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Proxy of Democracy?

Metaphors of Connection as Arguments against Representation

Abstract: This paper aims to assess the arguments that claim representative democracy may be enhanced or replaced by an updated electronic version. Focusing on the dimension of elections and electioneering as the core mechanism of representative democracy I will discuss: (1) the proximity argument used to claim the necessity of filling the gap between decision-makers and stakeholders; (2) the transparency argument, which claims to remove obstacles to the publicity of power; (3) the bottom-up argument, which calls for a new form of legitimacy that goes beyond classical mediation of parties or unions; (4) the public sphere argument, referred to the problem of hierarchical relation between voters and their representatives; (5) the disintermediation argument, used to describe the (supposed) new form of democracy following the massive use of ICTs. The first way of conceptualizing e-democracy as different from mainstream 20th century representative democracy regimes is to imagine it as a new form direct democracy: this conception is often underlying contemporary studies of e-voting. To avoid some of the ingenuousness of this conception of e-democracy, we should take a step back and consider a broader range of issues than mere gerrymandering around the electoral moment. Therefore I shall problematize the abovementioned approach by analyzing a wider range of problems connected to election and electioneering in their relation with ICTs.

Keywords: Democracy, the Internet, Net, Disintermediation, Election

Tout annonce, tout prouve, un système d'insubordination raisonnée, et le mépris des lois de l'Etat. Tous auteurs s'érige en législateur.

Mémoire des princes de son sang, 12 décembre 1788

The internet is a magnet for many metaphors. It is cyberspace or the matrix, the "information superhighway" or infobahn or information hairball, a looking-glass its users step through to meet others, a cosmopolitan city with tony and shady neighbourhoods, a web that can withstand nuclear attack, electric Gaia or God, The World Wide Wait, connective tissue knitting us into a group mind, an organism or "vivisystem", a petri dish for viruses, high seas for informationpirates, a battleground for a war between encrypters and decrypters, eye candy for discreet consumers of a tsunami of pornography, a haven for vilified minorities [...] and on and on.

Wesley Cooper¹

¹ W. Cooper, Internet Culture, in: *The Blackwell Guide to the Philosophy of Computing and Information*, ed. L. Floridi, Blackwell, Maldem 2004, 92.

I. Political metaphors from *mechanical* to *electronic* democracy

In 1861 the Scottish physicist James Clerk Maxwell published his electromagnetic field theory. Electronic physics took a first step beyond yet without refusing classical mechanics: an object in motion *continued to* stay in motion unless a force was applied against it but introducing electronics, science was about to change. According to several social scientists, the advent of *information and communication technologies* (ICTs) made a similar revolution occur in politics: the *World Wide Web* could be an instrument to overcome some political limits of classic theories of democracy, such as the crisis of the party system and of political communities, the lack of deliberation opportunities or it could help increasing transparency of decision-making.

20th century theories of representative democracy² focused on the procedural elements characterizing this form of government: electoral procedures to selected representatives, strong and strictly regulated institutions and a formalized bureaucracy, checks and balances to guarantee separation of powers, party system mediation for aggregating consensus... In other words, representative democracy has been tackled as if it was “mechanical”, following the modern metaphor – from Descartes and Hobbes – which describes political organizations as big mechanisms, as for example a clock:

As in a watch, or some such small engine, the matter, figure, and motion of the wheels, cannot well be known, except it be taken in sunder, and viewed in parts; so to make a more curious search into the rights of States, and duties of Subjects, it is necessary, (I say not to take them in sunder, but yet that) they be so considered, as if they were dissolved, (i.e.) that wee rightly understand what the quality of human nature is, in what matters it is, in what not fit to make up a civil government, and how men must be agreed among themselves, that intend to grow up into a well-grounded State.³

21st century theories focusing on e-democracy, as political practices enhancing or replacing representative democracy through the use of ICT, mostly represent it with the metaphor of the brain.⁴ The diffusion of the Internet created a decentred and distributed system different from “mechanical democracy”, possible only with all gears in place: “When it comes to brain functioning it seems that there is no centre or point of control. The brain seems to store and

² H. Kelsen, On the essence and value of democracy (1929), in: *Weimar. A Jurisprudence of Crisis*, eds. A. Jacobson, B. Schlink, University of California Press, Berkley 2000; J. Schumpeter, *Capitalism, Socialism and Democracy* (1942), Routledge, London 2010; R.A. Dahl, *A Preface to Democratic Theory*, Chicago University Press, Chicago 1956; N. Bobbio, What Alternatives Are There to Representative Democracy?, in: *Which Socialism? Marxism, Socialism and Democracy*, Polity, Cambridge 1988; G. Sartori, *The Theory of Democracy Revisited*, Chatham House, Chatham (NJ) 1987.

³ Th. Hobbes, *De Cive* (1642), Clarendon, Oxford 1983, 32.

