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Is Democracy Possible in the Internet?

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Abstract: Concepts of democracy have been developed and refined since Aristotle's time. However it is not until the new millennium that a unique set of circumstances, social, technical, and economic, have enabled a realistic plan of an e-democratic world to emerge. It is the lot of the internet generation to carry this vision through a maze of regulatory and commercial obstacles. The most important development on the internet in terms of its impact is e-commerce and the flow of support from governments and the market. It may appear that social and political aspirations for the internet have been eclipsed. However, on the contrary, global online commerce is providing opportunities for e-democracy to meet ethical and strategic challenges. The ultimate goal is to create peaceful change in key areas of global governance. We investigate some of those aspects in this paper.

Keywords: Cyber Ethics, e-Democracy, Freedom of Speech, Internet Legislation

Category: K.4, K.5, K.7

1 Introduction

The question of whether it is possible for ethical change and advancement on a global scale to occur when governments and international commerce appear intent on "patching" old style governance on to the internet, is a crucial one in addressing the current conflicts we see in many regulatory areas. In development, despite the recent market correction, the important force is e-commerce. In the flow of support for this from governments and the market, it may appear that social and political aspirations for the internet have been eclipsed by repressive measures taken to protect property, to monitor criminals, and to "protect" certain populations from the e-democracy virus.

However global online commerce, with its new ethics, its access, could be the powerhouse of a new public information system to join the best thinking of the pre-internet communications era with a logical progression to meeting the challenges of a global environment beset with major problems. Indeed, in the short history of the internet much of the publicly available information on it has been provided by commercial websites.

The key to e-democracy as a global future is the integration of objectives of democratic process with strongly functioning e-commerce, the intelligent participation

of existing agencies of governance, and particularly, non-governmental organisations. [Shearer 1999]. The aims are those of progressive global ethics: to create a sustainable environment, or at least an environmental soft landing for the issues of environment which are already in spiral; a responsible global economic plan; and a new politics in which human rights and equality hold a higher priority than national glory or ethnic pride. Many global ethics proposals (by UN agencies and commissions, and non-governmental agencies) include the objectives of environmental sustainability, improved human rights, a better social order, strengthened responsibility, empowerment of peoples, and the end of poverty and hunger [Lubbers 2000]. Computers and associated technology of the internet and intranets have the power to enable these objectives to be met. The societal circumstances that allow a global renaissance of shared values is more subtle, but positive indicators are present.

Let us take a look at these. Firstly, the internet has the potential to develop many, if not all, of the features of ideal public discourse put forward by Juergen Habermas, that is, the notion that people may communicate in a public sphere without distortions of ideology or power imbalance. This communicative environment represents the theoretical "space between power and ideas" on which Jason Neidleman bases a theory of democratic legitimacy [Neidleman 1997]. Further, the desire of a considerable number of people of the internet community to achieve a free and open communicative situation in the internet is captured in Internet Society founder Vint Cerf's assertion "the internet is for everyone" [Cerf 1999]. The statement implicitly promises an effective voice for the individual, and raises the prospect of global universal access.

This paper attempts to show that while the statement is well understood by members of, for example, scores of Internet Society national Chapters, there are other ethical statements that are equally well understood but as yet not fully articulated; these statements (following) constitute the core concepts of e-democracy:

All people have the right to a public voice and privacy of communications on the internet.

All people have the right to quality, timely information on the internet.

All people have a right to a political and economic structure in which their voice will be heard and acted upon.

All people have a right to use the internet to promote human rights and the public good.

Legitimacy for these statements flows partly from a key observation of this paper derived from a study of journalistic ethics; that all around the world people support free media. They seek uncensored, honest media and the resulting ability to make informed political choices. Fulfillment of their aspirations will be found in the "ideal" that is, the ethically operating, democracy of the internet.

