Bourgeois Anarchism and Authoritarian Democracies[1]

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Abstract:

Digital communication is profoundly affecting the constitution of (civil) society by drastically lowering the costs to speak across time and space with individuals and groups of any size, and by producing abundant records of all activities conducted through these media. This is accelerating two contradictory trends. On the one hand, a new breed of social organizations based on principles of weak cooperation and peer-production is sharply expanding the scope of what can be achieved by civil society. These are voluntary organizations, with flat hierarchies and trust-based principles. In general, they are transformative not revolutionary in character. This phenomenon is termed "bourgeois anarchism". On the other hand, the liberal state – in a crisis of legitimacy and under pressure from such new organizations, both peaceful (civil society) and violent (terrorism) – is reorganizing itself around an increasingly authoritarian core, expanding surveillance into the capillary system of society, overriding civil liberties and reducing democratic oversight in exchange for the promise of security. This phenomenon is termed "authoritarian democracies".

Introduction

Society is constituted through communication. One way to give meaning to the concept of globalization is to understand it as the capacity of a growing number of people, individually and in organizations, to communicate across the globe in real time. Much of this communication is embedded in digital media, with the Internet providing a growing share of the infrastructure. Digital media, as they have evolved historically, differ profoundly from the previous analogue communication media. I want to focus on two of these differences and draw out some of their consequences for the transformation of civil society.[2]

First, it is cheaper, by orders of magnitude, to communicate across time and space with individuals and groups of any size. Recently, the collaborative dimensions of the internet have moved (again) into the center of attention, under the fashionable label of web2.0, an umbrella term for a set of technologies optimized for ease-of-use of publishing and interlinking of multi-media material by individual users.[3] Many components of this emerging infrastructure have been around for as long as the internet, or at least the Worldwide Web, existed. But as a user-friendly aggregate, they coalesced only within the last couple of years, both in terms of mass adoption and commercial technology development.[4] Today, it is easier than ever for individuals, alone or in collaboration with others, to publish material, often drawing upon material published by others. From a technical point-of-view, there is no substantial difference between speaking and listening. Universal computers linked via the internet support all modes of communication equally well. After years of pioneering work, new media have reached the mainstream. Millions of people all over the world are using these expanded possibilities to listen and speak as part of their everyday life.[5]

The second deep difference I want to focus upon is that every step that carried out by the algorithms of the communication media is creating a record that is stored, processed, aggregated, analyzed and acted upon. The creation of records of all internal processes is a technological requirement. This is how

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2   I take civil society to be "the arena of uncoerced collective action around shared interests, purposes and values" as the *Centre for Civil Society* at the London School of Economic defines it. http://www.lse.ac.uk/collections/CCS/Default.htm
3   O'Reilly, Tim (2005). *What is Web2.0?* (30.09.2005)
    http://www.oreillynet.com/pub/a/oreilly/tim/news/2005/09/30/what-is-web-20.html
4   Web 2.0: Meet Venture Capital. *Technology Review* (19.10.2005). http://www.technologyreview.com/Infotech/14879/
    Almost all of the most well-known web2.0 platforms, such as Wikipedia, Youtube, Flickr, and most blogging companies, were founded well after the turn of the millennium.
5   Lawrence Lessig speaks in this context about the "read/write" society enabled by digital media, contrasting to the read only society dominated by traditional mass media. Lawrence, Lessig (2006) The read/write society. Keynote at WOS4, Sept. 15, available at www.wizards-of-os.org [16.10.2007]

computers work and applies of all processes they carry out, whether they lead to speaking or listening, writing or reading, creating, transforming or even deleting. But these records are not only used for technical purposes, rather have become a key element of the emerging sociality, be it that they enable social accountability in open collaborative processes, or that they vastly increase the surveillance capacities of large organizations

As an overall effect, our social lifes through voluntary acts of public communication and through automated acts of record creation and processing, are becoming visible like never before, even if the resulting profiles are necessarily incomplete, and often contain inaccurate information. This visibility is the basis for the expansion of civil society as well as the states' surveillance capacities and rising authoritarian tendencies centering around the provision of security. I will trace this development on three levels: individuals, groups, and the state.

