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# POLITICS DISEMBODIED AND DETERRITORIALIZED: THE INTERNET AS HUMAN RIGHTS RESOURCE

Benjamin Gregg

## ABSTRACT

*Purpose – The main objective of the chapter is to map out some of the most significant possible political consequences of the Internet for the state, citizenship, human rights, and other areas.*

*Design/methodology/approach – The chapter analyzes the phenomena at the level of sociological theory. Its theoretical scope extends to political theory.*

*Findings – The Internet offers immense potential toward improving the nation state in terms of human rights yet in a manner that may well be foiled by several cultural, political, and economic factors. By transforming national boundaries into nongeographic borders that operate transnationally and subnationally, and by abstracting from the cybernaut's physical body, the Internet may challenge prevailing notions of state, private property, bodily autonomy, and political personhood, all of which connect discrete bodies with bounded territories. It might free citizenship rights*

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*and protections from state capture and denationalize the connection between membership in a particular political community and the enjoyment of rights. It might advance human rights by changing civil society by generating, first, a space where subjugated groups and individuals could agitate for their interests online without putting their bodies on the line and, second, critical public opinion in place of merely mass opinion. It would contribute to a post-national identity where it multiplied local practices to generate global awareness and identified normatively universal human rights in local, particular communities while still recognizing individuals' special obligations to those local communities.*

*Research limitations/implications – This speculative trajectory remains all too vulnerable to nondigital settings beholden to particular values, cultures, power systems, inequality, hierarchy, and institutional orders; to market forces and controls; to governmental authority and censorship; and to the global maldistribution of wealth and technology. Liberal democratic political communities should monitor and control the cultural, political, and economic factors that threaten to undermine the Internet's potential toward improving the nation state in terms of human rights. Those committed to promoting the Internet's potential have the task of specifying these factors at the various relevant empirical micro-levels of social organization.*

*Originality value – Most analyses of the Internet either overestimate or underestimate its potential. Here the analysis strives for a balance uncommon in the literature. That balance may be of value primarily to other scholars working in related areas and secondarily to persons involved in public policy and other forms of politics.*

**Keywords:** Internet; nation-state; citizenship; human rights; civil society; liberal democracy; digital abstraction; human bodies; national borders; public opinion

In the developed world but increasingly in the developing world as well, the digital liquefaction of human bodies and national boundaries challenges prevailing notions of the state, private property, and bodily autonomy. This dynamic process also contests the standard model of political personhood which connects, in legal categories, bodies with territories. As computer-mediated communication elides national boundaries into nongeographic borders that operate transnationally and subnationally, legal protections for individuals become detached from their national territorial jurisdictions

and might be incorporated into other normative regimes. I explore one alternative regime in particular, human rights. In their sense, what were once state borders might now become “embedded” in the person himself or herself. The dynamics of liquefaction via digital communication could then free citizenship rights and protections from state capture and so denationalize the connection between membership in a particular political community and the enjoyment of legal rights. If, in this way, human rights eventually become a truly global network, they could bypass state authorities and facilitate a new type of cross-border politics, one deeply local yet intensely connected digitally.

Research on the Internet in particular has focused on its consequences for cultural diversity and homogenization, its inflection with the economy, and its regulation through domestic and international law; the complex problem of unequal access; ways in which the user’s level of social capital influences if and how he or she goes online; and its effect on political participation. But this concern with political participation has largely neglected the Internet’s possible consequences for the politics of human rights. I analyze these consequences as dynamic processes, in four steps. I identify the Internet’s general potential to advance human rights as well as some of the profound problems that discourage that potential (1). In particular, the Internet might advance the cause of human rights by changing civil society by means of digital abstraction from human bodies and national borders (2) but also as by facilitating critical public opinion (3). Taken together, steps two and three might begin to move the nation state in the direction of what I propose as a “human rights state” (4).

## **POTENTIAL AND PROBLEMS OF ADVANCING HUMAN RIGHTS DIGITALLY**

Technology is not inherently political but it often influences politics. Estimations of the political upshot of digital communication range widely. Rather utopian narratives of progress mark one end of the spectrum: computer-based media bring ever more people into communication with each other in ways they desire and can control. A more dystopian optic defines the other end of the spectrum: digital media operate above the heads of most people, often beyond the reach of critical argument in the public sphere, in ways damaging to persons and sometimes even to whole communities. Unrestricted commercial interests, or a state’s excessively centralized controls, pose the greatest threats.

In their one-dimensionality, such sweeping assumptions are easily mistaken. They neglect technology's complexity and the diversity of communities and social sectors in which technology is always already embedded. Utopian and dystopian interpretations alike miss its inflection in legal, policy, and economic decisions as it becomes institutionalized. And such interpretations overlook the double-edged quality of any technology: digital means of reducing barriers of time and distance, for example, enhance communications also among dispersed terrorist cells.

We would better estimate digital technology's political potential by attending equally to emancipatory and oppressive dimensions, always anticipating elements of both, in shifting combinations. Societal disparities in access, or local barriers to free expression and information, or telecommunication sectors consumed by commercial interests or governmental regulation and censorship, may well accompany unimpeded flows of digital information across territorial borders that even then sometimes advance the idea and even the practice of human rights.