⁴ P. Flichy, *The Internet Imaginaire* (2001), MIT Press, Cambridge 2007.

process data in many parts simultaneously”.⁵ The brain is different from the clock because it is an adaptive form of organisation where “pattern and order *emerge from the process*; it is not imposed”.⁶

The brain image seems to recall the living organism metaphors, typical of ancient political thought: such metaphors hinged on the natural and not artificial dimension, based on the logical priority of the whole (i.e. society) over its parts (i.e. individuals). However, the lack of a “regulative centre” distinguishes the brain from classical “organic” conceptions of the political, characterized by the image of the head leading the body.

The Internet is considered as an interconnected adaptive form of organization that will revolutionize traditional democratic forms of government. It is not a coincidence that the image of the net has become fashionable today among political scientists to describe politics. This might be considered as a transposition of the metaphor of the brain from the philosophical to the political realm. Starting from governance studies, François Ost and Michel van de Kerchove described today’s politics and law as they are moving “from pyramids to nets”.⁷ This new way of describing human coexistence associates ways of both protecting the citizenry and of limiting individual liberty: The net metaphor refers, on one hand, to a *protective* structure connecting people horizontally instead of linking them hierarchically; on the other hand, it refers to cobweb structure that leads to the *limitation* of autonomy and freedom. The most significant concrete case of net-structured politics is e-democracy, since it is based on “net of nets” structure of the Internet.⁸

This paper aims to list and briefly assess the arguments that claim mechanical-representative democracy may be enhanced or replaced by an updated electronic version. Focusing on different elements defining representative democracy I will assess the ability of the net metaphor to consistently describe the (supposed) new form of democracy. The image of the pyramid was a successfully employed to describe the crucial aspects of several forms of government, including democracy where elections were conceived as a bottom-up start input for the political decision-making process – contrarily to autocracy where power descends from above – or where the tip of the pyramid was represented by the supreme law (i.e. constitution) regulating democratic coexistence.⁹ My claim is that the shift from the *pyramid*

⁵ G. Morgan, *Images of Organisation*, Sage, Thousand Oaks 2006, 73.

⁶ *Ibidem*.

⁷ F. Ost, M. de Kerchove, *De la pyramide au réseau?: pour une théorie dialectique du droit*, Publications des Facultés universitaires Saint-Louis, Bruxelles 2002.

⁸ *Ivi*, 116.

⁹ H. Kelsen, *General Theory of Law and State* (1945), The Lawbook Exchange, Clark (NJ) 2007.

to the *net*-image implies a shift of outlook on politics: a step away from the rational regularity of the “sphere” as proposed by Abbé Sieyès during the French revolution:

I like to conceive of the law as if it is at the centre of an immense globe. Every citizen, without exception, is at an equal distance from it on the circumference the globe, and each individual occupies an equal place. Everyone depends equally upon the law; everyone offers it his liberty and property to protect.¹⁰

The web metaphor calls to mind the “gothic images of political space”¹¹ different from enlightenment political metaphors. In fact, the spherical imagery of the Internet does not related to the equidistance of citizens with regard to the law but rather it relates to the interconnections of surfers at the *global* level. The “sphere” is not that of *isonomia* but that of the globe. Furthermore, even this image of worldwide interconnection should be reframed because of the phenomenon of the “regionalization of the Internet”, as in the case of Chinese web search engine [Baidu](http://www.baidu.com).¹²

The paper is structured as follows: The consistency of the political use of the net metaphor is assessed in relation to the arguments of proximity (§2), transparency (§3), bottom-up mobilization (§4), public sphere (§5) and disintermediation (§6). The literature taken into consideration is mainly from the field of political science and concerns the transformation of democratic regimes following the massive use of ICTs. My claim is the electoral moment is crucial in analysing new theories of democracy because it is the distinctive element of representative democracy. Indeed, the main difference between what we call democracy today and what the ancient Greek called the “government by the many” – both form of government based on the specific value of political equality¹³ – is the mediation in the law-making process.¹⁴ Therefore, the first and most naïf way of conceptualizing e-democracy as different from mainstream 20th century representative democracy regimes is to imagine it as a new form direct democracy: this conception is often underlying contemporary studies of e-voting.¹⁵ To avoid some of the ingenuousness of this conception of e-democracy,

¹⁰ E.J. Sieyès, What is the Third Estate? (1789), in: *Political writings*, Hackett, Indianapolis 2003, 156.

¹¹ P. Violante, *Lo spazio della rappresentanza. Francia 1788-1789* (1981), XL, Roma 2008.

¹² <http://www.baidu.com> (last accessed: January 7th 2012); see Z. Liu, J. Zhang, H. Zhang, J. Chen, Usability in China, in: *Global Usability*, eds. I. Douglas, Z. Liu, Springer, Dordrecht 2011.

¹³ On political equality in the double sense of “inclusivity” and “equal weight to every vote”, see Bobbio (note 2).

¹⁴ M.I. Finley, *Democracy ancient and modern*, Chatto & Windus, London 1973.