2 The Cyber Ethical Ideal

The global responsibility is to create a cyber ethical communicative situation within the internet, while observing that the action of creating an ethical Internet immediately has powerful political consequences. As mentioned, an instructive construct is that of journalistic principle, which represents the best efforts of professionals in the sphere

of press and broadcast mass communications over half a century in developing ethics of journalism. It represents an international movement towards a "free press" or unfettered public discussion, against the constraints that individual governments or publishers have chosen to put in place. Educating internet users in accepted journalistic practice, which is specifically about handling public information content, should develop a defensible "Code of Practice" for e-democratic communications in general. Internet users who are potentially all collectors, writers, and publishers of information, should follow ideals of public expression using the internet in order to create a legitimate global e-democratic forum.

Codes of Ethics for journalism are developed by groups of journalists, often journalists' unions, in an attempt to facilitate the best functioning of a free press or broadcasting system. A study which compared a proposed internet cyber ethical Code (an expanded version of the e-democracy core principles given above) with a diverse sample of national journalistic Codes of Ethics used the content analysis software TEXTPACK. [Textpack 2002]. It found a significant match to cyber ethics in ten categories representing important journalistic values, with the exception of an eleventh category which represented national interest [Shearer 1999]. Category one is the concept of standardisation of practice or conforming to a journalistic ideal of practice. The second category is the concept of openness and public disclosure. The third category is the concept of privacy or confidentiality in communications. The fourth category is the concept of independence or free speech. The fifth category is the concept of public good or public interest. The sixth category is the concept of fairness in the treatment of information, expressed in journalistic terms as impartiality. The seventh category is the concept of professionalism, of capably carrying out duties. The eighth category is the concept of rights, whether human rights, individual rights, or national rights. The ninth category is the concept of authenticating or identifying the source of information. The tenth category is the concept of acceptance of cultural diversity. The eleventh category refers to the concept of national interest, in which the Internet Code, with its global focus, diverged from journalistic codes.

If we integrate these contemporary insights of journalistic codes with current developments of moral philosophy, internet culture, and critical analysis of internet policy areas, we are able to establish a set of pre-conditions in which e-democracy will thrive in conjunction with e-commerce. Thus we have the cyber ethical Code below, a logical progression towards a globally acceptable informational, commercial, and political environment. The principles are:

- A standardised internet infrastructure.

  A strong and coherent infrastructure takes in issues of technical standards and open operational standards such as open source software, a coherent domain name system that has the welfare of users as the first priority, and independent certification authorities for use of public key encryption.

- Maintenance of interconnectivity.

  Maintenance of interconnectivity is a strongly accepted value of the Internet that may be challenged by people wishing to remove links, for example, for commercial

reasons. Connectivity issues may arise in disputes between various service providers. The internet community should support the position that attempts to limit connectivity are wrong, because connectivity is a technical precondition to the best operation of the internet. Any loss of connectivity must be shown to be overriding public interest.

- Open internet commerce.

  The principle of open internet commerce opposes oppressive regulations that may limit the opportunities for open competition in the market, and also, monopolistic practices by powerful commercial interests that threaten the free working of the market. Oppressive trademarking regulations imposed in areas of domain name registration for example, penalise small, less powerful businesses. Open commerce ethics imply a fair chance for small businesses and room for poorer countries to contribute in the commercial arena.

- Privacy of communications.

  The right to privacy of communications is an implicit principle of living to many people, in the sense that it has never been challenged on the scale that is made possible by electronic communications. The challenge by national governments to use of cryptography to secure communications and databases is causing the internet community to define an ethical position strongly supporting privacy of communications. Where privacy of communications is lost, any semblance of political dissent by citizens is threatened, (along with emerging e-democracy) whilst market strategy or innovation is also compromised. Governments and their agencies have a record of misuse of access to private information entrusted to them, and have tried a number of tactics aimed at gaining control of cryptography use [Shearer&Gutmann 1995]. If democratic countries recognise their citizens' right to privacy of communications, less democratic countries may eventually fail to hold out under pressure from their own citizens, who will be profoundly disadvantaged in terms of commercial and political transactions.
  We see the political implications of cyber ethical thinking when it becomes a logical progression that internet companies should refuse to cooperate with general surveillance attempts by national governments, in the interests of their customers who are global citizens with rights. With the advent of the USA as a relatively benign military superpower, national governments have effectively lost their role as military defender of their peoples. Add to that the cultural globalisation of the internet, and national governments are turning their attention more to maintaining their own power base among their own people as their own legitimacy in traditional areas becomes questionable. Electronic surveillance and the resulting ability for national governments to suppress dissent and interfere with the public, private, and commercial activities of citizens, are serious threats for democracy in this century.