Three limitations of my analysis are necessary to mention. First, I will only speak about Western liberal democracies, not only because most technologies have emerged from this cultural context, but also because these technologies are, very deliberately, flexible in terms of application and future development. This is not unusual for infrastructures. Thus, it would even more inadequate than usual to adopt a techno-determinist stance and assume that technologies trigger the same social consequences across different contexts.[6] Second, new technologies and their social uses interact with vast number of factors that are not directly dependent of them, both online and off line. In social life, there are no single causes and technologies are best viewed as interacting with path-dependent developments, rather than creating effects. Third, I will say very little about gender or other forms of social inequality that remain in this area. Empirical research shows that whereas the gap between men and women in using internet technologies in general is closing (in the US), in the areas of self-publishing the gender imbalance is relatively strong (70% men).[7]

On the level of the individual, the widespread use of new technologies extends a generally increasing individualization of society. As many observers have noticed, processes of "self-development" have

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6   Smith, Merrit Roe; Marx, Leo (1994). *Does Technology Drive History? The Dilemma of Technological Determinism*. Cambridge, MA; London, MIT Press

7   Pew Internet and American Life Project: *A Typology of Information and Communication Technology Users*. May, 06, 2007 http://www.pewinternet.org/pdfs/PIP_ICT_Typology.pdf

become central to contemporary societies.[8] Over the last 50 years, the task of identity-building has shifted away from relatively stable, hierarchical institutions (family, workplace, church) to the individual and his or her self-selected context. In the 1960s, freedom-oriented social movements challenged a heavily bureaucratized society, rejecting its model of the "organization man"[9] and his "one dimensional" personality.[10] In effect, this amounted to, as Boltanksi and Ciapello put it, an *artistic critique* of capitalism, aimed at the "oppression (market domination, factory discipline), the massification of society, standardization and pervasive commodification, [and vindicating] an ideal of liberation and/or of individual autonomy, singularity and authenticity."[11] By the turn of the century, this position has been firmly reintegrated into commercial mainstream as *creative industries*. They instill what cultural critic Marion von Osten calls the "creative imperative", that is the systemic demand on individuals to be creative and expressive.[12]

Through a combination of pull- and push-processes, a sizable part of the population has acquired substantial *cultural capital* (the cultural assets at one's disposal, to use Bourdieu's definition), developed a heightened desire and need to be unique, found themselves within vastly expanded fields for self-expression and embarked on a search for recognition and reputation. The old division of labor in the field of culture where a few highly, individualized cultural producers worked for a relatively undifferentiated mass of consumers, is being complemented by a new culture of "prosumerism", for the want of a better term, created by people who are users and producers at the same time. The DJ selecting and mixing records in a live setting, not the writer struggling alone with the empty page, is the contemporary cultural archetype. Though, perhaps this cliché is already tired and being supplanted by the image of the blogger offering a personal take, in real time, on whatever slice of the world appears relevant to him or her. To users the new infrastructures offer ways to (re)establish their own link to the world, however they see it, be it comings and goings of their cat, Scandinavian *necro metal*, or global warming. The new technologies of self-publishing transform people who used to be spectators into participants. Sometimes, the difference between these roles is so small that it might feel insignificant,

8   Giddens, Anthony (1991). *Modernity and Self-Identity: Self and Society in the Late Modern Age*. Stanford, CA, Stanford University Press
9   Whyte, William H. (2002 [1956]). *The Organization Man*. University of Pennsylvania, University of Pennsylvania Press
10 Marcuse, Herbert (1964). *One-Dimensional Man. Studies in the Ideology of Advanced Industrial Society*. Boston, Beacon Press
11 Boltanski, Luc; Chiapello, Ève (2002). *The New Spirit of Capitalism*. Paper Presented to the Conference of Europeanists, March 14-16., 2002. p.16 URL: http://www.sociologiadip.unimib.it/mastersqs/rivi/boltan.pdf [2007-07-11]
12 *Be Creative! Der Kreative Imperativ.* Exhibition at Museum für Gestaltung Zürich (30.11. 2002- 02.03 2003) , http://www.k3000.ch/becreative/

