Re-imagining Digital Public Spaces for Democracy Interrelations and Forces

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When we see "internet of things,"
let's make it an internet of beings.
When we see "virtual reality,"
let's make it a shared reality.
When we see "machine learning,"
let's make it collaborative learning.
When we see "user experience,"
let's make it about human experience.
When we hear "the singularity is near"
let us remember: The Plurality is here.

— Audrey Tang, Job Description, 2016

The crises of democracy in and across different societies can be articulated as crises of public spaces. In any theory of democracy, be it electoral, liberal, radical, or otherwise, the public spaces feature prominently as one of the core ingredients for democratic societies. In fact, most constitutions create, require, and/or protect public spaces in one way or another. Our expectations for public spaces are correspondingly high. We expect them to foster and form human relationships, offer everyone equal opportunities to participate, and structure and facilitate public debates, while being safe, activating, and inspiring. This begs the question: Do we expect too much?

In the last decades, information and communication technologies, such as social media platforms, algorithmic practices of categorization, ranking and sorting and, most recently, generative AI, have transformed the way we relate to each other online and offline. Our understanding of distance, proximity, embeddedness, and surrounding have changed. The meaning of being, becoming and belonging together, of what is required to form a community, has shifted. We don't need to be physically close to form friendships, or to have seen and touched each other to form a group. At the same time, the personalization of digital experiences may lead to increasingly fragmented perceptions of reality. Are we experiencing a multiplication of voices, or is it just noise that distracts and deafens us?

In this context, capturing and diagnosing the digital public space has become a slippery endeavor. It seems to evade our established disciplined methodologies. The tendency to use analogies, resort to metaphors and in particular to anthropomorphize pose new and difficult questions in the context of digital technologies. Established concepts that traditionally provided the vocabulary to discuss threats to democracy do not seem to be able to grasp the situation anymore. Conventional categories, such as public and private (law), market and state, physical and virtual, human and machine, appear to lose their ordering potential. For instance, the obligations of businesses to respect human rights —enshrined in legal instruments manufactured to protect against the state— are still intensely debated.

This assessment calls for a deep dive into the foundational configurations of the public space from the perspective of different disciplines, to reach more productive modes of analysis, diagnosis and possible ways forward. Against this backdrop, the humanet3 research group aims to position itself as a hub to facilitate a conversation between different strands and modes of thinking. To this end, we want to explore the (digital) public space in our first humanet3 workshop along the following two configurative lines, each represented by one panel. They are intended to serve as a thought-provoking statement, from which we invite you to start re-imagining the digital public space together with us.

1. Interrelations: The Individual and the Collective in Digital Public Spaces

The first panel starts from the assumption that the public space is constructed for and by human interrelations. For instance, various narratives illustrate the public space as a gathering of people in an open place for bonding and debate. Other narratives acknowledge that public spaces are also sights of exclusion, protest, and violence. With (new) digital technologies, human interrelations increasingly seem to take place under different conditions. This may change how people perceive themselves and others, how they participate in matters of public concern, how they are represented, and, eventually, how they form collectives.

Individually, the experience of the digital space is mostly manufactured by central platforms. In the predominant business model, individual's behavior online, such as viewing and liking certain content, is monitored and gets aggregated to profiles that suggest defining each individual's identity, characteristics, and preferences externally. This practice of permanent and all-encompassing tracking of behavior for the purpose of enabling targeted advertising has been aptly conceptualized as "Surveillance Capitalism". But even in non-profit services and the ones based on membership payments, the experience of the public is turning personalized. It becomes increasingly challenging to grasp what a public space is made of and if it can be collectively constructed by these personalized digital interactions. The opacity and human non-comprehensibility of these algorithms as well as the passive role of users as mere recipients of a curated collection of content raises questions about the agency of individual decision-making.

The use of generative AI apps for the provision of certain services increasingly relies on the analysis of personal information for the personalization of their output. They complement and might eventually replace human to human interaction - irrespective of how technologically mediated it is - with human to machine interaction where the human counterpart disappears. This situation will render other individuals, their creative work, and their voices invisible in the digital space. This affects individual agency and modes of visibility.

