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THE PROBLEM OF DEFINING THE CONTENT OF "ELECTRONIC DEMOCRACY» CONCEPT

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Abstract

The article is devoted to the criticism of existing ideas about the content of the terminological construction "e-democracy". Such criticism is possible only on the basis of the material foundations' analysis of a particular democracy model. When the socio-economic foundation changes, the process of formation of a new concrete historical form of democracy (Polis, feudalistic, bourgeois, socialistic) begins. Recently, the liberal, social-liberal, and neoliberal models of democracy were the different stages in the evolution of bourgeois democracy. Currently, we can observe the formation of another model – an e-democracy. Many researchers associate it with hopes for overcoming the existing crisis phenomena in society and the public administration system. The authors of the article analyzed the forms of citizens participation in the management of state affairs that modern e-democracy provides, and conducted a critical analysis of existing approaches to understanding the term "e-democracy". As a result of the research, it was found that e-democracy is the next stage of evolution of a well-known concrete historical form of democracy (bourgeois). E-democracy does not bring qualitative changes to the system of public administration, does not overcome the alienation of the majority of citizens from government, remains the power of a minority and has an elite character. The process of digitalization only provides new opportunities to facilitate the transition to a new model of democracy, but it does not ensure this transition itself.

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1. Introduction

In modern legal, political, and social science, "e-democracy" is often discussed as a new phenomenon of the modern world. However, there is still no general understanding of this terminological construction, which refers to the new quality of the political regime, specific political institutions, certain trends in socio-political life, etc. Based on the direct meaning of the terminological construction "e-democracy", it is most logical to speak about a specific historical form of democracy as a kind of political regime that replaces the previous forms. This understanding is relevant because political leaders around the world are increasingly talking about the crisis of modern state and political systems and the need for radical changes. Fair indications of the existing alienation of the majority of citizens from political decision-making mechanisms are not accompanied by constructive suggestions. A number of researchers have high hopes for e-democracy, but to what extent are these hopes justified?

2. Problem Statement

The modern system of public administration is increasingly subjected to well-deserved criticism, and politicians and researchers are increasingly talking about the crisis of modern democracy. In modern science, there are often voices of optimists who claim that digitalization processes can lead society to the threshold of a new form of democracy. This new form of democracy, in their opinion, will be free from the shortcomings inherent in the modern model of public administration. Various approaches to understanding the terminological construction of "e-democracy" are suggested. However, all these approaches are based on idealistic grounds and do not take into account the fundamental processes taking place in the socio-economic sphere. Even superficial criticism shows that the existing concepts of e-democracy as a new system of public administration that can solve the existing problems of society are not viable. The problem lies in the contradiction between the idea of e-democracy as a new stage in the development of the state and the existence of a justification for this approach that would not contradict the principle of historicism.

3. Research Questions

The research questions for this paper were: how well founded is the thesis about e-democracy as a new stage in the development of the state? To solve this crucial question, it is necessary to answer a number of auxiliary questions: What approaches to understanding "e-democracy" prevail in modern science? What specific historical forms of democracy does the history of human communities know? What unites such forms of modern democracy as liberal democracy, social-liberal democracy, neoliberal democracy? What is common and special about the concrete historical forms of democracy known in the modern period (since 1917)? Can we identify the fundamental differences between e-democracy and other concrete historical forms of modern democracy?

4. Purpose of the Study

Understanding "e-democracy" as a new concrete historical form of democracy, we face a serious problem: this phenomenon is in the process of becoming, and therefore it is impossible to fully identify its

characteristic features. Accordingly, the process of identifying the characteristic features of "e-democracy" inevitably involves a significant element of forecasting, constructing this form as a result of current trends in social and political development. These trends can be identified with much greater confidence. We can identify them by examining the previous concrete historical forms of democracy. Legal scholars often make a serious logical mistake when they transfer the characteristics of representative democracy in the second half of the twentieth century to all other concrete historical forms of democracy. That is, they understand the specific concept as generic. The purpose of the study was to identify the content of the concept of "e-democracy" from the position of historical and materialistic analysis. To achieve this purpose, several research tasks were set. To establish a cause-and-effect relationship between changes in the social and economic sphere and the emergence of new forms of democracy. To identify the main concrete historical forms of democracy. To identify the general properties and differences of concrete historical forms of democracy. To identify the main modern approaches to the understanding of the term "e-democracy". To conduct a criticism of existing approaches.

5. Research Methods

The study is based on historical materialism. This approach involves identifying essential qualities and secondary features depending on concrete historical conditions. Understanding current trends in the evolution of the state-political system is carried out through the dialectical method. The identification of contradictions allows revealing the problems of modern model of democracy and the critical shortcomings of existing approaches to defining the concept of "e-democracy". E-democracy, like any other form of democracy, is seen as a phenomenon at a certain stage of evolution. The use of the comparative method makes it possible to identify common properties and differences inherent in certain specific historical forms of democracy. Abstraction allows to distract from unessential properties and to identify common grounds for a number of specific models of democracy.