¹⁵ For a critical assessment see *La démocratie dématérialisée. Enjeux du vote électronique*, ed. L. Favier, Seuil, Paris 2011; H. Buchstein, Online Democracy, Is it Viable? Is it Desirable? Internet Voting and Normative Democratic Theory, in: *Electronic Voting and Democracy. A Comparative Analysis*, eds. N. Kersting, H. Baldersheim, Palgrave, London, 2004; R.M. Alvarez, T.E. Hall, *Electronic Elections. The Perils and Promises of Digital Democracy*, Princeton University Press, Princeton 2008; M. Hilbert, The Maturing Concept of E-

we should take a step back and consider a broader range of issues than mere gerrymandering around the electoral moment. Therefore I shall problematize the abovementioned approach by analysing a wider range of problems connected to election and electioneering – foremost political mobilization around elections – in their relation with ICTs.

II. The Proximity Argument: *Democratic E-governance*

The net would be narrowcast: you can move, step-by-step, to join a large amount of people through your friends and contacts. *In a click* you are connected to what was traditionally considered to be remote and inaccessible places and people.

Political scientists and sociologists have already stressed the “lack of community” as a problem for representative democracy in the global age.¹⁶ One of the reasons of the fortune of local governance practices and theories is based on the political narrative of the “return to community”,¹⁷ weakened by individualistic basis of democracy.¹⁸ Rediscovering proximity between rulers and ruled has been considered a higher quality of legitimacy for democratic countries.¹⁹ The lack of proximity is one of the arguments used by governance theorist to criticise classical representative democracy; in particular, the electoral procedures to choose representatives and representative intermediation itself would build a gap between citizen and State institutions, placing the former too *far* from the decision-making centres of regulations and provisions affecting their everyday life.²⁰

The use of the Internet should be considered crucial in responding to this proximity need, on one hand by creating new community networks focused on neighbourhood policy;²¹ and on the other hand by promoting networked communities, represented by the fortunate metaphor of the “Global Neighbourhood”, used by 1995 Commission on Global Governance and in the [Charter 99](#).²²

The proliferation of experiments of e-governance at the local level is an example of this attempt to bridge decision-making practices and informal online channels of debate,

Democracy: From E-Voting and Online Consultations to Democratic Value Out of Jumbled Online Chatter, *Journal of Information Technology & Politics*, 6, (2009).

¹⁶ See e.g. Z. Bauman, *The Individualized Society*, Polity London 2000.

¹⁷ M. Bevir, *Democratic Governance*, Princeton University Press, Princeton 2010.

¹⁸ M. Sandel, *Democracy's Discontent*, Harvard University Press, Cambridge 1996.

¹⁹ P. Rosanvallon, *Democratic Legitimacy: Impartiality, Reflexivity, Proximity* (2008), Princeton University Press, Princeton 2011.

²⁰ *La proximité en politique. Usages, rhétoriques, pratiques*, eds. C. Le Bart, R. Lefebvre, Presse Universitaire de Rennes, Rennes 2005.

²¹ B.E. Tonn, P. Zambrano, S. Moore, Community Networks or Networked Communities?, *Social Science Computer Review*, 19, 2 (2001).

²² <http://www.i-p-o.org/global-democracy.htm> (last accessed: January 7th 2012); see J. Tomlinson, Proximity politics, in: *Culture and Politics in the Information Age. A new politics?*, ed. F. Webster, Routledge, London 2001.

enhancing classical electoral mediation between lawmakers and their constituencies. The relevance of ICTs in politics, in fact, depends on the impact on the entire chain of representation and not only on the specific moment of casting the ballot. On the home page of one of the most know experiment of network community website ([Minnesota E-Democracy](#)),²³ you can read:

Join us to participate in public life, strengthen your community, and build local democracy. From neighbourhoods up, we use online tools to host community conversations that make things better.

This approach to policy-making involvement deeply impacts traditional representative channels of democracy, including adding or including new individuals in decision-making at the local level, as in Santa Monica, [California's Public Electronic Network](#) (PEN),²⁴ a civic network born in the early Nineties to share information and comments among citizens; or projects destined to specific categories – e.g. young people – as in the case of recent Italian [Bollenti Spiriti 2.0](#)²⁵ in which the region Apulia created a virtual platform addressed to youngsters who wanted to participate in local development projects. The aim of these experiments and its underlying value is inclusivity of “any individual, social group, or actor who possesses a stake (e.g., interest, legal obligation, moral right) in the decisions or outcomes of an organization”.²⁶ Not far from stakeholder-theory on governance studies, inclusivity pertains to the ambition of involving a growing amount of actors in local policy-making. E-governance procedures tried to fill the gap between rulers and ruled that characterizes the classical mechanisms of representative democracy, “motivating new groups for civic involvement and political action”.²⁷ This decision-making process, focusing on civic engagement, basically skips the electoral moment overcoming the mandate-independence problem.²⁸ The independence of representatives from the voters – first enshrined by the *Assemblée nationale* in 1789 during the French Revolution – is, at the same time, at the core of modern conception of democracy and it is regularly under attack because it is seen as the main cause of the gap between rulers and ruled in western countries.