Moreover, the personalization of feeds and timelines influences the collective experience of the public. While there was certainly never one unified perception of the public space, the personalization of the online experience confronts us with a novel quality of fragmentation. However, people's feeling to be included and equally treated remains pivotal for the functioning of democracy. Moreover, being subjected, both intentionally and unintentionally, to different ways of life does not only increase the sense of shared experiences and common problems. It is also what drives the formation of collectives, which are key to articulate opinion and challenge the exercise of power in a meaningful way. For this, a shared understanding and identification of relevant issues is crucial. It requires a sense of belonging together in order to be able to organize and ask, for instance, for (more) rights and protection under the law. Algorithmic ranking and sorting, further complicates the conditions for shared experiences and may lead to an increasingly fragmented society unable to activate the potential of its forces.

These shifts pose new challenges and calls for re-diagnosing and re-imagining the digital public space, the following concrete questions should support us in this endeavor:

Perceptions of the Digital Public Space

1. How do we perceive ourselves in and as part of the public space when using digital technologies? Do we have a sense of shared experiences and are these a necessary precondition for democratic discourse?

2. Do we have shared normative expectations for public spaces and how are they legally constructed? What role do and should digital technologies play in meeting these expectations?

3. Does datafication and personalization affect our shared experiences and, with it, democratic discourse? What would digital (public) spaces without personalization and algorithmic mediation look like?

Participation in the Digital Public Space

4. What motivates and hinders interpersonal participation and engagement through digital technologies? How do new digital technologies, their inter-mediation features, and their underlying business models influence these motivations and what role can obligations to assess and mitigate societal risks, such as systemic risks under the Digital Services Act, play?

5. How do consent-based regulations influence the way in which we participate in the digital public space? Is data protection law, with its subjective, consent-based approach, fit to tackle the systemic effects of tracking and personalization?

6. How does anti-discrimination law influence the inclusion of voices in the digital public space? Is the design of current anti-discrimination laws fit to deal with the phenomena of algorithmic grouping and discrimination?

Democratic Deliberation in the Digital Public Space

7. If the personalization of the digital public space generates a novel sense of community and fragmentation, how do these impressions impact the actual and perceived possibilities of individuals to participate in democratic deliberation? Has this fragmentation any influence on the rise of hate-speech and political polarization?

8. Do communities formed by algorithms differ from "traditional" communities, such as historically disadvantaged and vulnerable groups recognized by anti-discrimination law? What could be democracy-related consequences of algorithmic grouping and sorting of people?

9. How could democratic deliberation processes be changed by the use of personalized virtual agents acting as representatives of citizens?

2. Forces: People and Profit in the Digital Public Space

The second configuration looks at the interaction between different forces, which we understand as potentials in society that take a specific form and trajectory. We concentrate on two different yet entangled forces that play a relevant role in the production of infrastructural means to co-create a digital public space. On the one hand, with people as a force we refer to different sizes and forms of collectives that strive for realizing their particular or shared interests. One of these collectives are people of nation-states. In liberal democracies, they expect states to ensure pluralism by providing public infrastructures for facilitating their encounter and joint participation. On the other hand, profit forces incentivize production under a logic of private reward. In this context, the market has been envisioned as the mechanism where economic players meet under a private utility rationale and that ideally also generates social benefits by stimulating competition.

Although conceiving state and market as formally separate realms with different functions can be analytically useful, it may hide the fact that the latter also plays a *de facto* role in co-producing the public in two different ways: as a provider of infrastructure and by co-shaping what we understand as public. Through profit forces a variety of spaces materialize: some of these are envisaged for voluntary isolation, such as gated communities; others, such as shopping malls, are conceived as open venues where social interaction takes place as a byproduct. In telecommunications, fears that public discourse may end up being subjugated to profit or authoritarian capture led to the creation of publicly funded broadcasters, as a new element of the fourth power. People, in the form of civil society organizations and NGOs, have attempted to take a supervisory role. Still, the question of who will guard the guardians themselves remains the subject of ongoing debate.