but sometimes the consequences of this shift are enormous, bringing down governments or embarrassing corporations. The more spectacular cases show clearly what I would argue is the case everywhere. Building links to the world is not a passive act of observing, but an active intervention into the world, not the least by validating some aspects of the world as important, that is, worthy of attention, while letting others fall out of sight. Yet, at the same time, it is also validating the person through his or her ability to establish those links, as the one capable of establishing meaning of whatever kind in a sea of noise. Yet, since this is done mainly through self-directed volunteer efforts (even if some make money) the meaning established is, first and foremost, a personal one. Thus, it's a process of co-creation of an individual identity and a world at large.

It seems plausible that this is contributing to a psychological (self)experience very different from the model still dominant where the world inside of us, our self, is far removed from the world outside of us. The Cartesian a priori "cogito ergo sum", according to which the only thing we can ultimately be certain of is our individual thinking, has increasingly found inadequate.[13] Rather, we are entering a world of 'networked individualism' where individual self-identity – both in terms of the image one has of oneself and the image others have of one – can no longer be separated from one's position within a relational network. The notion of the networked individual is still quite underdeveloped. For Barry Wellman, who coined the term, the idea reflects simply the changing communication patterns of people, who no longer rely on a small number localized communities (workplace, home, civic association, etc) for social support, but on a much larger number of networks, increasingly geographically dispersed. Thus, people are highly individualized in terms of the combination of networks they maintain, yet their individuality evolves within and through these networks.[14] Wellman's notion remains firmly grounded within a quantitative social network analysis. If we speak about the transformation of subjectivity, this needs to be complemented with more psychological notion as Kristóf Nyíri argues. To stress this shift, he uses the slightly different term of the the "network individual" which he sees as "the person reintegrated, after centuries of relative isolation induced by the printing press, into the collective thinking of society – the individual whose mind is manifestly mediated, once again, by the minds of those forming his/her smaller or larger community. This mediation is indeed manifest: its patterns can be directly read off the

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13 Lumson, Simon (2002). Deleuze, Hegel and the Transformation of Subjectivity. *The Philosophical Forum.* Vol. XXXIII No. 2 pp. 143 - 158
14 Wellman, Barry (2001). Physical Place and Cyberplace: The Rise of Personalized Networking. *International Journal of Urban and Regional Research.* Vol. 25 No. 2 pp. 227-252, see also, Castells, Manuel (2001). *Internet Galaxy.* Oxford, Oxford University Press

displays of our electronic communications devices."[15] Nyíri relates this to theories of the essentially social nature of cognition, particularly the work of Robin Dunbar. Dunbar argues that the social nature of the brain extends all the way to its physiology. The disproportionate size of the human neocortex (as compared with other animals) stands in a direct relationship with the cognitive demands to life in groups with complex social relations. Thus, even on the most basic physiological level, individuals cannot be clearly separated from groups.[16]

This complements notions of the essentially social process of all forms of cultural expression first expressed by Gabriel Tarde more than 100 years ago.[17] He observed that society is based on different forms of imitation, all of which make it somewhat difficult to clearly ascribe an idea to an specific individual. Even the seemingly most original innovation not only builds on, or imitates, the wider culture in which it is situated, but also gains social relevance only when it is adopted, or imitated, by many others.[18] It is perhaps no co-incidence that Tarde, after almost 100 years of near obscurity is currently being rediscovered by his own discipline.

All of this points to a subtle, but very fundamental shift in the psychological make-up of individuals, obviously not caused by the latest round of technologies, yet most likely accelerated by it. The notions of 'networked individualism', 'network individual', 'social cognition' and 'imitation' already indicate that individualization does not need to lead to atomization or some other dystopic notion of people being isolated behind their computer screens. There is not 'terminal condition'.[19] Rather they point towards forms of identity situated between the fully autonomous individual, rooted in his or her privacy, and the faceless member of a collective, whose personality is subsumed under the identity of the group. Marshall McLuhan called this (re)emerging form of identity "tribal" but the term with its colonialist undertones is more misleading than illuminating, even if it pointed into the right direction.[20] We can do better now.

