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Outline of a Research Program

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Updating Democracy Studies: Outline of a Research Program

Abstract: Technologies carry politics since they embed values. It is therefore surprising that mainstream political and legal theory have taken the issue so lightly. Compared to what has been going on over the past few decades in the other branches of practical thought, namely ethics, economics and the law, political theory lags behind. Yet the current emphasis on Internet politics that polarizes the apologists holding the web to overcome the one-to-many architecture of opinion-building in traditional representative democracy, and the critics that warn cyber-optimism entails authoritarian technocracy has acted as a wake up call. This paper sets the problem – “What is it about ICTs, as opposed to previous technical devices, that impact on politics and determine uncertainty about democratic matters?” – into the broad context of practical philosophy, by offering a conceptual map of clusters of micro-problems and concrete examples relating to “e-democracy”. The point is to highlight when and why the hyphen of e-democracy has a conjunctive or a disjunctive function, in respect to stocktaking from past experiences and settled democratic theories. My claim is that there is considerable scope to analyse how and why online politics fails or succeeds. The field needs both further empirical and theoretical work.

Keywords: Democracy, Internet, Ethics, Technology, ICTs, Political Theory, Legal Theory

I. The bleeding edge?

In the December issue 2010 of *Foreign Affairs* the chair and CEO of Google, Eric Schmidt and the Director of Google ideas, Jared Cohen, declared that “the advent and power of connection technologies (...) will make the 21st century all about surprises. Governments will be caught off-guard when large numbers of their citizens, armed with virtually nothing but cell phones, take part in mini-rebellions that challenge their authority”.¹ The democratization of communications, the theory goes, will bring about the democratization of the world. This vision, and the rhetoric it feeds on, seems to have been supported by plenty of evidence: digital militants appeared by the minute, including the Philippino “sms revolution” that forced President Estrada from office (2001), flash-mobs in Ukraine that led to the “Orange Revolution” (2004), monks in Burma armed with digital cameras joined the collaborative enterprise of exposing repression in what was labelled the “Saffron Revolution”, the Columbian anti-farc demonstrations organized on FB by the unemployed engineer Oscar

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¹ Eric Schmidt, Jared Cohen, The Digital Disruption. Connectivity and the Diffusion of Power, *Foreign Affairs* (2010) Nov/Dec, 75.

Morales, Lebanese email-use prompting Syrian troupe-withdrawal or “Cedar Revolution” (2005), the Venezuelan student movement that kept Radio Caracas Television onto Youtube (2007), the Ushahidi “crisis-mapping” in the Kenyan 2008 postelection violence reporting, the *Charter 08* in China that – notwithstanding the Great firewall and the 50 cent party² – garnered most of its signatures through blog sites such as *bullog.cn*, the Twitter-conveyed crowds in Chisinau in 2009, the Uighur demonstrations that were being posted on microblogs in 2009 even after the Chinese authorities shut down the Internet connections in the Xinjiang-region, the Iranian presidential election protests or “Green movement” that was quickly redubbed the “Twitter revolution”.³ And all this was before Mohamed Bouzazi’s sacrifice set the *dégage*-movement on the map, ultimately leading to the outing of Ben Ali as a starter for what currently goes under the appellation “Arab Spring”. In hindsight, it is ironic that Tunis hosted the World Summit of Information Society in November 2005 that instituted the new UN “forum for multi-stakeholder dialogue”, i.e. the *Internet Governance Forum*.

Add to this, new practices such as sns-collected smart-mobs, sms-gathered participatory budgeting, circumvention methods protecting netizens’ anonymity such as the free software Tor, as well as the fact that the net provides low cost pretty safe ICTs (skype is notoriously hard to wiretap), thus the higher risks authoritarian regimes might need to take in perpetrating repression, the relative ease in accessing non-government controlled media (the 2011 Italian referenda have been praised in these terms), let alone the hope many have in seeing flash mobs and web 2.0 apps transform undecided subjects into active protesters – following the connection between informational cascades and what Susanne Lohmann viewed as peer pressure in pulling down the Berlin wall⁴ – all this, and more, make for an indiscriminating halleluia that, in some ways, recall similarly overenthusiastic hopes following the “third wave” of democratization, named after Samuel Huntington’s 1991 best-seller.

In February 2011, Manuel Castells – who wrote the famous information era-trilogy that turned out to be an eye-opener for many social scientists in the “networked society”⁵ – claimed: “these popular insurrections in the Arab world constitute a turning point in the social and political history of humanity. And perhaps the most important of the internet-led and facilitated changes in all aspects of life, society, the economy and culture. And this is just the

² The “Great firewall” is the system of filters and re-routers, detours and dead-ends designed through TRS technologies to keep Chinese Internet users on the state-approved online path and the 50 cent party, an army of online commentators that are paid so much for their posts promoting the CCP); both phenomena are usually presented as a quasi-Orwellian cyberspace control.

³ Richard G. Lugar, Twitter vs. Terror, *Foreign Policy* (2010) 6/1.

⁴ Susanne Lohmann, The Dynamics of Informational Cascades: The Monday Demonstrations in Leipzig, East Germany 1989-91, *World Politics*, Vol. 47, No. 1 (Oct. 2004), 42-101.

⁵ Manuel Castells, *The Rise of the Network Society. The Information Age: Economy, Society and Culture* Vol. I-III, Blackwell, Oxford 1996-98.

start”⁶. This is consistent with his overall claim that “the process of formation and exercise of power relationships is decisively transformed in the new organisational and technological context derived from the rise of global digital networks of communication as the fundamental symbol-processing system of our time”.⁷ By a similar token, Milad Doueihi, an analyst of digital cultures, sees that “la culture numérique est porteuse de changement radical (...). La Tunisie comme l’Egypte symbolisent ce changement porté par le numérique: quelques noms propres, un lieu et la foule”.⁸ A fine observer of our time with the Frankfurt School’s interest for techniques, Jürgen Habermas prognosticated that “the Internet has certainly reactivated the grassroots of an egalitarian public”, even though he also pointed out that “the web can claim unequivocal *democratic* merits only for a special context: It can undermine the censorship of authoritarian regimes that try to control and repress public opinion. In the context of liberal regimes, the rise of millions of fragmented chat rooms across the world tend instead to lead to the fragmentation of large but politically focused mass audiences into a huge number of isolated issue publics”.⁹

It is noteworthy that the praise of the political consequences of the massive use of ICTs is occurring just as a wave of so-called cyber-pessimism is sweeping across many sectors of the digitally sensible world of culture. A closer look at “liberation technologies”¹⁰ and the political use of new media and ICTs¹¹ suggest a more complicated reality: technological advances are no substitute for human wisdom. Many observe how “the tools of modern communications satisfy as wide a range of ambitions and appetites as their 20th century ancestors did, and many of these ambitions and appetites do not have anything to do with democracy”¹². As an example of the growing unease with the general celebratory mood, The Edge’s [special 2010 issue](#) should be mentioned, where John Markoff affirmed that, from Arpanet to the Internet, we are in the midst of a “post-industrial dystopia” in which the web is opening Pandora’s box. In the same period, *Prospect* published a much commented debate between Clay Shirky – *inter alia* author of the techno-optimistic *Here Comes Everybody: The Power of Organizing Without Organizations* (2008) – and Evgueni Morozov, author of eloquently entitled *The net delusion* (2011) where the latter argues that the Internet is subject

⁶ Philippe Aigrain, *The Future of Democracy* (2011) at <http://paigrain.debatpublic.net/wp-content/uploads/Thefutureofdemocracy-withnotes.pdf> (accessed 11/07/2011).

⁷ Manuel Castells, *Communication Power*, OUP, Oxford 2009, 4.

⁸ See Aigrain (note 6).

⁹ Jürgen Habermas, *Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research*, *Communication Theory*, 16 (2006), 423.

¹⁰ Larry Diamond, *Liberation Technology*, *Journal of Democracy*, July (2010) 3, 69-83.

¹¹ Nick Anstead, Andrew Chadwick, Philip N. Howard (eds.) *Routledge Handbook of Internet Politics*, London 2009.

¹² Ian Bremmer, *Democracy in Cyberspace. What Information Technology can and cannot do*, *Foreign Affairs* (2010) Nov/Dec, 86.

to the power of the state and therefore is largely impotent as a mechanism for promoting democracy. He shows that, throughout the world, the Internet is (a) more likely to be used for entertainment purposes or as a global shopping mall (e.g. the current angry birds mania), (b) censored in ways that are not easily surmountable (e.g. arrest and detainment of cyber-dissidents), (c) used as a tool for propaganda (e.g. China's 50 cent party or Hugo Chavez's turn over from netcensor to famous twitter), and (d) used for spying on dissidents: in Belorussia, for instance, the authorities started surveilling *By_mob* where the community *LiveJournal* announced its meetings: not only did the Police arrest the demonstrators, but pictures were taken of the people present so they could be easily spotted on social media; in the "Twitter revolution" dissidents discussed relatively freely on *Goodreads*, away from their censors, until the Los Angeles Times published an article on the phenomenon. Authoritarian states learn pretty quickly and Iranian communications officials anonymously created websites encouraging people to post pictures of the protests so they could identify, track and, sometimes, detain the protesters.¹³

The aim of this paper is not to fuel the enthusiasm of those who see a new form of democracy burgeoning, nor to take the conservative stance *sub soli nihil novi* or drop the realist remark that technology does not only change the world but, as in all feedback loops, "the world is changing internet".¹⁴ Rather, this paper will outline how we can possibly address in problematically fertile terms the question of "what does e add to democracy?"

II. E-democracy between Science, Technology and Politics

I will start by stressing that for e-democracy to be an interesting problem for philosophical enquiry it needs to constitute a problem (i) rich in consequences, (ii) clearly defined and/or definable, (iii) accessible, in the meaning easy to understand but hard to solve, (iv) intrinsically open, leaving disagreement as a viable option. This paper shall evidently not transform the topic, which is still something of a moving target, into such a well-defined problem of philosophical enquiry since such a task goes well beyond the purposes of an introductory workshop but, at least, I shall attempt to draw a conceptual map of questions that need to be addressed – or better, of clusters of micro-problems – and that cannot be easily articulated unless we take the "e" of democracy seriously.

Moreover, a word on democracy as a form of government is needed. It has over the ages been associated with a variety of adjectives: direct, representative, procedural, formal, substantial, social, liberal, constitutional, epistemic, deliberative, participative... and last but

¹³ See Schmidt, Cohen (note 1) at 82.