I engage both negative and positive dimensions as I consider the Internet in particular: a global, decentralized, computer-based network of networks that facilitates information flows both public and private.<sup>1</sup> Several are the ways in which it might advance the politics of human rights:

- The Internet transcends the limits of political communities in its openness to diverse persons and groups dispersed across the world. It facilitates communication in ways that older media can hardly match; television, radio, and newspapers rarely penetrate the national level (and few ever rise to that level). The Internet is less easily controlled by state authorities than are older forms of media. Today more than a few countries escape full penetration because of very low levels of technology and energy in some parts of the developing world, or given a totalitarian regime with advanced information technology and strict levels of political censorship, such as China. Still, the general trend is toward ever greater penetration, although the nature of the penetration can vary widely.
- The Internet is highly decentralized; it supports a large and increasing number of globally dispersed participants with their various sites, blogs, web pages, and networks. And by digitalizing information, it renders information hypermobile that then circulates through global networks almost instantaneously. This compression of space and time facilitates the almost immediate interlinking of dispersed individuals, groups, and communities.

- The cost of equipment and access to the Internet generally fall, relatively quickly and continuously. Cost reduction removes some barriers to individual Internet access, but only some. The outsourcing of manufacturing may remove others. Thus although the “headquarters of the major transnational corporations in the computer industry – such as Microsoft, Google, and Apple – are located on the Pacific West Coast,” more than a few “computer hardware components and software products are produced in developing and middle-income nations, such as India, China, and Brazil” (Norris & Inglehart, 2009, p. 93).
- For members of a political community – including groups heretofore marginalized because geographically remote from metropolitan centers – the Internet facilitates information acquisition and the self-organization of political groups, perhaps improving their capacity for airing complaints and advancing demands on the virtual stage of a digital public sphere. Digital mediation of state and citizen may sometimes strengthen civil society, although more likely in a liberal democratic order than in a more traditional polity, let alone in an authoritarian regime. I see potential beyond liberal democratic communities for voluntary communication among dispersed, marginalized, or besieged groups and individuals with shared interests and concerns, but not without problems, some of which I detail.
- By providing domestic and foreign information not filtered by the state, the Internet may sometimes strengthen oppositional groups and insurgent organizations in challenging state oppression, even though such groups lack many of the traditional advantages of their opponents.

Still, persons with the highly specialized technical knowledge to circumvent governmental regulation are found everywhere, even in totalitarian countries. In some cases the Internet might level the playing field for transnational advocacy networks. But such best-case scenarios need to be leavened by attention to profound and deep-seated problems. For like most technology, the Internet is a double-edged sword. It can lead to

- a public sphere that disconnects a citizenry’s beliefs, preferences, and convictions from policy and other decisions;
- actor and audience related online only asymmetrically (such as hierarchical organization through webmasters and moderators, and Internet services that control content, employees, or consumers);
- corporate control or other private economic power capturing whole sectors of the Internet, for example by filtering political claims through

market categories, or private media interests deploying the power that comes with significant property to wield disproportionate influence over public policy or electoral campaigns;<sup>2</sup>

- privacy concerns where “corporations even more than governments have a strong interest in developing profiles of their customers together with their information and communication preferences” (Gould, 2004, p. 241);
- loss of traditional indigenous culture, minority languages, and ways of life through convergence with contemporary Western culture;<sup>3</sup> polarization between different social sectors, for example between global elites and poor, rural populations;<sup>4</sup>
- unequal access: a chasm between the information-rich and the information-poor characterizes access to the Internet (and to telephones, televisions, and radio, for that matter) within postindustrial countries but even more so between postindustrial and developing countries; such disparities “have been deepening, not diminishing, during recent decades” (Norris & Inglehart, 2009, p. 302).

Unequal access occurs along multiple dimensions, including

- economically relevant factors, such as unreliable electricity supply or absence of broadband Internet (or speed of access, or availability of advanced computers), or the lack of the economic wherewithal to purchase devices and access;
- political factors, such as control and censorship by repressive states that sharply limit access to information domestically and from abroad;
- factors involving cultural capital, when social status and cultural background may significantly influence the individual’s interest in public affairs and his or her use of the Internet; when Internet use favors literacy and sufficient educational attainment to utilize the Internet as a source of information; and when it favors users with an English language capacity, given the predominance of English in centers of technological design and marketing as well as on Web sites.<sup>5</sup> The Internet’s self-selected users tend to have higher levels of education as well as norms positively associated with higher education: persons more secular, more politically engaged, more socially liberal (embracing more liberal sexual moral values, for example, but not nationalism or religious values in any strong sense), and the values gap between parochial and cosmopolitan societies has either maintained itself “in the case of liberal social values” or even widened “with feelings of nationalism and the strength of religiosity” (Norris & Inglehart, 2009, p. 308).<sup>6</sup>

## CIVIL SOCIETY IMPROVED VIA ABSTRACTION FROM BODIES AND BORDERS

To make the most of what the Internet may offer politically, while attempting to avoid some of the myriad problems it generates, I propose a human rights-friendly civil society that builds on one property of digital communication – abstraction – and on one of its promises: public deliberation. I turn first to abstraction and take up deliberation in a later section.

One striking aspect of the Internet is how, in cyberspace, it *abstracts* from participants' physical bodies and geographical locations.<sup>7</sup> Digital abstraction can be politically significant with regard to social spaces. Social spaces are shaped along several dimensions of a community's collective imagination as well as by how the community "inhabits" those spaces. The physical world is not the only locus of politics or participation, and not all parts of a political system need be anchored in the physical world. For example democracy, to which popular participation is central, does not require physical copresence and need not privilege face-to-face meetings in neighborhood assemblies as a *conditio sine qua non* of authentic democratic politics.

To be sure, the physical world is never without immediate political import, for example in the embodiedness of human beings. As individuals, humans share an understanding of this phenomenon, for at a fundamental level, each body corresponds to all others. The human being has a resonant understanding of, or feels an immediate correspondence with, the embodiedness of others. In its vulnerability, for example, each body mirrors the vulnerability of all others. On the basis of such near universal resonance, some types of political association might be reconfigured in the form, say, of human rights. After all, a shared understanding of the universal correspondence of human bodies allows any person to understand – at a level immediate, personal, and existential – what bodily and psychological harm is. *Having* a body that is vulnerable corresponds with *being* a body that is vulnerable. In identifying with one's body in this sense, one identifies with other bodies as well because they are no less vulnerable.

