INTRODUCTION: THE CRISIS OF REPRESENTATIVE DEMOCRACY AND THE MODERN DEMOCRATIC DEFICIT

The origins of the theoretic discussion regarding e-democracy and e-governance can be traced in the mid-1990s. Nevertheless, a much more vigorous analysis of these quite novel concepts is initiated in the beginnings of the new millennium. What is the reason or the pretence that brings the notions of electronic democracy and governance to the epicenter of the international academic dialogue? One could say that the answer lies in the augmenting evolution of ITC technology that enables us to introduce e-democracy and e-governance in modern politics and public administration. Although true, this argument does not capture the very purpose that e-democracy and e-governance are called to fulfill in the framework of the modern national democracies. Electronic democracy and governance represent the most eloquent answer, the most promising alternative to the current democratic deficit of representative democracy.

The crisis of representative democracy—a phenomenon that has in many ways generated the current global economic crisis—has been analyzed in depth in the democratic and constitutional theory. Among its many symptoms, the crisis of representation entails: (a) the gradual degradation of the parliament as a means for the gradual over-strengthening of the executive power, namely the government and the prime minister in parliamentary regimes and the president in presidential ones, (b) the augmenting political apathy of the voters and the extended phenomena of free-riding among the citizens, mainly reflected in their absence from the electing procedures as well as in tax-evasion, (c) the phenomena of political corruption, lack of transparency, and public accountability leading the citizens to lose their faith invested to the traditional representative institutions and thus generating problems of democratic legitimacy in the exercise of their powers, (d) the transfer of the traditional parliamentary powers (e.g. legislation) and roles to the executive body, the public administration, and supranational authorities. Due to this transfiguration, the once powerful parliament is not nowadays the central forum of the political dialogue in a political community since the national and international mass media or supranational authorities (such as the European Union) have taken up this role.

Accordingly, a central symptom of the crisis of the representative democracy concerns the very function of the state beaurocratic mechanisms of the national public administration. In its classic paradigm, the national state beaurocracy is considered to be corrupted, overly expensive, and unfriendly for the citizens, formalistic, inefficient, and unable to respond to the new administrative needs that globalization and multilevel governance generates. State beaurocracy more and more seems to be constructed as an elephant tower, as an edifice secluded from the rest of the political community, a model highly doubted nowadays on the basis of its lack of transparency, accountability, and legitimacy. Thus, the need for modernizing national state beaurocracy on a more democratic basis seems to be today more pressing than ever.
Against these overriding dilemmas, the notions of e-democracy, e-government, and e-governance seem to present novel answers and efficient remedies. Thus, the electronic democracy for many seems the best remedy to enhance the direct participation of the public or to assimilate institutions of the representative democracy without cost or the actual physical presence of the participants. From this standpoint, electronic democracy can enable the political dialogue over the Internet, the participation of the public in forms of referendum or electing procedures (e-voting), can realize transparency, access to public information, and consequently, it can enhance public accountability. For many, the use of ICT technology can foster the interaction between those governing and those who are governed in order to guarantee the political participation of the citizens in rule and decision making procedures. From a similar point of view, e-government can realize the ideal of a more effective, better equipped, technocratic, and transparent and citizen friendly administration that can adapt to the needs of globalization, of the modern pluralistic societies, and of multilevel governance as better conceived in the notion of e-governance. Nevertheless, the critical question that remains to be answered is whether electronic democracy and governance not only have the potential but also can actually realize those goals.

CONSTRUCTING THE NOTIONS OF E-DEMOCRACY, E-GOVERNMENT, AND E-GOVERNANCE: NEW ALLIES OR OLD ENEMIES?

