

Volker Boehme-Neßler

Digitising Democracy

On Reinventing Democracy in the Digital
Era - A Legal, Political and Psychological
Perspective

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Preface

Digitalisation is changing everything. At the same time, it is not a force of nature that we are mercilessly exposed to. Digitalisation can be shaped both politically and legally. These are the two basic ideas that this book explores.

Is digitalisation good or bad for democracy? That is still very much an open question. Digitalisation has the potential to improve and deepen democracy. However, digitalisation also poses a threat to democracy. It challenges democracy. More and more evidence shows that digitalisation is pushing classical parliamentary democracy to its very limits. In the digitalised world, democracy no longer simply functions as it has in the past.

This does not mean waving goodbye to democracy in the age of digitalisation—but we need to reinvent democracy to a large extent. Why this is the case and how it could work are the central themes of this book.

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The book is dedicated to my son Thao—what would I do without you?

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Volker Boehme-Neßler

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Chapter 1

Digitalisation: The End of Democracy?



Whilst digitalisation is ultimately a technological phenomenon, it is also much more than that: digitalisation has a cultural aspect that is changing all areas of society. Digitalisation is also posing a range of challenges to democracy itself.

1.1 The End of Democracy? Digitalisation and Democracy

The end of democracy has often been heralded or foretold. Recent decades have seen a cascade of sceptical pronouncements and prophecies about the state of democracy.¹ Even if some of these are far-fetched or exaggerated,² democracy is under considerable pressure to change around the world. There are many reasons for this. It is clear that globalisation is having—and will continue to have—a major impact on democracy. Just as important, however, are cultural developments and processes of social modernisation. This process affects not only individual manifestations and specific details, but also the very foundations of the democratic ideal and the structures of democratic systems. Is this leading to an erosion of democracy? Or are these normal processes of adjustment that will not destabilise the democratic system?

That democracy is changing is, of course, nothing new. Modern representative democracy is a far cry from the original *agora democracy* of Greek antiquity. Democratic forms and processes are, by their very nature, constantly developing. They need to be able to function even under changing political, economic or cultural conditions. What matters is not the concrete form of democracy, but rather that the

¹Norris (2001), p. 3 f. provides an overview of the discussion in political science.

²Norris (2001), p. 63 ff. and passim with further citations, arrives at highly differentiated results on the basis of extensive empirical material. There is no empirical evidence of a general erosion of democracy.

core idea of democracy continues to be realised: that all state authority is derived from the people.

The digitalisation of the world is having a profound impact. Digital technology is changing (almost) everything. It is therefore highly likely that digitalisation will also challenge and change democracy. What does a *digitalised democracy* look like? How are digital technology and the Internet changing the foundations of democracy and the basic structures of democratic systems? The Internet is profoundly changing societies and people's everyday lives. What does this mean for democracy? Is the Internet an opportunity for democracy? Or does it threaten the very foundations of democracy? Examples and arguments can be found for both anticipated scenarios—optimistic and pessimistic.

Is this the end of democracy *per se*? Unlikely. But it is the end of democracy as we know it. There is much to suggest that the Internet and digitalisation will change democracy in very fundamental ways. What democracy looks like in the Internet age remains to be seen. But whatever happens, democracy needs to reinvent itself.

1.2 Digitalisation. Technology and Culture

1.2.1 *Technology. Digitalisation and Networking*

Digital technology is based on a simple idea: all information can be represented by the digits 1 and 0.³ Even the most varied, multidimensional information can be represented by complex sequences of multiple series of numbers. Because computers can only work with the digits 0 and 1, the binary system is used to represent information with numbers. Digital technology therefore makes all information computer compatible. That means that even the most complex information can be represented by numbers and stored and processed electronically. This is the technological basis of the knowledge and information society.

However, the knowledge and information society also rests on another pillar: the networking of computers.⁴ The global networking of computers is not only revolutionising information processing and storage, but also the exchange of information. In any case, the Internet—the global network of networks—opens up the potential to easily exchange information around the world.⁵ That is a technological revolution. But it is much more than that: digitalisation has far-reaching political, economic, social and psychological consequences. After all, digitalisation is omnipresent and shapes—and arguably dominates—the (post)modern world.⁶

³This binary system goes back to Leibniz at the end of the seventeenth century. On the deeper roots of digitality, see Wenzel (2003), p. 25 f. with further citations.

⁴Dertouzos (1999), p. 465, speaks descriptively of pillars.