- Freedom of speech within the internet (with the proviso that the best interests of children are protected in information delivery).

  The principle of freedom of speech is a highly valued "traditional" value of the internet community. Its beginnings may be traced to the forums of ancient Greece, through the Enlightenment of the eighteenth Century, and the traditions of a free press. We see the divergence of these concepts from the pure libertarian views of many early internet users from the USA, in the widely accepted proviso that the best interests of children are protected, for example by attempts (of varying quality) to help using ratings systems and screening software. This assumes a global consensus that children are vulnerable to adverse influences of the highly accessible open forum of the internet. However the current progression towards legislation to protect children from, for example, on-line stalking and grooming by paedophiles, should be informed by the right of children put forward in the United Nations, that children should have a full societal education [United Nations 1990]. This Convention, signed off by everyone except the USA and Somalia, may be read as establishing a right by children to explore the important global public knowledge system and society of the internet. In order to balance protection and rights, all efforts should be made to protect children by catching and punishing paedophiles. However, the easy route of forbidding access to the internet by children, or severely limiting their experience of the internet forum, is unethical. Education of children in using the internet safely is a part solution [Responsible Netizen Project 2002].

- Universal Internet access.

  Universal internet access may be seen as a logical end-point to a global electronic "network" which for full communications efficiency, would put the world on-line. However, the aspect of universality also takes in the ethical concept of human equality, in that it presupposes that everyone should have the right to share in the opportunity provided by electronically facilitated global citizenship.

- Freely accessible public interest information.

  The issue of freely accessible "public good" information (that is, information important to the functioning of global civic and political life) to be available at little or no cost, is, for example, debated in the area of international copyright regulation. The internet community has had success in fighting attempts to impose restrictive copyright regulation that would restrict access to and use of electronic information previously in the public domain.
  An important setback is the Digital Millennium Copyright Act (DCMA) of 1998, enacted in the USA, that has created the new crime of circumvention of copyright. This legislation, which the USA is attempting to export around the world, is a threat to more than a century of respect to fair-use rights of consumers and has also resulted in lawsuits implicating academic freedom and free speech. The fair-use doctrine is important to the development of e-democracy as it enables limited use of copyrighted material without having to pay a fee or obtain prior approval of the copyright owner, for purposes students, educators, consumers, journalists and libraries may have in going about their public sphere activities on a daily basis. If it

is compromised to the point where a fee per use had to be paid, such activities would be severely circumscribed.

- Regard for the diverse cultures of global society.

  A global community must by its nature, accept individuals without discrimination. Indeed the internet offers a global forum where discrimination is difficult, as, for example, ethnicity and religious affiliation are not necessarily apparent in cyberspace. However the principle of inclusion implies that efforts should be made to allow full participation and communication between people from different cultures. There is opportunity for oppressed groups to maintain their culture in the freedom of cyberspace, protected by cryptography. Following on from a globalisation process that has initially favoured use of the English language, much development using different languages is taking place within the internet.

- Mediation and jurisdiction to promote fairness.

  Mediation of internet-related conflicts involving national and global organisations is part of the process of building an ethical infrastructure, and a number of internet community groups are active in this area. A structure of mediation and jurisdiction within the internet will promote fairness in civic and commercial activities.

- Authentication of information or establishment of levels of verification of information sources.

