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Delivering Digital Justice: Liminal Innovation & Permanence in Courts

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Full research paper

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Abstract

The digital transformation of public organizations reached a new level during the COVID-19 global pandemic. The delivery of public services leveraged on digital technologies to ensure the continuity of the service. Despite the advances in digital government, little is known about the opportunities and risks posed by such quick responses during the pandemic. In this paper we look at a case study from the public sector in Chilean Courts through a liminal lens. Furthermore, using primarily qualitative interviews (30) conducted over a year, we identify liminal spots, and analyse potential space for liminal innovation, as well as potential risk for those public organizations to stay in a liminal permanence. Our contribution is twofold. Fellow researchers can draw from our case study new theoretical perspectives on public organization, digitalization, and liminality. Practitioners can find characterizations of potential innovation opportunities or the risk of liminal permanence in their organizations.

Keywords digital government, liminality, innovation, digital transformation, justice, Chile

1   Introduction

Public service employees adapted their practices to cope with the challenges imposed by a pandemic that hit the world. As a result, the digital transformation of organizations reached a new level during the COVID-19 global pandemic (Orlikowski and Scott 2021). The COVID-19 crisis has taken governments by storm, placing immense pressure on public administrators as they struggled to adapt their practices to the new realities of telework. In this context, the delivery of public services leveraged on digital technologies to ensure the continuity of the service. Considering COVID-19 being a catalyst for innovation, little is known about the opportunities and risks that such quick responses can have in the mid and long term. This is particularly relevant for public organizations, such as the judiciary since solutions adopted in and because of an emergency context can be carried into the "new normal".

Our research leverages from liminal theory and innovation (Orlikowski and Scott 2021; Turner 1974) to explore how an external shock like the COVID-19 crisis affected the configuration of digitalized practices of public sector employees. These transitions over time, can lead to the reshaping of how public services are delivered. We focus on the potential liminal innovation opportunities, as well as risks for liminal permanence in the newly adopted digitalized practices. These digitalized practices are framed within a broader lens of digital transformation in the public sector, whereby technologies affect: organizational change, organizational culture, and the new ways society handles information and demands government services (Dunleavy and Al 2008).

In this paper, we look at a case study from the public sector in Chile using concepts and frameworks from liminality studies. In this regard, the pandemic responses in the Chilean Courts present key features of liminality, such as the suspended norms, uncertainty, ambiguity and lack of defined boundaries. Using qualitative interviews (30) conducted over a year, we identify liminal spots, and analyse potential space for liminal innovation, as well as potential risks that come from public organizations staying in a state of liminal permanence.

RQ: What characterizes opportunities for liminal innovation and potential risks that come from Courts of Justice staying in a state of liminal permanence, in the context of digital transformation of the public sector during the global pandemic?

Our contribution is twofold. Fellow researchers can draw from our case study and discussion new theoretical perspectives on public organization, digitalization and liminality. Practitioners can find characterizations of potential innovation opportunities or the risk of liminal permanence in their organizations. Furthermore, we theorize, in the form of propositions, four adaptive processes that allow public organizations to profit from liminal opportunities, while staying away from risks.

2   Foundations and Related Work

Researching these contemporary events has an interdisciplinary character, therefore requiring a combination of theoretical backgrounds. We draw from two relevant bodies of knowledge: 1) E-government literature to understand the most common approaches to study the impact of digital technologies on the public sector; and 2) Liminal theory needed to contextualize the ambiguity brought forth by the coronavirus crisis.

2.1   Digital Transformation and the Impact of Digital Technologies on Public Sector Practices

Digital transformation is a well-established concept in the private sector where it can be defined as "a process that aims to improve an entity by triggering significant changes to its properties through combinations of information, computing, communication, and connectivity technologies" (Vial 2019, p. 3). However, in the public sector literature, accounts for digital-related changes have been mostly analysed under several varied terms including: "e-government", "digital government" or "transformational government". The concepts themselves are interrelated and share a common perspective on: the examination on how the public sector uses ICTs to enhance service delivery, change organizational processes and culture, as well as its impact on value creation (Mergel et al. 2019).

