# DIGITAL DEMOCRACY AND THE DIGITAL PUBLIC SPHERE

## MEDIA, COMMUNICATION AND SOCIETY VOLUME SIX

CHRISTIAN FUCHS

# Digital Democracy and the Digital Public Sphere

This sixth volume in Christian Fuchs' *Media, Communication and Society* series draws on radical Humanist theory to address questions around the digital public sphere and the challenges and opportunities for digital democracy today.

The book discusses topics such as digital democracy, the digital public sphere, digital alienation, sustainability in digital democracy, journalism and democracy, public service media, the public service Internet, and democratic communications. Fuchs argues for the creation of a public service Internet run by public service media that consists of platforms such as a public service YouTube and Club 2.0, a renewed digital democracy and digital public sphere version of the legendary debate programme formats Club 2 and After Dark.

Overall, the book presents foundations and analyses of digital democracy that are interesting for both students and researchers in media studies, cultural studies, communication studies, political science, sociology, Internet research, information science, as well as related disciplines.

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# Digital Democracy and the Digital Public Sphere

## Media, Communication and Society Volume Six

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# Part I

# Introduction

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# Chapter Nine

## *Digital Democracy, Public Service Media, and the Public Service Internet*

9.1 Introduction
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## 9.1 Introduction

This chapter deals with a specific aspect of the democratic mandate of public service media. In doing so, it analyses the relationship between digital democracy and public service media. The main question is: What contributions can public service media make to digital democracy?

Some sub-questions are asked about this overall topic of public service media and digital democracy:

Question 1: What are digital democracy and the digital public sphere?

Question 2: What are the main trends in the development of digital media today, what are digital media's democratic possibilities and deficits, and what role can public service media play in strengthening digital democracy and digital public sphere?

Question 3: What legal framework is needed so that public service media can strengthen digital democracy?

This chapter is divided into four parts besides the introduction: Sections 9.2 and 9.3 deal with research question 1, Section 9.4 deals with research question 2 and Section 9.5

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with research question 3. Section 9.6 draws conclusions and formulates recommendations for action.

## 9.2 Democracy and the Public Sphere

The term "democracy" comes etymologically from the Greek word demokratia. (*δημοκρατία*), which is formed from the two words demos (*δῆμος*) and kratos (*κρατός*, Macht). Democracy therefore means power emanating from the people. Democracy models and theories of democracy differ according to who is considered part of the people and what is understood by power. Therefore, there is not one understanding of democracy, but there are rather many different models of democracy.

David Held (2006), in his book *Models of Democracy*, which is one of the most widely read introductions to democratic theory, distinguishes between two basic models of democracy, namely direct democracy and liberal representative democracy. Direct democracy is understood to be "a system of decision-making about public affairs in which citizens are directly involved" (Held 2006, 4). Liberal representative democracy is "a system of rule embracing elected 'officers' who undertake to 'represent' the interests and/or views of citizens within the framework of the 'rule of law'" (Held 2006, 4). In democratic theory, a distinction is also made between parliamentary and presidential democracy, competitive and consociational democracy, as well as between majority and consensus democracy (Schmidt 1997, Waschkuhn 1998).

Held (2006) distinguishes nine models of democracy:

1) Classical Athenian democracy:

   direct citizen participation in the agora;

2) Liberal democracy:

   political freedom as liberal civil rights, election of representatives, the rule of law, the constitution, the separation of powers;

3) Direct democracy or plebiscitary democracy:

   direct participation of citizens in the political decision-making process through voting or through rotating councils that are elected by citizens and can be voted out at any time;

4) Competitive elitist democracy:

   parliamentary government with strong executive and extensive decision-making power of leaders, competition between rival political elites and parties for dominance in the state;

5) Pluralist democracy:

   civil rights, separation of powers, the government mediates between a plurality of competing interests and tries to balance them, protection of minorities;

6) Legal democracy:

   majority principle coupled with the constitutional state and the rule of law; minimisation of state intervention in the economy, civil society and private life; maximisation of the extension of market economy principles to society, the minimal state, emphasis on individual freedom;

7) Participatory democracy:

   grassroots democracy, the extension of democracy from the political system to the workplace and local communities, creation of a resource base as well as space, time and educational opportunities as the basis of grassroots democracy, technological minimisation of socially necessary work coupled with the reduction of working hours as the material foundation of grassroots democracy;

8) Deliberative democracy:

   the focus is on political debate and communication among citizens, debate on political issues and discussions between citizens and political representatives; citizens' forums, consultative assemblies, deliberative polls for opinion assessment;

9) Democratic autonomy:

   constitutional guarantees of fundamental rights, parliamentary election of representatives combined with direct democratic elements, citizens' forums and other deliberative mechanisms, extension of democracy to municipal services and self-managed companies, transnational democratic institutions (cosmopolitan democracy).



Models 1, 2, and 3 are classical approaches to democracy, while models 4–9 are newer approaches. With regard to Held's two basic models of democracy, it can be said that models 2, 4, 5, and 6 are manifestations of liberal representative democracy, while models 1, 3, 7, and 8 are forms of direct democracy. Model 9 represents a combination of the two basic models.

Communication is an important and indispensable aspect of the political system in all models of democracy: In Athenian democracy, direct political communication of citizens took place face to face in the marketplace. In liberal democracy, party programmes must be communicated to citizens. In elite democracy, leaders communicate their programmes and decisions to the people. Similarly, competing positions are communicated

to the people. In pluralist democracy, representatives of different interests communicate through the state in order to reach a balance or to negotiate. In legal democracy, the market is considered an important instrument of communication between consumers and citizens. In participatory democracy, there is enough space and time for grassroots political communication among citizens to bring about decisions. In deliberative democracy, consultative processes take place to organise ongoing communication on political issues. In democratic autonomy, grassroots and deliberative forms of communication (e.g. citizens' forums or assemblies) are combined with representative democratic forms of communication (e.g. canvassing or media coverage of the programmes of the parties campaigning for election).

On a general level, it can be said that the public sphere is a central mechanism of any political system. By "public" we generally mean goods and spaces that are "open to all" (Habermas 1991, 1). For example, one speaks of public education, public buildings, public parks, public squares, public meetings, public rallies, public opinion, public service media, etc. Public goods and institutions are not reserved for a clique or a club of the privileged, but are intended for the general public, i.e. all members of a community. Often, but not exclusively, public goods and institutions are organised and regulated by the state. There may be certain conditions of access, such as payment of the licence fee as a legal condition of access to public broadcasting. However, these access conditions should be affordable for the general public, i.e. they should not discriminate according to income, class status, gender, origin, abilities, level of education, etc. The political dimension of the public sphere was already present in ancient Greece, where the sphere of the polis was "common (koine) to the free citizens" (Habermas 1991, 3).

The public sphere is a sphere of public political communication that mediates between the other subsystems of society, i.e. the economy, politics, culture, and private life. In the ideal type of the public sphere, it is a sphere that organises "critical publicity" (Habermas 1991, 237) and "critical public debate" (Habermas 1991, 52). The public sphere mediatises political communication. It is a mediating space of political interaction in which citizens meet, inform themselves politically and communicate politically, and in which political opinions are formed.

Public communication is an important aspect of the existence of humans as social beings and society. In modern society, the media system is the most important organised form of public communication (Fuchs 2016). In the media system, media actors produce public information. News informs citizens about political events and is an occasion for political communication. In a complex society, there is a system differentiation as well

as a differentiation of social roles. In a class society, such differentiations take the form of the division of labour and the division of power. Various organisations and interest groups in the economy, politics, culture, and civil society (companies, business associations, trade unions, workers' associations, clubs, citizens' initiatives, lobbyists, religious communities, parties, politicians, social movements, non-governmental organisations, etc.) try to influence the form and content of public political information. This is done, for example, through media presence, public relations, advertising, organisational interlocking and networks, etc. The media system interacts with the economy, politics, culture, and private life. Media organisations are not only cultural organisations that produce and publicly disseminate content, but also economic organisations that need resources to exist. Media organisations are also politically shaped by legal regulations on the one hand and by tax benefits (e.g. tax levies, public subsidies) on the other. Figure 9.1 presents a model of the role of the media system in the public sphere.