¹⁴ See Bremmer (note 12) at 91.

not least “real”. The conceptual typologies of democratic regimes (parliamentary/presidential, bi- and multipartisan, coalescent, consociated, concordant, populist, plebiscitarian, polyarchic etc.) also span over a vast amount of different organisations, just like the broad variety of historical experiences associated with it, does. Some even go as far as to claim that we are dealing with an “essentially contested concept”.¹⁵ There is, however, reason to believe this is not so, and the 20th century tradition of thought in theory of democracy offers some evidence in that direction.¹⁶ For our present purposes I shall keep the broad connotations in the background and keep the constraints to a minimum (that some will surely feel are embarrassingly low), i.e. conceiving democracy quite generically to be a method for taking collective decisions, that historically relates to a set of values (e.g. peaceful resolution of conflicts) and that has a set of social conditions (e.g. formal citizenship status) as well as a set of legally guaranteed preconditions (e.g. freedom of speech). I am aware of the imperfect nature of the characterisation but it leaves us, in tackling e-democracy, with a sufficiently open texture definition to take in most practices, experiences, and ideas associated with the (often equally unspecified) term “e-democracy”.¹⁷ A reason for adopting this generic conception is that, like in many other practical fields of enquiry, methodological holism keeps together the various problematic aspects raised by a topic so as to avoid creating an epistemic level of analysis that misses out on important observables; such as those, in our case connected to e-democracy even though not equal to its institutional manifestations (e.g. E-parliament, E-government etc.), such as first and foremost an accessible, non-censured and neutral web.

Let us start by two observations that do not seem to have been properly connected hitherto: the first concerns technology and the second politics.

The first observation is nicely presented with a quote by the father of cybernetics, Norbert Wiener: “It has long been clear to me that the modern ultra-rapid computing machine was in principle an ideal central nervous system to an apparatus for automatic control (...). Long before Nagasaki and the public awareness of the atomic bomb, it had occurred to me that we were here in the presence of another social potentiality of unheard-of importance for

¹⁵ Bernard Crick, *Democracy: A Very Short Introduction*, OUP, Oxford 2002.

¹⁶ E.g. Hans Kelsen, *Von Wert und Wesen der Demokratie* (1929), Eng. trad. *On the essence and value of democracy*. In: *Weimar. A Jurisprudence of Crisis*, eds. A. Jacobson and B. Schlink, University of California Press, LA 2000; Robert Dahl, *A preface to democratic theory*, Chicago University Press, Chicago 1956; Norberto Bobbio, *The Future of Democracy*, Polity Press, London 1987; org. Einaudi, Torino 1984; Giovanni Sartori, *The Theory of Democracy Revisited*, Chatham House, Chatham, N.J 1987.

¹⁷ E.g. Thomas Zittel, *Parliaments and the Internet: A Perspective on the State of Research*. In: *Parliaments in the Digital Age*, ed. C. Leston-Bandeira, S. Ward *et al.*, Oxford Internet Institute, Forum Discussion Report 13, Jan 2008.

good and evil”.¹⁸ This first observation can readily be reformulated as follows: ICT is the fastest growing technology in history, “playing a cultural role far more influential than that of mills in the Middle Ages, mechanical clocks in the 17th century, and the loom or the steam engine in the age of the industrial revolution”¹⁹ and this has led to the appearance of the infosphere, i.e. the environment in which millions of people spend their time nowadays. Only blind thoughtlessness could suppose that this has no impact on the relationships among people and the stewardship of our communities.

The second observation concerns the general silence of standard political and legal theory on the impact of technology on politics and law. Just to mark the point: for instance if one turns to John Rawls, an often acclaimed giant of contemporary political philosophy, he does not have much to say on the issue: in *Political liberalism*²⁰ he feels it is sufficient to stress that the rules of evidence are different in a scientific society from those of democratic politics. Many democratic theorists agree on this point. It is therefore not surprising that, even as the neologism was emerging, Seymour Lipset’s *The Encyclopedia of Democracy* from 1995 has no entry for e-democracy. A quick look around in mainstream political theory shows an embarrassing void when it comes to making sense of what is going in the infosphere. Conversely, among the fields of research that are more conversant with e-democracy, such as theory of social communication and science and technology studies, seem largely unaware of the body of work that has been steadily growing in legal and political theory concerning the concept, limits and preconditions of democracy.

A similar point can be made for legal theory: An example is the fact that legal theorists often view technology in traditional terms of law being (merely) a system of social control through the determination of sanctions. This tendency can be found among traditional positive lawyers as well as among critical theorists that build on the Foucaultian notion of regulation as understood prevalingly in juridical terms. However, it should be clear by now that technology inscribes and constitutes as much as it prescribes. The lack of determinate and separate institutions of enforcement does not necessarily invalidate the idea of technological regulation: “Rather than relying on sanctions imposed after the fact to enforce its rules, [software] simply prevents the forbidden behaviour from occurring.”²¹ This is the key idea behind the aggressive digital technologies developed by some corporations in the entertainment business that forbear the “final user” from making “free use” of the product that

¹⁸ Norbert Wiener, *Cybernetics or Control and Communication in the Animal and the Machine*, MIT press, Cambridge (Mass.) 1948, 27-28.

¹⁹ Luciano Floridi, *The Philosophy of Information*, OUP, Oxford 2011, 5.

²⁰ John Rawls, *Political Liberalism*, Columbia Univ. Press, New York 1996.

²¹ James Grimmelman, *Regulation by Software*, *Yale Law Journal*, 114 (2005) 1723.

has been purchased, with the aim to hinder file-sharing or mash up: the aim of TPM (*technological protection measures*) or DRM (*digital rights management*) is to technologically prevent the very possibility of copyright infringement.

Of course this does not imply that political theory has not taken “technique” and “technology” into account: There is a longstanding tradition in critical theory focusing on *Technik* (e.g. Habermas’ *Technology and Science as Ideology*), and many interesting investigations of the relationship of between democracy and science (e.g. Dewey, Pierce) just to mention two directions of study. A recurrent motif is also how technology and human agency have an impact on one another – and the old spectres of determinism and reductionism that has always haunted social sciences can sometimes loom here. Nevertheless, «one must mark the response of Critical Theory to these [technological] changes as an intellectual failure, not least because they have only a remote connection to actual science». ²² Perhaps in connection to this circumstance, mainstream political theorists, in developing 20th century democratic theory, usually viewed “science” – that, in our time, is inherently intertwined with technology – as playing a role in actual political settings such as bureaucracies, committees, counselling-bodies, independent authorities etc. but in a merely “instrumental” way, i.e. as playing “a role that is more or less akin to that played by a calculating machine (...). It must be conceded that governments have a need for technical knowledge just as government buildings needs plumbing. But no-one imagines that political theory has failed (...) to recognize the significance of plumbing. (...) It is commonly asserted that the goose-necked drainpipe did more to improve sanitation and consequently to lower mortality than all of the scientific discoveries of the 19th century combined. So perhaps plumbing deserves to be taken very seriously (...). This line of argumentation, however attractive, is simply wrong”. ²³ One of the reasons why democratic theory did not take on the challenge of accounting for science and technology in politics depends on the very tension between technocracy and democracy, stretching back at least to Saint Simon: “democracy is based on the hypothesis that everybody can decide on everything. Technocracy, on the contrary, claims that only the few that understand the issue should decide”. ²⁴

Now, to the amazement of many digitally naturalized, there is a significant difference between information technology and plumbing. This difference, which seems to be technological at heart, implies that the conceptual distinction between *Zweckrationalität* and *Geltungsrationalität* is getting blurred. Heidegger who, in his acclaimed essay, *The Question*

²² Stephen P. Turner, *Liberal Democracy 3.0*, Sage, London 2003, 3.

²³ See Turner (note 22) at 4.

²⁴ See Bobbio (note 16) at 22.

Concerning Technology, made this point clear – albeit in his customary oracle-style – by claiming that “the essence of technology is not technological”.²⁵ modern technology, as opposed to premodern techniques, regulates human life through “enframing” (*Gestell*) and thus cannot be exhaustively explained in the functionalities it offers. It is not “neutral” in any way near the goosenecked drainpipe and its constitutive aspect is today known in social and communication theory in terms of “framing”. As Erving Goffman explains in *Frame Analysis: An essay on the organization of experience*, a frame consists of a schema of interpretation that individuals rely on to understand and respond to events. It relates to the construction and presentation of a fact or issue “framed” from a particular perspective. Framing is an effective heuristic, i.e. mental shortcut or cognitive bias, affecting the outcome of choice problems to the extent that several of the classic axioms of rational choice do not hold.²⁶ This dimension is to a large extent neglected, if not occulted, by traditional mainstream legal and political theory that classify and analyse forms of government, such as democracy.

It is noteworthy that the claim that (information) technology is neutral continues to pervade the debate on the political dimension of the digital revolution. The claim is usually made by pointing to the use made of a determinate technology by groups that are ascribed to different ends of the political spectrum, as if the traditional political spectrum right/left would be the ultimate orientation points in any possible discussion of the political use of technology. An example is the statement that Brazilian ecologists use *GoogleMaps* for showing the effects of deforestation, but *GoogleMaps* is also being used by the Russian extreme right movement against illegal immigration for determining the location of ethnic minorities in big cities.²⁷

To rephrase it, technological information has a semantic dimension, involving “giving and making sense” of “reality”. Information as semantic content can be seen as the upper level of the technological complex that marks our age.²⁸ Epistemologically, “information” however does not mean “belief” nor “knowledge”, yet it is distinguishable from mere data, the uninterpreted differences of symbols or signs. Ontologically, “information is information, not matter or energy”.²⁹ For our present purposes, let us adopt Floridi’s terms: “semantic

²⁵ Martin Heidegger, *The Question Concerning Technology And Other Essays*, Harper & Row, New York 1977.

²⁶ Scott Plous, *The Psychology of Judgment and Decision Making*, McGraw-Hill, Columbus 1993; Amos Tversky, Daniel Kahneman, *The Framing of Decisions and the Psychology of Choice*, *Science*, 211 (1981) 453-458.

²⁷ Eugeny Morozov quoted in Olivier Postel-Vinay, *Pour en finir avec le cyberoptimisme*, Dossier Books n. 12, april 2010, 22.

²⁸ Yochai Benkler, *The Wealth of Networks: How Social Production Transforms Market and Freedom*, Yale Univ. Press, New Haven 2006.