6. Findings

Human society known various concrete historical forms of democracy that differ not only in their localization in time and space, but also in their special characteristics, so that the content of "democracy" concept has changed significantly. For example, in primitive society we see the so-called "military democracy", which features the equal participation of members of the tribal or territorial community in the management of society's affairs. During the establishment of the patriarchy, the number of politically active members of society is limited to men who can carry weapons. As property stratification appears and increases, the nature of democracy changes significantly: members of the same community no longer have equal access to management, and unequal groups of politically active citizens appear in ancient Eastern and ancient Polis. They are distinguished on the basis of property qualification (classic examples are the reforms of Solon and Servius Tullius). Different groups of citizens have unequal access to political functions, and there is an active struggle within the civil community to extend political rights to the wider segments of the Polis' citizens. However, in addition to citizens within these societies, there are a significant number of non-citizens and slaves who are not considered as subjects of public law relations at all. As we can see, this

"slave-owning democracy" has significant differences from the "military" of the previous period of society development.

In the context of the formation of the feudal system, changes are gradually taking place in the political and legal sphere, leading to the emergence of a new concrete historical form of democracy. This form is "feudal". At the early stages, it involves the concentration of power in the hands of a narrow circle of secular and ecclesiastical feudal lords. In the course of the further evolution of "feudal democracy", the circle of subjects of political activity is expanding, and class-representative bodies appear that represent the interests of not only large feudal lords, but also the middle and small nobility, wider number of the clergy, and well-to-do citizens (Parliament, General States, Assemblies of the Land, etc.).

Finally, based on the transition from the feudal to the capitalist mode of production, classical liberal democracy emerges, implementing the interest of large and medium-sized owners of capital through representative bodies. At the beginning of its evolution, "bourgeois democracy" also has a strong elitist character. Its further development was a process of gradual expansion of political rights to a wider and wider population. As a result, after the Second World War, "bourgeois democracy" largely turned into "social-liberal", assuming the possibility of participation in political life for the majority of society.

At the same time, the social and economic foundations have not fundamentally changed: the economic basis of the state and law is still private ownership on the means of production, economic power is in the hands of a narrow group of such owners, so there is no real reason to change the model of democracy. It is not surprising that in parallel with the transformation of the "liberal" model into a "social-liberal" model, various elitist theories became more and more widespread, which in one way or another explained the need of political functions in the hands of the ruling elites.

Some researchers talk about the transition to a new form of democracy in the late XX- early XXI centuries. This form is "neoliberal". Its characteristic features are the strengthening of the principle of inviolability of private property, the dictate of the so-called free market, unlimited individual freedom, bureaucratization, indirect but complete control over the media.

At the same time, it is important to understand that "liberal democracy", "social-liberal democracy" and "neoliberal democracy" have a common social and economic base, and therefore can only be considered as stages in the evolution of a more general phenomenon – "bourgeois democracy". The "demos", that is, the social group in whose interests power is implemented within the framework of a specific model of democracy, is the bourgeoisie. That is why we say that there is no fundamental difference between "liberal", "social-liberal" and "neoliberal democracy".

Thus, an important and urgent problem is the content of "e-democracy" concept. Is it the next stage in the evolution of the state-political model based on the capitalist mode of production, or a new concrete historical form of democracy emerging on a new economic basis?

The most concise review of the evolution of concrete historical forms of democracy shows that a new quality of the state-political model arises on the basis of changes in the socio-economic foundation. The quality change of all the considered cases meant a change in the approach to which social groups should be considered the "demos", "people", that implements public-legal functions related to law-making and management. The whole variety of Greek or ancient Eastern political systems is covered by the general understanding of the political system as a tool in the hands of a group of citizens (differentiated by property

qualification) to ensure their dictatorship over slaves and non-citizens. The change in quality occurs at a time when this tool begins to work in the interests of a group of large feudal lords, etc. through all subsequent formations.

The analyzed forms of democracy (other than the so-called "military democracy") are always the power of a minority, i.e. all these forms of democracy are more or less elitist. Liberal democracy (even in its social-liberal form of the 30-70s of the XX century) has the same elitist character, implemented through the mechanism of converting capital (primarily economic into political), through the global corruption of the media and political actors. The most striking examples of this are the increasing difference in income between the well-off minority and the absolute majority of society members, the increase in inequality and injustice in all spheres, the alienation of people from the management of social processes, and many other disturbing phenomena. As a result, protests against liberal democratic regimes are becoming more widespread. In formally democratic countries, laws are passed that cause mass discontent, i.e. they are anti-national, anti-democratic, and this contradiction is increasingly difficult to explain to the official media. The modern form of democracy is obviously in crisis and should be replaced by a new form.