Media have (a) a political-economic and (b) a cultural dimension. On the one hand, they need resources such as money, legal frameworks, staff, and organisational structures in order to exist. In this respect, they are economic organisations. However, they are special economic organisations that are also cultural organisations, since they produce meanings of society that serve public information, public communication, and the formation of opinions. Since opinion formation and communication also include political opinion formation and political communication, media organisations have implications for democracy and the political system. As cultural organisations, all media organisations are public because they publish information. As economic organisations, on the other hand, only certain media



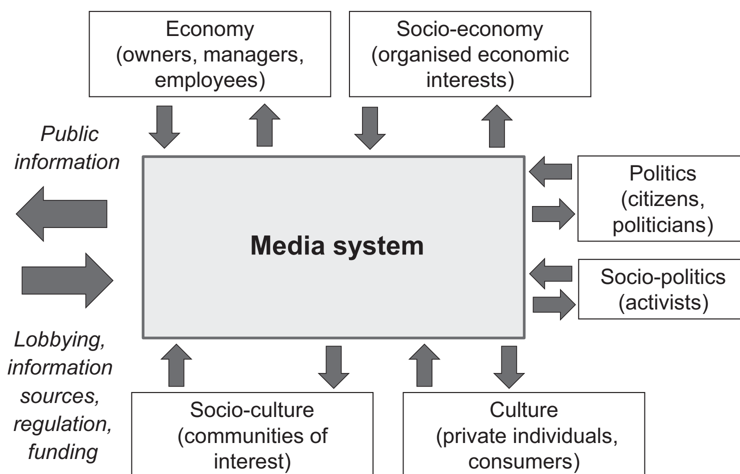


**FIGURE 9.1** The media system as the public sphere's communication system

**TABLE 9.1** Two levels and four types of media organisations

| | Capitalist media | Public service media | Civil society media | Authoritarian state media |
|---|---|---|---|---|
| **Political economy** (relations of ownership and production, legal relations) | Media companies that are privately owned for-profit organisations | Media institutions that are enabled by the state, are not-for-profit organisations and have a defined public service remit that they follow and advance | Non-profit civil society media organisations that act | State-controlled, state-owned, state-censored media; such media are either state-owned or privately owned under state control or have mixed models where the state plays a key role; might be not-for-profit or for-profit |
| **Culture** (public circulation of meanings and ideas) | Production and distribution of information that support members of the public in the production of meanings, interpersonal communication and the formation of opinions | Production and distribution of information that support members of the public in the production of meanings, interpersonal communication, and the formation of opinions | Production and distribution of information that support members of the public in the production of meanings, interpersonal communication, and the formation of opinions | Production and distribution of information that aim at the member of the public's production of meanings in manners that adhere to state ideology and propaganda |

organisations are public, while others take on a private sector character, i.e. are organisations that have private owners and operate for profit. Public service media and civil society media, on the other hand, are not profit-oriented and are collectively owned by the state or a community. Table 9.1 illustrates these distinctions. Public service media are public in the sense of the cultural public and the political-economic public. They publish information and are owned by the public. A special form are authoritarian state media. These are media where the publishing process is strictly controlled by an authoritarian state. Journalistic work is controlled by state institutions. The political economy of such media can take on different forms. They might have a not-for-profit imperative but serve yet another instrumental rationality, namely the advancement of state ideology and state propaganda.

Since public service media are public organisers and mediators of political information, communication, and opinion-forming, the democratic mandate is usually also enshrined as part of the public service remit of public service media.

The BBC Charter is the legal framework that governs the activities and organisation of the BBC for a certain period of time. The current BBC Charter came into force on

1 January 2017 and is valid until the end of 2027. It states that it is part of the public service remit for the BBC to "provide impartial news and information to help people understand and engage with the world around them [...] [so that they can] participate in the democratic process, at all levels, as active and informed citizens" (http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/2016/charter.pdf, aufgerufen am 20. Dezember 2017). In Austria, the ORF Act regulates the establishment, mission, principles, organisation and control of the Austrian Broadcasting Corporation. According to the ORF Act, the core public service mandate of the ORF includes, among other things "the promotion of understanding for all issues of democratic life"[1] (ORF-Gesetz, §4 [1]). Similar definitions of public service media's democratic remit can be found in many other countries that have an independent public service broadcaster.

Both legal texts just mentioned define a democratic remit for public service media: public service media must ensure that their services and offerings help to form active and informed citizens who can participate in the democratic process and have an understanding of democratic issues. The democratic remit is a special quality feature of public service media. Democracy is a public common good that is meant to protect the rights of all and that is produced and reproduced only through the collective political behaviour of all citizens. This collective political behaviour includes not only voting, but also the formation of public and individual political opinion as well as political communication. Public service media, as public communication systems with a public cultural and economic character, play a special communicative and informational role in democracy. The democratic remit should therefore guarantee that public service media contribute to democratic communication.

Digital media such as the Internet, social media, and the World Wide Web are relatively new type of media compared to print media and broadcasting. They became popular in the last fifth of the 20th century. Questions of democracy and the public sphere must therefore be rethought in the context of digital media.



## 9.3 Digital Democracy and the Digital Public Sphere

Kenneth L. Hacker and Jan van Dijk (2000) define digital democracy in the introduction to the anthology *Digital Democracy* as follows:

> Digital democracy is the use of information and communication technology (ICT) and computer-mediated communication (CMC) in all kinds of media (e.g.

> the Internet, interactive broadcasting and digital telephony) for purposes of enhancing political democracy or the participation of citizens in democratic communication […] We define digital democracy as *a collection of attempts to practise democracy without limits of time, space and other physical conditions, using ICT or CMC instead, as an addition, not a replacement for traditional 'analogue' political practices*.
>
> (Hacker and van Dijk 2000, 1)

Several comments should be made on this definition:

- The term "digital democracy" is relatively widespread today. However, terms such as electronic democracy, teledemocracy, cyberdemocracy, Internet democracy, virtual democracy, or electronic participation are also used equivalently.
- Since 2000, when Hacker and van Dijk gave this definition, the media landscape has evolved. The term "digital telephony" is hardly used today. Rather, people usually speak of "mobile telephony" and the "mobile phone". Furthermore, social media should certainly be added to the example technologies (blogs, micro-blogs, social networks, wikis, etc.).
- The term "information and communication technologies" is often used synonymously with the terms computer technology and digital technology/media. However, information and communication technologies also include classical media such as the painting, the theatre, music, the concert, the book, the newspaper, the cinema, the telephone, and radio. Information and communication technologies are information and communication systems that are mediated by social and societal practices. The computer and the Internet are digital information and communication technologies.
- Digital democracy is not linked to a specific model of democracy. There are certainly different forms of digital democracy that are linked to certain models of democracy (such as direct democracy, liberal and representative democracy, or participatory democracy). Digital democracy is therefore not about specific technological applications, but about technically mediated practices in which certain democratic models and ideas are realised. Digital democracy is based on a dialectic of technology and politics.

Jan van Dijk (2000, 40) distinguishes four democratic information processes: information distribution and allocation, information registration, consultation, and conversation. Based on these information processes, he distinguishes three models of digital

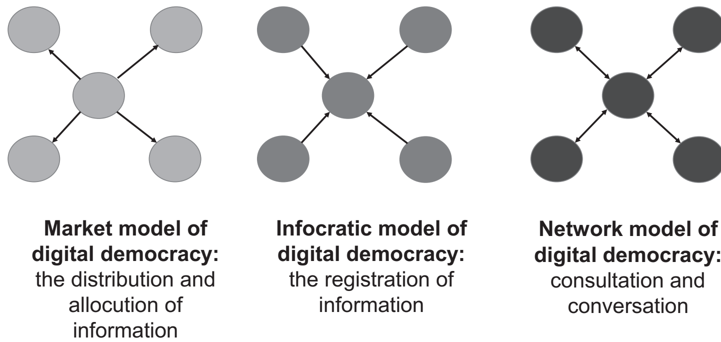


**FIGURE 9.2** Three models of digital democracy (based on van Dijk 2000, 49)

democracy that manifest themselves in certain forms of communication and communication technologies. Figure 9.2 illustrates these three models.

In the market model of digital democracy, political information is distributed by central actors such as governments, ministries, parties, parliaments, offices, etc. via computer networks. The model is an expression of liberal and elite democracy when the emphasis is on political institutions and leaders, and legal democracy when the private sector character of digital media organisations is emphasised. The infocratic model of digital democracy is about the registration of information via computer networks. This includes, for example, filling out online forms, submitting applications online, online services provided by public authorities (e.g. online tax returns), online surveys, online voting, or expressing consent by pressing "like" or follow buttons on social media. van Dijk (2000, 51) argues that this model is an expression of the plebiscitary and legal models of democracy. In the network model, political issues are discussed by citizens via computer networks and there is the possibility for online consultations of political institutions with citizens. For van Dijk, this model is an expression of the plebiscitary, legal, pluralist, and participatory models of democracy.

In linking forms of communication and democracy, van Dijk refers to David Held's (2006) distinction between different models of democracy. However, he does not take into account all the models discussed by Held. For example, participatory democracy and deliberative democracy are not distinguished but equated. van Dijk reduces participatory democracy to deliberation and communication. van Dijk (2000, 44) regards "electronic discussion" as the epitome of participatory digital democracy. While deliberative democracy is predominantly based on communication between citizens who have different interests and lifeworlds, participatory democracy, however, is mainly about the extension

of grassroots democracy beyond politics in the narrow sense to different areas of society as well as the collective control of economic, political, and cultural power (Fuchs 2017, 67–68, 95–96). Grassroots democracy also has to do with new social protest movements, which often have a grassroots form of organisation, struggle for aspects of participatory democracy as societal formation (Fuchs 2008, Chapter 8). Jan van Dijk fails to take into account that the use of computer technologies by grassroots democratic social movements for political mobilisation and the organisation of protest ("cyber-protest") is an aspect of participatory digital democracy (Fuchs 2014, 2018).

Power is a complex theoretical concept (Fuchs 2008, 225–247): In objective concepts of power, power is located in institutions. In subjective concepts of power, it emanates from individuals and their human and social skills and practices. Dialectical concepts of power speak of a dialectic of political practices of individual and social subjects and objective power structures. Based on these concepts of power, four general models of democracy can be distinguished: Representative democratic models emphasise that institutions and institutionalised roles (parliamentarians, chancellors, presidents, ministers, etc.) represent the power of the electorate and the people. In direct democracy/plebiscitary models, it is emphasised that power emanates from the electorate as political subjects and that collective political decisions should be made through referendums and popular consultations rather than through representative institutions. In deliberative democracy, the focus is on political subjects communicating and discussing political issues comprehensively. In the grassroots democracy model (also referred to as participatory democracy), the focus is on creating political and economic structures that provide people with space, time, development, and educational opportunities that promote democratic practices and political communication, so that social institutions are controlled, organised, and managed in a grassroots democratic manner and political participation is encouraged.