²⁹ See Weiner (note 18) at 12.

information is well-formed, meaningful and truthful data”.³⁰ This semantic dimension of technology should keep us from falling flatly into the widespread belief that technology is a means to the service of human ends, a form of passive universe of “objects” whose functions and purposes are shaped by the pursuits of humans in the contexts where they occur. “Artefacts *qua* means are never neutral. They make some things possible and exclude others. Artefacts embody values or ‘have politics’ (...). Technology is not exogenous to human agency, as the contrast of humans to machines may initially suggest. Technology does not constitute a force that simply has to be used, resisted, bypassed or altogether avoided”.³¹ Today, there is of course a burgeoning contemporary literature on e-democracy but it can be distinguished from previous strains of research because, most of the time, it uses, at some level of analysis, the idea that the technology we are dealing with should be understood and grasped in terms of “information”, not mere tools.³² Our starting point, thus, is that “the modern alliance between *sophia* and *techne* has reached a new level of synergy with the computer revolution”.³³

III. Mapping problems: what is new and what is not?

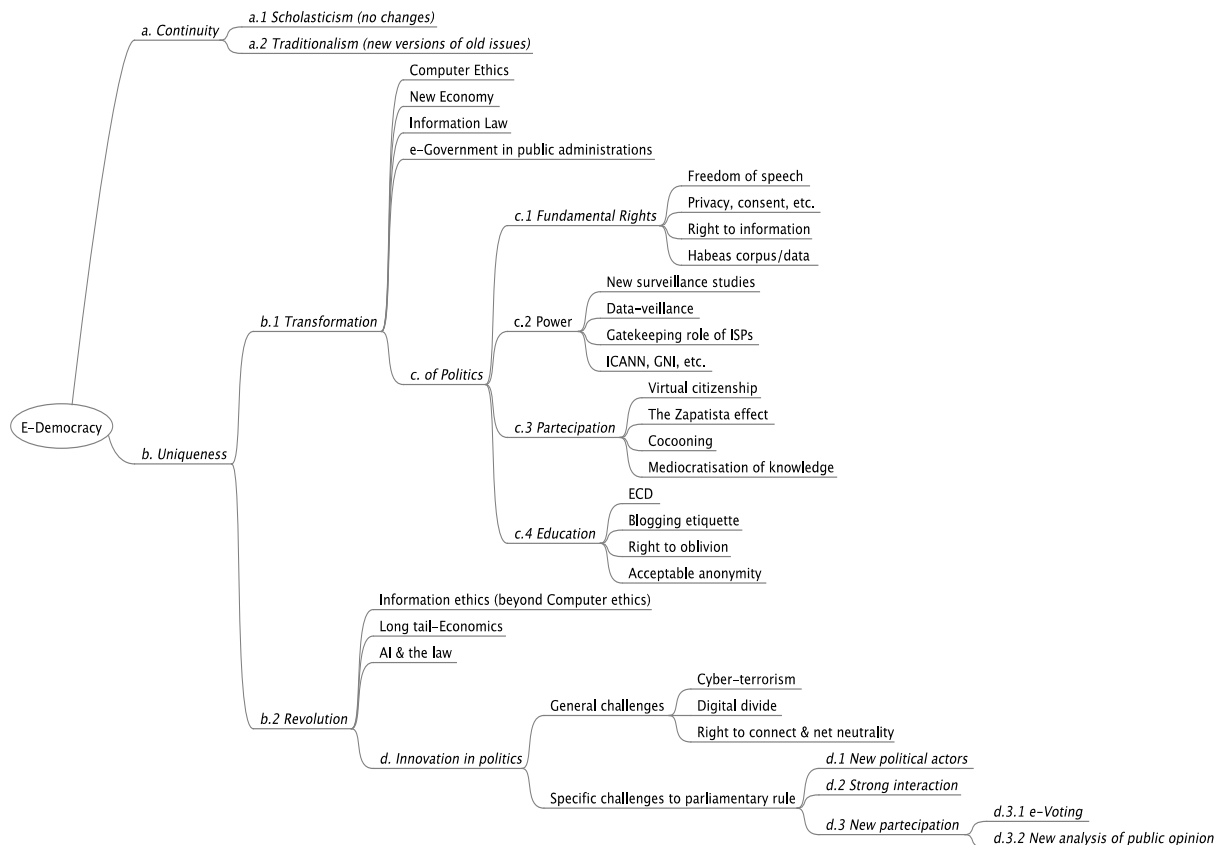
I suggest the following non-exhaustive map of problems that are implied by the term e-democracy in today’s debate. I shall try to spell out the relations of political thinking with its “cousins”, the other branches of practical thought. A cascade of issues, associated with e-democracy in its broadly construed meaning, will be stressed and assigned to respective levels of change. Some are partially convergent, yet most dissimilar. All push for reconsideration of the contemporary dialectic between means and ends.

³⁰ See Floridi (note 19) at 31.

³¹ Jannis Kallinikos, *Governing Through Technology. Information Artefacts and Social Practice*, Palgrave Macmillan, Basingstoke 2010, 3.

³² The difference between a tool or instrument and a machine consists in the difference of reliance on individually taken decisions: «A decision is required at every moment, the instrument being manipulated in different ways in accordance with the result so far attained. Such decisions may be vested in the instrument itself. If it is, the instrument then attains the status of a machine. If the user makes all the decisions the instrument is only a tool. The distinction between a tool and a machine is primarily that in the former a decision is involved at every moment and in the latter there is an independent functioning which permits the decision to be made by the natural run of the instrument» (Peter Weiss, *An Introduction to a Study of Instruments, Philosophy of Science* (1941), Vol. 8, 295).

³³ See Floridi (note 19) at 27.



The basic distinction among the different levels of questions is between (a) which features and characteristics appear to be in *continuity* with past experiences, conferring on the hyphen of e-democracy a conjunctive function and (b) what features and characteristics appear to be in *discontinuity* with past experiences, turning the same hyphen into a disjunctive sign. A second level of fundamental distinctions can be made within (a) and (b).

Under (a), we should distinguish between (a1) outlooks that do not account for the digital revolution and therefore are not equipped to operate with, or even notice, the current changes, and (a2) theories that uphold that we are witnessing new versions of old problems, yet refuse to consider these issues as offering unique features. I shall call the first outlook scholastic and the second traditionalist. Scholasticism here stands for what socio-linguists call “internal discourse”, i.e. meta-theoretically acritical (or pedantic) attachment to a theoretical setting that ignores new data in the sense that it does not make use of a level of abstraction that turns the infosphere, and what is happening within it, into an observable of the system. Most political doctrines that are currently ignoring the informational turn have high probability of performing well in this category, with the consequent risk of ending up on the Hegelian dump of history. Perhaps a strict realist approach to political relationships that centres on the idea of *le pouvoir pour le pouvoir*, where power is sought for its own sake, and that hence does not take into account the declared values of those who engage in the digitally shaped political

practice could be ascribed to (a1) since such a stance fails to perceive the ubiquity and pervasiveness of digitally re-wired collective endeavours (e.g. Ushahidi): It is just blind to the new environment. The same goes for political theories that do not account for the huge impact on policy-making the Internet and the web has had over the last decades. But also among approaches that have been investigating the political scene after the advent of the Internet often rely on comfortable convictions of “politics as usual”: cyberspace “will be moulded by the everyday struggle for wealth and power”³⁴ so that current political relationships and power distributions will ultimately be replicated online, opposing the view that the ICTs offer potential for radical redistribution of power. Similarly, Matthew Hindman, in *The Myth of Digital Democracy*, after tracking nearly three million Web pages, contends “that the beliefs that the Internet is democratizing politics are simply wrong”³⁵ and labels “Googlearchy” the current state of the Internet that would have done little to broaden political discourse but in fact empowers a small set of elites – some new, but most familiar. This is a perspective perfectly adaptable to Schumpeterian elitist theories of democracy.³⁶

Are political theories, and theories of democracy in particular, that uphold the claim of the neutrality of technology to be ascribed to (a1) or (a2)? There is a vast portion of scholarly attention being directed to the “crisis of democracy” that had been growing steadily over the years: does this stream of research offer outlooks that should be placed under (a1) or (a2)? Political theory deals with underlying basic concepts such as obedience, legitimacy, order, justice that have transcended the passing of ages – from the classical age to the modern age – as well as the passing of forms of government, from monarchy, oligarchy/aristocracy to democracy. A fundamental question for political theory in this new setting would be to investigate the question of “diffusion of power”: is there such a thing? In other words, is “power” more or less “powerful” when distributed? Are distributed power structures necessarily decentralized? Should we abandon the idea of a necessary link between force and power? If power is not exercised only through coercion, but also through the construction of meaning, does greater pluralism in semantic appliances imply a different configuration of the techno-social “relational capacity to influence asymmetrically the decisions of other social actor(s)”, pursuant to one definition of power in the networked society?³⁷ Moreover, do such fundamental political categories, that seem well suited for being positioned under (a1) really

³⁴ Michael Margolis, David Resnick, *Politics as Usual: The “Cyberspace Revolution”*, Sage Publications, Thousand Oaks (CA) 2000; Kai Hafez, *The Myth of Media Globalization*, in ASQ, Wntr, 2008 (trans. by Alex Skinner).

³⁵ Matthew Hindman, *The Myth of Digital Democracy*, Princeton Univ. Press, Princeton 2009, 3.

³⁶ Josef Schumpeter, *Capitalism, Socialism and Democracy* (1942), Routledge, London 2010.

³⁷ Manuel Castells, *Communication Power*, OUP, Oxford 2009, 10.

fit there, or should we add a new category or modify existing ones? For instance, how is the notion of “consent” to be understood in a setting where “informed consent” is increasingly complex to grasp and offers little resemblance to past forms? How many of you actually read the juridical contracts before you click “accept”? Another example of calling into question fundamental categories of political thinking concerns a major assumption of existing theories of political organisation, i.e. that a political community implies *borders* (including cosmopolitanism that does not, contrarily to what it might seem at a first glance, exclude internal federal settings): Does the trans-border effects of cyberspace call for a problematisation of such an assumption? Many contemporary theories of the so-called “global civil society”, like many McLuhan-inspired “global village”-theories, seem to engage in such a direction, whether implicitly or explicitly. Does cyberspace call for a rethinking of what has been called the “democratic boundary problem”?³⁸ The Internet is a medium that does not obey a geographical fractioning of the kind we have been used to in political gerrymandering – IP addresses are logical not geographical places –, how does this affect how we determine the “sphere of law” over a determinate community? The underlying idea of “space” relevant for political purposes perhaps needs recasting.