⁵For a detailed history of the development of the Internet, see Hafner and Lyon (2000).

⁶For a detailed critique of this, see Landow (2006), p. 43.

Digitalisation and the Internet are technologies that are changing the world. They influence people's behaviour, thinking and psyche.⁷ The Internet will lead to a change in thinking habits, the consequences of which we can barely begin to assess. The Internet and digitalisation can therefore also be understood as closely related complexes that are not only changing the world, but also the perception of the world, making digitalisation not only a technological, but also a cultural phenomenon.

1.2.2 *The Cultural Core of Digitalisation*

Digitalisation as a cultural phenomenon: we can assume that this is likely to have far-reaching effects on democracy. After all, democracy is an important part of culture. How will democracy change when and as a consequence of its encounter with digitalisation?

Technologically speaking, binarity and networking are at the core of digital technology. Yet in *cultural* terms, only material that is created on this technical basis will have an impact. So what is the cultural core of digitalisation?

A prominent feature of digital culture is its *boundlessness*. With digital technology, crossing a wide range of boundaries is easy. Boundaries are therefore becoming less important. History tells us that boundaries and borders have always played a major role. This process of digitally removing boundaries is therefore a cultural revolution that is difficult to overestimate. What does it mean for democracy if the significance of boundaries becomes relativised?

It is almost a cliché to say that *multimediality* lies at the core of digital culture. Digital technology makes it possible to combine a wide variety of media in a previously inconceivable manner. Multimediality in itself is of course not a new phenomenon. Even the early operas were multimedia events that appealed to several senses at once. What is new, however, is the technical ease with which multimedia can be generated thanks to digital technology—more than anything else, this is the origin of the deluge of images so characteristic of the modern world. The deluge of images—how is it affecting democracy?

A key characteristic of the digital culture is its *virtual nature*. It puts pressure on two major constants of the living world: matter and time. Digital technology works with fleeting stimuli and creates worlds of its own that have significance for people's everyday lives. This relativises the meaning of material things. The same applies to time. Digital technologies allow a significant asynchronicity of life and work, which influences the meaning of time and its role as a metronome of social life. What does this mean for modern democracy?

Similarly, *interconnectedness* is not a new phenomenon. On the contrary: as the natural sciences have pointed out, networking is a principle that has shaped the development of the world and its current state. The history of ideas has also long

⁷The American psychologists Turkle (1999) and Wallace (2001) were pioneering here.

regarded networking as an important law that can explain many developments. However, digital technology makes networking much easier. It enables potentially limitless networking of various types of content, creating not only a new quantity of networked content, but also a new quality of content.

So: where is democracy headed in view of the digital revolution's ubiquity and dissolution of boundaries, its multimodality, virtuality and networking? To put it succinctly: what does an unbounded, multimodalised, virtualised and networked democracy look like?

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Chapter 2

Boundary-Free. The Core of Digitalisation



Digitalisation is reducing the significance of borders and boundaries that previously structured the world. This is not without consequences for nation states, which are still very much typified by geographical borders. What does this mean for democracy? After all, democracy and the nation state are linked at a practical level.

2.1 The End of Boundaries?

The ubiquity of digital information is dissolving boundaries across multiple dimensions. At the very least, we can discern spatial-geographical, social and political aspects of the dissolution of boundaries.

2.1.1 *Physical Dissolution of Boundaries*

The physical dimension of the dissolution of boundaries is clearest: spatial, physical and geographical borders are increasingly irrelevant in the digitalised world. The process of dissolving boundaries is particularly advanced at the economic level¹: the economy is becoming ever more denationalised.² Digitalisation and the Internet have led to far-reaching de-materialisation in the global economy, which has had a serious impact: borderless markets are increasingly shaping the structure of the global economy. Above all, services are no longer location-bound, as they were in the past. They can be produced, stored, traded and consumed in digital form at any

¹For a detailed account of the dissolution of boundaries through economic globalisation, see Schroer (2006), p. 195 ff. with further citations.