Popular sovereignty in modern societies is already uncoupled from the physical copresence of citizens or parliamentary representatives or other persons who decide public issues as well as persons affected by those decisions. Sovereignty is one of the ways in which members of a political community stand to each other, and it need not be face to face. It would

advance the human rights idea if it facilitated noninstitutionalized opinion-forming opportunities. Precisely the Internet shows that such discussions need not take place in physical space.

To see how abstraction might advance the human rights idea, consider cyberspace. It throws into question current understandings of state borders, private property, rights to bodily integrity, and individual authority over one's body. We usually think of property, boundaries, and authority in terms of the physical copresence of all affected persons. Often we think of communal membership, some kinds of political practice, and aspects of governability in the same way. So if the individual in cyberspace exists only as electronic data, one wonders: "what happens to analog [or offline] politics in a context where embodiment is no longer evident in customary ways, where 'bodies' are made 'visible' only incidentally, if at all, and primarily through practices of inscription (writing)" (Saco, 2002, p. 133)?

This question goes to the heart of another striking phenomenon of digital communication. In a *politics of concealment*, cyberspace renders us less visible, "act[ing] on bodies at a distance through a form of disembodied projection." In a *politics of appearance*, it renders us more visible, acting in embodied ways (Saco, 2002, p. 206). In cyberspace we can either isolate ourselves from face-to-face encounters with others or generate virtual communities some of which might be as close-knit as any physical community.

The virtual world also allows for elements of freedom, such as the anonymity it affords the cybernaut. Of course the political freedom that anonymity allows long predates the Internet. The ancient device of the secret ballot can shield the voter from negative consequences for life and limb, liberty and property, for example when one's preferences offend powerful and unconstrained elites. Concealed identity can also protect the speaker from unwanted repercussions when expressing unpopular or politically risky viewpoints. An online persona can be uncoupled from the cybernaut's social and physical identity; it can protect both by constructing in cyberspace a kind of prosthetic self or virtual persona.

Just as a technologically mediated public sphere provides social space in which subjugated groups can agitate for their interests without suffering negative repercussions, so a prosthetic self provides, to someone politically engaged, safety for his or her offline body – and online, he or she has no body. Anonymity also protects against being targeted. In these ways, corporeal presence and visibility is no more necessary for emancipatory or progressive politics than the physical body is necessary for political agency. What matters for such politics is not the Internet itself but the *political*

circumstances under which the individual employs it, as well as the nature of the space he or she coinhabits in the Internet. For institutions, including media, can form those who inhabit them.<sup>8</sup> What matters politically is the quality of the shared social space in its accessibility, norms, openness, and so forth. For purposes of advancing human rights, private persons, now come together on the Internet as culture-debating publics, should participate in the production of critical public opinion, as I explain in the following section. For critical public opinion can challenge forces that threaten or preclude human rights, such as rapacious commercial interests, repressive state interests, or individual behavior that feeds off the lack of personal accountability in cyberspace.

## **CREATING AND ASSIGNING HUMAN RIGHTS IN DIGITALLY MEDIATED CRITICAL DELIBERATION**

The development of networks of peer-to-peer file sharing marks the political potential of decentralized dissemination and sharing of information. It also marks significant scope for socially destructive online behavior undermining such potential. That potential depends on the Internet not being allowed to make itself entirely independent of the political community in which it is embedded, in several respects.

First, online persona should not be treated by law as discrete individuals who exist only online, without reference to their offline creators who would not be legally responsible for those persons' online behavior.<sup>9</sup> Cyberspace confounds the clear identifiability of discrete individuals. A cyberspace might construct multiple personas online, each anonymous, making it difficult to match online activities with actual persons. Someone could abandon an online persona after having offended or damaged someone or some group or some site, and so escape responsibility. He or she might even return with a different persona and offend again.

Second, accountability in cyberspace requires that some community-oriented offline laws be applied to the online sphere. The online presence of offline laws would constitute the presence in cyberspace of some physical community. That community might derive from the nation state but only if modified in ways that would correspondingly transform the relationship of citizen to community.

Citizenship as conventionally conceived couples body and territory in legal terms. This coupling is at the heart of the citizen as someone with a political presence in a conventional sense: someone who the state, other

institutions, and fellow citizens are able to apprehend politically. Thus citizenship or residency status, as well as personal and legal identity, is tied to the physical body of the citizen, for example as the embodied political agency of one person, one vote. States, bureaucracies, but also the individual himself or herself regard the body as the site of the self and its powers, hence the locus of the individual's political agency. Where the individual is not present as a body but becomes visible primarily through writing online, the political community's ability to control or otherwise influence him or her vanishes.

Third, the communicative situation today differs from the pre-Internet age not in terms of cross-border information flows as such but rather because of the increased magnitude, scope, and simultaneity of those flows, now as digital communication. The greater the magnitude, scope, and simultaneity, the greater the possibility for developing "networks for circulating place-based information (about local environmental, housing, political conditions) that can become part of political work and strategies addressing a global condition – the environment, growing poverty and unemployment worldwide, lack of accountability among multinationals, and so forth" (Sassen, 2006, p. 370). That is, local political practice can be transformed by digital technologies, institutions, and imaginaries by disputing the state's authority with regard to its national exclusivity, especially where cyberspace offers novel venues for cross-border politics. By *novel* I mean cross-border communication that challenges the primacy of place-based, in-state activities regarded as necessary to sovereign, national territory. For example, because in some respects it has no territorially based boundaries, cyberspace challenges traditional legal concepts of jurisdiction that locate the jurisdiction of courts and the application of laws within nation state borders. Cyberspace offers a unique site for cross-border politics precisely where it challenges physically oriented concepts of jurisdiction.