The models of liberal democracy, elite democracy, and pluralist democracy are primarily forms of representative democracy. Athenian democracy and plebiscitary democracy are primarily forms of direct democracy. Grassroots democracy corresponds to the model of participatory democracy. Deliberative democracy represents a distinct form of democracy based on communicative consultation processes between citizens, politicians, and politicians/citizens. Participatory democracy is based on deliberation, but above all, it emphasises the need for institutions and resources that make democracy possible, the lack or weakness of which creates democratic deficits. The "success of deliberative politics" depends on "the institutionalization of the corresponding procedures and conditions of communication" (Habermas 1994, 7). The model of deliberation can be combined with

representative democracy, direct democracy, and participatory democracy. Deliberative democracy is communicative democracy, as it considers political communication as the central democratic process. Legal democracy combines forms of direct democracy and representative democracy. Democratic autonomy combines representative democracy, direct democracy, and grassroots democracy.

Information processes can be understood as coupled processes of cognition, communication, and co-operation (Hofkirchner 2002): In societal relations, people constantly inform themselves about their environment and process sensory impressions and experiences cognitively. Cognition is the basis of the communication process, in which parts of an individual's human experiences are shared with other people through symbolic interaction, leading to feedback processes that involve the symbolic sharing of experiences. In communication, experiences are symbolically communicated so that the respective lifeworld of the other individual(s) become(s) signified and new meanings emerge. Some communication processes lead to co-operation, i.e. the joint production of new social systems and social structures. Figure 9.3 illustrates the role of information processes in digital democracy.

Political information processes take place within the public sphere, which is an interface of economy, politics, and culture and interacts with these subsystems of society. Digital democracy is a form of the public sphere in which digital media are used to practice democracy. This happens through democratic information, communication, and

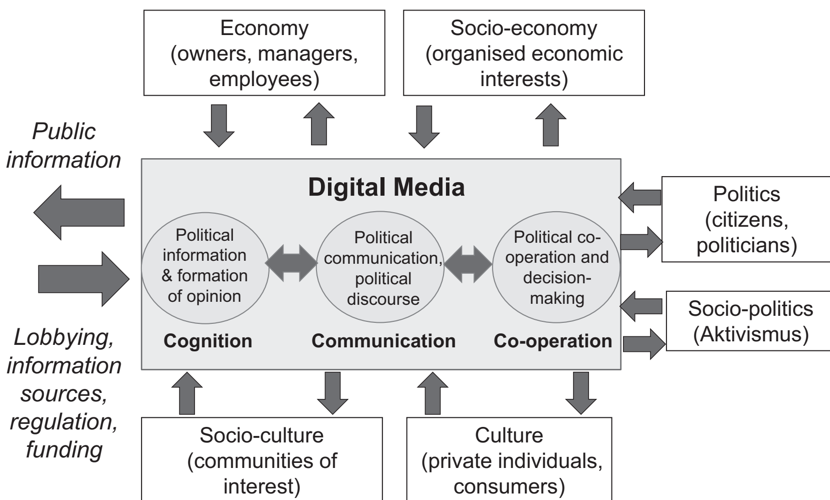


**FIGURE 9.3** Digital democracy's information processes

co-operation. Representative democratic models of digital democracy emphasise how political institutions use digital media to inform citizens politically. They operate primarily at the level of political information. Plebiscitary models of digital democracy are primarily concerned with how citizens can use digital media to register information and opinions with the state. Like digital representative democracy, they operate primarily at the level of political information, but in the opposite direction: while the flow of information in digital representative democracy runs more strongly from the institutions to the citizens, in plebiscitary digital democracy it takes place more strongly in the opposite direction. Deliberative digital democracy emphasises above all the level of political communication, which takes place via digital media. Participatory digital democracy is predominantly about political co-operation, in which social structures and social systems are jointly produced, reproduced, and organised via digital media. Participatory democracy involves providing resources, making space and time available and supporting the development of skills that allow people to critically influence social processes. The democratic theorist Crawford Macpherson (1973) speaks of participatory democracy as aiming to maximise the development opportunities of people and society and minimise the extractive power whereby humans are exploited people and society is destroyed. Participatory digital democracy is about, among other things, providing time, digital resources, and digital spaces that allow people to develop and realise their skills. It also involves people using digital media to organise social movements using digital media as macro-publics that advocate for the creation of participatory democracy.

The political information processes and models of digital democracy can thus be consistently coupled and are not necessarily mutually exclusive. Political communication presupposes political cognition. Political co-operation presupposes political communication. Representative digital democracy and digital plebiscites remain primarily at the level of political information. Digital deliberation adds the level of political communication to that of political information. Participatory digital democracy builds on political information and communication processes to practice political forms of co-operation. Table 9.2 gives an overview of typical aspects of the discussed digital democracy models and their information processes. Processes of political communication affect the way information processes are organised. Processes of political co-operation affect the way communication and information processes are organised. Thus, although certain elements of certain digital democracy models can be used at other levels, they often take other forms.

The methods of representative digital democracy are the most widespread and most practised form of digital democracy. Almost every politician, almost every party, and

**TABLE 9.2** Forms of digital democracy

| Model of democracy | Example applications |
|---|---|
| Political information/cognition in the model of digital representative democracy | Websites of parties, politicians, parliaments, ministries, and government agencies; online government information campaigns, state bureaucracy's and public authority's online applications, online forms, online channels; use of Facebook, Twitter, YouTube, and blogs by politicians and parties in election campaigns and everyday political life |
| Political information/cognition in the model of plebiscitary digital democracy | Online voting, electronic elections, electronic referendums, online opinion polls, registering as a follower of a politician or party on social media, registering a political preference by clicking approval buttons on social media |
| Political communication in the model of deliberative digital democracy | Online discussion forums, political e-mail discussion lists, political teleconferencing, electronic town halls, electronic meetings |
| Political co-operation in the model of participatory digital democracy | Cyber-protest, online petitions, computer-mediated participatory budgeting; application of computer-mediated decision-making systems in political, economic, and cultural contexts; wiki politics: participatory development of political information as well as political principles, demands, programmes, and laws with the help of wikis and other computer-based collaboration systems |

almost every political institution today has a web presence, an e-mail address through which they can be publicly reached, a social media presence, etc. Table 9.3 gives an overview of the prevalence of certain political information processes in the EU in 2016 and 2020.

In 2016, 42 per cent of EU citizens viewed information on government websites, according to EU statistics. In 2020, this share had increased to 47 per cent. The share was particularly high in Denmark, Finland, Sweden, the Netherlands, Latvia, and Estonia. It was particularly low in Romania, Bulgaria, Italy, and Poland. According to these statistics, 28 per cent of EU citizens submitted forms online in 2016. In 2020, this share had increased to 38 per cent. The use of online forms (e.g. online tax returns) is particularly widespread in Denmark, Estonia, Finland, and the Netherlands, Sweden, while it is particularly low in Romania, Bulgaria, the Czech Republic, Italy, and Slovakia. It can be seen that when mechanisms of digital representative democracy are used, there is a digital divide between Northern and Central Europe on the one hand and Eastern and Southern Europe on the other. This certainly has to do with Europe's unequal social and economic development. Overall, however, digital information processes are already relatively established in Europe. At the level of political information and representation, therefore, major democratic innovations are not necessarily to be expected in the future. Table 9.4 shows the spread of digital plebiscites and deliberation mechanisms in Europe.

**TABLE 9.3** Practices of digital representative democracy in the EU in 2016 and 2020

| Country | Proportion of people aged 16 to 74 who have used the Internet for obtaining information from public authorities within the last 12 months | Share of people aged 16 to 74 who submitted completed forms online within the last 12 months |
|---|---|---|
| EU 27 | 2016: 42%, 2020 (EU 27): 47% | 2016: 28%, 2020: 38% |
| Belgium | 2016: 46%, 2020: 46% | 2016: 35%, 2020: 41% |
| Bulgaria | 2016: 15%, 2020: 19% | 2016: 7%, 2020: 15% |
| Czech Republic | 2016: 33%, 2020: 53% | 2016: 12%, 2020: 29% |
| Denmark | 2016: 85%, 2020: 89% | 2016: 71%, 2020: 68% |
| Germany | 2016: 53%, 2020: 65% | 2016: 17%, 2020: 26% |
| Estonia | 2016: 66%, 2020: 67% | 2016: 68%, 2020: 75% |
| Ireland | 2016: 40%, 2020: 37% | 2016: 48%, 2020: 54% |
| Greece | 2016: 44%, 2020: 52% | 2016: 26%, 2020: 27% |
| Spain | 2016: 47%, 2020: 54% | 2016: 32%, 2020: 49% |
| France | 2016: 47%, 2020: 48% | 2016: 49%, 2020: 64% |
| Croatia | 2016: 34%, 2020: 36% | 2016: 17%, 2020: 25% |
| Italy | 2016: 19%, 2020: 19% | 2016: 12%, 2020: 14% |
| Cyprus | 2016: 36%, 2020: 48% | 2016: 22%, 2020: 40% |
| Latvia | 2016: 67%, 2020: 68% | 2016: 31%, 2020: 63% |
| Lithuania | 2016: 43%, 2020: 54% | 2016: 33%, 2020: 45% |
| Luxembourg | 2016: 55%, 2020: 30% | 2016: 35%, 2020: 36% |
| Hungary | 2016: 46%, 2020: 60% | 2016: 24%, 2020: 37% |
| Malta | 2016: 40%, 2020: 46% | 2016: 19%, 2020: 35% |
| Netherlands | 2016: 72%, 2020: 81% | 2016: 55%, 2020: 73% |
| Austria | 2016: 53%, 2020: 62% | 2016: 33%, 2020: 50% |
| Poland | 2016: 23%, 2020: 27% | 2016: 19%, 2020: 34% |
| Portugal | 2016: 42%, 2020: 39% | 2016: 29%, 2020: 34% |
| Romania | 2016: 8%, 2020: 10% | 2016: 4%, 2020: 7% |
| Slovenia | 2016: 41%, 2020: 56% | 2016: 17%, 2020: 32% |
| Slovakia | 2016: 44%, 2020: 51% | 2016: 15%, 2020: 19% |
| Finland | 2016: 78%, 2020: 85% | 2016: 60%, 2020: 74% |
| Sweden | 2016: 74%, 2020: 79% | 2016: 48%, 2020: 74% |
| United Kingdom | 2016: 42%, 2020: N/A | 2016: 34%, 2020: 39% |

Data source: Eurostat.