The notion of government entails the ability to rule, exercise power, and control others. Although it is commonplace throughout the basic social structure of a civic community (family, school, corporations), it is identified with the political institutions that can adopt (legislative), enforce (executive), or adjudicate (judicial) law, thus transforming it to a political action. Nevertheless, in its use, the notion of government has a more narrow sense, that of the public administration and executive power. The concept of governance is much more general in the sense that it captures the variety and pluralism of the modern political and social sphere and the interaction of the traditional institutions of representative democracy with networks, markets, the civil society, supranational hierarchies, and organizations. It refers to a much more open to new actors system of political power. As e-government and e-governance, we understand the use of ICT technologies and especially the Internet to reorganize more effectively and modernize and globalize the exercise of political power in its narrow (e-government) or broader (e-governance) sense.

In this framework, the use of ICT becomes vital for government, thus for the organization and modernization of public administration and plays a leading part in its transfiguration. The introduction of technocracy, which represents a new kind of elite beaurocracy, of new public management, the creation of independent authorities, the enhancement of transparency, of open government, along with the demand for a fair, non-corrupted and more deliberative administration are some of the effects of the use of technology and Internet in government. Accordingly, in more general terms, technology has a major impact on governance in general. It not only reflects the idea of a society to the ideas of efficiency, productivity, but also to a political community that utilizes technology in order to improve the services given to the citizens and to enable them to participate in the political agenda, to communicate and be part of the rule and decision making processes, therefore to belong in a flourishing civil society. ICT in this sense enhances democracy and more importantly enhances multilevel governance, thus administration in national, peripheral, and supranational level, as well as the creation of a public sphere that exceeds the national frontiers.
Nevertheless, government and governance must not be seen as a panacea, as a remedy for every disease and every crisis of the representative democracies. Government and governance can offer a lot in the field of efficiency, modernization, transparency, participation, and deliberation, but can also lead to forms of social exclusion and of neutralization of the public and social sphere. Thus, the introduction of ICT in government and governance may be the cause for modernization but also the cause for excluding employees and citizens that do not have the skills or the means to participate in this evolution from the social and political sphere. Therefore, the introduction of e-government and the use of ICT in governance can only guarantee the freedom of all citizens to participate in the services provided and in the relevant labor market if only it is understood as not only free but also popular and openly accessed by all public good. In this framework, the implications of government and private sector co-operation in the application of the necessary technical infrastructure in order to realize a model of e-governance should not be underestimated in terms of corruption, exchanges of power, security of information, etc. Last, we should keep in mind that the use of ICT entails the most serious danger of leading a political community, a society to political and social neutralization. We should therefore underline that the use of technology must not alter our ideological vision for a political community that considers efficiency and productivity in government as means and goals of a democratic polity that fully respects the values of dignity and equal political and civic autonomy of its members.

In its turn, democracy is the regime where the people rule, the government of the people for the people in the words of Abraham Lincoln (Gettysburg Address, 1864), implying that the people share equal political autonomy, influence, and power in the public decision making. The modern notion of e-democracy comes to underline one of the most important parameters of a true democracy, the need for enhanced popular participation in the democratic procedures. As we have stressed above, e-democracy represents for many a form of direct yet non-physical democracy realized mainly via the use of cyberspace. From this point of view, political interaction with the use of ICT, practices of open government, e-voting, and political participation via the Internet are considered direct and popular participation of the people/ICT users in the public, political sphere. For some theorists, cyberspace can realize popular participation in the form of a “small town meeting”.

A criticism could be addressed to these innovative ideas. The notion of political exclusion comes first. Not all the members of a political community are able to process political participation via the use of ICT. This understanding alone gives to e-democracy a merely supplementing value to the rest of the traditional institutions of the representative democracy. Second, it is difficult to capture the practices of e-democracy as “small town meetings” since in most of the cases it is extremely difficult and even impossible to process in a productive way the electronic comments, critics, opinions, and transform them to concrete political decisions. Third, we must discern between forms of e-democracy that assimilate traditional representative institutions from those who are really come to revive its traditional understanding. Thus, e-referendum, e-voting, open government can only be addressed as new more efficient and less costly technical means of enhancing traditional institutions of representation.