In addition, there are several possible counterarguments to the proximity model of e-democracy. The first problem with e-governance experiments is the “mobilization of

²³ <http://forums.e-democracy.org/> (last accessed: January 7th 2012).

²⁴ <http://www.smgov.net/> (last accessed: January 7th 2012).

²⁵ <http://bollentispiriti.regione.puglia.it/> (last accessed: January 7th 2012).

²⁶ D. Manuel-Navarrete, C. Modvar, Stakeholder, in: *The Encyclopedia of Governance*, ed. M. Bevir, Sage, London 2007, 918.

²⁷ J. Linaa Jensen, The Minnesota E-democracy Project: Mobilising the Mobilised?, in: *The Internet and Politics. Citizens, voters and activists*, eds. S. Oates, D. Owen, R.K. Gibson, Routledge, London 2006.

²⁸ H.F. Pitkin, *The Concept of Representation*, University of California Press, Berkley 1967, 144.

mobilised”-effect; according to Jakob Linnaa Jensen’s study on the Minnesota E-democracy project, the active citizens are richer and have a higher level of education compared with the average population and they were often already involved in public affairs: “Twenty-six per cent of participants identify themselves with other positions”.²⁹

The second problem is at the core of the debate about the use of ICTs in decision-making process: the network surveillance and control issue. In 2011 Evgeny Morozov reassumed “cyberpessimist” arguments in his *The Net Delusion: the Dark Side of Internet Freedom*. In his arguments the net is the easiest way for rulers to control the ruled through surveillance and propaganda: that is why “the KGB wants you to join Facebook”.³⁰ Furthermore, the privacy problem on the Internet goes beyond the problem of political power control on citizens: personal data gathered on the net are valuable for companies and corporations. The narrowcasting of the net could be an instrument for political, economical and ideological powers for increasing their influence, by justifying such measures – this is the core thesis of cyberpessimism – with the argument of democratization through ICTs. The “global neighbourhood”, in other words, would lead to a “global gossip system” as a new form of “interpersonal surveillance”³¹ linked to the underestimation for the risks related to the accessibility of your data,³² including your political or religious view and your personal web of friends or colleagues.

Besides, the “organisation of visibility” can be arranged according to values and interests thanks to different algorithms for classifying and organising information.³³ That is the meaning of the very well known Lawrence Lessig formula “Code is law”: on the Internet, the logical infrastructure choices are more relevant for users than juridical constraints.³⁴

The narrowcasting, in conclusion, responds to the criticism of the gap between rulers and the ruled as well as to the criticism of the remoteness of representatives. However, this political approach seems to depend on traditional guaranties offered by representative democracies that defend privacy against political and social power. That is why the Italian legal scholar Stefano Rodotà asked for a “constitution for the Internet” including a *habeas data* inspired by classical guaranties of the *habeas corpus*.³⁵

²⁹ Linnaa Jensen (note 27), 39.

³⁰ E. Morozov, *The Net Delusion. The Dark Side of Internet Freedom*, Public Affairs, New York 2011.

³¹ P. Bradwell, N. Gallagher, *We no Longer Control what Others Knows bout Us, bet We Don’t yet Understand the Consequences*, Demos, London 2007; D. Cardon, *La démocratie Internet. Promesses et limites*, Seuil, Paris 2010, 64.

³² Morozov (note 29), 223.

³³ Cardon (note 30), 95.

³⁴ L. Lessig, *Code: version 2.0*, Basic Books, New York 2006; Flichy (note 3), 161.

³⁵ S. Rodotà, Una costituzione per internet?, *Politica del diritto*, XLI, 3 (2010).

III. The Transparency Argument: *Democratic E-government*

The net would be mappable. We have hitherto considered an *ex parte populi* perspective, where transparency appears to be potentially dangerous for privacy, for example in jeopardizing the guarantees of secrecy of voting and expressing political preferences. However, if we adopt an *ex parte principis* perspective, transparency becomes a much more powerful argument in legitimising power. The visibility of power has always been considered one of the most important “unkept promises of democracy”.³⁶ Despite the theories of democracy as the form of government where State power is public – i.e. non-private – and expressed in public – i.e. not in secret –, the analysis of so-called “real democracies” sheds light on the fact that representative mediation leads to an *opaque* management of power alongside the official parliamentary procedures.

Moreover, together with inclusivity, accountability is a key argument used to legitimate new forms of both governance and government. The scarcity of time available to citizens in contemporary society and the complexity of governmental procedures make transparency through e-government an important asset to reconnect representatives to their constituency.