Most of the e-government literature has been preoccupied not with the creation of new business models or the change in organizational culture but rather with the objectives of making service delivery more efficient, more democratic and accessible to citizens (Arundel et al. 2019; Dawes 2008; Meijer and Bekkers 2015; Yildiz 2007). This dominant strand of the literature focuses mainly on change of government objects, and that change is mostly directed at changing service delivery from offline to

online but is still not concerned with re-designing or re-evaluating the purpose, style and practice of service delivery itself. This dichotomous view contributes to the opaqueness of the transformative effect of e-government on public organizations, their environments and their interaction with other stakeholders both internally and externally.

To do that, we draw on two theoretical works that frame the research on the impact of digital technologies on the public sector. The first is Fountain's technology enactment framework (Fountain 2001), which applies an institutional perspective to study the impact of technologies on organizations. Her major contribution lies in the differentiation between objective and enacted technologies. Objective technology incorporates innovations such as the Internet, whereas enacted technology entails the use, design and perception of those technologies by individuals within the organization. From Fountain (2001), we derive that the role of technology therefore differs and is dependent on the organization and what individuals within the organization make out of it. The second is "Digital Era Governance" (Dunleavy 2005; Dunleavy and Al 2008), which argues that technology per se does not change organizations, rather the way organizations work and their use of technologies changes work practices.

2.2   Liminality, Hotspots, Innovation and Permanence

There is no "right" theory for times of uncertainty and ambiguity we are facing. We take the counsel from recent work by Orlikowski and Scott (2021), suggesting researchers and practitioners move away from "disaster mode" during the COVID-19 pandemic, and look for inspiration in liminal literature, organization learning and adaptive processes resulting from liminal innovation.

Already in 1909, the anthropologist and ethnographer Arnold Van Gennep, pointed out these hallmark transitions and their rituals in the influential book Rites of Passage (1960 (1909)). The stage of liminality was then further explored by Victor Turner, the "betwixt and between" (Turner 1974). A key concept is paradox, every liminal practice begins with a paradox (Turner 1974) or tension (Orlikowski and Scott 2021). The paradox or tension suspends the configurations of a practice in place, opening the liminal space and time. Tensions are the why and how practices are suspended. The paradox or tension makes the past practices and potential future ones incompatible, in a sense that one cannot be enacted together with the other.

From their original application in small scale societies and groups, liminality has been also studied in larger contexts (Thomassen 2009), and recently to the COVID-19 pandemic context, as a global liminality (Boland 2020). Across contexts and scales, a key element for liminality is the suspended normativity created by a paradox (Turner 1974), a blurring of boundaries, distinctions and positions – the anti-structure—and even in times of pandemic the suspension of society itself (Boland 2020). It is important to note that liminality is both a place of potentiality and a place of danger in modern organizations, cultures, and societies (Horvath 2013). On one side, liminality creates a temporary space for generativity, disruption and creativity (Czarniawska and Mazza 2003), while on the other the capacity of liminality to become permanent generating constant uncertainty and disintegration, spirals of imitative behaviour, trickster or cynicism (Horvath 2013; Szakolczai 2017). Moreover, liminal practices can become institutionalized when individuals, organizations and societies cannot reach a post-liminal stability (Szakolczai 2003). In recent IS literature, Orlikowski and Scott propose focusing on liminal innovation in practice, to frame the changes organizations are going through because of the COVID-19 crisis (Orlikowski and Scott 2021).

Particularly relevant for the study of crisis, is the concept of liminal hotspots which are situations or occasions of high tension in which friction or tension between ways of being increases, deepening the state of indeterminacy, leading to paralysis or polarization(Greco and Stenner 2017). We focus on two aspects of liminal practices.