**TABLE 9.4** Digital plebiscites and digital deliberation in the EU in 2015 and 2019

| Country | Percentage of individuals aged 16–74 who participated in online consultations or online voting in the last three months |
|---|---|
| EU 27 | 2015: 7%, 2019: 10% |
| Belgium | 2015: 5%, 2019: 5% |
| Bulgaria | 2015: 3%, 2019: 4% |
| Czech Republic | 2015: 5%, 2019: 6% |
| Denmark | 2015: 13%, 2019: 15% |
| Germany | 2015: 13%, 2019: 17% |
| Estonia | 2015: 11%, 2019: 26% |
| Ireland | 2015: 3%, 2019: 7% |
| Greece | 2015: 5%, 2019: 3% |
| Spain | 2015: 10%, 2019: 11% |
| France | 2015: 6%, 2019: 9% |
| Croatia | 2015: 9%, 2019: 10% |
| Italy | 2015: 6%, 2019: 7% |
| Cyprus | 2015: 2%, 2019: 4% |
| Latvia | 2015: 3%, 2019: 6% |
| Lithuania | 2015: 5%, 2019: 10% |
| Luxembourg | 2015: 18%, 2019: 16% |
| Hungary | 2015: 2%, 2019: 5% |
| Malta | 2015: 12%, 2019: 16% |
| Netherlands | 2015: 7%, 2019: 9% |
| Austria | 2015: 7%, 2019: 9% |
| Poland | 2015: 2%, 2019: 6% |
| Portugal | 2015: 10%, 2019: 12% |
| Romania | 2015: 2%, 2019: 3% |
| Slovenia | 2015: 5%, 2019: 5% |
| Slovakia | 2015: 2%, 2019: 5% |
| Finland | 2015: 15%, 2019: 15% |
| Sweden | 2015: 12%, 2019: 13% |
| United Kingdom | 2015: 9%, 2019: 15% |

Data source: Eurostat.

With 8 per cent of the EU population who participated in online consultations or online voting in 2015 and 10 per cent in 2019, the use of digital elections and digital consultations in Europe is relatively low. Mechanisms of plebiscitary and deliberative politics are thus not widespread.

Plebiscites face the risk of charismatic, populist leaders defining the issues being voted on and of fundamental rights being violated or restricted. The way questions are asked in referendums and plebiscites often influences the outcome. Plebiscites are therefore subject to a certain risk of manipulation. If the majority is in favour of restricting or abolishing the fundamental rights of certain groups, it can be difficult to argue against this, as plebiscitary populists then often argue that the people have spoken, that the will of the people applies in democracy and that all objections are undemocratic. However, direct majority decisions are considered the essence of politics only in plebiscitary systems. General democratic fundamental rights, as enshrined in constitutions, serve to protect the dignity and liberties of all people regardless of the outcome of plebiscites.

How problematic plebiscites can be has recently been demonstrated in Hungary. Viktor Orbán's government held a plebiscite in 2017 asking (Bakos 2017): "What should Hungary do if Brussels wants to force the country to allow illegal immigrants into the country – despite the recent series of terrorist attacks in Europe?". There were two answer options: 1. "We should allow illegal immigrants to move freely in the country"; 2. "Illegal immigrants must be monitored until the authorities decide on their case". Later that year, the Fidesz government sent out questionnaires about George Soros to Hungarian voters, consisting of seven yes/no questions:

> Seven questions are put to the eligible voters: Whether they support Soros in 'convincing Brussels to relocate at least one million migrants per year from Africa and the Middle East to the territory of the European Union'? Whether they think that EU member states, including Hungary, should dismantle their border fences and open their borders to migrants? How they feel about Brussels' plan to introduce a mandatory quota for the resettlement of migrants? Whether they support the idea of funding migrants for the first years of their stay with the equivalent of 29,000 Euros a year? Whether migrants should be punished more leniently for criminal offences? Whether European languages and cultures should be diluted to facilitate the integration of illegal migrants? And whether voters are in favour of countries being politically attacked and financially punished for opposing immigration?
>
> (Löwenstein 2017)

The state theorist Carl Schmitt (1933), who was a member of the Nazi party from 1933 onwards, argued that the political system of Nazi fascism was based on the "primary importance of the political leadership" (8–9). Schmitt regarded the state, the party, and the people as the three pillars of Nazi-fascist society. In the political system of Nazi fascism, there was the legal possibility of the government enacting laws or holding a referendum on their introduction. "The Reich Government acknowledges the authority of the people's will which it has called upon, and as a consequence, considers it binding" (Schmitt 1933, 10). On 14 July 1933, the Referendum Act was introduced in Nazi Germany, which stated: "The Reich government may ask the people whether they agree or disagree with a measure intended by the Reich government".[2] The political leadership was responsible for deciding whether, when and on which question a referendum was to be held and how the questions and answers were to be formulated. Four referendums were held in the German Reich, namely on withdrawal from the League of Nations in 1933, the merging of the functions of president and chancellor in 1934, the occupation of the Rhineland in 1936, and the annexation of Austria to Nazi Germany in 1938. The approval rate was 95.1 per cent, 88.1 per cent, 98.8 per cent, and 98.5 per cent (99.7 per cent in Austria).[3] The example shows that plebiscites do not automatically have a democratic character, but are also compatible with fascist systems where they serve to legitimise the will of the leader.

The principle of accumulation of consent and likes dominant on social media today is an application of the plebiscite to digital technology and online culture. Social media lives by constantly organising micro-plebiscites. Today's dominant social media are constant plebiscites. They elevate the plebiscite to a lifestyle of digital culture. Every user-generated content on Twitter, Facebook, YouTube, and similar platforms demands acclamation through the click of a consent or emotional button. In the age of social media, we experience the plebiscite by mouse click and mobile phone. Since we live in times of new nationalisms and a shift of the political spectrum to the right, it cannot be ruled out that there will be society-wide digital plebiscites on populist and nationalist issues in the future. These can be organised particularly quickly via the Internet. If, for example, a refugee is suspected of murder, an immediately scheduled online referendum can lead to a majority in favour of the deportation or internment of all refugees. Are you in favour of introducing the death penalty for serious criminals? Should human rights be suspended for Muslims in the face of Islamist terror? Should the police be allowed to use torture in order to be able to act quickly and effectively in case of imminent danger? Should warships be deployed at the sea border and tanks at the land border to protect the homeland against the influx of refugees? If such questions are put to a referendum, plebiscites by mouse click combined with political fear-mongering and scapegoating by the tabloid media and

politicians can lead to the enforcement of legislative initiatives that achieve a majority among the electorate and violate basic Humanistic principles and human rights. The dangers of digital plebiscites should therefore be taken very seriously in today's times.

## 9.4 Digital Media's Democratic Deficits and Democratic Capacities

For Jürgen Habermas (1991), the public sphere is a concept of critique that allows us to examine how power relations limit the possibilities of democratic communication. In feudalistic societies, the political and economic systems were identical. The ruling emperors, kings, and aristocrats were also the owners of the land, which they leased to peasants, thereby receiving rent. The public sphere was a non-democratic, representative public sphere in which the aristocracy and the church publicly represented and displayed their power before the people. With the emergence of capitalism, society was differentiated into the three relatively autonomous spheres of the economy, politics, and private life. The modern public sphere emerged as a mediatising sphere that creates an interface between the economy, politics, and private life and establishes links between these three spheres (see Figure 9.1). Capitalism realised liberation from the feudal yoke of serfdom and promised the realisation of new freedoms such as freedom of expression, freedom of the press, and the democratic election of representatives.

Habermas shows how the logics of capital and bureaucracy have undermined these promises and turned them into new unfreedoms. The bourgeois public sphere "contradicted its own principle of universal accessibility" (Habermas 1991, 124). Money and power structure access to and communication of the public sphere in complex ways. Freedom of expression and the ability to freely form opinions are limited by the fact that not everyone has the level of education and material resources needed to participate effectively in the public sphere. The freedom of assembly and association is restricted by the fact that large economic and bureaucratic organisations have "an oligopoly of the publicistically effective and politically relevant formation of assemblies and associations" (Habermas 1991, 228). The consequence, according to Habermas, is that there is a refeudalisation of the public sphere: corporations, political parties, and profit-oriented media organisations, which often exercise financial power through advertising orientation and journalistic power through their monopoly or oligopoly position in the market, become modern feudal lords who control the power of opinion and thus the public sphere.