Yet even as something nonterritorial, cyberspace does not escape all geographic authority. The state, after all, still "exercise[s] authority over digital networks through the indirect venue of hardware standards" and "regulations of content circulation and intellectual property rights" (Sassen, 2006, p. 418). Consequently, electronically mediated communication does not threaten to eliminate the nation state with its territory-based authority. But it might transform certain qualities of national territory by changing the relationship between the local and the nonlocal. In this respect, the Internet shares one feature of the human rights idea in its aspirations to global validity: the feature of altering the relevant relationship between political

particularism (the local *sources* of human rights) and political universalism (or a *validity* ideally of universal extent). The Internet might facilitate *localized* human rights initiatives becoming part of *cross-border* networks, generating a network of multiple localities each advocating human rights. By means of Internet communication, parochial local initiatives could remake themselves into more cosmopolitan movements.

Fourth, the nation state would need to abandon the visceral appeal of nationalism toward becoming a “de-nationalized” or “de-essentialized” state. That state would allow legal space for human rights with some degree of autonomy from nation state territory by functioning not only inside but also outside national jurisdictions. By generating safe and open spaces for human rights within and beyond itself, this new kind of state might even strengthen civic republicanism within itself. For the Internet as a site for private people to come together to pursue human rights for themselves and for others offers a widely participatory, *nonexclusionary* space – without the physical copresence of others – to advocate and pursue physical, psychological, social, and political well-being in the sense of human rights.

Along normative dimensions, the denationalized state is less parochial and more universalistic. To be sure, some conceptions of political universalism are exclusionary.<sup>10</sup> This was the case during the first 78 years of a universalistic American democracy that nonetheless permitted slavery, and slaves by definition are excluded from processes of the community’s self-determination. But the political universalism to which a human rights state aspires is nonexclusionary. To expand communal rights to all adults based on a norm of equality need not, as in the nation state, systematically exclude most ascriptive, cultural, and other differences among members. To exclude in the traditional nation state is often to exclude groups defined in terms of their bodies, above all women and children, but various ethnic or racial minorities as well. By contrast, body exclusion in cyberspace, in the denationalized state, *removes* at least some grounds for prejudice in the political sphere.

Fifth, offline communal membership could *combine* elements of the private and the public sphere if we construct civil membership as a zone in which state authority and individual freedom meet (or public power and the private life of members meet) but also as a zone of a critical, debating public in a public sphere where people come together as a public to confront state authorities over their demands for human rights.<sup>11</sup> In offline life, the relation between public and private parallels aspects of that relation online. In some respects the parallel is negative: state and government are public entities that threaten the private sphere with regulation; and economic interests are

private interests that threaten the private sphere if those interests are inadequately regulated or regulated not at all.

In other respects the parallel is positive: just as the state can sometimes further the private sphere by protecting and facilitating pluralism in viewpoints and ways of life (by arbitrating among private interests, such as individual privacy, and public interests, such as public security), so the Internet's potential for advancing the human rights idea rests on combining protection of persons and pluralism in the deliberative processes of political will-formation. If computer-mediated deliberation can "introduce an epistemic dimension into political will-formation and decision-making," it might serve as a mechanism to enhance "cooperative learning and collective problem solving" (Habermas, 2006, pp. 413–414) on issues from an equal right to marriage for homosexuals, to affirmative action in college admissions, or in the awarding of governmental contracts to historically discriminated minorities; from the distributive justice of flat tax schemes to the risks of cultivating genetically modified plants, or environment degradation; from poverty and unemployment worldwide to the lack of accountability among multinational corporations.<sup>12</sup> Here the online generation of public opinion would distinguish itself from what is more likely to be the product of Internet use: a manufactured form of mass opinion.

By *public opinion* I mean opinion that maintains a critical interpretive distance to society, government, economy, culture, traditions, nationalism, and other possible forces that in some of their forms discourage or preclude human rights. An Internet experience that produced information for debate, and not merely for consumption, is not unrealistic where cyberspace-based disembodiment and self-abstraction can advance noninstitutional, interactive venues for debate, collective learning, will formation, and problem solving. An Internet experience that produced critical information could monitor, identify, and criticize excessive state intervention in the private sphere, or a mass media that shapes public opinion rather than just reports on it.

In that experience, an online debating public as distinguished from an online consuming public might facilitate the formation of considered public opinion that in turn could contribute to processes of deliberative legitimation for human rights.<sup>13</sup> This would be no easy task given that the "*dynamics of mass communication are driven by the power of the media to select, and shape the presentation of, messages and by the strategic use of political and social power to influence the agendas as well as the triggering and framing of public issues*" (Habermas, 2006, p. 415). To deploy a distinction developed years ago by C. Wright Mills, the goal is an Internet that furthers *public*

*opinion* rather than *mass opinion*, which is really a form of *nonpublic opinion*. Mass opinion derives from a system of communication

- in which the “role of mass media is increased and that of discussion circles is decreased,” limiting popular participation;
- where the “opinion process” is centralized and “discussion circles are necessarily small and decentralized” and “media markets are huge and centralized,” restricting access and voice for ordinary people;
- where the “way opinions *change* is more authoritative and manipulative,” with “little or no self-regulation on the part of the public,” such that participants in this media market are “propagandized: they cannot answer back to the print in the column, the voice on the radio; they cannot even answer back to the media in their immediate circle of co-listeners with ease and without fear,” such that communication flows in only one direction;
- where the “use of physical and institutional sanctions are involved in opinion process” such that ordinary people have little autonomy from it (Mills, 1963, p. 584).