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15 Nyíri, Kristóf (2005). *The Networked Mind*. Talk given at the workshop THE MEDIATED MIND -- RETHINKING REPRESENTATION, May 27.28, 2005, The London Knowledge Lab, Institute of Education, University of London. URL: http://www.hunfi.hu/nyiri/Nyiri_Networked_Mind_London_2005.pdf [2007-07-11]
16 Dunbar, Robin (2003). The Social Brain: Mind, Language, and Society in Evolutionary Perspective. *Annual Review of Anthropology (October).* Vol. 32 pp. 163-181
17 Tarde, Gabriel (1962 [1890]). *The Laws of Imitation* (trans: Elsie Clews Parsons). Gloucester, MA, P. Smith
18 For an introduction these aspects of Tarde's thinking, see Lazzarato, Maurizio (2004). European Cultural Tradition and the New Forms of Production and Circulation of Knowledge. *Multitudes: une revue trimestrielle, politique, artistique et culturelle (16 January).*
19 Baudrillard, Jean (1988). *The Ecstasy of Communication*. Brooklyn, NY, Semiotext(e)
20 McLuhan, Marshall (1964). *Understanding Media: The Extensions of Man*. New York, McGraw-Hill

In the current wave of collaborative technologies, we can see empirically some of this new balance between individuality and networked sociality in an emerging, distinct pattern of collaboration. People appear to act neither as egoistic individuals, maximizing their resources (*homo economicus*), nor as selfless contributors to a collective effort (*gift economy*). Rather there is something in between. Aguiton and Cardon argue that what is specific about "web2.0" is its characteristic of "weak cooperation".[21] Usually, cooperation entails people first specifying a common goal and then working towards achieving it. Specifying the common goal is often a very difficult process, requiring considerable negotiations between all involved parties before the actual work can even begin. Unless some shortcuts are introduced, be it through the market or hierarchical decision making, these processes do not scale very well. Yet, increasingly we have sometimes very large groups working together online quite productively (according to their own criteria of productivity). These rely neither on the flexible market nor hierarchical organizations (firms, state bureaucracies), rather they belong to the expanding sphere of civil society.

The reason for this new ability to scale cooperation seems to be that it emerges after the fact, not as something planned beforehand. As already mentioned, since much of the web2.0 is self-directed volunteer work, it means people do it, first and foremost, for themselves. People publish their own works, drawing on works of others. Once these are published, and visible to others, there is a chance, just a chance, to be detected by others whose own works or thoughts complement one's own ideas in a meaningful way. Thus cooperation can begin on a low-key, ad-hoc level. Wikipedia is a good example here. The vast majority of contributors are only concerned with a very small number of articles. They may write once something on a topic they care about. In the process, some of them recognize that others care about the same, and they might interact with them on the basis of their shared, mutually-proven interest, whatever it is. Such cooperation requires minimal coordination and no planning or prior agreements. Essential to this form of collaboration is the ability of the collaborative system to keep detailed records each contribution, no matter how minute it is. In Wikipedia, each page has a detailed history section, were all version of the article since its inception can be viewed and compared. This not only makes it possible to identify people who contribute and thus creates accountability and the potential for sociality, but also to deal effectively with the risks of open collaboration. In the case of

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21 Aguiton, Christophe; Cardon, Dominique (2007). The Strength of Weak Cooperation: An Attempt to Understand the Meaning of Web 2.0. *Communications & Strategies*. No. 65

Wikipedia, one of the greatest risks is vandalism, whose impact is minimized by the ability to simply revert to the previous version.[22]

This is weak cooperation, based on weak social ties.[23] From that, some very few people might get interested in the project as a whole, and they start working less on their own article, but more on the administration of the system. In the process, they show, through their actions and the records these actions leave, to other administrators that they are committed, and based on that, they might become members of the core them, where weak cooperation slowly gives way to more conventional strong, that is planned, cooperation. In this context weak and strong cooperation complement each other, but the key is that one does not need to become a member and identify with the project as a whole in order to participate. But by exposing oneself, by showing what one cares about, in one's own time and without payment, users offer themselves as trustworthy for collaboration.[24] Not all of them are interested in that, and the degree of collaboration varies vastly depending on the field of activity. In political blogs, collaboration, that is information sharing and interlinking, is very high.[25] Yet, even in relatively individualistic platforms, such as the photo-sharing site Flickr, about 1 in 5 people joins some groups of shared interest, that is, uses some collaborative features offered by the site.[26]