On the other side, what is new, what is truly innovative, is the free exchange of ideas as initiated by the use of ICT and especially the Internet. Today’s other face of democracy is the free channels of expression, the free exchange of ideas on a global level that takes place on social networks such as Facebook, in blogs and the blogosphere, and in the creation of social, political, and ideological movements in cyberspace. Although some underline that even in this sense the political participation remains low in the agenda of the Internet users and that in all cases a political role or influence can only be acquired by blogs or cyber-movements in rare cases, still one must say that the future for e-democracy lies in the dark, deep, and unknown, with no frontiers and in the new forms of non-physical political exchange that it can foster.

A short taxonomy of the e-democracy models presented in the international bibliography would include four basic types: (a) e-democracy as a model of transparency aiming at enhancing the accountability and legitimacy of the democratic institutions, (b) the interactive, communicative model of electronic deliberation whose main goal is to achieve a substantial, pluralistic, and polyphonic democracy, (c) the participatory model of e-democracy that understands the use of ICT technology and cyberspace as a means to realize a direct form of democratic participation, thus answering to the modern problems of political apathy and political free-riding, and (d) the informational model of e-democracy, the most inclusive one, in terms of combining participation and accountability with the right to access public information. These four e-democracy models are highlighted in the first section of the book titled “Digital Democracy, Transparency, Political Participation, and the ICT”.

In the first chapter, “Transparency in the Open Government Era: Friends or Foes?” Evika Karamagioli explores e-democracy as an answer to the modern decline in citizens’ engagement in the public sphere and the subsequent problems of political trust, transparency, and openness. According to the author, ICT and cyberspace play a crucial role as a means for furthering democracy in its informational aspect. In this framework, the author analyzes informational democracy as a crucial presupposition of a modern, dynamic, and multidimensional democratic polity. In the second chapter, “New Technologies and Democratic Participation on the International Level,” Marios Papandreou explores the role of ICT technologies and cyberspace in the construction of the global model of democracy. The author analyzes critically the impact of globalization on human rights and the national democratic institutions supporting the idea that the solution for the current augmenting national democratic deficits is in fact the conception of democracy on an international level. On this basis, the other proposes the use of ICT as a means to construct a participatory model of global democracy founded on the key concept of access, a notion that combines information, communication, political participation, and accountability. In the third chapter, “Interpreting ‘You’ and ‘Me’: Personal Voices, PII, Biometrics, and Imperfect/Perfect Electronic Memory in a Democracy,” Shalin Hai-Jew analyzes the impact of the invasion of anonymity in cyberspace to the citizens of modern democracies and their political rights. The author analyzes in depth the subject of Personally Identifiable Information (PII) and the threats caused by their disclosure for the citizens’ democratic participation. Accordingly, she proposes an ambitious, functional model of limiting information sharing in public spaces.

The questions of how e-democracy enhances criticism, social and political interaction, and the way it enables the genesis of new ideological and socio-political movements are answered in the second section of the book, “Cyberspace as the Locus for Political Dialogue and Participation: Towards a New Public Sphere?”