Liminal innovation (Mertens 2018). When liminality is not worked through with known practices, individual, organizations and societies can enact a pattern shift that result in new ways of doing-- a third way (Greco and Stenner 2017). The particularity of liminal innovations is that while successfully working it through learns the dynamics of liminal times and spaces, and is able implement new practices and regimes, while experimenting new ways of doing (Mertens 2018). This is the central aspect of liminal innovation, to be able to simultaneously enact a pattern shift, while staying as a liminal practice. Following Mertens, with this, individuals, organizations and societies ensure that "innovations remain malleable, even after implementation" (p. 286). In other words, "liminal innovation, a process entailing iterative experimentation and implementation that explores novel or alternative materializations of established work practices" (Orlikowski and Scott 2021, p. 1).

Liminal permanence, refers to the institutionalization of liminal practices, a constant limbo where individuals, organizations and society stay in a suspended normativity, without boundaries giving and open to the influence of trickster, cynicism and disintegration (Horvath 2013; Szakolczai 2003, 2017).

3   Methodology

Our research approach followed an inductive qualitative research design to understand the efforts of public administrations to adapt and cope with the challenges imposed by a pandemic as digitalized practices of public sector employees, if put together form a series of liminal micro-innovations in the wake of COVID-19 (Yin 2008). We chose this method for three reasons: 1) the novelty of the topic; 2) the lack of prior research on the emergence of online courts and digitalization of justice systems; and 3) the limited research applying the concept of liminality to the provision of public services (Maron 2021).

3.1   Case Study Context

The case study is drawn from the Latin American country; Chile', where we derive insights from the Justice System. We chose the case for two main reasons: 1) Access to a variety of government stakeholders, who provide first-hand insights to the public sector's utilization of digital technologies during the COVID-19 crisis and; 2) Important documents readily available through our partner institutions.

 We conducted an in-depth study of the courts of justices digitalised practices and transformation of the judicial service delivery. In this context, we were able to secure a research cooperation with the Supreme Court to study the role of digital technology in the emergency responses during COVID-19 in Chile. The Chilean judiciary system —Poder Judicial de Chile— is a unitary organization that operates across the country, in contrast to federal courts system. This means, that it is one body with a high territorial distribution that serves a population of 18 million citizens. It is composed by the Supreme Court, 17 Courts of Appeals and 448 courts of first instance, with a total of 1490 judges and more than 11.000 employees.

Like the rest of the world, Courts were hit by COVID-19 and in reaction, they experienced strict lockdowns forcing them to completely change their work modality in the matter of days. Due to the emergent phenomena of study, and the evolving situation (a moving target) a case study approach provided us with the flexibility to adapt to the changing practices under study. At the same time, we chose case-study because of the rich and expressive data that comes out when talking to people, even via videoconference. This trust element, plus an empathetic position was key to the success of the study.

3.2   Data Collection

To obtain an adequate set of interviewees we used snowball sampling (Myers and Newman 2007), which we stopped when we reached saturation of a specific perspective (e.g., different agencies, departments). In detail, we conducted two rounds of interviews: 1) An explorative, open first round to gather rich information on the overall context and goals of targeted institutions from April 2020 to April 2021; and 2) A focused second round to understand the digitalised practices in the context of the increased introduction of digital/ICT technologies in public organizations. We recruited interviewees from court members and auxiliary institutions (n= 30). The first interview round was during April/May 2020, while the second took place during July/August 2020, and in January/March 2021.

To triangulate our findings, we utilized multiple data sources including digital regulations, national strategies and pandemic related laws. Especially relevant for this paper, was the observation of public social media activity by the organizations object of the case studies. These documents and social media channels (website and their official social media channels such as YouTube, Facebook, Instagram, and Twitter) are publicly available data sources. Due to the limitations imposed by the pandemic, all interviews were conducted remotely via Zoom and recorded (audio and video) with the informed consent of the interviewee. The integrity of our data was ensured by working exclusively with recorded and transcribed interviews. After every interview, the video/audio recording of the interview was uploaded to a shared cloud storage and discussed between the two researchers in charge of conducting the interviews for each case study.

3.3   Data Management and Analysis

Recognizing the nascent stage of topic knowledge, we adopted a predominately inductive approach. Moreover, we collected and analysed data iteratively, shifting between empirical data and theoretical concepts in a cycle between interviewing, transcribing, analysing, and checking back with the theoretic body of knowledge and our focus on the liminal practices emerging due to COVID-19.

