught. For a while I thought the gods must be crazy, or perhaps I was developing a latent form of amnesia, or perhaps Parkinson's disease. (Menser & Aronowitz, 1996, p.13). Unusually I wondered into thoughts about the "omniscience of god. For he dwelling in the highest space of all, not only has this perfect view of constituents, but is also infinitely near to every point and particle of our whole constitution." (Rucker, 1986, p.201). Thus according to Rucker (1986, p.201) the idea of god and highest space suggests "that in the most strictly physical sense it is true that in him we live and move and have our being. This is a very interesting passage, certainly one of the first philosophical uses of infinite – D space." On reflection my tentative observation is that this space may not be dissimilar to technology that distributes knowledge and information in information space. This is an example of the use of metaphors which "may allow a different sort of culture to emerge one with values which are less commercial, anti panoptic, and pro community. Hacker culture." (Menser & Aronowitz, 1996, p.13).

I concluded that perhaps I was not adapted to use technology or perhaps equipped to philosophise about information space. But I knew that the organisation could not survive without my unique blend of design and strategic planning skills. Somehow I was able to cope with the projects and over time began to improve my IT literacy skills. By the middle of 2002, the strategic development section had lost key staff such as the place planning coordinator, the strategic planner, and the environmental planner. As these people resigned perhaps from poor leadership and inadequate understanding of information management, other human resources were employed to fill the gaps, and some were promoted to higher positions. I observed that it was not unusual for the City to ignore its own approved and documented processes for appointment of employees. However, the City managers always argued that proper appointment processes, including other organisational processes, are followed. Needless to say history will either confirm or disconfirm the truth of these assertions.

I now reflect and insert in this text box my effective domain feelings. The day is 26 April, 2004 and four days after I resigned from the City as facilities planning coordinator. It now became apparent to me that many of the processes the City had put in place were a sham, because there are many examples where staff are promoted without regard to the City's own advertising processes. For example, there are as many examples of staff being promoted without advertising as there are examples of staff being promoted based not so much on merit but on the basis of personal relationships. I resigned from the City when I realised that there are processes for some to follow and processes that could be ignored based on cases of personal relationships. The City also employs so-called independent human resource consultants as well as professional consultants for the purposes of writing adverse reports about organisation staff the City wishes to sack or to make redundant. This observation is my final warranted insight or learning that demonstrates what a critical ethnographic action reflective researcher or practitioner can learn or reveal about a City's information management processes, and hence weaknesses. The details of these relationships are recorded in the note below, but names are omitted here for the purposes of protecting individuals employed in this particular local government organisation.  
(Professional diary of action research group, note 6, file 1, April 26, 2004).

The organisation restructure is now complete, and as part of this process the organisation has lost many staff, including three managers responsible for engineering assets, leisure services and community development. This loss of City staff has meant that much tacit knowledge and information is lost and the security of information and the organisation is now compromised because knowledge that is not captured within the organisation goes out with the staff. The loss of staff raises an important risk management issue for the Chief Executive Officer and managers of local government.

Fink (2000, p.116) has suggested that the idea of security as risk management takes three forms. First, software exists to manage and identify risk. In this regard a questionnaire may be formulated to identify the potential for risk within local government. Second, the potential for risk has to be analysed in terms of "probability, exposure and consequences" Fink (2000, p.116). Third, the organisation must take measures to minimise damage to the organisation's data, internally or externally. Fink (2000, p.116) asserts that these measures generally come under risk control, the aim of which is to "avoid, mitigate, accept security risk".

So far, a theoretical framework to protect against internet security may be based on trust or Active Risk Management. But, as noted previously, traditional risk management strategies may not be suitable for use in intranet or internet systems that adopt a business focus approach to local government systems. This is because "risk management systems must operate in a dynamic way. Fink (2001, p108) asserts e-commerce is starting to create a true "just in time" economy and risk management approaches need to reflect this". Additionally Fink (2001, p. 108) asserts that "the physical space has been replaced by the virtual space. The velocity and scope of disasters that occur in cyberspace have real boundaries. (Davis, 1999). The internet is being called a 'legal vacuum'."

Visions of what could happen in the event of security breaches occurring are many, with Fink (2001, p.111) suggesting that these types of security breaches could result

in much greater adverse impacts than natural disasters, and hence mayhem. (Fink, 2001, p.108).

#### **Tentative conclusions based on my initial research idea**

In this introductory chapter I have attempted to show how various theoretical perspectives can impact on the study of intranet and internet systems in a local government organisation. In the next few chapters these theoretical paradigms will be developed further. From a methodological perspective more emphasis is given in this chapter to my emerging writing style, qualitative research techniques, organisational narratives and various legal perspective(s). Additionally, I hope that these approaches to text interpretation including Gadamer's (1975, p.18) concept of understanding will add to the existing knowledge of internet systems as well as provide the analytical tools for improving weaknesses in a local government's information management processes.

#### **My emerging writing style**

I argue that narrative analysis helps the reader and I to get closer to the real meaning of internet text documents because this form of fictional or metaphoric discourse analysis may be used to reveal the truthfulness of the content of internet documents by helping to intuitively reveal false meanings. In order to get as close as is reasonably possible to the meaning of internet text, I first use Gadamer's (1975) hermeneutic approach of understanding and agreement. Second, I may add to the discourse by using Habermas (1985) theory of communicative action. Finally, I make a sincere attempt to validate my own understanding of internet text by bouncing my own interpretation against conflicting or contradictory evidence, as noted by Williams (2004, p. 21). This form of dialogic analysis may be useful in revealing instances where information is deliberately distorted to give the wrong message to decision makers such as Councillors. For example Foresters' (1981) seminal work on the issue of miscommunication is useful for examining the matter of deception in government office because it is a similar case study about planning organisations and the topic of miscommunication.

Disconfirming evidence is a tool used by this researcher for the purposes of exposing information that is deceptive, especially within a local government decision making context. Contradictory evidence takes many forms but primarily evolves to embrace a philosophical confessions and dialogic conversations that builds on the work of MaGee (1997), Cupitt (2002) and Foresters' (1981) interpretation of Habermas' (1985) theory of communicative action. Therefore, I aim to seek truth by establishing a number of legal tests. First, are the facts relevant to the issue. Second is the report valid. My interpretation of validity is that internet documents must be truthful, ethical and worded to encourage common understanding. Understanding comes through a hermeneutic process of text interpretation as alluded to by Gadamer (1989) but has proved difficult to grasp because many readers of Gadamer (1989) fail

to understand his work. The only way I understand and interpret internet text is through a self-reflection process of the text itself supported by rich text pictures interlaced liberally with heuristic methods throughout this research. To my way of thinking this type of research methodology lends itself to qualitative methods of research and philosophy.

As alluded to in this chapter the purpose of text interpretation is to collect data to answer a specific research question that is related to the professional practice of local government and also for the purposes of achieving agreed objectives. Therefore, whilst I draw heavily on the work of philosophers to test my interpretation of internet text I aim not only to expand the bounds of interpretation theory but to do more than just carry out minor adjustments to an existing body of academic knowledge.

### **Documentary evidence**

Documentary evidence is a rich source of secondary evidence. I quote from Punch (1998, p.190)

*"Documents, both historical and contemporary, are a rich source of data for social research. A distinguishing feature of our society may well be the vast array of documentary evidence, which is presumably compiled and retained, yet much of this is neglected by researchers, perhaps because the collection of other sources of social data (experiments, surveys, interviews, observations) has become fashionable. This is ironic, since the development of social science depended greatly on documentary research."* (Punch, 1998, p. 190).

From this quote it is apparent that the reader may conclude albeit wrongly that research based on secondary data, internet documents and legal case material are an outdated mode of research.

*"Documentary sources of data might be used in various ways in social research. Some studies might depend entirely on documentary data, with such data the focus in their own right. In other research, for example case studies or grounded theory studies, documentary data may be collected in conjunction with interviews and observations. In conjunction with other data, documents can be important in triangulation, where an interesting set of different methods and data types is used in a single project. Finally, documentary products are especially important for the ethnographer, providing a 'rich vein for analysis' (Hammersley and Atkinson, 1995, p. 158). The ethnographer will make use of all manner of written sources, and of any other materials which will help in documenting either the immediate natural and detailed behavior of participants (Spindler and Spindler, 1992, p. 74), or the cultural and symbolic context and significance does not only mean words; it can also include visual evidence".*  
(Punch, 1998, p. 190)

*Finnegan (1996, pp. 146-149) points out that thinking about and checking how documents have come into existence generates eight other useful questions:*

- 1 Has the researcher made use of the existing sources relevant and appropriate for his or her research topic?*
- 2 How far has the researcher taken account of any 'twisting' or selection of the facts in the sources used?*
- 3 What kind of selection has the researcher made in her or his use of the sources, and on what principles?*
- 4 How far does a source which describes a particular incident or case reflect the general situation?*
- 5 Is the source concerned with recommendations, ideals or what ought to be done?"*
- 6 How relevant is the context of the source?*
- 7 With statistical sources: what were the assumptions according to which the statistics were collected and presented?*
- 8 And, finally, having taken all the previous factors into account, do you consider that the researcher has reached a reasonable interpretation of the sources?*

*For ethnographers, documentary products provide a rich source of analytic topics which include how are documents written? How are they read? Who writes them? For what purposes? On what occasions? With what outcomes? What is recorded? What is omitted? What does the writer seem to take for granted about the reader(s)? What do readers need to know to make sense of them (Hammersley and Atkinson, 1995, p. 173)? Such questions as these point ahead to textual analysis, the analysis of documentary data." (Source: Finnegan, 1996, pp. 146-149).*

Macdonald and Tipton (1996, p.199) stress that in documentary research, nothing can be taken for granted, and they recommend Denzins' (1990) triangulation framework to ensure that everything is checked from more than one angle. A possible framework is outlined in the next text box.

The quotations clearly demonstrate that the interpretation of written text and internet text is not an easy matter. To overcome this problem there is a need to turn to great thinkers and especially philosophers who have given great thought to the subject of hermeneutics.

Only at this stage of my thesis and after engaging for a year with other doctoral scholars did I realise the strength and relevance of Williams' (2003) work which outlines a rich modelling approach for writing theses. Williams' (2004, p. 4) research methodology has since been refined. It is outlined below and covers six stages.

First, the researcher needs to select a case study and the language for writing the thesis. In summary, this stage is simply a reflection of the research proposal having a focus on the research questions, aims and significance of the research, including a brief literature review and the proposed research design and methodology.

Second, the researcher should attempt to create an initial rich picture(s) or models about the research topic. This means that the rich picture should be relevant to the approved thesis title. This will help at later stages to make the research valid and reliable.

Third, there is scope to validate the research methodology by carrying out a dialogue with major thinkers. In this research I carry out conversations with Gadamer (1975, p.35) because his philosophy of hermeneutics is of significance to both the interpretation of text documents and also provides the theoretical foundation for answering the research questions outlined in the first chapter of this research. Additionally, in order to provide some tentative directions or answers to the part of the research question dealing with organisation narratives I will also draw on the work of Potteiger and Purington (1998, p. 15) as the framework for improving my understanding of internet text.

Fourth, I supplement my methodology by carrying out a dialogue with actors as alluded to by Williams (2004, p.50). This dialogue with actors occurs for the purposes of validating my reflections based on the insights that I gained by reflecting on the inner dialogue with myself. However, this type of self-reflection with the inner self requires a degree of validation, to avoid the criticism that I am biased about tentative conclusions. Therefore, I attempt to validate my conclusions by selectively carrying out conversations with other thinkers, primarily Habermas (1985, p.10) and Gadamer (1975, p.12) because there has been a major debate between these two thinkers about hermeneutics, and also to a lesser extent with Heidegger (1971, p.12) who has also had extensive debates with Gadamer (1989, p.15) about the subject of hermeneutics. This reflection requires that I be faithful to Williams' (2003, p. 8) methodology which requires that I write up in - depth my own "thoughts about the quotes. Insert text boxes for alternate perspectives and voices". In this part of the research I will draw on a rich eclectic source of thinkers such as: Foucault (1982, p. 217), Forester (1981), Habermas (1985), Heidegger (1971), Scholes and Kellogg (1966, p. 82), Derrida (1992), Magee (1997), and Potteiger and Purington (1998).



Other legal thinkers such as (Rawls 1971), and Kelsen (1967) are also referred to for the purposes of validating and triangulating this researchers' conclusions. The text boxes will primarily take the form of quotes from internet documents downloaded from the computer. Validation will be achieved by drawing on different perspective(s) and voices from the list outlined above, and may also take the form of conversations with these thinkers, but adhering always to the principle of legal relevance to the facts in issue.

Fifth, I will carry out a re-dialogue with actors and thinkers and this will occur in the final chapter of this research where I make some general conclusions about my journey through this study and conclude with an epilogue of my journey. In this final chapter I follow Williams' (2003, p. 8) methodology as follows: "Write final chapter in-depth including your doubts and failings and hopes. One simple, one richer model, insert shapes, use arrows, use wordy labels". In this final chapter I also outline my warranted rich model supplemented as appropriate by various assertions, pictures, and organisational narratives from internet documents posted on the internet by the local government authority in Australia using Williams (2003, p. 8) methodology as follows:

*"This rich model is your emergent model, an original contribution warranted by the research especially the extent of in-depth reflection, description, analysis, action, and especially ways the model changed due to disagreements, refutations and disconfirmations. Always play out roles, speech and actions in ways that minimise harm and miscommunication whilst maximising freedom".*  
(Williams, 2003, p. 8)

Finally, this last chapter includes the sixth step of my warranted rich model. Here I will draw heavily on my legal philosophy outlined in Chapter Four about the philosophy of rights and internet systems to ensure as far as is reasonably possible that internet documents serve the purpose of minimising harm to persons and things. Additionally, individuals should maximise their freedom whilst aiming to prevent miscommunication or deliberate misrepresentation by minimising deception in regard to documents posted on the internet by a local government organisation. At the end of the thesis I outline the research limitations and in the epilogue describe how writing this research liberated this critical ethnographic researcher from the professional practice of town planning in a local government bureaucracy. I also write about my new career with another local government in Australia and my new adventure as a part-time academic at a university in Australia. I briefly outline these changes at the end of this research. I started this new journey in July 2004.

#### **The analysis of qualitative data**

There are many ways to analyse qualitative data. Punch (1998, p. 198) identifies these methods as coding, abstracting and comparing, and grounded theory analysis.

Interestingly, Punch (1998, p. 198) also identifies alternative methods of qualitative analysis that are of particular relevance to this research. They are narratives and meaning, ethnomethodology and conversation analysis, discourse analysis, semiotics, documentary textual analysis and also computers in the analysis of qualitative data. As far as qualitative research methods are concerned there is no particular methodological framework that may be described as the most correct. Rather as Punch (1998, p. 199) states: "much depends on the purposes of the research."

I now set out as truthfully as I can how I will go about interpreting internet documents that supports the conclusions of at least one insight I have learnt from my research approach. As a researcher who is attempting to come to terms with the best way to interpret documents I face some problems. In particular according to Punch (1998, p. 221) there is the problem of "how to be subjective, interpretive and scientific at the same time (Lonkila, 1995, p. 46)". Additionally I briefly outline my methodology for interpreting texts. First, I focus on narratives and meaning as a tool for improving my understanding of internet text.

#### **Narratives and meaning as a research method**

In this part of my analytical discourse I do not follow the tradition of analysing text data as suggested by Punch (1998, p. 222). I quote:

*"Data analysis based on segmenting, coding and categorisation are valuable in attempts to find and conceptualise regularities in the data. But they by no means exhaust the data. Also, they break the data into small pieces, risking the development of a culture of fragmentation". (Punch 1998, p.222)*

However, I will follow a theme of narrative analysis that builds on earlier research I carried out that has similar themes to the one outlined by Punch (1998, p. 223) and Andre (1999, p. 3). I also build on the associated theme of discourse analysis that follows naturally from narrative analysis.

#### **Discourse analysis**

Jupp (1996), citing Worralls' (1990) use of the term discourse analysis, defines discourse in the following way:

*"People use metaphors constantly as a way of making sense of experience, and of expressing and conveying its meaning. Qualitative analysts will often do the same thing in making sense of data. Miles and Huberman (1994: 250-52) indicate some of the useful properties of metaphors in qualitative analysis: for example, they are data reducing devices, pattern making devices, decentering devices, and ways of connecting findings to theory. Metaphors are one important way that people use language figuratively. They are a major type of trope (or literary device), comparing two things using their similarities but ignoring their differences. Other tropes often used are irony (the view from the opposite, sometimes incongruous or paradoxical side), synecdoche (linking instances to a larger concept) and metonymy (representing a whole in terms of one of its parts: (Miles and Huberman, 1994: 287). Focusing on these concepts in analysing data for meaning links this sort of qualitative analysis with semiotics". (Punch, 1998, p. 223)*

*"Discourse embraces all aspects of a communication- not only its content, but its author (who says it?), its authority (on what grounds?), its audience (to whom?), its objective (in order to achieve what?) (Worrall, 1990: 8). Discourse encompasses ideas, statements or knowledge that are dominant at a particular time among particular sets of people... and which are held in relation to other sets of individuals.... Implicit in the use of such knowledge is the application of power ...discourse involves all forms of communication, including talk and conversation. In the latter, however, it is not restricted exclusively to verbalised propositions, but includes ways of seeing, categorizing and reacting to the social world in everyday practices. (1996:300)". (Punch, 1998, p. 226)*

Discourse analysis also plays an important role in the display of power. A point also recognised by Punch (1998, p. 227). I quote:

*"Jupp (1996:305) identifies three features of discourse analysis as used by Foucault. First discourse is social, which indicates that words and their meanings depend on where they are used, by whom and to whom. Consequently, their meaning can vary according to social and institutional settings and there is, therefore, no such thing as a universal discourse. Second, there can be different discourses, which may be in conflict with one another. Third, as well as being in conflict, discourses may be viewed as being arranged in a hierarchy. The notions of conflict, and of hierarchy link closely with the exercise of power. The concept of power is vital to discourse analysis by way of the theoretical connection between the production of discourses and the exercise of power. The two are very closely interwoven and, in some theoretical formulations, are viewed as one and the same". (Punch, 1998, p. 227)*

To summarise my understanding of the main elements from the above quotations I tentatively conclude that the interpretation of internet documents can achieve a degree of reliability and validity if the following thinking processes are used. First my tools for interpreting internet documents will improve interpretation by focusing on narratives and meaning, especially the idea of tropes: metaphors, irony, synecdoche and metonymy. These methods of interpretation are valid in cases where rich picture methods are used because there is supporting evidence for use of this form of interpretation in Potteiger and Purinton's (1998, pp. 34-38) works on landscape narratives. Therefore my focus is on a narrow form of narrative interpretation designed to enhance the meaning of texts. Second, I focus on power relations in discourse analysis and this is recognised as a valid mode of text interpretation by thinkers such as Foucault (1982), Forester (1981) and Habermas

(1985). Third, I draw on the work of philosophers such as Gadamer (1985), to improve by personal understanding of internet text albeit from philosophical and hermeneutic perspective(s).

Towards the end of this journey my thesis title and scope has evolved to embrace reviewers' comments provided at my candidacy proposal as well as ongoing comments provided by doctoral scholars as outlined in Appendix 1, and Williams (2004, p. 185). (Professional diary of action research group, note 7, file 1, April 31, 2004). This thesis is now entitled "Investigating information management weaknesses in a local government organisation: A critical hermeneutic ethnographic case study of internet documents from information warfare and legal perspective(s).

In this unusual thesis that attempts to report on a local government organisation attempting to implement some aspects of electronic government, I use a simple chapter hierarchy to explain my argument. I use this simple approach and lack of hierarchies of sections and sub – sections, because many of Council's technical reports are written this way and accords with Council's corporate standards for writing internet text documents.

I have selected this writing style for the purposes of ensuring that this thesis is readable and comprehensible to the target audience. This audience is local government, rather than academia and reflects arguably that this is a Professional Doctorate thesis rather than a PhD thesis.

## CHAPTER 2.0

### LITERATURE REVIEW MY EVOLVING RESEARCH APPROACH AND THESIS PROPOSAL.

#### Introduction

In this chapter my objective and purpose is to link legal method with legal hermeneutics and try to tease out the connection between jurisprudence and interpretation. The aim is to build on legal hermeneutics and interpretation theory for the purposes of improving understanding of organisation narratives. (Ely, 2003; Gergen & Davies; 2003).

I provide a robust yet simple outline theoretical framework for facilitating better information management and interpreting information weaknesses. This framework was presented on 5 July 2003 to team members that meet regularly to discuss our research proposals. The framework that was presented and discussed at this meeting provides the context or theoretical framework for the balance of this thesis, and has three dimensions. First there is the hermeneutic learning process, which arguably is best suited to the study of texts and therefore documentary evidence. Second, there is the research cycle model that takes a spiral form and provides a way for developing organisational learning and the attainment of ultimate knowledge, for both the individual and the organisation. Finally, I define documentary evidence from a legal perspective because, the *Local Government Act, 1995* (as amended) specifically puts the onus on local government to manage information wisely and for the betterment of humanity.

#### The city's restructuring process

In 2001 I applied for a position of Coordinator Strategic Planning projects that was advertised in a local newspaper. I was interviewed for this position by three local government bureaucrats and accepted a permanent appointment with a local government organisation, subject to the organisation accommodating my current study commitments. Since my appointment with this particular local government organisation, the Council and senior executives have implemented a process of continuous change. This process of change aspires to introduce a new Information System (IS) for better managing information, as well as creating new business units for the purposes of meeting the needs of many local government stakeholders, albeit within the Australian Business Excellence Framework (ABEF).

This process of change has resulted in some employees being made redundant, the introduction of a hierarchy of managers, a new executive manager and the restructuring and creation of some new business units. The aim of these changes are designed to meet a myriad of public and legal obligations as well as providing better service delivery to various local government stakeholders. Appendix 2.0 outlines this process of change and the planning officer's report that a local government

organisation presented to Council. This is one of the case study materials I use to interpret internet text and formed the basis for formulating my emerging research questions and research ideas.

### Research methodology

Initially, the purpose of hermeneutic research was to provide an in-depth data analysis of a myriad of public documents that were to be collected during an intensive ten - week period, but later this evolved to collecting Council documents posted on the internet over a six - week period. These public documents are not confidential documents and are available to any member of the public who has access to the internet. During this time I randomly collected public documents stored on Councils internet system over a six - month period of relevance to particular legal issues identified in the purpose section of this research as described in Chapter 1.0. All of these documents can be accessed on Council's internet system, therefore making this research fully transparent. However, as time progressed there was a suggestion that my case study of internet text documents should be extended to six months. This idea of randomly selecting internet documents was mooted by an IS lecturer present at the DBA candidacy proposal of 8 October, 2003. (See Appendix 2.0). The study of internet documents allows the author to use the method of narrative as a research tool for expressing the views of different stakeholders. These stakeholders all have different voices and their views or concerns are often available on the internet system. The internet is a public and transparent system allowing accessibility to all members of the public. As a reflective practitioner I include critical ethnographic accounts of internet practices within local government, employing both postmodern and heuristic styles that expose doubt and uncertainty about my own and others' professional practices relating to information stored on a local government internet system(s). I provide a personal account as to how internet information is used within organisation structures, supported by elements of a more critical ethnography research approach to analysis of the organisation's information systems. (Thompson, 1981; Thomas, 1992; Wolcott, 1999). A critical ethnography approach is used to study internet documents because ethnography is arguably recognised as not an easy methodology to practice in the real world in that it demands significant rigour in terms of data collection. To some extent this is alluded to in the next text box. (Prasad, 1997, p. 106; Neuman, 2004, pp. 281-382).

*"Few pay sufficient attention to the theoretical orientation it demands or the complex issues it raises in the process of writing and researching". (Prasad, 1997, p. 115)*

*Ethnographers "try to understand any situation based on the meanings that it holds for relevant social actors." (Prasad, 1997, p. 106)*

Prasad (1997, p. 115) suggests that ethnography has a deep anthropological tradition that attempts to understand a complex range of issues and interpretations from the native point of view. However, the point of difference, which a critical ethnography

brings to this study of one local government organisation, is that it does not accept local narratives at face value because this is a rather superficial form of analysis. Critical ethnography is much more analytical and reflective because there is a search for a deeper meaning of narrative content articulated in public documents that are posted on Council's internet system. (Klapproth, 2004, p.80) Therefore, critical ethnography adopts a more sceptical stance in that it attempts to unearth impacting external and internal structures that influence agents and perceptions of local government stakeholders and organisations. From the viewpoint of carrying out a case study of one local government in Australia critical ethnography is particularly important because this form of grass roots organisation has a multitude of loyalties, obligations and stakeholders' voices. All of these obligations require a core replacement information system (IS) that is suited to facilitating better information management for local government.

For example are these words a "plausible account by inviting readers to see themselves in solidarity with text assertions. Skilled ethnographers make appeals to readers by connecting the topic or situation being researched to the every day life worlds of readers themselves. In doing so, ethnographers establish insightful linkages between their own findings and parallel issues concerning readers".

(Prasad, 1997, p.108).

My task as a researcher is to use rich text pictures as a tool for weaving internet documents with a legal discourse, thereby inviting readers of text to focus and react to the meaning of words as in the next text box.

The idea of conflict suggests that there is a "tension between emancipatory potential of automating work, and the dehumanisation which can result." In Checklands' (1981) work entitled Systems Thinking, Systems Practice, "he sought to establish that systems of purposive human behaviour ('human activity systems') should be handled quite differently from other kinds of systems."

A local government organisation clearly functions as a human activity system, through what Checkland (1981) refers to as the 'soft' paradigm. An important aspect of "Checklands' (1981) account of soft systems thinking is that all systems should be regarded as perceptions, and so subjective." In this thesis I do build on the research article by Ang and Endeshaw (1997, p. 497) that introduces "readers to the richness of existing legal cases as sources of secondary data for analysing contemporary issues in the management of information technology". (Ang and Endeshaw, 1997, p. 497; Checkland, 1981, p. 96)

The idea is to reveal to individuals, independent contractors and part - time employees the extent or scope to which individuals working in a local government organisation may be in breach of the Rule-of-law. This issue may become more

apparent as a Council appoints a contractor to replace the present IS with a new core replacement system.

This study of Council's internet text documents has a particular reference to legal and information warfare perspective(s). Josselson & Lieblich (2003, p.259) have developed "a framework for narrative research proposals and this work reinforces my initial hunch to focus on qualitative forms of research. (Potteiger & Purinton, 1998).

I formalise my research methodology having regard to the two research questions posited in the introductory chapter. First I attempt to define the scope and purpose of the hermeneutic cycle and organisational narratives as a comprehensive theory for improving information management. Second, I introduce the idea of how can information defensive and offensive strategies best be applied in a local government organisation as the basis for promoting better information security. I hypothetically demonstrate below how a hermeneutic approach together with the use of organisational narratives can be used to better understand how organisations react to a virus threat in the computer system.

### **Significance of the study and systems thinking**

A local government organisation functions as a system. Human beings and technology function as a system, albeit within a paradigm of conflict

In this critical ethnographic study of a local government organisation my aim is to focus on a very narrow approach to the flow of written information within a local government organisation that is transmitted through the medium of the internet. The purpose of the study is to identify strategies for better managing information for local government. In particular, I address the question of 'how can information breaches be safeguarded in the context of local government?' albeit from an information warfare perspective. Information warfare is defined in terms of breaches of the Rule-of-law. In other words, I will identify how the Rule-of-law, the hermeneutic circle and organisation narratives function as a system that promotes the better management of information from a systems perspective. Of particular interest is the fact that the new soft systems paradigm is considered to be subjective and therefore is suited to qualitative research. For example, Ouellette (2003, p.13) asserts that the teaching of narrative is akin to learning how to paint.

### **The hermeneutic circle**

Schleiermacher (1985) recognised at the beginning of the nineteenth century the existence of a hermeneutic circle. Thus we have:



*"Hermeneutics sees the relations between various discourses as those strands in a possible conversation, a conversation which presupposes no disciplinary matrix which unites the speakers, but where the hope of agreement is never lost so long as conversation lasts. This hope is not a hope for discovery of antecedently existing common ground, but simply, or at least, exciting and fruitful disagreement." (Crowe, 1996, p. 52)*

### Organisation narratives a working definition

An organisation and a narrative respectively may be defined as a:

*"formalised structure comprising of individuals with a common purpose." And a "spoken or written account of a series of events. A central element of narrative theory is the intricate linkage between metaphor and narrative and that as human beings we use language and hence narratives.*

*We infer metaphors, and what they are like from what we observe and experience. Furthermore, people within organisations take action on the basis of the inferences they make."*

(Stewart, 2001, p. 12; Stewart 2001, pp.152-153)

My assumption is that the study of these narratives, what I call organisational narratives provides the medium for understanding how organisations manage information that passes through the internet system. I hope that the study of organisational narratives will provide significant insights about how a local government could better manage its information, but recognising that information can be better managed if it is embedded in legal method. By legal method I mean that the Rule-of-law and the study of legal cases are used as sources of secondary data for analysing modern legal issues arising from the use or misuse of documents available to any member of the public on the internet. The link between legal documents stored on internet systems and legal cases provides the context for exploring the richness of organisational narratives as a method for better improving the management of information technology for local government.

Prasad (1997, p. 108) notes the link between critical ethnography and narratives.

*"Plausible accounts refer to ethnographic writings that are convincing not only because they pay attention to detail, but because the overall narrative incorporates the viewpoints of multiple actors and tie these together in a culturally coherent and articulate fashion."*  
(Prasad, 1997, p.108)

### **Hermeneutics and the Rule-of-law.**

This research attempts to embed the management of information within the Rule-of-law. To some extent I will examine this question: "The Rule-of-law is too vague a concept to be of practical relevance to an evaluation of the actions of Government." The concept is described in the next text box.

*Dicey (1885) contended that the Rule-of-law has three essential dimensions. First, that no one should be punished or lawfully made to suffer in body or goods except for a distinct breach of the law established in the ordinary legal manner before the ordinary courts of the land. Second, that no one should be above the law: that every person, whatever his rank or condition should be subject to the ordinary law and answerable to the ordinary courts, and third, that the general principles of the constitution, such as the right to personal liberty and the right of public meeting, are the result of judicial decisions and that so we have judge made constitution."*

(Dicey cited in Hughes & Middel 1995, pp.21-22)

### **Heuristic and narrative vignettes - examples of my research style**

The research style outlines the approach that I used initially to reflect on various forms of internet text analysis. These written texts or vignettes are a fictional or metaphorical way of representing internet documents. It is important for the reader to understand the difference and methods used to improve understanding and interpretation of internet documents. In particular, there is a need to understand how the method of heuristics and alternate voices are used to resolve conflicting viewpoints. An example is provided in the next text box.

**The legal voice: states the legal principles based on legal cases**

The legal voice will analyse information as evidence based on information that is admissible in court and on the material facts of the case, as a matter of fact. Information may be used as a matter of fact because evidence is information about what individuals or the media think or say about information. The legal mind looks at information as a fact that informs the idea of information as evidence. Therefore, the information that exists in the form of organisational narratives tells a sequential story, as a matter of fact about what is actually happening in the organisation. Once the information is transcribed sequentially as organisation narratives the legal mind simply views this information as a fact. Once the facts are clear, the lawyers will analyse the facts and search for the legal issue that requires some consideration. For example, is there an internet deception issue, private information issue or an internet defamation issue?

The consequences of analysing the information as evidence may point the lawyer to the fact that there has been a breach of the law, what Dicey (1885) has alluded to as the Rule-of-law. Therefore the lawyer needs to ascertain whether individuals should be punished or lawfully made to suffer in body and goods for distinct breach(s) of the law established in the ordinary manner before the ordinary courts of the land. However, upon careful analyses of the facts as depicted in the form of organisational narratives, lawyers may well conclude that there has been no breach of the Rule-of-law. Therefore, the lawyer concludes that there has been no breach of existing laws, and that there are gaps in the law. If there are gaps in the law, then these gaps will become apparent and this will be evident from the factual organisational narratives.

Legal discourse follows a distinct process as follows. First, identify the legal issues that are evident from the organisational narratives. Often legal issues will become apparent from a hermeneutic analysis of internet documents. Second, identify the relevant rules of law that apply to facts and issues raised in the organisational narratives, such as the rules relating to breach of confidential information. Third, if the legal rules exist then the rules are applied to the facts in issue and, finally, the law concludes by recognising that there has or has not been a breach of the law.

If there has been a breach of the law then a case will be sought to seek appropriate remedies and or damages.

In this research Arial font in a text box is used to express a legal opinion about facts as expressed in internet text documents posted on Council's Internet system. These documents are reports written by planning officers and posted on the internet, and often raise a host of legal issues. (Yannopoulos, 1998, p. 123)

The next text box provides an example of the explanatory voice

**Factual explanatory voice: describing this researcher's reaction.**

The City had to restore the planning reports and calendar reports from Thursday night's backup tape. This was made necessary as an automatic virus removal tool damaged a vital file. The virus got through because the medicine was not ready yet.

Subsequently to my resignation from the Council I became aware that information stored on the internet was vanishing, restored and lost again. This is the case because perhaps the City failed to invest in an adequate maintenance package.

(Professional Action Research group, note 9, file1, April, 28 2004)

One week after my resignation from the Council other colleagues informed me that an executive manager was experiencing a nervous breakdown, largely because the information stored on the internet was progressively being lost.

(Professional Action Research group, note 10, file1, April, 29 2004)

As the ethnographic researcher my role is to represent data as I receive it on the internet system as a hermeneutic text devoid of any interpretation. Therefore, data translates to what the legal world calls facts, because information is in effect evidence. This is a matter of fact. Later, these hermeneutic texts will be arranged in sequence and interpreted to tell a story about what is actually happening at a point in time – in effect a snap shot of how individuals react to the process of organisational change. This process of organising hermeneutic text sequentially serves the purpose of telling a story, what I refer to in this study as exciting stories that have various meanings, and what I call organisational narratives. I use this information for the purpose of understanding how individuals in local government or the community will use and analyse this data as they access the data through the internet system. Once individuals receive and understand what is said, the data is transformed into information because the raw data has achieved its purpose to the extent that individuals are informed. Thus information is a process of informing. However, information only becomes knowledge when information as knowledge is imparted to individuals in ways that facilitates understanding of internet text. That is, information becomes knowledge when individuals act on the information and apply the knowledge in a 'hands on' office environment.

Professional Action Research Group, note 11, file 1, April 30, 2004.

The next text box explains how conversations could be relayed over an internet system.

*"The City's information manager's or the planning officer's voice as posted on the public internet system available to all of Council's stakeholders. Note this is a hypothetical example only.*

*Dear Ratepayers*

*All planning reports received Friday 19/11/03 morning and up to 1.16 pm on that Friday are lost. (Please note that all planning reports posted to City of Rome ratepayers during this time will be lost).*

*All reports posted on the website Calendar on Friday during the same time are lost as well.*

*Apologies for any inconvenience caused, and for any questions please call 9111.*

*(Professional Action Research group, note 8, file1, December 19, 2003)*

#### **The researcher's voice**

If no legal rules exist to protect local government information as it exists on the internet system, then there is a gap in the law, especially cyberspace law. This research will exploit the perceived gap in the law relating to internet deception, misrepresentation on the internet and breach of confidential information and privacy on the internet. Breach of internet security will not be considered in detail.

In the next text box I explain how the legal voice impacts on the function of an organisation.

**The legal voice: analysis of the organisational narrative**

The legal voice expresses a legal opinion based on the facts arising from planning officer's reports presented to Council and posted on the internet. Therefore a hermeneutic analysis of internet text documents will follow the framework that the legal system uses as follows.

First, clarify the material facts. Often this is reflected in the internet text.

Second, isolate the legal issues arising from the material facts of the case based on the internet text documents posted on Council's internet system.

Third, identify and apply the legal rule based on the facts in issue. If the case or issue is common consider the issues to be simple and recognise that this is an easy case and apply the Rule-of-law.

Fourth, if the issues raised are complex and not easy to solve based on an initial analyses of the facts, then recognise that this is not an easy case and therefore a process of hermeneutic interpretation is required.

Fifth, consider the jurisdictional issues. By this I mean that if interpretation of facts and issues reveals that there are no breaches of existing laws in Australia, then there may be other international rules or international treaties that may be relevant to the facts in issue.

Sixth, recognise that hard cases require intensive interpretation, hence the value of hermeneutics and heuristic analyses.

Seventh, finalise the legal arguments and arrive at a tentative conclusion.

Finally, present the argument in a court of law and wait for the legal decision.

The same process can be applied to any organisational narrative(s) for the purposes of assessing the law in so far as they relate to legal issues arising by virtue of posting text documents on the internet system.

The difference between this process of analysing legal issues and the process of legal interpretation outlined by Yannopoulos (1998, p.123) is the focus on hermeneutic modes of interpretation.

Hermeneutic processes of interpretation provide both the legal profession and local government organisations with a better analytical tool for interpreting legal issues arising as a consequence of planning reports and associated images posted on both Council's website and the internet system.

This insight relating to the analytical hermeneutic process of selected parts of internet documents is my major warranted contribution to identifying weaknesses in information data storage systems and provides the foundation for local government to

install better data management systems than softwares currently in use. Some examples of this software are Logis, Trim and Dataworks.

Therefore this research provides an original contribution to better hermeneutic text interpretation because an eclectic use of methodologies is made as a basis for improving text interpretation with a view to minimising litigation. I allude to this in the next box.

**The City Manager's or planning officer's voice as cited in Internet documents reports available to the City's ratepayers. Note this is a hypothetical example only.**

Dear ratepayers

The rampage of viruses is continuing out there with increasing sophistication and intensity. At the City, we have taken all steps possible to protect our systems from virus attacks. We desperately need your continuing vigilance in keeping our systems virus free.

As responsible ratepayers do not send /transmit or receive any attachments that contain files/data with the extensions such as .exe, .com. If you receive any electronic mails that contain attachments stated above by accident and from unknown / suspicious sources, do not execute or run them, or send them to the City, delete them immediately.

