

Proceedings of the Weizenbaum Conference

**Democracy in Flux:
Order, Dynamics and Voices in
Digital Public Spheres**

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Weizenbaum Institute for the Networked
Society – The German Internet Institute

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Democracy in Flux: Order, Dynamics and
Voices in Digital Public Spheres

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

The Double Harm Caused by Political Micro-Targeting

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political micro-targeting; data-driven; political campaign; human rights; freedom of expression; freedom of information, democratic process; public discourse.

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1 INTRODUCTION

The sophisticated psychological and technological targeting methods which had been developed by the commercial advertising industry has been leveraged by the political parties in recent elections (Papakyriakopoulos, Hegelich, Shahrezaye, & Serrano, 2018; Bodó, Helberger, & de Vreese, 2017; Chester & Montgomery, 2017, EDPS 2018: 11).

But the impact of commercial advertising is different from that of political advertising: first, political competition culminates in one common decision passed by the political community, which affects each member of that polity, whereas commercial decisions are individually made, and effect mainly the same individual. Second, commercial decisions are more or less based on rational consideration, but political preferences are to a large extent emotional (Weir, 2019). It has been observed that voters' preference for their political candidate is not influenced by debunking what their favourite has said (Swire et al. 2017). This is a signal of the audience's vulnerability in the context of political manipulation: people of all political beliefs are more prone to bias, and less likely to recognise bias consistent with their political belief (Ditto et al., 2018).

The democratic deliberative process should ideally be based on an open public discourse (Habermas, 1996), a free exchange of thoughts on the marketplace of ideas (Mill, 1863). According to some theories, the citizenry ought to develop a *general will* (*volonté du peuple*, Rousseau, 1789, Dunning, 1909). In any case, possessing a common information basis appears necessary for a society to function, to pass and accept political decisions. "In a well-functioning democracy, people do not live in [an] echo chamber or information cocoons" (Sunstein, 2007).

Political micro-targeting shares selected messages only with a carefully tailored audience. The basis of selection are the personal data of the users, traces that they leave while browsing, posting, sharing and liking.

2 VIOLATION OF THE RIGHT TO INFORMATION

This paper argues that beyond violating privacy rights of the targeted users, **micro-targeted political advertising robs non-targeted voters of the information which is communicated to the targeted voters. This violates their right to information**, which is the counterpart of freedom of expression, as expressed by Article 10 of the European Convention of Human Rights. Theorists like Dworkin, Mill, Baker, Barendt, Meiklejohn have emphasized that democratic formation of the public's political will should be based on common discussion of public matters. Expressions, especially political expressions are protected, but speech which reduces diversity and access to information, can be legitimately restricted on the basis of the European Court of Human Rights jurisprudence.

Data-driven political campaigns lead to a collision of freedom of political expression and the right to information. Paradoxically, the balancing should be made not between two fundamental rights, but the two sides of the same fundamental right. Political expressions are the most highly protected forms of expression, while access to information, and the public informational landscape as such, is also a cornerstone of the democratic system.

An important aspect of the discussion is, whether micro-targeting can be used for "beneficial" purposes. Indeed, not all uses are manipulative, malicious uses. First, even beneficial purposed applications of this method fragment the public information landscape. However, there may be situations

when this fragmentation is desired for the social good. For political purposes, micro-targeted political advertising could provide detailed information in special areas, to interested voters. For purposes of education, it could apply micro-targeted “social purpose advertisements” as ‘nudges’. For example, addressing persons with certain characteristics to inform them about healthy habits, information literacy, etc. If micro-targeted political – and commercial – advertising is liberally allowed (as it currently is), then nudges are also applicable. Where is the limit of intrusion to personal matters, and what should be the safeguards?

3 PLATFORM POLICIES

Since 2019, giant social media platforms developed their policy regarding political ads. Twitter opted for completely rejecting political ads, while Facebook set transparency rules and created an ad repository. However, this repository proved insufficient to provide information about targeting criteria, and whether vulnerabilities have been exploited (Panoptikon, 2020, Edelson, Lauinger & McCoy, 2020), and did not cooperate with researchers adequately to ensure transparency (Forbes, 2020). ERGA’s monitoring found that the databases required further development in order to provide the tools and data necessary to ensure the required level of transparency (ERGA, 2019).

The draft European regulatory action 'Digital Services Act' provides that the repository should also contain the main parameters of microtargeting and other relevant data (Article 30, DSA), as well as access to such data (Article 31) – but with significant exceptions (Section 6. Article 31).

The paper's novelty lies in translating the violation of individual rights into collective rights – the right to information and a fair political campaign. Based on a legal analysis of fundamental rights, and the case law of the European Court of Human Rights, it makes a statement at the intersection of political theory and communication theory.

The topic is likely to raise discussion for some reasons. First, because the freedom of political expression is a very strong fundamental political right, and its restriction – even if it would affect only certain types of transmission – is a delicate issue. Moreover, the class which is the most affected, major political parties, are counter-interested, as they would benefit from this practice, which can be best leveraged by financially strong actors. Second, there is a current dispute around the concept of fragmentation of the public sphere, and the interpretation of its consequences.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Who Can Still Afford to do Digital Activism?

Exploring the material conditions of online mobilisation

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KEYWORDS

Social movements studies; digital activism; digital inequalities; feminist studies

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1 INTRODUCTION

As digital activism is now considered a widespread form of activism, studies about its impact and tactics have expanded. Whilst majority of current research into this phenomenon (Treré, 2018; Bennett and Segerberg, 2012; Postill, 2012) have tended to analyse the impact of digital technologies on *action* and *activism* (its nature and impact), this study adopts a different perspective as it will be exploring the role of *organisations* and *organisational structures*, focusing on internal processes and functioning of digital campaigning. Based on ethnographic observation and face-to-face interviews with members of online campaigning organisations, the paper aims to present an updated study of digital organising and reflect on the initial findings about the role of women in the *digital activist labour*.

2 RECOGNISING THE DIGITAL ACTIVISM LABOUR

Originally based on the so called ‘MoveOn model’, built around the structure of the famous US online campaigning organisation, digital first campaigning has been often depicted as a form of ‘*organising without organisations*’ (Karpf, 2012). In this view, digital activism seems to appear as an immaterial phenomenon that happens almost spontaneously as a result of self-organising processes, facilitated by the use of the Internet and amplified through social media.

Since the times of MoveOn, digital campaigning organisations have instead become increasingly professionalised, as their role of intermediaries between activists and institutional political actors is increasingly needed. As one member of staff from an online campaigning organisation once said to me: “*the time when one could share a petition on social media and attract huge attention have since long go. We need to accept the fact that we might never have a campaign that gets viral. We need to work much harder and for less visibility.*”. What this quote exemplifies is the awareness from those who operate within these organisations that times have shifted, as the online space has become more crowded, and more work and better infrastructures are needed in order to develop new tactics and campaigns strategies that can mobilise people and have impact.

In her recent book studying a workers’ rights movement in North Carolina, Jen Schradie (2019) interestingly presents the finding that those groups who are better-resourced, have developed solid infrastructures, hierarchy of decision making, clear division of labour, are simply the most effective and those who benefit the most from the use digital tools for activism. The reasons to forward what Schradie calls the ‘*digital activist bureaucracy*’ are many, including to bring the attention back to the material conditions of work and precarity, hierarchy and exclusion that many who work in this field have to face. For the purpose of the Weizenbaum conference I will focus on one key aspect, which is the conditions of women within the structures of digital labour, as this is very much a neglected area also for social movement research more broadly (Batliwala and Friedman, 2014).

