Introduction

We live in a world where all social structures are, sometimes overwhelmingly, transformed by technological developments. This is of course hardly new. Throughout the history of modernity the social impact of technology was always critical. Nevertheless, today there is a commonly held belief that in the era of digital technologies, the depth, the intensity and the pace of change is without any historical precedent. Since some decades, we are accustomed to the idea that we live in a “knowledge society” and describe our culture as “technological”. That is, we understand the relationship between our society and technology as co-evolutionary.

The influence of information technology to the political and legal structure of societies has become one of the most contested issues in social and political theory. Many approaches of the problem tend to fall into two extreme categories. Based on an image of freedom as the absolute control of natural and social world, some legal and political scientists seem to believe that electronic communication automatically leads to a more robust democratic polity. According to that understanding, public decision making processes and political communication directly benefit from innovation and speed. In sharp contrast, another group is worried about the emerging information technologies’ potential to undermine communal and political life. Following their cue from the paradigm of the ancient Greek polis, they usually conceive of political participation as based primarily, if not exclusively, on interpersonal communication. From this viewpoint, the cyberspace can be contempt as a cause of alienation, apathy and individuation; a development that pops up as a totalitarian threat to collective freedom.

Apparently, the truth lies somewhere in between. It is pretty easy to illustrate, for instance, that, what we usually call e-governance, has significantly ameliorated the traditional patterns of citizen-state interaction, by making information available or by improving effectiveness. Similar developments have taken place in the formal processes of democratic participation through the application of e-voting techniques. Even more importantly, cyberspace enriched and expanded the public sphere, giving birth to new publics national or transnational, whose influence in both the state institution and the grassroots movements becomes all the more evident. On the other hand, in a market driven society the cyberspace has been colonialized by private interests that promote its recreational use and subvert its function as a political space. New types of exclusions, like the digital divide, have intensified the already existing asymmetries of power in liberal democracies and, even worse, the use of information and communication technology opens up new possibilities for different kinds of governmental intrusion in the private sphere.

This two-faced reality forces us to overcome the above extreme positions. We need to recognize the liberating potential of information and communication technologies, and simultaneously be on guard against their negative repercussions. It will be more fruitful to reflect upon every separate part of technological novelty, in order to assess its capacity to serve collective human ends. No doubt, such an
approach calls for a wide and critical discussion in both scientific and lay publics, by making us realize that if technology is to offer solutions in the realm of politics, it needs first to be treated as a political problem in itself.

The concept of “public sphere” that appears in the title of this volume, is offered as a unique vantage point for addressing the complex relation between technology, law and politics. Indeed, already as a simple term, it describes the place where information about problems of common interest is circulated and the public opinion is formed through the exchange of various views. However, as a descriptive and a normative construction, the concept of “public sphere” denotes particular core principles of a rule of law, democratic polity. It signifies a “public”, which is pretty much clearly demarcated from the “private” and it is also legally protected by a well-defined system of rights. It points to fact that, if democratic legitimation is a project based on the idea that the state is always accountable to society, active citizenship should be conceptualized as extending much further than the institutionally enabled participation. Finally, the “public sphere” refers to a kind of political activity and communication, which by its very nature cannot be restricted in the nation-state’s boundaries.

The contributions to this volume do not follow the main stream in the uncritical glorification of new information and communication technology as a means for deeper democratization. On the contrary, at least most of them, share the premise that the effectiveness of any innovation depends heavily on the existing institutional context, the inventiveness of the subjects involved in its adaptation and their vigilance in foreseeing possible threats against liberties. Hopefully, this book will find its place in the ongoing discussion about the evolution of the legal and political systems in the digital age.

Christina M. Akrivopoulou  
Hellenic Open University, Greece

N. Garipidis  
Aristotle University of Thessaloniki, Greece