Many researchers refer to "e-democracy" as a possible option.

There are several approaches to define "e-democracy":

- the first sees it as a direct democracy (participatory democracy) – assuming the increasing importance of citizens' direct participation in the management of public affairs through new digital opportunities. At the same time, the need for professional officials, politicians, and so-called "experts" is gradually disappearing;

- the concept of communitarian democracy involves interaction in the electronic space of various groups of citizens who discuss and make decisions;

- operation of the existing model of democracy in the new information environment, using advanced technologies.

Critics of the concept of e-democracy as direct democracy point out that modern people do not have many means for "direct perception of political problems", and they receive the majority of information through the media. It is fair pointing out the bias of modern media, these authors often come to the conclusion that in the conditions of the information society and the growing distrust of information sources, the implementation of the idea of direct democracy is impossible. In this context, concepts such as the "game democracy" model arise, in which citizens act in a kind of "game space" formed for them by the media (Bobrov, 2009). It is obvious that in this case, the authors from idealistic positions interpret the media as some objectively existing means of presenting information, in isolation from the consideration of who they belong to and whose interests are transmitted through them.

In addition, this approach is based on the assumption that in the future, public policy will not be focused on educating the worldview of citizens based on a scientific approach, and therefore the citizen is left to himself and only to himself in making political decisions (Bobrov, 2009). Popularization and active promotion of the scientific foundations of understanding the world within the framework of active state policy will lead to a significant increase in the proportion of citizens who consciously determine their behavior. A worldview based on a scientific approach provides the widest opportunities for understanding the world around us and effectively transforming it for the benefit of people.

In fact, this approach is an attempt to emphasize the virtual nature of a new kind of democracy, and through this, to further distance the individual from the decision-making mechanism. While the analyzed contradiction is conditional and resolvable through transformations in the social and economic basis. The concept of communitarian democracy assumes that the authorities must take into account the opinion of citizens regarding the possible consequences of managerial decisions, and therefore citizens receive expanded opportunities to express their opinion (which increase significantly with the transition from traditional media to new technologies).

Historical experience and modern practice show that this logic does not work: the government always acts for the benefit of those groups whose interests it reflects and not for some abstract "citizens" in general. Thus, as long as state structures function in the interests of narrow groups of owners, it would be strange to expect them to take into account the opinion of the general population, regardless of what expression means these citizens have.

Striking examples are pension reforms in modern countries. In particular, in the Russian Federation, more than 90% of the population directly opposed this reform, which did not stop the authorities from making this decision. In France, the pension reform has led to months of mass protests, but the government is not going to abandon the reform dictated by large capital. At the time of writing the article, the head of country announced that the reform will be temporarily postponed, but its implementation is not in doubt (Limonov, 2020).

The concept of "digitalization" unites all possible approaches, since this process is assumed by any concept of "e-democracy". The process of digitalization itself has important internal contradictions that should be taken into account when implementing its results in the sphere of regulating public relations. In particular, digitalization carries a significant anti-humanistic burden, increasing the exploitation of the majority of the world's population (this is the direction in which the process of digitalization is currently evaluated, for example, by Russian scientists who link it with the rapid growth of the unemployed in the next 10 years) (Ivushkina, 2019). There is a paradox: digitalization can give a person more free time, but in practice, the introduction of digital technologies everywhere leads to the opposite result – the restrictions on exploitation won in the XX century are removed, working hours per week are increased, and the retirement age is increased. This contradiction is perceived as a paradox until we answer the question in which society and in whose interests the process of digitalization is taking place.

In the legal literature, «electronic law» and «electronic legal relations» are of interest. It seems that the emergence and improvement of new social and legal relations in Russia continues, and the system of public relations includes more virtual components that have appeared in response to the challenges of scientific and technological progress. Parliaments in many countries are considering bills to grant robots legal personality. The issue of legal liability of robots discusses the concept of "human agent" liability. The formation of a new teaching on robot law is not scientific, although it is possible today, including in our country. However, the recognition of the legal status of robots as quasi-subjects of law raises problems of legal and moral justification for limiting responsibility for the actions of artificial intelligence.