  Authentication of information or establishment of levels of verification of information sources, is an important precondition for electronic commerce, establishment of reliable public services, and trust in use of the internet. Levels of verification however, also include anonymity, which may be employed by people who wish to protect themselves (for an example of an important global societal function) against political oppression. However pressure is placed on the acceptance and promotion of anonymity by the conflicting needs of law enforcement agencies, that see anonymity as a weakness in the internet which can be used to facilitate crime. Similarly, they see data havens as an attempt to escape the long arm of the law, rather than as a means of assuring privacy of data that may be considered sensitive for many reasons other than that it is evidence of crime.

- Maintenance of adequate bandwidth.

  Maintenance of adequate bandwidth, with development free from political or market-imposed constraints, is a technical precondition with a strong “ethical” content. Computer scientists, engineers, and commercial interests devising solutions to bandwidth and other technical pressure points are ensuring the well being of an infrastructure that may have a vital role in global improvement. Graphics–based interfaces (using high bandwidth) may have a strong role to play in communications with less developed countries, and may, for example, be cited as a reason to give development aid.

- Observance of the United Nations Universal Declaration of Human Rights.

  An e-democratic community treats all of its members as equals in the global civic space of the Internet. In this way it is adhering to the global declaration of rights of humans made by the United Nations. Article 19 of the Universal Declaration of Human Rights explicitly protects freedom of information for all and specifically, the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media [United Nations 1948]. This may be deemed the right to communicate. This right should be forwarded in respect of asylum seekers, for example. Though they are not under the protection of any state, they should have the right to internet access and to the e-democratic environment, where their concerns may be heard. In 2002 Children at the Australian asylum seekers' detention centre of Woomera sewed their lips together in a voiceless protest at their treatment.

It is appropriate, therefore, for theorists to attempt to engage the global community in constructing a global internet ideology both to justify interventions to prevent distortion of the public sphere, but also to construct a future strategy for global e-democrats of the internet. In this context, ideology refers to a particular set of ideas that legitimates political or societal relationships. For the purpose, the authors advocate a neo-Aristotelian approach which reinterprets a venerable reliance on reason and concepts of the greater good in governance, with the important qualifiers of modern discourse ethics presented by Lyotard et al. Put simply, we may all see the world from our own consciousness and perspective, but our rationality allows us to find common ground. Progress may be a process of moving from a basis of global principles to strategising and scenario building as a way of confronting the problems that confront us as a global population - and we may observe that the process is already underway in the ad hoc fashion that typifies much internet activity.

For example, internet businesses are confronting the problems of trust in a global environment in which differing jurisdictions may make it difficult to seek redress for transactions made in bad faith, whether the transactions are business to business or business to customer. The result is an increasing interest in evidence of and presentation of good business ethics, in areas such as data privacy and security of financial transactions. A strong relationship between environmental and social ethics and sustainable financial performance in international companies, is now demanded by lobby group watchdogs, and the concept of a triple bottom line, measuring environmental and social, as well as financial, value, is part of the repertoire of a number of high profile corporations. In future, evidence of commitment to ethical practice of e-commerce, of safe handling of data and of environmental responsibility, should become part and parcel of the public life of e-commerce. However it is non-government organisations that will increasingly bear the burden of collaboration to promote a commercial environment that does not punish particular regions or societies, and to make the complex interactive calculations of actions that will accrue greatest benefit to poorer countries.

The question of taxing of internet transactions is of concern to national governments. Should there be a tax on goods sold via the internet (these may be easily

subject to tax as they enter national borders), and should informational transactions should also be subject to tax? The implications of a tax on informational transactions could include disadvantage to, for example, developing economies that may be highly dependent on knowledge gathered outside their national borders. Regulatory problems include the existence of different tax rates and regimes around the world, making a standardised approach difficult. But more importantly, informational tax gatherers may run into the same mass disobedience that has been demonstrated by the spread of music via MP3 files and other technologies in defiance of copyright regulation. Where internet users perceive an opportunity to circumvent what they perceive as unfair costs or practices, they may respond in vast, virtually unpunishable numbers. In future innovative solutions may be sought. For example, contributions to infrastructure may be made in the form of dedicated services to public good activities, which many on-line companies already undertake voluntarily in the form of web pages containing public information. Such services could be made available in exchange for tax exemption on informational transactions.