Hence the Internet-mediated generation of *public opinion* would need to

- “involve as many givers of opinion as receivers (i.e., be the product of a many-to-many communications paradigm)”;
- “be organized to allow immediate response (i.e., be based on a system of open access and two-way communication)”;
- “be easily translatable into public action, even against public authorities”;
- and
- in its operations, remain more or less autonomous of political and economic forces that might colonize it (Saco, 2002, p. 65).

An Internet of this sort would find support in what Cass Sunstein (2007) describes as “deliberative domains,” that is, at sites where people of very different views are invited to read and participate in discussions of a topic of their choice by clicking on icons representing, for example, national security, wars, civil rights, the environment, unemployed, foreign affairs, poverty, children, labor unions, and so forth. Digitally facilitated deliberation would also benefit (again, following the main lines of Sunstein’s analysis) if

- some governments provided a funding mechanism to subsidize the development of some such sites, without having a managerial role;
- sites voluntarily adopted an informal code to cover substantive issues in a serious way, avoiding sensationalistic treatments of politics, giving

extended coverage to public issues, and allowing diverse voices to be heard;

- links were used creatively to draw people's attention to multiple views: for example, persons who use Web sites are, in a sense, themselves commodities, at least as much as they are consumers, and in the context of the Internet, the point of links is to capture users' attention, however, fleetingly. Sunstein imagines providers of material with a certain point of view also providing links to sites with a very different point of view – a left-wing site, say, might agree to provide icons for a right-wing site in return for an informal agreement to reciprocate.

The Internet as a mechanism for collective learning and problem solving could also be a mechanism for advancing the human rights idea. While digitally facilitated deliberation can hardly guarantee agreement, it can be more than the mere expression of opinion. It could shape opinion critically and transcend the current self-understanding of participants. By this means for example, groups and individuals might come to identify themselves as the addressees of the human rights that they themselves author.<sup>14</sup> After all, the ultimate object of the Internet is the human subject who uses it: to develop and communicate critical information is to communicate about the communicators. The identity of individuals, achieved in part through communication with others, may lead to communal identity, also achieved through communication. Now imagine cybernauts who learn to identify themselves as bearers of human rights, or who construct their collective political identity as a public as authors of their own human rights.<sup>15</sup>

## **FROM THE NATION STATE TOWARD THE HUMAN RIGHTS STATE**

Where it can become a resource for advancing the human rights idea, the Internet might (a) contribute to a post-national identity by multiplying local practices to generate global awareness; (b) find normatively universal human rights in local, particular communities while still recognizing (c) individuals' special obligations to those local communities. (d) But the Internet would not necessarily further democracy where it currently does not exist.

(a) I do not propose cyberspace as a venue entitled to national sovereignty. I propose instead that the nation state move in the direction of a "human rights state."<sup>16</sup> The principles of a human rights state would take the form

of post-national identity: collective allegiance to norms of individual freedom and legal equality, but allegiance also to human rights, rather than to a people, culture, language, or territory; in short, collective identity rooted in universalistic human rights rather than the aggressive particularism of the nation state. Such norms would be located *beyond* the state's constitution, in an identity larger than national membership: in the identity of a virtual, potentially universal community of human rights bearers. An identity of this sort could mediate parochial loyalties to a state with the non-parochial norms of human rights. And it could validate norms without invoking traditional sources of authority.

What aspects of digital communication might help nudge a nation state in the direction of a human rights state? One possibility: a group within the nation state might attempt to transform itself into a post-national community of human rights values, not through mass opinion but through critical information, where the Internet could facilitate access and sharing. That group, and others like it, might define itself not simply by abstract norms but by political institutions and laws, in a shared commitment to a post-national identity as a concrete way of life rather than merely as an abstract principle. For another possibility, consider that, in multiple venues the world over, one finds related local problems, kindred local struggles, and similar local groups attempting to solve local problems. Here the Internet could provide a means for local struggles to "multiply" aspects of their goals and practices, sometimes moving local politics to a register more global. A multiplicity of local political movements might together constitute a global context where domestic advocacy becomes a local environment "wired" with extra-local "circuits," that is, local struggles inflected with universal goals: out of local advocacy, extra-local advocacy in a coalescing of multiple such groups. On-site arguments for human rights would be expanded to ever greater scales through choices of the private citizen, practices of social institutions, and actions by the state undertaken with an intent local not global. Such a route to wider recognition of local struggles by multiplying local practices would not itself be cosmopolitan, in that it would derive from aggregating different kinds of local struggles, each deeply embedded in its local context and history, and each in the first instance pursuing norms local not global. By using digital communication to multiply local factors to identify and develop extra-local affinities and transborder flows of ideas, practices, even institutions, the Internet could begin with the particular qualities of local concerns and struggles and then expand beyond each to an aggregation of many. In this way it might facilitate the development of a

shared normative vision with a wider reach and greater presence than anything possible at the local level.

This process would imply a noncosmopolitan version of human rights that reconfigured how legal rules relate to geographical venues. That is, it would contribute to human rights not as an immediately global phenomenon beyond the nation state, but as something locally constructed with aspirations to eventually global recognition and practice. Such a process would not require novel political units of a transnational kind. It could first facilitate the local construction of human rights even for persons who were not members of the constructing community (and thus not immediately subject to that community's rules and jurisdiction).