To analyse the data, we pursued a step-wise coding which consisted of open, axial, and selective coding in order to elaborate on digitalized practices and patterns undertaken by public sector employees in their response to COVID-19 (Strauss and Corbin 1990; Urquhart 2012). After the first round of interview write-ups and summaries, we employed the open-coding stage to generate first codes, which were used to condense the transcripts and obtain an initial overview of all case data (Yin 2008). Codes were initially developed inductively due to the novelty of the topic, with an emphasis on social and material entanglement.

During coding, we corroborated the detailed insights derived from analysing the interviews by constantly comparing and triangulating these insights with the results obtained from the videos of online hearings and legal documents material (Charmaz 2006). To do this in a systematic way, we used ATLAS.ti as our computer-assisted qualitative data analysis software. The interviews were conducted, transcribed and analysed in Spanish. We later translated it using Deepl software, checked, and corrected afterwards.

4 Findings

4.1 From Suspended Normativity to Micro Innovations: Delivering Justice from Home

In the wake of COVID-19, remote-work practices were put in place by the Courts – days before the national lockdown. Courts faced the tension between not having proper digital infrastructure to work from home and the push from certain groups to call for a "judicial holiday" until the pandemic was over. However, the notion of public service prevailed and the continuity of the service was prioritized. What followed was a rush to setup the Court to work remotely using digital means. Without much planning, *"it was a Wednesday it was said: on Monday no one shows up at the Courthouse. So we had two days to get organized, no more. Who would take the computers from work to home or who would take the personal computers to the office to be setup [to work remotely]. Two days and we never came back." (Civil Court Staff 4)*

Facing a pragmatic tension, the lack of computers to work from home, there were two alternatives. First, the use of privately owned computers from civil servants setup with the Court's platform. Second, due to the extraordinary circumstances, judges allowed staff members to get their desktop computers from the office to their homes. Solving the hardware issue, quick adaptation to the emergence of online courts was possible because of a series of concrete steps taken by the judiciary to foster the digitalization of judicial practices during the previous decade.

A milestone in the digitalization of their practices, is the "Nueva Ley de Tramitación Electrónica 20.886" from 2015 (New Law of e-Procedure), which set in motion the digitalization of judicial service delivery. This established a new digital platform to manage judicial proceedings, exchange, storage, and access of procedure documents. From that moment on, all new proceedings were stored digitally and could be accessed remotely via the platform. This legal reform introduced an e-folder, e-signature, and a web platform as a user touchpoint which makes judicial activities publicly available via a unified online interface ("Oficina Judicial Virtual" n.d.). At the same time, it created a single platform for courts to draft online, or upload documents related to the trial. Since, 2015 this has been the central place for documents. However, the delivery of justice as a service, extends beyond written documents, a focal point being the hearings in courtrooms. These have remained largely unaffected by digitalization of the judiciary, until the COVID-19 pandemic hit. However, those first steps were crucial: *"I am grateful and thankful for the impetus that was given to the civil courts to finally have electronic proceeding. The Electronic Proceeding Act made it possible for us to work with an electronic system today. If it weren't for that, I don't even want to think what we would do, because today [during the crisis] the processing of all cases is done digitally." (*Civil Judge)

Regarding social media, already in 2013, the Supreme Court approved the "communications policy and strategy" and started progressively using different social media platforms as they became relevant (Facebook, Twitter, YouTube and lately Instagram). In 2018, modifications to the communications policy were introduced encouraging the intensive use of social media platforms.

Despite of the preparation efforts, some of the digital capabilities installed were not in use. For example, a VPN was installed for some staff members during a period of social violence during 2019, however after the situation passed it was no longer used: *"in October (2019), as a result of the social outbreak, an attempt was made to implement this remote system (VPN). It was already implemented in some cases, but not all of them used it. In fact, there were very few who used it. They did install it, but they*

didn't use it" (Civil Courts Staff 1). Without that previous experience, the quick transition to remote work in the courts, would have not been possible in the way it was implemented.