In his *Theory of Communicative Action*, Habermas (1987) further developed the concept of the refeudalisation of the public sphere into the concept of the colonisation of the lifeworld. If the steering media of money and power assert influence, the result is the monetarisation or bureaucratisation of communication and the social relations based on it. "The communicative practice of everyday life is one-sidedly rationalized into a utilitarian life-style" so that "consumerism and possessive individualism, motives of performance, and competition gain the force to shape behavior" (Habermas 1987, 325). "The bureaucratic disempowering and desiccation of spontaneous processes of opinion- and will-formation expands the scope for engineering mass loyalty and makes it easier to uncouple political decision-making from concrete, identity-forming contexts of life" and establishes "a legalistic reference to legitimation through procedure" (Habermas 1987, 325).

The colonisation and refeudalisation of the public sphere have led to market, advertising, and PR logic dominating politics, so that politics becomes an apolitical market in which people and ideology are marketed. Citizens are seen and treated as "political consumers" (Habermas 1991, 216). The public sphere is thus transformed from a debating to a culture-consuming public (159–175). It becomes a pseudo-public sphere (150). "The public sphere assumes advertising functions" (175). The striving for profit maximisation of the media goes hand in hand with a flattening, tabloidisation, and "depoliticization of the content" (169).

The digital public sphere today is a colonised and feudalised public sphere dominated and shaped by the logic of accumulation and acceleration. Almost all of the dominant social media platforms are commercially oriented (see https://www.alexa.com/topsites). Wikipedia is the only dominant web platform that is non-profit and non-commercial. Two of the nine for-profit platforms sell goods through their platforms, seven use personalised advertising in combination with free services to make a profit.

In the World Wide Web, public, semi-public, and private communication takes place at the same time. The boundary between the public and the private sphere is thus blurred in the online world. At the same time, the private online plays a role not only in the form of private communication, but also as private property: the vast majority of Internet companies are privately owned and act in a profit-oriented way by selling attention, data, or digital content as a commodity. The colonisation and feudalisation of the digital public sphere takes, for example, the following forms (cf. Fuchs 2017, 2018, Chapter 7):

- Digital labour: The capital accumulation model of personalised advertising combines the surveillance of all online activity with the exploitation of user activity that produces data that is sold as a commodity to enable and personalise online advertising;
- Digital surveillance: In the surveillance-industrial Internet complex, surveillance by Internet corporations is combined with political surveillance of citizens. The governmental thinking that has proliferated since 9/11 that online surveillance can stop terrorism has proven to be inaccurate. The danger of the surveillance-industrial complex is that the presumption of innocence is abolished and a culture of constant suspicion is created.
- Digital monopolies: Google has a monopoly in search engines, Facebook in social networking, YouTube in video platforms, Amazon in online shopping. Facebook and Google together form an oligopoly of online advertising.
- Digital attention economy: Although anyone can easily produce and provide user-generated content on the Internet, online attention is unevenly distributed: Corporations, large political organisations, and celebrities achieve very high levels of attention, which manifests itself in the form of "likes", "follows", "retweets", etc.
- Digital commercial culture: Social media is dominated by shallow entertainment and advertising, while political and educational content is in the minority.
- Digital acceleration: Information flows and communication on social media have a very high speed. Therefore, there is usually no time for complex and in-depth analysis and discussions. Due to the high speed of online information flows, the attention span is usually very short.
- Lack of space and time: Information is presented in the form of very short snippets of information on Twitter and other social media. The limited information space (e.g. a maximum of 280 characters on Twitter) does not provide an opportunity for discussion and to present the complexity and contradictions of society. Politics on social media therefore often takes very one-dimensional, superficial, truncated, polarising, spectacular and personalised forms.
- Unsocial social media and individualism: Many social media are about accumulating attention and approval for individual profiles. An online culture of individualism is the result. Social media is primarily about the ego ("I") and not the common ("we"). Twitter, Facebook, and YouTube are not really "social" media at all, but individualistic media.

- Post-factual online politics and fake news: In the age of new nationalisms and the rise of authoritarian capitalism, a political culture has spread on the Internet that is dominated by right-wing ideology and false news that spreads quickly.
- Automated algorithmic politics: To a certain extent, algorithms determine online visibility and automated computer programs ("bots") replace human activities. As a result, it becomes more difficult to distinguish which online information and consent are produced by humans and which by machines.
- Fragmented publics: Micro-publics are formed on the Internet, causing society to fragment into smaller and smaller communities that are often self-contained, have no contact with each other, and no possibility to deal constructively with political conflicts and clashes of interest. The result is filter bubbles, online hatred, and cyber-bullying.

These eleven tendencies together lead to a digital public sphere that is marked and divided by economic, political, and cultural asymmetries of power. The digital public sphere takes the form of the colonised and feudalised public sphere through the logic of accumulation, advertising, monopolisation, commercialisation, commodification, acceleration, individualism, fragmentation, automation of human activity, surveillance, and ideologisation. The Internet and social media are dominated by commercial culture. Platforms are largely owned by large profit-oriented corporations. Public service media operate on the basis of a different logic. However, the idea of a public service Internet has not yet been able to gain acceptance and sounds alien to most ears, as there are hardly any alternatives to the commercial Internet today.

The communication scholar Slavko Splichal (2007, 255) gives a precise definition of public service media:

> In normative terms, public service media must be a service *of* the public, *by* the public, and *for* the public. It is a service *of* the public because it is financed by it and should be owned by it. It ought to be a service *by* the public – not only financed and controlled, but also produced by it. It must be a service *for* the public – but also for the government and other powers acting in the public sphere. In sum, public service media ought to become 'a cornerstone of democracy'.

The means of production of public service media are publicly owned. The production and circulation of content are based on a non-profit logic. Access is universal, as

all citizens are given easy access to the content and technologies of public service media. In political terms, public service media offer diverse and inclusive content that promotes political understanding and discourse. In cultural terms, they offer educational content that contributes to the cultural development of individuals and society.

Due to the special qualities of public service media, they can also make a particularly valuable democratic and educational contribution to a democratic online public sphere and digital democracy if they are given the necessary material and legal opportunities to do so. Three ideas to expand digital democracy are the public service YouTube, Club 2.0, and the online advertising tax.

### 9.4.1 Public Service YouTube

Digital media change the traditional relationship between media production and media consumption. While in classical broadcasting these two aspects are separated, on the Internet consumers can become producers of information (so-called prosumers, i.e. producing consumers). User-generated content offers the possibility for the audience to become a producing audience. In this way, the educational and democratic mandate of public service broadcasting can be extended in the form of a participatory mandate. In this context, participation means offering an online platform with the help of which citizens can make user-generated audio-visual content publicly available.

YouTube holds a de facto monopoly in the realm of user-generated video distribution platforms. Public service media have the necessary experience and resources to develop, offer and operate online video and online audio platforms. This could create real competition for YouTube's dominance. YouTube is often criticised for distributing fake news, hateful, terrorist, and far-right content. Relatively little is done about these problems because video content is not vetted by humans when it is uploaded. YouTube works according to the logic "The more user-generated content, the better, as this creates more advertising opportunities and more profit". YouTube's advertising- and profit-orientation lead to blindness to the quality of the content. A public YouTube, on the other hand, could fulfil public service media's democratic remit by not simply allowing videos on all topics ("anything goes") to be uploaded, but by opening up certain politically and democratically relevant topics (e.g. as accompaniment to certain TV or radio programmes) to users for uploading content at certain times and for a limited period of time.

The principle should be followed that all submitted contributions are published and archived and thus made accessible to the public without time limit, thus creating a user-generated democratic online public sphere. However, the videos submitted should be checked by trained moderators before release to see if they contain racist, fascist, sexist, or otherwise discriminatory content. Such content should not be released.

The individualism of today's social media could be broken by deliberately addressing and encouraging social, cultural, and civic contexts such as school classes, university seminars, adult education courses, workplace communities, civil society organisations, etc. to submit collectively produced videos.

Public service media have large archives with vast amounts of content. These contents could be digitised and made available on a public service video and audio platform. The Creative Commons (CC) licence is a licence that allows content to be reused. The CC-BY-NC licence allows content to be reproduced, redistributed, remixed, modified, processed, and used for *non-commercial* purposes as long as the original source is acknowledged.[4] The CC-BY-NC licence is very suitable for digitised content from the archives of public service media that is made publicly available. In this way, the creativity of the users of a public service audio and video platform can be promoted, as they are allowed to generate and distribute new content with the help of archive material. In this way, public service media's educational remit could take on the form of a digital creativity remit. There is also the possibility that at certain points in time, topics are specified and users are given the opportunity to edit and remix certain archive material and upload their new creations with the help of this material. A selection of the content submitted in this way could be broadcast on television or radio on a regular basis or specific occasions. All submitted contributions could be made available on the platform.

Public service video and audio platforms can be offered in individual countries (as ORFTube, BBCTube, ARDTube, ZDFTube, SRGTube, etc.). However, it also makes sense for public media broadcasters to co-operate and jointly offer such platforms or to technically standardise their individual platforms and network them with each other. The fact that in the field of television there are cooperations, for example, between ORF, ZDF, and SRG for 3sat or between ARD, ZDF, and France Télévisions for Arte, makes it clear that it makes sense to create similar forms of co-operation in the field of online platforms. A pan-European public YouTube could rival the commercial YouTube in terms of popularity and interest and could create real competition for the Californian Internet giant Google/

Alphabet that owns YouTube. However, the argument that one is too small oneself and that one has to start at the European level is often used to postpone concrete projects or not start at all. If the legal conditions are in place nationally, it may be easier to start at the national level in order to then set an international example and, in a further step, advance European co-operation.