This offers an indication that people are quite interested in cooperation and sharing of information, which is always also information about themselves, but to a degree and in a pragmatic fashion. In most cases, commitments are limited and short term, which, of course, does not mean people do not also enter commitments that are much more comprehensive and long-term, but these are rare, for very obvious, pragmatic reasons. It is perhaps particularly this form of weak cooperation that makes people comfortable to make themselves public, assuming that the "public" is limited to the groups they

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22 Wikipedia is far from perfect and still under active development. All attempts to improve its many shortcomings involve more, rather than less reliance of its internal records. See, for example, the project wikiscanner, which tries to connect technical IP addresses, logged for each entry, to social organizations in order to increase transparency. http://wikiscanner.virgil.gr/

23 The concept of "weak social ties" was developed by Mark Granovetter, who recognized that people received essential information (while looking for jobs) often from casual acquaintances (with whom they are connected by weak ties), rather than from close friends (with whom they share strong ties). Granovetter, Mark (1973). The Strength of Weak Ties. *American Journal of Sociology* (May). Vol. 78 No. 6 pp. 1360-80

24 It is, perhaps, this need to expose one self, and the greater risk this still entails to women, that explains the gender imbalance in this area.

25 Benkler, Yochai (2006). *The Wealth of Networks: How Social Production Transforms Markets and Freedom*. Yale University Press, pp. 212-272

26 Aguiton, Christophe; Cardon, Dominique (2007)

collaborate with and the narrow context in which they are making that information available. All of this indicates that people take the construction of their own identity, and the world, to be a task that cannot be accomplished alone, yet that the big, comprehensive solutions traditionally offered by political parties, churches, etc to this twin problem are no longer particularly attractive to the majority.[27] Rather, it is addressed through many limited, pragmatic interventions, reacting to ad-hoc opportunities and challenges with a high degree of flexibility. Yet, the effects of such weak cooperation can very powerful. Wikipedia is quickly establishing itself has one of the most popular resources online. Free Software, with its own peculiar mix of weak and strong cooperation, is providing the core of the internet infrastructure, and the emerging translocal civil society is also relying on such patterns of collaboration (see below). Yochai Benkler goes as far as seeing here the emergence of a third mode of production, distinct from markets or firms, which he calls "commons-based peer production".[28]

From an organizational (not political!) point-of-view, these new forms of cooperation are best classified as anarchist, in that they are based on voluntary actions, self-motivation and mutual trust. They do not create property (in the sense of objects under the exclusive control of individual owners) but communal resources, available to all members of the community (e.g. everyone who accepts the values codified in an open license) according to their individual needs and abilities.[29] Politically, however, these projects are rarely revolutionary, but usually transformative. Often, as in the case of Wikipedia and open source software they are supported by, and beneficial to, well-established, powerful actors. In other words, radical organizational change does not need to coincide directly with political change, hence term "bourgeois anarchism". There is no technological determinism here.

Yet, this expansion of civil society brought about by these new forms of collaboration not controlled by the state or captured fully by economic interests, has deep political repercussions. For the state, it possesses a set of new challenges. First, it accelerates the erosion of the classic public sphere, so critical to the legitimacy of liberal democracy. Second, the state is challenged, both through peaceful means and through violence, by new actors that is has structural difficulties interacting with.