(b) To be sure, a community's particular history and collective experiences can exercise a powerful moral force within that community. By means of digital communication, that particularistic force might be brought to resonate, at least in part, with the universalistic idea of human rights. Resonance would be achieved where communal members of that community freely identified with a set of human rights principles instead of only with the particular understandings of their particular community (to identify with such principles is not necessarily to agree on specific outcomes or policies, of course).

A post-national political identity, robustly moving the nation state in the direction of a human rights state, would be prescriptive and binding. It would provide channels through which individuals who author their own human rights could exercise some influence over national policies and laws in a human rights-relevant sense, incorporating elements of national policies and laws without compromising their potential to support human rights. Mine is an argument for finding the normatively universal in the particular: a citizen of a human rights state would enjoy local liberties that follow from human rights that aspire to global validity. One all too brief stage of the French Revolution offers a historical precedent: Article 4 of the *Acte constitutionnel du 24 juin 1793*, defining "l'état des citoyens," provides that "Tout homme né et domicilié en France, âgé de vingt et un ans accomplis; tout étranger âgé de vingt et un ans accomplis, qui, domicilié en France depuis une année, y vit de son travail, ou acquiert une propriété, ou épouse une Française, ou adopte un enfant, ou nourrit un vieillard; tout étranger enfin, qui sera jugé par le Corps législatif avoir bien mérité de l'humanité, est admis à l'exercice des Droits de citoyen français." Here the universalistic quality of a particularistic national constitution endows every adult foreigner, resident in France for at least one year, with the same rights as

the French citizen. In just that sense, the architectonic of a human rights state's constitution would have universalistic qualities, such as endowing noncitizens and citizens alike with the same entitlements, binding them to the same duties, and providing them the same protections of the laws.<sup>17</sup>

By providing some supranational rights, the human rights state would reinforce the human rights component of its citizenship. That is, it would reinforce congruence between an individual's possessing human rights and his or her being permanently subject to a specific state, to its government, and to its laws. The individual's attachment to the human rights state would then be "normatively thin": he or she would feel bound to the state not by points of cultural reference but by the state's animating principle of seeking social justice for all residents.<sup>18</sup> Here there would be no room, and little need, for adherence to a normatively thick political community. In the human rights state, the moral content of citizenship would be distinct from the state's moral content. For example, the human rights state would not pursue restrictive policies on asylum but rather ones as liberal as those of the Jacobins' constitution of 1793.

(c) Still, even in the human rights state, the individual would have special obligations to his or her particular polity as a concrete legal community. He or she would have special duties to compatriots, duties that exist only within the social and cultural borders of that community and not within the potentially global community of human rights bearers. A normative division of labor might justify the priority of particularistic duties over the more universalistic obligations of human rights (which tie the human rights state to obligations that transcend it as well). The tasks of community in its particularistic aspects concern the self-determination of a democratic people, such as enfranchisement and taxation and not merely reciprocal benefits in a utilitarian relationship among members.

Further, the individual would have particularistic obligations to family and, say, to members of his or her parish or occupation (which might well include persons quite distant from the individual's own political community) or to groups in addition to his or her political community. By itself, social proximity can hardly define boundaries of particularistic obligations. But these special obligations would derive not from the concrete community in which the individual resides but rather from the universalistic norms of the human rights state that include a normative division of labor between citizens of a particular human rights state and the rest of the world's human rights bearers. In this division, the local populace might be assigned specific responsibilities because, for example, one can more easily attend to those

geographically near than to those distant. Such an assignment would not morally excuse its addressees from a human rights-based moral obligation to those distant, but it would recognize that local resources and institutions are most efficient when deployed locally. These special obligations would contrast with a general or universalistic obligation to observe individual rights arguably more fundamental than enfranchisement, such as rights to life, liberty, freedoms of conscience and assembly, and freedom from discrimination on the basis of sex, ethnicity, race, religion, age, or national origin. In the case of asylum seekers, for example, individual decisions on application for immigration and naturalization would not be decided on grounds of any preferred language, religion, ethnicity, or level of educational achievement. Still, the community would be entitled on particularistic grounds to preserve itself in the sense of obviating burdens and conflicts that could damage public order or economic stability.<sup>19</sup> In this way, particularistic aspects of political community, such as a concrete way of life with its particular forms of social organization, would coexist with the cosmopolitan identity of a virtual worldwide community of human rights bearers. If “Citizenship is an answer to the question, ‘Who am I?’ and ‘What should I do?’ when posed in the public sphere” (van Gusteren, 1988, p. 732), then the answers in a human rights state would be inflected with human rights cosmopolitanism.

(d) The Internet shows more promise where human rights are least needed, in democratic regimes, and less promise where human rights are more needed: in oppressive, nondemocratic communities. By itself, an enhanced communicative capacity promises nothing in the way of democratic process, no more than an enhanced capacity to disseminate information necessarily empowers the members of a political community. To be sure, the diffusion of information about human rights might encourage a free embrace at the local level, so that Internet use would here be an act of civic engagement, encouraging advocacy, protest, and new values. But by itself, that diffusion would not increase democratic participation or otherwise cultivate “digital democracy.” Computer-mediated, web-based debates might claim unequivocally democratic potential only for a very particular context: their capacity to subvert the censorship of authoritarian regimes that would both control public opinion and suppress it, for example as recently observed in parts of North Africa and the Middle East. To be sure, media of any sort are just one type of information by which we inform ourselves of our social environment and of other social environments, and only one of many factors influencing trajectories of normative realignment (such as an embrace of

human rights or of democracy). But rich communities have much greater access to digital media than poor ones, and they change culturally more rapidly than most countries in the developing world, where normative realignment in a human rights sense is more urgent than elsewhere.

## CONCLUSION

Whether the Internet, by liquefying bodies and borders, might ever come forth as a human rights resource in any community – parochial or cosmopolitan, rich or poor, democratic or authoritarian – will depend on overcoming several major obstacles.