The use of ICTs by governments has been analysed by focusing on different dimensions: the efficiency in intra and intergovernmental exchange; the retrench in the relations between government and business;³⁷ but the most important field studied by social science pertains to transparency in public management³⁸ and in the legislative branch, i.e. e-parliament. The latter is relevant for electoral and electioneering relation between citizens and their representatives, because it concerns the accountability of government conceived as the possibility of voters to discern whether governments are acting in their interest or not and vote accordingly in the next elections.³⁹

According to the UN [World e-Parliament Report 2008](#):

E-parliament [is] a legislature that is empowered to be more transparent, accessible and accountable through ICT. It empowers people, in all their diversity, to be more engaged in public life by providing higher quality information and greater access to its parliamentary documents and activities. It is an organization where connected stakeholders use information and communication technologies to support its primary functions of representation, law-making and oversight more effectively.⁴⁰

³⁶ N. Bobbio, *The Future of Democracy* (1984), University of Minnesota Press, Minneapolis 1987.

³⁷ A. Chadwick, C. May, Interaction between states and citizens in the age of the internet: «E-government» in the United States, Britain, and the European Union, *Governance*, 16, 2 (2003).

³⁸ H. Margetts, Public Management Change and E-government: the Emergence of Digital-era Governance, in: *Routledge Handbook of Internet Politics*, eds. A. Chadwick, P.N. Howard, Routledge, London 2009.

³⁹ *Democracy, Accountability and Representation*, eds. A. Przeworski, S.C. Stokes, B. Manin, Cambridge University Press, Cambridge 1999, 40.

⁴⁰ <http://www.ictparliament.org/wepr2008> (last accessed: January 7th 2012).

British Parliament pioneered this approach in 1996 by going online at www.parliament.uk.⁴¹ Since then, the effort of making Parliament visible to the public, in a parallel effort to do the opposite, i.e. “making the public visible to Parliament” through online parliamentary consultation⁴² has been pursued. The United Kingdom restructured its ICT operation and created an agency that serves both the House of Lords and the House of Commons called *Parliamentary Information and Communication Technologies* (PICT), with the aim of improving the quality of service, reducing redundancy and costs of systems. Another relevant example of transparency of government through ICTs is *Your Voice*.⁴³ The European Union portal for legal issues can be used as a database that allows users to give their opinion on EU policies and discuss the main issues of the day. It is an example of what can be done to reconnect voters and their elected representatives that is especially important given the so-called “democratic deficit” of EU institutions.

Therefore the idea of increasing the accountability of government through its online transparency recalls the glasshouse of power image. However this image does not consider a recurrent problem within digital settings, i.e. the “paradox of too much information”: “While providing all relevant documents and information may be necessary for achieving the goal of parliamentary transparency, it is not sufficient for attaining the goal of civic understanding” because “what citizens often need even more is an objective summary of the most important issues and a better awareness of the legislative process”.⁴⁴ In other words, simply increasing availability of information does not guarantee the comprehension of the Acts, but it could be a source of legitimacy. Rather than *glasshouse*, power made transparent by the Internet seems to lead to the image of *iron cage*⁴⁵ as well as rationalised power described by Max Weber.

After the so-called “[Macaca moment](#)”⁴⁶ that affected the last US presidential election campaign – a candidate’s gaffe captured on YouTube that gathered momentum and had a high political impact – the National Republican Senatorial Committee published a guidebook for candidates where it is claimed that “they should assume there is a camera on them at all times and act accordingly”; this leads David Karpf to ask the question on transparency in terms of a form of “electoral panopticon”.⁴⁷ Furthermore, the recent event of the disclosure of sensitive

⁴¹ www.parliament.uk (last accessed: January 7th 2012).

⁴² S. Coleman, Making Parliamentary Democracy Visible: Speaking to, with, and for the Public in the Age of Interactive Technology, in: Chadwick, Howard (note 37); S. Coleman, J.G. Blumler, *The Internet and Democratic Citizenship. Theory, practice and policy*, Cambridge University Press, Cambridge 2007, 90-116.

⁴³ <http://ec.europa.eu/yourvoice/> (last accessed: January 7th 2012).

⁴⁴ *World e-Parliament Report 2010* (note 40), 18.

⁴⁵ M. Weber, *The Protestant Ethic and the Spirit of Capitalism* (1930), Routledge, London 2001, 123.

⁴⁶ <http://www.youtube.com/watch?v=r90z0PMnKwI> (last accessed: January 7th 2012).

⁴⁷ D. Karpf, Macaca Moments Reconsidered: Electoral Panopticon or Netroots Mobilization?, *Journal of Information Technology & Politics*, 7 (2010).

intelligence information – well-known as the Wikileaks scandal – raised the question of the limits of visibility of state action.⁴⁸

Even this second set of arguments around e-government does not seem to make it incompatible with classical representative democracy. On one hand, in fact, e-government seems to benefit democratic accountability of electorally legitimated representatives; on the other hand, traditional checks and balances are still essential to prevent the reduction of democracy to the mere accountability of transparency.