4.1.1   Online justice as a transitory solution and the risk of permanence

Because the priority was the continuity of the service, extraordinary means were employed to make it happen. Since, initially the timeframe was three months, many decisions were adopted because of its temporary nature, and more complex issues were avoided – or postponed. In this sense, with the use of online hearings via videoconference, questions of due process, data privacy and cybersecurity were postponed for the sake of the continuity of the service. The experimental character of these quick innovations is reflected in the following quote:

> "[at the beginning] the court did not have a Zoom account. We had to operate with a private Zoom pro account of another person and that person had to accept us [to the call] as a court., The court did not have an account until later. After that, now all the courts have an account, but at that time nobody believes how it was an experiment. It was like let's do it and if it works, it will be used" (Civil Court Staff 2)

The goal was twofold, on one side keeping people away from crowds in courts, and on the other to ease the transition to doing that paperwork online. In this second sense, the now digital judicial services were facing unprecedent demand from end users that are not frequently engaged with the judicial practices - citizens. Facing that challenge, many IT solutions were quickly introduced in different courts, especially for those reasons – even though they did not have explicit authorization.

> "They were very agile in establishing digital communication channels, since not everyone could go in person. Even, for example, IT admins from each court, created their own webpages without the authorization of the Judiciary. But it was like the urgency, the pandemic for people to be able to communicate, to communicate, so that they could be attended." (Communications Dept. Center)

Those specific solutions were added to the existing temporary video conferencing workarounds, enlarging the "patchwork style" of the judiciary's digital platform. Against this background, in April 2021 the government sent to the parliament a long-awaited reform of the civil justice that leverages the momentum of the times to put the reform of a system more than 118 years old. The project to be discussed, introduces among many other changes to the digitally enabled possibilities that were experimented on during the pandemic such as online hearings. Similarly, the judiciary has used this window to improve their digital service delivery. The situations emerging from the pandemic restrictions, revealed several gaps in digitalizing practices in the court. Many improvements were quickly implemented on the way and in parallel to ensure the continuity of the service.

> "In the use of new technologies [...] the pandemic forced us to improve our process, to establish the remote work system. Today there are 11,000 employees and we are all connected to this platform. The use of videoconferencing is common both at the daily work level as well as hosting the hearings." (Communications Dept.)

In this context, during the last quarter of the 2020 the judiciary launched a beta version of a unified platform, that integrates the different online services. The former web portal dated from 2014, from the time when the judiciary was preparing for the e-proceedings platform. On April 1st 2021, the new platform was officially adopted. Among other features, the new web platform makes available all information that could be found in the courthouse, specifically a "virtual courthouse" for every court in the country. From there, users can check the hearings of the day and access them via the zoom link provided in the "virtual court room". In this quick setup of online courts, social media played a central role.

4.1.2   Using Social Media in Courts: Justice in Your Smartphone

Since 2013, the Judiciary has a centralized social media and communication strategy, using different digital platforms as they became relevant: Facebook, twitter, YouTube, Instagram. This is centralized in a large spatially extended organization. This long-term effort helped the judiciary to create a strong base of followers, mostly to communicate judicial news and as a crisis "intelligence" source. Furthermore, the use of social media created a direct channel with citizens that allowed the judiciary to "control" the message being delivered – as opposed to being filtered, trimmed and recomposed by journalists from traditional media channels and the press.

During COVID-19 a new story emerged. In a highly volatile courts operations, quick, direct, and effective communication with users became crucial. The large network of users, followers and contacts in social

media platforms built during the previous 8 years, served as the basis – and convenient ally-- to an organization on the move. With the pandemic outbreak, [...] the *Communications Department became a customer's service. In other words, we were all over the place. Everybody called us. People were calling as if we were an information office, and not the communications directorate.*" (Communication Dept.)

Their new tasks included communicating changes related to opening hours, procedural or legal related helpdesk services. Even more, in the absence of a physical "helpdesk", the contact point for citizens was no longer the courtroom or hotline, but social media channels. *"The attention to the public, which used to be a counter service, became absolutely social networks" (Communication Dept.).* That can be seen also in numbers, going from 3,000 inquiries to 13,000 during 2020.