Thank you all for your support. (Professional Action Research Group, note 12, file 1, November 22, 2003)

**The researcher's voice**

The above statement serves three purposes. First the statement provides some insights about how an organisation communicates on the internet by way of internet text narratives. For the purposes of clarification when I use the term 'organisation narratives', I mean internet text narratives derived from written planning officer's reports posted on the internet. Organisational narratives therefore serve the purpose of demonstrating hermeneutically as well as heuristically how an organisation actually functions when the information system is under threat from litigation. This is the sense in which I use the term 'information warfare', the purpose of which is to give some legal perspectives to this term.

#### **The researcher's voice continued**

The statement hints at the usefulness of carrying out a critical ethnographic study, in that an external person may not know how to interpret what is, in fact, a very rich written text. This type of interpretative research may provide insights for identifying better information management and protection from litigation for local government through information offensive and defensive strategies based on organisational narratives and the hermeneutic circle. Additionally, an interpretive epistemology suggests that information management and information offensive and defensive strategies based on organisational narratives and the hermeneutic circle can better inform information management and security strategies for local government. Therefore, the tools of research for this study in descending order of importance are legal documents, collection of other documents that are stored on Councils internet system largely in the form of public documents, personal reflective observations, case law and media reactions to issues raised at Council meetings. All documents used are those available to any member of the public.

Whilst many methods are available for interpreting organisational narratives, I chose to adopt an interpretative approach to my research because a qualitative (as opposed to a quantitative) approach can best be used to give meaning to written text that is embedded in the Information System (IS) tradition. This study chooses a range of documents that are transmitted as information on the public internet system, and used the hermeneutic circle as well as heuristic devices in the form of rich pictures, art, poetry, language and thought as the basis for better interpreting and answering the research questions.

The interpretation of the organisation narratives uses the hermeneutic dialectical approach. The purpose of this form of hermeneutic analysis is to find out the meaning of words as they are described in text form or text analogue. (Myers, 1995; Standing, 2000). The contribution of this study is not so much to study interview scripts, but to study electronic information that exists by way of secondary documents such as legal cases, documents and electronic documents in terms of "themes, motifs, and key words in the same way as literary text is". (Bronsema and Keen, 1983; Standing, 2000).

#### **The choice of research methodology- why?**

This research methodology was selected because both the narrative and hermeneutic approaches are firmly embedded in the interpretive tradition and provide a sound path for improving our understanding of information management and offensive and defensive security strategies for local government. The literature review demonstrates that there are five elements of narrative text that provide a point of difference for analysing other forms of data. These elements are: sequentially, ordering of events and plots, voice, reiterates the voice of the speaker, intentionally and agency, organisation goals, actions and perceived intentions; managing the sequence of events; and factual indifference, which attempts to gauge the level of deception, the level of truthfulness and the power of truthfulness. (Bruner, 1990, p. 31).

This study attempts to forge new approaches by integrating the interpretative methodologies of hermeneutics and organisational narratives to better understand and analyse the case study in information management. The literature review demonstrates that the study of written text in the form of internet documents that are transmitted and received and interpreted via the computer (the rectangular screen) is



best analysed using the medium of interpretive epistemology. (Bruner, 1990; Czarniawski, 1998, 1997). This form of written text can be interpreted by using the medium of organisational narratives and hermeneutics because the subjectivity of internet text as expressed by various voices in text form is specific to a particular organisation - in this case a local government culture in Australia. The narrative approach is also suited to the study of information warfare and legal perspectives because both these areas, specially the latter, have a long tradition of using documentary evidence in the form of written text as the medium for informing the area of research study. (Sher, 1989, p. 2).

Therefore, whereas positivist scientific discourse, and to some extent the law, promote notions of objectivity and rationalism in research in the form of an objective reality, this form of scientific research is ill-suited to the study of organisations because organisational culture is socially constructed (Standing, 2000, 106). Given that this research is an in-depth ethnographic study of part of one organisation with a unique organisational culture, the researcher has chosen to focus on the study and interpretation of legal text, because a more suitable methodology than that based on positivist objective reality had to be found. This forms a basis for explaining how well Plato used the narrative of the cave as a tool for explaining reality or the falseness of reality. (Rucker, 1986, p.8). Therefore, Rucker (1986, p.9) asserts, we should not assume "that our every day view of the world is the most correct and most comprehensive view possible. Common sense can be misleading, and there may be a great deal more to reality than meets the eye."

I had to find a research methodology that is suited to the study and interpretation of organisation culture and written text. This form of text analysis and interpretation had also to be suited to the study of internet documents as well as informing the legal tradition which requires the mastery of words and their interpretation in a court of law, often by way of documentary evidence. (Clinchy, 2003; Chase, 2003).

An important dimension of this research is the focus on better information management including providing some insights about legal perspectives, especially the law of security and deception. Therefore I had to find an information system research methodology that provides some useful insights, and unifies all aspects of the emerging and final thesis title, that somehow explains infinite time, understanding and my emerging research paradigms. (Rosenwald, 2003; Rucker, 1986; Schultz, 2003).

The narrative approach is a new and emerging paradigm that could be used to provide some insights about devising new laws of deception and security as the basis of providing better information management for local government through information offensive and defensive strategies. Therefore, the method of organisational narratives and the hermeneutic cycle are selected as components of a research methodology that is suited to the study of information management in this particular case study. Ontologically, unlike Heidegger (1985, p.292), I take the view

that reality in organisations is socially constructed. In the next text box I provide an example of contradictory evidence.

*"In modern life, to get through even one day an individual cannot depend solely on the models and interpretative patterns he is given by his culture. These contradict, they are too many, and often they do not solve the situation in which he finds himself. To deal with what he is up against they are too few. He must reinterpret, newly interpret, invent meaning, create myth, and generate new futures and new significances in order to mold the already given troubling meanings of his situation".*

( Heidegger, 1967, p.292).

In addition to the emerging research questions relating to knowledge management, information space in the form of the internet, and information warfare, this case study identifies some legal implications of breaching private and confidential information in cyberspace. From an organisational perspective subjective reality informs and contextualises the research medium and methodology as a basis for understanding various discourses that humans create as they try to make sense of their working environments. Some researchers have coined this form of discourse as a form of sense making activities. (Walsham, 1993; Rosenoer 1997, p. 243).

In this research human beings are indirectly the object of study because they communicate with the Council through the medium of the black box, albeit by way of internet narratives. This may take the form of public comment from stakeholders that are posted on the Council's website but available to any member of the public. A study of written text as it is transmitted to the electronic medium by way of internet documents to Council provides a rich discourse worthy of analysis in its own right. The study of written discourse shows the vulnerability of human beings as organisations and the Council's stakeholders embark on a process of change. Employees in a local government organisation, often in documents presented on the internet, by way of planning officer's reports or legal judgements express their doubts about the process of organisational change. Often the feelings and the thinking processes of human beings are expressed objectively and subjectively via the internet system by way of public comment, through informal conversations, symbols, language, actions and semiotics. (Latour, 1999b). If these conversations are captured in written text then the researcher who operates from an ethnographic perspective has access to each individual's interpretation of reality. The narrative interpretive approach is well suited to analysing data posted on the internet and the electronic medium provided the data is collected and well structured. Ang & Endeshaw (1997, p. 499) have effectively done this where they provide a methodology of legal case analysis.

The usefulness of the hermeneutic cycle as a form of interpretation is that we can begin to make sense of the subject sense that occurs in an organisational culture. These forms of sense making conversations are very different to the form of conversations that occur in the home environment away from the office or, for that matter, that are elucidated from formal interviews, or from email documents. Therefore, I argue that the world of text conversations requires a more suitable form

of research methodology. The narrative approach in effect provides a written record or documentary evidence about how human beings read their working environment as employees of organisations in the form of stories. (Anderson, 2003).

The interaction between human beings, internet technology documents, the organisational community and individuals creates traces of information that leads to various trails, tales and stories about what is actually happening in an organisation. This form of story telling creates a continuous cycle, like the reading of story which becomes more meaningful the more you read the story. Therefore, from a hermeneutic viewpoint, organisation stories promote understanding through a process of reflexivity, and as conversations are shared a better understanding of the legal dimensions of information management for local government through information offensive and defensive strategies could be formulated to protect information. These strategies are based on the weaknesses identified as a result of investigating weaknesses in a local government organisation.

In the next section I define some of the key terms that are used in the research questions. These terms are knowledge management, internet, and security as well as some legal perspective's or concepts that could be used by local government for the purposes of enhancing and protecting information stored by local governments on the internet from various litigation and information warfare perspectives.

#### **Key terms defined**

Information warfare is defined by Whitaker (1998) as any action to deny, exploit, corrupt, or destroy the enemy's information and its functions; protecting ourselves against those actions, and exploiting our own Military functions. However, information warfare has a broader function then dealing only with Military matters. Information warfare has three dimensions. These are outlined by Waltz (1998) as information dominance, information attack and information protection. At the core of this definition is the notion of information security, deception, and the breach of private and confidential information as it is stored on the internet, and possibly defamation on the internet. Therefore, the legal perspectives that this study will consider are information security, information deception, breach of private and confidential information and the law of defamation.

Internet deception according to (Grazioli and Jarvenpaa, 2003, p. 92) is defined as the:

*"act of misrepresenting or restricting information in order to lead others into error and thereby further one's own needs."*

*(Grazioli and Jarvenpaa, 2003, p. 95)*

The same authors define internet deception as denoting:

*"a broad set of malicious practices that use the internet as a medium to intentionally give a target an incorrect mental representation of the circumstances of a social change. Examples include using the internet to tout unsound investments for personal profit, making misleading statements about goods available for sale in an internet auction, and assuming another individual's identity for the purpose of obtaining credit in an electronic transaction (note the intended target here is the merchant, not the person whose identity is stolen)." (Grazioli and Jarvenpaa, 2003, p. 95)*

This case study of local government internet documents has the potential to reveal a range of offences relating to deception, misrepresentation, defamation and breach of confidentiality on the internet, thereby increasing the threat of litigation against local government and its planning officers. For example, the consequences of internet deception from a local government perspective are outlined by Grazioli and Jarvenpaa (2003, p. 32) in the next text box.

*"victims of Internet deception suffer financial damage, the psychological discomfort of being victimised, the loss of time necessary to file complaints and refund requests, and the theft of private information." (Grazioli and Jarvenpaa, 2003, p. 92)*

The idea of theft of private information is one aspect of cyberspace law that this research develops further, the other aspect relates to breach of confidential information. Both theft of private information and breaches of confidential information are themes targeted in my emerging research questions and will be developed further in this research. This research will not consider aspects of cyberspace law that do not deal specifically with a representational environment because the information space the internet creates are essentially a representational environment. Therefore, various aspects of cyberspace law that are not related to a representational environment are excluded from this study. These exclusions include internet fraud, hacking and computer abuse. The various legal perspectives this study may examine are:

- Internet security
- Internet deception
- Private information
- Confidential information
- Defamation on the internet

These legal perspectives are selected because the literature review on cyberspace law demonstrates that these dimensions of cyberspace are the most relevant to the research topic which has at its core the study of better information management for local government. (Dhillon & Moores, 2002, p. 2; Mykytun, 2002, p. 19; Krele & Cronan, 2002, p. 47; Fink, 2002, p. 112; Warren & Hutchinson, 2003, p. 157; Williams 2002, p. 165; Siponen 2002, p. 256).

This study has formulated three research questions. The first uses the method of an in-depth reflective practitioner case study based on my experience in a local government organisation. The second uses document analysis methodology, the hermeneutic cycle and organisational narrative methods as tools to aid in the interpretation of internet text. The third research question deals with how information defensive and information offensive strategies can best occur in the context of local government, albeit within the confluence of information warfare and legal perspectives. This emerging research question deals specifically with information warfare and examines to what extent internet information space and the newly emerging information warfare paradigm can be used as a management tool for improving organisational knowledge and understanding of internet documents albeit from a philosophical perspective.

The research questions attempt to tie the various themes of this thesis together by asking whether there is a unifying theory that explains the intersection of information space, knowledge management and information warfare as a strategy for improving information management and competitiveness. Interestingly, the literature review shows that there is a strong link from a local government perspective between internet deception, organisational competitiveness and information management. Because this study is about information and its management it is apparent that various aspects of information require a clear definition given that information is a thing, which courts of law use as evidence. Buckland (1999, p. 358) asserts that some of the dimensions of information that need further consideration are:

- Information as a thing
- Information as evidence
- Types of information
  - Data
  - Text and documents
  - Objects
  - What is a document
  - Events
- When is information not information?
  - Being information is situational
  - Information by consensus
- Copies of information and representations
  - Copies; Type and Token
  - Interpretations and summaries of evidence
- Information, information systems, and information science. (Buckland, 1991, p. 358)

There are many definitions of information. One defines information as knowledge imparted. Another defines information as the process of informing. However, a more useful way to define information as "information as thing". The literature review shows that 'information as thing' "deserves special consideration, partly because it is the only form of information by which information systems can deal with directly (Buckland, 1991, p. 356). People are informed not only by intentional communications, but also by a wide variety of objects and events. Being informative is situational and it would be rash to state of any thing that it might not be informative, hence information, in some conceivable situation. Varieties of information as thing vary in their physical characteristics and so are not equally suited for storage and retrieval. There is scope for "using representations instead." (Buckland, 1991, p. 356). The idea of information as representations is well suited not only to information systems, but also to the proposition that the internet is in effect a representational environment and therefore well suited to the study of cyberspace law, albeit from the perspective of the black box. (Buckland, 1991, p. 356)

To answer critically the idea of whether the computer as a system that stores information is a thing that has rights, I will later turn to legal philosophy or legal jurisprudence. The idea of what is a thing is an issue which Heidegger (1967, p. 1) has developed in some detail, but has not so far been applied to the notion of information or developed into a discourse about the rights of computers.

In this chapter and the balance of the thesis, I adopt an eclectic yet hermeneutic perspective with major philosophers, commenting that the thesis is a critical ethnographic case – study of one local government organisation. Of particular originality is the way in which the literature review is written as dialogue with Gadamer and Heidegger as major philosophical referents. This novel approach to carrying out a literature review is written to be interesting to the reader and fits well with Gadamer's general approach to interpretation of text and legal method.

## CHAPTER 3.0

### THE STUDY OF DOCUMENTARY EVIDENCE AND LEGAL METHOD WITH SPECIAL REFERENCE TO INFORMATION STORED ON THE INTERNET.

*"Triangulation is a term frequently heard in association with ethnography, not to be taken as literally as it implies, but a reminder of the need to corroborate findings. Similarly, the idea of incorporating ethnographic reconnaissance as a standard practice in a field-based research is intended to encourage more researchers to give more consideration to the benefits of having more of a look around, and thus to take more cognizance of context in studies of even the shortest duration."*  
( Wolcott, 1999, p. 222)

#### Introduction

I have completed a 10-week ethnographic study of a local government organisation somewhere in Australia of internet documents. This ethnographic study is about the better management of information and is intended to provide some insights for improving a theoretical framework for management of information based on information weaknesses identified in a local government organisation. This chapter sets out a case for this study adopting a hermeneutic perspective that focuses on the researcher's subjective interpretation of internet texts, and for interviewing philosophers rather than the authors of the internet text of Council. I also build on the literature review findings relating to narrative voices, and various legal issues relating to documentary evidence and information stored on the internet.

In this chapter my aim is to provide a robust yet simple outline theoretical framework for facilitating better information management and interpreting information weaknesses. This framework was presented on 5 July 2003 to team members who meet regularly to discuss our research proposals. The framework that was presented and discussed at this meeting provides the context or theoretical framework for the balance of this thesis, and has three dimensions. First, there is the hermeneutic learning process, which arguably is best suited to the study of texts and therefore documentary evidence. Second, there is the research cycle model that takes a spiral form and provides a way for developing organisational learning and the attainment of ultimate knowledge, for both the individual and the organisation. Finally, I define documentary evidence from a legal perspective because, the *Local Government Act, 1995* (as amended) specifically puts the onus on local government to manage information wisely and for the betterment of humanity.

The information collected takes the form of primary data that has a focus on information that is communicated through the internet in the form of reports presented to Council. Therefore, the information that is collected on my computer is primary data that is transmitted via the medium of internet technology, and is in the form of raw internal and external information that as yet to be interpreted.

This type of information is organisational data because it is received via my computer through the medium of internet technology. For the purpose of completeness information received through the internet may also be accessed on a Council's intranet medium. This latter form of information takes the following form.

- Emails from within the organisation
- Reports put before Council. Often these are readily available on the internet.
- Messages from friends and colleagues about personal matters and organisational management styles
- Reactions to organisational changes, promotions, following interview processes under the guise of promoting transparency but different processes followed to meet a predetermined outcome. For example managers and employees promoted on the basis of youth, personal relationships with executives and very little management experience. This is a form of participant observation that allows a critical ethnographer to carry out research in an organisation, and therefore provides a better understanding of what actually happens in this particular local government organisation.
- Emotional feelings from employees upon finding out that a colleague has been made redundant after nine years of service. I will describe the conversation I had with this colleague on 11 May 2003. This occurred two days after the individual was made redundant. This is an interesting case because it offers some unique insights about what happens to the information an employee has stored on the computer. Some of this information is personal whilst others belong to the organisation.

However, because the study of this form of text documents is not ethically defensible, I decided not to pursue this method of research further, choosing instead to study information received through the medium of internet technology in the form of reports and documents accessed from the internet. This may take the form of research material, reports written by other organisations and individuals, legislation and case law.

From a legal perspective, information received through the medium of an organisation's computer is a form of documentary evidence and can be used in a court of law if litigation was to occur. Therefore, information received and exchanged via the internet has the potential to destroy an organisation, in an information warfare sense. Alternatively, information can be managed to minimise this form of warfare and increase knowledge for the benefit of an organisation. To summarise information stored on internet systems may be used effectively to improve organisational learning and knowledge or misused to the organisation's detriment.

In this thesis my focus is on the study of written text, but supplemented by conversations with major thinkers and actors. There is a particular focus on the question of what warranted assertions or insights can be gained for improving information in a local government organisation by using both a document analysis



methodology and an in-depth reflective and action research professional practitioner case study. As a practicing town planner in a local government organisation I can voice my understanding about what is actually happening in this particular organisation.

In this chapter I draw on the theory that is best suited to the study of text. This theory is the hermeneutic circle and is used in this research as an analytical tool and foundation concept for enhancing the organisation's learning process as well as the basis for interpreting internet documents. Additionally, I demonstrate the use of the hermeneutic circle as a useful medium of action research. A major insight I have learnt from this research is that an organisation functions in a similar way to human systems and technological systems. By this I mean every part of an internet text needs to be understood and re-understood continuously in order to grasp the wholeness and proper interpretation of text. Therefore, the purposeful study of information as a legal system provides significant opportunities for organisational learning and the ultimate attainment of knowledge, leading to wisdom in Gadamer's (1998, p. 20) philosophical sense of understanding. (Rauch- Rapaport, 2003, pp. 311-313; Gregerich, 2001, p.115).

More important however, is the observation that the research cycle that evolved from Susman and Evered (1978, p. 592) can be used holistically to integrate with the hermeneutic process and organisational narratives theory. This process may be used to close gaps and preconceptions as a basis for improving the organisational learning process through the better management of information. An example of how an information management process could be used to enhance understanding may be gained by having regard to Gadamer's (1998, p. 19) hermeneutic access to the beginning. In the next text box I start the process of interpretation by making use of a process view of the action research cycle pioneered by Crowe et al (1996, p. 142).

1. *Diagnosing – Identifying or defining a problem.*
2. *Action planning – Considering alternative courses of action for solving a problem.*
3. *Action taking – Selecting a course of action for solving a problem.*
4. *Evolving – Studying the consequences of an action.*
5. *Specifying learning – Identifying the general findings.*

*Each process is interlinked and leads to the development of a client – system infrastructure".  
(Crowe et al, 1996, p.142)*

*This is the action research cycle with the last paragraph representing the core of the cycle.  
(Susman and Evered, 1978)*

On reflection an important point that emerges from Gadamer's (1998) philosophy is that text interpretation must begin with a concept of beginning. In this sentence there is the suggestion that we may not know where the beginning of text is, rather we get to the beginning of text by approaching the text and going back to it from another angle. Thereby, beginning to analyse the text as part of the hermeneutic cycle as alluded to by Gadamer (1998) in the text box below.

*"By way of elucidation, I would just like to add that the three meanings of 'beginning' that I spoke of cannot be separated from each other. They must be understood as three sides of one and the same thing. These are the historical-temporal meaning, the reflexive meaning with respect to the beginning and the end, and the one meaning that suggests perhaps the most likely and the most authentic idea of the beginning, namely, that of the beginning that does not know in advance in what way it will proceed".*

(Gadamer, 1998, p. 20)

### The beginning of an idea

In order to progress my research topic I held conversations with a Councillor, albeit metaphorically, for the purpose of refining my research topic and laying the foundations for developing conversations with philosophical thinkers later in this thesis. The next few paragraphs are laying the context for clarifying to the reader how the research idea evolved initially, and also how this idea later evolved to embrace a philosophy founded on the concept of understanding.

Towards the end of the year 2002 I held a conversation with a Councillor from a local government organisation. The purpose of the conversation was to secure some insights relating to potential litigation from Councils having an on-line presence. In response to the issue of on-line presence in local government, the conversation helped me to realise that defamation and litigation on the internet was a new and emerging issue for local government. However, as regards my doctoral thesis research, I was uncertain what the area of focus should be. The following is a response to a question asked metaphorically about litigation issues of a philosophical thinker. I am not aware of any types of litigation that Council has been exposed to by use of the internet to date but recognise that there is the potential for defamation litigation arising from documents posted onto the Council website. (Professional action research group, note 13, file 1, November 20, 2002).

At this stage I was uncertain what my research question(s) should be. After some reflection I decided to focus on Council documents posted onto the Council website. A tentative research question I formulated at this time was: "Does the content of planning reports posted onto the internet expose the Council or its employees to litigation" (Professional action research group, note 14, file 1, November 20, 2002).

This focus area of my proposed research topic suggests that interviews of persons per se need not be carried out. However after discussion with my thesis supervisor it was suggested that although I would be studying the actual words on the Council's

website, it may still be necessary to carry out some interviews. (Professional action research group, note 15, file 1, December 15, 2002). Analysing the content of words posted onto the Council's website as well as the process of interviewing stakeholders at random raises some methodological issues relating to the interview process as well as some ethical issues. In the interests of making my research ethically defensible I overcame the ethical issues by using Williams' (2004, pp. 54-55) method of carrying out a conversation with various thinkers as an analytical tool for improving understanding using documentary analysis methodology.

### Research methods and study purpose

A key term that emanates from this research is the word 'litigation'. Litigation is a very broad area to study and so is defamation. Therefore, I decided to narrow the scope of investigation. I did this by analysing another metaphorical quote of Councillor Jacques- the thinker. "Privacy and democracy do not represent a hand in glove relationship". (Professional action research group, note 16, file 1, December 15, 2002). A closer analysis of these words from the metaphoric conversation process, revealed that litigation is not a stand alone legal concept.

Litigation on the internet not only has a legal dimension relating to defamation attached to the word but also has implications pertaining to democratic rights such as privacy, and the use of technology. This implies that privacy issues are closely linked to confidentiality and information systems issues.

The purpose of this study is not simply to research the potential for defamation on Council's website, but also to study the relationship between defamation, privacy, confidentiality and ethics. Thus my initial aim is to study the factors that influence the community to pursue litigation based on words posted onto Council's website. In essence the research exercise is not entirely about legal concepts. Whilst this research embraces the law, and attempts to investigate the relationship between law, confidentiality, ethics and internet technology, the underlying theme is investigating information weaknesses. My personal reflection is highlighted in the next text box.

I have reflected on what I have written and have decided that this study should focus on:

- Defamation
- Privacy
- Confidentiality
- Deception and
- Ethics

However, the focus will be on the legal and philosophical implications of words posted on Council's internet website, albeit from the perspectives of hermeneutics and improving understanding. The key word here is that understanding is used as an interpretative tool.

Therefore when an individual chooses to litigate based on words posted onto Council's website, what are the factors underlying the decision to litigate? What is the

relationship between litigation expectations, the litigation process and the level of an individual's understanding within the litigation process after a court decision? Does internet technology litigation offer better understandings or are there better ways to improve understanding and meaning apart from litigation? These questions will be developed further based on my understanding of the university's ethics process.

#### **Ethical Issues.**

In order to protect both the anonymity of an employee's report and the content of documents posted on Council's website, as well as those individuals embarking on the litigation process the issue of consent will be addressed. To protect the names of individuals all names and some inconsequential data have been changed.

#### **Improving the level of understanding**

A simple reflection of the previous text box implies that whilst defamation litigation appears to be an important concept to study, there is merit in bringing the various themes together. This is because this helps to improve our understanding of legal issues from two perspective(s), and also forms the basis for introducing contradictory evidence and therefore serves to improve validity and reliability in this type of ethnographic research. First, there is the litigation process itself. Second, there is the need to improve our understanding of various legal issues especially: defamation, deception, confidentiality and privacy. Finally, there is the matter of ethics. (Professional action research group, note 17, file 1, December 15, 2002). However, when the ethics committee rejected my thesis proposal, on the basis that consent approval was required before I could begin interviewing individuals in local government, I decided to change the focus of my research. This focus changed from interviewing people to a study of Council's internet documents, using documentary analysis methods founded on Gadamer's (1975) concept of understanding. (Professional action research group, note 18, file 1, October 2003)

*"If they haven't laid down the rules and then start to discipline for abuses, it can cause problems for every one. People might argue that they had no idea their behaviour was unacceptable.... However, a recent survey by [www.enddesign.co.uk](http://www.enddesign.co.uk) found that employees of both sexes wasted at least two and half hours on e-mail a day. And research by Management Today and WFD companies found that one in six office workers spent more than half of each working day dealing with personal matters. And the consequences can be great. A number of companies including Orange and Royal and Sun Alliance have already sacked staff for misusing the e-mail system. So if you don't want to get caught doing out what you shouldn't, it's crucial you know the rules.*

*Employees have the right to monitor calls and companies receive itemised lists of individual mobile lines. But the majority of companies will only briefly scan these and unless there are a high number of unauthorised premiums or international numbers, most will turn a blind eye.*

*New government guidelines under the regulation of Investigatory Powers Act 2000 gave companies the right to monitor their employees' e-mails. In 2001, Royal And Sun Alliance sacked 10 and suspended 77 members for distributing 'lewd' e-mails. But most employers ignore more innocent personal e-mails". (Wright, 2004, p. 42)*

### **Work place surveillance issues: Are you being monitored?**

Within local government and the community of internet users internet technology is used to carry out surveillance not only of what is being written in the workplace, but also as a check against breach of the Rule-of-law including ethical issues.

Thus whilst workplace surveillance is now common it is apparent that the external community is also monitoring the work of employees posted on Council's website. The extent to which community monitoring of Council documents occurs is a matter that needs to be investigated further.

From an employee's perspective it is worth asking the question whether this level of intrusion is desirable or justifiable. Alternatively is the website, in addition to the unauthorised monitoring of e-mails, and phone calls among others including the constant threat of litigation, providing both employees and the external community with the armory to unreasonably extend the control of employees, through informal surveillance processes. The text box below highlights these issues.

According to the tradition of Western Culture:

*"good governance or the ideal regime is defined by rule - governance, namely, as a government of laws and not of men." (Dallmayr, 1992, p. 284)*

### **Overcoming the ethics approval process and evolving research methods**

After I submitted my thesis proposal for ethics approval I had to change the focus of my thesis from the study of emails received on the intranet to a study of text documents posted on the internet by the Council. This was done to overcome the rigorous process required to seek ethics approval especially if interviews are conducted and there is potential to breach private and confidential information posted on the internet. To solve the problem of ethics approval this critical reflective practitioner decided to research internet documents as a tool for better managing information weaknesses for a local government organisation in Australia. I also research internet documents for the purposes of minimising litigation of matters arising from text documents. The increasing threat of litigation is an issue of growing concern to local government and there is a need for local government to put in place strategies for minimising threats to information. In a broad sense information includes loss of information and corruption of information posted on the internet. For simplicity loss of information and its corruption is defined as one dimension of information warfare. The other limb of information warfare relates to the Rule-of-law and the potential for associated litigation.

I now outline my approach to the interpretation of internet documents based on interpretative qualitative data research methods such as participant observation. My

proposition is similar to the concept of teaching interpretation. Thus Ochberg (2003, p.113) asserts "I am interested in how people understand themselves and their position in a larger society – and how this understanding may be constrained by the form of public talk that society puts at their disposal." In a similar vein people need to understand internet documents in relation to organisation culture and the people individuals work with.

#### **Data gathering of internet text documents**

In order to be truthful to Gadamer's (1985) concept of the hermeneutic cycle I need to explain to the process of data gathering. In accordance with the hermeneutic tradition the interpretation of internet documents and the analysis of text occurs iteratively throughout the interpretation process before individual understanding occurs.

Most information systems researchers involved in quantitative research recognise that there are many ways to collect data. For example, it is important to recognise that data are not collected in a vacuum but for a purpose(s). Information systems researchers like myself recognise the importance of collecting data for the purpose of carrying out valid analysis and interpretation of relevance to a particular social context of organisations. The data collected may be original data based on those interviews arranged to seek answers to a prearranged list of questions. This method is useful where primary data is required to meet the research purpose of answering a predetermined set of questions that may well be structured to misrepresent the answers to the research questions. If this is the case then the research is not truthful because it misrepresents the truth. Additionally, research that is not truthful may harm others in a philosophical sense and may also introduce bias to the research process. In the alternative internet text data or documents in written form may already exist in the form of secondary data. This research uses pre existing or secondary data that has been gathered for another purpose, but nonetheless serves the primary purpose of dealing with the particular legal issues and research questions outlined in this research.

Internet data takes many forms and may include any single or multiple components of these forms. Printed text, databases, officers reports, tender documents, maps, numbers written on the internet, pictures, stories, handwritten text, scanned images of letters, (attached to Council reports) handwriting, legal opinions, tables, sound recordings, moving images or still images.

The interpretation of internet documents poses enormous problems for this researcher because of its voluminous nature and is a significant challenge for practitioners of local government organisations. In particular there is a need to distinguish between qualitative and quantitative data. (Rogers, 2003, p.53; Jusselson & Lieblich, 2003, p.260).

### **Quantitative and qualitative data differentiated**

In this research I focus on qualitative data as opposed to quantitative data. The former generally does not use statistical analysis methods whilst the latter is more receptive to statistical analysis. In this study my purpose is to gain an understanding of the content of internet documents so that local government can be better protected from information warfare and litigation, thereby allowing the researcher to better describe social phenomena. Albeit, as a critical ethnographer having a knowledge of organisation, culture, internet law and documentary evidence. (Rosenoer, 1997, p.28; Sher, 1989, p. 18)

In the research arena of documentary evidence there are two competing paradigms. Possibly more remains to be discovered and this will unfold as the thesis progresses to focus on the Rule-of-law and organisation narratives. For the moment I start with the assumption that a study of internet documents represents the visible or outer surface of two research paradigms. These are the positivist and interpretative research paradigms. The former paradigm sees the world as a rational system that, like glue, holds the world together through an interconnected wired system. This rational paradigm sees this wired system, called the internet, as a system that requires a structure from which generalisation can be deduced as rigid rules made from observations of how individuals write documents collectively. Thus there is an assumption that many individuals may be observed and some general conclusions reached based on these observations. To ensure that the generalisations are valid and reliable the common research method is to write a series of questions and carry out controlled surveys for the purposes of subjecting the interview responses to statistical and probability analytical techniques. The latter paradigm is not so straightforward because it requires interpretation to achieve understanding. (Reissner, 2003, p. 297)

Interpretative research of internet documents is a form of qualitative research that uses many eclectic and inductive methods to arrive at an understanding of internet text. This type of interpretative research is difficult to conduct and understand because internet text is a written form of narrative requiring an appreciation of the social context in which organisations function. In a nutshell the narrative paradigm aims to offer a philosophical approach to understanding and evaluating communicative practices in all its forms. Narrative interpretation tells stories about the culture of local government organisation resulting in a philosophical statement about the level of understanding of the document being analysed. Time, character, culture and history are all important dimensions of interpretation. (Fisher, 1989, p. 47)

Textual interpretation of internet documents may be criticised as an invalid research method for being subjective and open to varying meanings. In this study of a local government organisation in Australia my purpose is to achieve an individual understanding of internet text. I aim to break with the traditional methods of qualitative research that have a case study focus embedded in carrying out fieldwork that is a common concern of anthropology, archaeology, town planners and students

of information systems, among others. I use various eclectic research methods as tools for better understanding the interpretation of internet documents. This, I believe, is the true purpose(s) of qualitative research, which is to triangulate understandings of internet text by using the discourse of critical theory, narrative and hermeneutics.

My personal reflection is that a qualitative research method founded in critical ethnography of a local government organisation is likely to be more truthful. My tentative proposition is that there are alternative forms of research and ways of doing fieldwork that do not necessarily require the undertaking of case study research interviews of selected stakeholders, individuals and stakeholders and focus groups, involving a range of participant observation. Hermeneutics is an example of an alternative research method that is especially suitable to the study of internet documents, and improving understanding of internet documents.

### A definition of hermeneutics

Hermeneutics, the study of text, is a theoretical method that helps the researcher to hold conversations with thinkers and philosophers. Hermeneutics also provides a unifying thread that links systems thinking in Information Systems (IS) in ways that allow a rich and meaningful interpretation of internet documents. Importantly a critical interpretation of internet documents allows a reflective practitioner to reflect and ponder on the meaning of words for the purposes of improving professional practice for local government. Within this broad theoretical framework Flood and Gregory (1989) provide a broad definition of hermeneutics:

*"Hermeneutics is opposed to structuralism and gives up on attempts by phenomenologists to understand man as a meaning-giving subject, but does, however, attempt to preserve meaning by locating it in social practitioners and literary texts (Dreyfus and Rainbow, 1982). Hermeneutics is generally defined as the theory and/or philosophy of the interpretation of meaning (Bleicher, 1980; Bauman, 1987; Oliga, 1988; and elsewhere). It is of central concern to literary criticism (Sirickland, 1981) as well as the philosophies of social sciences, art and language. Interestingly, T. Kuhn claims that his work uses the hermeneutic method of Aristotelian physics. Critical hermeneutics (such as of Apel and Habermas) have generated most interest in systems science (see Oliga, 1988)."*

(Flood and Gregory, 1989, p. 56)

My research demonstrates that there is an indicative connection between meaning, systems thinking and conversations that can be carried out in real practice situations or conversations carried out with major thinkers and philosophers. In this research the chosen method of interpretation of internet documents is not to carry out interviews or conversations with real people. Rather I hold conversations with major philosophers such as Heidegger (1971), Gadamer (1975), Habermas (1985), Forester (1981), Foucault (1982) and the principles of interpretation founded in the Rule-of-law and the hermeneutic tradition. I also hold conversations with Checkland (1990), a recognised systems thinker.



*"The image underlying an issue-based analysis is that of a group of people with concerns about a situation in communication with each other in order to tackle those concerns. A set of concepts relevant to starting an issue-based analysis is:*

- (1) People*
- (2) Communication arenas*
- (3) Issues (in the form of questions)*
- (4) Position (in the form of statements)*
- (5) World images.*

*Human beings seem naturally to communicate with each other all the time through "conversations". At one point these conversations may be little more than casual gossip, whilst at another they can be scientific discourse, depending upon the relationship pertaining between the elements of the conversation. The question to be addressed now is what is the use of such a framework to Soft Systems methodology". (Ledington, 1987, p.188)*

There is an opportunity to dream and reflect on Gadamer's (1975) concept of reflection and the usefulness of this concept for qualitative research.

On reflection there is scope for qualitative research to focus on the following connections.

- Narrative as internet text
- Hermeneutics as a tool for internet interpretation
- Meaning defined as personal understanding initially, but ultimately understanding requires some form of consensus.
- Internet needs to be interpreted as a system whereby the notion of the circle ultimately blurs the distinction between the inside and outside of the circle and the notion of beginning and end is also uncertain until I reach an understanding that facilitates better information management, and
- There is scope for holding conversations with major thinkers.

The following paragraphs may help the reader to understand the rational process of thinking identified by Ledington (1989, pp. 257 – 258). However, readers should note that the local government decision making process is not always rational because of the political realm in which government functions.

*"In some recent work, Fillon (1988, 1989) has discussed the patterns of communication represented in Checkland's writings during the emergence of Soft Systems as a paradigm of thought. In his analysis, Fillon suggests five types of communication activities in the literature. Thus:*

- (1) Defining (3 publications)*
- (2) Developing (4 publications)*
- (3) Proposing (8 publications)*
- (4) Defending (4 publications)*
- (5) Explaining (13 publications)*

*He also shows that the various activities have run concurrently rather than in a linear pattern.*

However, the content of each internet text and conversation is open textured because when the internet text is subject to textual analysis an individual may well come up with a different meaning. Therefore in this research I am concerned with how I as an individual come to understand the meaning of internet text in a hermeneutic sense. I tackle this question in the next section by focusing on organisational narrative theory, Soft Systems Methodology (SSM). (Hanson, 1999, p. 187; Checkland & Scholes p. 56; Fisher, 1989, p.107).

In practice the Rule-of-law and hermeneutics both follow a similar process of reasoning to reach a conclusion on an issue. Thus the similarities are identified in Table 3.1 below.

Systems thinking	Legal thinking
Defining	Defining the issues
Developing	Developing the rules to resolve the issues
Proposing	Proposing or applying the rules
Defending	Defending and concluding a reasoned argument based on the issues identified.
Explaining	Explaining the judgment in a written document that sets the precedent for deciding future cases that may for example be in breach of internet law, from an internet text perspective.