Dörr, Holznagel, and Picot (2016) prepared a report for ZDF on the role of public service media in the context of the Internet, social media, big data, and cloud computing. The authors state that a strictly limited time period for which public service media content remains available online time is not up to date and is unpopular with fee payers:

> The current framework conditions for broadcast-related telemedia must be adapted to current user expectations. The requirements for the length of time spent on the net must therefore be made more flexible. […] With regard to the presence of linear content on its own platform, the time span during which the audiovisual offer is available should no longer be rigidly defined. Such a regulation is not required by European law and is no longer in keeping with the times in view of the increased importance of online services. […] It is impossible to explain to the payers of the licence fee why the programmes produced with these fees should not be available to the public irrespective of the broadcasting date and why the ÖRR does not make its archives publicly accessible and usable – similar to public libraries.
>
> (Dörr, Holznagel and Picot 2016, 91 [translated from German])

In the context of the concept of a "Public Open Space", Dörr, Holznagel, and Picot (2016) advocate that public service media network with other public institutions to make politically and culturally relevant content available online:

> It is repeatedly argued that the offerings of public service media should be merged with other services that are important for political and cultural discourse, such as those of museums or scientific and cultural institutions. The keyword for this debate is the desire to create a national public communication space, a Public Open Space. […] The cultural responsibility of public service media […] certainly suggests something like this in the changed media world. Moreover, valuable integration effects can be achieved with such an approach. […] Within this framework, it is also possible to intensify the integration of the content of public service media with that of other cultural and scientific

> institutions. […] In addition, it should be pointed out that such an approach would also significantly strengthen the cultural archive function and the open access of public content.
>
> (Dörr, Holznagel und Picot 2016, 95–96 [translated from German])

The initiative Public Open Space argues for a

> public interest-oriented digital platform (#PublicOpenSpace) that enables intensive cooperation between the world of media, education, culture and society. […] The initiative 'PUBLIC OPEN SPACE' develops the perspective of a new digital, non-commercial platform (#PublicOpenSpace), which makes content and offers accessible while taking social diversity into account, as well as offering a public discourse space for the entire population. However, this requires a transformation process that necessitates new co-operations and alliances between media with a public service mandate and public institutions from the fields of science and education, civil society, art and culture. This includes, in particular, non-profit media committed to a comparable mission as well as civil society knowledge and education initiatives. The aim is to create an attractive, comprehensive and quality-oriented digital communication space #PublicOpenSpace, which, on the basis of the protection of private data and personal privacy and with a guarantee of content quality and diversity on all playout paths, allows users to communicate in a network oriented towards democratic values and thus represents a contribution to the success of a digital democracy. Such a #PublicOpen-Space should make the knowledge and material that has come about with public funding permanently digitally accessible and usable to a broad public. Suitable versions of open, Wikipedia-compatible licences such as Creative Commons (CC-BY-SA) offer new possibilities for this. It is therefore particularly important that, in addition to all public providers, archives and museums, public educational and cultural institutions, universities and civil society organisations are represented and involved. In particular, it must be ensured that citizens can express themselves publicly and thus help shape the democratic discourse.[5]

Forty-five representatives from science, civil society, and politics have signed a thesis paper on the future of public service broadcasting. One of their demands is that public service broadcasters should become platforms.

> In the interest of the general public, there must be strong platforms that offer the public an easily recognisable contact point for public service offerings […] A common, open and non-commercial platform of all public service providers as 'Public Open Space' would be conceivable. On this platform, not only content produced by public service broadcasters should be available, but also, for example, content from museums, the Federal Agency for Civic Education, Wikipedia, etc.[6]
>
> (translated from German)

Volker Grassmuck (2017, translated from German) argues for the Public Open Space to be understood as a non-commercial platform of public knowledge, which is a "strong public service platform of its own", which is designed "together with other public and civil-society knowledge and cultural institutions, together with the users" and which is "deally pan-European" (213). The Public Open Space is a co-operation of public service media, a "co-operation with public scientific institutions" (215), a "co-operation with civil society initiatives" such as Wikipedia (216), a "co-operation with users" (217), and a "space of deliberative democracy" (218).

The concept of Public Open Space advocates an online platform on which various public service media, other public, and civil society institutions and users make content available as common property and public knowledge. A public YouTube is a specific expression and aspect of Public Open Space and could be part of a comprehensive open public platform. While the public service YouTube refers to publicly produced and user-generated video content, the Public Open Space is about all possible forms of open, commons-based content, i.e. not exclusively about videos published on a platform. Public service media could collaborate with non-profit civil society and cultural institutions by inviting such institutions to run special projects on the public service YouTube.

The public service YouTube is a concrete utopia of participatory democracy. A concrete utopia is a realistic and realisable project that goes beyond the current state of society and realises democratic innovations. A public service YouTube that aims at user-generated production of democratic content promotes political participation and co-operation of citizens as well as concrete, active, and creative engagement with democratic content through digital production and cooperative production. Participatory democracy means infrastructure, space, and time for democratic processes. The public service YouTube offers a material possibility and infrastructure for the practice of digital democracy.

### 9.4.2 Club 2.0

The dominant media are high-speed spectacles that are superficial and characterised by a lack of time. They erode the public sphere and the culture of political debate. They leave no time or space to grasp the complexity of society and develop arguments. We need the de-commodification and deceleration of the media today. We need slow media.

Slow media and slow political communication are not new. Club 2 in Austria and After Dark in the UK are prototypical examples. The journalists Kuno Knöbl and Franz Kreuzer created the concept of Club 2 for the Austrian Broadcasting Corporation (ORF). It was a discussion programme that was usually broadcast on Tuesday and Thursday. The first episode was screened on 5 October 1976, the last on 28 February 1995. About 1,400 episodes were broadcast on ORF (Der Standard 2001). Club 2 had a new edition on ORF from 2007 to 2012. However, a slightly different concept was used that did not respect the original concept.

In the United Kingdom, the media production company Open Media created a similar format based on Club 2 under the name After Dark. After Dark was broadcast once a week on Channel 4 between 1987 and 1991 and occasionally thereafter. In 2003, After Dark was shown on BBC for a short time.

The producer of After Dark Sebastian Cody describes the Club 2/After Dark concept as follows:

> the number of participants in these intimate debates (always conducted in agreeable surroundings and without an audience) was never less than four, never more than eight (like, as it happens, group therapy); the discussion should be hosted by a non-expert, whose job rotates, thus eliminating the cult of personality otherwise attaching to presenters; the participants should be a diverse assortment, all directly involved in the subject under discussion that week; and, most importantly, the programme was to be transmitted live and be open-ended. The conversation finishes when the guests decide, not when TV people make them stop.
>
> (Cody 2008)

The concept of Club 2 sounds rather unusual to many people today, as we are so used to short duration, high-speed formats, and the lack of time in the media and our everyday lives. Open, uncensored, controversial live discussions that engage the viewer differ from accelerated media in terms of space and time: Club 2 was a public space where guests

met and discussed with each other in an atmosphere that offered unlimited time, that was experienced publicly and during which a socially important topic was discussed. Club 2 was a democratic public sphere organised by public service broadcasting.

Space and time are two important dimensions of the political economy of the public sphere. However, a social space that provides enough discussion time does not guarantee an engaged, critical, and dialectical discussion that transcends one-dimensionality, delves into the depth of an issue, and clarifies the commonalities and differences of worldviews and positions. Public space and time must be intelligently organised and managed so that appropriate people participate, the atmosphere is appropriate, the right discussion questions are asked and it is ensured that all guests have their say, listen to each other and that the discussion can proceed undisturbed, etc. Unrestricted space, a dialectically controversial and intellectually challenging space, and intelligent organisation are three important aspects of publicity. These are preconditions of slow media, non-commercial media, decolonised media, and public interest media.

We need slow media. Offline and online. A deceleration of the media. And slow media 2.0. Is a new version of Club 2 possible today? How could a Club 2.0 look and be designed? If one speaks of a second version ("2.0"), this means on the one hand that Club 2 should be revitalised in a new form in order to strengthen the public sphere in times of authoritarian capitalism. On the other hand, it also means that one has to take into account that society does not stand still, has developed dynamically, and therefore new public communication realities such as the Internet have emerged. A Club 2.0 therefore also needs a somewhat updated concept of Club 2 that leaves the basic rules unchanged but expands the concept. Whether Club 2.0 is transformed from a possibility into a reality is not simply a technical question, but also one of political economy. It is a political question because its implementation requires the decision to break with the logic of commercial, entertainment-oriented television dominated by reality TV. Club 2.0 is therefore also a political decision for public service media formats. Its implementation is also an economic issue, as it requires a break with the principles of colonised media, such as high speed, superficiality, scarcity of time, algorithmisation and automation of human communication, post-truth, spectacle, etc. The implementation of Club 2.0 is a question of resources and changing power relations in the media system.