3 FEMINISM AND DIGITAL ACTIVISM: A COMPLEX RELATIONSHIP

Whilst some scholars (Tarrow 2011) initially identified feminist principles and values as being at the core of new digital social movements, recently more critical perspectives on the current evolution of feminism in the digital space are emerging (Jouët, 2018; Fotopolou, 2016; Baer, 2016; Boler et al 2014). Drawing on feminist studies of activism (Bhattacharjya et al. 2013) this paper argues that inequalities can be built and perpetrated within social movements themselves, even when

women are participants and women rights campaigns are prioritised. Moreover, the argument that this paper aims to bring forward is that these inequalities could possibly even be exacerbated in time of digital activism in at least two ways: 1) by introducing new forms of discriminations; 2) by creating an aggressive online environment against women.

On the first point, scholars of digital movements have for instance revealed discriminatory dynamics happening from within these movements, as women are relegated to forms of ‘connective labor’ (Boler et al 2014), which are gender specific forms of invisible labour in the area of social media and storytelling. These points deeply resonated in my interviews, as the women I spoke to all reflected on the male predominance in the Tech teams, and the difficulty of addressing the gender unbalance (in organisation that were otherwise predominantly made by women), as applications for tech roles were very rarely coming from women tech experts. One interviewee interestingly highlighted how members of the Tech team were not clarifying important tech functionalities or avoiding to explain the technology used for specific tactics, as in their own words those women not in the Tech team “*don’t need to understand that.*” in this way affirming a sort of *epistemic exclusion*. Aristeia Fotopolou (2016) also highlighted how feminist organisations experience new forms of exclusion of access to the digital networks, based on skills, resources and age. These findings are confirmed in the research from Josiane Jouët (2018) carries out in France, which reflects on the changes that feminist online groups have witnessed regarding the biographies of the women involved and the style of leadership and organizing: “*(...) activists are mainly young, in their late twenty or thirties (..), belong to the middle or upper-low classes, and many have reached at least the first level of higher education*” (Jouët, 2018). The young women that Jouët interviewed were fully aware of the need to develop very good communication and digital skills, also in order to avoid depending on male tech-experts. As a consequence of these shifts in profiles, interests and knowledge of these young women activists, the study reveals how new professional figures and ways of working have emerged in this area. These new ‘leaders’ in fact often belong to the media sphere and are communication and digital experts.

On the second point, it emerged from my research that whilst on one hand women are enabled by online activism to take action without “*having to take the streets*”, still online activism is not protecting them from attacks and violence. Scholar Sarah Banet-Weiser has for instance recently highlighted (2018) how at the same time when girls are encouraged to play a central role in the new digital world, and as forms of *hashtag* feminism seem to have been so successful, there is an increase in online misogynistic movements which undermine positive change from happening. Her analysis points to the perverse effect of the ‘*economy of visibility*’, as women activists are keen to be visible and develop strategies to maximise their exposure (Jouët, 2018), they (perhaps) inadvertently end up feeding the same algorithmic logic that is giving visibility to the increased misogyny online.

The implications of digital forms of activism on feminist movements are multiple and complex to explore. Even those authors (Baer, 2016 and others) who recognise the great potential that digital platforms have for disseminating feminist ideas transnationally, do in fact raise important questions regarding how digital activism has been impacting feminist protest culture and the advancement of feminist values in deeper ways. This paper aims to provide an initial contribution in this area and open a debate, which is currently missing within the wider digital activism scholarship.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

**Media Literacy and the Protection of
Minors in the Digital Age**

Intermediary initiatives during the transposition of the AVMS
Directive in Spain

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The Audiovisual Media Services Directive (AVMSD) was adopted on 28 November 2018 and published in the Official Journal of the European Union (EU). The consolidated text of came into force on December 19, 2018. The revised AVMSD aims to adapt to the new digital media ecosystem, market developments and technological advances, and applies to broadcasters, video-on-demand and video-sharing platforms. It aims to ensure enhanced protection of minors against harmful content, improved accessibility of audiovisual communications for persons with disabilities, redefined limits of commercial communications, promotion of European works on video-on-demand platforms' catalogues, self-regulatory initiatives, and strengthened independence of national media regulatory authorities (Mutu, 2018).

In the light of these legal changes, this study aims to discuss the regulatory responses and initiatives undertaken by relevant public authorities and intermediaries during the transposition of the AVMSD into Spanish domestic law. Specifically, the analysis focuses on the activities undertaken by the competent state and regional media regulatory authorities and various stakeholders (defined as regulatory intermediaries) in relation to the amendments of the AVMSD aiming at strengthening the protection of minors and viewers in general from potentially harmful and prejudicial content on linear audiovisual programmes, video-sharing platforms, and social networks. As the study shows, intermediaries played an important role in the elaboration of the Spanish Draft General Law on Audiovisual Media (LGCA) by providing information, issuing statements, positions or taken other initiatives regarding the transposition of the AVMSD.

Stakeholders situated outside the public regulatory arrangement are defined in prior research as regulatory intermediaries or meta-regulators (Havinga & Verbruggen, 2017; Levi-Faur & Starobin, 2014; Abbott et al. 2017). Recent academic work advanced theoretical models to explain the role played by intermediaries (Graeme & Renckens, 2017; Jordana, 2017; Van der, Heijden, 2017), including the R (regulator) → I (intermediary) → T (target) basic model. R represents the regulators with authority to regulate the target T. The intermediary is defined 'as any actor that acts directly or indirectly in conjunction with a regulator to affect the behavior of a target. (...) Its role can be formal or informal; its participation can be driven by functional or power considerations; and it can serve public or private interests' (Abbott et al., 2017: 9). Intermediaries 'can be facilitators and mediators, enhancing trust and strengthening 'regulatory dialogues' between regulators and targets, and helping them to collaborate in improving the effectiveness of regulation while lowering its costs and adverse implications' (Abbott et al., 2017: 17-18). The role played by stakeholders/intermediaries in audiovisual media regulation can be best discussed in relation to the rise of regulatory pressure on industry-driven actors including internet intermediaries such as search engines (Google), video-sharing platforms (YouTube) and social media networks (Facebook, Instagram, Twitter) that were given editorial duties and responsibilities under the AVMSD. 'Meta-regulators' are entrusted with self-regulatory decision-making power in regulating 'the online media content concerning hate speech, protection of minors, viral spreading of fake news on social media and the fight against copyright infringement on video-sharing platforms' (Rozgonyi, 2018: 18). Under the revised AVMSD, platform providers are set to become co-regulatory guardians of the public interest, entrusted with editorial decisions 'made by automated or artificially intelligent algorithmic systems' (Rozgonyi, 2018: 22).

This case-study analysis based on a qualitative longitudinal design sheds light on the Spanish transposition stages of the AVMSD after the date of entering into force up to the transposition deadline on September 19, 2020. Data is taken from multiple publicly available sources such as central

government information, ministerial data, and regional agencies. As of today, the transposition of the AVMSD in the Spanish legislation is ongoing. State audiovisual authorities with jurisdiction over audiovisual policy and responsible for the supervision of video-sharing platforms (the Ministry of Economic Affairs and Digital Transformation and the National Authority for Markets and Competition), and regional authorities (the Audiovisual Council of Catalonia and the Audiovisual Council of Andalusia) have initiated various formal procedures, including public consultations and public hearings. Participation was sought from stakeholders in the industry, digital platforms, advertisers, agencies, regulators, consumers and other experts and agents interested in the sector. The input gathered prior to the preparation of the draft General Law on Audiovisual Media was classified into thematic areas (Legislative Impact Analysis Report for the LGCA 2020: 42) and addressed, among others, the amendments to the AVMSD on accessibility, media literacy, VSPs, protection of minors and the general public from harmful or inappropriate content. The thematic areas ‘video-sharing platform services and ‘protection of minors and the general public’ received 37 and 36 responses out of 60 contributions. The main issues raised were related to the application of audiovisual regulations to new media and new forms of consuming audiovisual services, the criteria for rating content by age, the use of descriptors reporting content that is harmful to children and information on screen by all types of service providers, parental control mechanisms and age verification systems for services provided over the internet, enhanced protection schedules, and the review/strengthening of the penalty system (Legislative Impact Analysis Report for the LGCA 2020: 43).