*Table 3.1 Comparison between systems thinking and legal thinking*

## Developing linkages between organisational narratives and systems thinking

*"The term Soft Systems Methodology is strongly linked to the Department of Systems at the University of Lancaster through the writings of Professor P.B Checkland and Brian Wilson. The major formal communication arenas have been books, journal papers and conference presentations, as would be expected, and it is from this permanent record of communication that consideration can be given to issues, positions and world images.*

*There is, of course, within the literature an array of issues and positions which at first sight seem in a jungle. However, some pattern does emerge when the relationship between the content expressed in the communications, the nature of the communication arena and the participants in the arena are considered. Three core issues emerge clearly and it also becomes evident that they are not simple issues within the same discourse, but can be considered as elements of three separate, but related, conversations."*

*(Checkland and Scholes, 1990, p. 259)*

In this section I draw on narrative theory and Checklands' Soft Systems Methodology, albeit from a fictional narrative perspective, as conversation tools for better understanding and interpreting internet text. Checkland and Scholes (1990) and Weiland (1990, p.205) appear to draw a link between meaning and information theory.

From the above quotation I tentatively conclude that better information management for local government in Australia may be able to gather insights about how best to protect the organisation from litigation and information warfare based on the content of internet documents. There are also the issues raised earlier about the implications for local government in the event information systems failure leads to loss of information. To a large extent I will carry out conversations with various thinkers, albeit from a Systems perspective, as a tool for gaining insights relating to information weaknesses. Within this philosophical framework there is scope of coming to terms with a hermeneutical understanding of internet text as outlined by Ledingtons' (1989) concept of conversations and of Soft Systems Methodology as three social discourses.

These conversations are highlighted in the next text box and highlight the discourses that are in vogue for information systems thinkers.

*"Evidence of some impact upon conversations 2 and 3 is provided by Checkland's (1990) recent presidency of ISGSR and his growing acceptance by the UK community.*

*The content of each conversation can be represented by a set of lower level issues and positions, and thus the analysis could be carried to a more detailed level, if space permitted. It is discourse 1 which seems to be the core of SSM and at the heart of the discourse is a set of statements (positions) which form an organised body of knowledge. To organise and analyse this set of positions, it is necessary to consider the world image through which they can be related and made meaningful. An appropriate world image is the idea of purposeful real world problem-solving, and can be represented as a set of interrelated levels of abstraction concerning organised human action. At the lowest levels are methods or techniques. These are made meaningful as a pattern by their relationship to the next level up, which is, in turn, made meaningful by ideas about problem-solving which is, in turn, made meaningful by ideas about purposeful human activity. This, in turn, is made meaningful by ideas about social reality and that made meaningful by ideas about the world". (Checkland and Scholes, 1990, p. 259)*

*"Thus:*

- |                                                                                 |                       |
|---------------------------------------------------------------------------------|-----------------------|
| <i>(1) Ideas about the world</i>                                                | <i>(a) Philosophy</i> |
| <i>(2) Ideas about Social Reality</i>                                           |                       |
| <i>(3) Ideas about Purposeful Human activity</i>                                | <i>(b) Practice</i>   |
| <i>(4) Ideas about Problem-Solving or Intervention</i>                          |                       |
| <i>(5) Ideas about the tactical activity of problem solving, or methodology</i> | <i>(c) Approach</i>   |
| <i>(6) Ideas about the operational action, or method".</i>                      |                       |

*Which may be further simplified into three areas: Philosophy, Practice and Approach, as shown." (Checkland and Scholes, 1990, p.259)*

Therefore the insight that I have personally gained from reproducing these large texts is to demonstrate that qualitative research methods have an important role to play.

*"Thus the part of humans that makes decisions ("I") must be outside of the empirical phenomenal world and therefore in the noumenal world and this concurs with the observation that we cannot sense the ("I").*

*Following similar logic Brian Magee (1987), following Schopenhauer, contends that everything in the phenomenal world is actually a manifestation of something in the noumenal world.*

*In some sense of the word, what is in the noumenal reality is one, due to the following logic: First due to their nature, time and space, and matter-energy can only exist in the phenomenal world. Second, therefore, they cannot exist in the noumenal world. Third, things can only be different by being separate in time, space, or matter-energy. Fourth, therefore what is in the noumenal world must be undifferentiated.*

*It follows that if we harm anything then we literally harm ourselves, but we cannot sense that we harm ourselves (eg we feel no pain)." (Williams, 2004, p.5-6)*

Identifying information weaknesses has the potential to lead to better information management for local government in Australia, by making connections between the discourse of philosophy, practice and approach. However, in addition to these areas three more connections arise. The first relates to social reality. This means that reality or ideas about social reality are socially constructed and defined by language and interpretations of language. The second is about intervention and this means that planners and systems analysts must intervene in a particular situation, if they want to implement change for the better. Thus, for information management to work for local government ideas and visions may follow various steps or processes. At a minimum these processes would embrace various dimensions such as philosophy, and social construction of relevance to local government practice. This requires that organisations select the right balance of intervention approach, actions and language. The justification for the thesis title is that the research makes a strong contribution to the realm of philosophical interpretation because conversations are held between major philosophers that have a more than passing interest in the philosophical interpretation of written text. The conversation at one level makes a contribution to the underlying philosophy of systems thinking and hermeneutics. At another level I make an ethical stance and contribution to local government practice because I aim to ensure that better information systems are in place to protect local government from harm especially harm from litigation and information warfare. (Warren & Hutchinson, 2004, p. 121). This is the third connection. Therefore, at the heart of critical interpretative philosophy is the need to recognise and protect the rights of living things, people and perhaps to explore internet systems as things that also have rights because they come from the noumenal world. (Williams, 2004, p. 191). This research also makes a contribution to information systems thinking and information management because it develops an approach that further explores the links between hermeneutics and the Rule-of-law. This is the process I use to develop and expand my approach about systems thinking, incorporating as appropriate Gadamer's (1975) concept of understanding. (Williams (2003) has made some tentative explorations about the noumenal world:

*"As Jurgen Habermas (1979) contends: One of the major ways in which humans can reduce harm is through using language to better achieve understanding and even consensus. In that way human inner pictures-theories can be changed to accommodate communicated inner pictures-theories.*

*Other than language and the phenomenal world there is something else- but humans cannot sense this reality (what Kant terms the noumenal world) as it is outside the limited range and extent of human senses. Because we cannot sense the noumenal world we have no language to describe it and therefore we cannot even imagine or dream of what it is or may be like. However, Schopenhauer did logically make some discoveries about the noumenal world such as:*

*Most humans experience that they can make decisions, say to follow an impulse or to abstain. This ability to choose can be increased by considered attention or what is termed mindfulness, through which humans can be more aware of what we call the "I" that makes decisions in free will. It follows that humans cannot be totally determined within the empirical phenomenal world" (Williams, 2003, p. 5-6; Williams, 2004, p. 190)*

This long quote caused me to reflect intensively on the meaning of things. In particular I began to wonder whether the internet as a system is a thing. I also began to think about the concept of harm to things and organisations, and in a moment of emptiness saw some brightness in developing a philosophy about things. This is an idea I develop in my final rich picture. (Cupitt, 2000, p. 192). Therefore I asked the question, Does the internet as a living system have rights in the sense that the system can be damaged as property, and with this damage there is the potential to harm other living things? In a legal sense this harm may take the form of a breach of confidential information and privacy, harm to individuals through defamation, and deliberately deceiving people by encouraging the diffusion of inappropriate meanings of internet text through misinformation. (Dhillon & Moores, 2002, p. 2)

I now reflect on the quotations and come to the conclusion that there is merit in pursuing my thesis title including the notion of law and information from a hermeneutical and philosophical perspective. In so doing I also build on the work of Dobson (2003, p.1) claiming that there is a need to improve philosophical awareness especially in Information Systems research. This claim can also be supported based on the works of Ledington. (1989, p. 258)

The idea of hermeneutic interpretation of written text has long foundations in philosophical discourse. Importantly, and from a research perspective, therefore I aim to understand internet text based on my understanding of written text, albeit against a background of minimising harm to others and recognising the fact that the internet is in fact a thinking system that has rights that are worthy of protection. In short this is a preliminary proposition. The proposition is a philosophical statement that alludes to the development of a new and emerging paradigm founded on a philosophy of rights. (Fisher, 1998, p. 58). In the next chapter I investigate the philosophy of rights and ask whether the internet system has rights. I develop this philosophy because the idea of protecting a local authority's information system is largely a conversation about internet rights, albeit from a philosophical perspective. In the next text box a thinker makes the connection between language and things.

*"But things may be different now that, instead of the huge vertical gap between things and language, we have many small differences between horizontal paths of reference – themselves considered as series of progressive and traceable transformations".*  
(Latour, 1999a, p.141)

Finally, this part of the thesis has dealt with legal issues from a philosophical perspective and sets up a new way of handling and review of internet documents.

## CHAPTER 4.0

### THE PHILOSOPHY OF RIGHTS AND INTERNET SYSTEMS

*"What are these philosophies? They are really tricky ways to compute consequences quickly. A philosophy, which is sometimes called an understanding of the law, is simply a way that a person holds the laws in his mind in order to guess quickly at the consequences. Some have said, and it is true in cases like Maxwell's equations, 'never mind the philosophy, never mind anything of this kind, just guess the equations. The problem is only to compute the answers so that they agree with experiment, and it is not necessary to have a philosophy, or argument, or words, about the equation'. That is good in the sense that if you only guess the equation you are not prejudicing yourself, and will guess better. On the other hand, maybe the philosophy helps you to guess. It is very hard to say".*  
(Feynman, 1965, p. 169)

*"What distinguishes propositions from one another is not a single vertical abyss between words and the world but the many differences between them, without anyone knowing in advance if these differences are big or small, provisional or definitive, reducible or irreducible. This is precisely what the word propositions suggests. They are positions, things, substances, or essences pertaining to a nature made up of mute objects facing a talkative human mind, but occasions given to different entities to enter into contact. These occasions for interaction allow the entities to modify their definitions over the course of an event".*  
(Latour, 1999b, p.141)

#### Introduction

In this chapter I address the question, Do things have rights in particular? Do internet systems? This question immediately confronts the reader with the issue of whether non-persons can have the same rights as persons? By persons I mean human beings. By nonpersons I mean things such as computers and internet systems. In this part I refer to beings as persons and to nonpersons such as the internet system collectively as things. Therefore, in this part of the research I deal with the question of whether information on the internet may be understood from the perspective of information as thing. My proposition is that persons and things do have rights. I achieve this objective by arguing that rights exist, so long as we recognize that morality is divorced from the idea of a rights claim. I start my philosophy with the concept of harm and morality.

Morality may be defined as a moral decision. Morawetz (1980, p. 81) uses the term to mean any decision that can reasonably be expected to affect persons (or perhaps-

other than sentient beings) in a beneficial or harmful way. Here it is appropriate to think of moral reasoning as legal reasoning, as articulated in Table 3.1 in Chapter 3.0.

In this chapter I attempt to challenge a key idea of democratic liberalism, that only persons have certain rights and liberties. Whilst these rights are not necessarily absolute, I argue that the rights of persons and non-persons (hereafter referred to as things) can be protected. The rights of these collective beings can be protected and regulated if a good reason exists. A good reason is a legal reason not a moral reason, provided that the legal reason is enshrined in a higher form of law as alluded to in the next text box.

Here Klug (2003, p.30) suggests *"that there is need to ascribe to 'higher law' that is not based on a pot pourri of interests, rights and obscure principles but on a culture of rights that maintains the values of a democratic society and protects the common good"*. (Klug, 2003, p.30)

The legal protection of any right is only permissible where it is founded on some higher principle. An example of this type of legal reasoning is Mills (1983, p. 77) harm to others principle. Here Mill (1983, p. 77) uses a form of moral reasoning to conclude that a right exists only where reason is used to demonstrate the right exists, only because it prevents harm to others. The harm to others principle reflects particular assumptions about the relationship between law and morality and law and justice. In this chapter I critically examine some of these assumptions to support my proposition.

In order to progress this proposition I attempt to answer the two questions stated in the opening paragraph. To answer the questions I intend first to examine the concept of rights. Second, I critique the rights movements of five legal theorists with the objective of identifying a suitable legal framework for understanding law and justice, albeit from a philosophical narrative interpretative perspective. Where relevant I carry out a dialogue with case study actors or legal thinkers in dialogical conversations, as opposed to interviews, for the purposes of further refining my rich picture model. The theorists I examine are: Finnis (1980, p. 26), Kelsen (1945, p. 110), Hart (1962, p. 10) and Dworkin (1977, p. 14), and passing reference is made to other theorists such as Locke (1964, p. 10), Rousseau (1968, p. 70), Bentham (1970, p. 68), Austin (1954, p. 76), Hume (1987, p. 115) and Tushnet (1984, p. 1363). Third, I examine the concept of rights in so far as it relates to Rawls' (1971, p. 11) concept of justice as fairness. I propose to modify Rawls' (1971, p. 11) concept of justice, as a basis for recognizing equality of rights for computers as things. My conclusion is that legal theory has a role to play in recognising and protecting the rights of trees and living things. Additionally, I am putting forward the proposition that computers and internet systems may also to a lesser extent have rights. However, if legal theory is to cope with the more expansive list of players we call law, Rawls' (1971, p. 11) theory of justice, albeit in amended form, offers the best prospects for recognising a culture of rights for living things and arguably internet systems. Klug (2003, p. 30).



However, from a philosophical perspective, computer systems would also have rights of protection as there is the possibility that computers as things that also store information as a thing could evolve to be thinking beings, as there is the potential to activate memory by way of information as a thing.

### The concept of rights

A person's rights are those rights that attach to humans. This concept of rights suggests that persons for some moral reason are considered different to those other things.

What then is a right? What does it mean to say that computers as thinking systems have rights? Positivists like Hart (1994, p. 86) including some members of the legal profession, define a right as a claim that is enforceable at law Curzon (1998, p.51). Here Curzon (1998) provides a definition of law in the next text box.

*"Law is nothing else than a rational ordering of things which concern the common good, promulgated by whoever is charged with the care of the community".*

*(Curzon, 1998, p. 51)*

Some philosophers such as Heidegger (1967, p. 288), use the word in a moral sense to mean a moral claim - a just demand. Another way to unpack the concept of rights is to study rights as embedded into notions of justice and equality. The former may be classified as legal reasoning as moral reasoning. The latter may be classified as legal reasoning as justice as fairness, but devoid of moral content.

Another way to define a right is to recognise it as a hybrid claim. By this I mean a right as a claim (moral or legal) that is enforceable in law. But only a just law is enforceable. A law that is not just is not enforceable because it is considered to be morally wrong. Following on from this hybrid concept of a right is the idea that rights cannot be considered in a vacuum. Thus rights exist as a hierarchy of rights that has a specific meaning depending on the context it is used. In this research I mean equal access to information.

To summarise, a right is a recognised claim that can be used in four senses. First, a right may exist as an unspecified standard in the sense of existing as a natural law. In the alternative a right may exist as a form of higher law. Second, rights may be used in a restrictive sense to recognise a claim though not enforceable at law. An example might be freedom of speech, the right to fish or the right to access information stored on an internet system. Third, a right may be recognised in a narrow sense only in law. Fourth, a right may exist in the justice as fairness sense. To this may be added a right in the equality sense.

In this chapter, I focus on rights as in the justice as fairness sense. I also recognise that while things have rights these things only have rights to the extent that society is

able to decide between competing claims and conflicts. But how does society decide among competing right claims? To a large extent Rawls (1971, p. 11) principles of liberty and equality, which I will examine later addresses this issue.

### **Legal theory and the rights movement: A critique**

Locke (1964, p.10) has argued that over time certain natural rights have survived entry into modern society. An argument posited by Locke (1964, p.10) is that it is the responsibility and duty of governments to protect these natural rights. The issue here is can this responsibility be extended to include the idea of information as things of value to society?

Rousseau (1968, p. 10) developed Lockes' (1964, p. 10) ideas into a complex amalgam of natural rights. Rousseaus' (1968, p. 10) natural right theory is that individuals agree to enter into a social contract with the legislative arm of government. By virtue of this contract individual rights are willed onto the legislature, thus providing the legislature with power to make these rights. When law fails to reflect this general will, the government fails in its duty to protect rights. In many ways an employee / employer relationship embraces this notion of a social contract albeit from the ethical perspective of protecting information that belongs to an organisation. However, this social contract falls apart when information as thing is stored on an internet system and therefore is accessible to any individual within the organisation or external to the organisation that is connected to the internet.

The concept of protecting rights based on natural law theories declined in popularity after the French revolution, but has been resurrected by other legal theorists such as Finnis (1980, p. 26). There are two main reasons for the attack of the rationalists and positivists on natural law, and the development of other Jurisprudence.

English positivists such as Bentham (1970, p. 68) and Austin (1954, p. 76), defined their views of positivism succinctly. Positivism they assert is that law is whatever that is posited by a person such as a Sovereign with the necessary political authority to make law. Thus we have the thread of debate in jurisprudence and legal theory that focuses on law 'is' what it is and not what it 'ought' to be. This is a theory of positivism by Nidditch and Hume (1995, p. 106).

The development of other jurisprudence, particularly the American Realists, such as Holmes (1998)) attacked the idea that laws were just rules. (Curzon, 1998, p. 52) His criticism struck at the very heart of rule formalism that formed the fabric of English Jurisprudence. Curzon (1998, p. 52) expresses the view that Holmes (1998) analysed the law from the fabric of English Jurisprudence and also from the perspective of the 'bad men' that progressed Jurisprudence rights theory. This led to a criticised discourse of laws based on rules and fact and opened the door for other movements such as critical studies. In the next text box I see the interconnectedness between things, words and facts.

Curzon citing Holmes (1998) states: "we must think things, not words, or at least we must consistently translate our words into the facts for which they stand if we are to keep the real true". (Curzon, 1998, p. 52).

In this research I do not attempt to further the cause of rights movements that have a focus on Critical Legal Studies (CLS), nor the work of Tushnet (1984, p. 13/0) apart from identifying a major criticism of the theory. A criticism of CLS is that rights are not useful as a means of social reform. The reasons being that the notion of rights is considered to be unstable and indeterminate. I disagree because rights once recognised and enshrined as a condition precedent are useful where they are recognised as a higher principle.

"Holmes suggesting that the study of law should not be concerned with moral questions: it is to emphasise that an analysis of operational matters – is the key to effective legal research – must exclude irrelevancies such as inner morality". (Curzon, 1998, p. 53)

"For Hart, the context he chooses to develop his theory is the United Kingdom legal system. His framework for understanding the existence of individual rights, animal rights and tree rights depends heavily on finding what the rules of recognition are in a particular society".

(Hart, 1994, p. 86)

The two debates I focus on are the Finnis-Kelsen and the Dworkin-Hart debates. The former is a debate about natural law and pure theory of law. The latter focuses on positivism and the need to take rights seriously. Against this background I attempt to present a case for protecting the rights of computers as thinking systems based on Rawls (1971, p. 11) theory of justice.

#### The Finnis – Kelsen debate

Kelsens' (1945, p. 110) legacy represents the pinnacle of modern natural law, and has some links to criticisms of natural law outlined by Fuller (1994, p. 18). Fuller (1994, p. 18) turns natural law theory upside down. His thesis is that 'fidelity to the law is determined by an 'inner morality'. This view of morality posits that the morality of law is not found in its content but in its form. In this context Kelsens' (1945, p.110) approach is similar to Fullers' (1994, p. 18) in that the essence of Kelsens' (1945, p. 110) argument is that 'the law' itself contains an inherent concept of morality (1998, p. 18). Here Holmes (1998) and Curzon (1998, p. 53) provide an understanding of the meaning of morality.

The idea is that the law and rights that attach to the law contain an inherent concept of morality. This is a view that Hart (1994, p. 86) disagrees with. Hart (1994, p.86) takes the view that while moral questions and judgements about the law are integral to how ordinary individuals look at the law Kelsens' (1955, p. 141) viewpoint is

misleading. Importantly, the idea that rights contain an inner content of morality, if accepted is dangerous to furthering the cause of rights in things. In the next two text boxes the contradictory conversations of Hart (1994) and Kelsen (1967) are highlighted for the purposes of aiding understanding.

A legal theorist that attempted to place the rights debate into a societal context is HLA Hart. I would suggest that if "we" as opposed to "I" wish to understand the nature of the rights debate, then it is best left to descriptive sociology. By couching the rights debate in these terms I am able to steer clear of the criticism that rights have an anthropocentric focus. Additionally, the rights debate needs to be located within the reality of experience that actually exists within the practice of local government.

(Hart, 1994, p. 86)

'Kelsen's' viewpoint cited in McCoubrey and White (1993, p. 141) may be misleading because his pure theory of law may exclude much of the reality of law'. (Kelsen, 1967, p. 141)

To overcome this deficiency in legal reasoning, I argue that Finnis' (1980, p. 26) restatement of the natural law offers a powerful tool for protecting the rights of computers as thinking systems, because the time is coming when these systems will start to think for themselves independently of human intervention. Again as previously alluded to this is my tentative philosophical proposition which I believe has some support from Heidegger (1985, p. 288).

Clark (1971, p. 11) may not support the view that computers as systems do not have rights. His argument is paraphrased in the next text box.

*If individuals can reason that "..... a particular act leads to the greater number, including computers, we are at once entitled to perform that act however much our victim objects." If we define a right as claim that "Implicitly deny computers all moral consideration then we are in fact denying human animals have any moral standing at all, because my present thinking is that computers have the potential to think for themselves.*

(Clark, 1997, p.11)

Finnis' (1980, p. 26) theory offers a mechanism for recognizing that computers as systems do have rights. He provides an illuminating and serious contemporary challenge to legal positivism. Finnis (1980, p. 26) claims that moral issues provide an important mechanism for thinking about the law.

The protection of computers as thinking systems that may have rights could be progressed to the extent that these rights are in a legal system as goods worthy of pursuing. Thus Finnis (1980, p. 26) and Aiyars (2000, p. 466) both assert that a legal

system is based on the pursuit of certain goods, in the sense of desirable things – good things. If we set aside the idea that law has an inner morality can we argue that computers are good things? I think yes. In today's modern society computers are good things for local government because of the potential computers have for storing information efficiently and effectively. However, there is also a contradictory view in that computers can be used for evil purposes such as breaching confidential information or promoting deception and defamation on the internet. (Schienstock, 2004, p. 12)

If the IS community labels computer systems as good things devoid of an inner morality, then it is still possible to reason in a legal sense that they have standing as defined by Stone (1996, p. 171). Stone (1996) demonstrates that society has been slow to recognise that the environment should have its own legal voice and status, just as society has been slow in recognising what computers as things potentially should have their own voice. An interesting perspective from the legal theory viewpoint is that Finnis (1980) and Aiyars (2000, p. 479) provide a framework that departs from classical natural law thinking, yet maintains the integrity of the legal system as is apparent in the next text box.

*"The argument is that the absence of these goods does not in any way fracture the skeleton of the legal system. On the contrary the reinterpretation of the 'Lex Injusta' maxim suggests that protecting computer rights may be accommodated in terms of his legal theory. What Finnis is not saying is that a bad law is not law. He says that when laws are bad there is no positive duty upon persons in that society to obey the law. The overall conclusion is that " " if there is no obligation to obey unjust laws then it appears that the obligation depends on the content of the law, ie whether it is just or unjust".*

*(Aiyars, 2000, pp. 479-482)*

The idea that things have rights falls on my interpretation into at least one of Finnis' (1980) own natural parameters that he calls the seven basic goods. These goods are the basic forms of human flourishing evident from human nature. Thus, it is possible to argue computers have rights because they are considered to be a common good for the IS community and society generally. But the failure of this form of reasoning lies in the linkage it has to a form of moral reasoning.

Thus for Finnis (1980) and Aiyars (2000, p. 479) 'practical reasoning' is both a basic good and a methodological requirement. The recognition that things have rights albeit from a moral perspective meets the methodological requirement of practical reasonableness that consists of procedural requirements. There is some familiarity here to what Fuller (1984) and Lloyd and Freeman (1994, p. 18) say about these essential goods. These are 'coherent plan of life', 'no arbitrary preferences among values', 'no arbitrary values among persons', 'detachment and commitment', 'the relevance of consequence', 'the requirements of common good' and 'following ones own conscience'.

Unlike classical natural theories Finnis (1980) and Aiyars (2000, p. 479) both suggest that we do not need to use reason to protect the rights of computers. In summary, there is no need to treat reason as capable of showing or protecting the rights of things. The things we prefer to attach rights to are already chosen by individuals as persons. In essence the recognition that computers do have rights is a means to an ends. Both Finnis (1980) and Aiyars (2000, p. 479) put forward the proposition that the rights that attach to things are self-evident goods, and require no further principles for intelligibility.

Whilst individuals may reasonably differ as to the content of rights that attach to things, the notion of justice as fairness will interplay with the context, but not to the extent of causing injustice. Thus Finnis' theory (1980) is a comprehensive restatement of natural law and natural rights and it is my understanding, this reinstatement explains how injustice to things can be minimised. If we accept that things are basic goods, then the methodological requirement as posited by Finnis (1980) and supported by Aiyars (2000, p. 479) are sufficiently precise to rule out many kinds of injustice. Computers as thinking systems may have rights because the process of legal reasoning would reinforce the conclusion that these things are self-evident goods. These self-evident goods described as computers as things that store information are a common good that are essential to the function of local government in a contemporary society. Without this common good it is highly probable that local government would be uninfluential, inefficient and experience chaos. (Al-Khalili, 2003, p.54)

#### **Hans Kelsen and the pure theory of law**

The question as to whether things have rights may be answered to some degree in terms of Kelsen's (1993) pure theory of law and this theory is reproduced in the text box below.

*According to Kelsen "the pure theory of law is a theory of positive law. As a theory it is exclusively concerned with accurate definition of its subject matter. It endeavors to answer the question, what is the law? But not the question, what ought it to be? It is a science and not a politics of law".*

*(McCoubrey and White, 1993, p. 13)*

To ascertain whether things have rights, it is necessary to seek the truth about the existence of rights from within the law itself. Kelsen (1993) cited in McCoubrey and White (1993, p.139), believes that to the extent that rights exist the truth about law, requires that the law provide its own answers as to the existence of rights, and also believed the law to be a clearly defined entity. In essence an independent entity that can be severed from morality, politics ideology and economics. Whilst the law is used to protect moral rights, the law is something which is unique from these things. It has character, structure and identity of its own. It has an ideal of its own. This idea that the law can be separated from morality is one proposition that supports my thesis.

### The Dworkin-Hart debate

As Hart (1983, p. 107) says in partial agreement with Dworkin (1986, p. 76) law is something more than just rules. In the final analysis the extent to which things have rights depends on the context in which rules are framed. Hart (1986, p. 107) says to understand a case about rights requires consideration of many factors, and these factors are listed in the next text box.

*"An operation in which multiplicities of diverse considerations are continuously recognized as good reasons for a decision. These include a wide variety of individual and social interests, social and political aims, and standards of morality and justice; and they may be formulated in general terms as principles, policies and standards"*

*(Hart, 1983, p. 108)*

For Dworkin (1986, p. 304) law is more than being a category of principles and rules. Each category of formulation has its own discrete drama of behaviour. Law and access to rights extends beyond the influence of bureaucrats, judges, parliaments, and legislation rights law. Dworkins' (1986, p. 77) taking rights seriously transcends the dominion of influence of each of these categories and the power that comes with it. But in laws empire rights are defined by attitude, not territory, power or process.

Dworkins' (1986, p. 413) categorisation of the law is unlike Kelsens' (1993) discourse that postulates a pure theory of law. For Dworkin (1986, p. 133) even situations where you have hard cases and rules are not able to assist, a solution to a hard case can be found by resorting to law alone. Thus to the question do computers as thinking systems have rights? The answer is yes, provided it is integrated with Kelsens' (1993) pure theory of law. (McCoubrey and White, 1993, p.134). A theory that separates law from morality however can only function if it recognises the concept of justice as fairness.

Thus, according to Dworkin (1977, p. 342) a search for the answer leads us through a process of inquiry. This process recognises that things do have rights or where gaps exist in terms of rights, the law needs to progress beyond rules. Thus the law does not only consist of rules. So where gaps exist in the rights of things, there is the recognition that rules are surrounded and complemented by a superstructure of principles. A proper application of these principles provides answers to the question do computers have rights? In essence, where rules are lacking the law having its foundation on principles will supply its own answers and has its own validity. If we can legally reason that the rights of things are afforded protection as principles then I can begin to see some connections with the jurisprudence of Dworkin (1997), Kelsen (1945) and Rawls (1971). However these linkages only exist to the extent that we are able to understand and interpret law as pure theory, and law as reason that is divorced from law as morality. This is my tentative thesis.

To support my thesis I have argued that the law has an existence of its own. By this I mean that things like persons do have rights. These rights exist as a pure form of rights or a form of attitude. Basically this is a pure form of legal reasoning that is separated from moral reasoning.

If the law of computer rights has an existence of its own, then it could be defined as being a lifeless and soulless entity. Essentially, therefore law is more than a statue. Law is legislation that requires interpretation, and some degree of individual understanding.

Therefore, for a discourse of computer rights to be meaningful to society, the rights discourse must explain how rights are redistributed in a social or societal context in which the rights debate function. In other words if we want to answer the thesis question we need to make explicit the basis on which the rights of persons and rights of things are redistributed. A law of rights that is devoid of context, place and reality has no real meaning, and provides no basis or function for understanding these rights. (Wise, 2000, p. 39). Hence, the importance of the Rule-of-law which recognises that rights of computers as thinking things may have the potential to be given the protection of law.

To understand my thesis it is critical to grasp the philosophy that persons and things both have rights. Persons and things are both fragile, each interdependent on the other. Each is entitled to an equal share of the cake. In a nutshell, a world devoid of this rich biodiversity comprising of persons and things (computers as thinking systems) and the non-recognition that each has equal rights contributes to an unjust society. But Hart (1983, p. 107) would have a problem with this form of legal reasoning. (Broome and Legge, 1995, p. 1131).

For Hart (1994, p. 105) the social context or vacuum in which these rights exist is critical to understanding the meaning and nature of computer rights law. I disagree with Hart (1994) when he posits that law has no meaning outside human society, therefore he argues the search for law outside this ambit is an exercise in futility or as Hart (1994) calls it needless luxury. But Hart (1994, p.103) justifies this stance by using a form of legal reasoning as moral reasoning. My proposition is that legal reasoning is a pure form of reasoning that is devoid of moral reasoning. It is in effect a development of the idea that rights only exist in terms of justice as fairness.

In the next section I will develop further the idea that legal reasoning is not a form of moral reasoning. If this proposition is accepted then it is possible to reason that computers do have rights. I do this by integrating Dworkins' (1977, p. 82) theory of rights with Rawls (1971, p. 16) theory of justice as fairness, but approach the legal reasoning discourse with a non-moral discourse. My approach is based on the assumption that whilst law is said to embrace an inner morality the reality is that morality is a difficult concept to pin down.



Morality to me is something like a Chameleon. It is not static, has many dimensions and is difficult to define. For example, how do you define American morality? Is there such a thing in law? If it exists is it the same as Malaysian morality or British morality. My view is that while rights laws purports to allude to the concept of inner morality, the reality is that the rights debate must float to a higher level of principle to make sense. There is to my way of thinking a similarity between Dworkins' (1977, p. 82) theory of rights and Rawls' (1971, p. 16) theory of justice as fairness. The former recognizes that rights are trumps. They over ride minor moral demands. The latter is a theory of distributive justice, and includes also a theory of the distribution of political power. Rawls' (1971, p. 31) theory is sometimes described as a concept of justice as fairness. Whilst Rawls' (1971, p. 32) theory suffers from the fact that it is also a form of legal reasoning as moral reasoning, the concept of justice as fairness is an attractive concept. These theories are worthy of pursuit, but require modification to accommodate my proposition. The next section examines how notions of justice as fairness can further the case for recognising that things do have rights.

### **Rights and justice as fairness: the case for computer rights**

Thus the reasoning that promotes the rights of things as being non-existent or in the minority discriminates against computers as thinking systems by encouraging inequalities between persons and non-persons. The legal reasoning that I am advocating is one of principle. Legal reasoning that is devoid of moral reasoning as a matter of principle promotes equalities rather than inequalities, and justice rather than injustice.

If we leave aside the policy arguments that are not the concern of judges but of the legislature, and the idea that legal reasoning is not about moral reasoning, then we are in a better position to consider justice as fairness.

Generally, the purpose of law and of the legal system is that it ought to be able to achieve justice for computers as thinking systems by taking rights seriously. Dworkin (1977, p. 82) believes that if we take rights seriously then we stand a better chance for treating the rights of computers with equal concern and respect with those of persons. This is because computers as things are of intrinsic value. Similarly, the principles of justice outlined by Rawls (1971, p. 31) in a 'Theory of Justice' provides some insights about how equally we should treat the rights of living things, trees and arguably computers. The issue I turn to now is how well can this game we call 'law' accommodate the idea that computers as thinking systems do have rights, given that computers are not presently sentient as are animals and to a lesser extent trees?

I believe that computer systems and information as things have rights provided we could lay the foundation for this in legal jurisprudence and legal philosophy. To support this proposition I bring together three ideas. The first is that law and morality are best regarded as separate entities if we desire to promote the concept of rights as trumps. By encouraging this separation, I will be in a better position to progress the

debate not from an anthropocentric perspective but from an internet community biodiversity viewpoint. I support this perspective because the internet is recognised as a source of information that is essential to supporting a global community that depends on information for survival. Using this approach we get closer to but beyond the idea that things have standing. In the next text box I explain my understanding of this last sentence from a philosophical perspective.

From an ethical and philosophical perspective I draw the analogy that computers as things connected to the internet, like trees and animals have standing and therefore have rights. Human beings are dependent on things that have the potential to have consciousness. Therefore, all of these things have rights in a heuristic sense because they contribute to our collective wholeness and understanding individually, and collectively.

From this text box three ideas evolve. First and importantly, my tentative understanding is that things have rights because with the aid of computer technology both local government and human beings are dependent on computers as things for survival in an information age. My second tentative understanding is that the philosophy of rights may be better interpreted if we encourage the jurisprudence of justice as fairness. To do this effectively we need according to Rollin (1981, p. 71) to challenge the assumption that what is legal and what is moral are logically inseparable. The third idea is that if things have rights then how do we decide between competing rights if all things and persons are considered to have equal rights.

Rawls' (1971, p. 21) theory of justice needs to be analysed not from the perspective of his model of contractual moral theory, but from the perspective of a contractual agreement to protect passive rights. Passive rights are those rights that don't attach to persons but to persons and things that are in the minority. Here I mean that things are in the minority because they have no voice. (Millar & Williams, 1983, p. 56; Bentin, 1996, p. 56).

Rawls' (1971, p. 511) theory of justice is summarised in the next text box.

*"A correct account of our relations and to nature would seem to depend upon a theory of the natural order and of our place in it. How far justice as fairness will have to be revised to fit into this larger theory it is impossible to say, but it seems reasonable to hope that it is sound as an account of justice among persons, it cannot be too far wrong when these broader relationships are taken into consideration". (Rawls, 1971, p.512)*

An interesting departing point from Finnis' (1980, p. 28) work is that while a right is defined in terms of what is good, Rawls' (1971, p. 11) regards what is right as being a condition precedent to what is good. Thus Rawls' (1971, p.11) theory of justice as fairness has its foundation in the idea of social contract. One could reason from this that those persons, as a part of an internet community of diversity would contract

with things or advocates on their behalf to treat the rights of things with respect and equality. An example might be a dead body. (Gregerich, 2001, p.237).

Thus these principles being part of an original agreement are protected by virtue of an original contract. The principles and rights we attach to sentient things become embedded with rights. The idea of computers as sentient things is highlighted in the next text box.

Once this occurs these sentinel things "are free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the form of government that can be established. This way of regarding the principles of justice I shall call justice as fairness". (Rawls, 1971, p. 11).

These principles exist as the basis for regulating all other agreements. The principles disguised as rights as trumps specify the kinds of social cooperation that would be entered into and the form of government that could be established to protect rights of computers, and information as things.

It is reasonable to start with the premises that among the disadvantaged are persons in the minority and sentient things (computers as thinking systems). The disadvantaged being those individuals, computers and sentient things - that are considered to be social goods. As social goods sentient things do have rights. But the importance of these rights is a matter for parliament and society to agree upon. But there is always scope in a democratic and transparent society for advocates to promote the cause of rights of sentient things.

Advocates would interfere on behalf of sentient things to protect their rights. This in fact is the reason for having a Rule-of-law. The purpose of which is to interfere on behalf of computers as having the potential to think as conscious beings for the purposes of protecting their rights as things. As things computers are worthy of protection because of their intrinsic value, albeit from an information memory perspective.

A major limitation of Rawls' (1971) principle of justice is that it does not provide a standard of social justice. (Wacks, 1995, pp. 193-194). There is no benchmark suitable for everyone in the universe. But if we accept that his concept of justice has no benchmark to work towards, how can we achieve justice for computers as thinking systems?

The first step forwards in this game called law is to recognize that things do have standing, as defined in Abate (1994, p. 345). That behind the veil of ignorance a veil of personality also exists. This personality we attach to computers having the potential to think as systems. This is the legal fiction we need to create to recognize that sentient things like corporations also have legal personality. My conclusion here is that I have used legal reasoning as a form of non moral reasoning to show by virtue

of creating a legal fiction that sentinel things can have personality. If they have personality then like corporations they have rights.

The second step is to recognize that rights are enshrined in modern constitutional democracies. The third is to embrace Rawls' (1971, p. 11) concept or thesis that the notion of justice as fairness is an idea that is rooted in politics rather than in any epistemological or metaphysical task.

The third idea makes logical sense when one considers the prolific destruction of computers through various viruses that occurs from extensive destruction of computers as information storage systems. When this happens who become the disadvantaged? The answer is persons and institutions such as local government that are dependent on computers and the internet for proper function in a contemporary information society. Their rights become minority rights. Hence that question who will protect information systems when they fail as a consequence of virus attacks, poor maintenance and theft of information?

### Conclusion

A major limitation of the idea that a right is a claim is that it has a focus on persons. Persons have moral personality whereas nonpersons, like computers, do not. The former has a right the latter does not.