IV. The Bottom-up Argument: *Democratic E-participation*

The net would be interactive. The most relevant and diffused argument supporting e-democracy is the bottom-up engagement argument: from Barack Obama's online electioneering campaign the new optimistic view of regenerating traditional top-down politics, accused of being closed, hierarchical and elitist, is booming. According to Arianna Huffington, founder of one of the most influent political blog in Washington:

[Were it not for the Internet, Barack Obama would not be president. Were it not for the Internet, Barack Obama would not have been the nominee.](#)⁴⁹

The electioneering experiences related to the Internet have been considered as revolutionary in today's context of the crisis of parties,⁵⁰ the antipolitical decrease in mobilization and the spread of the phenomenon of electoral abstention. Since Howard Dean's online campaign in 2004,⁵¹ political scientists focused on the role of ICTs on electoral campaigning to describe new grassroots movement characterized by hybridises⁵² and acephalous⁵³ forms of organization.

This diversification of repertoires goes from conventional political campaigns shown and supported on the Internet – e.g. [YouChoose](#)⁵⁴ section of YouTube⁵⁵ –, providing independent

⁴⁸ Y. Benkler, A Free Irresponsible Press: Wikileaks and the Battle over the Soul of the Networked Fourth Estate, *Harvard Civil Rights Civil Liberties Law Review*, 46, 2 (2011), available at <http://harvardcrcl.org/wp-content/uploads/2011/08/Benkler.pdf> (last accessed: January 7th 2012).

⁴⁹ http://www.huffingtonpost.com/2009/01/09/flashback-arianna-were-it_n_156730.html (last accessed: January 7th 2012).

⁵⁰ *Political Parties and the Internet. Net Gain?*, eds. R.K. Gibson, P. Nixon, S.J. Ward, Routledge, London 2003.

⁵¹ G. Wolf, How the Internet Invented Howard Dean, *Wired*, 2, 1 (2004), available at <http://www.owlnet.rice.edu/~comp300/documents/HowtheInternetInventedDean.pdf> (last accessed: January 7th 2012); J. Trippi, *The Revolution Will Not Be Televised: Democracy, the Internet, and the Overthrow of Everything*, Harper Collins, New York 2004.

⁵² A. Chadwick, *Internet Politics: States, Citizens, and New Communication Technologies*, Oxford University Press, New York 2006.

⁵³ Coleman, Blumer (note 41), 118.

⁵⁴ <http://www.youtube.com/youchoose2010> (last accessed: January 7th 2012).

⁵⁵ S.H. Church, YouTube Politics: YouChoose and Leadership Rhetoric During the 2008 Election, *Journal of Information Technology & Politics*, 7 (2010).

information,⁵⁶ e-petitions, e-mail campaigning and fundraising, jamming – i.e. the remix of digital content with the aim to reconfigure hegemonic meaning – or hacktivism – i.e. hacker-attempts to disrupt official versions of online information.⁵⁷

Therefore, e-participation is the trump card in arguing in favour of “electronic revolution” in democratic countries. The arguments are – as already emphasised – that new media increases transparency and inclusion, especially of youngsters, normally absent from politics⁵⁸ by increasing the level of interactivity.⁵⁹ This leads to another significant argument in favour of e-participation electioneering concerns the relation with “old media” and the shift of political information and mobilization “from on-air to online”.⁶⁰ The Internet overcomes the one-to-many architecture as traditionally the only possible type of political communication: blogs, YouTube, web sites and social networks allow new forms of many-to-many and many-to-one channels of communication.⁶¹ The case of recent Italian referenda is an example of how the Internet – together with other alternative ways of expressing political views – can bypass the concentration of media power. In Italy, referenda had not met the formal requirement of a quorum of 50%+1 since 1995. In June 2011 four referenda – to repeal recent norm concerning the construction of new nuclear plants, the privatisation of water management and a so-called *ad personam* act made by Prime Minister Berlusconi – reached the highly unexpected result of massive participation (57% of the voters). This outcome stands out because of the lack of information provided by traditional media (e.g. television), thanks to an informal campaign using the web as main channel of communication.

These new forms of electioneering connected to ICTs could be analysed, on another reading, by focusing on the debated problem of the “digital divide” – i.e. the inequality in access and use of the Internet by creating new form of discrimination. E-participation is affected by the digital divide because those who are online are more active and interested in politics than the average voter.⁶² Another critic argument relieved about e-participation is that the interconnected and speed structure of the net could lead to new forms of populist

⁵⁶ C. Atton, *An Alternative Internet*, Edinburgh University Press, Edinburgh 2004.

⁵⁷ T. Jordan, Online Direct Action: Hacktivism and Radical Democracy, in: *Radical Democracy and the Internet: Interrogating Theory and Practice*, eds. In L. Dahlberg, E. Siapera, Palgrave Macmillan, New York 2007.

⁵⁸ D. Owen, The Internet and youth civic engagement in the United States, in: Oates, Owen, Gibson (note 27).

⁵⁹ H. Gil de Zúñiga, A. Veenstra, E. Vraga, D. Shah, Digital Democracy: Reimagining Pathways to Political Participation, *Journal of Information Technology & Politics*, 7 (2010).

⁶⁰ D. Morris, Direct Democracy and the Internet, *Loyola of Los Angeles Law Review*, 34, 3 (2001).