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27 This does, of course, not preclude a minority from reacting to this challenge by turning to fundamentalism. See, Castells, Manuel (2004). *The Power of Identity, The Information Age: Economy, Society and Culture, Vol. II (second edition)*. Cambridge, MA; Oxford, UK, Blackwell

28 Benkler, Yochai (2002). Coase's Penguin, or, Linux and The Nature of the Firm. *Yale Law Journal.* No. 112

29 Moglen, Eben (1999). Anarchism Triumphant: Free Software and the Death of Copyright. *First Monday (August)*. URL: http://www.firstmonday.org/issues/issue4_8/moglen/index.html

The new forms of communication, collaboration and constitution of society create often new types of publics, in the simple sense that people speak with one another in public about the things they care about, sharing information and forming opinions. Most of these publics are relatively specialized, as already mentioned, not primarily concerned with the public good, the *res publica*, but individual interests. Since people are inhabiting more than one of these sub spheres at the same time, and are moving between them, this does not mean the breakdown of social communication, as pessimistic accounts argue.[30] Nevertheless it adds to the crisis of those institutions that require a traditional public sphere to function. Compared with the immediacy and authenticity these new forms of cooperation seem to offer, partly because these limited, focused associations do not need to make difficult compromises, the discourse of the public sphere, particularly around politics, seems increasingly artificial and insincere. This is partly because of the corrosive effects of television driven media politics, partly it is also because politicians need to make difficult compromises to gain majorities and offer overall solutions that cannot accommodate the high degree of particularity of the "mix-and-match" lifes people are living.[31] Politics, and the public sphere around it, appears as the domain of cynics. This only deepens the crisis of the public sphere, which has been analyzed for the last 40 years in terms of the commercial capture of the media and the manipulation of the discourse through professional PR.[32] While the public sphere as the discursive, and normative, anchoring of liberal democracy has been eroding for a long time and created a crisis of democracy relatively unrelated to the developments discussed here,[33] what is historically new is that people are capable of creating their own publics on a local or translocal level. In other words, the old mode of political (mass) communication is not just becoming weaker, but is actively challenged by a new one.

Perhaps the most unexpected challenge is in the area of international treaty-making, the exclusive domain of nation states since the creation of the Westphalian system in the 17th century. Since most international treaties are highly specific and technical, mass media, driven by the need to address the

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30 See, for example, Shapiro, Andrew L. (1999). *The Control Revolution: How the Internet is Putting Individuals in Charge and Changing the World*. New York, Public Affairs

31 Beck, Ulrich; Beck-Gernsheim, Elisabeth (Hrsg.) (1994). *Riskante Freiheiten. Individualisierung in modernen Gesellschaften*. Frankfurt a/M: Suhrkamp

32 Habermas, Jürgen (1989 [1962]). *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (trans: Thomas Burger with the assistance of Frederick Lawrence). Cambridge, MA, MIT Press; Herman, Edward; Chomsky, Noam (2002). *Manufacturing Consent: The Political Economy of the Mass Media*. New York, Pantheon Books

33 See, Castells, Manuel (2004)

broadest possible audience, rarely reported on them in a prominent fashion. Thus, even the negotiations which were legally public were de facto closed and the representatives of states were amongst themselves. Not anymore.[34]

One of the new actors challenging the state in this once exclusive territory is the collaborative project bilaterals.org, which bills itself as "a collective effort to share information and stimulate cooperation against bilateral trade and investment agreements that are opening countries to the deepest forms of penetration by transnational corporations".[35] Through collecting, aggregating and publishing critical information in real time, the create a public in order to challenge the state in an arena – international treaty making – that is has never been challenged before. But who is bilaterals.org? One the one hand, some of the people who run the website can be identified with hyper precision and they are easily accessible via email. On the other hand, these are merely temporarily aggregating information generated by much larger networks, which are very hard to identify with any precision because they are built on open, weak cooperation. As they write "no one owns or controls bilaterals.org, [but] a small group of people collaborate informally to keep the site going on a day to day basis."[36] Yet, this loose organization has the capacity to analyze and digest very large amounts of information and thus create a critical public in areas where there has never been one, even if the underlying information has, formally, always been public. By networking local and global actors, the organization is not just capable of creating a translocal public, but mobilizing people to take to the streets when state representatives meet and try to discuss the issues behind closed doors. Bilaterals.org is not an exception. There are thousands of groups like it, advocating the full range of imaginable demands.