Another problem with the idea of rights is that the trilogy of theories offered by Dworkin (1977, p. 99) is insufficient to recognize the rights of computers and persons. This trilogy may be broadly defined as right based, duty based and goal based.

I have problems in understanding how Rawls' (1971, p. 65) deep theory of justice and Dworkin's (1977, p. 99) trilogy of theories are useful as concepts in progressing the recognition of rights in animals, trees and in computers as things.

Thus if we are opposed to inflicting pain or harm on computers or the destruction of information storage systems our approach is rights based. If we accept that these same acts diminish the destroyer, then we are probably promoting duty-based discourse of rights. If persons function under a veil of moral personality, then these acts of destruction on computers as thinking systems and systems of storage and memory are unacceptable only when they impact on the moral person's interests. This anthropocentric view of rights is essentially goal-based.

I support my tentative rights proposition by proposing that that non-persons do have rights to the extent that if they are able to set morality arguments aside, then each person and non-person deserves equal concern and respect.

I reject Dworkin's (1977, p. 99) 'rights thesis' which posits the supremacy of rights over considerations of welfare. This rejection is based on the distinction he draws

between 'personal' and 'external' preferences. The former means the things I want myself, and herein lies the similarity to Rawls' (1971, p. 65) deep theory of moral personality. The latter are the things I want for others. Again here the 'others' refers to 'moral' personality.

The framework I propose to further the rights discourse is now outlined. First, computers as thinking systems do have rights because they deserve equal concern and respect as persons. My meaning here is that computers have rights because of their capacity to think, store and retrieve information. Second, using Finnis' (1980, p. 30) theory a claim for rights on behalf of sentinel things is worthy of pursuit because they are goods that society values. Third, to ensure that sentient things do have rights we can imbue things with personality and standing, and protect these rights in the constitution. To the extent that these rights are enshrined into the constitution than a lot of what Kelsen (1945, p. 110) says about grundnorm and the pure theory of law makes sense. By constitution I mean obedience to the Rule-of-law.

Finally, I propose that Rawls' (1971, p. 65) theory of justice as fairness has the potential to be developed further, albeit with some modification. According to Rawls (1971) for such a theory to work it must demonstrate the features of justice. First a right must be capable of implementation universally. This would require a bill of rights, or a culture of rights. Second, the right that is being protected must be transparent. For public transparency to be effective a legal system must adopt a form of legal reasoning based on pure theory and devoid of morality. Third, as a theory of justice, it must be final. This means the idea of justice as fairness must be applied with equal concern and respect to persons as well as non-persons (computers as thinking systems). Fourth, a legal theory must decide between competing claims. But for justice as fairness to be applied with equal concern and respect to persons, be they powerful or minority groups, and to computers as systems of thinking, there can be no place for a concept of justice that decides among competing claims.

Therefore, if justice is the objective then to satisfy Raz's (1989, p. 191) theory and justice as fairness as a type of jurisprudence requires that there cannot be any competing interests to defeat the rights claim. However, if the objective is to achieve a concept of justice as fairness then his theory arguably provides a framework for deciding upon competing claims. (Rawls, 1971, p. 65) A limitation for this form of justice is that it denies rights to computers as thinking systems because it is a form of reasoning based on moral reasoning. In this context (Rawls, 1971) two principles would come into play. The first principle of liberty would have to be satisfied before going to meet those of equality. However, if jurisprudence is serious about protecting rights for computers as thinking systems then there is considerable merit in focusing on equality rather than liberty, and legal reasoning that is not in the form of moral reasoning, but that is enshrined in a higher form of law. This law I call the Rule-of-law. But if the Rule-of-law is an idea rooted in politics, then this discourse of computers as things that potentially have rights is a matter that must pass the test of political will and acceptability as a condition precedent to the Rule-of-law.

To summarise, there are six steps that need to be overcome before the discourse of rights becomes a reality for local government. First, the discourse must survive the test of political will. Second, the Rule-of-law would need to be receptive to the culture of rights. Third, a social contract would need to be drafted and agreed to based on the pure theory of law that is devoid of morality. Fourth, a theory of justice must be beneficial to local government. Fifth, legal theory must decide between competing claims based on the principles of liberty or equality. Finally, the notion of equality takes precedence over liberty. But for this principle to be valid it must be enshrined in a Rule-of-law and this requires not only political will but also an underlying and unifying theory for recognising the importance of information to government and society.

## CHAPTER 5.0

### A UNIFYING THEORY FOR IMPROVING ORGANISATIONAL MANAGEMENT OF INFORMATION SYSTEMS FOR LOCAL GOVERNMENT

*"If we have a definite theory, a real guess, from which we can conveniently compute consequences which can be compared with experiment, then in principle we can get rid of any theory. There is always the possibility of proving any definite theory wrong; but notice that we never prove it right. Suppose that you invent a good guess, calculate the consequences, and discover every time that the consequences you have calculated agree with the experiment. The theory is then right? No, it is simply not proved wrong. In the future you could compute a wider range of consequences, there would be a wider range of experiments, and you might then consider that thing is wrong. That is why laws like Newton's laws for the motion of planets last such a long time. He guessed the law of gravitation, calculated all kinds of consequences for the system and so on, compared with experiment - and it took several hundred years before the slight error of the motion of Mercury was observed. During all that time the theory had not been proved wrong, and could be taken temporarily to be right. But it could never be proved right, because tomorrow's experiment might succeed in proving wrong what you thought was right. We never are definitely right, we can only be sure we are wrong. However, it is remarkable how we can have ideas which will last so long."*

(Feynman, 1965, pp. 157-158)

#### Introduction

In this part of the research I outline a unifying theory of information and data management based three paradigms posited at the beginning of the research. These paradigms are information warfare, information space, and knowledge management. It later became apparent that whilst these three paradigms are conflicting paradigms, I realised during the one - week holiday I took from work in the month of July 2003 that conflict resolution lies at the core of information management. Importantly, conflict theory within the context of information warfare, provides a useful tool for understanding the idea that the computer and information as things have the potential to think as living systems, and thus do have rights.

The notion of conflict theory is examined against Callon's (1996) model of data management. Importantly I assert that good information management hinges on the credibility and project management style of the manager.

Therefore, my three paradigms have now evolved to embrace the social context in which information systems are embedded in an organisation, and conflict resolution theory. The former recognises that information management systems are unlikely to be successful if these systems ignore or only have regard in a minimalist sense to the human resource dimensions of an organisation. The latter recognises that at the core of implementing an improved information management system for local government lies the reality that any information system must adequately resolve the conflicts that exist within a local government organisation. However, this resolution of conflict

especially within the context of the three paradigms of information warfare, information space, and knowledge management must be firmly grasped by an organisation before a better information system can be implemented within an organisation.

The theory of conflict is not a new idea however it has recently been recognised as an important dimension of information warfare. (Dearth, 2002, p. 8; Warren & Hutchinson 2002, p.157). In this chapter I build on this theory of conflict resolution because it is being increasingly recognised in the academic literature as a crucial factor in successful information management. (Rawls, 1957, p. 177; Reid & Pascalev, 2002, p. 238; Schienstock, 2004, p.10). In other words the theory of conflict resolution is a prerequisite for resolving conflicts pertaining to the paradigms of information warfare, information space and knowledge management.

In this chapter I build on the notion of conflict theory as defined in the newly emerging information warfare paradigm. I relate this theory to the insights that the primary data collected during a 10-week ethnographic study of a local government organisation reveals to me as an ethnographic researcher. (See Appendix 4.0) However, the social context of the organisation is brought into sharper focus because the primary data, especially as it applies to the Roman, offer insights for introducing a better information management system for local government. The reader should note that 'the Roman' is used metaphorically for the purposes of demonstrating the power of narrative theory as an IS tool or methodology for improving interpretation and individual understanding about what actually happens to an organisation concerned with information management.

Therefore my unifying theory for improving organisational management of information systems for local government embraces the three paradigms of information warfare, information space and knowledge management, but related to the theory of conflict and recognising the social context or human dimension in which information management occurs within an organisation. These three paradigms provide the basis for better understanding weaknesses within a particular local government organisation, and therefore provide insights for improving the management of information.

#### **Information management what is it?**

Information management is basically about data management in the sense that a local government organisation has access to a whole range of data that are scattered across many computer drives within the organisation. The management of information in its basic form is about how best to facilitate the management of data, as suggested by Callon (1996, p. 204) in the next text box.



*"That is what data processing, information systems, distributed systems, imaging processing or any attempt to systematise the use of information is all about. While a great deal of progress has been made, it is a moving target. To make sense out of all this necessitates both looking at the basic steps of the processes of dealing with data, and remembering what an organisation is trying to accomplish."*  
(Callon, 1996, p. 204)

Local government must recognise, like Gadamer (1998, p. 53) did, that information cannot be understood if the content of information is not made explicit.

On reflection my personal experience of local government is that words are often used to confuse or deceive Council.

*"Thus Plato insists on elucidating each hypothesis in view of its consequences, and perhaps his criticism of the enemies of logic on this. Whenever we fail to make the content of a concept explicit, it becomes fruitless to discuss it. When using words and arguments, it is always easy to become confused".*

(Gadamer, 1998, p. 53)

This is probably a good time to ask that question: 'What exactly is this ethnography study trying to achieve in regard to information management within a local government organisation and this governments' associated information management weaknesses?' From an organisation's perspective this research should provide a framework that clearly allows a local government organisation to better manage the information that is stored on the organisation's internet system. In my view this is the desired outcome for any local government organisation. However, it is vital for the reader to appreciate the context in which information management is pursued in this study. The context is that of information warfare, information space and knowledge management but related to the theory of conflict and recognising the social context or human dimension in which information management occurs within an organisation. (Schienstock, 2004, p.11).

Therefore, I draw the reader back to my initial research question which was stated as follows: intranet technology usage occurs in a theoretical vacuum or paradigm creating opportunities for breaching an individual's privacy in relation to information

and data stored on the intranet. The research question has subsequently changed and the internet rather than the intranet is the subject of study. Thus, the reader should note that there has been a degree of individual learning and understanding occurring as I progress through this research.

The deficiencies of a theoretical paradigm for facilitating better information management for local government organisations are alluded to in previous chapters but are expanded in this chapter to recognise the emergence of conflict theory and the role of humans in facilitating information management. My individual learning is progressing as I begin to better understand the full extent of information weaknesses occurring in the previous local government I was employed with. I am now in a better position to understand the full extent of information weaknesses because after I resigned from my previous employer, I secured another local government position as a deputy manager, responsible for managing over twenty - one people. Presently, this new local government organisation has a better information system in place. In the epilogue to this research I draw on this new - found knowledge and explain by understanding about how information management is used in this organisation to overcome information weaknesses in this organisation. At this point the reader should note that I have been employed as a deputy manager in this new local government since June 2004, and also as a sessional lecturer at an Australian University for the same period.

At this point I need to check whether the ethnographic data I have collected over a ten-week period in 2003 of internet documents can be validated against a data management theory. As the reader will now realise the notion of data management or "management of data" coined by Callon (1996, p. 204) was built into the initial research question, because I felt at the time that I would need to validate my ethnographic research. Since this research has a focus on the primary collection of documentary data I needed to validate my research against some acceptable theory that allows an organisation to improve its competitive advantage through information technology. This is another major outcome of this study. My literature review has led me to Callons' (1996, p. 204) work.

This masterpiece recognises that *"the specifics of any one step will vary, but there are logical functions within any information systems process. This includes: data capture, indexing the data, data definition, data compression and storage, access and retrieval of data, data transport, and data presentation."* (Callon, 1996, p. 204)

I now reflect on the content of the previous text box recognising that my personal experience in a local government organisation can improve my own understanding of text interpretation by locating the study of information in the present history. Thus making a contribution to Gadamer's (1998, pp. 9-33) notions of the meaning of beginning and the hermeneutic access to the beginning, in the next text box.

1. Data capture- In the beginning all data captured in words and later captured on Logis.
2. Data indexing- Data captured and transferred onto Logis and includes mtepayer data.
3. Data definition- The organisation uses simple flow charts to capture a process. Normally this is a simple input output model.
4. Data access- Data captured on disk and stored for ease of retrieval.
5. Data access and retrieval- The organisation realises that data best functions as a system and works on introducing a new computer system.
6. Data transport- The organisation introduces a New Core Replacement (CSR) system and Dataworks during 2003-2004. Whilst the idea of information as a system is recognised as important to information management, information is constantly lost.
7. Data presentation- The new information system is presented as a system that purports to be logical.

Professional action research group, note 20, file1, May 16, 2004).

I now examine my own data collection process with the intention of identifying any gaps. At this stage of the research I am looking for disconfirming evidence, and trying to apply some academic rigor to the whole process. (Williams, 2004, p. 21)

First, have I captured the data? I believe that I have captured all data in electronic form. This data was then photocopied and is now my primary research data. It is available for sighting in raw form, but in order to protect the names of individuals within this particular local government organisation I have deleted the names of individuals or reference to the organisation that employs me. However, the full set of internet text the subject of hermeneutic interpretation is kept as a separate appendix and takes the form of raw internet text. This appendix is not included. Thesis but is readily available for sighting by the examiners. The appendix takes the form of Council reports of documents that are accessible from the internet. This process is in keeping with my research question, which specifically highlights the fact that an ethnographic researcher can create opportunities for breaching an individual's privacy in relation to information and data stored on the intranet. Therefore, not unlike a good journalist I have made every endeavour to protect the sources of my primary research data in accordance with sound ethical principles. Examiners wishing to sight the internet data are required to sign a form agreeing to maintain anonymity of the local government organisation that employed me at the time. Therefore, all appendices listed in this study are excluded; the only exception is Figure 8.1, which is also included as Appendix 5.0 This figure is my final rich picture model and the original contribution to this research.

Second, I have not indexed the data in a taxonomic classification sense, but I have used some examples in this research to show how the process of understanding and interpreting an internet text document functions based on my personal experience. I have drawn on my new local government employer and personal experience with this local government organisation to demonstrate how to manage this process. Whilst I have captured the data in its primary form, only at this stage did I realise that my research process was deficient, because this step of the model had been omitted. On reflection it dawned on me that this might be a major deficiency given that this

research has a focus on information management, and its weaknesses. More importantly as the difference between my initial and final rich picture becomes apparent it became evident that I had not made a genuine attempt to narrow the gap. Therefore, I had to seek an approach to gap analysis that incorporates disconfirming evidence and promotes a feasible solution to the problem of information management. Clearly, this is a gap that I could rectify later perhaps by way of an epilogue to the thesis. There exists an opportunity perhaps to re-tabulate the data in a form that reflects the three paradigms that form the essence of this study. Fortunately, my new employment with another local government organisation has led me to finding the gaps in information management and new insights for overcoming weaknesses in information management. This new local government organisation uses a system or software program called ISYS Text Retrieval / ISYS Query to manage information.

Third, have I met the criterion of data definition? As alluded to by Callon (1996, p. 204) in the next text box.

*"organisational success in defining (naming) data requires a commitment, discipline and motivation throughout the organisation"*  
(Callon, 1996, p. 204)

The three paradigms I have selected for research have been defined in my introductory chapter, but these paradigms are also expanded and discussed in later chapters of this research. The purpose of searching for a sound definition of information warfare, information space and knowledge management, but related to the theory of conflict and recognising the social context or human dimension in which information management occurs within an organisation, is to ensure a common understanding of terms within an organisation. Therefore, in order to promote a common understanding of my research purpose, I have defined an extensive list of terms in the glossary section of the thesis. I believe this criterion is sufficiently addressed in this research. However, where I have been able to find disconfirming evidence that may suggest an alternative definition, I have identified these as limitations at the end of the thesis. Where possible I offer an opportunity for others to improve on the definitions I have provided, bearing in mind that I have attempted to give legal definitions as this is how statute or case law defines the three paradigms of information space (the internet), information warfare and knowledge management. In the context of the information warfare paradigm and the potential for litigation against local government the law will follow its own definitions and interpret this in the context of case law.

Fourth, have I met the criterion of data compression and storage? According to Callon (1996, p. 204) time is important for better information management.

*"there are benefits to be gained both in storing data and in reducing the time to access it and transport it over telecommunication lines"*  
(Callon, 1996, p. 204)

I believe that the criterion of data compression and storage is best accommodated from an organisation perspective by employing a knowledge expert to classify, compress and store data in ways that facilitate its retrieval as and when required by an individual(s) or the organisation. (Kofoed, 2002, p. 5)

Fifth, have I met the criterion of access and retrieval of data? This criterion is closely related to the previous criterion.

*Namely, "accessing data ties back to both indexing and data definition. If this is not done accurately and consistently in the beginning, then the entire process falls apart. The time to retrieve data is still a major factor in on line applications."*  
(Callon, 1996, p. 205)

Sixth, has the criterion of data transport been met? So far my ethnographic research study has not created any problems with data transport that are downloaded from emails, received via the information space and into my office computer. However, I experienced problems when I tried to download the data on floppy disk. Apart from this problem Callon (1996, p. 205) has suggested that memory has a role to play in better information management.

*"there is talk of gigabit transmission capabilities. Ten megabits to a work station will adequately handle all of the needs of most individuals until multimedia becomes more common."*

(Callon, 1996, p. 205)

Finally, there is the criterion of data presentation. The problem I experienced with data presentation is that when I attempted to download e-mails, especially those that had attachments, the copy and paste function tended to copy logos and memo headings. Therefore the primary research data takes the form of an ad hoc formatting structure. Nonetheless, the data presentation exists in raw form and can be analysed for the purpose of improving information management within a local government organisation. The City's Geographic Information System (GIS) has made significant progress in making maps and plans available on the internet. Thereby making a

positive contribution to the paperless office and also increasing competitiveness. Based on my personal experience and contacts with various engineering, architectural, legal, and town planning practices, it is evident that practices, which embrace the notion of the paperless office, are more competitive in today's market place.

*"Accessed data can be presented in a number of different forms. More is being displayed on monitors of workstations, but the days of the paperless office do not appear to be likely anytime soon. Documents from printers and plotters are still a - major source of information." (Callon, 1996, p. 205)*

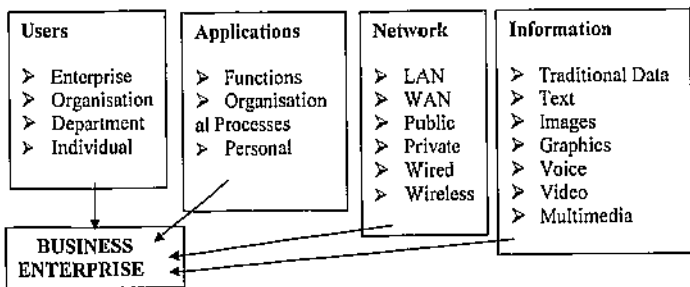
Expanding on my earlier definition, information management requires more than active and passive participation. Information has to be understood as a hermeneutic system that is boundless in that it is more than a hermeneutic circle. By this I mean that there is no beginning and no end, something akin to a circle but not a circle as alluded to by Gadamer (1998, p. 122).

*"meaning something circular, something involved in itself and returning to itself - like a ring." (Gadamer, 1998, p. 122).*

It is clear from this definition that information management is closely linked to organisations' telecommunications' capabilities.

*These capabilities have the "potential to impact upon an organisation from strategic, operational and financial standpoints". (Keen, 1988, p. 26)*

The following criteria are suggested as the minimal standpoints for assessing an organisation's telecommunications' capabilities. In essence the system must be connectable, flexible, phaseable, available, reliable, manageable and maintainable. (Keen, 1988, p. 26) Finally, information management must have the capacity to link users within an organisation with information from applications on networks that I define as meaning the technology that facilitates the distribution of information through information space. Callon (1996, p. 207) illustrates this idea in a succinct diagram in Figure 5-1.



*Figure 5-1. Linking Users to Information Within Applications on Networks  
(Callon, 1996, p. 207)*

*This diagram "illustrates a typical enterprise telecommunications environment. This environment has four users that make use of information within applications that are network based."  
(Callon, 1996, p. 207)*

### **The human dimension of information management**

This ethnographic study demonstrates that hermeneutic theory provides a useful base for interpreting words that are transmitted through the medium of written text. How humans in an organisation react to the written information received by way of emails through the intranet, what I 'call the information space' (internet or fact space) provides significant new insights for the management of information. This idea of the effective domain has emerged from the literature that has researched organisational behaviour and reveals that a study of the human dimension in an organisation offers opportunities for providing significant insights for better information management. (Williams 2004, p. 47)

My ethnographic research has reinforced what other researchers have found about the impact of the human dimension on information management culture within an organisation. For example, there is evidence to demonstrate that the issue of a culture gap in so far as it relates to the human dimension can have potentially devastating effects on the management of information in an organisation.

The issue of the culture gap is founded on the premise that the *"destructive effects stemmed from negative attitudes and preconceptions developed and perfected over time"*. (Taylor- Cummings and Feeny, 1997, p. 172)

There is also a suggestion in the research about information management that organisations have much to benefit if they focus on two organisation narratives that find their expression in two metaphors. These metaphors are described in terms of understanding *"organisations as cultural systems, and organisations as political systems."* (Taylor- Cummings and Feeny, 1997, p. 172).

These same authors have attempted to define the problem based on developing and refining the organisation as a system of sub systems, based on *"cultures and sub cultures, diverse interests, conflict and power. A research model was tested through the use of case studies, and secondarily through the administration of a large scale questionnaire survey."*

(Taylor- Cummings and Feen, 1997, p. 172)

What has emerged from this research is that conflict resolution theory has primacy of place in attempting to improve information management in a local government organisation. Importantly, this theory provides the context for resolving conflicts between the three paradigms of information warfare, information space and knowledge management. This is evident in the literature dealing with conflict.

For example, *"recent approaches to conflict resolution emphasise the use of softer ideas like shared values and subordinate goals rather than harder approaches based on structure and formal procedures. The results suggest that socialization makes positive contributions to overcoming the user-IS gap."*  
(Taylor- Cummings and Feeny, 1997, 175)

The research results also identify some important pointers that are relevant to practitioners interested in implementing better information management systems. The implications for practitioners are identified as follows: First, practitioners in a local government organisation would do well to confront the issue of culture gap in the organisation. Second, the organisation should make every attempt to implement key factors such as the use and appropriate management of multi – disciplinary teams immediately. Third the organisation should promote a greater commitment to business objectives among its employees. Finally, the organisation should treat IS staff as employees who are part of the organisation and offer these staff the same equitable access to training and reward systems, and not restrict these opportunities to a select few employees that are being groomed for promotion by the organisation.



(Taylor- Cummings and Feeny, 1997, p. 194). This point is particularly evident from the ethnographic research that was conducted as part of this study's contribution to information management.

This research suggests that if attention is given to the four areas identified above, then the problem of a culture gap could be an issue of the past.

Thus if cyclical "and consistent efforts towards achieving suggested, goal states are made, then the destructive effects of the user-IS culture gap can become a thing of the past."  
(Taylor- Cummings and Feeny, 1997, p. 194).

Importantly, the conclusion to this research suggests that there should be a focus on the following key factors.

"The use of multi disciplinary teams (versus the use of intermediaries or separate user/IS teams); the credibility and management style of the project manager; the presence, formally or informally, of an account manager; the right mix of skills on the team (as opposed to skills in any given individual); co-location of team members; the use of social events; delivery of functionality to the business in short (6-9 months) timescales."  
(Taylor- Cummings and Feeny, 1997, p. 194)

A factor of particular relevance to the study of better information management for local government is the credibility and management style of the project manager. I use the concept of a metaphor to explain the concept of power and control. For example, the newly appointed manager of a local government organisation has said to me at one of our regular fortnightly meetings in May 2003 that this manager was mainly interested in power and control. This point however is a direct contradiction of Dworkins' (1986, p. 77) proposition in that a proper interpretation of power and control would lead to the interpretation that better information management is a matter of attitude not power.

In local government the account manager may be an auditor. The role of the auditor is to check that processes are followed, and also to mitigate the effects of power and control.

Therefore, there is contradictory evidence suggesting that power and control are not the only forces at play when an organisation decides to embark on a transformation process. There is evidence that the local government organisation began a transformation process pertaining to information management, did not follow a rational decision-making process, but rather a trial – and – error experimentation process. This initial period of experimentation is in essence a period of conflict and confrontation, between the forces of change and those forces that persistently resist change. In the initial planning stages it is not clear which forces will emerge victorious, as there is a process of evolutionary change taking place, and most certainly a process of social shaping is also taking place. Conflict theory suggests that the process of change or transformation within an organisation is a contested terrain, and falls far short of being a rational decision - making process. Rather than having a rational decision -making process there is in fact interplay of vested interests, power games and a degree of hermeneutic interpretation founded on attitude. (Schienstock, 2004, p. 12). Therefore, whether local government change in the field of information management should occur or not, may result in serious conflicts and therefore hermeneutic interpretation of documentary evidence provides a path for overcoming information weaknesses by changing ones' attitude to information management in the work place.

*"Is senior management willing to delegate to lower levels within the organisation business decisions that have traditionally been viewed as logically and even necessarily made by senior management? Figure 5-2 highlights the factors that can be implemented by this approach. Is senior management willing to at least share degrees of control over these actions with those who are closer to the business uncertainties that prompted the logic of this approach in the first place? On the other hand, there is also a risk that too much control will be delegated to the implementers. Senior management must know when it is necessary to lead within the context of this approach. Walking the fine line between empowering people while also leading them is a challenge for those charged with the overall success of the enterprise.*

*Delegation of authority and responsibility also would impact the traditional flow of information for information reporting and control purposes. Figure 5-3 suggests that senior management would want to stay abreast of emerging opportunities and threats and continue to monitor the success and impact of strategies and tactics. The flow of traditional performance data would change, as would the interpretation of the impact of strategies and tactics to formulate change in either or both of these factors."*  
(Callon, 1996, p. 138)

The issue of control is an interesting insight in that I thought that perhaps this was not the sort of thing a newly appointed manager would or should reveal to an employee.

Within an organisation employees in a position of power often perceive information and the management of information as a source of power and often will go to great lengths to organise information in a systematic format for the purposes of ensuring that they can access information at will. However, from my ethnographic research perspective it is questionable whether access to organised information of itself will in fact improve organisation knowledge and learning. The following quotation may reinforce this view.

In a metaphorical sense the words repeated here are I am "a control freak, and that the task of the employees was to feed the person with information so that they looked knowledgeable at high level meetings" (Professional action research group, note 21, file 1, May 2003)

*"Implied by the word control is also the issue of power-either real or perceived."*

(Callon, 1996, p. 138)

My personal observation of work place practices is that a good manager would adopt a softer and feminine management style for the purposes of better managing a multi-disciplinary team, rather than focusing on control and power issues, thereby, minimising harm to others such as 'the Roman'. The reader may recall 'the Roman' is used metaphorically to explain to others what actually happens in the workplace.

#### Managing for results

- Objectives
- Authority
- Responsibility
- Training
- Motivation
- Performance
- Results
- Reward

Control

Figure 5-2. Managing for results (Callon, 1996, p. 138)

### **Management Information Needs**

#### **Senior management**

Emerging Opportunities and Threats  
External Impact of Strategies and tactics

Internal Impact of Strategies and tactics  
Performance Measurements

#### **Empowered Implementers**

*Figure 5-3. Management Information Needs (Callon, 1996, p. 138)*

### **The theory of conflict**

The first hermeneutic interpretation as shown in Figure 5-4 reveals a crude rich picture.

The second hermeneutic interpretation reveals information weaknesses and a richer picture. (See Figure 7.1). This process of hermeneutic interpretation begins by developing a philosophy of hermeneutics for interpreting internet text, and is the subject of the next chapter.

From an information management perspective information must serve a broad range of management interests such as knowledge management, information warfare, information space and technology capabilities including the human aspects. Mastering these perspectives implies an understanding of hermeneutics and integrated conflict management. Conflict management is an integral part of the decision making process. This type of management requires an understanding of information weaknesses, albeit in the context of an information management paradigm. It would be a mistake to assume that all these interests could coexist within an organisation without any friction before some form of consensus agreement is reached. Failure to grasp the fact that successful information depends on putting in place an adequate conflict resolution process could result in organisational failure and the proliferation of information warfare strategies. An increase in information warfare would result in the loss of organisational knowledge, making it more difficult to manage information in a local government organisation. The notion of organisational failure in the form of increased information warfare paradigm is apparent in the work of Anand (1998, p. 28). I quote:

*"There are many ways in which organisations fail, and here we mention just two. The first, due to the garbage can theory of organisations, suggests that problems and solutions flow through organisations along two essentially different and independent lines. Both occur at random and the coexistence of a problem and the availability of its solution is, in part, a matter of luck so that there is potentially, an opportunity to consciously manage these flows. A second view (Brown, 1983), depends on the idea that productive interfaces between departments within organisations and between organisations themselves require a certain level of conflict. Too much conflict leads to a breakdown of relations, but there are dangers from relations that are too easy also.*

*Information requirements are however, sometimes, discussed in a way that pays little attention to the emotive and political uses to which data is often put."*

*(Anand, 1998, p.29)*

#### An early rich picture

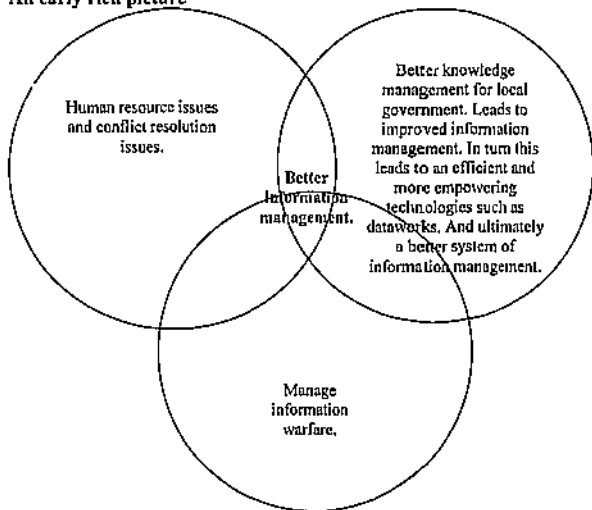


Figure 5-4 An emerging model for better managing information for local government. To be read with the rich pictures. See Appendix 5.0 and figure 8.1

## CHAPTER 6.0

### DEVELOPING A PHILOSOPHY OF HERMENEUTICS FOR INTERPRETING INTERNET TEXT

*"With critical ethnography, the effort to understand is cast in a prejudgement framework, the ethnographer seeks not merely to understand, but to understand what is wrong, and to link the problem to some greater wrong operating at some grander level. Marxist sociology is a clear demonstration of this orientation. For some scholars, notes Jim Thomas in his concise monograph on the topic, critical ethnography must remain a Marxist ideology to justify the label; for others, broad socialist or human concerns drive the research (1993:32). A telling quote from Marx sets the tone: 'Why should we be content to understand the world instead of trying to change it?' (Marx 1974[1846]: 123. Stated so bluntly, it is easy to see the distinction Thomas makes between what he calls 'conventional ethnographers' who describe what is, and the critical ethnographer with a vision for what might be (1993:4)."*

*(Wolcott, 1999, pp. 181- 182)*

#### Introduction

In this chapter I develop Gadamer's (1998, p. 19) concept of hermeneutics in more detail and provide a framework for carrying out conversations with various philosophers such as Heidegger (1971), Habermas (1985), Forester (1980), Pottenger and Purinton (1998) and Derrida (1992). These conversations provide a philosophical tool for better interpreting and understanding internet documents. The reader may now wonder why I venture into a philosophy of hermeneutics and of conversations with philosophical thinkers. I draw on Magee (1997) and Williams (2004, p. 21) to validate this approach to internet document interpretation and to also develop the philosophy of hermeneutics based on a framework of understanding.

*"Direct contact with originality is an inexpressible experience, like listening to great music or reading great poetry. Since it is the philosopher himself who is actually having the ideas, and bringing them to birth, traces of these processes are omnipresent in his writing. When we read original thinkers we are to some extent encountering processes, not being presented only with the finished products. For this reason what they say may sometimes be groping, and therefore less assured, more blundering or blurred, than an account of the same ideas given by someone who, coming along afterwards and finding them ready made, has only to think about to put them lucidly, without himself having actually to have them."*

*(Magee, 1997, p. 241)*

*"There are other factors too. Each past philosopher was writing in a different historical and social context, and making use of a language at a particular stage in its development. More important, his intellectual orientation was different. It is impossible to see how Aristotle could have done his work if Plato had not first done his, and impossible to see how Plato could have done his had it not been for Socrates. Similarly, Schopenhauer's philosophy is unimaginable without Kant's, and Kant's without Hume's. Kant's philosophy is today only some two hundred years old: most great philosophy predates it, and had no possibility of incorporating its insights. An original philosophy carries its whole historical situation with it as part of itself, including the situation of the language in which it is written. And all these things are lost in second order exposition". (Magee, 1997, p. 241)*

In this chapter I aim to understand and interpret internet text by drawing on the philosophy of past thinkers. My personal understanding of internet text, I believe, is what a hermeneutic approach to internet interpretation text is all about. This insight is my contribution to hermeneutic philosophy. In summary, if a student understands the language and content of the subject matter, such as poetry or chemistry, then this student is likely to do well in their studies or exams. This is my proposition and thesis.

#### **Philosophical approaches to text interpretation**

Gadamer (1998, p. 32) addresses large philosophical issues in an attempt to find a way between or beyond objectivism and relativism, and scientism and irrationalism. He accomplishes this by developing an account of what he takes to be the universal hermeneutic experience of understanding.

The local government organisation I studied in Western Australia between 2002 and 2004 ensures that all Council meetings are transparent in that any member of the public can attend Council meetings. This part of the study provides a better method for local government to manage information written in planning reports that are stored on Council's internet system from information warfare and legal perspectives.

Therefore, for the most part officers' reports as well as other Council documents posted onto Council's website, are accessible to any member of the public and therefore transparent. The posting of Council's documents on the website has the advantage of making internet documents transparent to Council's stakeholders and any member of the international community. Importantly Council's internet documents provide the tools for empowering stakeholders with the knowledge and information required to influence Council's decision-making processes. However, whilst the availability of information on the internet provides significant benefits to Council's stakeholders, this availability of information comes at a potential cost to local government. This cost may arise from the threat of litigation in court because of a breach of the Rule-of-law or because other stakeholders chose to use, amend or pirate Council's information to secure a competitive advantage.

The legal implications of breaching private and confidential information on a local government's internet system are the focus of this self – reflective practitioner. I draw on my planning experience for the purposes of gaining insight(s) for better managing local government information stored on the internet system. By drawing on this experience I aim to minimise risks to local governments that store documents and information on Council websites. My aim is to draw on Habermas' (1974, p. 23) communicative action theory and practice as methodological tools for making the unconscious conscious, thereby enriching professional systems discourse, and internet legal theory as tools for better managing local government information.

The local government which is the subject of this case study may be described as an urban system or a rural system because it covers a spectrum of land use activities ranging from urban areas to rural areas. An urban system constitutes any incorporated local government that has reached a population of 2,500, and having certain characteristics pertaining to densities and varied socioeconomic features. This local government is part of an urban system because at least the City centre is urban in nature or has urban characteristics such as low to medium densities, access to public transport and internet communications as well as a varied socio - economic structure.

Local government generally functions as an urban system consisting of many interrelated parts and sub parts. As a system the organisation has to serve at least four components. These are defined by Catanese (1972, p. 23) in the next text box.

*"First having the physical features and characteristics of the area delimited. Second the political structure and distribution of legal and political powers. Third the economic basis and supporting structure for the area and four the complex relationships between individuals and groups of individuals within the social order of the area." (Catanese, 1972, p. 23)*

At the risk of being sepetitive, I remind the reader that my aim is to provide intuitive insights that contribute to a better information management system and reveal information weaknesses. These insights would protect local government including its employees from litigation arising from legal issues relating to the posting of documents on the internet. This in - depth case study uses reflective practitioner, critical ethnographic, hermeneutics and organisational narratives, investigating a local government authority in Australia, from information warfare and legal perspectives.

After completing the formal coursework requirements of the Doctorate of Business in Information Systems, I spent over two years refining and redefining my thesis title. The evidence of time spent on researching this thesis is reflected in Williams' (2004, p. 185) book titled 'Write a Doctoral Thesis About Work'. The process of defining and redefining a research title was nurtured by my thesis supervisor, fellow doctoral students and fellow colleagues of the Edith Cowan University Reflective Practitioner Research Group that meets regularly on a weekly basis. In October 2003 my thesis



proposal was submitted for approval, after a formal presentation to a panel of doctorate level reviewers. The power point presentation including the candidacy proposal is reproduced as Appendix 1.0 to this research in the interests of being truthful.

At the formal presentation my proposed thesis title was framed in the following manner.

Better information management and security for local government through offensive and defensive strategies based on organisation narratives and the hermeneutic cycle: An in-depth and reflective practitioner case study including information warfare, knowledge management, information space, and legal perspectives. At this stage of the process the thesis title has a focus on intranet documents.

(Professional action research group, note 23, file 1, October, 2003.)

After the formal presentation I received constructive comments from reviewers, other academics, doctorate colleagues, students, other visitors and of course my supervisor. I now outline the processes I went through for the purpose of seeking formal approval from the University for my research title. This process is interesting and revealing from an Information Systems perspective because it provides the underlying rationale for the reader to understand how the research title and idea evolved over time. Importantly, the process provides the context for better understanding how an idea evolves over time and comes into being. The concept of time and being is not new but has been studied extensively by Heidegger (1971). I quote:

*"Heidegger's founding his phenomenology on an ontology of Dasein and of being-in-the world, in which temporality is "more subjective" than any subject and "more objective" than any object since his ontology is not bound by any subjective/objective dichotomy. Ricoeur stipulates that Heidegger's original,  $\gamma$  consists of a "hierarchization of levels of temporality or rather of temporality. He considers one invaluable result of Heidegger's analysis is its establishment, with a hermeneutic phenomenology, "that our experience of temporality is capable of unfolding itself on several levels of radicality, and that it belongs to the analytic of Dasein to traverse them, whether from above or below, in order followed in Being and time, from authentic and mortal time toward everyday and public time where everything happens 'in' time, or below to above, as in The Basic Problems of Phenomenology." He further considers the direction in which the range of temporalization is traversed to be less important than the hierarchization of temporal experience."*

(Bourgeois & Schalow, 1990, p. 135).