- Digital communication will always have irreducible social dimensions. These dimensions include the material conditions necessary for such technologies; the fact that much of the meaning of what happens in digital space comes from nondigital settings; and the fact that cyberspace can hardly escape the particular values, cultures, power systems, inequality, hierarchy, and institutional orders in which it is embedded.
- The market, among other factors, limits the digital capacity for democracy inasmuch as the Internet's infrastructures are privately owned, because a large proportion of electronic networks is private and inaccessible to nonmembers, and because the Internet's openness and technology make it vulnerable to indirect control and limitations to access.
- The Internet is always vulnerable to kinds of regulation hostile to human rights: governmental authority through technical and operational standard setting for hardware and software as well as the power of large corporate interests in orienting the Internet toward privatizing capabilities.
- Electronic space is far greater in highly industrialized countries than in the less developed ones; in developed countries, it is greater for middle-class households than for poor ones.<sup>20</sup>

How might such obstacles be overcome? And what is the nature of the gap between the Internet's human rights potential and factors that inhibit its realization? The answer has to do with the relationship between nature and culture. Humans are evolved organisms with a capacity for culture. By *culture* I mean inventions of the human mind as well as changes to one's various environments guided by such inventions. Always in nature, humans also always exceed biological existence by "doing" culture. Central to culture is the activity of interpretation and abiding topics for interpretation are nature, what a human is, and what it means to lead a human life.

Another type of culture is technology. The political significance of technology is a matter of the cultural interpretation of a cultural product.

The cultural interpretation of cultural artifacts will itself be guided by cultural artifacts, namely by social norms. Norms are an interpretive preoccupation of any human community. People understand themselves as moral agents and that understanding is one of many in which nature and culture flow into one another. As one particular concern with norms of behavior, someone who imagines universal human rights thereby imagines man's *biological* membership in a *cultural* category. That is, he or she then regards all members of a species equally as rights possessors – as equally bearers of the cultural construct of rights. At the same time, someone imagining norms to guide his or her behavior with regard to the bodies of others thereby possesses *cultural* membership in a *biological* category. For he or she is thinking about normative guides – which are cultural – for a piece of nature, the evolved organism that we are.

How is this normative understanding of a biological category, as it finds expression in our bodies, related to a cultural product, namely, technology, that allows us to “escape” our bodies (and national boundaries), at least in the restricted sense of disembodiedness and boundarylessness in cyberspace? The answer has to do with *how* nature and culture flow into one another when humans manipulate, through technology, human presence in time and space. That flow, between the categories of nature and culture, is evident in the sorts of questions one might ask about such manipulation: why does it matter, at the level of culture, whether we manipulate ourselves in digital space? What cultural limitations might we wish to place on the mode and scope of digital engineering and why? (I answered one aspect of this question above: we should want to place legal limitations on this technology where doing so might prevent abuse.)

But the question remains: where lies the boundary between the natural bodies that we *are* and the technology we *give* ourselves? This is not a question about digital technology; it is one about the mode and scope of its use. It is a political question, one about the technical capacity to transform our political presence: how can we determine, at the level of culture, what kind of presence might be “best” for us, for example if the goal is universally valid human rights? The answer concerns how we relate ourselves to nature, including our bodies. When we do so through digital technology, nature is not that which limits us; it is not that which we are constrained to simply accept, in the sense of something that should not be at our technological disposal. Culture in the form of technology marks historical practices that, in their plasticity, reflect human will and design and the capacity to mold

and remold ideas, artifacts, institutions, practices, and norms. At the level of historical practice, we might seek to control the double-edged quality of the technology. Here we have one possible relationship between history and freedom: a politics that deploys technology in ways emancipatory rather than oppressive.

Here we also have one possible relationship between human biology and technology-creating human culture. Whereas one's genome determines one's "natural fate," political socialization – the lineages of historical traditions, and the settings of social interactions, that form the individual's personal and social identity over the course of a lifetime – determines one's "cultural fate." The human rights potential of the Internet might be realized if natural and cultural fates were to flow, in ways facilitated by technology, into one another such that all members of a species could then be regarded as possessing the same rights, rights that could only be human rights.

Whereas our natural fate might never become an Enlightenment project of optimization, our cultural fate certainly can, for example in the political optimization envisioned by the universalistic quality of Article 4 of the *Acte constitutionnel du 24 juin 1793*. That quality concerns social norms. Humans has no objective knowledge of values beyond moral insight, a fact reflected in our disagreements about the nature and extent of human rights. For the human species has no species-wide normative viewpoint, no cultural guide to how our species might best understand itself ethically. Thus disagreements are inevitable among competing approaches toward a species-wide ethics. As a matter of empirical observation, the ethical conceptions of particular political communities do not harmonize with some universal self-understanding of humans. Correspondingly, there is today no universal cultural consensus on protecting the rights, dignity, and self-determination of the individual, although in liberal democratic polities one finds a limited repertoire of norms and values that concern the protection of the individual's rights, dignity, and self-determination.

For the Internet, the question becomes: is even this limited repertoire challenged by technological developments in digital areas? There is no cultural consensus on the kind of technological manipulation we humans might want. On grounds both conceptual and practical, where might we, in political community, draw the line between desirable and undesirable technological manipulation? Where might we best draw the line between digitally facilitated disembodiment that furthers human rights, and disembodiment that undermines them?