Figure 9.4 illustrates a possible concept for Club 2.0. It is a basic idea that can certainly be varied. The essential aspects are the following:

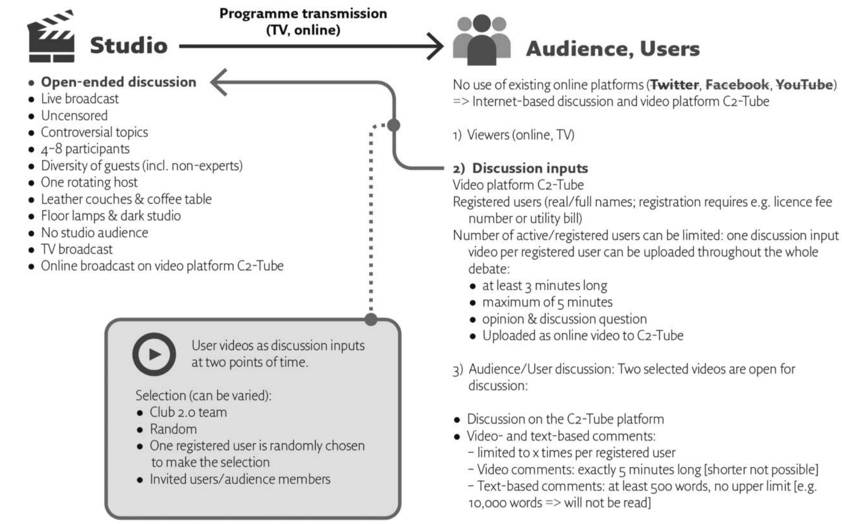


**FIGURE 9.4** Concept of Club 2.0

- **Club 2's ground rules:**

  Club 2.0 uses and extends the traditional principles of Club 2. The television broadcast is based on the tried and tested Club 2 rules, which are crucial to the quality of the format. Club 2.0 broadcasts are open-ended, live, and uncensored.

- **Cross-medium:**

  Club 2.0 is a cross-medium that combines live television and the Internet, thereby transcending the boundary between these two means of communication.

- **Online video:**

  Club 2.0 is broadcast live online via a video platform.

- **Autonomous social media, no traditional social media:**

  Existing commercial social media (YouTube, Twitter, Facebook, etc.) are not suitable as they are not based on the principles of slow media and public interest media. The use of YouTube is likely to result in advertising breaks that would interrupt and destroy the discussion.

- **Autonomous video platform C2-Tube:**

  Club 2.0 needs its own online video platform (C2-Tube). C2-Tube allows viewers to watch the debate online and via a range of technical devices.

- **Interactivity:**

  C2-Tube also has interactive possibilities that can be used to a certain degree.

- **User-generated discussion inputs:**

  It is possible for users to generate discussion inputs and for these to be actively included in the programme. This characteristic is linked to a non-anonymous registration of users on the platform. Anonymity encourages Godwin's Law, which states: "As the length of an anonymous online discussion increases, the probability of a comparison to Hitler or the Nazis being made approaches one". The number of registered and active users can be limited. For example, the selection of active users can be done randomly. Alternatively, all registered users can be allowed to participate in the discussion. User-generated discussion inputs should preferably have a video format. The number of user-generated discussion inputs that can be uploaded to the platform should be limited (ideally to one upload per active user). Since information overload makes discussion difficult, it makes sense to set certain limits in order to facilitate a decelerated debate culture. Active users can make contributions to the discussion on the platform.

- **Interface between the studio discussion and the video platform:**

  At certain times during the live broadcast, a user-generated video is selected and shown as input for the studio discussion. In such videos, users formulate their opinion on the topic and can also introduce a discussion question. In a two- to three-hour discussion, about two to three such user-generated inputs could be used. It is inevitable that a selection mechanism will be used to decide which user-generated videos will be shown in the live broadcast. There are several ways to do this, such as random selection, selection by the production team, selection by a registered user determined at random, selection by a special guest, etc.

- **Discussion among users:**

  Club 2.0 allows users to discuss the programme topic with each other. The discussion can take place during and/or after the live broadcast. The selected videos that function as discussion inputs can be released for discussion on C2-Tube. Comments should be possible in video form and written form. There should be a minimum length for written comments and possibly a maximum length for video comments. In order to implement the slow media principles and avoid the Twitter effect of accelerated stagnation, the number of comments possible per user per discussion should be limited.

- **The forgetting of data:**

  Video data is very storage-intensive. Therefore, the question arises of what should happen to all those videos that are uploaded to the platform but are not broadcast and not opened for discussion. Since they are practically of less importance for public discussion, they could be deleted after a certain time. To do this, users need to be made aware that uploading a video in many cases involves forgetting the data. Contemporary social media store all data and meta-data forever. Forgetting data is therefore also a counter-principle. The online discussions consisting of written and video comments can either be archived and kept or deleted after a certain period of time.

- **Data protection and privacy friendliness:**

  Most social media platforms monitor users for economic and political purposes to achieve monetary profits through the sale of personalised advertising and to establish a surveillance society that promises more security but undermines privacy and installs a regime of categorical suspicion of all citizens. Club 2.0 should be very privacy-friendly and only store a minimum of data and meta-data necessary to run the platform. This includes not selling user data and using exemplary data protection routines. Data protection and privacy friendliness should therefore be design principles of Club 2.0. However, this does not mean that privacy protection should take the form of anonymous discussion, as anonymity can encourage online hooliganism, especially on politically controversial issues. Data protection is therefore much more about the storage and use of data.

- **Social production:**

  Today's dominant social media are highly individualistic. In contrast, the production of user-generated videos for Club 2.0 could take the form of cooperative, social production that transcends individualism and creates truly social media, so that Club 2.0 is integrated into educational institutions where people learn and create knowledge together by elaborating discussion inputs and collective positions and producing them in video form. This requires that the topics of certain Club 2.0 programmes are known somewhat in advance. This can be achieved by publishing a programme of topics. Groups of users can prepare videos together, which they can upload to the platform on the evening of the relevant Club 2.0 programme as soon as the upload option is activated.

Club 2.0 is an expression of the democratic digital public sphere. It manifests a combination of elements of deliberative and participatory democracy. Club 2.0 offers space and time for controversial political communication and enables citizens to participate collectively and individually in the discussion through videos and comments. The communicative aspect of deliberative democracy and the participatory idea of grassroots democracy are combined in the Club 2.0 model.

### 9.4.3 The Online Advertising Tax

The public sphere is not only a cultural space of political information and communication, but also has a political economy. Democratic innovations like Club 2.0 and a public YouTube need to be financed. One possibility is to finance these services fully or partially through the licence fee. The introduction of an online advertising tax and a digital services tax that taxes big digital capital is a good possibility to finance public service Internet services.

Google and Facebook form a duopoly in the field of online advertising. Advertising today is increasingly shifting from print to online, i.e. predominantly to Google and Facebook. However, both companies are masters of tax avoidance, which means that they pay very little tax in Europe, which in turn has led to sharp public criticism. The problem of how to effectively tax such online companies, however, has so far remained unsolved.

The sale of personalised online advertising enabled by Google and Facebook as a commodity takes place at the time of viewing or clicking on the advertisement. The advertiser pays for the personalised attention of the user, which is only possible through the collection and analysis of personal data. In other words, the users' attention given to the advertisement is sold. The users' online behaviour generates the data and meta-data necessary to enable and personalise online advertising. Facebook and Google users are not only prosumers (producing consumers who create data and meta-data), but also digital workers who create value (Fuchs 2017). The digital labour of paying attention to or clicking on online ads ultimately leads to a monetary transaction between the advertising platform (Google, Facebook, Twitter, etc.) and advertisers.

Assuming that monetary transactions should be taxed at the place where their value is produced, this means that online advertising should be taxed in the country where it is presented, viewed, and clicked on. The IP addresses of Facebook and Google users tell us which country they are in at certain times of use. Each country that Google and Facebook offer as a personalisation option for online advertising constitutes a digital

permanent establishment. If these companies are legally obliged to evaluate and publish the annual advertising impressions per country, a revenue and profit share for a specific country can be calculated from this. If this country introduces a tax on online advertising, this can be used to determine an assessment basis for the online advertising tax. If online companies refuse to co-operate, the tax authorities can alternatively estimate the national share of the company's global total and profit share and possibly add a penalty for non-co-operation to the assessment basis.

Participatory democratic theory emphasises that democracy is not only a matter of communication and decision-making, but also requires resources that enable democratic institutions. The taxation of online advertising provides a basis for financing democratic innovations in the field of public service media.

## 9.5 Legal Aspects of Digital Democracy in the Realm of Public Service Media

Many public service broadcasters face legal limits. One legal limit that public service media encounter frequently is that they have to delete the offered content after some days. This deletion is called the retention period of public service media content.

The public service YouTube can provide past news, documentaries, and educational content on the basis of a CC-BY-NC Creative Commons licence in order to promote the public's engagement with politically and democratically relevant content. By enabling the reuse of content, the public service remit can take on particularly active and creative forms, whereby the educational and democratic mandate of public service media takes on new forms.

If democratic education, information, and communication are to be strengthened through creative and active engagement of citizens in the sense of public service media's democratic mandate, this regulation is counterproductive and prevents the potentials of digital media for the democratic mandate from being exploited. The educational and democratic mandate of public audio-visual media is severely restricted by legally established temporal and geographical restrictions (retention period of audio-visual public online content => deletion after a certain number of days; geoblocking) on online access to material relevant to democracy and education, which contributes to democratic information, education, and communication. The possibilities of digital media for storing and creatively changing and reusing audio-visual content are thus limited and not fully realised. Such legal limits should be abolished because they severely damage the digital potentials of

public service media. The 2009 Communication from the European Commission on the Application of State Aid Rules to Public Service Broadcasting states, among other things, that an exception to the prohibition of state aid in the introduction of new services of public service media is only permissible under certain criteria. These include that these services serve the democratic, social and cultural needs of the population and that there is no disproportionate market impact. The Communication says:

> In order to guarantee the fundamental role of public service broadcasters in the new digital environment, public service broadcasters may use State aid to provide audiovisual services over new distribution platforms, catering for the general public as well as for special interests, provided that they are addressing the same democratic, social and cultural needs of the society in question, and do not entail disproportionate effects on the market, which are not necessary for the fulfilment of the public service remit.[7]
>
> (§81)

The introduction of Public Value Tests and their market test resulted from this regulation.