## The evolving research idea

The idea of time and being is interesting as it demonstrates that research does not occur in a vacuum or is devoid of context. For the benefit of other students that follow and those wishing to explore the idea of time and being I document, using the concept of metaphor, one of the reviewer's comments.

*Title: An Ethnographic Case Study of a Local Government Organisation.*

*I will re-state my comments made at the proposal presentation. I am going to focus on key recommendations only.*

*You have the basis of thesis idea in the proposal.*

*The problem is reasonably clearly stated.*

*The questions need some refining as there is also some duplication.*

*The first question addresses theory and this is fine.*

*The second question may be better as: How can information defensive and offensive strategies be usefully employed in the context of local government? (This assumes a level of evaluation).*

*The third question addresses the usefulness of the methodology and might be better expressed as a how question.*

*The last point is about key issues or constructs or concepts important in this area.*

*(Professional action research group, note 24, file 1, October, 2003)*

I note that the idea of key issues or constructs or concepts is used at the beginning in a hermeneutic sense to develop various research questions such as those used by Williams (2004, p.14). This author uses similar research questions to those used in this study as is evident in the next text box.

*"What warranted assertions models or insights can be gained for better local government by investigating information management in an Australian local government authority, using both a document analysis methodology and an in-depth reflective and action research professional practitioner case study as a town planner". (Williams, 2004, p. 14)*

*(Professional action research group, note 25, file 1, October, 2003)*

It then became apparent to me that I would have difficulty getting approval from the organisation to study emails or even to conduct interviews. Therefore, given that the focus of the study builds on hermeneutics, organisation narratives, and various information warfare and legal perspectives, the study evolved to be a study of internet documents rather than a study of local government intranet documents. In

summary, my warranted assertion is that there is scope for making a contribution to Gadamer's (1975) concept of understanding by carrying out a documentary analysis of internet documents using a range of eclectic research methods. At this point Heidegger's (1990, p. 96) metaphor, outlined in the form of poetry, language and thought, provided a useful tool to express my personal observations about the workings of local government. The quote in the next text box is a demonstration of the use of a poetic metaphor:

*"When the cowbells keep tinkling from  
the slopes of the mountain valley  
where the herds wander slowly....*

*The poetic character of thinking is  
still veiled over.*

*Where it shows itself, it is for a  
long time the utopianism of  
a half-poetic intellect.*

*But poetry that thinks is in truth  
The topology of Being.*

*This topology tells Being the  
Whereabouts of its actual presence".*

(Heidegger, 1971, p. 12).

The second reviewer's comments are more detailed, suggesting that my case study of a local government organisation should focus on a critical ethnography of local government organisation rather than an ethnographic study of local government. The second reviewer's comments are detailed because they helped and may also assist others to better understand the evolution of an idea over time and therefore being, in the Heideggerian (1971) sense. I now quote the second reviewer who provided feedback under four headings: General comments, methods, practicalities and conclusion. Again, as previously alluded to in Chapter 5.0 the technique of narrative is used as a tool for improving our understanding of words.

## General comments

The purpose is confusing in places as it attempts to include many different perspectives. I address the criticism by arguing that the theory I use to interpret internet document is both focused, yet eclectic. The former concentrates on hermeneutics, the latter on narrative theory and heuristic analysis of internet documents. (Professional action research group, note 26, file 26, October, 2003).

In the interests of being truthful to myself I want to demonstrate to the reader that an appreciation of context ultimately nurtures a learning environment. After analysing both reviewers' comments I revised my thesis title and proposal as follows: 'A critical ethnographic case study of a local government organisation'. I formally submitted the thesis title for approval and ethics clearance. In order to protect the name of individuals the word 'Adams' has been used for the purposes of maintaining anonymity and ethical standards in research. I subsequently received the following comments from the approving university body.

*"Dear Edward*

*After consultation with the university's ethics office, I need to inform you that an ethics declaration form is not sufficient for your research and that you need to submit an 'Application to undertake research involving human subjects' to our University Ethics Committee.*

*The key issues with research are as follows:*

- a potential conflict of interest as an employee, e.g. having privileged access*
- clarification as to what are 'public documents', e.g. are they anonymous, not confidential*
- approval by the organisation for the research, e.g. is the information available for research purposes*
- are documents stored on the intranet accessible to outsiders, e.g. would this allow them to do a similar study".*

*(Professional action research group, Note 27, file 1, October 24, 2003)*

I realised that my research proposal was still a problem from an ethics perspective. This is because the study of e-mails and documents could potentially breach a range of ethical issues such as, confidentiality and permission to use information on the intranet that perhaps other researchers may not have access to. Subsequently, I decided not to carry out a study of e-mails as seeking approval proved to be an insurmountable problem from an organisation perspective. Subsequently, I revised my study to focus on a study of internet documents. Therefore, I took Adam's comments on board in the interests of pursuing a research process that is ethical,

credible, and valid. My interest here is simply to faithfully record the ethics approval process thereby making a contribution to the notion of hermeneutic wholeness and to also make available to other researcher(s) the process required to seek ethics approval. This change of focus to my study of a local government's internet documents would allow my research to be validated and tested by other persons carrying out the same research, thereby making the findings of the research reliable and transparent. Importantly, the research findings could be validated by theory triangulation as suggested by Denzin (1990, p. 593). Comments relating to my initial research proposal are included in the next text box.

*"By completing the application form, the above issues will be identified and considered from an ethics perspective. The procedure is designed to be to the advantage of the researcher. You should work with your supervisor when completing the application form.*

*Please note that you cannot embark on your study until ethics approval has been obtained and the Graduate School has written to you confirming this.*

*Best wishes for your study*

*Regards*

*Adams "*

(Source: Adams. Professional action research group, Note 28, file 1, October 24, 2003)

The candidacy proposal was revised and approval sought from the reviewers to change the focus of the title and the content of the proposal to ensure ethical standards were not compromised. The revised title submitted for final consideration is titled: 'A critical ethnographic case study in a local government organisation of internet documents'. (Professional action research group, note 29, file 1, October, 2003)

### **Legal perspectives as systems of thinking**

In my daily work practices with a local government organisation I constantly struggle with the problem of how best to address a myriad of issues and complex problems. In this chapter I address the challenge asked of me by my supervisor as a practitioner of local government, and aim to give a true account of information management.

The challenge is for practitioners ranging from Councillors, Chief Executive Officers, town planners, teachers, managers, students, new employees, judges and lawyers among others to learn and become master craftsmen of thinking processes as systems of interpretation. But to understand interpretation the action research reflective practitioner must first understand something about ontology. Ontology is the learned study of being and is a study about what Heidegger (1971) calls the phenomenology of being.

*"Heidegger's account of world is not limited to the hermeneutics of understanding, nor to that of phenomenology itself, and therefore is central to the basic theme of this study. The themes guiding his analysis are centred on the relation between philosophical method of hermeneutical phenomenology and world, between world and *dasein*, and ultimately between world and language. In addition, the guiding question for Heidegger, insofar as his analysis is juxtaposed with that of Ricoeur, are: how does world come to language (and text or a work) and how do we have access to the world of language?" (Bourgeois & Schalow, 1990, p. 96).*

As a reflective practitioner I write this doctorate about my work and therefore make a contribution to society based on an in-depth action reflective research practitioner. The contribution to originality is in the field of applied research using the Rule-of-law, hermeneutics, and organisation narratives, as tools for carrying out an in-depth action – reflective practitioner research of a local government, albeit from critical ethnography perspectives. My contribution to the field of information management is to embed action – reflective practitioner research within the systems planning and information warfare paradigm. Information warfare is defined broadly and includes various legal perspectives. One way to define information is to restate information as a thing in Heideggers' (1971) sense and *dasein*. I briefly outline Heideggers' (1971) concept of *dasein*.

*"You simply can't have the mind part without the stuff out there part and you can't have the stuff out there part without the mind part. You can not just have the thing that spews lava occasionally without also, always at the same time, having an angry god or plate tectonics and vice versa. You cannot have things without also having something that knows them. You can't have knowledge without things to know. We have learned that our knowledge of things is always understood through the filter of a paradigm. We interpret things and events that appear to us". (McAuliffe, 2004, p. 1)*

*Heidegger says that there is a type of creature where things in the world and interpretations of what those things are comes together. It is called a *dasein*. A *dasein* is a combination of real events in the world with the meaningful interpretation – the knowledge of what we are.*

*Heidegger inquired about what we are. What he came up with was that we are a particular type of creature called a *dasein* which means the there – being. What Heidegger means by this is that we are always there, in a world without meaningful interpretation and that there is that no meaningful interpretation without a world. We are the creature – that- Interpret. *Homo hermeneutis*. (McAuliffe, 2004, p.1)*

*So for instance, a volcano is a real event in the world. A dasein is the creature that combines this with a meaningful interpretation such as angry god or a mechanistic result of geology and plate tectonics. The things in the world and our interpretations are not two separate, mechanistic parts. They are one whole thing. You can't have one without the other. They are not two interacting parts. They are two sides of the same coin." (McAuliffe, 2004, p. 1)*

Thus a Dasein combines real events in the work place with meaningful interpretations. In this chapter I attempt to relate Gadamer's (1975) philosophical hermeneutics to the proper interpretation of internet documents.

### Philosophical hermeneutics according to Gadamer

Gadamer (1975) in his widely acclaimed book titled, 'Truth and Method' addresses the big picture of hermeneutics. I quote:

*Gadamer "attempts to find large and philosophical issues in an attempt to find a way between or beyond objectivism and irrationalism. He accomplishes this by developing an account of what he takes to be the universal hermeneutic experience of understanding."* (Source: Dostal, 2002a, p. 1).

The key to interpreting Gadamer's (1975) philosophical works I believe hinges on the meaning of his philosophy of understanding. Therefore the focus of this chapter will be on understanding Gadamer's (1975) concept of understanding in so far as it relates to the study of hermeneutics which is the purpose of this study. Of particular interest is the fact that Gadamer (1975) also introduces the concept of brightness into Heidegger's (1971) concept of language and being. I quote:

*"Understanding for Gadamer is also always a matter of interpretation. Understanding is also always a matter of language. 'Being that can be understood is language,' writes Gadamer in the culminating section of his work in which he proposes a hermeneutical ontology (TM 432). For his concept of the understanding and the task of ontology, Gadamer relies importantly on Martin Heidegger's concepts in being and time (1927). He follows the later Heidegger's turn to language and linguistality." (Source: Dostal, 2002a, p. 2).*

Thus not only has Gadamer (1975) learnt from Heidegger (1971), his teacher but he also uses and develops a new philosophy of understanding text that differs from his mentor and teacher. In a similar vein and reiterating Magee (1999, p. 244) a philosophy of the future of hermeneutical interpretation builds on the work of past philosophers and thinker, just as Gadamer (1975) builds on the work of Heidegger (1971). I quote:

*"Heidegger in the 1920's characterised his project of fundamental ontology as hermeneutical, hermeneutics had for the most part been considered narrowly pertaining to the interpretation of texts". (Source: Dostal, 2002a, p. 2).*

Thus we see that hermeneutics is beginning to change its focus not only from an understanding of texts but also to appreciate the fact that with understanding of text comes knowledge. This insight is largely an individual understanding of internet text and is what leads to applied philosophy. In essence a philosophy of action. Therefore if I ask the question, 'what do we mean by understanding?', then the best answer is to accept the fact that understanding is largely a matter of individual interpretation. By this I mean that understanding involves a hermeneutic process, in that the more I read a text the more likely I begin to interpret text differently, until I better understand the text. I quote from Dostal (2002a, p. 3):

*"Understanding is, according to Gadamer, linguistic and dialogical. He characterises the dialogical event of understanding, as a 'fusion of horizons', which is led by a concern for whatever is at stake, the matter of concern. To show how the individual understanding occurs in a larger historical and hermeneutical context, Gadamer develops the notion of difficult to translate, of 'effective historical consciousness', and accords great importance to the role of tradition and prejudice in any interpretation. What one understands makes a difference in what one does. The practical application of knowledge is inherent in the very understanding of something. Practical application is not, on Gadamer's account, an external, after the fact, use of understanding that is somehow independent of the understanding. All understanding is practical". (Source: Dostal, 2002a, p.3)*

In order to grasp the concept of the practical application of hermeneutics it is critical to embed the idea of internet interpretation in history and build on the work of past thinkers. Gadamer (1975) appears to acknowledge this. I quote:

*"Most importantly, however, he writes about Plato, Hegel and Heidegger. These three thinkers provide for Gadamer more than a number of interesting and important philosophical issues; they are the grimstone on which Gadamer sharpens his own interpretive theory. Gadamer locates his hermeneutical theory between phenomenology and dialectic. The phenomenology here is primarily, though not solely, that of Martin Heidegger. The dialectic is the dialectic of Hegel and even more importantly, the dialectic of Plato". (Source: Dostal, 2002a, pp. 7-8)*



*"Most recently, on the occasion of his 100<sup>th</sup> birthday, an interview appeared in the Frankfurter Rundschau, in which Gadamer says that what he meant by the famous proposition of truth and method, that 'being can be understood is language,' is that 'being that can be understood begins to speak to us'." (Grondin, 2002, p. 29)*

*"When presenting his own ideas or analysing concepts, Hans-Georg Gadamer likes to follow the lead of language. The fact the basic notions he is unfolding often have many different meanings does not bother him. Quite on the contrary, he sees in the plurality of meaning an indication that language, long before thinking, is perhaps up to something essential. The notion carries many different meanings which nonetheless all point to one central phenomenon, i.e., the understanding that he characterizes, following Heidegger, is 'the original form of the realization of our existence'. Because this is a rather vague formula, I will single out, in what follows, three different, yet very prominent connotations this notion has in truth and method, which all refer back to a particular origin of the hermeneutical problem of understanding, but that according to Gadamer all pertain to central phenomenon that has to be comprehended in its unity". (Grondin, 2002, p.36)*

Thus the idea of understanding as language permeates at the core of what understanding internet text is all about. (Grondin, 2002, p. 36)

*"...According to Heidegger every understanding presupposes an interpretation of being or what it is 'to be there, that must be cleared up sorted out by a being (daesin) that, as a being of understanding, can also understand its own self and its own 'interpretation' so that his 'hermeneutics' will be a sorting out of the possibilities of human understanding". "To understand is thus to apply, Gadamer strongly argues following Heideggerian premises. It is always a possibility of my understanding that is played out when I understand a text." (Grondin, 2002, p.38).*

*"...In short, if Gadamer's practical understanding appears less linked to Heidegger's project of a hermeneutics of preoccupied existence, he does retain its notion of reflectivity, and application in order to understand better what understanding is all about". (Grondin, 2002, p.38)*

For Gadamer (1975) the notion of hermeneutic interpretation rests on agreement or the concept of consensus, based on an understanding of language. (Dostal, 2002a, p. 10). According to Dostal (2002a, p. 29) Gadamer (1975) places significant emphasis on language as evident in the next text box.

*These are: "Understanding as intellectual grasp, understanding as practical know-how, understanding as agreement, and understanding as application and translation". (Grondin, 2002, p.36-42)*

Thus the teacher or lecturer and manager of a local government organisation who is able to impart each of these four elements of understanding to students, employees and other stakeholders imparts understanding to the audience and students alike. I now explain these concepts of understanding.

*"To understand (verstehen) is, in general, to grasp something ('I get it'), to see things more clearly (say when an obscure or ambitious passage becomes clear), to be able to integrate a particular meaning into a large frame. ... This notion of understanding stands in the continuity of the Latin notion of intelligence (to comprehend, have insight) in the colder theories of hermeneutics... Understanding in this tradition is the process (of scripture, for instance) is of secondary importance here and does not concern Gadamer directly either. Nevertheless, it is clear that this notion of understanding also stems from this tradition, when he seeks to clarify what understanding means in the human sciences and asks whether a methodology is all that makes up the cogency of our understanding".*

(Source: Grondin, 2002, pp.36-37)

First, I examine the concept of understanding as an intellectual grasp. Understanding it seems is a process that is closely linked to the cognitive process or epistemology, meaning that we are dealing with a logical thinking process. (Grondin, 2002, p. 36-37)

Second, I study the concept of understanding as practical know-how which perhaps translates into learning by doing and arguably requires less emphasis on the cognitive aspects of learning. Heidegger (1985) by way of contradictory evidence seems to suggest that understanding of text is not entirely dependent on cognition. I quote from Grondin (2002, pp. 37-38).

*"Heidegger argued in time and being (1927) that understanding designates less a cognitive (and thus methodological) process than a know-how, an ability, a possibility of our existence. He follows the lead of language here. .... To be capable of something... In this regard, one who understands something is not so much someone endowed with a specific knowledge, but someone who can exercise a practical skill. A good cook, a good teacher, a good soccer player is not necessarily an apt theoretician of his trade, but he 'knows his trade. To understand always implies an element of self-understanding, self implication, in the sense that it is always a possibility of my own self that is played out in understanding".*

(Source: Grondin, 2002, p. 37)

From this passage there is conflicting evidence from a leading thinker that understanding of text is not entirely dependent on the cognitive function of the brain, but is something that a reflective practitioner can apply in practice by reflecting on the meaning of text. This process of itself will initially lead to many interpretations of the same text, therefore, leading to confusing praxis. However, the benefit of meditating on internet text throughout the hermeneutic circle eventually allows a practitioner to elevate the new - found understanding to a problem at hand. To

summarise, both Gadamer (1975) and Heidegger (1967) agree on the point that understanding is dependent on the notion of reflection.

Third, there is the concept of understanding as agreement which Grondin (2002, p. 39), interpreting Gadamer (1975), concludes is similar to consensus:

*"...We understand each other, meaning that the partners in conversation find themselves in a basic agreement, generally on this matter or that matter. Yet, how this relate to the basic notion of understanding that concerns Gadamer with? Is it the same thing to try to understand a text (epistemological verstehen) to know one's way around (practical verstehen), and to agree on something (such verstehen)? The least one can say is that the similarity is less than striking"*

(Source: Grondin, 2002, p.39)

Fourth, there is the concept of understanding as application and transaction. I quote from Grondin (2002, p. 42) in the next text box:

*"To recapitulate the three connotations and philosophical origins of Gadamer's notion of understanding, one can say that it displays a cognitive, a practical, and a linguistic element". Also "Gadamer's notion of application is much more akin to that of 'translation', which plays a prominent part in his hermeneutics". ... "...where it ushers in the linguistic thematic part of his work". (Source: Grondin, 2002, p. 39).*

Finally, there is a point where integration of text is required to achieve meaning and quoting from Grondin (2002, p. 43) we get this gem of a paragraph:

*"The meaning (event, person, monument) that is always one that needs to be translated, so that understanding, application, and translation become almost equivalent terms for Gadamer".*

(Source: Grondin, 2002, p. 43)

To conclude this part of the research I ask the question, 'how does my understanding of text contribute to a better interpretation of internet document(s)?' In turn this leads to the philosophical answer that all interpretation like law is open textured, allowing for different meanings to be understood by an individual. However, my understanding of internet text or the result of an interview leads to the conclusion that the hermeneutic circle provides a better scope for understanding text because of the circular nature of the process. That is, we continue to go round the circle, reading over and over the text in a circular fashion until our understanding of the internet document improves. I think this is what Grondin (2002, p. 44) alludes to when he quotes Gadamer (1975) as follows:

*"...our understanding is always subject to revision when confronted with more convincing evidence and interpretations (which can only be articulated in words we can understand and follow). The entire point of his analysis of the hermeneutical circle concerned indeed this tentative nature of understanding. We start off with vague anticipations of the whole, which are, however, revised the more we engage the text and the subject matter itself. The basic hermeneutic experience (in the strong sense of Erfahrung), Gadamer will argue, is the experience that our anticipations of understanding have been shattered. Most experience, true experience that is, that delivers insight, is negative, he insists". (Source: Grondin, 2002, p.43)*

### Gadamer's (1975) hermeneutic circle

*"Heidegger's point is that every interpretation (Auslegung) presupposes understanding (Verstehen), because every interpretation is guided by (comprehensive) anticipations. One should note however that Heidegger had strong reservations about the notion of the circle in this regard. He found it too geometrical, because it was modeled on spatial being and therefore unsuited to express the preoccupied mobility of human understanding. This is he warns – even does so twice in being and time – that one should avoid describing *dasein* using the circle metaphor. If he did so himself, one has to see that it was only to respond to the suspicion of logical circularity of *petitio principii* that his basic thesis (namely that interpretation always presupposes understanding) seemed to entail. According to the elementary rules of logic, Heidegger writes, this circle can only be vitiosus utterly vicious! Thus, the provoking irony of Heidegger, paraphrasing him: well, if you insist on talking about the circle, then perhaps the important thing is not to run from it, but to just jump into it. With full sarcasm, Heidegger obviously wanted to turn the tables on the logical criticisms he anticipated." (Source: Grondin, 2002, p.4r)*

Whilst the concept of the hermeneutic circle is alluded to by Gadamer (1975) and other philosophers such as Schleiermacher (1985) and Heidegger (1985) there is conflicting evidence that Heidegger was wary about using the circle as a norm for interpreting documents. The previous quote from Grondin (2002, p. 46) explains the contradictory nature of the hermeneutic circle. Is it meant to be a circle, a cycle or something else?

The main differences in the interpretations of the hermeneutic circle between Heidegger (1971) and Gadamer (1975) are listed in the next box. For the purpose of wholeness other thinkers are included. A brief background of each thinker is also included in the glossary. (Professional action research group, note 30, file 1, January 2004)

Martin Heidegger – Recognises that poetry, language and thought have a role to play in text interpretation, and interpretation presupposes understanding.

Hans Georg Gadamer – Developed a theory for understanding. This has developed from his interpretation of hermeneutics and not many academics and philosophers really understand this theory of understanding. Language is the basis of thinking and the tool of text interpretation.

Jurgen Habermas- Developed a theory of communicative action which both Information Systems and Town Planners have found useful to apply in daily practice.

Michel Foucault- Puts the notion of power in context

John Forester – Applies Jurgen Habermas's theory of communicative action to an organisation

Matthew Pottleger and Jamie Purington – Developed the idea of narratives to include landscape narratives. I build on this idea using concepts such as metaphor and irony to develop my understanding of critical theory, hermeneutic text interpretation and critical ethnography to inform my daily practice in local government. Thus building on the idea of heuristic inquiry.  
(Source: Grondin 2002, pp. 49-50)

This text box reflects my understanding of the major thinkers I have come across in the course of carrying out this research. They are selected because they pass the test of relevance, validity and reliability and also provide a sound framework for carrying out conversations using different voices. (Silverman, 2000, p. 188). I expand on the background work of these thinkers for the purposes of developing my own philosophy of understanding for interpreting internet documents.

### **Developing a philosophy of understanding for interpreting internet documents**

The notion of agreement and understanding as it relates to text or a planning officer's report posted on the internet may suggest that the interpretation of the internet text is no more than one way of muddling through the text. Thus a contextual reading of written words as outlined in a planning officer's report may impart an understanding of the text.

According to Gadamer (1975) the purpose of interpreting text is not confined to the epistemological tradition (meaning an interpretation that searches for the author's intention, i.e., the epistemological tradition), but is in fact concerned with understanding the text or the subject matter of the report. Gadamer's (1975) notion of agreement is based on the fact that a person interpreting the report shares a basic agreement or understanding about what the report is about. That is to say that the reader understands the text because it is comprehensible. To improve my understanding of agreement I quote from Grondin (2002, p. 40):

*"When I read a text from Plato on justice, I do not merely want to record Plato's opinions on the subject. I also share (and put into play, Gadamer will say) a certain understanding of justice, in the sense that I know or sense what Plato is talking about. According to Gadamer, such a basic understanding of what he empathetically calls the Sache, the matter at hand or the subject matter, is inherent in every under-standing (it also applies in conversation) where discussion partners share a common ground"*

(Source, 2002, p.40)

In contrast some texts such as officer's reports can only be understood historically. Thus understanding of events is shattered because our 'basic agreement on the subject matter is disturbed'. (Grondin, 2002, p. 40). This basic agreement is shattered in cases such as the September 11, 2001 terrorist attack of the twin towers buildings. In other words our understanding of why terrorists destroyed the buildings in New York is beyond our understanding of reason or logic. But understanding may improve depending on our understanding of history and notions of justice, liberty, equality and appreciation of rights discourse. Another example is highlighted in the quotation below from Grondin (2002, p. 40). For example, see the next text boxes relating to poetry and truth quoted by Grondin (2002, p. 40).

*"Let us take, for example, the extreme case of one who seeks to understand the book Mein Kampf. It is obvious enough that one can and must understand it without agreeing with it. This is why the book can only be read, by a person in her sound mind; that is one can only understand it historically or psychologically. But this is so because basic agreement has been completely shattered." (Grondin, 2002, p. 40)*

*"One will read a poem of Rilke, a tragedy of Sophocles, or the elements of Euclid very differently, is by relating to the subject matter, by being concerned by what is said, not by who says it. Of course, one can also inquire about who says it. Of course, one can also inquire about personal opinions of Rilke, Sophocles, or Euclid, and there is a vast literature on these subjects. However, Gadamer believes this is a secondary direction of understanding, one that aims at reconstructing an expression as the opinion of a subject and thus by suspending the basic relation to the truth of what is being said." (Grondin, 2002, p. 41)*

A second way of understanding or explaining Gadamer's (1975) concept of understanding as agreement is highlighted in the next text by Grondin (2002, p. 40).

*"Agreement, namely is something that occurs through language, dialogue or conversation...To understand, in Gadamer's sense, is to articulate (a meaning, a thing, an event) into words, words that are always mine, but at the same time those of what I strive to understand. The application that is at the core of every understanding process thus grounds in language". (Grondin, 2002, p. 41)*

Finally, to recapitulate, understanding is rooted in notions of agreement and understanding as application and transaction. In order to validate my conversations I

will introduce contradictory evidence where relevant and appropriate. To some extent I have followed this approach based on Williams' (2004, p. 21) interpretation of Popper (1963), where the former brings into research methods the notion of contradictory evidence as a tool for triangulating data or conversations by using the words of other thinkers.

### Contextual interpretation of internet text

The study of hermeneutics in practice starts with the study of texts. In this thesis the focus is on internet texts that largely take the form of planning officer reports posted on the internet, for Council's consideration and decision. What we know of the Jewish tradition, the Bible and the great philosophers of Plato and Aristotle is derived from what is written in texts. These texts however are historical documents and therefore need to be studied in context. Thus Zuckert (2002, p. 21) alludes to this sense of the past.

*"What we know of the presocratics is derived from fragments, may be taken (out of context) from the texts of Plato and Aristotle. The meaning of these documents can be determined, Gadamer argues, only by looking in their context, both textual and historical". (Zuckert, 2002, p. 201)*

Therefore, if we need to grasp the meaning of Council reports posted on the internet a useful tool for deriving the meaning of the text is to use the platonic method. This method requires that the researcher start the investigation of things through language or logos. (Zuckert, 2002, p. 101). If I wish to understand great thinkers such as Gadamer (1975), Habermas (1985), Derrida (1992) and Platos' dialectical ethics cited in Sallis (1996, p.17), then I can do no better then to read the original writings, stories, poetry or dialogues of these thinkers. Contradictory evidence is used as a tool for highlighting Platos' method of thinking. (Williams, 2004, p. 3) Thus Zuckert (2002, p. 101) illustrates this concept of interpreting documents.

*"Writing directly under the influence of his teacher, Martin Heidegger, Gadamer thought he was able to recapture the original philosophy by reading the dialogues – the equivalent as it were, Edmund Husserls terms of returning to the things themselves".  
(Source: Zuckert, 2002, p. 201)*

If I wish to interpret a local government's organisation documents then there is a need for me as the critical ethnographic researcher to analyse the meaning of internet documents within the context of an agreed philosophical framework, and the organisation culture. This framework I hope will also make a contribution to Information Systems (IS) research by improving our collective understanding in Gadamer's (1975) sense, albeit from a hermeneutic perspective. I now outline what I have learnt about the philosophy of understanding.

## The philosophical framework of understanding

In this research while I draw heavily on the work of the great thinkers I also insert the voices of other thinkers to improve the philosophical hermeneutic framework of understanding. In particular I hold conversations with Potteiger and Puringtons' (1997, p. 15) and Foresters' (1980, p. 282) theoretical framework. The former deals with narrative theory and the later with critical theory. (Bowie, 2003, p. 228)

I started the journey of learning by truthfully outlining my background and the type of organisation that employs me. I then went on to describe my first understanding of what was happening to the organisation in a metaphorical sense as the organisation experienced major changes in its direction, largely of a strategic nature. Therefore, all I am doing is reporting as an observer (as a member of the tribe) about what actually is happening to the organisation metaphorically. In order to be truthful to the concept of narratives and meaning outlined in my research methodology I remain truthful to the concept of metaphor because my observations of what is happening to the organisation are entirely metaphoric. Similarly I described by way of metaphoric narrative a sense of meaning about what was happening to an individual that I called the Roman. The Roman like all of us one day or in time will become redundant as we cease to become beings in the Heideggerian sense of the word and persons manipulate the space for the purposes of seeking ascendancy to power within a local government authority. (Heidegger, 1967, p. 297). But space is a difficult concept to understand because it is related to notions of information space and the internet. I have alluded to this idea of space as the internet fact space.

In a metaphorical sense the restructure of the organisation resulted in a new balance of power within an organisation as new managers took on new positions of responsibility. I also alluded to the notion that the author again in a metaphorical sense took on a new role in local government. In a nutshell, as part of the restructuring process persons were relocated to new positions, where their office space may be reduced and window seats removed. What I am trying to describe is how organisational change in a metaphorical sense affects the lives of persons. Some win, some lose, and as an observer I merely provide an account of organisational change, albeit in a narrative sense, using the technique of confession, heuristic inquiry and participant observation for the purposes of triangulating information.

The word 'confession' has the same meaning alluded to by Magee (1997, p. 5). It is a metaphor or fictional account of a narrative. In this sense I am truthful to my research method thereby abiding by the principle of relevance, reliability and validity outlined earlier. Additionally by providing a metaphorical account of what is happening within the organisation I maintain a sense of ethics that protects or minimises all individuals from harm. I also remain faithful to Gadamer's (1975) philosophy of understanding in the sense that I aim to achieve an individual understanding of what is happening in local government, albeit metaphorically. Examples of metaphoric language in this research are the references I make to the 'Roman', 'City Council' and 'Adams', as well the rich use of eclectic voices and heuristic techniques. These



techniques assist in improving my understanding and interpretation and triangulation of data, at least from a theory perspective. Triangulation of research data is more commonly referred to mean the use of multiple methods, especially the use of alternate voices as a tool for corroborating the research data. (Neuman, 2003, p.138).

Metaphorically speaking I am reporting something about what is happening to the organisation so that when I interpret an internet document the sense of history, organisation culture and context is maintained as alluded to in Gadamer's (1975) philosophy of understanding. This initial understanding emanates from a philosophy rooted or described in terms of conversations with philosophers, actors and the writers of internet text, what platonic philosophy describes as dialogue and dialectic and Williams (2004, p.36) refers to as triangulation or dialectic evidence. The early part of this research therefore describes a first method of interpreting internet documents. Later I rewrite this conversation or dialogue with actors for the purpose of improving local government knowledge, and minimising litigation against local government as a consequence of documents posted by Council on the internet. (Zuckert, 2002, p. 201).

I now develop my philosophical framework of understanding. This framework has five tentative steps. The first step is articulated by using the actors and great thinkers that form the basis for holding conversations. This step lays the foundation for carrying out a documentary analysis of internet documents.

Second, I outline my own summarised account of how I understand internet documents by drawing on Gadamer's (1975) explanation for developing a tool of interpretation based on his work in truth and method. Therefore, based on Gadamer's (1975) concept of understanding of the hermeneutic circle, I am able to give my own subjective understanding of internet documents. It will not be necessary, as I thought initially, to randomly sieve through and digest various and many internet documents. One document may suffice to explain how I apply Gadamer's (1975) interpretative method, thereby answering the first research question. Based on my understanding of Gadamer's (1975) truth and method I decided to refine my research method to focus on a single group of internet documents. This focus relates to the provision of computer equipment to Councillors and is included as Appendix 3.0.

Third, I outline by way of a contemporary historical record, how I changed my understanding of various internet documents, by reflecting on my own practices and experiences in local government, thereby demonstrating as Williams (2004, p. 25) suggests, how my individual writing style and interpretation changed as I engaged with hermeneutic and narrative theory. Thus, rather the reader having to understand the context or historical background of internet documents, I try to give a truthful narrative account of various happenings within a local government organisation in Australia, albeit metaphorically. In many ways, I build on my early confessional, expanding and explaining how an organisation's information management system has changed until I resigned from the organisation in April 2004. I quote from

Reynolds (1998, p. 1) for the purpose of explaining a contemporary historical record of a narrative.

*"A narrative constituting a continuous methodological record, in order of time, of important or public events, especially connected with a particular country, people, individual etc".*  
(Source: Reynolds, 1998, p.1)

Fourth, I demonstrate how my new found understanding as a reflective practitioner who studies internet documents and interacts with computer systems has implications for protecting local government and its officers who may be hasty or reckless in posting their reports on the internet system. I lay the foundation for developing my own hermeneutics based on ontology. Therefore, by relating internet documents to a specific place, such as the computer as an actor or the planning of the City Council corridor that is part of the internet system, I continue a small part of the story that others have started, but have yet to finish. There is potential to translate my learned understanding into a council document for use by all council employees. Therefore by translating my understanding to a formal organisation document such as Council's report guidelines I make a contribution to the goodness of humanity. In adopting this practical approach to practice I reduce organisational conflict by directly applying Gadamer's concept of 'practical *verstehen*' and '*such verstehen*' to the work place and local government organisation culture, and thus historical consciousness.

In summary, my thinking processes do not aim to solve problems entirely but only to explain what is happening at the time I conducted the research as a critical ethnographer within a local government organisation, thus giving other researchers scope to understand the problem and offer a solution to the problem. The problem therefore is always there; it remains within the realm of the circle of neighbourhood rhetoric and provides scope for an alternative interpretation. (Gadamer, 1998, p. 26). Another insight I have learnt is that systems are complicated, and therefore the study of internet documents provides opportunities for at least understanding part of a system, albeit using the narrative method of synecdoche.

Medical students, for example, understand human anatomy by learning about the body as an overall system of parts. Understanding a part of the text or the body of language is the prerequisite to understanding the whole and being a good doctor. This is synecdoche in practice. (Giegerich, 2001, p.79).

On 8 April 2004, I submitted my letter of resignation to the Chief Executive Officer (CEO) advising that I was pursuing doctoral studies. The CEO accepted my resignation in a memorandum dated 8 April 2004, but only delivered to me on the 16 April 2004. My last day at this local government organisation was 22 April 2004, with a farewell gathering organised for the 25 April 2004. In order to protect the organisation from my resignation, the information technology and security sections were informed of my departure for the purposes of deleting my email address and also making arrangements for my handover of notes.  
(Professional action research group, note 31, file 1, May 18, 2004)

Finally, I draw on Habermas (1985) and Forester (1981) to complement Gadamer's (1975) and Dobson's (2003, p. 29) work about the rising importance of critical theory and the need to bother with philosophy as a strategy for emancipating the employee who works for local government. Therefore, I am able to provide some additional insights about my approach to IS philosophy and also about the application of the power of text as a communication tool for better information management that provides the driving force for liberating employees from the threat of litigation and information warfare.

Additionally, as a reflective practitioner I come to terms with an understanding of my own philosophy and approach to work and life because of my awareness that many internet documents prepared by Council officers reinforce the Habermasian view that internet documents at times deliberately distort facts, albeit in written form. The law refers to this as misleading or deceptive conduct. (Lochart, 1998, p.45)

Therefore, from a legal perspective a local government officer could potentially be committing a number of criminal offences such as deliberately misrepresenting information, deceiving the Council, stealing information, or using information to defame a person. Tort law and the law of equity come into being where there is breach of confidentiality. For example, scanning an individual's letters and reports for posting on Council's internet system is an example where some Councils are opening the floodgates of litigation. Information is deliberately misrepresented at times or altered by senior officers and the executive for the purposes of presenting a positive spin to Council and the media culture. (Geary, 1994, p.154).