Before being raised in relation to politics, the outlook offered by (a2) was raised in relation to other realms of practical knowledge such as ethics and law. Already in 1985, ethicists were engaging in what came to be known as the “uniqueness debate”: on the one hand, James Moor suggested that we think of the ethical questions surrounding ICT technology as policy vacuums,³⁹ while Deborah Johnson defended the traditionalist account, based on the principle of analogy, according to which existing moral norms and principles can be applied to the new situations.⁴⁰ In the field of legal science, while David Post stressed the discontinuity-reading,⁴¹ Jack Goldsmith embraced such a traditionalist account where the new “crimes” emerging with the Internet would have been subsumed into already existing categories.⁴² Is it warranted to suspect that a similar traditionalist outlook informs many of today’s e-democracy sceptics? “Traditionalist” here does not have any politically loaded meaning since it merely indicates the cognitive and epistemological ability of a theory already in use to account for upcoming facts. This implies that the key difference between traditionalists and scholastics lies in the fact that the first accept the challenge of the

³⁸ Frederick G. Whelan, *Democratic Theory and the Boundary Problem*. In: *Liberal Democracy*, eds. J. R. Pennock, J. W. Chapman, New York University Press, New York 1983.

³⁹ James H. Moor, *What is Computer Ethics?*, *Metaphilosophy* – special issue (1985), 263-275.

⁴⁰ Deborah Johnson, *Computer Ethics*, Prentice-Hall, Englewood Cliffs NJ 1985.

⁴¹ David Post, *Against “Against Cyberspace”*, *BTLJ* (2002) 17: 1365-1383.

⁴² Jack Goldsmith, *Against Cyberanarchy*, *U. Chi. L. Rev.* (1998) 68: 1199-1250.

information age but believe to have the answers, while the second does not accept the challenge. Traditionalist accounts can be important both as descriptive and as normative accounts. Descriptively traditionalist outlooks often correctly grasp the ways in which policy decisions are made in practice as people are getting used to new technology (early stages descriptivism), and, normatively, such accounts appropriately recommends stocktaking on past experiences. Yet the inherent risk with such outlooks is that they may overstretch the principle of analogy, suggesting a mechanical process of extending knowledge and thus obscuring important decisions that are being taken in the design of new technologies that will be used in operating within the “politically loaded” world of experience.

Under (b), we should keep separate two positions that share, contrarily to positions under (a), the idea that computers have such an impact on the political relationships of human beings so as to warrant independent investigation of the “uniqueness” of political cyberspace and democracy in the digital age. Those who call for such independent investigation, nevertheless, develop different perspectives: the first (b1) focuses on the “transformation” brought on by digitalisation while the second (b2) concentrates on the “revolution” going on. Just as the information age of the “interconnected estate” has impacted on other branches of practical thought, such as ethics, economics and the law, the outlook under (b1) holds that we are witnessing new versions of old problems, and the novelty does not only consist in re-contextualization but in the fact that the issue raises unprecedented or unique features.

The difference between positions under (a2) and (b1) can thus be spelled out: whereas (a2) claims that we are witnessing new versions of old problems, yet refuses to treat these problems as offering unique features, (b1) claims that not only are we confronted with novel questions but we could not correctly understand and respond to these challenges if we do not take into account the specificities of information technology (such as its malleability, ubiquity, easily scalable networks, the “long tail”, the emergence of collective intelligence, velocity of transformation or “Moore’s law” etc.). This means, in other words, that if we want to understand a position as being related to (a2) or (b1) we should ask “What is it about information technology, as opposed to firearms, or washing machines or light bulbs, that creates political issues and uncertainty about democratic matters?” Are current problems affecting democracy in the digital age really different in the sense that they require development of a “new form of democracy”? Or are ICT-related political issues simply old political problems in a new guise?

In order to better illustrate the difference between the transformative potential (b1) of Internet politics and its revolutionary thrust (b2), a quick comparative look at the other

branches of practical philosophy is useful. Probably the first realm of practical knowledge that took the computer technology seriously was ethics: since the 80ies computer ethics has been addressing issues such as: Is it ethical for a website to place a cookie on the hard drive of those who visit the site? Is data mining morally acceptable? Are Internet domain names being distributed in a fair way? Should surgery be performed remotely with medical imaging technology? Should computer graphical recreations of incidents, such as automobile accidents, be allowed to be used in courtrooms? Is it right for an individual to reproduce and alter an artistic image electronically that was originally created by someone else?

Economists took up the challenge with the new economy turn: post-industrialism became evident for the larger public with the dot-bubble in the early 2000s. The transformative aspects of the Internet emerged in economics as its ability to reduce internal administration costs, speed up communication, reduce costs of transmitting data: all aspects that meant the reduction of the number of middle-hands between original providers of goods and services and the final consumer. The futuristically minded understood that the disintermediation would challenge traditional economic functions of wholesalers and retailers, implying fewer big malls, offices, publishers etc. This spotlight on renewed economic functions is a good example of the outlook focusing on “transformation”: It does not yet imply anything revolutionary, but it means that “business as usual” has to take into account the new setting.

On the political side, this trend was picked up by the transition to e-government in public administrations (e.g. electronic service delivery, the development of standardized management tools for legal documentation and information retrieval, such as XML standards; ZTTs in surveillance and congestion management; smart cards in public transport such as the London Oystercard): “the advent of the digital era is now the most general, pervasive, and structurally distinctive influence on how governance arrangements are changing in advanced industrialized states”.⁴³ E-government streamlines, standardizes, and modifies public administrations but does not pretend to create e-democracy *ex novo*.

The transformative potential of the Internet also hit lawyers, prompted by the appearance of new “computer crimes” and the avalanche of law-making from the mid-90ies onwards concerning the regulation of the new technology (e.g. 1998 *Digital Millennium Copyright Act* that set the irresponsibility regime for ISPs without which much of the web 2.0 could not have developed, with Del.icio.us, Essembly, FB, Flickr, Gather, MySpace, Partybuilder, YouTube, Ning, Metacafe, Revver, Blip.tv, CHBN, vSocial, Tagworld, Collectivex, Bebo, Care2, Hi5, Xanga... All this can readily be understood in the framework of (b1): the transformative

⁴³ Helen Margetts, Public Management Change and E-government. In: Routledge Handbook of Internet Politics, eds. Nick Anstead & Andrew Chadwick, London 2009, 120.

potential of the digital age was firmly grasped and new ways of tackling the updated versions of traditional ethical, economic and legal issues quickly developed.

IV. How has the transformation hit the political realm?

Today the transformative potential of information technology appears when we consider problems of how we should best update realms of political theory with lengthy histories, such as (c1) fundamental rights, (c2) institutionalized power, foremost that of the State; (c3) political participation, including parties, movements etc.; (c4) citizen education, including socialization practices of political relevance (e.g. consent-formation, political identification practices...). All have, at some level of abstraction, a connection to (e)-democracy. “One of the weaknesses of Internet studies is a failure to link research to existing literatures or place it within current political contexts”.⁴⁴ This implies that both futuristic optimists and realist normalizers fail to highlight that, under the present circumstances, *some* political institutions might benefit while other might not, *some* communicational settings may act as a catalyst for integrating *some* ICTs into participation and some may not. Scales of grey matter nonetheless. Here I shall briefly highlight some of the questions that can be raised in relation to points mentioned.

1. Get the Balance Right

In relation to *fundamental rights* (c1) the digital age has changed profoundly the ways in which we balance relative fundamental rights against each other: Think about freedom of speech and privacy. It is becoming all the more evident that, once we enter the infosphere, the traditional *habeas corpus*, to be able to offer the guarantees, safeguards and liberties we expect from it, needs to be understood (in addition and beyond the traditional approach) in terms of *habeas data*.⁴⁵ In other words, in a world where YouTube serves 2 billion videos a day, Twitter registers 750 twits a second, and 2.5 billion photos are being posted on FB a month, the balancing of freedom of speech and privacy has changed substantially: in accordance with (a2), privacy has not ceased to be the “right to be let alone” in the meaning of the right to non-intromission (e.g. secrecy of correspondence and of one’s home), but it has *also* assumed a previously unknown meaning of a *right to control over the treatment of personal data*. Think for example of the recent German protests about *google streetview*

⁴⁴ Stephen Ward, Rachel Gibson, European Political Organizations and the Internet. In: Routledge Handbook of Internet Politics, eds. Andrew Chadwick, Philip N. Howard, Routledge, London 2009, 37.

⁴⁵ Stefano Rodotà, The Retention of Electronic Communication Traffic Data, *Revista d’Internet, Dret I Política*, 3 (2006), 53-60.

violating people's privacy by filming homes, streets, cars etc. Perhaps the most emblematic case of the new forms of tensions in balancing fundamental rights such as privacy and freedom of speech is offered by sns such as FB: is the user overexposed? If so is it due to the quality and type of data left online or should we understand it to be the user's "intention"? How much intentionality can be legitimately read into "like"-ing? How does the notion of "informed consent" change in such a setting? Such issues have become urgent with the use of data mining techniques that enable sns to "treat" such quantities of data as to allow statistical retrieval of unreleased information: "non-sensible data" such as your zip code for instance may "tell" if you are more likely to purchase wine or beer. To what extent should these practices be allowed? What kind of supervision should data mining be subjected? Today Europe's independent authorities on privacy are charged with the supervision in *Workgroup ex art.29*. Should such controlling bodies be held accountable to voters? Do they differ from other kinds of independent agencies?