3 The Strategy of Economic Reform

The ideal and the reality may readily be compared using the informational resources of the internet. News reports, analyses of wars and conflicts, opinions, and political action websites may easily be located using search engines. The debate over the effects of global free trade on poorer groups and on the environment, continuing wars and conflicts between ethnic groups, and the status of hunger and disease indicate that global democracy and equality of opportunity is a distant goal. But further, the structures to support e-democracy have not yet been set up within cyberspace. Internet pressure groups such as EFF (Electronic Frontier Foundation) report on perceived threats to the internet [Electronic Frontier Foundation 2002], but the power to effectively battle oppressive regulation has not been established, and the organisation of remedial scenarios remain the domain of interest groups.

Demands from the markets and competing ideologies are already constraining the internet. There is a shift away from the power of national governments towards a vast global meeting place and power brokerage center. The “downside” scenario is one of the silencing of the moral internet community by an extension of broadcast techniques, brain-free hardware such as “thin” technologies, and control by multinational corporations. We see this capture of traditional media in production of news presented as entertainment, reality TV, sitcoms, and similar mass appeal material, which is highly influenced by the needs of advertisers to reach as wide an audience as possible. The communications cartels are already responding to the present highly interactive and free environment of the internet by reining it back to a more passive or “pushed” conformation that will allow them to reassert control.

Timothy Roscoe argues that the construction of a World Wide Web “audience” has been carried out through the media, and is assisted by poor general knowledge of internet technology. He cites the use of dynamic IP addressing, which allows the user to access the internet but removes interactivity (a key democratising factor of the internet) because a static address for the user does not exist to enable replies.

> The myth of technological determinism (inevitable technological progression) seems to have such a huge but silent presence in the discourse surrounding culture and technology. Ironically, it seems to be much less prevalent among engineers, perhaps because they do have first-hand experience of how artifacts are produced. The challenge seems to be to bridge the gap between those who through lived experience understand the creation of technology, and those whose chosen occupation is to interrogate its relationship with wider social formations [Roscoe 1999].

Analysis of a number of areas of internet activity indicates that the activities of the multinational corporations and their influence on the international internet policy and regulatory framework currently amount to an attempt to create a form of global control in the shadows. This involves collusion between multinational corporations and the unspoken assumption that international commerce may rule itself out of the public ethical arena by nature of its economic functions. The cartel of multinational corporations and associated global regulatory groups loosely follow the mindset of the USA (which is showing a high level of activity in the regulatory area) but is not under the overt control of any particular national group. As mentioned above, a great amount of power may be taken from nations as the globalisation of cultures, communications and markets continues. Deceptively, their facades remain intact. The moral flaw is that while the shots may be called by increasingly concentrated cartels, the cartels do not accrue the traditional responsibility of power, that is, the welfare or protection of people under their control. A "shadow" global regime of multinational corporations working in collusion has no such mandate or intention.

The opportunity for an era of global irresponsibility is created by the immense power of an electronic communications system, which can reach a large chunk of the global population, can meet their needs in many ways, and can be potentially controlled for profit. It is tempting to say that cultural and religious difference may become defined as personal property (and protected as such under copyright and other legislation) but will not carry economic or political weight.

The "Third Way", an economic strategy promoted by developed countries, promotes deregulation, privatisation, flexible labour markets, free trade, and reduced social infrastructure, which all favour the multinational corporations. However, in theory, the benefits should be shared in part by the winners with those nations lagging in the economic race. In practice, the poorer countries have found they are the losers. Reich argues that a social contract is required to enable losing countries to access resources to help them compete [Reich 1999]. Such a contract, and its implementation strategy, should be an e-democracy project.