²Zürm (1998a), p. 87 ff., with extensive empirical material.

location. This has transformed the service sector—until the 1990s regarded as a primarily domestic economic phenomenon—into a driver of globalisation and the dissolution of boundaries.³ Overall, the trend is clear: national economies and domestic markets are tending to become less important.⁴ National, single-state economic policy is therefore increasingly coming up against its limits.⁵

The de-materialisation and dissolution of boundaries within the world economy⁶ is having far-reaching implications for the law, which is still strongly geared towards national borders. This problem is particularly apparent—not to mention highly sensitive—in tax law.⁷ Traditional tax law is based on the concept of physical presence. Material, physically tangible points of reference are central for the taxation of economic transactions. Tax liability depends, for example, on whether and where a permanent establishment exists or where a taxpayer has his or her place of residence. Even in the traditional economy, it has not always been easy to clearly identify a geographical connection for tax obligations.⁸ In electronic commerce, however, this is more or less impossible: in the digital economy, geographical space is largely irrelevant.⁹ To put it bluntly, digitalisation is leading to the erosion of the tax base of nation states.¹⁰

2.1.2 *Dissolution of Social Boundaries*

In sociological terms, territorial borders can be interpreted as an expression of social boundaries: the border is not a spatial fact with sociological effects, but rather a sociological fact that manifests itself in spatial terms.¹¹ For that reason alone, the analysis must not be limited to spatial-geographical borders. One outcome of digitalisation is that other, previously accepted and common boundaries are losing importance. Conventional distinctions are becoming blurred, especially at the social and societal level.¹² Two particularly striking developments are the emergence of transnational social spaces and the extreme flexibilisation of social relations.

³Neyer (1995), p. 292, with references to empirical studies supporting this finding.

⁴Zürn (1998a), p. 88 ff.

⁵The empirically based study by Herkenrath (2003), p. 125 ff. with further citations, provides detailed information on this topic.

⁶See Neyer (1995), p. 292 ff. with further citations.

⁷See Boehme-Neßler (2001), p. 1089 ff. with further citations.

⁸Doernberg and Hinnekens (1999), p. 104.

⁹For a more extensive and detailed account of the problems of business premises in electronic commerce, see Strunk et al. (2003), p. 47 ff. with further citations.

¹⁰Genschel and Uhl (2006), p. 99 ff. describe the policies that states are deploying to counter this development.

¹¹For a concise summary, see Simmel (1908/1968), p. 467.

¹²Because the Internet increases access to knowledge, the boundaries between experts and laypersons are also becoming blurred. Kettner (2002), p. 215, describes a striking example: in the medical

Modern forms of communication and increased migration¹³ are creating new and complex transnational social spaces.¹⁴ The social communities within them are no longer a product of physical boundaries.¹⁵ The interconnectedness of people is not based on living in a common geographical space. The social context is created by factors that are independent of physical boundaries such as career biographies, social origin¹⁶ or identity.¹⁷ In addition to international labour migration, globally operating corporations, international mass culture and mass communication and long-distance tourism are important culmination structures along which transnational social spaces are formed.¹⁸

2.1.3 Social Psychology: The Flexible Human

Modern information and communication technologies are decoupling gainful employment from place and time—or at least they have the potential to. This is resulting in a dissolution of boundaries among commercial enterprises.¹⁹ The boundaries between industries, between companies and suppliers, between competitors and between companies and customers are blurring.²⁰

These dissolutions of boundaries in the economic sphere have socio-psychological implications, of which we are only just starting to appreciate the full extent.²¹ The boundary between work and (other aspects of) life is becoming diffuse.²² This dissolution of boundaries is reinforced by state of being permanently available that online communication enables—and thus demands. From a time perspective, boundary-free work is often extensive and flexible work. There is no such thing as home time any more.²³ Workers are forced to adapt to these new characteristics. The flexibility of people—not only in a temporal sense—is therefore

field, doctors are increasingly dealing with patients who are well-informed from the Internet. This does not necessarily improve communication between doctor and patient, but rather can often cause problems and tensions.

¹³For a detailed account of global migration, see Opitz (2001), p. 261 f.; Schroer (2006), p. 198 f.

¹⁴Schroer (2006), p. 210.

¹⁵For a substantive account of the significance of boundaries for the constitution of social communities, see Simmel (1908/1968), p. 460 ff.

¹⁶Beck (1997), p. 55, uses the example of Africa to illustrate this with the pithy phrase: “Africa is not a continent, it is a concept.”

¹⁷Pries (1998), p. 74 f.

¹⁸Pries (1998), p. 75. See Kettner (2002), p. 211 f., on the importance of transnational television in this context.

¹⁹See Kratzer et al. (2004), p. 336 ff. with further citations.

²⁰Kratzer et al. (2004), p. 336.

²¹The work of Sennett (1998) is groundbreaking in this respect.

²²Kratzer et al. (2004), p. 343, aptly speak of the “dissolution of boundaries between work and life”.

²³Kratzer et al. (2004), p. 343.