An over-inclusive conception of privacy, on the other hand, raises issues of yet another kind: could not privacy then be used as a pretext for non-proportionate limitations on information lawful to spread? Yet another aspect of the *habeas data* protection is how to balance the right to safeguard one's reputation and honour without impinging on other's freedom of speech. Many, including the UN in a recent [report](#) from July 2011, believe that defamation should be decriminalized in the new informational environment. This has an evident political consequence in democratic regimes since building trust in the public domain is strictly linked to ability of public authorities to maintain a good reputation in a free speech environment. Should these rights be balanced differently when a party belongs to the political arena? Another problem of balancing digitally informed fundamental rights is that of freedom of speech and "decency": many (liberal) states limit freedom of speech in the name of morality and common decency. However, common decency is a sensible and highly variable threshold in plural and multicultural societies: when should it trump freedom of speech? In addition, governments often put pressure on ISPs to adopt more restrictive policies, including filtering online content. Such a case was the removal of FB photos of breastfeeding mothers. Are such measures justified? The fight against child pornography has repeatedly turned out to be a "trojan horse" suitable for concealing various repressive measures that had nothing to do with fighting pornography: e.g. entire IP addresses have been obscured deleting lawful material as well. Can such a throwing out the baby with the bathwater be motivated? A similar problem of balancing rights is offered by the case of confidential information: the principle of publicity would require there to be no "state secrets" but since there are, the

tension between freedom of speech, mirrored in the right to information, clash with protection of confidentiality. How should the balance be struck? This raises the question of protecting whistleblowers, those who take risks in order to disclose confidential information to the benefit of the community (e.g. Wikileaks poses a similar problem: [Benkler](#) forthcoming). Chapter IV of the recent UN [report](#) on Free speech highlighted this transformative dimension of this core fundamental right, essential to liberal democratic society, by outlining some of the ways in which States are increasingly censoring information online, namely through: arbitrary blocking or filtering of content; criminalization of legitimate expression; imposition of intermediary liability; disconnecting users from Internet access, including on the basis of intellectual property rights law; cyber-attacks; and inadequate protection of the right to privacy and data protection; unclear responsibilities for ISPs.⁴⁶

Let us stress why there is room for analysis belonging to (b1) here and not only re-editions of settings under (a2): For instance, to show why the analogy with traditional media is insufficient and/or misleading for regulating the current blogosphere emphasis should be laid on the fact that, even though bloggers often have journalistic statuses, gaining access to political events and press conferences, they are fairly different from traditional journalists as far as editing issues are concerned. Another, yet interconnected aspect is the status of e-participation movements: the US netroots movement [MoveOn](#) is a 527 group and thus legally defined as non-partisan: how should such advocacy groups be legally framed in the new environment? Conversely, the problem of non e-commerce protected ISPs such as YouTube that in Europe is not covered by the ISP immunity given to e-com is connected to free speech.

To give a practical example of why the analogy with traditional media is misleading, let us consider the recently discussed Italian proposal of “transposing” existing freedom of speech norms to new media (cf. [disegno di legge sulle intercettazioni](#) 2009). This example shows why it is urgent to distinguish classical features under (a) and unprecedented features under (b). The proposed bill suggested to apply to bloggers the same rules that are applied to newspapers and TV-editors: the Italian legal system confer upon traditional media an obligation to grant the person who considers herself to have had her reputation soiled a “right to reply” within 48 hours. Non-compliance would entail fines for individual bloggers up to 12500 euros. It does not make sense to apply such a norm to websites and blogs since the Internet is a medium that does not follow the parcelling out by the hours that traditional media work with (indeed, new media have an a-synchronic and highly variable organisation such as

⁴⁶ Ugo Pagallo, *ISPs & Rowdy Web Sites Before the Law: Should We Change Today’s Safe Harbour Clauses?*, *Philosophy and Technology*, Special issue ed. By G. Finocchiaro, E. Pelino, A. Ricci and A. Spangaro (2011) May, 335-34.

real time, on demand...): it is not hard to understand that such an analogous extension of previously existing norms such as the traditionally conceived (one-to-many) “right to reply” would kill off the blogosphere since bloggers would need to renounce to any other activity or continue their activity as potential legal infringers – a risk few would take. Italy’s lawmakers have also suggested ([*decreto Romani*](#) of 2009) a requirement of a ministerial authorization for all streaming videos: another proposal that is incompatible with freedom of speech in the digital world, too cumbersome for individual prosumers.

Since fundamental rights of this kind (that guarantee so-called first-wave liberties or negative liberties) are essential preconditions for democracy, we must understand e-democracy to be involved with questions arising in this field as well, and here political theory has to develop frameworks in pace with the technological developments because it is currently underequipped to provide answers on how to balance rights in this new environment. To what extent does liberal theories of rights accommodate for the Internet Bill of Rights-movement?

2. Transformations to the State and Institutions

In relation to (c2), the power of institutions, and in particular of the State, is changing. On one hand, some of the changes we are witnessing are transformative but hardly related to ICTs, on other hand, some other trends, related to ICTs are unprecedented.

As far as the first are concerned, there are a series of transformative trends that may perhaps be amplified by the Internet but that are not “new”; e.g. there is of course the long-standing tradition in political theory that over the 20th century focused on the transformations of the state and the erosion of the Westphalia paradigm. Most tendencies of state erosion might be amplified but cannot be said to be “unprecedented” as such. Perhaps it is true that “in the interconnected estate, a virtual space that is constrained by different national laws but not national boundaries, there can be no equivalent to the Treaty of Westphalia”.⁴⁷ Yet political theory has been reflecting on this tendency of erosion of the public/private, in/out-divides for decades. And there is, indeed, food for thought on the topic: A good example of the kind of post-statal blurring of genres that cannot find easy accommodation in traditional frameworks is the GNI – *Global Network Initiative* – that brings together human rights groups, investors, academics and companies and has published specific guidelines on promoting freedom of expression. Another interesting case of a private company having a

⁴⁷ See Schmidt, Cohen (note 1) at 80.

(para)public function is the ICANN that distribute domain names among other things.⁴⁸ Many more cases could be cited. Add to this, phenomena such as the outsourcing of censure from governments to ISPs, partly as a consequence of the gatekeeping role exercised by some key players, such as Google for instance: This, in turn, opens up questions such as does holding intermediaries liable for the content disseminated by their users lead to self-protective and over-broad private censorship without the due process of the law? [OpenNet](#) lists the attempts of censoring the Net that have no basis in judiciary rulings (U.N. guidelines to defend free expression claim censorship of content online must be transparent and enforced only through the courts). These are pressing issues but could be framed within the trend that investigates how the lines of private and public are getting increasingly blurred: the digital environment might just strengthen an already existing trend. Many empirical scholars in political science have argued that we are assisting to enforcement of previous trends: early evidence of e-participation indicated “a deepening of activism among the already engaged, but only a marginal mobilization role in relation to new audiences. Overall, ICTs seem to be accelerating some of the trends of the pre-internet era such as individualization and disaggregation”.⁴⁹ On such a reading, the Internet does not much more than accelerate trends that brought on “post-democracy”,⁵⁰ e.g. fall in party and trade union membership, the lack of satisfaction with traditional parties and the rise of so-called protest business,⁵¹ an increasing focus on single-issue campaigns, ephemeral mobilization practices. These problems of “mature democracies” have roots in the pre-digital age and “the arrival of the internet into the midst of these upheavals has added a further layer to debates about the role of political organizations”.⁵² The early days that stressed the risks of electronic populism⁵³ did not discover something new but rather added a dose of tech-determinism to the already on-going sufferings of representative democracy.⁵⁴

Conversely, we are also assisting to trends that embody the truly transformative potential of the digital age in the realm of politics: think of data-veillance and new surveillance studies for instance. Dataveillance refers to the automated and systematic use of personal data systems in the investigation or monitoring of the actions or communications of one or more persons and comprises a wide range of techniques (Front-End Verification, computer

⁴⁸ See Post (note 41).

⁴⁹ See Ward & Gibson (note 44) at 25.

⁵⁰ Colin Crouch, *Post Democracy*, Polity Press, London 2004.

⁵¹ Grant A. Jordan, William A. Maloney, *The Protest Business? Mobilizing Campaign Groups*, Manchester Univ. Press, Manchester 1998.

⁵² See Ward & Gibson (note 44) at 28.

⁵³ Benjamin Barber, *Which Technology and Which Democracy*. In: *Democracy and the New Media*, eds. H. Jenkins & D. Thorburn, MIT Press, London 2004.

⁵⁴ See Anstead & Chadwick (note 11) at 58.

matching, data trail, biometrics: [Clarke](#) 2006). Now, if traditional surveillance was 'close observation, especially of a suspected person', the new forms of surveillance that information technology enables is applied, beyond persons, to places, networks and categories of persons (e.g. profiling): the *new social surveillance* can be defined as, "scrutiny through the use of technical means to extract or create personal or group data, whether from individuals or contexts".⁵⁵ If surveillance has been in constant expansion over the last centuries,⁵⁶ the microchip and the computer have substantially impacted on the centrality of information in the workings of contemporary society: just think of CCTVs, smart cards in work places, electronic location monitoring, DNA analysis, drug tests, brain scans for lie detection, thermal imaging etc. Traditionally surveillance involved close observation by a person not a machine; there was a clear distinction between agent and subject of surveillance; it was generally non-cooperative; visible, manifest and usually coercive; it was more fragmented; whereas today it is carried out by ICTs, the watcher/watched relation is blurred (e.g. self-surveillance and cooperative surveillance), it has low visibility in disguised and routinized monitoring of everyday activities (e.g., use of a credit card for purchases automatically conveys information about consumption, time and location); it is comprehensive (the ratio of what the person knows about herself relative to what the surveilling organization knows is lower than in the past). There can be little doubt that major changes have occurred. However, the normative implications of these are mixed and dependent on the technology in question and evaluative frameworks. Politically salient issues are raised by the absence of discrimination between suspects and non-suspects (surveillance technologies are often applied *categorically*, e.g., all employees are drug tested or all travellers searched).

Another transformative thrust investing institutions is the unclear role of organizations played in ICT-informed political arenas: To go beyond the fixation on traditional parties and public spheres as the only relevant organizational schemes for consent flow aggregation and directing, as well as the recent hype about the spontaneous orders emerging from crowd-sourcing and self-organized political action – a.k.a. organizing without organizations – political theory needs to develop frameworks that can grasp the different levels, goals and intensities of organizing collective action: the fundamental nexus between formal institutions and the solving of free-riding problems needs rethinking, because information is a critical problem for organizations and that would be reason enough to shed new light on how ICTs

⁵⁵ Gary Marx, Surveillance and Society. In: Encyclopedia of Social Theory, 2005, at: <http://web.mit.edu/gtmarx/www/surandsoc.html> (accessed 5/7/2011); Gary Marx, Windows Into the Soul: Surveillance and Society in an Age of High Technology, University Chicago Press, Chicago 2004.