Results show that various initiatives were undertaken with the aim to reinforce the protection of minors and viewers in general. As an example, the initiatives undertaken by the Audiovisual Council of Catalonia (CAC) include: the launch of the Platform for Media Education aiming at promoting digital media literacy; the signed cooperation agreement with various medical associations and colleges of physicians aiming at combating fake news related to health issues and promoting research into the effects of online gambling and gambling advertisements. The ‘#AMiNoMenganyen’ (#theycantfoolme) campaign was launched by the CAC, the Catalan Broadcasting Corporation and ‘la Caixa’ Social Welfare Center aiming at promoting critical thinking, a responsible usage of technology, news information and social networks, and at warning about the dangers of cyberbullying, fake news, and threats to digital privacy. In addition, in May 2019 the Audiovisual Council of Catalonia¹ asked for the withdrawal of 12 videos from YouTube that featured cybercontrol in teen dating. YouTube responded to the request and withdrew 11 of the 12 videos.

Various actions and initiatives were also undertaken by stakeholders including civil society organizations, NGO’s, academia, news media outlets, industry associations and other public interest groups, regarding the promotion of media literacy, the protection of minors on the internet, the protection of children and youth exposed to online gambling and subliminal advertising etc.

To sum up, the analysis reveals that Spanish domestic authorities and intermediaries have been successful in framing the main issues related to the revised Audiovisual Directive and that, consequently, various initiatives and actions have emerged. Further research is needed to evaluate the transposition and implementation process.

¹ The press releases are available at <https://www.cac.cat/es/actualitat/cac-pide-la-retirada-12-videos-youtube-que-justifican-cibercontrol-las-mujeres-ambito-la>.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

**Public Opinion and its Influence on Cyber Crisis
Decision-Making Processes**

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Cyber incidents have undergone an escalatory trajectory in recent years. In the quantitative dimension, we have noticed an increase in cyber-attacks. Meanwhile, the qualitative impact of cyber-attacks has increased. It is not solely a game of information theft anymore: Actors are using cyber means to destroy targets in the digital realm and increasingly the physical realm in particular targets that are part of critical civilian infrastructures, such as electronic grids, dams, and harbors (Burgers and Farber, 2021). We observe the rise of what we refer to as *societal-level cyber-attacks*: Cyberattacks, targeting critical civilian infrastructure, whose impact is foremost noticed by civilians and which blur the lines between the civilian and military domain. This is part of a larger development in which the civilian domain is becoming increasingly part of the (military) conflict domain. To paraphrase Zac Rogers (2019) “populations, not soldiers, are now on the front lines.”

If populations are becoming part of a conflict, the frontline even, we argue it is imperative to understand the societal dimension of cyber conflict. If societal-level cyber-attacks turn cyber conflict into a society-centric conflict, it seems imperative that we understand what Levite and Shimshoni (2018) refer to as the social dimension. In their essay, the authors illustrate the importance of the public and its role in society-centric conflict (Ibid, 2018). As such, we argue we must develop an understanding of what we refer to as *society-centric cyber conflict* (Burgers and Farber, 2021). Rovner (2021) illustrates how to date, a limited understanding of how societies could react to such cyber-attacks exists. What happens if society becomes subject to possible blackout and lapses in social order due to cyber-attacks? Rovner (2021) argues that societies could pressure their political leadership to seek a settlement with the attackers. However, what if populations react the opposite way, and demand a robust and forceful response, possibly even with conventional military means against an adversary? To date, due to the absence of hard data, it remains speculation how societies would react and how their reactions could shape the question of how political national-level leadership would react to societal-level cyber-attacks.

What is clear, however, is that those cyberattacks are increasingly becoming a pressing issue for societies. Polling by institutions, such as the Pew Center, has illustrated that cyber threats are increasingly on the broader public’s radar. In Japan, which we are based, a 2018 survey by Pew Center illustrated that 81% of the respondents view cyber threats as the top security threat (Poushter, J. and C. Huang, 2019). Respondents in other nations, such as the Netherlands, South Africa, and the United States, mark cyber threats as their primary threat, albeit with lesser percentages. These numbers illustrate a significant public fear of cyber threats and -conflict. However, beyond this broader perception, we have limited detailed understanding of how the public would react to a high impact, high visibility societal-level cyber-attacks, which would cause (national security) crises.

It is important to research further the public’s perception and opinion on societal-level cyber-attacks. In particular, how the public would react and demand their respective governments to react against the perceived attackers. As Klarevas (2002) illustrates, governmental reactions and the decision-making processes on how to react are influenced by public opinion (Klarevas, 2002). Foremost in democratic nations. Prior high-impact, high-visibility national security events that had a significant societal impact, such as 9/11, have illustrated that public opinion could favor and possibly demand even retaliation, at times even demanding escalatory responses from its government. Such raises the question if such is likely to in the case of successful societal-level cyber-attacks also? In particular, the absence of established protocols, rules, norms, and red lines increases the value of public opinion in the decision-making process (Kreps & Das, 2017). In this, our research builds

further on the work of Kreps and Das (2017), as well as another survey we ran prior, which reaffirmed the need for detailed research on understanding how the public perceives societal-level cyber threats and how they would react against such threats.

We are especially interested in understanding if and how the public's reaction could spur the government to react in an escalatory way. The argument that the public plays a role of significant importance in potential escalation and the decision to escalate a conflict, and go to war, is best illustrated by Howard (1979). In his famed essay "The Forgotten Dimensions of Strategy," Howard illustrated the importance of social-political dynamics and public opinions on escalatory behavior and patterns and military conflict (Howard, 1979). While Howard focused on potential nuclear conflict and escalation to military conflict in the nuclear era, we argue that his argument can, and should be, be extended to the current situation also. With societal-level cyber-attacks having a similar effect, impact, and consequences as Howard's conventional military conflict dynamics, it seems equally apt to extend his argument on the public's role and importance of escalatory behavior. Omitting the public's perception and reaction from consideration on the escalation potential of societal-level cyber conflict would omit an essential variable in this process. Howard argued that the "compliance with [...] public opinion became an essential element in the conduct of war" (Howard, 1979, p.977). In our opinion, such was the case in 1978, and such is the case today also.

To understand the public's perception and reaction towards societal-level cyber threats and attacks, we conducted surveys in both Japan, South Korea, and Taiwan – a region we believe remains under-researched in the debate on cyber conflict. In our survey, we asked respondents to respond to fictive societal-level cyber attacks and rank their responses. This survey produced exciting and unexpected insights, which we will share in our paper and at this conference. The insights gave us a first understanding if, how, and by what means the public would like to see a governmental reaction. The sum of this enabled to gain us a better understanding to which extent the public's role in determining governmental responses to societal-level cyber-attacks is escalatory or de-escalatory.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Moderating the Regulators/Regulating the Moderators

NetzDG and online content moderation in Germany

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1 THE PROBLEM OF CONTENT MODERATION

Content moderation describes the rules by which platforms decide to allow or take down content and the practices that enforce these decisions. While it has always been a part of social media (Gillespie, 2018), content moderation has received increasing public attention as hate speech and hate campaigns, right-wing extremism, ‘election-hacking’, ‘fake news’ and disinformation have become heavily debated issues (see for example Tobin, Varner & Angwin, 2017; Marwick & Lewis, 2017; Van Zuylen-Wood, 2019; Satariano, 2019; Klonick, 2021; Edelman, 2021). Content moderation practices draw sometimes difficult distinctions between hate speech, political criticism and satire and freedom of press and disinformation. They determine what we can see and say online and who can participate on social media, in what ways, with what topics and on whose expense (Pasquale, 2020). In this way, platforms can set norms of legitimate and acceptable speech and decide which content is politically and publicly relevant and which is undesired, dangerous, harmful or detrimental to public discourse (Klonick, 2017). It is this public discourse, meant to guarantee citizens political participation, freedom of expression and access to information, that is often considered essential for liberal democracies (Calhoun, 1992). Thus, content moderation touches upon fundamental values of democracy and calls for politically legitimate ways of governance and implementation.