Furthermore, in such uncertain times, it also served internally as a communication tool among employees; sometimes more effective than the intranet. *"Sometimes, our social media platform is the most effective in reaching more people, more effective even than the intranet [for internal communications]" (Communications Dept. Head of Social Media).* This relates to the pervasiveness of digital technology and social media. In this sense, internal communications organization-wide, were achieved via social media, even though they are not necessarily intended for those purposes: *"it is not that at five o'clock in the afternoon you stop being a civil servant. You go home and at night you check your Facebook and you like to look it up. Knowing what happened in the judiciary during the day and seeing that you were the protagonist of something" (Communication Dept. Vice-director)*

Moreover, in the context of the pandemic, the government was pushed by Congress to allow the use of 10% of the individual pension funds, to be used as a financial aid for families. In concrete, millions of citizens could claim back the 10% of the money originally saved for pensions. So far, the courts were not affected. However, and without coordination, the same law included an article allowing a parent with pending alimony (court ordered payments to provide for children or spouse with lower income), to freeze the transaction and be paid directly from the 10% of the pension fund of the debtor parent or spouse. This had a tremendous impact on the operation of the remote family court. It created a potential crisis situation of similar magnitude to that of pandemic itself. The expectation of long-awaited payments to become a reality, drove people to the closed court rooms seeking answers on how, when and where to do it, creating a sanitary hotspot. Against this background, a judiciary at the edge leveraged the large social networks followers base (220.000 followers on Facebook), and setup a program called "Jueces en Línea", in which judges would answers questions from people directly via Facebook Live. People did not need to go to the courtroom to ask questions, instead to the Courts Facebook page to interact directly with a judge that would deal with their cases.

> "We broadcasted that program every week. We had a minister, or a judge and we interviewed them live. So the questions were coming in minute by minute, second by second [via Facebook Live] [...before] we didn't have this interaction that we achieved last year (2020) that was from the person who is at home or on the public transport and just goes online and asks [the judge] that question, read it and answers it right away"

The use of digital means to engage with citizens brought justice closer to citizens, yet it also posed a risk to leave out segments of the population with a lower penetration of digital devices. In this context, in April 2021 the judiciary approved a protocol to promote the access to justice for the elderly people. Among many considerations, the digitalization of the judicial services is one of them.

5   Discussion

These experiences and stories from court members in Chile' are spots of small-scale innovation (summarized in figure 1). In the liminal situation of passing from everyday office work to home-office, and in-person service delivery to online suspended the normativity of their practices and policies. The uncertainty generated because of the pandemic made space for micro-innovations that were critical to the continuity of the service. As seen in the case study, practices, norms, and roles are suspended and boundaries become blurry. This opens spaces for new practices; new ways of doing that were not possible in a pre-pandemic configuration. We discuss those micro-innovations which, if put together, can lead to the reshaping of work practices at the organizational level in ways that were not possible without ICT (Fountain, 2004; Bannister & Conolly, 2012).
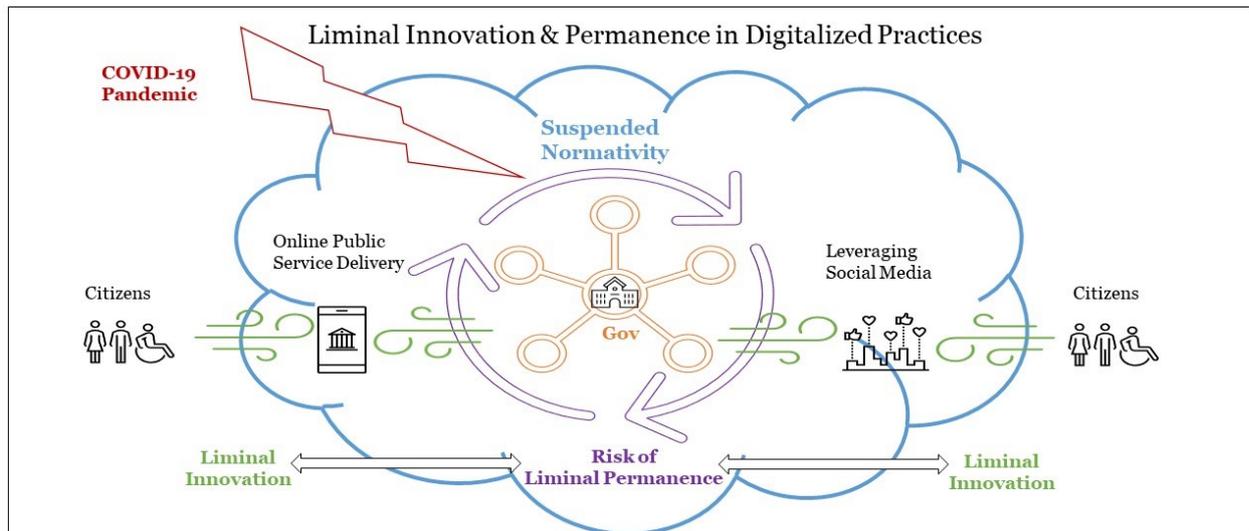
Fig 1. Visual representation of findings of case study from Chile