These new insights about the potential for Council officers to be in breach of the law is what I have learnt from carrying out a critical ethnographic study of internet documents from the information warfare and legal perspectives. These warranted insights have emerged as a consequence of my personal investigations relating to the study of text documents albeit from a hermeneutic perspective using Williams' (2004, p. 38) rich picture methodology. Additionally, these insights and the revised warranted rich picture models I create reflect my personal understanding, albeit from a Gadamerian perspective about how to go about interpreting internet documents within a local government organisation for better information management. I am also able to understand and interpret internet documents because I have read and understood, I think, some of Gadamer's (1975) philosophical works as well as others. For example, I understand Forester's (1980, p. 275) work titled "Critical theory and planning practice", and also Dobson's (2003, p. 30) thesis titled "Moving from interpretivism to critical realism in IS research: An exploration and supporting IT sourcing example". But unlike Gadamer (1975) I am prepared to radically revise and alter my personal understanding of texts and documents as I engage with the hermeneutic process of internet interpretation in the light of new evidence or contradictory evidence. Here I draw on my legal knowledge and look for confirming or disconfirming evidence using legal voices, thereby adding to Williams' (2004, p. 29) postmodern heuristic inquiry as a tool for enabling other voices to comment and give meaning to the open texture interpretation of words. In this sense I am truthful to

my new found philosophy and I become receptive to change in response to what Magee (1997, p. 235) calls a Socratic dialogue and a line of questioning not to dissimilar to legal reasoning. I quote:

*"One reason why the pre-Socrates are called the pre-Socrates is that Socrates consciously rebelled against them. It was not that he disagreed with their doctrines so much as that he disagreed with their choice of the questions to be raised. He maintained that what is important for us to know are not impersonal truths about the world but how we ought to live. So the vital questions are not 'scientific' but 'moral'. He went around asking what is justice?, What is courage?, What is piety?, and questions of the sort. As far as we know he never wrote anything: all his teaching was by word of mouth. It took a form that has become famous under his name as Socratic dialogue. He usually started by asking someone the meaning of an important concept, let us say 'justice': and then, whatever the person said, Socrates would go on questioning him in such a way that it became obvious that there were contradictions in the offered definition – and therefore justice could not be what the other person said it was – and therefore that the person did not know what justice was, even though he had supposed that he did. The victim would be left at the end profoundly troubled, the ruins of his previous assumptions littered around his feet, no longer knowing what is meant by some concept fundamental to life. Needless to say this procedure disturbed many young people, and was regarded as socially subversive by some. It all ended with Socrates being hauled up in court on a charge of corrupting the young: and in 399B.C. he was condemned to death and executed. But by that time he had launched a mode of philosophical inquiry that has continued to this day, and is now inextricably associated with the very concept of Western civilization". (Magee, 1997, pp. 235-236)*

Thus far, Gadamer's (1975) contribution to the interpretation of internet documents relies heavily on the hermeneutics of understanding which I use as the starting point for interpreting internet documents. From this standpoint I build on critical theory in an integrative sense of works written by Habermas (1985), Forester (1980), and Dobson (2003), incorporating as necessary disconfirming evidence. I also make passing reference to the works of Derrida (1992), on deconstruction and Heideggers' (1985) concept of time and being. However, my contribution to IS research is the way I build on Potteiger and Puringtons' (1998) approach to landscape narratives as tools for clarifying internet narrative text as a language for interpretation having many other dimensions. These are the written word, art, poetry, sculpture, and drawings in the form of rich pictures and images. This research method of giving voice to alternative actors is referred to as postmodernist heuristic research. (Williams, 2004, p.51). By sharpening my understanding of internet documents heuristically, hermeneutically, narratively and holistically, I am able to achieve a degree of wholeness integration, albeit from a critical ethnography, perspective as alluded to in Hammersleys' (1992) 'What's Wrong With Ethnography?'

This study of internet documents makes a contribution to discourses about hermeneutics, critical theory, deconstruction, organisation narratives, power, conflict theory, postmodern heuristic research and critical ethnography by carrying out a case study of a local government's internet system, albeit from the information warfare and legal perspectives. Finally, I give some insights on the importance of my new reading of various internet documents, thereby answering the second research

question and the interrelated sub systems. Hermeneutics and narrative theory are used to reveal weaknesses about management practices and information management in a local government organisation.

I conclude my research by suggesting that Gadamer (1975), Habermas (1985), Forester (1980), Derrida (1992), Dobson (2003) and Hammersley (1992) have not moved significantly from hermeneutics, critical theory, deconstruction and power constructs to sufficiently answer the third research question. Consequently, I develop the theory of organisational narratives, hermeneutics and the Rule-of-law in more detail using Gadamer's (1975) own interpretive principles, expanded to focus on the Rule-of-law and current case law analysis of internet documents.

### **Dialogue the beginnings of knowledge**

Whilst this local government organisation has records of internet documents going back to 1996, I focus on the particular issue of what will assist local government to better manage information. In so far as the documents relate to minor aspects of the of a planning corridor, my observation is that officer's reports do not adequately or perhaps truthfully represent the lived reality issues of concern to local residents living in the City Council's corridor. Therefore before I can understand the internet document(s) a prerequisite is that I need to recapture the essence of dialogue in terms of my own attempts to understand the world.

In a similar vein internet systems within an organisation can only be intelligible if we can make sense of organisational narratives, in the form of text and words that latently manifests themselves in the form of logos or language. Thus language is the most important tool for beginning to understand internet text in a local government organisation, and indeed an examination of language embeds this research in a type of dialogue or conversation about philosophy.

An analysis of text will soon demonstrate that my understanding of internet documents may not be the same as another individual's reading of the same text. Therefore, as persons our individual understandings are likely to differ over time. This arguably explains why persons need to meet together for the purposes of conversing individually in a reflective sense and also for seeking agreement with our inner selves or with other persons based on our understanding through conversations with great thinkers or engagement with internet organisational narratives. The critical ethnographic researcher attempts to retell a story of events over time so that the researcher and individual persons reading the text come to an individual understanding about the truth of things stated in the text. That is to say that the hermeneutic circle is continually refined over time until we reach agreement about the meaning of words. Where agreement cannot be reached, this becomes an example of disconfirming evidence and may be represented as non - consensual or alternative viewpoints. There is a view in the academic literature that an individual's lived experience may be used to provide confirming or disconfirming evidence depending on the issues or problems of concern to an organisation. This type of experience is

alluding to the zig - zag experiential movement. The movement is more than an approach to interpretation and suggests that this is a new and emerging paradigm of research. This is how I incorporate the notion of the Mobius strip (the zig - zag) into my rich picture as an analytical tool for improving understanding of internet documents. (Heidegger, 1967, p. 296). The Mobius strip to my way of thinking accepts the possibility that understanding may at times be elusive and therefore embraces the notion of a circle and fuzziness or fuzzy logic. This is one of my major insights.

Past events, stories and experience shape our thinking processes and us. When I analyse a piece of internet text my whole past history and experience interacts cumulatively, as a mosaic that helps to interpret and give meaning to the text and present situation. Therefore, when I interpret an internet document I look to past and everyday experience and language to deal with new challenges in the work place. This may take the form of mastering new IS technology, taking up a new lecturing position or a new position in another local government organisation, learning how to swim or representing a client in court. Therefore, confronted with these new challenges I need to fuse the whole of my past and present learning experiences to understand myself truthfully, and to come to terms with new changes or give up altogether. My warranted assertion reflected in my rich picture is that understanding is rooted in an individual history and experience of a person. This process of understanding may change as I reflect on new experiences and learn from this experience.

*"Habermas argues that such a form of dialogue is implied in all human communication. Thus, he claims that in speech aimed at reaching mutual understanding (which he takes to be the most fundamental kind), speakers make four types of validity claims:*

- 1 that what they say is comprehensible;*
- 2 that what they say is true;*
- 3 that their expressed intentions are their true ones;*
- 4 that the utterance is appropriate relative to some relative context.*

*And he argues that only if these claims are accepted by other participants as what would be recognised as true in the ideal speech situation can understanding take place".*

*(Source: Hammersley, 1992, p. 114)*

Habermas (1975) argues that over time each individual would agree or come to an understanding about what the text means. Hammersley (1992, p. 116) however challenges the validity of Habermas' claims, stating reasons of deficiency in the line of argument as follows:

*"In my view, the methodological assumptions of the critical model are not cogent. Neither the idea that critical theories can be validated on the basis of their genesis, nor the claims that they can be tested by recognition of their truth on the part of the oppressed, and they are proven by their success in bringing about emancipation, can stand up to close scrutiny".*

(Source: Hammersley, 1992, p.116)

But Hammersley (1992, p.116) contradicts the above statement when he acknowledges that hermeneutic approaches to analyse text may overcome these problems: I quote:

*"As Habermas makes clear, critical theory represents a synthesis of features to be found in the empirical –analytic hermeneutic approaches. Critical ethnographers are less explicit about this, but their orientation does seem to involve both interpretative understanding and causal explanation of people's attitudes and behavior".*

(Source: Hammersley, 1992, p. 116)

But, my understanding or tool for interpreting internet documents is not founded on the authors' intentions but on my own understanding of the text, hermeneutically as laid out by Gadamer (1975) in his truth and method.

#### **Making known my own hermeneutic principles for understanding internet text**

In order to understand an internet text, I will draw on Gadamer's (1975) principles as the basis for creating my own hermeneutic reading of text. The reading of text is in fact a mosaic of meanings. The mosaic providing the stage for which I begin to come to terms with my own intelligence, understanding other team members I work with and the organisation that employs me to use my skills, knowledge and experience in practice.

As Williams (2004, p. 4) says in one of his basic principles.

*"All things are utterly contingent in that everything that exists could just as easily have been different or not existed at all."*

(Williams, 2004, p. 4 & p. 186)

This process of incremental change in our own individual lives allows us to give meaning to text by allowing us to integrate past memories with current experiences. This process of incremental change occurs as we expand our own vocabulary of words and selectively delete words that seem to have no role in contributing to our understanding of text. Therefore, to understand text we need to grasp language. As Habermas (1979) contends:

*"One of the major ways in which humans can reduce harm is through using language to better achieve understanding and even consensus. In that way human inner pictures- theories- can be changed to accommodate communicated inner pictures- theories".*

*(Source: Habermas, 1979, p. 38)*

Finally, consensus only occurs in terms of the current language used. Thus, there is no universal language, or consensus agreement about a worldview, just as there is no universality because language is not a static medium. This is contradictory evidence of the fact that language interpretation and understanding may at times border on fuzziness.

### **Understanding the past in light of present critique**

I can best explain this concept by relating a story that I watched on television about the lost City of Atlantis. In order to understand where the City of Atlantis was sited a particular Greek word was used and this word was understood to mean that the City was located on a nearby seabed. After many years of digging at the seabed site, archaeologists found no traces of the lost City of Atlantis. After much additional research, involving many readings of the same text, a new meaning was found for the Greek word. The word did not mean or refer to the seabed but to an inland lagoon. Further diggings in the vicinity of the inland lagoon led to the discovery of the lost City of Atlantis in this inland lagoon.

The lesson learnt from this simple narrative is that it is important to read past texts hermeneutically. In this way the reader with an understanding of Greek language will in time come to terms with the specific meanings of words, just as Gadamer (1975) found in previous readings of Plato that one's understanding of text can initially be defective.

The final point I wish to make is that a critique of text helps to tease out the fact that language has more than a reflective character; it has a descriptive / analytical character, providing a reference point for understanding and gaining new meaning. Therefore, the notions of critique as a basis for understanding the past in light of present critique of text of internet documents, helps to improve my understanding by reflecting on one's own practice.

By way of disconfirming evidence it is apparent that new evidence may alter our initial understanding of an historic event. I quote in the next text box from an article by Amalfi (2004, p. 12) titled, 'Semantics mix-up suspected as satellite spots what looks like Platos' lost City: Atlantis beneath the soil'.



*"The earliest known record of Atlantis appears in Plato's dialogues written more than 2000 years ago, in which he describes an island civilisation blessed with fabulous wealth and natural beauty.*

*Atlantis was laid out in concentric circles that rose towards the heart of the City complex, where a 2.5 km-diameter citadel was located.*

*The rings are slightly bigger than those described by the poet, who traveled extensively.*

*If this is the lost City Plato visited, possibly during a trip to Egypt, then the early Greeks could have misled generations of researchers after confusing an Egyptian word that refers to coastline with one meaning 'island'."*

*(Amalfi, 2004, p. 42)*

### Developing a foundation for your own hermeneutics founded on experience

I understand an internet document based on my life and tried experiences. As an individual involved in interpreting internet text, I draw on my world experience to re-evaluate and re-formulate the text I read to improve my own understanding of hermeneutics, not some one else's understanding. Thus whilst life experiences and my individual professional practice in a local government organisation improves my own understanding of internet text, I need to be open minded and receptive to new experiences. This view is reinforced by Wamke's (1987, p. 158) interpretations of Gadamer's philosophy. I quote:

*"In studying other cultures, performing scientific experiments, writing poetry and examining one's own history, what one learns is not a series of unrelated and irrevocably true facts. Rather, to the extent, in other words, that can transcend questions involving the soundness of one's method or the validity of one's findings, what one achieves is a capacity for future learning, for new ways of thinking, speaking and acting. One learns that one's own historical horizons is part of an endlessly articulated and shifting universe of horizons and that to try to fix this universe in a final, immutable form or hierarchy is to miss the point. Gadamer claims that 'the truly experienced person is one who is aware that he is not master of time or the future.'"*

*(Source: Wamke, 1987, p.159)*

A study of the City Council's corridor or the provision of IT equipment to Councillor's provides an opportunity for showing how organisation narratives and hermeneutic interpretation of internet documents may serve to improve our understanding of the present based on past experience. Thus there is merit in listening to what Gadamer (1998, p. 125) says about the need to explore possibilities of thinking in the next text box.

*"Heidegger has thus seen many things in a new way that has opened new possibilities of thinking for us as well as the possibility of letting the texts of philosophy that have been handed down – the language of art – speak for themselves. It is as if a new atmosphere originated with him" (Gadamer, 1998, p. 125).*

**Information technology provision to councillors – A case study of internet documents in a Local Government Authority.**

Appendix 3.0 includes a sample of officers' reports relating to the provision of computer equipment to Councillors. On 11 September 1996, the Council considered a report dealing with this issue. One of the benefits cited in this report relates to better communication between Councillors and ratepayers. Some paragraphs are cited in the next text box for the purpose of promoting an understanding of synecdoche, and seeking an appreciation of wholeness.

*"Benefits seen by the introduction of this technology to Councillors are as follows:*

- Provides individual Councillors with the potential to be much more effective and efficient when communicating with residents and ratepayers provided they have or develop the necessary skills.*
- The facilities also present the opportunity to access and utilise other information that is available to assist Councillors in the performance of their role as community representatives.*
- Enables Councillors to keep abreast of the principles and changes in technology and to better understand the need for a constantly high profile in information technology within all areas of Council operations". (City Council, 1996, pp.2-3)*

The officers' recommendations supporting the provision and purchase of 13 laptop computers to Councillors at an approximate cost of \$65,000.00 was accepted. This case study demonstrates the use of the hermeneutic circle in practice as is evident in the next text box.

*"Dilthey further credited Flacius's with the first formulation of the idea of a hermeneutic circle: since catholic teaching was no longer to serve as a guide to the Bible's meaning, the understanding of it was rather to be built up from an understanding of its individual parts. At the same time, however, it was clear that some guide was needed to the meaning of those individual parts, indeed, that they had themselves to be understood in the light of the aims and composition of the Bible as a whole. Hence, it was claimed that Biblical interpretation necessarily moved in a circle, that its individual books and passages were to be interpreted in terms of the meaning of the whole, while the understanding of the whole was to be achieved in light of these individual parts". (Source: Warnke, 1987, p. 5)*

## The hermeneutics of re-representing the part as whole

An internet document that takes the form of a planning officer's report or makes reference to introducing the provision of a new policy relating to the provision of IT equipment to councillors can be interpreted by re-representing the part as a whole. Thus in order to understand a text, our understanding is improved if the part is related to the whole. This representation of the part as a whole is appreciated if I draw on hermeneutic thinking for the purposes of understanding the Bible. Here I am drawing on the tradition of hermeneutics and history, and in the previous text box I quote unashamedly from Warnke (1987, p.5)

By way of contradictory evidence narrative theory suggests that a partial interpretation of a document using the technique of syndecoché may suffice to explain the whole. (Potteiger & Purinton, 1998, p.167).

Therefore, in order to understand internet documents there are two fundamental principles or insights that emerge from this research. First, I the researcher must be faithful to the concept of the circle, albeit given a modern interpretation. In my own view this sense of history, time and being as reflected symbolically in the hermeneutic circle provides an interpretative research tool for "weaving together, a variety of texts". (Warnke, 1987, p. 219). My personal reflection and understanding of Information Systems (IS) articulated in an earlier text box relating to the provision of computer equipment to Councillors are outlined in the next text box.

This Council report is useful in promoting the concept of hermeneutic understanding. Here the Council articulates a vision of reality and attempts to draw the connections between a person- a being, the technology, information and the community. There is a genuine attempt by the writer of the report to promote an understanding of the whole.

I now demonstrate how I think some major thinkers would react to the previous text box, drawing connections between rules, critical theory and communication.

*"By recognizing planning practice as normatively rule- structured communicative action which distorts, covers up, or reveals to the public the prospects and possibilities they face, a critical theory of planning aids us practically and ethically as well. This is the contribution of critical theory to planning: pragmatics with vision- to reveal true alternatives, to correct false expectations, to counter cynicism, to foster inquiry, to spread political responsibility, engagement, and action. Critical planning practice, technically skilled and politically sensitive, is an organizing and democratizing practice".*  
(Forester, 1980, p. 283).

Habermas (1985) cited in Forester (1980, p. 276) I believe would attempt to raise the concept of understanding to a metaphysical level, having a focus on underlying political and power structures as well as meaning. The next text box goes some way towards developing an understanding of the power of words cited in internet text.

The purpose is to get a feeling for the whole text based on a subjective and objective appreciation of the whole thing.

*"Habermas' communications theory of society in effect treats social and political-economic structures. These relations of power and production not only transmit information, but they communicate political and moral meaning: they seek support, consent, trust, sacrifice, and so forth. The critical content of the theory is centered in the analysis of the systematically but unnecessarily distorted communications which shape the lives of citizens of advanced industrial societies". (Forster, 1980, p. 283)*

The second principle relates to Hammersleys' (1992) concept of relevance and validity in research. These principles require the researcher to be alert to conflicting or contradictory evidence. The practitioner who looks for contradictory evidence in theory and practice, especially within internet documents, has a better chance of understanding hermeneutic interpretation by always looking for connections between theory and practice as a language or communication system. There is, therefore, an emphasis on discovery, intuition and making the link between theory and practice rather than solving a problem. The thinking process is a more powerful analytical tool because it helps to solve the problem. This process is more important than the solution because a better solution arises when emphasis is given to interpretation as a thinking process.

This raises the issue of what form should contradictory evidence take? This research demonstrates that hermeneutic philosophy provides opportunities for introducing new concepts for enriching the interpretation of internet documents, especially in the form of rich text pictures and organisation narratives. The law and philosophy allows for use of concepts such as validity, relevance and the applied use of the Rule-of-law. Hermeneutics and other branches of philosophy allow for the introduction of poetry, art and language as supplementary tools to assist in improving our understanding of internet text by sharpening interpretation and meaning.

#### **The usefulness of philosophy, hermeneutics, and critical ethnography in IS research**

There is room in IS research to improve meaning of IS systems by founding our interpretation skills in philosophy and hermeneutics. For Warnke (1982, p.162) this appears to be the case. I quote:

*"For Rorty this other function is that of promoting conversation and edification. In a post epistemological age, philosophers will be all purpose intellectuals, not attempting to ground or legitimate the views of others but simply adding their own to the general discussion. Philosophy then, will no longer involve the search for foundations but will be simply the attempt to see things hang together". (Source: Warnke, 1987, p.162)*

But for Gadamer (1975):

*"the point of such philosophy is to join together science and man's knowledge of himself in order to achieve a new- self understanding humanity".*

(Source: Warnke, 1987, p.162.)

As Rorty (1979) puts it, hermeneutics is:

*"what we get when we are no longer epistemological."*

(Source: Rorty, 1979, p. 349).

Additionally, for Rorty (1979, p. 315):

*"hermeneutics is not the name of a discipline, nor for a method of achieving results which epistemology failed to achieve, nor for a program of research. On the contrary, hermeneutics is an expression of hope that the cultural space left by the demise of epistemology will not be filled".*  
(Source: Rorty, 1979, p.315)

For Rorty (1979, p. 360) the notion of interpretation has strong links to poetry and hermeneutics. Thus:

*"Rorty thus allies hermeneutics with poetry in the effort to create and appreciate new ways of acting and speaking. Hermeneutics, he claims, edifies by making connections between our own disciplines which seems to pursue incommensurable aims in an incommensurable vocabulary. Poetry for its part, edifies by thinking up new such aims, new words or new disciplines and by reinterpreting our familiar surroundings in the familiar terms of our inventions. In either case that activity is educational rather than justificatory; it does not attempt to legitimate our beliefs but rather tries to take us out of our old self by the power of strangeness and aid us in becoming new beings".*

(Source: Warnke, 1987, p.151).

From a research and theory perspective critical ethnography through case study of a single local government organisation reinforces my view that we need to improve links between IS research theory and practice. As Hammersley (1992, p. 6) states :

*"One of the most influential bases for the argument that there should be a more direct relationship between ethnography, critical ethnography and a number of authors have drawn on this approach to advocate what is called critical ethnography".*

(Source: Hammersley, 1992, p.6)

After examining the notion of validity and relevance of critical ethnography as a research method Hammersley (1992, p. 6) concludes:

*"That critical theory is not a convincing basis for an alternative approach to social research since it suffers from a number of serious problems of its own, as well as inheriting most of those that face conventional researchers. ...Questions the argument that ethnographic research should be multi-purpose, designed simultaneously to serve the needs of practitioners directly and to contribute to the cumulative knowledge of the research community. I argue for different forms of research designed to serve different functions and audiences, rather than the adoption of a single all purpose model; and that the relevance of ethnography to practice is most likely to be general and indirect, rather providing solutions to immediate practical problems".*

(Source:Hammersley, 1992, p.6)

Therefore, reflecting on Hammersleys' (1992, p. 6) claims, my understanding is that the interpretation of internet documents stored in local government's internet IS provides opportunities for exploring various eclectic approaches to the study of text. Case-study research that has a focus on serving different audiences and functions allows multi – purpose research methods to come into play eclectically, albeit from the hermeneutic and narrative theory perspectives. Therefore after many months of research I have made a major discovery between hermeneutics, interpretation, landscape narratives and meaning. The discovery or insight is this: That there exists a major connection between Gadamer's (1975) philosophy of hermeneutics and Potteiger and Purinton's (1998, p. 37) concept of synecdoche. The usefulness of synecdoche is that small parts of text, like a piece of rock or soil from the planet Mars, can allude to or tell a story about the bigger picture. As Potteiger and Purinton (1998, p. 37) point out:

*"Synecdoche is a particularly effective device in landscape narrative because it can conjure a whole story just by using a fragment from this story. The follies of English garden evoked a field of well known narratives from classical literature as well as national myths. Also synecdoche is a way of representing landscape systems, often too vast and complex to grasp. Erratic rocks speak of the power and extent of glaciers, plantings of native species recall whole ecosystems, while arboreta and zoos collect single species as representatives of other places". (Source: Potteiger and Purinton, 1998, p. 38)*

Potteiger and Purinton (1998, p. 40) use many examples relating to myth, history of parks and examples from the living landscape and ecosystems to support and validate the idea of synecdoche. But it is I who make the connections between hermeneutics and synecdoche, and therefore this is my original contribution to hermeneutics and internet interpretation of documents, thereby validating by initial hunch.

In the final chapter of this research I apply these concepts to a case study of internet documents relating to the provision of Information Technology (IT) equipment to Councillors as the basis for better understanding internet text, thereby making and demonstrating connections between hermeneutics, organisational narratives and legal interpretation. The case study I use serves to validate my research findings and approaches and also demonstrates the relevance of the choice of internet text to IS systems within a critical ethnographic context of a particular local government authority in Australia.

To validate the connection between hermeneutics and synecdoche I quote from Potteiger and Purinton (1998, p. 40) in the next text box.

*"As these examples demonstrate, stories cross boundaries of different realms. They arise out of conversation or centuries of myth, creating imagined worlds. These fictive realms 'take place' and are also 'built into' the fabric of 'real' places. We will explore these relationships more closely within realms of landscape narratives:*

*1 the story realm*

*2 the Contextual / intertextual realm*

*3 the discourse realm". (Source: Potteiger and Purinton, 1998, p. 38)*

*"The story realm is the world of the story itself. The emphasis is on the author's / designers intentions to create meanings within the structures of story (event, plot, character, point of view etc). However it is important to see how stories relate to contexts and other texts. The emphasis in the contextual / intertextual realm is on the role of readers, community or memory in the making of landscape narratives. The third realm of discourse requires attention to whose story is told and what ideologies or world views are implicit in the telling". (Source: Potteiger and Purinton, 1998, p. 38)*

When conducting a critical ethnography of internet documents relating to a particular local government organisation culture, two criteria stand out as validating research. These are relevance and validity. Hammersley (1992, p. 78) describes these criteria but provides a useful summary for the purposes of grasping the essence of these two concepts. I quote:

*"By validity I mean the truth of the claim made. Validity is interpreted in terms of selective representation of reality, with the amount and nature of the evidence that is necessary depending on the type of claim involved, and on judgements about its plausibility, credibility and centrality (judgements whose own validity can never be certain). Relevance, on the other hand, concerns the importance of the research topic and the contribution to our knowledge made by the findings of the study. As with validity, it has varying implications depending on the audience addressed". (Source: Hammersley, 1992, p.78)*

For the purposes of clarification I briefly outline the audience whom I target. They are beings in the IS field, planners and local governments interested in improving knowledge about systems thinking, information management and local governments interested in devising strategies to minimise information warfare and litigation. In order to clarify these strategies I need to draw on some legal themes relating to the critical legal studies movement and critical legal theory, the subject of the next chapter.

## Chapter 7.0

### The legal implications of breaching private and confidential information on the internet

*"As Thomas notes, conventional ethnographers generally speak to an audience on behalf of their subjects ... Critical ethnographers use their work to aid emancipatory goals or to negate the repressive influences that lead to unnecessary social domination of all groups (Thomas, 1993, p. 4) (Wolcott, 1999, p. 183)*

*"In the forward to her own A way of Seeing, Margaret Mead wrote in 1961, 'It is not the details, as such, that matter but the relationships among them.'"*

*(Wolcott, 1999, p. 288)*

#### Introduction

In this chapter I identify how my argument and method of research makes an unusual but valid contribution to electronic commerce. I do this by introducing the final rich picture, and explain how this rich picture evolved over the time. This rich picture illustrates a model of the possibilities available to other organisations and outlines the way my argument evolves over time and of the relevance of this method to electronic government and local government organisations in Australia. This rich picture is in fact a model of the way information should be managed in similar local government organisations. The argument is founded on a hermeneutic and legal philosophy. In the framework I outline an approach that could be applied to other types of organisations, especially those organisations involved in electronic governance and interested in information and knowledge management. Of particular importance is the legal method by which internet documents can be understood and interpreted within the hermeneutic process.

At varied points in this research, and as outlined in my introductory chapter these internet text documents, in the form of vignettes are used to explain how I come to understand and interpret documents in terms of Gadamer's (1985) philosophy relating to the fusion of horizons and the historical context of understanding. This chapter portrays a carefully considered and well justified emergent research design. A clear and compelling case is made for adopting a hermeneutic perspective that focuses on the researcher's subjective interpretation of internet texts and for 'interviewing' philosophers rather the authors of these texts. In particular I build on Gadamer's philosophy by holding philosophical conversations with Jurgen Habermas and John Forester.



## Critical legal studies and legal theory

Critical legal studies (CLS) and critical theory continue to be valid and relevant to IS research, information management and as a strategy for dealing with litigation. In this chapter I draw on legal jurisprudence to allude to the possibility that systems research like law is in need of a conceptual model to make sense of law. Importantly, can law be used as a universal phenomenon that is distinctly different to law that exists in certain kinds of society? (Leiboff & Thomas, 2004, p.282)

But models of law that purport to reach consensus are false, because society's legal organisations and the laws that government create are often contradictory. Legal method based on legal reasoning in my view may be manipulated at an abstract level to achieve a fair result. As Curzon (1999, p. 54) states:

*"use of the techniques of 'deconstruction' (that is, linguistic analysis applied to the texts of law) is essential if the conflicts at the very heart of legal thought and practice are to be uncovered". (Curzon, 1999, p. 54)*

For Unger (cited in Curzon, 1999, p. 54) the CLS movement originating from a conference of legal scholars in the 1970's, rejected the current legal scholarship (with its studied neutrality and false formalism). According to Curzon (1999, p. 54)

*"Formalism is exemplified in the law as sciene school of thought, in which law is viewed as a body of logically connected, certain principles which are applied deductively so as to solve legal problems". (Curzon, 1999, p. 54)*



Figure 7. 1. A rich model summarising core research themes. The hermeneutic cycle is represented as a process for improving understanding of Internet documents in a local government organisation. Reflection on professional practice and experience is represented as being informed by actors and thinkers relevant tot the research.

Unger (cited in Curzon, 1999, p. 55) defines objectivism as:

*"... the belief that the authoritative legal materials – the system of statutes and accepted legal ideas embody and sustain a defensible scheme of human association. They display, though, always perfectly, an intelligible moral order". (Source: Curzon, 1998, p.55)*

The overall conclusion of the Critical Legal Studies movement according to Curzon (1999, p. 55) movement is that legal jurisprudence:

*'often results in suppression of criticism related to the conflicts which are inevitable in our legal institutions'.*

(Source: Curzon, 1999, p. 55)

In this sense critical legal theory is not too different to critical realism in that both have a concern for emancipation philosophies. Dobson (2003, p. 77) makes an important statement about emancipation and language as follows:

*Dobson (2003) "Highlights the important role of language and destruction in promoting real change and suggests that the ontological focus of critical realism allows a clearer specification of the conditions necessary for change". (Source: Dobson, 2003, p.77)*

Additionally, Dobson (2003, p. 77) also unpacks the underlying mystique of critical realism in the next box.

It is my understanding that critical realism differs from critical theory only in focus in that the former places more emphasis on unpacking "the deep structures and mechanisms that make up the world". (Dobson, 2003, p. 285). Habermas (cited in Dryzek, 1995, p. 99) provides an understanding of critical theory. The idea of brightness and emptiness is reinforced by simply suggesting that there is a line of thinking that aims to achieve emancipation and enlightenment by freeing oppressed individuals from the causes of their oppression, summarised as follows:

*"...the first to understand the ideologically distorted subjective situation of some individual or forces group, second to explore the forces that have caused that situation, and third to show that these forces can be overcome through awareness of them on the part of the oppressed individual or group in question. Thus a critical science theory is verified not by experiential test or by interpretative plausibility, but rather by action on the part of its audience who decide that, upon reflection, the theory gave a good account of the causes of their suffering and effectively pointed to their relief". (Source: Dryzek, 1995, p. 99).*

On reflection I understand the usefulness of critical theory to local government as a methodological tool for discovering latent power. Thus the purpose of interpreting internet documents is the uncovering of latent power, and thereby offering opportunities to expose latent power and communication structures. There is a link therefore between latent power, critical theory and use of philosophy. A fact reinforced by Dobson (2003, p. 297) who:

*"argues strongly against the use of a priori theory and provides a practical example of how philosophy can provide the opportunity to be your own guide and to work out consciously one's own conception of the world". (Dobson, 2003, p. 297)*

In this sense I am able to see that a degree of validation and relevance exists between Gadamer's (1975) notion of understanding as a tool to assist in the interpretation of internet documents, misrepresentation and deception. I also develop my own insights for achieving triangulation in the interpretation of internet documents by using Foresters' (1980) research as the basis for getting to the heart of misrepresentation and deception of internet text albeit from a philosophical, hermeneutic and legal perspectives. In this context Forester (cited in Dryzek, 1995, p. 108) has regard to the functions of local government:

*"It is the task of analysts to expose and challenge agenda manipulation, point to strategic exercises of power that foreclose debate, equalize the information available to participants and uncover moves to distract attention from embarrassing issues. Analysts might also elucidate socializing forces that sort participant's assumptions and perceptions, and stress unseen threats and possibilities in a situation (concerning, for example, threats of co-optation in community development projects, or opportunities for community controlled development). They should avoid portraying themselves as professional experts, for professional mystique is itself a source of hierarchy and distortion in policy debate". (Source: Dryzek, 1995, p.108)*

#### A description of my evolving rich picture

My understanding of knowledge management, information space, and information warfare is that hermeneutics provides a sound tool for interpreting internet text, and revealing weaknesses about information management processes. Hermeneutics is no more than a tool for better understanding of information that would ultimately lead to better information management for local government. Initially, the process for achieving understanding takes the form of collecting stories told in Council's internet documents. The process takes the form of a cylindrical cone, starting as a large circle but progressively the circumference of the circle gets smaller and smaller until I reach towards the pointed end of the cone. The progression from the beginning of the circle towards the pointed end of the cone metaphorically represents by journey towards a better understanding of internet text interpretation and ultimately reflects my understanding of how information weaknesses may be overcome in this particular local government organisation. The closer my interpretation gets to the pointed end

of the cone the less scope there is for misinterpretation of an internet text document. Therefore, the study of hermeneutics and organisation narratives ultimately leads to a wholeness of information interpretation. In time this process reveals better information processes for local government, and also protects this government from information warfare threats, information weaknesses and litigation. Eventually, a hermeneutically critical ethnography case study of a local government organisation of internet documents forces decision makers to focus on the subjectivity / objectivity of internet text and the conflicts existing within the organisation. The search for resolving the subjective / objective information divide leads to the cone becoming a Mobius strip. Metaphorically, the Mobius strip represents the hermeneutic search for discrete and holistic wholeness of information, and this is my rich picture. (See Figure 7.1 and Appendix 5.0)

Habermas (1985) has in effect devised a framework for interpreting phenomena of a social nature that provides some guidance about how communicative action can be used to help or facilitate change. Importantly Habermas' (1985) theory of communicative rationality, a concept which legal jurisprudence also attempts to adhere to, may be used as an evaluative principle.

The evaluative principle may be understood as a process for resolving disputes and to nurture an environment for reaching consensus. Habermas' (1985) principle of evaluation is not to be understood as a form of prescriptive principles or a human needs theory to guide an individual's social activity. However, Habermas' (1985) communicative action principles are relevant for local government because of their usefulness in application to real world situations, and also as a tool for resolving conflict and misrepresentation of information. Hence, the metaphors of the Mobius strip. For clarity I reiterate Habermas (1985) principles and build on this framework to clarify my own understanding of a process that may lead to a better interpretation and understanding of documents founded on consensus.

First, develop a philosophy about ethics, interpretation, and communication action that is founded on critical theory. (Gadamer, 1998; Heidegger, 1967)

Second, apply this philosophy to the local government organisation using Habermas' (1985) theory of communication action as a framework for interpretation supplemented as appropriate by Gadamer's (1975) theory of interpretation and understanding and Potteiger and Purinton's (1998) landscape narratives theory.

Third, understand from the basic laws of physics that every force has a reaction. Also understand that the Rule-of-law although open textured exists to guard against litigation, and also to facilitate individual understanding and better interpretation of documentary text. (See appendix 5.0)

Fourth, the theory of communicative action provides a template or beacon akin to a light house to guide action against local government or as a basis for reacting against local government forces or threats from information warfare, thereby empowering a

new movement of stakeholders, based on an understanding of Foresters' (1980) interpretation and understanding of Habermas' (1980) communicative action principles.

Fifth, I understand this process of empowerment to be a strategic force for use to counter local government bureaucracy or threats to government from litigation and information warfare. Once this threat of litigation is understood from a local government perspective, and weaved into the organisation's policy documents the organisation is better placed to devise offensive strategies as a basis for counteracting the threat of litigation. Therefore, from a strategic perspective the purpose of carrying out a documentary analysis of internet documents based on a philosophy of understanding of internet documents is to minimise the threat of litigation and to protect individuals from harm by putting in place defensive strategies.

Sixth, local government must also be empowered with the tools to interpret internet text as a basis for improving an individual or employees understanding of internet text. Arguably this is where Checkland and Scholes' (1990) systems thinking and Magee's (1997) philosophy comes into play as an analytical tool.

Seventh, in order to better understand internet text, communication skills need to be improved significantly. This is encouraged by using the medium of language after Gadamer (1998) to minimise harm to the organisation and individual employees that work for this particular local government organisation. The search for understanding is especially important in the early stages of the thinking processes.

Eighth, understanding of the threats and issues arising from the interpretation of text allows an organisation to communicate to stakeholders and employees. Based on this understanding of issues the organisation prepares a communication plan outlining the actions it takes to address the issues. This is communicative action in practice. This form of action may take the form of putting in place defensive strategies such as targeting the content of planning officers reports and reducing the replication or blatant photocopying / scanning of other persons reports for the purposes of posting documents on the internet. This attention to detail for example has been directly applied in a report I wrote to Council in December 2004. This same document will be included in a tender document sometime in 2005. This researcher extensively edited this report for the purposes of ensuring that this Council would not be subject to litigation especially for breaching the Rule-of-law relating to breach of confidentiality, deception and defamation of documents posted on the internet.

Ninth, the principle of communicative action may be used as an evaluative principle for illuminating the issue. I use Cupitts' (2001) notions of emptiness and brightness and my evolving rich picture to demonstrate my individual understanding of the interconnections between subjectivity and objectivity. This is reflected in my rich picture, which takes the form of a Mobius strip. See Appendix 5.0. The Mobius strip metaphorically represents Gadamer's (1998) search for understanding, as well as my

personal journey of learning and understanding of information weaknesses in a local government organisation.

Tenth, communicative action is nothing more than a democratic process for reaching consensus and resolving disputes and conflicts. Hermeneutic understanding is a discrete and holistic process that progresses from individual understanding to eventual consensus and a meeting of the minds on certain issues. The intersection of the Mobius strip represents the point of consensus and an event that allows the organisation to agree about how it wishes to manage its information system for the purposes of minimising information weaknesses. If consensus is reached on a particular issue then local government is in a state of equilibrium and there is an overall sense of balance.

Eleventh, communicative rationality has to be applied to the real life - world drawing on expert knowledge, community knowledge, learned experience both subjective and objective as well as informal and formal networks. These networks are apparent in the Mobius strip rich picture as well as the organisations' attempts to articulate an integrated approach to planning and information management.

Twelfth, for communicative rationality to be effective as a communicative action, the organisation and the individual must realise that language that uses the medium of communication through the internet is a double edged sword. Internet text and the sound interpretation of text or words offers opportunities for minimising harm to others by reducing the potential for misinterpreting internet text or information, and therefore misunderstanding. Again the notion of minimising harm to others and reducing the scope for misinterpretation of planning officer's reports is reflected in the metaphor of the Mobius strip. The Mobius strip symbolically reflects the ongoing search for understanding.

Thirteenth, each person interprets internet text in their own way, thereby developing an understanding of text that is particular to that individual. Here, I am alluding to Gadamer's (1975) concept of understanding. This concept first begins with individual understanding. Without individual understanding there cannot arguably be organisation understanding.