Highly publicised protest and debate about international trade negotiations and the impacts on poorer nations (and their attempts to build negotiating power with strategic collaboration) indicate that public awareness could be built into a global coalition to use market forces (actions by individual or corporate customers) to modify the activities of global corporations. Many of these corporations are in a state of unprecedented fragility as a result of swiftly changing e-commerce requirements as it is. It is also unrealistic to expect that coalitions of international corporations will themselves impose effective constraints on their activities. The power and reach of the internet and the capacity to collate and disseminate public interest economic information (which may well involve

the resources of responsible e-commerce entities) may in future oblige multinational corporations to accept limits on globally irresponsible commercial behaviour. Cyber ethical corporations may collaborate in the market modification process which we see working on a small scale, in some consumer boycotts for public good causes.

4 The Future: Internet 2

The maintenance and upgrading of the Internet is a necessary precursor to reaching societal goals. Important issues for the future are: increasing rates of data transmission to supply the ever-increasing functions of the Internet; improving global reach at low cost; reform of existing protocols to better serve Internet users; and supply of hardware that serves the necessary individual informational needs and interactive capability of the e-democrat.

The Internet construction has a flexibility that so far has been able to accommodate huge growth. A NUA internet survey's "educated guess" as to numbers online worldwide at August 2001 was approximately 500 million. However there is a substantial imbalance around the world, with the developed countries of Canada and the USA the top at nearly 200 million, followed by Europe and the Asia-Pacific region at around 150 million each. Latin America follows with approximately 25 million users, and the Middle East and Africa are seriously lagging at around five and four million users respectively. [NUA surveys 2001] This presents the global community with a problem; how do these lagging nations acquire the internet access that will enable them to take part in the important global dialogue to come? This issue takes on increasing urgency following the "September 11" attack in the USA and the potentially divisive global repercussions of military "solutions" that are planned to follow the Afghanistan intervention.

Despite the efforts of multi-national corporations to set up large monopolistic information provision systems, a key point to understanding internet structure is that the Internet resists centralisation because its users are the information providers. Success has been found by enabling users to find like-minded people or clustering information links. It may prove worthwhile that future structures in the levels of software and programming, and the information infrastructure, will be diverse and either administered by smaller flexible units or companies, or will employ a system which gives a high level of control to the user. This assumes open standards will be maintained.

However, at the level of physical and technical infrastructure, the power of the multinational corporations and developed countries is at its height. Privileged countries may view the internet as a tool that can be used to forge a future in which their economic dominance will be maintained on the basis of access and highly developed intranets. However the use of satellite and wireless technologies have the potential to keep all countries on-line and participating.

5 Conclusion

Nothing less than a global e-democracy movement fully supported by global non-governmental agencies will have the capacity to generate the change required for a stable future society and environment.

Global strategy forums employing cyber ethical operation and the best resources of internet technology will enable the e-democrat movement to leap over the moral and economic inertia of multinational corporations and the national governments. This global democracy of the future will create accepted change outcomes because of the technological ability of the global collaborators to create "open source" social, economic, and environmental solutions involving unprecedented complexity and coordination.

Global citizens will see themselves as part of the solution to the "big issues" described. It is clear there is an important role for such organisations as the United Nations, cyber ethical corporations, internet and human rights organisations, environmental activists, and many other diverse interest groups of global society. The influence of the e-democratic movement is potentially vast and includes the ability to reshape the global economy using precise and time-sensitive market manipulation to allow responsible global redistribution of essential resources.

The immediate strategy for promotion of e-democracy is the realisation of an optimal internet global infrastructure, and the educative process of developing a consciousness of cyber ethical principles for its use. But more important than the nuts and bolts of a future global management system, is the ownership and leadership of e-democracy itself. This may emerge from the promising global community of the internet and its informal communication system, or may result from a collaboration of existing global agencies.

The potential value of the cyber ethical internet is more than the sum of its parts because its power will derive from the peaceful base of hundreds of millions of individuals using the internet to realise global democracy. To refer back to the title of this paper, democracy in the internet is not only possible, it is a natural progression for global citizens to "own" the technology and put it to best use.

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