In the fourth chapter, “Influential Greek Political Blogs: What are They Talking About?” Kostas Zarifopoulos, Dimitrios Vagianos, and Vasiliki Vrana are researching the subject of political participation via blogs and blogosphere. After analyzing 127 Greek political blogs both by quantitative blog feature analysis and content analysis of eParticipation topics, the three authors come to the conclusion that political dialogue is not diffused in the cyberspace, but in reality, eParticipation topics is the property of only the influential political blogs. This is indeed one of the main critics opposed in theory to the very notion of e-democracy that in fact it is achieving a diffused political participation and that the topics concerning political deliberation are not hierarchized as important among the interests of the citizens/users in navigating the cyberspace.
In the fifth chapter of the book, one of the most innovative studies on the subject of socio-political cyberspace movements is raised. In “Action Potentials: Extrapolating an Ideology from the Anonymous Hacker Socio-Political Movement (A Qualitative Meta-Analysis),” Shalin Hai-Jew explores the construction of the Anonymous Hacker global movement as an ideological and socio-political one, thus provoking the boundaries between e-democracy, the value of free information, and cyber-anarchism. The author detaches from the hacker group self-perception of a non-ideological group and offers a construction of the Anonymous ideology. Researching the unique socio-technical context in which they evolved, she concludes that the Anonymous hackers represent a movement that adverts for a new information-economic regime. Namely, according to the author, the Anonymous are a protesting movement against the “tyrannical” government and market power. Under this interpretation, the Anonymous movement is pushing against the international regime of intellectual property and information control as dictated by the governments and the corporations, proposing instead the value of a free flow of information in cyberspace as a means for freedom.

In the sixth chapter of the book, “Facebook as a Tool for Enhancing Alternative/Counter-Public Spheres in Cyprus,” Christiana Karayianni supports an argument concerning the inclusive impact of cyberspace on politically or socially excluded from the political forum groups. Thus, the author researches on the use and impact of ICT and Facebook in forging a bicomunal space of communication in Cyprus. The analysis underlines that groups whose voice or discourses are excluded from the public sphere can find via the cyberspace, and e.g. Facebook, alternative ways of debate, discuss, and organize. That way, they gradually acquire an equal footing with discourses sanctioned by hegemonic in a democracy institutions, such as the mass media and the press. In the seventh chapter of the book, “The Civil Internet Diplomacy and China’s Countermeasures,” Shumin Su and Mark Xu research from the scope of foreign affairs, the construction of a global diplomatic e-sphere via the use of Web forums, foreign affairs sites, and website signatures, and its impact on China’s diplomacy.

The third section of the book, “The Politics of ICT and Their Influence on Democracy: Informational Security and Surveillance in Public Spaces,” examines the impact of technology in public surveillance, in political participation and expression, as well as in privacy and anonymity. In the eighth chapter, “The Monitoring of Employees’ Conduct through the Use of a Global Positioning System (GPS),” Fereniki Panagopoulou-Koutantzi encounters the problem of monitoring of employees in the workplace (via GPS installation in mobile phones and computers) and its implications for the protection of privacy and dignity of the individual. The author argues that only reasons concerning the employee’s safety can actually justify such an intervention in their private sphere. In the ninth chapter, “The Role of Information Security and Cryptography in Digital Democracy: (Human) Rights and Freedom,” Theodosios Tsiakis analyzes the need to preserve security, privacy, anonymity, and confidentiality against a massively augmenting technological infrastructure. As far as the author is concerned, the basic key for democracy is to find the equilibrium between an efficient use of technology and the protection of human rights.

On the same path, in the tenth chapter, “A Paradigm Shift in Swedish Electronic Surveillance Law,” Mark Klamberg presents a new paradigm in law, “the electronic surveillance legislation,” which represents a major legal shift for privacy and freedom. According to the author, we are confronted with a major paradigm shift mainly due to four principal societal changes: technology, perceptions of threat, human rights, and ownership of telecommunications. In this framework, the chapter covers in specific and generally the subject of mass surveillance systems and their implications for human rights protection guaranteed by the Court of Strasbourg. In the end of this third section of the book and in its eleventh chapter, “The Right to Anonymity in Political Activities: A Comparative Look at the Notion of Political
Surveillance,” Knut Fournier analyzes the use of technology in the surveillance of political participation. In his account, the author presents the subjects comparatively, as it has developed both in the USA and Europe, guided in his conclusions by the different cultural and historical trends of the opposite sides of the Atlantic. The author examines different forms of political electronic surveillance and their implications to democratic participation and enjoyment of human rights.