What makes it hard for the state to interact with such organizations is not just that it can be hard to identify whose really responsible. That problem can be solved. What makes it really difficult is that these organizations are not built on the principle of representation, but on the principle of weakly coordinated action. They stake their legitimacy not on formal membership, but on expertise, moral imperatives or informal public support. Here, people, by and large, speak for themselves or for their often very small organizations. They do so on behalf of very large constituencies (the "people", the

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34 Keohane, Robert (2002). *Power and Governance in a Partially Globalized World*. London, New York, Routledge
35 http://www.bilaterals.org [2007-10-16]
36 Quoted after "Update from bilaterals.org" (Sept. 1, 2006). http://www.bilaterals.org./article.php3?id_article=5725 [2007-10-16]

"global south", "developing nations"), but they do not represent them, nor do they have any authority over them.[37]

The state and its organizations have a highly developed capacity to deal with homologous organizations – structurally similar to itself with a small number of representatives with a formal mandate to speak on behalf of many people – such as unions or professional associations. Yet, they it poses significant challenges to interface with heterologous organizations that are structurally very different as described above. For one, there are simply too many of these networked organizations and taken together, their demands are often contradictory. They filter their demands not in a way that bureaucracies can easily recognize and address them. The lack of representation which is so characteristic for these networked organizations based on weak cooperation, makes it dangerous for the state to interact with them because the state draws its very legitimation from representation. Thus, in a formal way, incorporating non-representative organizations further undermines the legitimacy of the liberal state.

One of the ways in which the state can react to this development is by trying to withhold certain types of information, thus preventing the analysis and publication by networked actors most likely very critical of their actions.[38] The notion of "executive privilege" that is the right of the government to act outside the realm of public scrutiny, is playing a key role in the governance of the current US administration. But similar tendencies can be observed in Europe as well, which lead, as Saskia Sassen observes, to a general strengthening of the executive organs at the expense of the legislature tasked with overseeing them and interfacing with the public at large.[39]

The key argument based on which this expanded notions of the executive privilege are established is, of course, security. Because weak cooperation and the creation of new public spheres is not the only "asymmetric" or heterologous challenge. Terrorism is mounting, often using similar modes of organization, a very different, very serious challenge to the legitimacy of the state, namely its ability a provide security for its citizens. Noticing the a certain, purely morphological, homology between some

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37 Hudson, Alan (2001). NGOs' transnational advocacy networks: from 'legitimacy' to 'political responsibility'. *Global Networks*. Vol. 1 No. 4 pp. 331-352

38 This occurs at the same time as the state, in other areas and usually on a local level, seeks new ways to interface with the citizenry, through citizen panels, public consultations, and similar measures of voluntary engagement.

39 Sassen, Saskia (2006). *Territory, Authority, Rights. From Medieval to Global Assemblages*. Princeton and Oxford, Princeton University Press

of the the new actors of civil society and some new forms of terrorism, military theorist John Robb They coined the term "open source insurgency" which he sees as equally based in a mix of strong (within cells) and weak (across cells) cooperation.[40]

Since acts terrorism, particularly if they involve the voluntary death of the terrorist itself, cannot be affected by thread of punishment after the fact, the focus shifts increasingly towards prevention, which means, finding patterns that indicate suspicious activities before they are carried out. Yet, since terrorist groups use the same means of communication and transportation like everyone else, surveillance must encompass the entire range of communication media, pushing deeper and deeper into the capillary system of society.[41]

This is made feasible because on the level of the infrastructure every transaction is creating a detailed record. These can be used to track the composition of society in real time in increasingly fine detail. Yet, the resulting visibility is strictly one way. Ordinary users have no way of accessing, or even validating, the knowledge the providers of the infrastructure have of them and their actions and to whom they make this knowledge available. As an effect, within this new world of visibility and horizontality, new zones of invisibility and hierarchy are emerging. It is very hard to track empirically how and to what effect these are being used, since most of this activity is carried out by private companies and secret services, both with limited oversight. These new partnerships enable the expansion of state surveillance which, of course, is very keen to draw upon this very valuable information held by private companies. The EU, eagerly following the example of the US, has been enacting a string of new directives (e.g. data retention directive, 15.03.2006[42]) so that communication and mobility data can be readily accessed and analyzed centrally by intelligence agencies.