2 REGULATING CONTENT MODERATION IN GERMANY

In 2018, Germany introduced the Network Enforcement Act or *NetzDG* as a response to the challenges of content moderation. This law obliges social media platforms to delete “manifestly unlawful” content within 24 hours and decide on uncertain cases in 7 days (Bundesministerium der Justiz und für Verbraucherschutz, 2017, p. 3353). Systematic failure to comply can lead to fines of up to 50 million euros. This was possible, because the German legal code already included speech regulations regarding for instance insults, defamation and incitement to hatred and violence. *NetzDG* refers to a total of 21 legal paragraphs it seeks to enforce (Ibid.). I present and discuss my analysis of media articles reporting on and discussing the law over a period from its initial proposition until implementation (March 1st 2017 – August 15th 2018). In order to identify different framings of *NetzDG*, I coded a sample of articles from sources across the political spectrum such as *Die Tageszeitung*, *Süddeutsche Zeitung*, *Zeit Online*, *die Welt*, *Frankfurter Allgemeine Zeitung* and *netzpolitik.org*. My analysis gives insight into the public reasoning on content moderation, major points of contestation and ethical and political challenges of regulating social media platforms. While the discussion was tied to the national and legislative setting in which it took place, it posed fundamental questions about the governance of social media platforms and the social order that reigns online.

3 FRAMING NETZDG

The threat *NetzDG* might pose to the fundamental right to freedom of expression, and to related rights like freedom of information and freedom of press, presented one of the biggest criticisms levelled against it. This was fueled by a fear of overblocking: while *NetzDG* imposed fines for the failure to delete unlawful content, it did not prohibit platforms from deleting lawful content. This was seen to create a lopsided incentive structure that would motivate companies to take down more than necessary, resulting in a restriction on freedom of expression and undermining liberal democracy. In addition, *NetzDG* was characterized as a violation of the rule of law under which juridical entities should judge the legality of speech and law enforcement should implement these judgements. *NetzDG* was interpreted as an impermissible privatization of law enforcement that signified a failure of the state

and gave too much power to private companies already characterized by a lack of transparency. Others criticized NetzDG for giving too much power to the state to interfere with public discourse. Such interference was understood as detrimental to innovation and technological progress and to the internet's spirit of freedom, openness and plurality. Regulations like NetzDG were taken as unacceptable infringements on users' right to informational self-determination and autonomy. Moreover, such concentration of power within the hands of few big actors seemed to undermine the decentralized character of the internet which was believed to enable free exchange in a market-like structure.

Proponents of the law on the other hand saw NetzDG as a strong move by the state to uphold the law and the rule of law on the internet. NetzDG appeared as a necessary step to implement legal certainty online and get internet corporations 'under control'. Such state engagement was understood to transform the internet's lawlessness, chaos and anarchy into a space of democratic exchange within the rules set by the law. By implementing instances of regulatory control, it was also found to present a means of protecting social media users as consumers against overbearing companies and opaque and discriminatory algorithms as well as against malicious actors who exploited algorithms for their own gain. In this view, NetzDG was an attempt to hold companies accountable and force them to take up the social responsibility that came with their power and societal function. By enforcing existing legal regulations tailored to this purpose, the law was held to contribute to the creation of a public discursive space online. This space was envisioned as inclusive, constructive and safe, enabling everyone to participate by protecting them from harassment, intimidation, discrimination and silencing.

4 CREATING DIGITAL DEMOCRACY

The controversy over NetzDG can be read as a broader controversy over the future of digital democracy. The discussion asked difficult questions about the limits of freedom of speech, but also prominently featured questions about the institutional arrangements and practices best suited to draw these lines and decide on and enforce deletion practices. While all perspectives claimed to support open and plural discourse as a way to enable and sustain liberal democracy, they had very different visions of how this discourse should look like. They centered different values such as freedom of expression, the rule of law, legal certainty, law and order, consumer protection and corporate accountability, and different aspects of these values. They evoked a diverse set of potential governing mechanisms meant to bring this discourse forth. These included civil liberties defending against overbearing state interference and enabling a 'marketplace of idea', the institution of 'the law' and law enforcement online, state engagement and consumer protection or, following early internet utopias, decentralization and personal autonomy. These stood in as abstract yet potent *sources of democratic legitimacy* for governing online content and speech and promised a politically impartial and procedurally sound basis for designing a public sphere that was both located within the confines of *and* produced democracy.

But the technologies themselves and the particular socio-technical conditions reigning on social media also complicated these 'old' ways of responding and gave rise to new questions about the design and governance of public discourse online. How are different frameworks to be applied to contemporary social media platforms? What are the roles and responsibilities of governmental institutions and state agencies, of corporate actors and platforms and of citizens and users online? How can and should they act on the internet and relate to each other? What kind of power are they supposed to carry? The different framings of NetzDG here give insight into a particular set of ways in which social media platforms *could* be governed, their ways of socio-technical ordering as well as their limits.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

**What is a Structural Transformation of the
Public Sphere?**

Some skeptical remarks on the discourse of digitality

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1 EXTENDED ABSTRACT

According to Richard Rorty, the concept of the public sphere probably belongs to the final conceptual revolution democracy has had and even needed (Rorty 1989). Another major public sphere thinker, Jürgen Habermas, has dealt extensively with just such a conceptual revolution in his seminal work “The Structural Transformation of the Public Sphere” (Habermas 1989). Both observations by Rorty and Habermas serve as a starting point for theoretical inquiries into the following assumption: For all the changes digital technologies bring about, they do not force a seismic shift in concepts of political public spheres in theories of democracy. Like the rise of the normative concept of civil society before (Cohen, Arato 1992), the emergence of digital communication had long been couched in evolutionary master narratives of ascending freedom, rising communication and broadening democratic participation, in short: a more direct and representative public sphere and thus a more reasonable public opinion. The discourse of digitality, while often sophisticated, reflexive, and self-critical, is not immune to such normative narratives of deliberative improvement (e. g. Rheingold 1993, Dahlberg 2001, Fromkin 2003, Bohman 2004, Benkler 2006, Sunstein 2007, Münker 2009).

In the face of certainly new possibilities of the digital communicative means of production, questions concerning central political communicative relations of production have not fundamentally changed, for example: quantity and quality of participation, delegation or representation, general will formation, different forms of public opinion for power control and legitimacy, and responsive and accountable political decision making. Hence, it is here pointed out that digital public spheres do not necessitate new understandings of political public spheres or democracy. Rather, the normativity of digitality has come full circle and faces the same old questions of political theory, just like previous new media (books, newspapers, radio TV, satellite) or once novel concepts of collective agency (proletariat, civil society).

One aim of my contribution is to point to potential critical questions on what it might mean to speak of structural transformations of political public spheres in modern democracies. In order to do so, one possibility is to advocate for a more general, theoretical, historical and comparative approach to public sphere research. The argument is expounded in two steps: First, a sketch of the analytical wealth of Habermas’s concept of epoch-making socio-historical structural transformation helps to explain why it is not yet possible to speak of a sweeping new transformation of the political public sphere via digitality. Second, a glance at concepts of political public spheres, public opinion and agency offered by different theories of democracy sheds light on a central normative aspect, namely the legitimacy connection between the (increasingly lost) idea of public opinion and political institutions and elites.