⁵⁶ Michel Foucault, Discipline and Punish: The birth of the prison, Pantheon, New York 1977.

impact on the myriad of organizational structures in contemporary politics. Mainstream democracy studies have not focused much on the interaction between technologies and the organizational structures. Yet “conceptualizing information and communication as central features of politics that might be fundamental reasons for the existence – or transformation – of groups in the first place”⁵⁷: How should we understand the difference between a civic association and an interest group for instance? Organizations do not comprehend merely bottom-up, grass-root or civil society organizations but also public top-down organizations: How is the relationship between e-government – such as it is being implemented e.g. in Europe through [eEurope 2005](#) action plan or the [i2010](#) initiative – and administrative reform more generally evolving? What impact does the e-governmental agenda have on the lower levels of administration in its search for the proximity to citizens? What kind of bearing, if any, does it have on “horizontal” political identification practices and groupings?

3. Transformations to participation and its prerequisites

In relation to (c3) – political participation and processes of formation of consent and dissent through parties and movements – we need to rethink basic aspects of mobilization, informational pluralism, dynamics of public opinion, structure of the public sphere etc. Empirical work on e-participation still disagrees on the benefic vs. malefic impacts of ICTs: on the one hand some see participation increasing and deliberation potentially improve decisions,⁵⁸ others warn that it might be dangerous.⁵⁹

As social theory was discovering that being virtual is an extension of time-space distanciation, whereby relations between social actors are increasingly disembedded – i.e. one of the most conspicuous characteristics of late modernity that gives rise to a range of highly significant social reconfigurations – we still ignore how ICTs are impacting the political side of this virtuality. In the only entry dedicated to the digital age of Marc Bevir’s recent *Encyclopedia of Political Theory*, namely “Virtual”, Stephen Coleman stresses that “it is unwise to think of virtuality in a politically deterministic way. That is to say, being virtual neither empowers nor weakens citizens; it neither broadens nor constrains public spheres. (...) In some situations, it allows people to engage in more meaningful communications that strengthen opportunities for consequential collective action; in other situations virtual

⁵⁷ Bruce Bimber, Cynthia Stohl, Andrew J. Flanagin, Technological Change and the Shifting Nature of Political Organizations. In: Routledge Handbook of Internet Politics, eds. Nick Anstead & Andrew Chadwick, London 2009, 78.

⁵⁸ See Habermas (note 9).

⁵⁹ Cass Sunstein, On Rumours. How Falsehoods Spread, Why We Believe Them, What Can Be Done, Allen Lane, London 2009.

interaction might be a poor substitute for physical intercourse. It is equally unwise to think of the virtual as being wholly decoupled from the real or physical; in most cases, acting virtually— such as sending an e-mail, taking a photograph, or joining a global movement— leads to social activities in the real world. Although some virtual experiences (such as online gaming) are fairly self-contained, most are not.”⁶⁰

This ambiguity of uses imply that, among the transformative thrusts, we find other – perhaps unsuspected – challenges facing representative democracy today, primarily in relation to public opinion: are outsider, oppositional or fringe organizations likely to benefit (disproportionately?) from the rise of ICTs, potentially posing a challenge to mainstream politics? How should we understand this phenomenon dubbed the “Zapatista effect”?⁶¹ This might not only be due to equalization, i.e. the fact that all bits are equal on the net making extremists positions no less available than mainstream opinions, but also to the deliberative effect on the web 2.0: «when people talk what happens? Do group members compromise? Do they move towards the middle (...)? The answer is now clear and it is not what intuition would suggest: groups go to extremes. More precisely, members of a deliberating group usually end up in a more extreme position (...). Group polarization is a typical phenomenon in deliberating groups». ⁶² An interesting case study here would perhaps be Finland: Can the hyper-connectivity of the country that first constitutionalized access to broad band be correlated to polarization in politics, with the recent nationalistic upswing in the last elections?

A part from polarization, cocooning is another issue, i.e. the fact that people entrench into closed circles of political information where citizens can easily filter out news of certain kinds, an inclination due foremost to preference for avoiding “cognitive dissonance”: it is not *per se* a new problem but ICTs enhance the effect by picking and choosing sources of information more freely in a panorama of more fragmented media where “trust” is bound to become a central epistemic value⁶³ and perhaps also key to understanding political orientation. In a world where more than 50% of the world’s population has access to some combination of ICTs (5 billion cell-phone users, around 2 billion internet users, some 6,7% of the world’s population having private access to the web) another problem for public opinion is the long-term effects of unrestrained gossip on the democratic system that tend to make false rumours go viral.⁶⁴

⁶⁰ Stephen Coleman, Virtual. In: Encyclopedia of Political Theory, ed. Marc Bevir, Sage, London 2010, 1404.

⁶¹ See Hafez (note 34) at 103.

⁶² Cass Sunstein, Going to Extremes: How Like Minds Unite and Divide, OUP, Oxford 2009, 3.

⁶³ Gloria Origgi, Is Trust an Epistemic Notion?, *Episteme* (2004) 1 (1): 61-72.

⁶⁴ See Sunstein (note 59).

Another connected worry is the “mediocratisation of knowledge”⁶⁵, i.e. the phenomenon of mistrust in experts that is often associated with the faith in crowd-sourced wisdom.⁶⁶ The open source pioneer Eric Raymond, for instance, has raised concerns about Wikipedia being “disastrous” from such a standpoint: According to Raymond, open source is not applicable to an encyclopaedia, as highlighted by the introduction of Wiki’s 5 robots protecting entries against the obscenities and mass deletion of wiktrolls, the semi-closure of certain entries such as God, Al Gore, Galileo and Chopin, notwithstanding the “success story” that *Nature* published in 2005 finding a 4:3 error ratio between Wikipedia and the British encyclopaedia.

Linked to potential changes in the structure and dynamics of public opinion we find the changes in the *public sphere* that ICTs induce and that social and political theory is currently tracking: the Internet is often presented as a potential public sphere. Building on John B. Thompson’s theoretical account of mediatisation as a process whereby “the exchange of symbolic forms is no longer restricted primarily to the contexts of face-to-face interaction, but is extensively and increasingly mediated by the institutions and mechanisms of mass communication”,⁶⁷ some scholars have argued that social membership is increasingly taking a virtual form, for example, in online social movements and communities, and enabled relationships between governments and citizens. This was the ground for the rise of the “Netizen” in the 90ies as a “virtual citizen”. It is noteworthy that unlike “virtual representation” in traditional political theory, which sought to justify the absence of people from power by characterizing them as virtually spoken *for*, Internet-related virtuality tend to be employed as a way of enhancing participation, by characterizing citizens as virtually spoken *with*.

The changes in the public sphere call for better understanding: at the same time public opinion appears to be divided (polarized, segmented, fragmented etc.) and empowered. One transformative (and understudied) aspect of participation is the increased support from expat communities (“virtual overseas party branches”), a direct impact of global diasporas using ICTs. Another challenge at this level of analysis (c.3) is to design mobilization procedures adapted to inforgs. It is often stressed that online donors tend to be “middle-class, fairly well educated and politically active”:⁶⁸ How do you design mobilization procedures adapted to politically inactive inforgs? In the early 2000’s it was often stressed that online campaigning would only attract the least participative age group: How is it when the digital natives grow

⁶⁵ Paul [Duguid & John Seely](#), *The Social Life of Information*, Harvard Business School Press, Harvard 2002.

⁶⁶ James [Surowiecki](#), *The Wisdom of Crowds: Why the Many Are Smarter Than the Few and How Collective Wisdom Shapes Business, Economies, Societies and Nations*, Doubleday, Anchor 2004.

⁶⁷ John B. Thompson, *The Media and Modernity: A Social Theory of the Media*, Polity Press, London 1990, 15.

⁶⁸ See Anstead & Chadwick (note 11) at 18.

older? “Across Europe to date [we face a] reinforcement rather than a mobilization story”.⁶⁹ There is considerable scope to analyse how and why online recruitment fails or succeeds.

4. Transformations to citizen education: redesigning net etiquette?

In relation to (c4) – citizen education – we need to rethink the “skill reset” that ICTs are prompting. Citizen education has appeared for some time to be a promise that traditional democratic theory had not kept.⁷⁰ While democrats typically believe that the practice of democracy modifies the ability of citizens to choose, making them do better choices, reality has often been stubborn in showing the opposite. In relation to this level of analysis too, we are witnessing a form of transformation: the problem itself is not new but it is assuming new forms. Think of the *Citizen’s Briefing Book*, *cahier de doléances* that the Obama administration created for promoting *e-democracy*, i.e. a virtual arena where netizens could describe their own political proposals and vote for one another’s suggestions. As the initial fervour for e-campaigning in the wake of Obama’s election⁷¹ left place for greater scepticism, in September 2009, the *Citizen’s Briefing Book* had over 44 000 proposals and 1,4 million votes. However, the most popular proposals were legalizing marijuana and onlinepoker and granting free wifi access.⁷² Sceptics usually point to the fact that providing electronic tools for participation is not the same thing as empowering members to participate: this is an old problem; what is changing are the terms of the issue, say, for instance, who sets the e-agenda? Is the interface single-issue driving or broad value enhancing? How free or constrained are facilitators or technical translators, including administratively non-trained technicians with civil servant-like functions? What role do they play in “adjusting” the software? Are organizational headquarters more likely to dominate the e-agenda and strengthen their position or not? Are the hubs of such participative networks political professionals or laymen? Would that change the overall assessment of the quality of participation?

Other citizen education-related issues likely to gain from being framed into the transformative dimension of e-democracy are the following (they are not entirely novel, and stocktaking from previous experiences can be valuable to set up guidelines): Whereas there is a longstanding tradition concerning journalistic behaviour, there is no established net etiquette for people blogging on political matters. It is common in the US that bloggers advocate for a campaign in return for a consultant fee: should bloggers reveal financial connections to a

⁶⁹ See Ward & Gibson (note 44) at 29.

⁷⁰ See Bobbio (note 16).

⁷¹ Eric Boelhart, *Bloggers on the Bus. How Internet Changed Politics*, Free Press, NY 2009; Matthew R. Kerbel, *Netroots. Online Progressives and the Transformation of American Politics*, Paradigm, NY 2009.

⁷² Anand [Giridharadas](#), *Athens on the Net*, New York Times, 12/9/2009.

campaign? Similar issues concern bloggers' potentially abusive language and its connection to the abovementioned suggestion to decriminalize defamation. Another politically salient issue here is the management of "collective memory" on the web. On the individual level, old posts create a problem of claiming, enjoying and enforcing a "right to oblivion" but on the collective level this implies a problem about having a "right to change one's mind": a politician caught off guard in one moment in time expressing contradicting views to current ideas is likely to be targeted: how are ICTs changing such situations?