⁶¹ M. Castells, *Communication Power*, Oxford University Press, Oxford 2009.

⁶² *Electronic Democracy. Mobilisation, Organisation and Participation via New ICTs*, eds. R.K. Gibson, A. Römmele, S.J. Ward, Routledge, London 2004, 3.

demonization of political parties and other traditional organization for combining consensus with the risk of plebiscitary forms of democracy.⁶³

The relation between representative and electronic democracy seems to be complementary. On one hand, ICTs could revitalize a public opinion in terms of electioneering and civic engagement; on the other hand classical rule of law guarantees would need to guard against new form of both elitism and populism maybe redesigning checks and balances guarantees so as to enable institutions of control to perform effectively in the new environment.

V. The Public Sphere Argument: *Democratic E-deliberation*

The net would be horizontal. According to deliberative democracy theorists, the legitimacy of political procedures depends – following Habermas – on the standards of deliberation, which implies public exchange of arguments.⁶⁴ The Internet would provide a new space of deliberation different from and in contrast with classical image of political communication being structured vertically, i.e. hierarchically. In fact, the concentration of public opinion on the electoral moment or on partisan propaganda mobilisation could devalue the importance of a critical public sphere entailing serious risks for real capacity of choosing representatives freely. Following Tocqueville’s well-known warning on “mild despotism”:

It is in vain to summon a people, which has been rendered so dependent on the central power, to choose from time to time the representatives of that power; this rare and brief exercise of their free choice, however important it may be, will not prevent them from gradually losing the faculties of thinking, feeling, and acting for themselves, and thus gradually falling below the level of humanity.⁶⁵

The interactive many-to-many structure of the Web⁶⁶ change the paradigm of interaction within the public sphere⁶⁷ that can conciliate the quality of in-depth public discourses and the quantity of mass public penalized by the simplification of debates in mainstream media, especially TV.⁶⁸

⁶³ B. Bimber, *The Internet and Political Transformation: Populism, Community and Accelerated Pluralism*, *Polity*, 32,1 (1998).

⁶⁴ *Deliberative Democracy and its Discontent*, eds. S. Besson, J.L. Martí, Ashgate, Aldershot 2006, xv.

⁶⁵ A. de Tocqueville, *Democracy in America* (1835-40), The Library of America, New York 2004, 820.

⁶⁶ S. Coleman, *Cutting Out the Middle Man: from Virtual Representation to Direct Deliberation*, in: *Digital Democracy Discourse and Decision Making in the Information Age*, eds. B.N. Hague, B.D. Loader, Routledge London 1999.

⁶⁷ P. Dahlgren, *The Internet, Public Spheres, and Political Communication: Dispersion and Deliberation*, *Political Communication*, 22 (2005).

⁶⁸ J.P. Barlow, *The Power that Were*, *Wired*, 197 (1996); Flichy (note 3), 157.

The contextualisation of new political channels of debates in the wider “new political culture”⁶⁹ have induced scholars to conceptualize a new form of non-geographically bounded society where ICTs enabled a significant increase of political – but not only political – interaction: the so-called “network society”.⁷⁰ A new generation of individuals active in the public sphere – as opposed to “passive readers, listeners, or viewers”⁷¹ – raised thanks to (1) “the shift from a hub-and-spoke architecture with unidirectional links to the end points in the mass media, to distributed architecture with multidirectional connections among all nodes in the networked information environment”; and (2) “the practical elimination of communications costs as a barrier to speaking across associational boundaries”.⁷²

The neutrality of ICTs⁷³ recalls arguments put forward by Jürgen Habermas⁷⁴ concerning the two main values of ideal speech situations that inspires deliberative democracy theory today, i.e. rationality and impartiality.

Furthermore, E-deliberation is been criticized since the Nineties with the argument of the “Babel tower”.⁷⁵ As in the Bible story⁷⁶ the network society would suffer of informational overload. According to this criticism – influenced by Samuel Huntington anti-globalism – “when everyone can speak, no one can be heard”.⁷⁷ More recently other specific criticism have been directed against web deliberation; according to Cass Sunstein⁷⁸ the Internet would amplify phenomena as cascades of falsehood and polarization of groups. A “cybercascade” is the rapid spread of information that could be better understood considering that the number of viewer of a YouTube video often depend by the amount of previous viewers. According to Sunstein, this phenomenon occurs in the net without any guarantee of verifiability. It is the case for most movie star gossip. The rapid reproduction of false quotes ascribed to celebrities is another example of falsehood cybercascades or what Sunstein labels “rumours” on the Net. On the other hand, the polarization argument cautions against the empirical evidences that the Internet stimulates the rise of homogeneous groups of discussion where opinions are

⁶⁹ A. Scott, J. Street, From Media Politics to E-protest? The Use of Popular Culture and New Media in Parties and Social Movements, in: Webster (note 21).

⁷⁰ M. Castells, *The Rise of the Network Society*, Blackwell, Oxford 2000².