1) Continuously, concepts of political public sphere transformation are narrowly linked to innovations in communication technology (daily newspapers in cafés, hourly radio and TV in living rooms, smartphones everywhere and every minute). However, digital public spheres have not yet initiated a structural transformation of democratic political public spheres understood along the line of Habermas’s seminal work. Following Habermas, a structural transformation is not just the invention of reading newspapers in cafés and debating news. Instead, he notes long term changes in basic social dimensions. His sociological analysis combines ideal types on a macro level with rich micro level observations and finds, for example, new subjective understandings of subjectivity itself (that is, mostly the individual bourgeois self of civil society). He differentiates between intimate, private and public as well as cultural, economic and political spheres. Habermas’s overall argument is quite sweeping and has been heavily criticized. For example, the historical narrative of the differentiation

of the feudal system into state and bourgeois society during the 18th century and the subsequent re-fusion of society and state beginning at the end of the 19th century is selective and imprecise. Especially the exclusion in his analysis of folk culture and the long-standing political exclusion of women forced Habermas to revise much of the idealist typology of his old model (Calhoun 1992).

Nevertheless, a main aspect of his sociological concept is that a structural transformation does not happen just because actors use new means of communication. The concept of structural transformation implies fundamental changes in social relations, economic production, cultural self-understandings and political agency and institutions (Fraser 2010). For example, institutionalization or de-institutionalization (understood as shared mental models) of collective will-formation and collective decision-making processes with the power to produce individual obligation in public and private in a democracy rely on such a structural transformation. Political public spheres are themselves institutions of this kind, shared believes of an area, space, or logic of multi-directional communication that potentially makes a political difference. In this regard, digitality very meaningfully supplements, but does not yet revise general thinking about democratic public spheres.

2) A glance at political public sphere concepts of selected theories of democracy reveals that a normatively central aspects of political thought, namely the relation between public opinion and political elites, is not substantially changed by digitality. In a nutshell, democracy in modern society is understood along the lines of a cultural civic self-understanding of subjective rights and citizenship participation in general will formation with a non-determinative view to institutionalized political decision making. The link between will-formation and decision-making is, of course, the legitimacy producing effect of public opinion. In this regard, public opinion can be described in various theoretical vocabulary. In constructivist or systems theory terms: members of a chaotic and complex society set an agenda and imagine a conscious self-regulation in the name of problem-solving (Luhmann 1970, 2010). In liberal theory terms: civil society limits a bureaucratic and possibly tyrannic state in the name of freedom and balance (Rorty, Habermas). In Marxist terms: the bourgeoisie uses state and public opinion in the name of political-economic power (Marx 1867). In plebeian terms: spectators publicly disrupt or accredit political elites in the name of populist sovereignty (Green 2016). This plurality of theoretical perspectives had been overshadowed in the past thirty years by research on and concepts of democratic deliberation (Chambers 2009).

A more general view on deliberative and especially discursive ideas of democracy promises a wider scope of epistemic analysis and interpretation. In concepts of discursive democracy, public and digital deliberation is but one mode of political action. Others are, for example, public relations, propaganda, “scut work” (Walzer 2007), or plebeian disruption, who are a vital if often troubling part of democratic public spheres. The opening and closing of discourses within a given dispositive, their communicative clashes, coexistence, and fusions hardly rely only on the available means of communication. In modern democratic political public spheres of any technological make up, they are as much a power struggle between actors to shape public opinion: competing elites, a plethora of gatekeepers, differing abilities to organize and advocate ideas and interests in processes of collective will-formation and political decision-making. Again, digital communication supplements such forms of action, but sparsely evokes new categories of political thinking. Concludingly (and contra Rorty), in social research on structural transformations of political public spheres in modern democracies novel concepts are possibly discovered more easily if theoretically diverse and historically informed paths of normatively heterogenous comparisons and contrasts are applied.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Collective Civic Engagement and Civic Counter Publics

Theoretical reflections upon a new phenomenon

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1 INTRODUCTION

The Internet has been described as public battle ground where hegemonic perspectives frequently clash (Dahlberg, 2007). Against this agonistic understanding of cyber space, studies have investigated counter publics which try to promote their own narratives and political agendas online (Kaiser & Puschmann, 2017; Toepfl & Piwoni, 2018). While previous research has more and more focused on “disruptive forces” (Bennett & Pfetsch, 2018) such as conspiracy theorists or extremist groups, this paper adopts another perspective by focusing on *civic forces* which promote democratic norms in public discourses. The public promotion of democratic norms online has recently been introduced as *Online Civic Intervention* (OCI) – a form of user participation that aims to restore deliberative debate (Porten-Che   et al., 2020). OCI so far, has adopted a micro-level perspective neglecting theoretical considerations for the meso- and macro-level. This paper wants to fill this gap by introducing the concepts of *Collective Civic Engagement* (CCE; meso-level) and *Civic Counter Publics* (CCP; macro-level).

Both concepts originate from the observation that people speak up against the violation of democratic principles in online discussions which can be derived from deliberative theory (Friess & Eilders, 2015). While these civic interventions are naturally performed by individuals, we have also seen the emergence of online activist groups such as the *Iam-here-Network* (Iam-here-network, 2020), *Reconquista Internet* (Garland et al., 2020), or the *International Network against Cyber-Hate* (INACH, 2020). These groups envision to improve online discussions by promoting deliberative norms such as rationality, empathy, and civility. Group members are regular citizens who engage with some sense of common good orientation. Therefore, we characterize these activities as a form of *civic engagement* (Adler & Goggin, 2005). In addition to that, these activity patterns resemble those investigated under the term of online collective action (Harlow & Harp, 2010). Thus, we investigate such behavior under the term *Collective Civic Engagement* (Friess, Ziegele & Hainbach, 2020).

While collective civic engagement can be researched on the meso-level in terms of internal organization, social constitution, and group identity, it can also be considered a macro phenomenon shifting the focus towards public spheres. This macro perspective becomes accurate when we consider the outcomes of such group activities which is the overall quality of public online debates. In the following we want to make some brief remarks on online publics before discussing the concepts of CCE and CCP in more detail. We conclude with some normative reflections.

2 ONLINE PUBLICS - THEORETICAL CONSIDERATIONS

Originating in political philosophy, public sphere conceptions have influenced a broad range of different disciplines including communication scholarship. Particularly, the rapid distribution of the internet has stimulated manifold theoretical reflections on *online* public spheres (e.g., Bennett & Pfetsch, 2018; Frie  , 2020; Papacharissi, 2002). Against the backdrop of its popularity and the plurality of conceptions, the concept of the public sphere can be described as an “essentiality contested concept” (Rauchfleisch, 2017). Therefore, it is important to gain some degree of clarification. However, since an in-depth discussion of different public sphere conceptions is beyond the scope of this abstract (but see: Dahlberg, 2011; Ferree et al., 2002), we will proceed straightforward by proposing an idea how online publics can be described.

According to Habermas (1974) the public sphere is a realm of social life where public opinion can be formed. This conception emphasizes the productive character of the public sphere which is not just a communicative space where different opinions are articulated (like in the liberal tradition), but rather mutually contested and discursively (trans)formed. At the end of this process something like public opinion may emerge, which ideally legitimates public policies (Habermas, 1996). This interpretation, however, puts a very strong focus on the generation of legitimacy that ultimately safeguards democratic policy making. Other authors have moved away from this intermediating understanding, stressing the social and cultural aspects of public spheres. This goes hand in hand with the general acknowledgment that there are rather multiple public spheres than one singular public (Asen, 2000; Fraser, 1990, Poor, 2006). In this interpretation, a public is a communicative entity: “A public is a space of discourse organized by nothing other than discourse itself.” (Warner, 2002, p. 413). Warner also stresses the constitutional role of the audience without which no public can exist. Together, communication and an audience that gathers around some topic or issue provide necessary conditions to form a public.