5.1 Pre-pandemic Digitalization Efforts: Initial Liminality

In the Chilean Courts, the e-Proceeding reform (2015) represented significant steps towards digitalization of document exchange. Yet, a large portion of the practice remained unaffected by the changes, such as the civil courts. Thus, it was a hybrid system, using digital means with a process dating 108 years back. While this was a big stride towards electronic government, the court employees were dealing with incremental infrastructure and process developments needed to enable the transition to online services.

A pre-pandemic liminality feature in the Chilean courts is where the judiciary members got the Court's platform installed in their private computers. Another example of liminality that was brought about before the COVID-19 crisis, is the VPN access configuration. Although, this work protocol was in place since 2019, not all court employees were allowed to make use of it as it contradicted dominant rules dictating work from the office. This led to a polarization among the different sectors depending on the openness and flexibility of the management, hence employees swaying between working from the office and using VPN access only when explicitly instructed to work from another location.

5.2 Opportunities for Liminal Innovation

When COVID-19 hit, it intensified the liminality already in place as the public sectors in question were neither fully digitally configured nor fully reliant on paper and in-person interactions. Their digitalized practices were in between and so when the crisis caused an unprecedented suspension of normativity, they were forced to either reconfigure their digitalized practices for public services to prevail or fall paralysed under the weight of the challenge (Greco and Stenner 2017). The case study exhibits a series of shifts in digitalized practices whereby public sector employees quickly adopted new practices, regimes, and experimented with new ways of doing (Mertens 2018; Orlikowski and Scott 2021). This aspect of liminal innovation is centred on the public sector employees' ability to simultaneously enact the pattern shift, while staying as a liminal practice.

5.2.1 Delivering Justice Online

The efforts exerted in order to adapt to remote work, show a series of shifts in practice. One example is with the 10% of the pension funds, in which a financial aid measure forced the judiciary to create novel services online. Furthermore, leveraging on ready to use software like Zoom and their IT department, they were able to adopt the practices without interrupting the service. Moreover, the Chilean judiciary, after a year of many isolated innovation sprouts, integrated their service in one unified platform launched on the go.

5.2.2 Leveraging of Social Media Tools

Court employees leveraged social media tools in two main ways, for internal and external communications. This was reflected in the use of social media for internal purposes, replacing the intranet as the communication channel. The judiciary used their existing base of followers to interact

with citizens, on the court's operations. While implementing this new channel to users, they tried out new formats, by having judges on Facebook Live answering directly to questions posted by users.

5.3   Risk of Liminal Permanence

Based on Horvath (2013), liminality is both a place of potentiality a place of danger in modern organizations, cultures, and societies. Drawing on the experiences in Chilean Courts, we found that there is potential for liminality to become permanent generating constant uncertainty (Horvath, 2013; Á. Szakolczai, 2017).