Yet another problem that calls on digital educational measures adapted to the new situation concerns anonymity and encryption practices. The ICT revolution, it is often said, has a megaphone multiplier effect, which need not amplify just what we "like". Jaron Lanier in *You are not a Gadget* argued that anonymity provided by the Internet can promote a sadist culture.⁷³ On the one hand, we see phenomena of individual "sadism" such as the "human-flesh search" in China, denounced on the NYT Magazine 2010 by [Tom Downey](#), i.e. a kind of crowd-sourced detective work where people find and hunt down enemies in corrupt officials or simply people who have made others angry. On the other hand, encryption make mafia's and terrorist networks thrive: "as relatively inexpensive encryption technology continues to proliferate on the commercial market, there is little doubt that autocrats and hackers will make use of it, too. Finding the balance between protecting dissidents and enabling criminals will be difficult at best".⁷⁴ Balancing accountability against anonymization will need civic engagement and make education more important on the democratic agenda and redesign our ways of viewing "acceptable" anonymity.

Last but not least, a politically relevant aspect of the digital age and its specific forms of interaction is how the repertoire of civil disobedience is changing. The non-violent movement has developed alternative strategies to violence even since it first appeared (e.g. boycotts, sit-ins etc.) but the Internet has made the flourishing of non-violent new forms of opposition gain momentum. These include electronic civil disobedience and hacktivism where online activists have targeted governments and corporations through the defacing of websites, publishing of private information, through swarming and denial of service attacks (DDoS) that tie up websites and networks. Besides criticism coming from targets, there is criticism also from the very activists: is online activism a shallow form of participation that distracts from real-world activities? Does it promote isolated activists?

⁷³ Jaron Lanier, *You are not a Gadget*, Random House, Toronto 2010.

⁷⁴ See Schmidt & Cohen (note 1) at 79.

V. Where lies the revolutionary thrust?

Let us now go back to the cousins of political philosophy so as to better grasp what in the current state-of-the-art concerning e-democracy really signals novelty. As the transformative dimension pushes for a still on-going process of updating, a further step is being taken in many fields of practical relevance. I shall refer to this shift of perspective, or awakening to the uniqueness of the technology impacting our world, as the “revolutionary” thrust. The idea is that information technology leaves some things as they were, and changes others to such an extent that previously received wisdom is of little practical use in developing plausible answerers to the upcoming challenges, but ICTs also increasingly entail a list of unheard-of problems that we are not culturally and scientifically prepared to address and that therefore are, indeed, “revolutionary” in their novelty. So as to stress what distinguishes this category of phenomena from those listed under (b2), a quote is useful: Walter Maner wrote, back in 1996, that “for all of these issues, there was an essential involvement of computing technology. Except for this technology, these issues would not have arisen, or would not have arisen in their highly altered form. The failure to find satisfactory non-computer analogies testifies to the uniqueness of these issues. (...) Lack of an effective analogy forces us to discover new (...) values, formulate new (...) principles, develop new policies, and find new ways to think about the issues presented to us.”⁷⁵

So as to illustrate the revolutionary thrust in adjacent fields of study, we can point to the rise of information ethics that goes beyond computer ethics in its earlier formulation since the fundamental subject of ethics is no longer held to be the human being, but subject to ethics is also informational entities. Like other realms of normative ethics abandoned the anthropocentrism of traditional ethics (e.g. Peter Singer and animal rights, Arne Naess and the deep ecology movement), in informative ethics anthropocentrism is substituted with ontocentrism.⁷⁶ Richard Stallman’s four freedoms essential to software development in the GNU Manifesto (freedom to run a program for any purpose, freedom to study the mechanics of the program and modify it, freedom to redistribute copies, and freedom to improve and change modified versions for public use) could be read within such a development of ethics. The rights are not seldom presented as those of the software, not of traditional agents. This leaves room for plenty of debates but it clearly changes our moral toolkit drastically.

In economics, the “revolutionary” aspect of ICTs appeared in relation to the *long tail*, i.e. the retailing strategy of selling a large number of rarely required items in relatively small

⁷⁵ Walter Maner, Unique Ethical Problems in Information Technology. In: Science and Engineering Ethics, eds. Terry Bynum and Simon Rogerson (1996) 2, 152; and, in the same way, see Moor (note 39).

⁷⁶ See Floridi (note 19).

quantities – usually in addition to selling fewer popular items in large quantities. To Anderson, examples of such long tails include *Amazon* and *Netflix*.⁷⁷ We could add *iTunes* etc. Because of the negligible stocking, inventory and distribution costs of digital copies, such business models realize significant profit out of selling small volumes of hard-to-find items to many customers instead of only selling large volumes of a reduced number of popular items. Given enough choice, customers change their selection and buying patterns so as to result in the demand across products having a power law distribution or Pareto distribution. One innovatory consequence is the radically different capitalization processes.⁷⁸ Moreover, economics discovered the “revolutionary” implications of ICTs with the emergence of decentralized non-market based transitional framework that compete with traditional forms of exchange; e.g. new forms of competition include the P2P collaboration groups that produce open-source software or create wikis, but also the crowdsourcing model, in which a company outsources work to a large group of market players using a collaborative online platform, and more generally work performed by individuals in commons-like networks that enable a “system of production, distribution, and consumption of information goods characterized by decentralized individual action carried out through widely distributed, nonmarket means that do not depend on market strategies”.⁷⁹ This economic dimension, it should not be forgotten, is strictly linked to the emergence of the web 2.0 that is today at the center of the discussions on e-democracy.⁸⁰

Yet, the analysis of the specifically political dimension of the impact of this technology is still largely unexplored, which might seem all the more surprising since the Internet has a structure that *per se* promotes informative pluralism since it enjoys a “variable geometry” (to use a fashionable expression in EU studies): contrarily to one-to-many or point-to-point media as traditional broadcast and publishing, the Internet enables many-to-many communication (e.g. FB), one-to-one communication (e.g. e-agenda), many-to-one (e.g. mail). It also has an interactive capability unlike traditional “passivity-promoting” media. Add to this the lowering of entry costs into the discussion that stimulated the rise of UGC (User generated content). Finally, it is a decentralized or a-cephalous media, contrarily to traditional media: conceived as an anarchical space, there is no hierarchy among flows – every bit has

⁷⁷ Chris Anderson, *The Long Tail: Why the Future of Business Is Selling Less of More*, Hyperion, NY 2004.

⁷⁸ Yochai Benkler, *On the new open-source economics* – Ted talk 2005.

⁷⁹ See Benkler (note 28).

⁸⁰ Tim O’Reilly, *What is Web 2.0? Design Patterns and Business Models for the Next Generation of Software* on line, *Communications & Strategies*, No. 1, First Quarter 2007: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1008839.

the same “value” on the net. This is an aspect that is often referred to being intrinsically “democratic”, even though “egalitarian” is perhaps a better label.

These characteristics are raising some unprecedented problematic dimensions. Here I shall list, on the one hand, some unique general challenges and, on the other hand, some novelties specifically related to democratic ways of governing, foremost parliamentary rule.

1. General challenges

Among the unprecedented general challenges that the Internet is raising we find the threats of cyber-terrorism (e.g. Russia’s attack on Estonia in 2007) that seems to draw the broad brushstrokes of a new setting for International relations,⁸¹ as well as the digital divide separating the information haves and have-nots:⁸² the total bandwidth of the Internet in Africa is equal to that of the Brazilian city of Sao Paulo, and the total bandwidth of the Internet in Latin America is equal to that of Seoul, Korea. It is not only a matter of income, but it is multidimensional problem, involving availability of technology and physical infrastructure, as well as digital literacy. This means the divide cuts new boundaries within and across communities and cannot be subsumed into, or presupposed to be overlapping with, already existing categories of cognitive marginalization and subaltern groupings (it might replicate some, but it also develops others).

Another unprecedented challenge concerns the issue of recognizing and protecting what Hillary Clinton calls “the freedom to connect”. Finland was the first country in the world to constitutionalize access to broadband. How should such a right be understood against the backdrop of modern constitutionalism? The right to connect should also be viewed in relation to the battle over Net neutrality. Such a right is linked to the digital divide as an instance of fighting informational inequality that we know has negative feedbacks on empowerment. In the background, we find the broader cultural struggle against the commodification of information and its increased proprietization with its negative impact on creativity and innovation.⁸³ How is such a right to access to be understood on the ground of conventional

⁸¹ Andrew Colarik, *Cyber Terrorism: Political and Economic Implications*, IGI, London 2006; Lech Janczewski, *Cyber warfare and cyber terrorism*, IGI London 2008.

⁸² The term was probably introduced officially in 1995 when the NTIA (National Telecommunications and Information Administration), an agency headed by the U.S. Department of Commerce and an advisory body of the U.S. Presidency in the field of telecommunications, published the first of four government reports: *A Survey of the "Have Nots" in Rural and Urban America*. See James E. Katz, Ronald E. Rice, *Social Consequences of Internet use: Access, Involvement and Expression*, MIT press, Cambridge (Mass.) 2002; Russell W. Neuman, *The Future of Mass Audience*, CUP, Cambridge 1991; Bruce Bimber, *Information and American Democracy: Technology in the Evolution of Political Power*, CUP, Cambridge 2003.

⁸³ Lawrence Lessig, *The Future of Ideas: the fate of the commons in a connected world*, Random House, New York 2001; Lawrence Lessig, *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*, Penguin, New York 2004.

theories of rights? Is it part of a new cascade of collective claims that amount to a “new wave of rights” or can it be subsumed under previously recognized types of rights, such as the right of freedom of expression and the right to share information as they appear in the 1948 UN Declaration of Human Rights (art 19, art 27 §1)? Is the right to connect mirrored in an obligation to provide connectivity? Conferred to whom? Can it be coherently framed into traditional negative liberties? Part of the freedom to connect is clearly of negative quality – prohibiting the state and the market from hindering or creating illegitimate impediments to access –, yet it is also associated with major investment in infrastructural development that traditionally are linked to positive liberties. Is it therefore a right structurally more similar to the right to education than to free speech? Should it be compared to a right that grants freedom *from* intromission in communication or to the right *to* information? Just like other traditional rights of Man, strategies have to be developed to protect it against contrasting forces. How can such strategies best be adjusted to the type of right we are concerned with?