These patterns of publics seem easily adaptable for the online environment. An online public is constituted in the moment when an audience gathers, more or less publicly, in order to discuss a topic or issue considered to be relevant for the participants (Frieß, 2020). Such publics can emerge in online forums, on news websites, or in comment sections attached to news articles on platforms such as Facebook or Twitter. Previous research has analyzed such publics in many respects. Especially, the analysis of the textual quality of online publics has received much attention. Thus, several studies have analyzed whether or under which circumstances online publics live up to norms of deliberation such as civility, rationality, and reciprocity, which are believed to be good indicators for a *democratic* public discourse (e.g., Esau, Friess & Eilders, 2017; Rowe, 2015; Ruiz et al., 2011). While deliberation is also possible to accrue online, recent research suggests that incivility is a very present phenomena in many online publics: controversial issues, such as migration, crime, or religion regularly attract high volumes of hateful and derogatory contributions and thus undermine democratic discourse (Coe, Kenski, Rains, 2014; Ziegele et al., 2018).

Reflecting the increasing dominance of such sort of discourse, Davis (2021, p. 143) has outlined the idea of *anti-public spheres*, which he defines as online spaces of “socio-political interaction where discourse routinely and radically flouts the ethical and rational norms of democratic discourse.” According to him, such discourse is characterized by a lack of reasons, reflexivity, and rationality which makes it appealing for conspiracy theorists. It is further characterized by an antagonistic attitude as well as anti-elitist, anti-statist, and anti-cosmopolitan positions (Davis, 2021). It goes without saying that such anti-publics stand in stark contrast to deliberative ideals of the public sphere and the potential benefits associated with it.

3 COLLECTIVE CIVIC ENGAGEMENT AND CIVIC COUNTER PUBLICS

It is exactly this perceived dominance of anti-democratic online communication which has attracted scientific, political, and civil society’s attention in recent years. The emergence of concepts such as *Online Civic Intervention* (OCI), *Collective Civic Engagement* (CCE), and *Civic Counter Publics* (CCP) is a direct reaction to the factual increase of what Davis (2021) has called anti-publics in which norms of deliberation are radically flouted. All concepts are closely related. However, a distinction across these concepts seems desirable.

According to Porten-Cheè et al. (2020, p. 515), *Online Civic Intervention* (OCI) is “a new form of user-based political participation in the digital sphere that aims to restore an accessible and reasoned public debate – a form of user participation that aims to restore deliberative debate.” Individuals exercise OCI by reporting, flagging, or counterarguing toxic comments. Since they do so on an individual bases, we consider OCI to be a micro-level phenomenon.¹

We have recently introduced the concept of *Collective Civic Moderation* (Friess et al., 2020), which we slightly adjust for the purpose of this abstract when we talk about *Collective Civic Engagement* (CCE). We define CCE as the systematic and concerted interventions by groups pursuing the shared goal of facilitating democratic discourse online. CCE aligns with established concepts such as *collective action* because it pursues a collective purpose (Postmes & Brunsting, 2002). It further relates to *corrective action* since CCE seeks to counteract the negative influences of certain online content that is perceived as harmful (Golan & Lim, 2016). Finally, it is a form of *civic engagement* because the group members engage as volunteers with a sense of common good orientation (Adler & Goggin, 2005). Since CCE is performed by organized groups, we consider it to be a meso-level phenomenon.

The concept of *Civic Counter Publics* (CCP) has not been introduced yet. We argue that CCE can contribute to CCP when it is able to set the tone back to civility. Nevertheless, proposing the idea of a civic counter public may seem counterintuitive since counter publics, by definition, need a hegemonic public to counter. Attaching the attribute ‘civic’ indicates that the dominant public is somehow ‘uncivic’. However, we have already mentioned that research suggests that incivility is a very present phenomenon in many online publics (Coe, Kenski, Rains, 2014; Davis, 2021; Ziegele et al., 2018). Thus, uncivil discourse can be considered to be hegemonic in some online publics that emerge around controversial issues such as migration, crime, or religion which also may be characterized to be anti-publics (Davis, 2021). However, the theoretical idea of civic counter publics stands in contrast to previous thoughts on counter publics we briefly want to recapitulate.

The academic writing on counter publics took off with the already mentioned assessment that a singular public sphere, like envisioned in Habermas’ (1989) early writings, is not suitable for plural societies (Fraser, 1990). Along these lines, Benhabib (1992) holds that “there may be as many publics as there are controversial debates about the validity of norms” (p. 105). This assumption, which also holds true for the internet, is no longer contested: “nearly all scholars of the public sphere agree that our social world is composed of multiple, overlapping, and unequal publics.” (Breese, 2011, p. 132) In this realm, Asen (2000) states that the original conception of counter publics discloses unequal power relations in modern societies. In fact, early writings almost exclusively focused on historically disadvantaged groups such as women, feminists, homosexuals, or black people (Fraser, 1990; Gregory, 1995; Warner, 2002). Thus, the term counter publics has (always) been associated with social inequality and described the individual and collective efforts to create public spaces where both group related issues and identity can be freely discussed because there was no sufficient representation or space in the dominant ‘mainstream’ public (Breese, 2011; Fraser, 1990; Warner, 2002). While early counter public research has mainly focused on certain groups and communities, more recent research has shifted the focus towards issues and topics (e.g. climate change; or EU policy) where counter publics want to establish certain narratives and reframe meanings or interpretations of the issue under discussion (e.g. Kaiser, 2017; Toepfl & Piwoni, 2015).

¹ We limit the discussion of OCI in this abstract and refer to the original authors (Porten-Cheè et al., 2020).

With regard to CCP, these points of reference change. It is no longer race, sexual orientation, or gender, nor the specific issues or a policy field that integrates a counter public but rather the mutual commitment to certain discursive values such as rationality, respect, empathy, and civility. While the violation of those norms in fact seems often go hand in hand with intolerance, racism, and homophobia, it has to be very clear that CCP do not intend to discuss specific topics or issues but rather change the way *how* they are discussed. Thus, CCE engages on a macro-level by trying to influence the way how controversial issues are publicly discussed by setting the tone back to civility.

4 CRITICAL NORMATIVE REFLECTIONS

Conclusively, we want to sketch some normative reflections on CCE which ultimately are able to constitute CCP. Firstly, we should ask whether such movements exercise discursive exclusion. This problem has formerly been articulated by feminist authors (Fraser, 1990; Sanders, 1998; Young, 2000) with regard to Habermas' bourgeois public sphere conception. Drawing on Bourdieu's idea of habitus, Fraser (1990) pointed out that certain groups in society who tend to speak in different manners, may not meet the standards of rational discourses envisioned by Habermas and others. In this context, the capacity of rational-critical debate can be seen as 'linguistic capital' which is distributed unequally among participants in public discourses. Those who do not possess those linguistic skills are consequently excluded or silenced. In this vein, Asen (2000) has stated that the counter in counter publics can have manifold meanings. However, they all feed in some sort of exclusion from the broader public in terms of persons and topics but also *speaking styles*. The latter is of main interest here. However, we deliberately do not want to accuse activists to practice discursive exclusion but rather point to the thin line between exclusion and the legitimate effort to maintain a democratic discussion climate.

Secondly, from a normative perspective, one may argue that while CCE aims to defend norms of deliberation, it may also violate some of them.² This is best illustrated by the strategic background of CCE where members gather in secret groups and closed networks to coordinate their actions. This strategic element stands in stark contrast to Habermas' (1984) ideal of communicative action. In addition to that, it goes without saying that a coordinated group exercises massive power in public online discussion, which again violates one of the core ideals of Habermas' ideal speech situation. Consequently, advocates of a free public sphere face the normative dilemma whether the ends justify the means: Is it normatively desirable to endorse a collective actor who engages in public discourse to foster deliberative norms? Or does this contradict the basic idea of deliberation where the only force in place should be the forceless force of the better argument?

Finally, a related issue concerns the question of whether the interventions of CCE groups are related to a specific political ideology. Research has mostly investigated this question in the context of far-right online activist groups which try to manipulate and bias public discourse by propagating their ideologies (Applebaum et al., 2017; Caiani & Wagemann, 2009). Much less is known about CCM groups. For example, it is unknown whether the engagement of groups such as #ichbinhier or Reconquista Internet only aim at promoting a specific form of expressing one's thoughts (i.e., in a respectful, rational, and constructive way), or if the groups also pursue own political agendas.