In the fourth section of the book, “Democracy via Inclusion: Collective Governance and the Social Aspects of Affirmative Action and Non-Discrimination,” the social, inclusive parameters of democracy are examined. Thus, the most updated issues in the field of equality and social justice are presented, namely the politics of non-discrimination, collective governance, and of affirmative, positive action. More specifically in the twelfth chapter, “Right to Governance and Right to Collective Bargaining: In the Background of the Specified Right to Strike as Fundamental Right and Positive Obligation of the Slovak Republic,” Branislav Fridrich and Lucia Mokrá explore the constitutional and general legal enactment of the right to strike in the Slovak Republic. The two authors provide us with a close analysis of the real accessibility of a particular right—the right to strike in a national and supranational framework. In the thirteenth chapter, “Positive Action in the United States and the European Union in the Context of Comparative Law,” Anna-Maria Konsta analyzes, from a comparative perspective, the origins and scope of affirmative action in USA and the EU focusing on the relevant jurisprudence of the US Supreme Court and the Court of the European Union. In the fourteenth chapter, “The Prohibition of Discrimination on the Grounds of Age in EU Law: Some Remarks on the Conceptual Evolution of the Principle in Light of the Judgments of Wolf, Petersen, and Kückdereci,” Jérémy Brottes focuses on the recent EU jurisprudence, specifically in the cases Wolf, Petersen, and Kückdereci, in order to support a more extended perception of non-discrimination on the grounds of age EU regime (Directive 2000/78) with regard to the general principle of equality.

The fifth and final section of the book titled “Closing Notes: The Identity of the Subject in the Era of Governance, Globalization, and ICT” examines the complex problem of the multifaceted identity of the legal and constitutional subject. As it is shown in this last part of the book, this identity not only is reconstructed in the frame of globalization, governance, and the ICT, but it also acquires a quite different character. Instead of a unified concept, identity, the substantial core of the subject, is reconstructed in “bits and pieces” as a multicolored mosaic of the many instances that the subject experiences politically, socially, privately. Thus, in the fifteenth chapter, “Corporate Linguistic Rights through the Prism of Company Linguist Identity Capital,” Magdalena Bielenia-Grajeska analyzes the subject of language as a part of the subject’s identity in the modern, corporate workplace. The author introduces the notion of linguistic liberty of the subject in the field of the modern globalized companies using as her tool the concept of company linguistic identity capital.

Accordingly, in the sixteenth chapter, “Modeling the Relationship between a Human and a Malicious Artificial Intelligence, Natural-Language ‘Bot in an Immersive Virtual World: A Scenario,” Shalin Hai-Jew explores the way that the modern subject interacts in virtual immersive spaces online in order to socialize via its human-embodied avatar and to construct a virtual identity. This phenomenon, called the “passing stranger,” enables the subject to create relationships and share intimate information without fostering permanent or deep relationships with the others. This circumstantial interaction, as analyzed by the author, is guided by artificial intelligence ’bots with natural language capabilities, namely virtual forms of unique socio-technical spaces where the subject can create a technically based, partially revealed, and even sometimes deceptive identity.
In the seventeenth chapter, “Citizen and Citizenship in the Era of Globalization: Theories and Aspects of the Classic and Modern Citoyen,” Christina M. Akrivopoulou offers an account of citizenship, its history, its constitution, and its main theoretical approaches. The subject of citizenship in the era of globalization and governance touches the core of the modern multifaceted human identity. In this framework, the author examines the main theories of citizenship in their historical and normative context, analyzes critically the most influential work on citizenship, the essay of the British sociologist, Thomas Humphrey Marshall, “Citizenship and Social class” (1950), and finally presents the “constitution” of citizenship, the elements of which the notion of citizen is crafted, thus membership in a certain political community, rights, and the ability of democratic participation. Finally, the author explores the modern apprehension of citizenship, its supranational dynamic, its ability to provide coercion in the modern multicultural, economically globalized societies, as well as the fallacies and prospects of a European citizenship.

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August 2012