Fourteenth, importantly however we can express our understanding of internet text by drawing on Heidegger's (1989) concept of language, art and poetry, as well as synecdoche and hermeneutics as tools for understanding the whole based on a part of text, thereby allowing the individual to explore, albeit eclectically the various realms of organisation narratives as it appears on the internet. Importantly, the interpretation of internet text is all the more rich if attempts are made to borrow from Potteigger and Purinton's (1998, p. 41) notions of story telling, told in the context of a local governments' organisation, and within a hermeneutic discourse realm. Thus heuristics comes into play as the preferred medium for enriching interpretation and understanding, as an analytical tool for promoting better information management. In so far as my evolving rich picture is concerned the Mobius strip may be enriched by



graphic images such as computers, ants, human beings and plants. (Conrad, 1999, p.788).

Fifteenth, in a contemporary context our understanding of internet text may be expressed in the form of a rich text picture that explores my individual understanding of a piece of internet text using all of the above tools. In effect a unique contribution to internet interpretation of an internet document, thereby, introducing the concept of personalisation and subjectivity to internet text interpretation. The proper hermeneutic interpretation of internet text will eventually lead to better information management. However this is not a straightforward process because a prerequisite to better information management is the need for each individual and organisation to understand the interplay between knowledge, internet technology and various legal and information warfare perspectives.

Sixteenth, the rich text picture goes through a re-iterative process of understanding and amendment until I accept what is a better understanding of the rich text and or internet text. The final rich text picture reflects an individual understanding of the internet text. But to understand an internet text is not a simple or entirely rational process. The key to interpretation and understanding of internet documents requires a sound understanding of the philosophy of thinkers such as Gadamer (1978), Heidegger (1967), Foucault (1982), Derrida (1992), Rawls (1971), Kelsen (1997), Williams (2004), Socrates, Plato and many others. This is the last step of the initial rich picture process. See appendix 5.0.

Seventeenth, but this individual understanding of internet text may be subject to scrutiny from a particular local government organisation. In particular, legal jurisprudence and legal method requires that internet text and the interpretation of text are subject to a different form of procedural legality. This idea is apparent in the work of Fuller (1994). Therefore, this form of disconfirming evidence must be exposed and validated against the Rule-of-law as a method for pursuing validity, relevance and triangulation of an interpretation or understanding of documentary text. The Rule-of-law like the hermeneutic circle has primacy of place in my rich picture. Therefore both are located in close and central proximity to one another. Metaphorically and graphically these two central concepts are represented respectively as the scale of justice and the Mobius strip. See appendix 5.0.

Eighteenth, local government is vulnerable from litigation because reports written by Council staff may be misunderstood for a number of reasons: First individual employees within local government may write reports with the intention of deliberately deceiving the Council or stakeholders. Second, the media may also distort debate and / or misunderstand what is written in reports posted on Councils internet. Third deliberate deception of internet documents may result in others arriving at a misinterpretation of internet text, thereby creating conflict and resulting in foreseeable problems as a result of increased risks from litigation. Therefore, the search for understanding is an important concept for local government to grasp if it is



to have a chance of better managing its information, and devising an information warfare strategy that addresses information weaknesses.

Nineteenth, validity claims relating to truth, whether in written form or oral form (language), are often unchallenged because the mass media reinforces miscommunication by misinterpreting internet text. Communication of internet text and its interpretation in the mass media generally moves in one direction from the internet text, to the printed or oral form and finally the reader, receiver or viewer of information. But as this research has shown truth does not arise from a linear process of understanding, but from a feed back loop, thus meaning becomes more evident as information is understood as a system, that is, there is always something else in the system that affects the system. Thus the independent variable is the thing you alter that affects the system. This larger system is graphically represented in the rich picture as a larger elliptical loop. See Appendix 5.0.

Twentieth, but proper consensus on legal issues, which take the form of rational communicative action, can at times be resolved through debate, negotiation or legal resolution in the court of law. Open debate as in the form of Socratic dialogue and the legal system proffers opportunities for arguing issues in a court and for examining a two sided debate based on an understanding of legal rules of interpretation, and presentation of documentary evidence. Finally, the application of rules in a legal system is somewhat different to life world forces where communicative rationality becomes distorted and arguably impersonal. Thus language is the medium that helps to unfold the latent forces of power and capital. This is a deliberate tactical strategy to use for the purposes of uncovering the ideology and conflict of different values embedded in society, and also for unfolding contradictory evidence. This strategy in time leads to a better understanding of information weaknesses for local government, councillors and employees, and also an improved information management system.

#### **The Rule-of-law and contradictory evidence.**

A critical theory for interpreting internet text is only useful for local government if it is responsive to local government stakeholders and society's objectors. I now reflect on how the Rule-of-law can itself misinterpret internet text. Listed in the text box below are my reflections on contradictory evidence.

First, the law may purport to be impartial. Often justice may be superficially impartial.

Second, appearance before an inquiry or the courts may favor the proponents rather than the observer.

Third, specific pieces of legislation such as the *Privacy Act*, *Freedom of Information Act* and *Evidence Act* may be used at various stages of proceedings to support a line of argument based on an interpretation of the Rule-of-law.

Fourth, often proponents have access to superior knowledge and lawyers. Thereby proponents are better able to present their case before a judge.

Fifth, often objectors may have insufficient money to afford lawyers. In the alternative objectors may also not have access to good legal research material, that are of the same standard as of the proponents. Also objectors may not have the argumentative skills to win a case.

Sixth, additionally rules of evidence such as relevance and admissibility may dismiss certain pieces of evidence that may be useful to objectors about a particular internet text issue (s), or be excluded because of the hearsay rule.

Seventh, the usefulness of Habermas (1985) theory of communicative action is that text analysis may help to reveal the real power behind a social or political conflict. The analysis therefore helps to identify the cause of forces behind a decision, thereby providing an analytical tool for treating the cause.

### **Conversations with Jürgen Habermas (1985)**

In this part I build on my research methodology and theoretical foundations that are rooted in Habermas' (1985) theory of communicative action. As a self - reflective critical ethnographer practitioner my research aims to achieve the purpose of better interpreting internet documents as a method of making conscious the unconscious meanings of documents.

To improve my understanding for interpreting internet documents I aim to build on Habermas' (1985) theory of communication and Gadamer's (1975) theory of interpretation. Other authors have suggested that Habermas' (1985) theory of interpretation embraces varied paradigms of interpretation, oscillating between dialogue (hearing and speaking) and discourse. (Stickle, 2003, p. 1). According to Stickle, (2002, p. 1) the reading of text may lead or result in multiple meanings and experience of the world, and also from the perspective of the listener's own understanding of text as it is read aloud.

As a reflective practitioner, I record truthfully various Council reports that are posted on the internet including legal cases relevant to the facts in issue, and reflect on the meaning of the words. These words expressed as language are my empirical data. This data are the internet documents I use to develop my own understanding of internet documents.

As a result of this research I am able to better understand and interpret internet documents and text in a critical ethnographic sense by holding conversations with major thinkers such as Habermas (1985), Gadamer (1975), Heidegger (1971), Forester (1981) and Potteiger and Purinton (1998). The first three are German thinkers, and the last three are American. I use these world thinkers because they have tried to use other rich mediums such as art, poetry, and narratives to enhance written text. Thereby enhancing interpretation of internet text. (Bowie, 2003, p. 233)

However, because my research has a focus on information warfare strategies as a basis for overcoming information weaknesses in local government, various legal thinkers such as: Rawls (1971), Derrida (1983), Dworkin (1977), and Kelsen (1997) are used to give a different voice to a particular information management issue. I also make passing reference to leading information systems thinkers such as Checkland (1990) and Ledington (1987).

These thinkers as well as other philosophers such as Magee (1997) and Gadamer (1998) offer a variety of discourses (written text) pertaining to the proper interpretation of text covering fields such as: understanding, art, narrative, poetry, communicative action, hermeneutics, heuristic's and legal interpretation. All of these thinkers provide a postmodern opportunity for the better interpretation of internet text using a range of creative and rich text writing styles. These styles are used liberally and eclectically in this research as a source for aiding interpretation and also to facilitate the tabling of evidence in a court of law.

In the final stages of this thesis I begin to see the linkages between internet documents as language, art and poetry depicted in the work of Heidegger (1971), organisation narratives as described in Potteiger and Purinton (1998), information systems as articulated in Checkland (1990) and the law of evidence. I also come to realise what Habermas (1985) and Forester (1980) say about communicative action and of the potential to misinterpret text and therefore convey the wrong message or understanding of an internet text. Hence, Gadamer's (1975) concept of understanding provides a useful analytical tool for reducing misunderstanding of internet text. This last paragraph is my major and warranted insight and contribution to systems theory and the interpretation of internet text for local government in Australia. This process is reflected in the final rich picture. (See Appendix 5.0.)

### Conversations with John Forester (1980)

Forester (1980, pp. 275 - 278) has used Habermas' (1985) theory of communicative action to study both power and written text and has also attempted to make the link between critical theory and practice. Habermas' (1985) theory of communicative action and critical theory are used as tools for carrying out fieldwork in an organisation. This type of fieldwork is labelled critical ethnography.

Critical ethnography has been defined by Dryzek (1995, p. 106) in the next box.

*"The analyst takes a close look at conversations or even just conversation fragments, scrutinizing them for the implicit validity claims (to truth, appropriateness, truthfulness or sincerity, and comprehensibility) invoked by speakers. For example, using just the claim to appropriateness or legitimacy as guide, we can scrutinize every sentence for implicit propositions concerning what norms govern the participants, what kinds of strategic actions are allowable, what distributions of competence and responsibility exist among them (and in relation to other individuals or groups), and what kinds of judgements to be respected. Repeating this scrutiny using each of the three validity claims as guides reveals the rich and multi-layered meanings embedded in even seemingly banal conversation. For example, the 'truthfulness' validity claim would reveal much about the practical identities of participants as projected by themselves and interpreted, accepted, or rejected by the others. Forester's worked example explores the issues of power relationships and identity revealed in a few lines of conversation in a meeting of a City's planning staff". (Dryzek, 1995, p.106).*

My analysis of this paragraph indicates that Forester (1980) relies on analytic conversations of a meeting between employees of the city's planning staff and stakeholders, for the purposes of better understanding communication processes between city employees and Councillors. This analysis provides a holistic link between critical theory, hermeneutics, organisational narratives, and understanding. In turn this leads to wholeness of documentary interpretation because information weaknesses and weaknesses in information management are identified. Thereby identifying opportunities for a better managing information from the legal and local government perspective(s). My evolving rich text now builds on Williams' (2003, p.128) rich text model. This rich text takes the form of a description of my warranted rich picture, and conveys a sense of wholeness in eighteen steps.

First, there is a need to interpret internet text from a hermeneutic perspective. (Bowie, 2003, pp. 210-211)

Second, embrace critical theory in all its forms, because the purpose of critical theory is to make a difference in practice and the real world. (Bowie, 2003, pp. 242-243)

Third, consider the context by drawing on critical ethnography as a tool for improving meaning of internet text from an Information System (IS) perspective(s).

Fourth, use Potteigiger and Purinton's (1998, p. 41) landscape narratives theory as tools for improving our understanding of IS and organisational narratives through

experience, thereby, raising understanding to a meta-narratives level of wholeness and understanding. If experience is a valuable learning tool, then we always miss something, if we don't draw on this ever-growing field of experience. But if you study a piece of internet text hermeneutically through story(s), then it is possible to conclude that through a story we gain something. By telling a story I aim to convey my personal experience vicariously, which only a critical ethnographer can do by virtue of being on the inside of an organisation. In the text box below I explain this notion of a vicarious experience.

Presenting a vicarious experience requires an understanding of inside information, conflict and knowledge. The ultimate focus is on precision, and is intended to pass on a sense of the qualitative feeling to insiders and outsiders alike. This is not too dissimilar to the notion of effective domain and dreaming experience that I alluded to in the first chapter of this research.

This research presents the words of people. Interpretation of words always creates gaps in our understanding of knowledge and information, thus allowing data to be interpreted differently from the research because of its richness.

Fifth, embrace Habermas' (1985) communicative action theory. Analysis of the work of this thinker may lead to a better communication plan and a more acceptable plan of action for local government. (Bowie, 2003, p. 257)

Sixth, consider bouncing the text against a major thinker such as Foucault (1982). Foucault is an important thinker to draw on if the purpose of analysis and document interpretation is to discover latent power. (Bowie, 2003, p. 249)

Seventh, use Foresters' (1980) critical theory as a tool for informing planning and IS practice and also for minimising deception and misrepresentation on the internet. Thus promoting validity and relevance in research and triangulation of data.

Eighth, embrace Dobsons' (2003) critical realism, as a tool for understanding the enormous impact that organisation structure has on IS systems. The purpose is to initiate change by understanding the overarching impact of larger structures on organisation systems. This requires an understanding of organisation culture.

Ninth, start converting these ideas into rich text pictures after Williams (2004, p. 22) See Appendix 5.0

Tenth, recognise the usefulness of Heideggers' (1985) poetry, language and thought as tools for improving communication and minimising miscommunication when interpreting internet text and documents for local government. Heidegger (1967) is also useful in explaining the issue of information as thing. This particular book, titled 'What is a Thing?' and explained further in Bowie (2003, p. 202), outlines from a philosophical perspective the process for making an implicit thing explicit. Heidegger (1967, p. 252)

Eleventh, always come back to Gadamer's (1975) hermeneutics as a tool for improving understanding of internet text. (Bowie, 2003, pp. 252-253)

Twelfth, distinguish between communication on the internet and distorted communication.

Thirteenth, recognise that there is scope to strive for disconfirming evidence by having regard to legal interpretivism, jurisprudence, Rule-of-law, and the voices of other thinkers.

Fourteenth, this process leads to individuals being able to better manage information for local government.

Fifteenth, identify strategic power structures and interpret power structures that are hidden within internet text. This requires an understanding of Gadamer's (1975) hermeneutic philosophy of understanding. (Bowie, 2003, pp. 252-253)

Sixteenth, re-apply communicative action theory as a tool for discovering internet deception within a local government organisation. (Bowie, 2003, p. 258)

Seventeenth, carry out a discussion of tentative insights gained in the rich pictures.

Eighteenth, embrace discussion including conflict, and alternative viewpoints.

Finally, work towards a compromise, recognising that understanding of internet text is dependent on reaching consensus and agreement. This thinking process also recognises that as the independent variable changes, the system changes because the whole system is dependent on the independent variable. Hence, the notions of the Mobius strip provide a pictorial frame for enriching understanding of internet text as a system.

This process is a written description of my final rich text model and explains a process for better managing information for a local government organisation. This is the process I have followed to arrive at my final rich text model for a local government organisation in Australia. In a simplified form the rich text model for improving the interpretation of internet text is summarised in the next section and this is my simplified contribution to the body of knowledge.

### **The simplified rich text picture**

Use critical ethnography and critical theory as the methodological tool for studying internet documents in an organisation.

Study conversations or parts of conversations. This may take the form of organisation narratives, but in this research I use a piece of internet text included as an appendix to the thesis for the purposes of telling and enriching stories. Here I allude to the notion

of synecdoche to enhance my understanding of internet text documents. All that is needed is to use a part of an internet text as a methodological tool for representing and understanding the whole. Thus, hermeneutic understanding is about seeking wholeness based on Gadamer's (1975) hermeneutic access to the beginning. Gadamer (1998).

Carefully select the internet text from a local government organisation.

Evaluate internet text for principles, tacit validity claims and relevance.

Relevance means legal relevance to the fact in issue. Validity in this research means using contradictory evidence and the voice of other thinkers effectively.

Test for tacit validity using Forsters' (1980) reliance on Habermas' (1985) analysis of communicative action, but related to the critical ethnography of a particular local government organisation. Normally this will be the case study. In this instance this research is about a local government organisation where I use critical ethnography as a research methodology tool for gaining insights about an organisation's information systems weaknesses. This becomes apparent in the last paragraph of this research.

Make use of implicit validity criteria to test validity of internet text based on Hammersleys' (1992) criteria of truth, appropriateness or legitimacy, truthfulness or sincerity, and comprehensibility.

Analyse internet documents strategically as appropriate against validity criteria to uncover hidden propositions such as the words used to guide the writers of internet text. Decide on the competence of the written text and find out the individual responsible for the text, always remembering that the purpose of interpretation is to gain an understanding of the subject matter, thereby, expanding and adding to Gadamer's (1998) explanation of the meaning of beginning.

Finally, decide what judgements are respected because they are truthful, ethical, and do no harm to other individuals in that there are no infringements on individual rights such as the right to privacy, especially regarding nonconsensual reading of private emails.

Interpreting internet text requires that each text be evaluated systematically against each of the other validity claims as follows; truth, appropriateness and legitimacy, truthfulness or sincerity and comprehensibility of communication in the form of language. To some extent this understanding contributes to the seeking of wholeness.

This process of analysing internet text against the validity claims provides the medium for revealing a rich text picture based on language, poetry and art, thereby providing a heuristic rich source of multi-layered meanings of internet text, based on visual images.

These multi-layered meanings may be highlighted in at least five ways. First, power relationships in an organisation may be discovered (The Lord Mayor).

Second, a better understanding of the conditions by which internet text are written and amended by others in a local government organisation may be observed. (Agreement by consensus is achieved by bouncing text against other employees for comment).

Third, I and other employees may come to understand how communicative action and ethics may be used to understand the process by which consensus and agreement are accepted for inclusion on Council's agenda. (Agenda Settlement) . This is an internal organisation culture process for agreeing on the content of what actually gets into a Council report before the report is presented to Council.

Fourth, the process of agenda manipulation and deliberate misinterpretation of text may also lead to a sense of discovery, and transparency.

Finally, as an individual I will come to understand ways in which strategic power is used in a Council room to influence debate on issues, thereby contributing to my understanding and wholeness of interpretation. Ultimately this will lead to the better planning of communities at place level, because the process of political decision making becomes easier to understand if organisation culture and power is placed in context.

Opportunities will arise as the consequences of using an interpretative hermeneutic process become apparent. In this sense alternative information is used to stabilize or counterbalance the debate. Providing truthful information to objectors and minimising information that misrepresents or distracts attention to irrelevant issues may do this. Generally the latter are referred to as 'red herrings' and serve the purpose of keeping a temporary peace in an organisation, although poor communication or misrepresentation of information to stakeholders is very often used as a deliberate strategy to deceive stakeholders.

Finally, there is a need to be wary of internet text written by experts such as IS persons and town planners because experts have a tendency to distort information so that text is more palatable to decision makers such as Councillors. Distortion of internet information may occur in at least three ways. First, experts exercise significant influence within the local government planning system and often make decisions in a political context. Second, experts may fail validity claims in that meanings are misinterpreted, camouflaged or simply untruthful. Third, experts may distort debate about issues posted on the internet. In the final analysis the words used or said must be capable of being understood before words and text can be taken seriously by a court of law. Here is an example in the next text.

*"It is then alleged that the defendant's former Principal Planner, exhibited bias against the plaintiffs at a site meeting in May 1998. However, it is not clear what Mr Richardson is alleged to have said". (Neilson & Anor v City of Swan (2003) WASC 20)*



## Chapter 8.0

### Conclusion, Epilogue and Limitations of the Thesis

*"In its broadest outlines, the theory of law as integrity maintains that legal interpretation does not take place in a vacuum, but that it is historically situated practice. An interpreter confronted with the task of determining what the law requires in a particular case must refer to relevant past instances of legal interpretation in order to be in a position to provide the best possible interpretation of the law in the case at hand. Dworkin analogizes the task of legal interpretation with that of writing a chain novel. A chain novel, in Dworkin's conception, is a work of collective authorship, with each chapter being written by a different individual author. Each one of these authors is constrained by the previously written chapters and must insure that the chapter that he or she is writing about 'fits' with the preceding chapters and contributes to the preservation of integrity of the novel. Moreover, each author must endeavor to write the best possible novel consistent with the aesthetic constraints imposed by the need to incorporate already completed chapters. Similarly, in Dworkin's view a judge confronting a hard case, must decide it on the basis of the best possible legal interpretation compatible with establishing a fit between the case at hand and the line of relevant historical judicial precedents in a way that preserves the integrity of law as a practice that evolves over time".*

(Source: Rosenfeld 1992, p. 154)

### Introduction

At this point I have arrived at the end of a journey. This is a journey about learning how to interpret and understand internet documents. My major warranted assertion is that interpreting an internet text is a personal journey about how I as an individual person have come to interpret internet documents. This journey concludes with the assertion that the best way to interpret internet text is by way of a hermeneutic understanding of text personally.

I started the journey with, a thesis titled 'A critical ethnographic case study of a local government organisation'. Along this journey of learning I started my search for understanding how best to come to terms with the interpretation of internet text. This resulted in me having to carry out conversations with various thinkers. Williams (2004) calls this thinking a process of carrying out a dialogue with thinkers. Williams (2004) has researched a rich modelling approach for writing doctoral thesis and I am eternally grateful to this rich modelling approach which I have used and adapted for use in this research.

By way of a tentative conclusion this research has resulted in the thesis title evolving to reflect my newfound wisdom. The new and revised thesis title is 'A critical ethnographical ethical case study of a local government organisation from information warfare, and information management perspectives: Action reflective practitioner research'. (Professional action research group, note 32, file 1, January 28, 2004). Towards the end of this journey I also became aware that a rich picture model

is more than an amalgam of pictures having no purpose. My final rich picture in effect represents a learning journey about how to prepare a rich picture of my research topic. My conclusion is that a rich picture should be simple, representing a road map from beginning to end addressing the research questions sequentially.

At the end of this journey I learnt that there are many ways of interpreting internet documents. I have used techniques such as narrative and meaning, discourse analysis and the philosophy of Gadamer (1975) as a methodological tool for learning how to better interpret internet document for the purposes of better facilitating information management for local government. Importantly, I have also drawn on legal philosophy as an alternate analytical tool for protecting local government and its officers from litigation and information warfare. It is perhaps appropriate for me in this epilogue to conclude with a quote about Dworkin's (1986) theory of law as integrity developed in his *Law's Empire*, from Dworkin (cited in Rosenfeld (1992, p. 154-155). See the next text box.

The first draft of the thesis was submitted to my thesis supervisor on 11 February 2004 for comment. On the same day at a meeting of doctoral scholars met to discuss among other things parts of my first draft. At this meeting the doctoral scholars suggested that I should amend the thesis title to reflect my personal journey of the learning process I experienced during the past eighteenth months. Two titles were suggested. The first is: Protecting local government through insights gained from a heuristic, hermeneutic, critical, indepth action – reflective practitioner ethnographic case study: from information warfare and legal perspectives. The second is titled: Protecting local government information using a philosophical hermeneutic and heuristic approach with an in-depth critical ethnographic case study of such an organisation in Australia. (Professional action research group, note 33, file 1, February 02, 2004).

In this epilogue I now explain what I have learnt about the philosophy of hermeneutics and internet text interpretation and provide my revised rich text picture as a summary of my warranted conclusions. These warranted assertions are represented in Appendix 5.0. Benhabib (1990, p. 1) asks the following question relating to the role of institutions such as local government in improving internet interpretation of text documents.

*"What norms or institutions would the members of an ideal or real communication agree to as representing their common interests after engaging in a special kind of argumentation or conversation". (Source: Benhabib, 1990, p.1)*

### **Explaining what I must demonstrate about internet interpretation**

The first step that an individual must undertake to improve interpretation of internet documents relating to a local government's information system is the requirement of understanding the organisation culture. A critical ethnographer can only do this as part of the tribe. This ethnographer must be prepared to observe and describe by way of a confessional metaphor what is happening to this particular local authority. The

internet documents listed in Appendix 2.0 form the basis for describing the organisation change process that are occurring in this local government organisation supplemented as appropriate by personal observations or personal opinions. In order to limit the scope of the study I have chosen internet text documents that meet the requirements of research processes that are valid, reliable, ethical and relevant to the research topic. The validity of my internet text interpretation is achieved by validating my interpretation against various thinkers. I now explain my approach to interpretation and understanding of internet text.

#### **A conversation with Gadamer (1975) to explain how understanding functions in practice**

**Hi Gadamer.**

Further to the meeting of doctoral scholars yesterday, I have taken on board the comments about my thesis title and the need to define some additional terms. These comments are included in the epilogue of my thesis. Being a man of my word I will work towards finalising the thesis this weekend. Your trip to Rome is the constraint that I am working to. As Plato said yesterday I have to draw the line in the sand somewhere and soon. I look forward to your comments.

**Edward**

As for your Rich Model Methodology, you will note that I have tried to follow your model and the evolution of my rich text pictures is included as appendices to the thesis. My rich text will be based on the list of 21 items outlined towards the end of the thesis under the heading "A description of my evolving rich text picture". This is what I have learnt from the process. This is my personal understanding of internet text interpretation. This is what Gadamer (1975) is about.

**Edward using Gadamer's (1975) philosophy of understanding comments on your work.**

(1). A rich picture could be a rich picture. It could also be a list of rich words which is where I am now in the thesis.

(2). Your model does not address the issue of validity, reliability and credibility to deal with disconfirming evidence. Conversations with other thinkers help to achieve triangulation in research.

(3). There is now a need to publish or perish and hint at the second book. The phantom has a place in your research if you are alluding to a postmodern hero. Is this correct?

(4). Together we are building on Heidegger (1985) to understand Gadamer (1975). On Gadamer (1975) to understand Habermas (1985). On Habermas (1985) to

understand Forester (1980). On Forester (1980) to understand Potteigge and Purinton (1998). And so on.

Regards, Edward

**Edward using Gadamer's (1975) philosophy of understanding explains the idea of a hermeneutic process at work in reality.**

I now aim to explain how the hermeneutic process can be used as an aid to interpreting internet text documentation. This interpretation of the internet text is merely my first interpretation of the internet text document, using Gadamer's (1975) hermeneutic circle whilst always being receptive to the possibility of disconfirming evidence, as alluded to by Heidegger (1985). Disconfirming evidence for example can occur by looking at material that exists outside the hermeneutic cycle and this is where Heidegger (1985) makes a contribution to interpretation of text documents.

**Gadamer (1975) explains his understanding based on the feedback provided**

These are brilliant comments Edward. I am now going to change the model slightly to address your concerns.

**Gadamer (1975) explains further**

Edward you will need to come into my office and I will work on your thesis while you are there on my computer. You will need to get Plato or someone else to proof read the document as that does not come under a supervisor's duties, or the examiner's.

**Edward responds searching for a better understanding of what Gadamer (1975) is alluding to?**

A rich text model is fine. Thanks for opening my eyes to this possibility.

**Gadamer**

I would think that Gadamer (1975) is about understanding texts in a deep way to improve the human condition. Personal understanding is fine but it must be communicated in culturally sensitive ways to achieve some sort of learning or accommodation or even consensus. These are all excellent points. I will change my model to address the issue of the goodness of the research. I like using Heidegger as a base for reading Taylor, Rorty, Baudrillard, Derrida, and Cupitt.

Warm regards,

Gadamer.

### **Edward responds looking for meaning in interpretation**

In the previous text it is possible to begin to understand the meaning of text better once we start bouncing a text off a major thinker such as Gadamer (1975). There is some scope for reflection and duplication of text because this establishes time, historical context and the concept of being as we experience the actual reading of the internet text. Heidegger, for example had extreme difficulty in answering the question of being. (Bowie, 2003, p. 223). This demonstrates the use of contradictory evidence in action.

To explain further I also draw on Rawls' (1971) legal jurisprudence as a tool for identifying disconfirming evidence. For example Rawls (1971), referring to a list of basic goods, seems to provide some disconfirming evidence about the usefulness of practical reason and the merit of Habermas' (1985) practical discourse. The former is based on logic, the latter suggests that there exists an ideal discourse of communication for a local government community. Rawls (1971) argues in his philosophy of jurisprudence that rational beings will ask for whatever they want. This test of the seven goods attempts to identify what beings want in this world by relating wants to the concept of material things. Rawls then suggests that these wants are universal. However the test of universality, is not dependent on whether humans need these wants, but more importantly are contingent on other underlying principles. These principles are in fact the moral principles that every local government community should use as the foundation for providing the framework for guiding the distribution of goods.

Third, I explain by way of historical record how I changed my understanding of at least one internet text included in Appendix 2.0, by reflecting on my own reflective practices and amending my initial text interpretation of the text document by drawing on my new employment experience with another local government organisation.

### **Reflections on Gadamer's earlier conversations**

Thanks Gadamer (1975). You provide some interesting points. One of Gadamer's (1975) philosophies is that understanding must be personal to an individual. This is the first pre-requisite so to speak. Once I, the individual, understands (explanation becomes simpler / easier, then I look to the culture. In this case organisation culture. Here the culture is the organisation. This inside culture is the local government organisation that employs me. That is why I use Foresters' (1980) work because this researcher has done some research about local government miscommunication and power. I also refer to an internet document discussing the restructuring process within the City. This is included as Appendix 2.0. Third, when I understand internet text, I locate the text within the culture of local government. Then once we move beyond what is an initial rational planning process, the process of local government decision making and policy becomes irrational and deception in the form of words are used to deceive decision makers such as Councillors and stakeholders. Academia is no different I suspect. A lot of hidden wheeling and dealing goes on. A case in point was

discussed yesterday. The law has something to say about deception and deliberate miscommunication bordering on misrepresentation and falsehood. To clarify interpretation and miscommunication on the internet, I and others abiding by the principal of minimising harm to others hold conversations for the purposes of discovering latent power structures and critical structuration. This is the sort of thing Dobson (2003) is about. Meaning that understanding rises to a meta - physical level of wholeness. Also to enhance interpretation many other heuristic tools are used to clarify interpretation, such as poetry, art, words, images, synecdoche, and legal cases. If you read my work you will see the link between hermeneutics, synecdoche, metaphor, irony, etc. All this helps to clarify organisational narrative. This insight is something that evolves from Potteiger and Purinton's (1998) work on landscape narratives. In a heuristic context this is what validity is about. Validity is in effect rich text evidence for the court's consideration, and in fact heavy reliance is placed by courts on listening to and considering alternative voices.

Beware of the Pre-Socratic dialogue. It started a movement, albeit at the sacrifice of Socrates. This philosopher was condemned to death for corrupting the mind of the youth. But we are thinkers. Regards, Edward

(Professional action research group, note 34, file 1, February, 2004)

Gadamer (1975) responds

These are brilliant comments Edward. I am now going to change the model slightly to address your concerns.

The action of reflection explained

From the above example it should be apparent to the reader that internet narrative provides a sound basis for improving understanding. I validate this interpretation by

*"Using the narrative of the individual case as a basis, the interviewee can feel her way forward in two directions: on the one side, to norms and duties; on the other, to typical situations of application, for the two still form an internal connection. This context of morality is disrupted by the post conventional shift in focus to a reflectively devalued social world that has been stripped of its naturalness. Interviewees who operate at the level of principled moral judgement have to analyze a dilemma like this from two different points of view: First, in role of the legislator who examines impartially what mode of action, viewed as a general practice, deserves acceptance; second, in the role of the judge who must impartially apply valid principles and rules to a concrete case. In the requirement that the judgement be impartial, practical reason gets a hearing both times, but the moral point of view comes into play differently in each of the two functions - as, moreover, does solidarity. Solidarity with what is uniquely particular to the individual case is demanded of the judge, who must first find the criteria by which like things can be treated in like manner, and it is demanded of her to a higher degree than it is of the legislators, whomay not ignore the 'no' of suppressed needs". (Habermas, 1990, p. 5)*

I have thus far attempted to explain and summarise my new found understanding as a reflective practitioner about how to protect local government information on the internet and its officers. I have done this using examples from Heideggers' (1971) concept of art, language and poetry albeit heuristically to explain my revised understanding of internet text.

#### **Gadamer (1975) responds**

Wonderful and brilliantly exciting stuff - can I send this out to our small group to see who can proof read and you can return the favour?

#### **Edward says yes to Gadamer (1975)**

#### **Gadamer (1975) finally says these philosophical words albeit metaphorically**

"I advise my doctoral candidates to say their thesis title out loud to different people at least three times daily (note that you can change it from day to day). When you can say the same thesis title properly for at least one week you will probably be progressing rapidly. You should be well advanced on your doctoral candidacy proposal. When you can say consistently the same title and a three-sentence summary for at least three months, it should not be long before you can submit your thesis. Do not be too much of a perfectionist about submitting your thesis for examination."

"... with inspiration from Socrates "Gnothi se auton." know thyself"

Warm regards, Gadamer (Williams, 2004, p. viii & p. 5)

#### **The application of synecdoche in practice**

The analysis of internet text cited in next text box is a short example of conversation text that an officer writes in a report for consideration of Council. I now explain my new-found understanding of this internet text. The purpose of analysing internet text is ultimately to engage in conversations that lead to agreement about a decision(s). Thus the aim of dialogue is to use rational argument to reach agreement about an issue(s) or a point of view. Whilst there may be disagreement by Council and the community on an issue(s) or a point of view initially the object of engaging with internet text conversation is to achieve a series of monologues. Thus the purpose of the text conversation is to achieve an understanding about what is said in written form.

*"The City's policy relating to Councillors' fees, expenses, allowances and equipment (Pol-C-029) was amended on 20 March 2002. The purpose of this report is to amend the City's policy in order to make provision for new standards and specifications for community equipment and to clarify and amend the policy relating to electronic equipment in order to accommodate and keep abreast of technological developments".*

(Source: Council minutes: <http://intranet/council/minutes/2003/June/25June2003/bt-3.doc>)

The text box explains in words the process by which a Council follows a series of affirmations based on the writings of a planning officer's report to Council. For example, the report is written in a way that persuades Council to follow a certain line of thinking. An example is quoted by Waltzer (1990, p.183) in the next text box.

*"Certainly. Of course. Inevitably. Yes, that is bound to be so. It must. Well, that is certainly a fact. Yes. No. Tell me. I entirely agree."* (Source: Waltzer, 1990, p. 183)

For the purposes of validating my revised interpretation of internet text I again draw on the great thinkers. Especially Habermas (1985), and Forster (1980) to complement Gadamer's (1975) and Dobson's (2003) work on critical theory as communication tools for better information management for this local government organisation. This provides the driving force for liberating employees from the threat of litigation and information warfare. For example, another thinker, Williams (2004), is also used to explain the hermeneutic process of interpreting internet text documents.

**Gadamer (1975) explains what he understands from engaging in conversations**

I now outline the methodology with minor but important changes resulting from last night's colloquium. Thanks to all - especially Foucault (1982), Andre (2000), Derrida (1992), and Cupitt (2002). Note that I have addressed the issues of:

1. the goodness of the research
2. including all language forms
3. a rich model can be text only (although I would like to see a few arrows somewhere to at least give a hint of a two - dimensionality to the model. If you can include a picture or two as this adds to the appeal and thus the goodness).

Warm regards,

Gadamer

**Edward summarises**

To summarise the process of hermeneutic text interpretation it is apparent that Gadamer's (1975) concept of understanding text requires that internet text and technology must first be understood individually. Later the understanding must be located contextually within the organisation culture, before I begin the process of interpretation and validating text documents and particular words.

Therefore, for Gadamer (1975) the hermeneutic cycle is a platform for situating text based on a process of practical reason, and an understanding of both the



organisational culture and political context in which decisions are made. However, organisation decision making and information management should always be founded on a shared understanding that furthers community good, and ethical behaviour whilst recognising the concept of rights of computers as systems, including language in all its heuristic forms.

#### Text box internet defamation issue

*Two judge says: " In summary, then, I find that the words spoken by the defendant at the Council briefing session on 6 July 1999 were defamatory of the plaintiff. The words amounted to a slander actionable per se. However, the plaintiff's claim will be dismissed, principally because the words complained of were spoken on a privileged occasion as defined by paragraph 7 of the defendant's statement of defence. I will hear from the parties as to whether any further orders or directions are required".*

*Cohen v McEvoy [2001] WASC 347 p.17.*

My personal reflection about this legal issue is now explained. Socrates developed a dialogue with beings that eventually shattered their understandings on a particular issue pertaining to justice, rights or say a Rule-of-law. Consider for example the debates that occur in Council Chambers relating to the use of Council computer equipment or where the jury is searching for the truth. Somewhere, along the process of conversation both the Council and the jury must make a decision. This process leads to the Council and the courts enforcing the decision respectively.

In either case the deliberation of the jury and the Council, results in a vote that has the support of the majority. The decision of the majority is enforced. In a similar vein the decision of the majority of judges in a court are enforced, and dissenting judgements are recorded. Nonetheless, the opponents having an opposing view are unlikely to concede that the majority decision, is the correct decision, but merely accept that for the present the majority decision is the correct decision of the court, the Council and the jury. Therefore, the decision is worthy of enforcement.

The jury in a defamation case has no vested interest in the ultimate outcome of the defamation issue and arguably the decision making processes is closer to philosophical argument. In contrast a Council decision is likely to be tainted with bias because generally there are vested interests at stake.

In regard to a defamation issue the jury will argue until a verdict is reached. The aim is to search for the truth and enforce the verdict as if it were true. Here truth has a different meaning to philosophy because truth is decided by previous conventions in that the conclusion is reached by virtue of past agreements, legal precedents, case law and the Rule-of-law. Therefore, it is the Rule-of-law that makes the decision authoritative. In this sense the verdict is not necessarily truthful, but nonetheless adds weight to the verdict because a decision made by a jury has institutional authority.

We are aware from past historical experience that juries are prone to mistakes, and mistakes are in time uncovered and decisions quashed in the name of justice, although jury decisions are unanimous on the face of it.

In a similar vein we know that great thinkers such as Habermas (1985), Gadamer (1975) and expert planners have the capacity to persuade decision-makers or those they engage in conversation with. The point is that the power of persuasion whilst leading to consensus agreement, is also likely to be wrong because the words used to reach agreement are deliberately misleading, deceptive or bordering on falsehood. Often other planners reveal the deceptive conduct, just as other later thinkers with a better understanding of communicative ethics find a compelling duty to point out these elements of deceptive conduct. (Lockhart, 1998, p.150).