² This paragraph draws mainly on a discussion already published by Friess et al. (2020, p. 16).

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

The Emergence and Persistence of Online Civic Intervention as a Discourse Norm

A network simulation model

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Disrespectful, pejorative, and vulgar speech has become a widespread threat to the deliberative potential of today's online discourses (Chen, 2017). Yet, while platforms often fail to moderate uncivil content properly, ordinary users increasingly take on responsibility for a functional discourse online. Thus, the present study builds on the concept of online civic intervention (OCI), which is defined as actions taken by users to fight disruptive online behavior (Porten-Che  , Kunst, & Emmer, 2020). This study follows a dynamic perspective and aims to investigate how OCI emerges, diffuses, and persists as a discourse norm over time.

We focus on counter speech as one specific type of OCI. Counter speech are verbal responses to uncivil users, which aims to deescalate the situation by, for instance, calling for a respectful tone. Drawing on social learning theory (Bandura, 1977), we assume that when individuals are exposed to counter speech online, they may feel compelled to engage in counter speech themselves. Their counter speech may, in turn, be observed by other users and encourage them to engage in counter speech as well. Given these expected dynamics, we aim to explore whether counter speech as an individual-level behavior may form an inter-individual discourse norm over time. For this purpose, we designed a simulation model that allows us to investigate the interplay of individual-level and contextual-level factors with regard to the formation of discourse norms. Factors, such as individual willingness to engage in OCI as well as exposure to platform policies that encourage users to intervene (Naab, Kalch, & Meitz, 2018) are included in the simulation because they have shown to affect OCI. Eventually, we aim to answer the following research question: How do individual and contextual factors contribute to the emergence and persistence of OCI as a discourse norm? We draw on the results of an empirically informed stochastic network simulation model. The model consists of agents who participate in discussions on platforms. The platforms, in turn, allow agents to mutually observe the discursive behavior of all participants. The model's logic is straightforward: The observation of OCIs lowers the agents' tolerance level for incivility and, thus, increases their willingness to intervene. In contrast, if agents observe that incivility is ignored by others, their tolerance level for incivility rises over time, which, in turn, decreases their willingness to intervene. To find out, how platform policies play out on the dynamics of OCI as a discourse norm, different scenarios are modeled, where content moderation and encouragement for OCI are systematically varied. Overall, our simulation model may serve to identify the conditions under which individual discourse behaviors form persisting discourse norms that are key for a functional public discourse online.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Digital Practices

Whose voices are we hearing?

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Practice theory; algorithms; digital culture; subjectivity

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Recently, it came as a surprise to learn that many tech companies are turning to humans to transcribe and analyze audio recordings in order to improve their speech assistance systems. This case is remarkable, not only because it has sparked debate over privacy issues, but also because a hoodwinked public has rediscovered the human practices at the heart of what is supposedly digital—a narcissistic injury afflicting socially overestimated notions of technological performance.

This case illustrates one of the many challenges that digitalization poses for sociological theory: the question of the capacity to act. Do workers act like algorithms or do the algorithms perform actions? What potential for action does the digital have? The concept of action in methodological individualism, with its restriction to the rationally acting and meaning-seeking individual, seems to be reaching its limits in the face of complex interlinkages between human and nonhuman elements.

In the paper, I propose to analyze (1.) digital culture proceeding from the concept of practice. The sociological theory of practice (with its roots in American pragmatism and Ludwig Wittgenstein's late philosophy, shaped by Pierre Bourdieu and Anthony Giddens, and now systematized into a theoretical movement) offers an alternative research program to established sociological concepts. In contrast to the concept of action, practice theory decenters the acting subject: The subject's ability to act is due to historically preexisting practices that have shifted in time and space and are taken up and repeated by the subject. In the process, artefacts are also brought into focus as participants in action. Thus, practice theory enables an analytical consideration of nonhuman elements; however, it reserves the concept of practice for humans, since its focus so far has been on physical performance and embodied knowledge.

On this basis, I develop (2.) a modification of the theory of practice that places its focus on the repetition and identification of patterns of practice—a potential that is also available to digital programs, so that we can also speak of “digital practices” and carry out a symmetrical analysis of human and nonhuman elements.

As described in the call, the debate on digitalization often oscillates between promises of salvation and cultural pessimism, with the extent and consequences of digitization often being either over- or underestimated. Starting from a praxeological perspective, I develop and interrelate (3.) two hypotheses with each other: The strong hypothesis that algorithms and software themselves have the capacity to act will be complemented by a relativizing hypothesis, according to which they only have this capacity in the context of human practice: a) Algorithms repeat or replace practices such as calculating, comparing, and evaluating, b) they do so because of programming that reproduces social power relations, c) they are only relevant by entering into human practices, by being programmed, used, and received and by changing the form and intensity of previously nondigital practices. At this point, a particular achievement of the digital is also highlighted, which explains its rapid and widespread dissemination: the ability to interlink and reconfigure practices.

Finally, I will demonstrate (4.) the analytical benefit of a shift from actions to practices and, within practice theory, from physical performance to repetition and identification via selected case studies such as the one described above. The symmetrical description of human and nonhuman elements of practice can open up sociological questions for consideration, such as: What difference does it make for participants whether a human, a bot, or an algorithm “acts”? What consequences does this have for the attribution of responsibility? What effects does this have on society's perception of digitalization?

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Drifting Away From the Mainstream

Media attention and the politics of hyperpartisan news websites

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1 INTRODUCTION

Populism has recently enjoyed successes in Europe, in the US, and beyond. Populist leaders and their supporters have accused "mainstream" media of being part of a "corrupt" elite that misrepresents the will of the virtuous "people". Distrust of the media has also led to the rejection of traditional media sources for political information and given prominence to alternative or hyperpartisan sources such as Breitbart. These alternatives have become important media outlets for populist party leaders and their supporters. However, there is limited research about who consumes hyperpartisan media, how the audience of hyperpartisan media is interconnected, and the content of hyperpartisan media. By combining an analysis of a survey with website visits and website content (building on previous work, Stier, Kirkizh, Froio & Schroeder 2020; Yan, Schroeder & Stier 2021) this paper shows the link between populist party support and hyperpartisan media visits.

2 RESEARCH QUESTIONS

Our main research questions, led by previous research (including de Vreese, Esser, Aalberg, & Stanyer, 2018; Holt, Ustad Figenschou, & Frischlich, 2019) are: (RQ1) What are the audiences for hyperpartisan websites? Once we have answered this question, we ask, in (RQ2), what is the network of hyperpartisan websites as measured by their shared audiences? Finally, we examine, in (RQ3), what is the media agenda of hyperpartisan media?