At present, new objects of legal relations are identified in the conditions of Russian and foreign legal reality. Therefore, the most controversial are such objects of legal relations as cryptocurrencies, computer programs, and bitcoin - an electronic monetary unit. All the objects of public relations listed here are not

recognized as objects of legal relations. At the same time, it is proposed to introduce "judicial robots", robots in the banking system. However, it is necessary to take into account that legal relations should be considered taking into account questions about the concept of law, subjects and objects of legal relations. The creation and improvement of artificial intelligence have brought a variety of points of view, in which it is difficult to agree with the scientific possibility and practical reality of recognizing the subjects and objects of electronic legal relations. People have long wondered how a non-human can be a subject of law. However, there is still no reasonable answer (Khachaturova, 2019).

Another important aspect of digitalization, which leads to a contradiction with the modern model of democracy. A potentially positive consequence of digitalization is the reduction of the bureaucracy and its influence, which leads to a conflict with the current trend of bureaucratization. In practice, despite the widespread introduction of digital means of citizens' interaction with government and self-government bodies, we do not see a reduction in the bureaucratic apparatus and its influence.

In practice, numerous statements of government officials about the introduction of "e-democracy" or "e-government" cover the facts of automation of certain functions and processes. In other words, traditional pre-information democracy is preserved under the "e-democracy" (Bobrov, 2009).

Steps to introduce "e-democracy" represent the modernization of the technical side of the entire system of state and local government bodies as a single service organization designed to provide services to the population. Citizens are considered under this concept as "customers" who have a right on a particular service (Buevich & Varvus, 2019).

At the same time, it is extremely important that a person is even more alienated from decision-making in the field of management. The management function is declared a matter for professionals who should receive special education that allows them to perform their function more effectively. As a result, an increasingly closed layer of professional managers is formed based on the postulate that the average citizen cannot understand the secrets of political science. In fact, it does not matter who performs a particular function, it is important to have public control, both in general and by groups that are affected by a particular political decision. Only in this case we can talk about a model of democracy in which power is really in the hands of the general population, and not the elite. Moreover, the very tools of public control can be successfully profaned by elites (for example, a non-functioning Institute of public hearings, etc.), so it is extremely important for citizens to participate directly in the implementation of public legal functions.

Researchers often point out that new means of interaction between citizens and the authorities will help to reduce the gap between the elite and the people (Dal, 2003). However, the very formulation of the question is very significant: we are talking about reducing the gap, not eliminating the elite form of democracy, while the very opposition between the elite and the majority of citizens remains.

At the same time, in the new conditions, another group is often singled out. This group includes people who do not belong to the elite and citizens – the so-called "experts" (Dal, 2003). Society is encouraged to rely on the opinion of "experts" who are supported by the elite, who has both the economic and political power. Moreover, the ability of citizens to express their opinions directly is declared as a serious threat to the future. Some researchers talk about the unreality of e-democracy as a special model, rightly noting that new technologies of interactive communication are used in the interests of the ruling circles represented by large companies and the state bureaucracy. By skilfully manipulating the information

flow, professional agencies engaged in the field of communication divert public attention away from topical issues and their radical solutions, and provoke the closure of the individual in the sphere of private life (Dzolo, 2010).

In this regard, political scientists who observe current trends do not see a real increase in the participation of the broad masses of citizens in political affairs; on the contrary, they note a noticeable reduction in direct forms of political participation, a drop in activity on elections, and the transformation of citizens from participants to observers of political processes (Omelichkin, 2014).

A review of the list of forms of citizens' participation in the management of state affairs provided by modern e-democracy shows that there is no question of direct or real control over the implementation of public legal functions. For example, in the Russian Federation, these forms are: 1) public initiatives directed via the Internet (Gromova & Bondaletov, 2019); 2) public discussions (including discussions of draft federal bills) (Akhmedova & Petelina, 2019); 3) improving the quality of judicial services for citizens and organizations through the use of information technologies (speeding up judicial procedures, improving the overall quality of service, increasing transparency) (Gilmanov, 2019), etc.

7. Conclusion

From the position of historical materialism, democracy has various concrete historical models. Certain types of democracy have significant contradictions in their functions and content. One of the most important contradictions lies in the elitist nature of the modern model, which results in the alienation of a person from managing social processes, from participating in the world transformation. This leads to many crisis phenomena, when formally democratic countries adopt laws that cause mass discontent, i.e. they are anti-national, anti-democratic. This situation can be corrected by moving to a new model of democracy, which, accordingly, should assume such characteristics: 1) the existence of direct democracy and opportunities to ensure it and overcome elitism; 2) overcoming the alienation of a person from politics (which is possible only on the basis of overcoming the alienation of a person from the results of their work). Technically, the digitalization process provides opportunities to facilitate the transition to a new model, but digitalization itself will not provide this transition. The introduction of new technologies, elements of the so-called "e-democracy", "e-government", etc., does not lead to a change in the existing model of democracy. On the contrary, they increase and exacerbate its inherent contradictions. Digitalization can produce its progressive results only on the basis of fundamental changes in the socio-economic basis.

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