This contributes to a context where the dissolution of privacy for citizens (both voluntary through self-publishing and involuntary through aggregation and data retention) coincides with the growing secrecy of administrative institutions, be they private or public. In terms of the state, Saskia Sassen speaks about "the executive's privatizing its own power."[43] While this is, again, a long-term trend related to many

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40 Robb, John (2007). *Brave New War. The Next Stage of Terrorism and the End of Globalization*. New Jersey, John Wiley & Sons
41 Lyon, David (2003). *Surveillance After September 11*. Cambridge, UK, Polity Press
42 For a critical analysis, see http://www.edri.org/issues/privacy/dataretention
43 Sassen, Saskia (2006). *Territory, Authority, Rights. From Medieval to Global Assemblages*. Princeton and Oxford,

different factors and there is, indeed, through numerous initiatives a growing degree of transparency, not just in terms of the amount of data available. More important is the real-time analysis and interpretation turning this data into politically relevant information, achieved by networked efforts of civil society, both through formal organization, such as *Transparency International*, and weak cooperation online such as bilaterals.org. From the point of view of the state, there appears to be, again, an "excess of democracy" as the conservative scholar Samuel Huntington famously called the increased demands for recognition and participation voiced in the late 1960s and 1970s.[44] Today, "adversary intellectuals", to use again Huntington's term, are situated on the left and on the right, within and outside the Western discourse, and are armed with rapid publication tools, if not more physically dangerous weapons. Since they do not need to address large publics (as the mass media need to), they can focus in depth on the few issues that are of special interest to them and which have the power to mobilize their particular networks. For the managers of authority, this create a lose-lose situation, which they address by retreating from the public as much as they can. Normatively, this is justified by stressing the demands of "security" against which the demands of civil liberties and democratic accountability are deemed to be secondary.

Expanded executive privileges, heightened blanket surveillance and state security machinery that increasingly blurs the distinction between the police and the military indicate the emergence of a new, authoritarian core of democratic states, even as the state seeks new forms of participation with citizens in other areas. In a seemingly contradictory development, authoritarianism at the core of the Western democracies is (re)emerging at the same time as the *authoritarian personality*, as analyzed by Adorno, is less dominant at the individual level.[45]

The relationship between the expansion of civil society and rise of authoritarian democracies is intricate and contradictory. From the point of view of the state, it's not just that that transparency is can be a nuisance and new form of secrecy need to be installed. On the level of the patters of communication (which are collected by data retention, the content is discarded) there is very little difference between the new publics of civil society and the forms of organization created by actual terrorists. Thus, even if the

Princeton University Press, pp 179-84

44 Crozier, Michel; Huntington, Samuel P.; Watanuki, Joji (1975). *The Crisis of Democracy: Report on the Governability of Democracies to the Trilateral Commission*. New York, New York University Press URL: http://www.trilateral.org/library/crisis_of_democracy.pdf [2007-07-10]

45 See, Holmes, Brian (2002). *The Flexible Personality*, part I & II (Jan 05) available at http://www.nettime.org

data collection would be restricted to fighting the most extreme security threads it would necessarily push deep into the new forms of civil society cooperation.

None of this, of course, is single-handedly caused by new technologies empowering individuals, but I think that these technologies are accelerating and shaping these developments in their own ways, as I have outlined them. The overall effects on the relationship between the civil society and the state decidedly mixed. The ability to meet strangers and start meaningful exchanges and cooperations is sharply expanding. We may be entering a golden age of voluntary associations, what I called *bourgeois anarchism*. Yet, at the same time, the ability of these new publics to function as counterweight to political power cannot (yet?) compensate, despite hopeful incidents,[46] for the emptying out of the old public sphere. Particularly because it is the very emergence of these new publics that contributes to the growing secrecy of some very important elements of the state. Thus, we can wittiness the flowering of free cooperation taking place within an renewed authoritarianism emerging at the core of Western, liberal democracies.

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46 Benkler, Yochai (2006). *The Wealth of Networks: How Social Production Transforms Markets and Freedom*. Yale University Press, pp. 212-272