5.3.1   Interagency Conflict and Turf Wars

 The efforts to cope with the crisis led to bypassing the traditional over-the-counter customer service in every local Court. Without access to the Court building this role was assumed by the communications department, in charge of social media in the Chilean courts. By directing "customer service" to social media channels from a centralized department, they reconfigured a mandate given to the local Courts to provide "customer service" over the counter. If these experiments proved successful, this might become a permanent practice and so potentially rendering existing agencies irrelevant and triggering existential tensions (Orlikowski & Scott, 2021).

5.3.2   Cutting Corners and Postponing Answers at the Expense of Quality Services

 The experimental implementation of videoconferencing platform Zoom, while successful in keeping the continuity of Court procedures, it also raises questions of due process, transparency, trust on the systems, data privacy, cybersecurity, etc. --which remain unanswered. Although, this shift in practice proved useful in time of crisis, the risk of it becoming a permanent practice can potentially reduce user-centricity, fundamental rights and hamper the quality of the services in the long-run.

Table 1. Summary of theoretical contribution and propositions

Metaphor	Phase	Adaptive Process	Example
	P1:Pre-pandemic digitalization efforts and pandemic. Troubled waters	The digitalization of public sector organizations, present features of liminality that are increased in the context of uncertain external situations (pandemic)	e-Proceeding platform
	P2:Short term strategy: the rescue buoy, staying afloat.	The implementation of not-fully compliant, unfinished (beta versions), value-conflicting digital solutions is necessary to continue providing the service.	Zoom, social media monopolizing communications
	P3:Mid-term strategy: life jacket, learning to swim though the liminal hotspot	By adopting a testing mindset, public organizations should learn to engineer liminal hotspots as experimental ground to innovate and understand what works and what does not work.	Civil Justice Reform Project (Chile, April 2021), Unified Judicial Web Portal.
	P4:Long-term strategy: free swimming	From the learnings, and evaluations of the practices enacted during the liminal hotspots, public organization can redesign their practices (rituals) to allow for liminal innovation opportunities.	(Future research)

5.4   Theoretical Contribution

5.4.1   Propositions:

1)   Situations of uncertainty, such as a global pandemic, increase the liminal features and makes them more visible, creating hotspots of innovation. Public organizations should learn the

       different liminal features, experiment, and profit from open spaces for creativity and innovation created by the uncertain situation.

2) In these situations, public organizations should leverage from rapid digital technology adoption to prevent paralysis. However, to achieve long-term solutions, public sector organizations need to enact purposeful regulation and necessary technical development, to avoid the risk of permanence of exceptional solutions.

3) Public sector organizations should account for already present features of liminality in digital transformation and innovation. In this sense, they need to find ways of "engineering" or creating organizational practices (rituals) to open liminal spaces for innovation (suspended normativity) while providing safe and controlled environments to explore.

4) In a post-liminal phase (long term), public organizations can harvest the outcomes of liminal innovations resulting from several passing through. Moreover, to develop the ability to move in and out from liminal spaces as an innovation practice (see Table 1).

6   Conclusion, Limitations and Future Research

In this paper we presented a case study on digital innovation in Chilean Courts. Focusing on digital practices, we characterized the context during COVID-19 as a liminal space and time. In this context dominated by uncertainty, the adoption of digital technologies allowed the two public organizations to continue their services. We provided vivid examples through quotations and analysed them by pointing at liminal innovation opportunities and risk of liminal permanence. Furthermore, we elaborated on four propositions of adaptive processes at the crossroads of digital government and liminality.

An important limitation we would like to address is on the long-term effects of liminal innovation. Due to the current status of the pandemic, it is still early to assess some post-liminal dynamics as theorized in the previous section. However, literature from other fields has shown some patterns on the opportunities and risks of liminality. Future research is necessary to characterize how those manifested patterns of digitalized practices in public organizations develop overtime. Furthermore, we presented a particular context without aiming to generalize. Instead, we explore how particular practices are enacted in a bigger picture of digitalization of governments during a pandemic. Understanding the emergence of digitalized practices in the public sector, has a significant relevance to designing better systems that affect the everyday lives of citizens.

7   References

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