⁷¹ Y. Benkler, *The Wealth of Networks: How Social Production Transforms Market and Freedom*, Yale University Press, New Haven 2006, 212.

⁷² *Ibidem*.

⁷³ For a problematic approach see Cooper (note 1), 99; Lessig (note 33).

⁷⁴ J. Habermas, *Between Facts and Norms* (1992), MIT Press, Cambridge 1996.

⁷⁵ P. Virilio, *Open Sky*, Verso, London 1997.

⁷⁶ Genesis 11:5-8.

⁷⁷ For a critical assessment see Benkler (note 70).

⁷⁸ C.R. Sunstein, *Republic.com*, Princeton University Press, Princeton (NJ) 2002; Id., *On Rumors: How Falsehoods Spread, Why We Believe Them, What Can Be Done*, Palgrave Macmillan, New York 2009.

confirmed and strengthen rather than be debated and questioned as in the Habermasian model of public discussion, with the risk of trivialising knowledge and communication.⁷⁹

Indeed e-deliberation can be studied as an interesting case of how the Internet could revitalize democracy as long as the classic guaranties of democratic system remain in force. The complex architecture mixing together democratic concept of popular sovereignty and liberal guaranties of the rule of law – such as checks and balances, separation of powers, independence of the judiciary from other branches of government, civil liberties legal protection... – could be justified as a warranties of what Norberto Bobbio called the “rules of democratic game”, including the right of the free formation of political opinions.⁸⁰

VI. The Disintermediation Solution: *Direct E-democracy?*

Modern representative democracy has been criticized, since its dawn, because of the electoral form of mediation at its base. In *The Social Contract*, Jean-Jacques Rousseau harshly criticized English institutions of representative government:

The English nation thinks that it is free, but is greatly mistaken, for it is so only during the election of members of Parliament; as soon as they are elected, it is enslaved and counts for nothing. The use it makes of the brief moments of freedom renders the loss of liberty well-deserved.⁸¹

The abovementioned arguments are all related to the supposed *disintermediation virtue* of the net. The proximity argument – related to e-governance – has been used to claim the necessity of filling the gap between decision-makers and stakeholders. The transparency argument – related to e-government – claims to remove obstacles to the publicity of power. The bottom-up argument – typical of e-participation – calls for a new form of legitimacy that goes beyond classical mediation of parties, unions or “old” mass media. The public sphere argument – common in e-deliberation theories – refers to the problem of hierarchical relation between voters and their representatives.

These are the reasons why e-democracy more and more frequently has been identified with direct democracy⁸² in contrast with the electoral mediation system. Disintermediation – i.e. “removing intermediaries from a supply chain, a transaction, or more broadly, any set of social, economic or political relation”⁸³ – summarizes all normative assumptions on the democratising effect of the Internet.

⁷⁹ N. Carr, *The Shallows. What the Internet Is Doing to Our Brains*, Norton, New York 2010.

⁸⁰ Bobbio (note 1), 66.

⁸¹ J.J. Rousseau, *The Social Contract* (1712), Yale University Press, New Haven 2002, 221.

⁸² Morris (note 59).

⁸³ A. Chadwick, Disintermediation, in: Bevir (note 25), 232.

The main problem with all these arguments is the constant sliding from the descriptive to the prescriptive level, comparing indiscriminately facts with values. Normative model, such as inclusive governance decision-making or Habermassian deliberation, are hard to compare with empirical digital data, as e.g. the number of viewers of Barack Obama speeches on YouTube. Indeed, exactly like the invention of writing in Mesopotamia in 3000 BC, ICTs are primarily a matter of fact rather than value or disvalue. As all revolutionary events, the invention and the development of the net implies a wide range of consequences by creating “macroscopic transformation in our social structures and physical environment, often without much foresight”.⁸⁴ Hence, the dichotomy of traditional notion of direct and representative democracy does not seem to capture the unprecedented challenges posed by ICTs to political theory.

To overcome the naïve opposition between cyberpessimism’s panoptical prophecy and cyberoptimism’s euphoric trust in grass-root regeneration, seems to be useful to try to abandon Kantian perspective of pushing reality into normative patterns.

Looking for different methods to analyze the relations between politics and ICTs we need to go back and forward from analytical concepts to empirical observation of changes related to electronic innovations. According to John Rawls’ theory of *reflective equilibrium*:

We may want to change our present considered judgments once their regulative principles are brought to light. And we may want to do this even though these principles are a perfect fit. A knowledge of these principles may suggest further reflections that lead us to revise our judgments.⁸⁵

This inductive method – based on mutual adjustment among general principles and empirical observations – could be helpful to update political categories considering technical and social transformation related to ICTs.

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⁸⁴ L. Floridi, Ethics after the Information Revolution, in: *The Cambridge Handbook of Information and Computer Ethics*, Cambridge University Press, Cambridge 2010, 19.

⁸⁵ J. Rawls, *A Theory of Justice*, Clarendon, Oxford 1971, 49.