On the one hand, through digital means we would unintentionally moralize "human nature" by desocializing or disenchanting the outer or

physical nature of human beings. Such a sanctification would be dubious. On the other hand, we might unintentionally re-enchant the inner or norm-guided nature of human beings if we erected artificial barriers in terms of taboos that would protect “human nature” from its capture as a matter of empirical observation by human technology.<sup>21</sup> Perhaps, any notion of the inviolability of human dignity presupposes moral control of technological capacities, to render once again morally inviolable that which technology has made available to human control.

If restricting digital disembodiment and digital denationalization is possible only as a re-enchantment of nature (and of “human nature” in particular), then doing so would “moralize” nature. That is, doing so would invest nature with socially constructed meanings that deny their own social constructedness, in this way sanctifying or enchanting nature on a basis theological or metaphysical. And human agency – in digitally manipulating the individual, for example – is limited when nature is constructed culturally as sacred or magical, as enchanted or laden with cultural taboos. Human agency is also limited by viewing human beings as something essentially “natural,” indeed with a right to their “naturalness” in the sense of being contingent on nature rather than being subject to human artifice, to technical intervention, or to culturally guided engineering – all of which would constitute an abandonment of man’s “naturalness.”

The digital manipulation of the individual could only be regarded with the greatest mistrust and misgiving if the “technologicalization” of the human body constituted something like a transgression of natural boundaries. Rather than re-enchant human nature, and rather than viewing the individual as having some kind of “essence” that entails a proper destiny, political community might best refrain from socially constructing individual life as possessing some metaphysical essence that endows it with a telos or destiny or as part of a natural order capable of being violated in sacrilegious ways. Rather than according non-manipulated life a moral weight of its own, we humans might better engage in an open-ended weighing of social and moral goods, guided by notions of the human rights we seek to facilitate in part by technological means.

## NOTES

1. A provisional definition inasmuch as even core features of the Internet change constantly; rapid technological innovation requires equally rapid redefinitions.

2. See, e.g., [McChesney \(2000\)](#).

3. Of particular concern is the power of Western culture over many of the world's other cultures, especially in developing countries. But concern is warranted within the West as well, for example within the European Union, about cultural homogenization across Europe as well as through American popular culture.

4. As so often in the digital revolution, trends are mixed. On the one hand, the chasm between elites and marginalized groups within any society only increases while the cosmopolitan governing elites residing in the capitals of various developing countries tend to share worldviews and lifestyles with Western elites. On the other hand, diversity of Internet content has increased significantly (along with Internet access) since the 1990s when the Internet was dominated by the United States and other postindustrial countries.

5. Another relevant dimension is generational cohort; in developing countries, for example, younger cohorts tend to be more educated than older ones.

6. Other media also attract relatively distinct clienteles; newspaper readers, for example, tend to be less religious and more inclined to economic liberalism, like cybnauts, yet unlike cybnauts, more nationalistic (Norris and Inglehart, 2009, p. 282).

7. The phenomenon of disembodiment is not new nor is it confined to digital communication. The legal sphere in particular has long engaged disembodiment: the modern corporation, for example, has legal standing analogous to a human subject yet without a human body. And last wills and testaments, as well as assorted codicils and covenants, realize the intentions of a deceased legal subject, that is, a legal subject who no longer has a body. Such legal arrangements create bodiless beings; they endow nonbodied beings with legal content (cf. Boltanski, 2009). By contrast, digital disembodiment involves the temporary, online persona of someone very much embodied.

8. Goffman (1961) makes this point with regard to "total institutions" (the Internet is no such institution). Mental patients, for example, are determined in their reactions and coping mechanisms less by their illness than by the psychiatric institution to which they have been committed. Total institutions constitute a kind of "counter world" to everyday mainstream society. But they also model that society in the ways that social extremes can illuminate social "normality" (where "normality" defines itself in part by excluding behavior and beliefs that deviate from its norm).

9. Pace Johnson and Post (1996).

10. For a critique of one liberal ideal of universal citizenship, see Young (1995).

11. See Rummens (2006) on the cooriginality of private and public autonomy as the possible coexistence of two sources of political authority: in liberalism, the rule of law; in republicanism, the will of the people.

12. For empirical evidence that lends limited support to the claim that political deliberation generally renders participants more thoughtful and considered in their political understanding and analysis of contested issues, see Druckman (2004); Fishkin and Luskin (2005). To be sure, small-scale samples can only model, but not accurately represent, large-scale communities.

13. For empirical examples of legitimation through deliberation, drawn from political institutions, see Steiner, Bächtiger, Spörndli, and Steenbergen (2004); for examples drawn from daily life, see Conover and Searing (2005).

14. See Gregg (2012a) for a theory of human rights as socially constructed.

15. Cf. *ibid.*, chapter 4.

16. Cf. *ibid.*, chapter 9.

17. Most provisions of modern constitutions are indifferent to the affected person's membership status, so the human rights relevant constitutional privileges would characterize only a small portion of the document.

18. See Gregg (2003) for a theory of "normatively thin" politics as distinguished from "normatively thick" moralities, and Gregg et al. (2012c) for various empirical applications of that theory.

19. In the case of economic immigrants, by contrast, special membership-based duties likely would not take priority over universal obligations that transcend state boundaries.

20. All of these factors are dynamic. Social dimensions in any political community are always mutating. The market is usually several steps behind the most recent technological innovations and it struggles to keep pace. Governmental regulation is predicated on political processes themselves contingent on ever shifting constellations of power and the outcomes of renewed competition among elites that wield it. And global patterns of wealth and technology are affected by the always shifting costs of labor and production, for example, or the increased integration of developing countries into the global market following developments in national policy or perhaps large-scale political upheavals. Static categories of inquiry cannot illuminate such vibrant categories of social experience; analysis adequate to such phenomena must itself be dynamic.

21. For an examination of this route with regard to genetic enhancement, see Gregg (2012b).

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