In 2000, the EU formulated the Lisbon Strategy, as part of which it wanted to become "the most competitive and dynamic knowledge-based economy in the world" (European Council 2000). In terms of the Internet economy, this goal was not achieved: American corporations, primarily from California, dominate the Internet. It was misjudged that simply imitating and adapting the Californian model in Europe does not work, because the European media landscape has a different structure than the North American one. Public service media and alternative media (such as free radios) are important in Europe. In terms of public service media, this means that there is a very large, as yet underutilised potential to create public service Internet platforms to push back the dominance of Google, Facebook, and similar companies on the Internet in Europe.

Market and competition tests within the framework of Public Value Tests, as legally defined for example in Austria in Section 6 of the ORF Act or Great Britain as a "public interest test" in the BBC Agreement, are intended to prevent public service media from damaging competing services of commercial, profit-oriented providers. In the field of online media, however, there is no real European competition to Google, YouTube, Facebook, and Twitter. Public service Internet platforms are one way of practically challenging the monopoly position of these Californian companies. The competition regulations for public service media in the EU, which take the form of the market test in the course of Public Value Tests, have the effect of legally legitimising, securing, and deepening

Internet monopolies. Public Internet platforms such as a public YouTube have great democratic potential and could also advance a European Internet offer. This requires a rethink and changes at the legislative level. The competition and market test of Public Value Tests support the profit interests of the large American Internet corporations that dominate the market. It is time to abolish market tests and regulations that damage and limit the capacity of public service media to offer public service Internet platforms and other digital services.

## 9.6 Summary and Recommendations for Action

This chapter looked at the relationship between digital democracy and public service media. It addressed three questions:

Question 1: What are digital democracy and the digital public sphere?

Question 2: What are the main trends in the development of digital media today, what are digital media's democratic possibilities and deficits, and what role can public service media play in strengthening digital democracy and digital public sphere?

Question 3: What legal framework is needed so that public service media can strengthen digital democracy?

The findings can be summarised as follows:

Question 1: What are digital democracy and the digital public sphere?

- Communication is an important aspect of all models of democracy. One can distinguish between liberal-representative democratic, plebiscitary-direct democratic, deliberative, and participatory types of democracy.
- The public sphere is a sphere of public political communication that mediates between the other subsystems of society, i.e. the economy, politics, culture, and private life. The public sphere mediates political communication.
- Public service media as public communication systems with a public cultural and economic character play a special communicative and informational role in democracy. The democratic mandate should therefore guarantee that public service media contribute to democratic communication.
- Digital democracy means that democratic practices are based on digital media. Political information, communication, and co-operation processes of democracy are thereby supported by computer mediation. A distinction can be made

between liberal-representative democratic, plebiscitary, deliberative, and participatory/grassroots democratic elements of digital democracy.

- Methods of representative digital democracy are the most widely practised form of digital democracy.
- Plebiscitary models of politics face the danger of accompanying the formation of an authoritarian state with charismatic leadership in which populist measures are legitimised by the people at the click of a mouse. The role of plebiscites in Nazi fascism illustrates the dangers of plebiscites. The dangers of plebiscites remain topical in the age of digital media.
- Democratic innovations are most likely to come from the participatory (digital) democracy model and the deliberative (digital) democracy model.

Question 2: What are the main trends in the development of digital media today, what are digital media's democratic possibilities and deficits, and what role can public service media play in strengthening digital democracy and digital public sphere?

- The logic of commerce and power limit the democratic character of the public sphere. The Internet and social media today are not an expression of a democratic public sphere and digital democracy, but are dominated by transnational corporations such as Google, Facebook, Baidu, Yahoo, Tencent, Amazon, and the Alibaba Group.
- The processes that Jürgen Habermas calls the feudalisation of the public sphere and the colonisation of the lifeworld and criticises as anti-democratic tendencies manifest themselves on the Internet as digital labour, digital surveillance, digital monopolies, a digital attention economy characterised by asymmetric power, digital commercial culture, digital acceleration, lack of space and time for discussion and complexity, anti-social social media, post-factual online politics, fake news, automated algorithmic politics, and fragmented publics.
- Overall, these tendencies lead to a digital public sphere characterised by economic, political, and cultural asymmetries of power. They are antithetical to digital democracy.
- A public service YouTube would expand the democratic and educational remit of public service media in the form of a participatory mandate and update the democratic and education remit for the digital age. The public service YouTube is an independent, non-profit video platform that offers archive material of public media on the basis of a Creative Commons CC-BY-NC licence and allows users to reuse and remix this content. Participation can take place by inviting

users to upload user-generated videos to accompany TV and radio programmes on specific topics.

- The Europe-wide co-operation of public service media as well as the co-operation between public service media and non-profit civil society and cultural organisations lends itself in the context of a public service YouTube.
- The public service YouTube is a specific audio-visual manifestation of the concept of Public Open Space and an expression of elements of participatory democracy.
- Club 2.0 is an update of the ORF concept of Club 2 in the age of digital media. Club 2.0 combines uncensored studio discussion, which is broadcast on television without a time limit and on its own video platform, with online user discussions and user-generated videos on the discussion topic. Individual user-generated videos are used as user-generated discussion inputs at certain points in the live broadcast and are aired on television as part of the live broadcast.
- The communicative aspect of deliberative democracy and the participatory idea of grassroots democracy are combined in the model of Club 2.0. Club 2 and its digital democratic update in the form of Club 2.0 are mediatised practices of deliberative and participatory democratic public sphere.
- Advertising today is increasingly shifting from print to online, and predominantly to personalised advertising by Google and Facebook that form a duopoly of online advertising, but at the same time are masters of tax avoidance, harming the public. The introduction of an online advertising tax pushes back monopolising tendencies and creates a financial basis for public digital democracy projects.

Question 3: What legal framework is needed so that public service media can strengthen digital democracy?

- The Broadcasting Communication issued by the EU Commission in 2009 has made it more difficult for public service media to develop and provide online public services that strengthen digital democracy. One expression of this trend is the market and competition test in Public Value Tests.
- As the Internet is dominated by transnational capitalist monopoly corporations, legal limitations and bans of public Internet platforms strengthen the monopoly power of these predominantly Californian companies.

- Geoblocking, limited retention time, and legal deletion requirements of public service online content undermine the possibilities of the Internet and harm the realisation of the democratic mandate of public service media.

Based on this analysis, the following recommendations for action are formulated:

- It is recommended that public service media develop digital democracy innovations based on the models of deliberative and participatory democracy.
- It is recommended that public service media take active steps to build public service Internet platforms to counteract the lack of digital democracy on the Internet today.
- It is recommended that public service media revive Club 2 in the form of Club 2.0, realising Club 2 in its original format and combining it with an online video platform (C2-Tube). Club 2.0 would make it possible to adapt the democratic remit of public service media to the age of digital media, using elements of deliberative and participatory models of democracy.
- It is recommended that public service media prepare a detailed concept of Club 2.0 and commission accompanying studies on the introduction of Club 2.0 and the impacts on society.
- It is recommended that public service media seek to establish a public service YouTube in order to actualise the democratic remit of public service media in the age of digital media and contribute to the expansion of digital democracy and the democratic digital public sphere.
- It is recommended that public service media speak out in support of the requirement that a digital capital tax and an online advertising tax be introduced and that the revenues generated thereby be used to fund public service digital democracy projects.
- It is recommended that as a basic measure to strengthen digital democracy and to adapt the democratic mandate of public service media to the age of digital media, the national and EU legal foundations be changed in such a way that competition tests and market tests within the framework of Public Value Tests are omitted in the future.
- It is recommended that as a basic measure to strengthen digital democracy and to adapt the democratic remit of public service media to the age of digital media, the national and EU legal foundations be changed in such a way that geoblocking and the time-limited retention period of public service audio-visual content are

abolished and public service media content is made accessible globally and without time restrictions.

- It is recommended that, in order to strengthen the democratic remit of public service media, laws be amended in such a way that public service media can offer content without legal restrictions and prohibitions and without a limited retention time, provided the content advances public service media's remit in the digital age.

## Notes

1 "die Förderung des Verständnisses für alle Fragen des demokratischen Zusammenlebens". Source https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000785, accessed on 27 March 2021.

2 http://www.verfassungen.de/de/de33-45/volksabstimmung33.htm, accessed on 27 March 2021, translated from German: "Die Reichsregierung kann das Volk befragen, ob es einer von der Reichsregierung beabsichtigten Maßnahme zustimmt oder nicht".

3 https://de.wikipedia.org/wiki/Liste_der_Plebiszite_in_Deutschland, accessed on 27 March 2021.

4 https://creativecommons.org/licenses/by-nc/2.0/, accessed on 27 March 2021.

5 Translated from German, https://public-open-space.eu/, accessed on 27 March 2021.

6 Zur Zukunft öffentlich-rechtlicher Medien. Offener Brief, accessed on 27 March 2021: https://zukunft-öffentlich-rechtliche.de/wp-content/uploads/2017/08/Zehn-Thesen-zur-Zukunft-oeffentlich-rechtlicher-Medien_170914.pdf.

7 http://eur-lex.europa.eu/legal-content/DE/TXT/HTML/?uri=OJ:C:2009:257:FULL&from=EN, accessed on 27 March 2021.

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