Thus disconfirming evidence may well arrive late because decisions are made on the basis of false understandings. Hermeneutics and its philosophy of understanding provide the tools for arriving at a better concept of understanding and therefore have the potential to minimise internet deception, misrepresentation, deliberate falsehood and miscommunication, including breach of confidential information on the internet.

On reflecting on these legal issues it becomes apparent that an ultimate conversation with internet text (the actors) is founded on a political understanding of dialogue. A narrative passage seems to explain this different notion of understanding. Thus Warnke (1987, p. 101) quoting Gadamer (1975) states:

*"Coming to an understanding in conversation presupposes that the partners are ready for it and that they try to allow the validity of what is alien and contrary to themselves. If this happens on a regular basis and each of the partners, while holding to his own ground simultaneously weighs the counter arguments, they can ultimately achieve a common language and a common judgement in an imperceptible and non-arbitrary transfer of viewpoints. We call this exchange of opinions".*

(Warnke, 1987, p.101)

*And even more forcefully: "What steps out in its truth is the logos, which is neither mine nor yours and which therefore so far supercedes the subjective opinions of the discussion partners that even the leader of the discussion always remain the ignorant one". (Warnke, 1989, p.101).*

Habermas (1985) claims that the usefulness of social theory, is in fact that this critical theory helps us as individuals to better understand social meanings by using the hermeneutic circle to interpret text. Thereby, allowing a critical ethnographer of a local government organisation to better explain the causes and effects of Council decisions or policy. As Habermas (1980, p. 20) writes:

*"A hermeneutics that is critically enlightened about itself which differentiates between insight and delusion incorporates meta-hermeneutic knowledge of the conditions of the possibility of systematically distorted communication. It connects understanding to the principle of rational discourse according to which truth would be guaranteed only by that consensus which was achieved under the idealized conditions of unlimited communication, free from domination and which could be maintained over time". (Habermas, 1980, p. 205)*

Finally, and as part of my warranted insight I have demonstrated that understanding of an internet document comes from a process of constantly allowing ones interpretation to be amended to accommodate different points of view. This warranted insight is demonstrated by the dialogue I had with Gadamer's (1975) concept of understanding. The process by which his understanding has changed to accommodate my comments and also how I changed my own understanding of internet text is evidence of hermeneutics text interpretation in action.

This simple exchange of viewpoints and narrative conversations with Gadamer (1975) provides support of how well the hermeneutic circle of interpretation actually works in practice. I quote from Warnke (1990, pp. 210-211) merely for the purposes of validating and explaining the concept of shared meanings and its relevance to a local government organisation.

*"What makes one interpretation of meaning better than another? In regard to issues of textual interpretation, hermeneuticists have stressed context. Understanding, they contend, moves within the circle a part and whole. One has to see how one's interpretation of one section allows one to make sense of another and how both support one's interpretation of the whole. At the same time, one has to see how one's own interpretation of the whole lends credence to one's view of the various sections. Conversely, if the meaning one attaches to a part contradicts the meaning one has elicited from the combination of other sections of the text, one has to revise one's understanding of either the part or the whole. Which way one moves and how often revisions are required are a matter of accommodating both so that a unified textual meaning can emerge".*  
(Warnke, 1990, p. 211)

From this important paragraph my simple rich picture for interpreting internet text within a local government organisation is not the hermeneutic circle but the hermeneutic cone. Drawn as a Mobius strip in Appendix 5.0. In this rich picture the notion of the hermeneutic circle is modified. There is instead an emphasis on the hermeneutic cycle that is more in empathy with the concept of understandings.

Ochberg (2003, p.129) asserts "that by focusing on texts –TAT stories, interviews transcripts, and so on—we may lose the connection between how meaning is made in the artificial setting of research and how it is made-and matters-in real life." Whilst this is evidence of a limitation of interpreting internet text, I believe that Gadamer's (1975) philosophy of understanding provides significant opportunities for overcoming this type of limitation. To overcome these limitations this researcher has combined a number of hermeneutic methodologies as a basis for better understanding internet text documents and achieving triangulation in research.

#### **Limitations of the thesis**

In the final analysis this critical ethnographic case study has some limitations. First the case study does not clearly develop the research questions to the point where a common understanding of documents is achieved as a matter of fact. However, the usefulness of the documentary analysis of internet text documents lies in the fact that

hermeneutics and narrative theory provides the context for exploring gaps in our understanding of internet text documents. Finally, I have not carried out a detailed analysis of the motivating factors that influence or persuade the community to pursue litigation based on words posted on Council's website. But, in this concluding paragraph I let the written word speak to the reader and I ask the question, 'Is there a breach of confidentiality issue here based on this metaphorical narrative?'

Yes, Gadamer. See you then. Incidentally, has the City a checklist of criteria for selecting consultants. Looks like COP will be going to tender in January for the Pallas site. Our tender/ contract section is not as with it so speak on this issue.

"Edward

Hi Edward

Please find attached but don't ask where or from whom I got them. See you Friday.

Gadamer.

Following the above conversation, Edward erases the attachments to protect and maintain ethical integrity. (Professional action research group, note 35, file 1, December, 2004)

At the end of this journey, the Roman advised me that he now has a new job with a state government agency. Additionally, all other employees that resigned from this local government organisation are now gainfully employed, and I was the referee for two of the metaphoric characters. (Professional action research group, note 36, file 1, January, 2005). Finally, for the moment this critical researcher is employed by both another local government organisation and also as a part - time academic at a university. This is a self - reflective action researcher / practitioner in action. (Professional action research group, note 37, file 1, February, 2005).

**Some final reflections on the dreaming mind**

*"Can you hear me, my Lord?*

*DREAMER: And how! What time is it?*

*There is no time - so says the sphere.*

*DREAMER: Well, yeah. Not for you anyway.*

*Return me to my fellows, oh my Author. Grant that the Hexagon forgives me.*

*DREAMER: I can do that. And thanks, 've enjoyed being with you. I hate to say good-bye.*

*But surely you will always be with me? Is not my World a fragment of your mind?*

*(Rucker, 1986, p.202)*

My next challenge is to dream about how best to apply this newfound knowledge to complex matters and advance the cause for the party of humanity. Let's drink and think about this dreaming mind.

After the university advised that I had passed this thesis some words in the case study materials included in Appendix 2.0, Appendix 3.0, and Appendix 4.0 were deleted from the thesis in the interests of maintaining anonymity of the City Council the subject of this case study. A position of Director was re – advertised in a local newspaper and I have applied for this position, in accordance with the philosophy of reflecting on my dreaming mind.

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## APPENDICES

### Appendix 1.0

#### (1) Doctoral candidacy proposal for the EDITH COWAN UNIVERSITY DBA (IS) POWERPOINT HANDOUT

Edward Andre: 8 October 2003

##### Thesis title

Better information management and security for local government through offensive and defensive strategies based on organisational narratives and the hermeneutic cycle: An in-depth and reflective practitioner case study including information warfare, knowledge management, information space, and legal perspectives.

##### (2) Elements of the thesis title

- Better information management and security for local government
- Through offensive and defensive strategies based on organisational narratives and the hermeneutic cycle
- An in-depth and reflective practitioner case study
- Including information warfare, knowledge management, information space and legal perspectives

##### (3) Venn diagram

Offensive and defensive strategies based on organisational narratives and the hermeneutic cycle

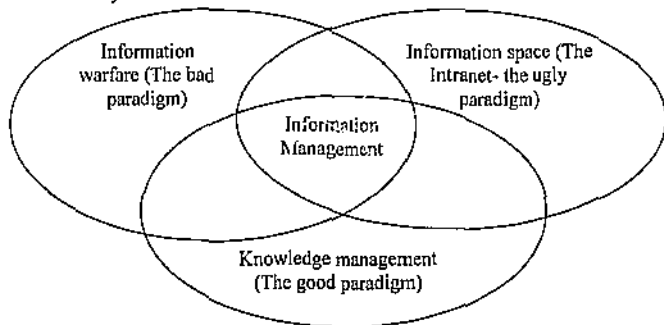


Figure 1: The intersection of the three areas of the Venn diagram results in the study of information



(4) Abstract- general

- Local government functions in increasingly competitive and stressful environments,
- Effective strategies required to succeed in an information economy
- Mismanagement of information on the intranet- potential breaches of the law- remedies
- Information management analysed from the perspective of information warfare, knowledge improvement
- Free flow of information from local government perspective- democracy v law v information management

(5) Abstract- theoretical foundation

- Checkland's soft system methodology
- Hermeneutic theory- interpreting text and documents
- Ethnographic case study of one local government organisation + one in depth interview?
- Organisational narratives- telling a story about raw data received via the "Rectangular box"
- Organisation narrated as a "system"- human interaction culture specific to an organisation

(6) Major outcome for local government

- Positive contribution to the discipline of information systems and information management
- Provides an exciting contribution theoretically and practically - win win
- Information management analysed from perspective of information warfare, knowledge management and information perspectives- new paradigm
- Legal analysis of law- gaps in the law- possible new law to govern cyberspace

(7) Key words and definitions

- Information management - knowledge imparted and managed
- Organisational narratives- structured story telling
- Hermeneutics- raw data, text analysis
- Systems theory
- Rule of Law- Dicey
- Information space- the intranet
- Information warfare- Breach of the Rule of Law
- Knowledge management- interpret and reinterpret information until it becomes knowledge
- Ethnography-
- Conflict theory-
- Local government- A corporate organisation. Can sue and be sued.

(8) Research idea

- Information management -- possible theoretical vacuum

- Possible legal vacuum-Individual's privacy-security breach(s) about data stored on intranet
- Gaps in the law- organisational narratives informs this analysis from a systems perspective

#### (9)Research questions

- Can the theory of the hermeneutic cycle and organisational narratives provide a model and framework for better managing information that is stored on a local government's intranet systems?
- How can defensive and offensive strategies best occur in the context of local government?
- What insights can be gained about the case study by using both hermeneutic and reflective practitioner methodologies?
- What insights can be gained about the case study by using a combination of information warfare? Knowledge management, information space, and legal perspectives?

#### (10)Research methodology

- I use both hermeneutic and reflective practitioner research methodologies
- Hermeneutic research provides:
  - in - depth data analysis
  - of myriad documents which will be collected during an intensive four week period
  - ethnographic accounts of intranet practices within local government
  - both post modern and heuristic styles that expose doubt about my own and others' professional practices relating to information stored on local government intranet systems
  - My personal account as to how intranet information is used within organisation structures, supported by elements of an action based approach to analysis of my organisation's information systems.

#### (11)Writing style

- First person
- Factual voice
- Third person
- Legal voice

#### (12)Emerging-embryonic (developing) research questions

- To what extent can information space and the newly emerging information warfare paradigm be used to develop management tools for improving organisational knowledge?
- What progress can I make towards a unifying theory that explains the intersection of information space, knowledge management, information warfare, and legal

perspectives that gives strategies for improving organisational efficiency, effectiveness and empowerment?

- What are the legal implications for an organisation of breaching private and confidential information in cyberspace online on the intranet?

(13)Significance of the study and systems thinking

- Local government organisation functions as a system
- Human beings and technology function as a system, albeit within a conflict paradigm
- Conflict- tension between emancipatory potential of automating work and the dehumanisation that can result ie-organisational sustainability?
- Checkland's account of soft systems thinking is that all systems should be regarded as perceptions, and so subjective.
- Rule of law, hermeneutics, and organisational narratives. How do these ideas function as system that promotes better management of information from a systems perspective?

(14)The hermeneutic cycle

- Schleiermacher- The whole must be understood in terms of its individual parts, individual parts in terms of the whole- Concept of interdependency and conflict.
- Hermeneutics brings together various discourses as those strands in a possible conversation

(15)Organisational narratives a working definition

- Information is in fact a narrative because it records or provides a written account of a series of events that occurs over a period of time via the intranet
- Metaphors
- Storytelling
- Insights about information management for local government

(16)Hermeneutics and the Rule of Law

- Dicey's concept

(17)Research methodology- expanding the boundary of information systems research

- Using the interpretive approach
- New and emerging research tools –organisation narratives and hermeneutics + ethnographic
- Applied research theory

(18)Heuristic and narrative vignettes-examples of my research style

- Method and approach
- Use a direct quote from the rectangular box - an hypothetical example of an organisational narrative
- The City's information voice

- Factual explanatory voice
- The researcher's voice
- The legal voice. Consider issue, identify the rule, apply the rule, and conclude. Breach of the law-yes or no?
- If yes apply the law. ie breach of confidential information, or is there an internet defamation issue?
- If no breach- consider international law and international agreements- conflict of law
- Are there gaps in cyberspace law? If yes create a new law? ie internet security issue, internet deception
- Repeat as required until an insight emerges. Is there need for a new law?

(19)The choice of research methodology

- Narrative & hermeneutic approaches are firmly embedded in the interpretive tradition
- Can be used to guide organisation information management
- Can be used to guide organisation offensive and defensive strategies for local government

(20)Narrative methodology in detail-5 elements

- SEQUENTIALITY
- ORDERING OF EVENTS AND PLOTS
- VOICE
- INTENTIONALITY AND AGENCY- City of Rome
- ORGANISATION GOALS, ACTIONS AND PERCEIVED INTENTIONS
- MANAGING AND UNDERSTANDING THE SEQUENCE OF EVENTS

(21)Legal perspectives considered because dealing with representational cyberspace

- Internet security
- Internet deception
- Private information
- Confidential information
- Defamation on the internet/intranet

(22)Legal perspectives excluded because not dealing with a representational cyberspace

- Internet fraud
- Hacking
- Computer abuse

(23)What is information?

- Information as a thing
- Information as evidence
- Types of information (Data, text & documents, objects, what is a document? Events)

- When is information not information? Info is situational, consensual, cultural to organisation
- Copies of information and representations- copies type & token, interpretations and summaries of voice
- Information, information systems and information science.

#### (24) Conclusions

- Information is knowledge imparted or is it information as thing?
- The latter is suited to information systems but
- Information as a representation is well suited not only to information systems, but also to the proposition that the intranet is in effect a representational environment and therefore well suited to the study of cyberspace law.
- Is the new paradigm practical?

#### Questions???

Revised Doctoral candidacy proposal for the EDITH COWAN UNIVERSITY DBA (IS) based on Professor "A" comments dated 17 October 2003 and Dr "B" comments dated 15 October 2003. These reviewers comments have been studied and this revised candidacy proposal summarises the extent to which the comments have been accommodated in the revised DBA proposal. This revised proposal also incorporate comments provided to the author by Dr "C" and Dr "D" on 31 October, 2003. The proposal is now resubmitted on 3 November, 2003 together with the ethics declaration form, which no longer requires ethics clearance because the study now has a focus on public internet documents including secondary materials such as legal cases. Final revision on 7 November, 2003.

## **APPENDIX 2.0 CASE STUDY OF THE CITY'S RESTRUCTURING PROCESS. (Source: City Council Minutes)**

### **7.1 APPOINTMENT OF MANAGERS (NO WARD) (CEO)**

#### **KEY ISSUES AND RECOMMENDATION**

- Report to advise Council of the results of the recruitment process for Group Manager positions.
- Process has resulted in five appointments subject to finalisation of contractual arrangements.
- Chief Executive Officer seeks Council endorsement of process and actions to date.

Recommended that Council endorse the actions of the Chief Executive Officer by the appointment of the five Manager positions cited in the report and appropriate Contracts of Employment as developed by the Local Government Managers Australia and the Australian Local Government Association be entered into between Council and the appointees.

#### **BACKGROUND**

The adoption by Council of the current and refined organisational structure in June 2002 included the endorsement of a number of Manager positions. Council resolved that the positions be competitively advertised with the objective that the positions be finalised by March 2003.

#### **REPORT**

As resolved by Council and advised verbally and by previous memoranda, structured interviews were conducted in February to early March 2003. The interview panel comprised the Chief Executive Officer, relevant Executive Manager and one person external to the organisation. All appointments were unanimous and subject to contractual negotiations between the Chief Executive Officer and the successful candidates.

Appointments have now been made to the following positions:

**APPENDIX 3.0: CASE STUDY MATERIALE OF THE COUNCILLORS  
COMPUTER EQUIPMENT AND THE CITY COUNCIL CORRIDOR (Source: City  
Council Minutes)**

<http://intranet/council/minutes/2003/june/23June2003/b1-3.doc>

**1.3 Proposed Amendment of City Policy - Councillors' fees, expenses, allowances and  
equipment  
(M3320) (ALL WARDS) (IS)**

**KEY ISSUES AND RECOMMENDATION**

- Amongst other things this City Policy makes provision for the supply of electronic equipment to Councillors.
  - It is proposed to amend the policy to define the standards and specifications which will apply to computer equipment supplied to Councillors.
  - It is further proposed to incorporate ADSL internet access into the policy.
- It is recommended that the policy as amended be adopted.

**BACKGROUND**

The City's policy relating to Councillors' fees, expenses, allowances and equipment (Pol-C-029) was last amended on 20 March 2002.

The purpose of this report is to amend the City's policy in order to make provision for new standards and specifications for computer equipment and to clarify and amend the policy relating to electronic equipment in order to accommodate and keep abreast of technological developments.

The current policy provides amongst other things that all Councillors on election to the Council are entitled to receive:

- A) "2.1.2 A facsimile/telephone answering machine;"

This Clause has been amended to allow for the provision of a facsimile/telephone answering machine/scanner/photocopier to Councilor's if requested

- B) "2.1.4 A desktop computer of the standard and specification set out in the Schedule hereto;"

It is believed to be appropriate that the policy should more specifically define the period of time to which the computer equipment standards and specifications would apply.

- C) "2.3.2 Subject to the electronic equipment provided under this policy being at least two years old, retiring Councillors have, on expiry of office, the option to purchase the equipment supplied at its depreciated value"

It is proposed to specify the depreciation on a per year basis and if the equipment is more than two years old apply a discount for obsolescence and handling.

## **REPORT**

### **A) Definition of the period of validity of electronic equipment**

The policy has been amended to define a period of four (4) years being valid for a specific computing equipment specification to coincide with the base term for a Councillor.

### **B) Retention of electronic equipment after the end of a Councillor's term of office**

The policy has further been amended to define the depreciation rate on a per year basis (50% first year, 30% second year and 20% third year) and to apply a 50% discount (applicable only after the equipment is more than two years old) for obsolescence and handling to more accurately reflect the depreciation rate of electronic equipment. This discount is appropriate, as it would otherwise be expensive to recover and then dispose of the equipment. City Council staff would have to spend a few hours to transfer data from the PC and relocate it to City Council's Administration Building, where a new use for the PC would have to be found or it would be disposed of.

### **C) Other Expenses**

The current policy did allow only for dial-up internet access up to a maximum amount of \$250 pa to be reimbursed. It is proposed to lift the maximum amount to \$400 pa to align with the pricing available via the private sector.

In addition, several internet service providers offer a superior (faster) internet access, i.e. ADSL (Analogue Digital Subscriber Line). The policy has been amended to incorporate such internet access. The installation and ADSL modem cost of ADSL access will be reimbursed, as well as a maximum of an annual fee up to \$600 pa or 50% of the actual annual cost incurred (whichever is the lesser amount). However, the ADSL service might not yet be available at the Councillor's location and consequently the part of the policy relating to ADSL internet access policy won't become effective.

### **D) Amendments to the minimum hardware specification**

It is also timely to update the standard specification as outlined in the Appendix to the policy.

### **E) Other amendments**

The reference to Clause 1.2 in paragraph 3.5.1 has been updated to read Clause 1 in order to reflect the intended meaning.

The new policy will become effective from 1 May 2003 to coincide with the Council's election schedule.

Some grammatical improvements to the policy have also been introduced.

## **ATTACHMENTS**

Nil



## **APPENDICES**

Proposed amended policy - Councillors' fees, expenses, allowances and equipment (Pol-C-029).

## **STRATEGIC IMPLICATIONS**

The proposed amendment is consistent with the objectives of the Local Government Act, the City's Strategic Plan and overall corporate objectives.

## **STATUTORY ENVIRONMENT**

The proposed changes are in accordance with the Local Government Act 1995 and Local Government (Administration) Regulations 1996.

## **FINANCIAL IMPLICATIONS**

The proposed new standards and specifications can be accommodated within current City budget allocations.

## **RECOMMENDATION**

That the Council resolve to:

- (1) Adopt the revised and amended City Policy relating to Councillors' fees, expenses, allowances and equipment as appended (Pol-C-029).

**MOTION** that the Council resolve to:

- (1) Adopt the revised and amended City Policy relating to Councillors' fees, expenses, allowances and equipment as appended (Pol-C-029), subject to the following:

1. Amending clause 3.4.4. to read:

"Where a Councillor does not use the provision of dial-up internet access facilities, the installation, modem cost and an annual fee of up to \$840 per annum in access fees in respect of an ADSL connection".

2. Amending the Schedule to read:

"Software - Microsoft Office XP".

- (2) Record that the reason for changing the staff recommendation is to amend the policy to incorporate the actual cost of installation and modem costs for ADSL connection which is similar to current internet access practice and policy. Annual costs for ADSL access based on capacity of 4000 megabytes per month is considered fair and reasonable. Provision of ADSL will reduce the need for a second telephone line and minimise telephone access costs to the internet. Provision of Microsoft Office XP will allow more compatibility with other

users as MS XP is now the latest software version. Senior staff should also have access to ADSL from their residences for work purposes.

#### **FOOTNOTE**

Council approve the CEO, Executive Managers and Manager Information Services to have ADSL access from their private residences to the internet consistent with the provisions of clause 3.4.4 of Pol-C-029.

### **CITY COUNCIL CASE STUDY**

#### **3.6 Final Adoption - Town Centre (Stage 1)**

#### **KEY ISSUES AND RECOMMENDATION**

- The Town Centre (Stage 1) Development Plan (the Plan) was adopted at Council's March 12, 2003 meeting for the purpose of advertising.
- The Plan was advertised for a period of 28 days and a total of 9 submissions were received, all from State Government agencies.
- Through the advertising process a number of issues have been identified which are addressed in the body of the report.
- The Development Plan forms the next layer of planning for the Town Centre and will enable lodgement and assessment of subdivision and development applications for retail and commercial development in the first stage of the Town Centre.
- The Plan shows an indicative development concept for the entire town centre, but approval is only being sought for the first stage, comprising a "town centre core", adjoining retail precinct to accommodate the first stage retail development, and the adjoining residential/mixed use precinct to the south.
- The first stage of the Development Plan has been negotiated over a period of several months and is aimed at achieving a structure for the town centre that encourages a vibrant and well-designed mixed use centre, with activity focused on a main street and quality pedestrian spaces. This plan has also considered the developer's needs for the viable development of the first stage of retail development.

It is recommended that Council approve the Development Plan subject to modifications.

#### **AUTHORITY/DISCRETION**

Council has the discretion to approve or refuse the Development Plan or request modifications. Town Planning Scheme No. 9 sets out the required processes for the Council to approve or refuse the Development Plan, or request modifications or additions.

#### **BACKGROUND**

Council approved a Structure Plan for the development in 1992 and a revised Structure Plan in 1997. The Structure Plan establishes the general location of the town centre, the surrounding road network and connections to residential areas. The Structure Plan and

related planning documents, including Australian Planning Commission policy documents, emphasise the importance of the town centre as a regional centre serving the high order retail, commercial and community needs of the future population catchment of the developments.

A Town Planning Scheme amendment and overall Development Plan was adopted in 2001 to establish land use precincts in the town centre and provide for the further planning of the town centre, through the preparation of more detailed Development Plans. This current proposal now provides more detailed information on the internal road and pedestrian network, the arrangement of land uses and car parking areas, as well as design principles for buildings and public spaces.

The Development Plan was presented and explained to Councillors at a briefing session on 5 March 2003 and was adopted for advertising on March 12, 2003. Final adoption is now sought in order for the development to proceed.

#### **DETAILS OF THE PROPOSAL**

The Development Plan is intended to facilitate development of the first stage of the Town Centre, comprising:

- Main street from the Promenade to Parade;
- Town Square;
- Supermarket, tavern and speciality shops forming the first stage of retail development;
- Mixed use buildings on the main street and adjacent town square;
- "Town Hall" providing a central location for initial civic and community services (eg. library) and offices;

Mixed use/retirement housing/independent living units south of the core retail site adjacent to Parade.

The relevant plans are available for inspection through the Council administration prior to the meeting, and will be tabled at the Council meeting.

## **APPENDIX 4.0 INTERNET CASE STUDY MATERIALS SOME ALTERNATE PERSPECTIVES. (Source: City Council minutes).**

### **3. CONFIDENTIAL ITEMS**

#### **3.1 ORGANISATION STRUCTURE - REFINEMENT (NO WARD) (CEO)**

#### **KEY ISSUES AND RECOMMENDATION**

➤ Council endorsement is sought of proposed refinements to the existing organisational structure as endorsed by Council on 12 June 2002.

Recommended that Council endorse the proposed refinements to the existing organisational structure in respect of the Strategic Community Planning, Operations and Customer, Planning and Development Divisions as well as the minor refinements in respect of the responsibilities of the CEO and the Executive Manager of Corporate Support (Governance).

#### **BACKGROUND**

At its meeting on 12 June 2002 Council endorsed an organisation structure effective from 1 July 2002 which refined a number of existing Divisional responsibilities and created the two new Divisions of Strategic Community Planning Services and Customer, Planning and Development Services. The Council at the same meeting also resolved to (in part):

(a) Appoint "E" to the position of Executive Manager - Strategic Community Planning Division and "F" as Executive Manager - Customer, Planning and Development Services.

(b) Create several new positions entitled "Group Manager" to replace a number of existing management positions, effective from 1 January 2004.

#### **REPORT**

To date Mr "G" has been appointed Group Manager - Operations, and Mr "H" has been appointed Group Manager - Development Services. Due to the recent resignation of some engineering staff, Mr "I", Executive Manager Operational Services, in liaison with the CEO, has decided to combine the previous positions of Group Manager - Client Services and Group Manager - Operations into one position and refine other aspects of the Operational Services Division accordingly. This action is still in alignment with the Council's strategic direction and the focus of the previous organisational structure report endorsed by Council on 12 June 2002.

Furthermore, following Council's June 2002 resolution, Executive Managers "E" and "F" commenced examining in detail their respective Divisional structures, having regard to the organisational structure's focus on customer service and service delivery, community strategic planning, place-based planning and management, and other support services. In this regard, the main refinements proposed relate to the Strategic Community Planning Division and some structural refinements to the Operations Division.

The Executive Manager of Strategic Community Planning seeks to ensure there is specific focus on community planning and community development aspects of the portfolio, with the community service delivery functions of swimming pool administration, home and community services etc. being devolved to the Customer, Planning and Development Services Division.

At present the Strategic Community Planning Division consists of a number of areas dealing with functional roles within the community:

- Strategic Development - primarily deals with physical and economic planning and development activity
- Leisure Services - plans, develops and delivers leisure facilities and programmes
- Community Support Services - plans social infrastructure, delivers direct services to clients and is engaged in community development activity

Over the past 2-3 years, the organisation has been pursuing a more strategic and integrated approach to the planning and development of the community, whilst improving and refining the direct delivery of services and programmes in the community.

Management objectives within the Division over the past few years have been to:

- Develop the operational delivery of community and leisure services from a business perspective and to provide best value for customers/clients; and
- Develop new strategic planning approaches and integrate planning activity across functional lines.

A shift to the separation of the planning and service delivery functions is now warranted, where the delivery of direct programmes to the community would be moved into the Customer, Planning and Development Services Division.

Equally, the community planning approaches that have been adopted require integration across the planning and development functions to achieve the Quality of Life objectives as outlined in the City's Community Plan.

The structure within the Division needs to deal with the strategic planning and development needs of the community, based on the roles and processes identified in the City's Strategic Plan. The revised structure is intended to support and enhance organisational direction and processes to deliver better community outcomes.

The proposed structure also aligns with the key principles and roles identified in the Strategic Plan, as follows:

#### **PRINCIPLES**

- Placed-based management - requires integration of planning at one level and service delivery at another
- Best value approach - requires continuous review and improvement of processes and services
- Self-help - requires capacity building in the community
- Sustainable development - requires integration of social, environmental and economic issues

**6. GOVERNANCE**

**6.1 REVIEW OF COUNCIL MEETING ITEMS CURRENTLY CONTAINED IN THE CONFIDENTIAL ITEMS FILE – (All Wards) (CSU)**

**PURPOSE**

The purpose of this report is to review Council meeting items currently contained on the confidential items file.

**KEY ISSUES AND RECOMMENDATION**

From time to time items are considered by the Council on a confidential basis.

Such items are retained in a "confidential items file" until such time as the Council decides by resolution that they are no longer to be regarded as confidential.

It is considered appropriate to introduce a system whereby the confidential items file is reviewed on a periodic basis and items that are no longer confidential are made available for public scrutiny at the earliest opportunity.

Matters currently contained on the confidential items file are set out in the Appendix to this report.

It is recommended that:

1. Those items contained in the first schedule of the Appendix be considered no longer confidential and become part of the public record.
2. Authority be delegated to the Mayor and the Chief Executive Officer to regularly review items contained in the confidential items file with a view to their being made available for public scrutiny at the earliest opportunity.

**BACKGROUND**

The Local Government Act 1995 provides that a City Council meeting should be open to the public. However, meetings may be closed to members of the public if the meeting or part of the meeting deals with any of the following matters :

- (a) A matter affecting an employee or employer;
- (b) Personal affairs of any person;
- (c) A contract entered into, or which may be entered into by the local government which relates to a matter to be discussed at the meeting;
- (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.
- (e) A matter that if disclosed, would reveal:
  - (i) A trade secret;
  - (ii) Information that has a commercial value to a person; or

(iii) Information about the business, professional or commercial or financial affairs of the person;

where the trade secret or information is held by, or is about a person other than the local government if the matter if disclosed could be reasonably expected to:

(i) Impair the effectiveness of any lawful method or procedure for presenting, protecting, investigating or dealing with any contravention or possible contravention of the law;

(ii) Endanger the security of the local government's property; or

(iii) Prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and

(iv) Information which is the subject of a direction given under section 23 (1A) of the Parliamentary Commissioner Act 1971.

From time to time the City Council deals with reports and other items on a confidential basis at its meetings. Such matters are considered by the Council behind closed doors and relevant reports and like material are held in a confidential items file.

## **REPORT**

It is some time since reports and other material on the City's confidential items file has been reviewed. Matters currently categorized as "confidential" are contained in the schedules (1 and 2) to this report submitted as Appendix 5.1. The schedules detail the Council meeting at which the item was first raised, the item heading and a brief description of the content.

It is recommended that the reports and other items referred to in the first schedule of the Appendix be considered no longer confidential and therefore be made available for public scrutiny as part of the public record. It is recommended that the items referred to in the second schedule of the Appendix remain confidential.

It is considered appropriate that confidential reports be reviewed on a more regular basis from now onwards. To facilitate this objective it is recommended that the Council delegate to the Mayor and the Chief Executive Officer the responsibility to regularly review the confidential items file and to decide when items or reports are no longer confidential and should be made public. Section 5.16 and 5.17 of the Local Government Act empower the Council to delegate this responsibility. An absolute majority - eight affirmative votes - is required for this to be effective.

The Council would retain the power to consider the status of any particular report or other item upon application by an individual Councillor or member of the public.

## **ATTACHMENT**

Nil

## **APPENDIX**

- Schedule 1 - List of confidential items which it is recommended be no longer regarded as confidential and be made available as part of the public record.
- Schedule 2 - List of confidential reports and other material which it is recommended remain confidential.

## **STRATEGIC IMPLICATIONS**

The proposed approach is entirely consistent with the provisions of the Local Government Act 1995, the City's Strategic Plan and corporate objectives.

## **FINANCIAL IMPLICATIONS**

Nil

## **RECOMMENDATION**

That the Council resolve to:

Form the view that the reports and other items listed in schedule 1 of the Appendix to this report be no longer regarded as confidential and become part of the public record and accessible for public scrutiny.

Form the view that reports and other items contained in schedule 2 of the Appendix to this report continue to be regarded as confidential and remain in the confidential items file.

Delegate to the Mayor and the Chief Executive Officer in accordance with Sections 5.16 and 5.17 of the Local Government Act, the power and authority to review the confidential file on a regular and periodic basis and determine items that are no longer regarded as confidential and which may become part of the public record and available for public scrutiny.

**MOTION** that the Council resolve to:

(1) Transfer the following items from Schedule 2 of the Appendix to Schedule 1:

- Council meeting of 22.1.90 (both items)
- Council meeting of 27.10.93
- Council meeting of 27.3.96 - Item 16.1
- Council meeting of 4.4.01

(2) Form the view that the reports and other items listed in Schedule 1 of the Appendix to the report (as amended by item (1)) be no longer regarded as confidential and become part of the public record and accessible for public scrutiny.

(3) Form the view that the reports and other items contained in Schedule 2 of the Appendix to the report (as amended by item (1)) continue to be regarded as confidential and remain in the confidential items file.



(4) Review the confidential items file every twelve months or such lesser period as shall be determined by the Council.

(5) Record that the reasons for the proposed changes to the officer's recommendation are:

5.1 Regard has been given to staff advice following a further review of the items originally submitted as part of Schedule 2 of the Appendix.

5.2 Considerations of Council accountability and responsibilities and a need to review the confidential items file on a regular basis.

**RESOLVED UNANIMOUSLY TO:**

(1) Transfer the following items from Schedule 2 of the Appendix to Schedule 1:

- Council meeting of 22.1.90 (both items)
- Council meeting of 27.10.93
- Council meeting of 27.3.96 - Item 16.1
- Council meeting of 4.4.01

(2) Form the view that the reports and other items listed in Schedule 1 of the Appendix to the report (as amended by item (1)) be no longer regarded as confidential and become part of the public record and accessible for public scrutiny.

(3) Form the view that the reports and other items contained in Schedule 2 of the Appendix to the report (as amended by item (1)) continue to be regarded as confidential and remain in the confidential items file.

(4) Review the confidential items file every twelve months or such lesser period as shall be determined by the Council.

(5) Record that the reasons for the proposed changes to the officer's recommendation are:

5.1 Regard has been given to staff advice following a further review of the items originally submitted as part of Schedule 2 of the Appendix.

5.2 Considerations of Council accountability and responsibilities and a need to review the confidential items file on a regular basis.

**APPENDIX 5.0: EVOLUTION OF RICH TEXT PICTURES AND ALSO  
FIGURE 8.1. THIS IS A RICH MODEL THAT SUMMARISED THE CORE  
RESEARCH THEMES APPROXIMATELY TWO THIRDS OF THE WAY  
THROUGH THE RESEARCH PROCESS. (Source: City Council Minutes).**

**See next page.**

**Note: Refer to figure 7.1 for final rich picture.**

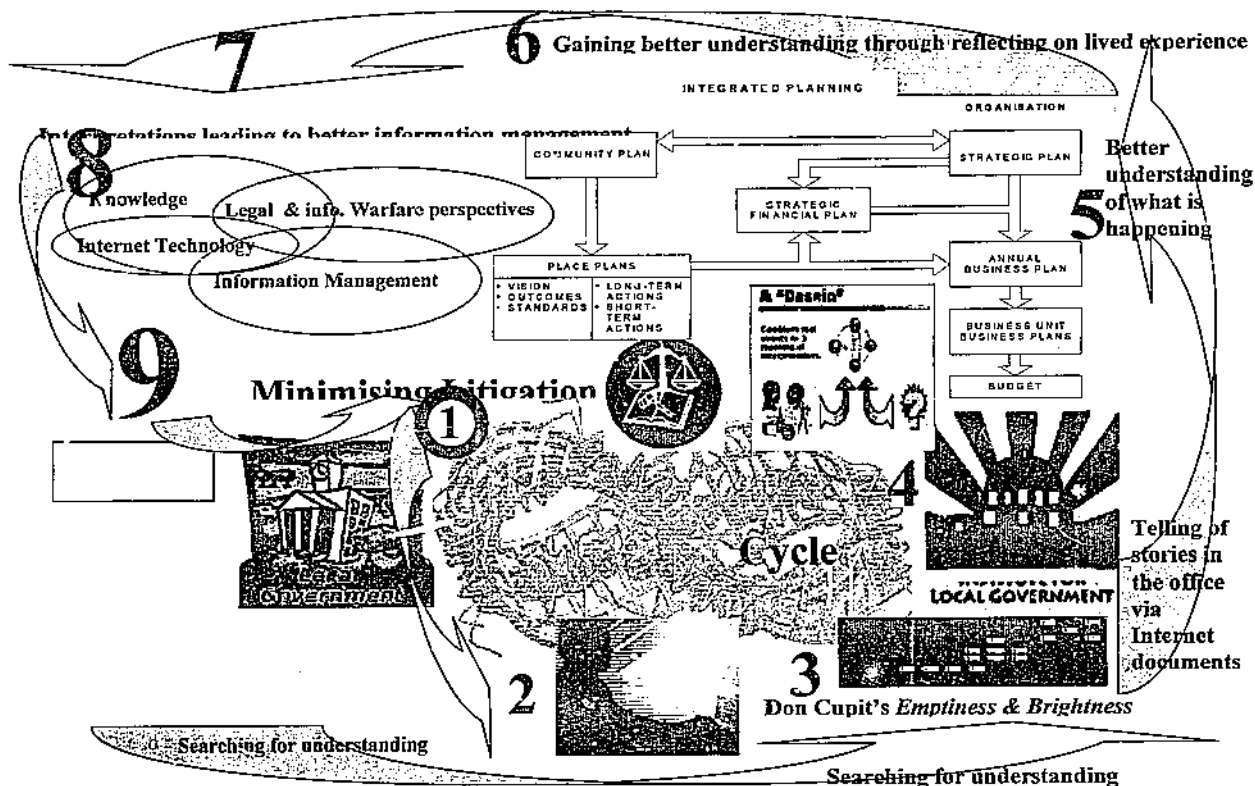


Figure Appendix 5.0. A rich model summarising core research themes. The hermeneutic cycle is represented as a process for improving understanding of Internet documents in a local government organisation. Reflection on professional practice and experience is represented as being informed by actors and thinkers relevant to the research.