The Internet's architecture promised to increase people's agency through an open protocol system designed to prevent forms of top-down control. However, while it allowed for the rise of vibrant community groups in the digital space, control over digital infrastructures on top of the protocols ended up concentrated in a few private hands. A renewed claim for the state's institutional mechanisms to limit private power has justified novel forms of intervention. Consequently, new legal rules (such as the European Union's Digital Markets Act (DMA) and Digital Services Act (DSA)) have been enacted to limit corporate power and to guarantee safer digital spaces for interaction. A critique of these regulatory efforts, however, is the lack of a deeper revision of the interplay between profit- and people-driven forces in creating and maintaining the infrastructures of the digital public. Given the value of bringing different approaches into dialogue, we frame this review exercise from both a critical and pragmatic perspective.

Through a critical lens, the interplay of these forces opens up questions on whether and how these simplified versions of the state and the market and, relatedly, private and public are complicit in reproducing forms of domination, social order and exclusion as well as resource extraction. Critical scholars have argued that these dichotomies are also being upheld by a scientific method confined to oversimplified models and metrics restricted to measuring efficiency and growth. In this context, people's resistance forces face a dilemma: to raise their voice from the outside, or betray their ideals and pursue change through the channels of the establishment. On the market side, SMEs and fairness- or privacy-oriented business models, such as the decentralized microblogging platform Mastodon or the search engine DuckDuckGo, seem relegated to be a curiosity with limited potential to mobilize forces and to carve out space to grow among the incumbents. Along these lines, any kind of expectation about the public space must question the role of the state and the market as emancipatory forces.

On a more pragmatic note, this illustrates that big tech corporate power is not merely an issue for market regulation but calls for rethinking the role of liberal-democratic states more generally, for example as potential investors in information technologies, developers of public sector applications, and in setting up public enterprises. This means reviewing the limits of industrial policy *vis-à-vis* digital markets and the protection of democracy. On the people's side, open and collective models for resource management are becoming topical in the context of data governance (e.g., data commons or cooperatives) and federated networks. These community-driven approaches invite a re-framing of how governance mechanisms —both legal and non-legal— may converge to escalate these forces, as they have the

potential to articulate more symmetrical and sustainable ways of producing, managing and using infrastructure for the (digital) public space. Against this backdrop, the concrete questions to be explored in this panel are:

Commodities and Common Goods in the Digital Public Space

1. What business models are involved in the creation of digital public spaces? What underlying assumptions about commodification of these spaces are related to them and what are the respective advantages of profit (and non-profit) organizations in setting up digital infrastructure?

2. How do current regulatory instruments, such as the DSA and the DMA, impact the competitive pressure that Small and Medium Enterprises (SMEs) and fairness- or privacy-based business models can exert for the co-creation of infrastructure relevant to digital public space?

3. Does the rise of generative AI technology and the practice of mass scraping of data online require a re-definition of what are and should be shared and common resources in a datafied environment? In particular, is it necessary to revisit concepts underlying intellectual property law and do we need to reconsider how their potential to promote the deployment of cultural and creative industries that contribute to building public space can be fostered?

Digital Public Spaces for and by the People

4. What models and conceptual frameworks for the collective self-governance of the digital public space can be envisioned and how do the DMA and the DSA impact them? What are the internal power dynamics, as well as broader power structures, that manifest within digital spaces and how can they be contested and subverted?

5. What can democratic control and participation in the governance of digital public spaces look like? Can these approaches be informed by established institutions, such as press associations, or by institutions which integrate voices of the people in supervision mechanisms, such as the "Rundfunkräte" of German public broadcasters?

6. What kind of regulatory and legal approaches may serve to promote decentralized, collective, and sustainable governance models of infrastructures for the digital public space? What are the consequences of regulatory obligations, such as the DMA's interoperability rules, in this promotion?

A New Industrial Policy Approach to Digital Public Spaces

7. Is there any justification for changing the industrial policy approaches taken by nation-states or at the EU level, for example, in relation to the media sector, due to the ongoing digitization of the public space?

8. How can states create infrastructure for digital public spaces without exercising immediate control over these communicative spaces?

9. How can states create infrastructure for digital public spaces without affecting the neutrality principle that underlies the market economy?