If we look at some of the challenges that Internet is facing today, we see that it is under siege by both the state and the market. While in relation to the state, it can be claimed that both direct intervention (such as arresting hacktivists and jailing bloggers) and indirect intervention (censure of contents, e.g. China blocking websites containing key terms such as “democracy” and “human rights” as denounced by [Reporters without borders](#), or states shutting down the Internet, e.g. Iran 2009, Egypt 2010) are reminiscent of traditional forms; yet what is unprecedented is that mechanisms used to censor information on the Internet are increasingly sophisticated, with multi-layered controls that are often hidden from the public. In relation to the market, some threats to the Internet might seem reminiscent of “old” problems such as for instance oligopolistic concentrations of ISPs (e.g. dominant positions of some players like Google, Microsoft, Apple, Facebook), yet others are new: The type of problem that are raised by the last mile or Net neutrality. Some companies that are guaranteeing the access to the Internet (often telecom-companies) are thinking of realizing a Net of fast-tracks, short-cuts etc. so as to maximize profits. Should this be allowed? Under what circumstances? How would an alternatively designed architecture alter the access to the right to connect?

2. Specific challenges to parliamentary rule

Among the more specific challenges to democratic stiles of government, foremost in relation to parliamentary rule, ICTs are currently creating new ways for (d1) the transfer of information between different actors in the political arena and this makes (d2) citizens,

political parties and civil society organizations acquire possibilities of more intense interaction; a perspective that can lead to (d.3) new ways of participating in the democratic process, such as (d.3.1.) through e-voting forms or (d.3.2.) innovative ways of analyzing public opinion.

For the information transfer between different institutionally codified actors in the political arena a viable option, differences in national systems have to be overcome. This is the goal of the promotion of parliamentary standardization: the *Global Centre for ICT in Parliament* organizes a conference (*World e-Parliament Conference*) designed as a forum for the sharing of best practices and laying down future guidelines. This standardization effort continues with *e-Parliament Framework 2010 – 2020*. Much work on standardization is being done through systems such as MetaLex that focuses on sharing documents in Extensible Markup Language (XML format), creating common metadata, facilitate citations and cross-references between different documents of different parliamentary systems, or on the determination of abstract classes of models that can serve as to identify similar structures despite varying appellatives (an article is logically invariable even though it might be called something else in some legal systems). Such an example is the [Akoma Ntoso](#) project. The standardization enables sharing of information between parliaments in a innovative way and to an unprecedented extent that is susceptible of laying the basis for greater bi- and multilateral parliamentary cooperation – quite surely a prerequisite for high-quality law-making in a world of increasing cross-border consequences and formerly reserved for operations within the executive branch. Of course, as in all phenomena of convergence, a risk of exaggerated streamlining and loss of pluralism might be present. The rapid growth of ICTs has changed the environment within which parliaments operate. Rather than being mere witnesses to these changes, they can choose to strengthen the legislative processes and participatory political engagement.

In the current phase, E-parliamentarization is essentially characterized by the digitization and sharing of documents, the focus is still on the individual act. However, the move that is occurring is a shift of focus from the output of legislation (i.e. acts) to promoting visibility and accessibility of the entire legislative process. The use of information technology opens up new prospects for cooperation, participation and sharing information and knowledge which makes it necessary to shift attention from the single final output (the law) to a more comprehensive approach to law-making, taking into consideration previously unavailable or marginalized information in the process such as amendments, reports, draft laws, the role of

committees, legislative inquiries etc.). In other words, the new forms might stress previously hidden dissent.

This approach aims to improve the quality of legal drafting, making these documents clearer, less ambiguous etc. where the presupposition is that more eyes with contrasting interests and preferences examining a text will increase the probability of singling out and pinpointing potential loopholes and equivocality. The type of drafting is also changing: drafting can now be done in layers. A single piece of legislation thus appears as a normative chain of text versions: texts that modify existing documents, and those that are being modified by it, can be mapped and followed through time (versioning); the logical structure of norms is being captured through languages such as RuleML, and documents are being indexed based on conceptual analysis (ontologies) of its legal domains, and meta-information has been incorporated in documents, including constitutional court decisions or ECJ rulings etc. It is reasonable to assume that such changes will impact on the type, quality, and systematic character of interpretative practices. A challenge here is to assess the rule of law-promoting capacity such procedures may entail.

In the legislation process, citizens rarely have access to the content of legislation until it is in its final stages and can only know about the haggling and negotiating of representatives through the reporting of journalists – this is perhaps about to change. The E-parliament approach that is currently being implemented in many countries also intends to highlight discussions that were not previously available to citizen scrutiny. This does not merely imply increased availability of information but more radically it also shifts emphasis onto previously concealed dissent. In practice this means that accessible documents will not include only the final legislative output as published by official sources, but also other kinds of documentation that is relevant for the formation of the law, yet that has been traditionally kept at the margins of the process with the effect of occulting dissent: think of mark-ups in drafting processes, amendment tracking, parliamentary reports, *travaux préparatoires* etc. An example of how the digitalization of parliamentary workings is changing practical politics is the role of the motion to amend: often used in parliamentary proceedings to water down a motion into a form that is more likely to be accepted or to convert it into a form that is more likely to be rejected, it can now be used to block the legislative process: the European Parliament enabled its members to submit amendments to bills directly on the web: the amendments are sometimes so many that a blockage of the entire legislative process occurs. Whether for the good or for the bad, it is beyond doubt that ICTs are modifying some parts of the internal workings of representative democracy.

Traditionally, citizens hardly ever look directly at the content of legislation, more often relying on the recycled analysis of pundits who very likely did not read the legislation either. This is another aspect that is liable to change. E-parliament tools also provide for the appearance of prosumers in the political information field: [TheyWorkForYou](#) for instance enable prosumers to mash parliamentary data from the official British *Hansard* to remixed it in such a way that lay audiences can profitably follow the course of an issue: it allows users to track a particular issue or MP, comment on parliamentary proceedings, register for updates on specific issues etc. An example of such an institutionally designed application is the [citizen's mail](#) making it possible to send email the European parliament. An example of civil society generated device is [Issue Crawler](#) that searches the web to establish where issues are being discussed and how those discussions are linked, making it easier to map the communicative landscape and sense how a debate is developing. Another interesting case is the project founded by Lessig and Trippi in 2008 called [Change Congress](#) that aims to augment accountability in limiting “corruption“ (i.e. distorted influence of money) in the US Congress.

The innovative aspect of such possibilities lies in the fact that “the theoretical debate between direct, inclusive democracy and indirect, constitutionally balanced representation (...) totally ignores the possibility of options in between (...). The public has generally been spoken *at*, rather than *with* (...). Digital ICTs could play a vital role in changing the terms of that relationship.”⁸⁴

Another revolutionary impact of ICTs on parliamentarism is the possibility that is now opening up to devise workable inter-parliamentary dialogue, a possibility that until yesterday remained highly impracticable. The cooperation between parliaments arises from the possibility of sharing knowledge and information. It is currently being promoted by the *Global Centre for ICT in Parliament*, a joint initiative of the United Nations, the Inter-Parliamentary Union and a group of national and regional parliaments (European Parliament, the Pan African Parliament, the Chamber of Deputies of the Italian Parliament, national Assembly of Hungary, the People's Assembly of Egypt, National Assembly of South Africa) that was launched in November 2005 during the world Summit on the Information Society (WSIS). A potential impact could be the possibility, acknowledged in the Lisbon Treaty, of half of Europe's national parliaments working together to block a proposal of the Commission. Such possibilities might reinvigorate the tension between governments and parliaments around Europe. Similarly the [Ipex](#) seeks to expand the information base available to national parliaments with regard to specific EU documents.

⁸⁴ Stephen Coleman, Making Parliamentary Democracy Visible. In: Anstead & Chadwick (note 11) at 96.

Add to this the deliberative, participative and direct democratic practices that use ICTs, such as online discussions, online polls, e-petitions, e-consultations on issues and e-consultations on bills. ICTs seem to have an impact foremost on “direct democracy institutions” (e.g. citizen initiatives, referendum...), and especially on forms of candidate recruitment (e.g. primaries): “In the United States most of the internet campaigning innovations (...) have occurred during primaries.”⁸⁵ In particular, we should stress that the most challenging forms of ICTs in politics are those that intend to apply crowdsourcing and wikis for legislative purposes, to attempt to circumvent strong interest groups or corporations. Recently, Brazil suggested a rather sophisticated “Wikislation” website, [e-democracia](#), as a method of creating web content that could be applied to the legislative process. The idea is to create more direct participation by citizens and more transparency in the work done by legislators, by relying on the “wisdom of the crowd”. Such forms of wikilation are very different from institutions such as the referendum that can hardly be considered “participation in policy making” since it leaves the citizenry with only a veto possibility through a Yes/No vote on a pre-established draft. It remains to see what results such ICT-enhanced procedures can yield in legislation. Yet what is sure is that they open an array of other issues, that go beyond the problems we have already highlighted: what is the role of the technical translators in the drafting process? Can such wikilations-architectures be structured through distributed participatory design or is top-down systematization necessary? Are such changes promoting legislation of higher quality? Should we conceive such co-legislation as alternative or composite to ordinary legislative measures? Can such mechanisms pose challenges also for the realms of decrees? Can such measures promote infra-party democratization? How do we design and enforce the access to participation by those belonging to a determinate constituency? How should such constituencies be determined?

VI. Conclusions

Technologies embed choices that are politically salient, yet mainstream political theory has taken the issue rather lightly. Compared to what has been going on over the past few decades in the other branches of practical thought, namely ethics, economics and the law, political theory lags behind in understanding the current technological revolution and its impact, potentialities and risks. Yet the current emphasis on Internet politics that polarizes the apologists that hold the web to overcome the one-to-many architecture of opinion-building in traditional representative democracy, and the critics that warn cyber-optimism entails

⁸⁵ See Anstead & Chadwick (note 11) at 65.

authoritarian technocracy has acted as a wakeup call. This paper has taken a first step in outlining a comprehensive research agenda on the problem “what is it about ICTs, as opposed to previous technical devices, that impact on politics and determine uncertainty about democratic matters?”. A non-exhaustive but hopefully indicative conceptual map of (clusters of micro-)problems and concrete examples relating to e-democracy, has been presented. The point is to highlight when and why the hyphen of e-democracy has a conjunctive as opposed to a disjunctive function. There is considerable scope to analyse how and why online politics fails or succeeds, and how and why it deserves the label “democratic”.

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