3 CONCLUSIONS

In the full paper, we will present extensive findings from our study. These findings provide a rich and detailed picture of the political support and media trust of visitors to hyperpartisan websites and the network structure and content of hyperpartisan news media during our period of study. Here we briefly summarize our main conclusions and implications: Our study shows that the reach of hyperpartisan media, measured by the percentage of panellists who visited hyperpartisan news domains, is 5.32%. We find a statistically significant link between support for right-wing populist parties and visits to hyper-partisan media while the association between left-wing populist party support and hyperpartisan media visits is much weaker. More importantly perhaps, we find that distrust in public broadcasters and trust in social media both increase the likelihood of visiting hyperpartisan media websites, particularly among right-wing populist party supporters. There is also a larger context for our study, which is that the period under consideration was a highly volatile one in American politics: the Mueller report into President Trump's connections with Russia was a focus of controversy, with the findings of the report and resulting implications eagerly anticipated by different political factions. One obvious feature of the vast bulk of hyperpartisan content in this regard is its negative and critical orientation: attack on elite progressive causes which are perceived as extreme is pervasive, while the much less prominent left-oriented hyperpartisan sites are geared towards motivating political activists. Partisan-fuelled false news and conspiracy theories also feature prominently on hyperpartisan news websites. Further, topic modelling results suggest that while hyperpartisan sites in European countries disproportionately focused on Muslims and immigration, conspiracy theories on hyperpartisan news in the US centred around party politics (such as news content about the "deep state"). Further, the reach of certain hyperpartisan networks and their content attract attention across national and, it seems, linguistic, boundaries, even if linguistic boundaries are still the stronger shapers of

reach and attention. All in all, at a time when there is intense contention about the nature of impartiality and objectivity in news and about political partisanship, our analysis adds to this body of research the finding that, especially for right-wing populist supporters, there is what could be called a parallel universe of hyperpartisan websites providing political information that has drifted away from the ‘mainstream’ of news journalism.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Incivility and Political Dissent

Multiple roles of aggressive speech in comments on Russian YouTube

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Today, uncivil verbal behavior is generally perceived as a threat to democratic quality of public discourse (Vollhardt et al., 2007; Miller & Vaccari, 2020), including integrity and rationality of online discussions (Badjatiya et al., 2017). Some research shows that these effects are moderate. Thus, harsh commenting can trigger an increase in readers' hostile cognitive reactions but does not help incivility grow in the recipients' commenting behavior (Rösner, Winter & Krämer, 2016), even if the acceptance of flaming as decent behavior and intention to flame is higher for verbally aggressive YouTube users (Cicchirillo, Hmielowski & Hutchens, 2015). But the claim that aggressive content is, in general, destructive for online discussions is not contested.

Several rare works, though, have dragged attention to controversial relations between free expression and hate speech (Dorsett, 1996; Cammaerts, 2009), as well as to specific functions of aggressive content, for community building and cultural delineation/(de)alignment. Thus, possible use of uncivil language in positive sense was discussed for communication of discriminated communities like LGBTQ (Davidson et al., 2017) or African Americans, especially in the rap lyrics (Spears, 1998; Schneider, 2010). Also, it has been shown that harsh language 'is not solely a product of an individual speech habit but also a spreadable social practice' (Kwon & Gruzd, 2017, p 1).

In various periods of the Russian political history, certain types of uncivil language (like obscene speech) have gained political relevance, if not prominence. It has not only been a sign of political transformation (see the classic work of Seliscev (1928)) but also a rhetorical tool, including for the politicians in Russia and Ukraine in the 2000s (Gasparov, 2006). Today's detabooization of obscene lexicon ('*mat*') and widening the boundaries of *mat*-based communicative behavior in the Russian everyday discourse, as well as in media, political speeches, and youth communication, is seen as a reaction to over-officialized Soviet public rhetoric (Ablamskaya, 2011). The use of 'unofficial' language is seen as a form of social protest, emotional détente, and assignment of phrasal emphasis; as well, *mat* words are used as connective particles to condense speech. Over 60% of people who detaboo harsh talk are 14 to 30 years old (Ablamskaya, 2011). Another part of harsh speech – that is, radical and extremist one – has also been widespread on Runet, the Russian-speaking segment of the internet (Salimovsky & Ermakova 2011). These processes of detabooization and radicalization of discourses change the status of uncivil speech itself: in opinion of several scholars, it no longer strongly marks particular social groups and is used more situationally, as a tool for inter-group adaptation.

Given this, aggressive speech may gain new roles online, including the abovementioned spurring of flaming, marking new user groupings or influencers, or facilitating inter-group user 'migration'. Normatively, these roles may be also positive, not just negative. This might be especially true for restrictive political and legal environments like Russia of today where obscene lexicon is prohibited by law in registered media and the political environment does not give much space for voicing discontent. As Russian Youtube has since the 2000s become an 'alternative television' (Litvinenko, 2021) politically polarized (Ushkin, 2014) and dominated by voices of liberal opposition (Etling et al., 2010) but also containing pro-state voices who often imitate user-generated content, we have chosen it for our investigation.

Building upon the concept of communicative aggression (Sidorov, 2018) and today's works on multi-class detection of toxic speech (Badjatiya et al., 2017; Park & Fung, 2017), we explore the roles of two under-researched types of communicative aggression—obscene speech and politically motivated hate speech—within the publics of video commenters. We do so by addressing the following research

questions: (RQ1) Does communicative aggression affect discussion dynamics? (RQ2) What roles do various types of communicative aggression play in political discussions online?

Taking Russian YouTube as an example, we use the case of the Moscow protests of 2019 against non-admission of independent and oppositional candidates to run for the Moscow city parliament. The sample of over 77,000 comments for 13 videos of more than 100,000 views has undergone pre-processing and vocabulary-based detection of communicative aggression. To assess the impact of uncivil speech upon the dynamics of the discussions, we have used Granger tests and assessment of discussion histograms; we have also assessed the selected groups of posts in an exploratory manner. Our findings demonstrate that communicative aggression fuels discussion under commentaries by political activists, while under commentaries by foreign news media both effects appear in weak to medium state, and, under news pieces, the effects are clearly much less sound. In smaller discussions, obscene language might be provocative and bring on politically harsh speech, while, in bigger discussions, this effect is overcome.

Anti-state hate speech is certainly destructive to potential consensus between political antagonists, however it might become a constructive means of counter-public consolidation. Among other things, communicative aggression helps to express immediate support and solidarity. In the Russian case, communicative aggression is linked to giving voice to political opposition, which is otherwise excluded from the mainstream discourse, and may foster counter-publics and offline action. This function of aggressive speech is in line with the strand of research on agonistic public spheres that emphasizes the importance of political conflict and political voices ‘from the margins’ for public deliberation (Dahlberg, 2007, p. 128). If, as in Russia, obscene language is officially banned in the media, using this kind of uncivil language per se might become a way to challenge the hegemonic official discourses.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Between Anarchy and Order

Digital campaigning heuristics in hybrid media environments

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The digitalization of the mediated public sphere challenges formerly established norms and routines of democratic competition. Reaching multiple audiences via multiple social media platforms has become an integral part of election campaigns. Yet, the dynamics of decentralization and disruption that mark contemporary hybrid media environments – such as the proliferation of platforms, disinformation, opaque algorithms, novel analytics, and audience fragmentation – also make the standardization of new digital campaigning strategies and norms of institutionally appropriate communication elusive for political campaign practitioners (e.g., Bennett & Pfetsch 2018; Chadwick 2013; Karpf 2016). This raises a number of critical questions about how these actors are making sense of such a complex and volatile media landscape during elections. For instance, how do campaign communication professionals devise and evaluate their digital electioneering strategies? How do they map the interconnected relationships between audiences, genres of communication, media platforms, and the field of political party competitors? And what can these assessments tell us about how campaign practitioners think digital electioneering should be done? Finally, what implications and potential consequences do these (new) ways of orientation have for democratic discourses in competitive public spheres?

To begin addressing these questions, we advance an approach from theorizing and research on cognitive “heuristics.” Various conceptualizations as informational shortcuts, rules of thumb, institutional schemas, or logics, scholars have consistently shown that people rely on simple heuristic judgments for decision-making, especially when the conditions for such decisions are insecure and their results difficult to assess *ex ante* (e.g., DiMaggio 1997; Gigerenzer and Gaissmaier 2011; Kahneman 2011). Applied to the current era of political communication, we define digital heuristics as simple rule-governed judgements based on more or less explicit assumptions about the structuring of different platforms, including the role of underlying algorithms, the nature of their audiences, and styles or genres of communication that they privilege, that guide the digital campaigning strategies of campaign practitioners. Conceptualizing and identifying the specific digital heuristics employed by campaign communication professionals can provide unique analytic leverage for understanding the thinking underlying evolving digital campaigning strategies across platforms, political parties, and national contexts (c.f., Schäfer 2021). Thus, according to our approach, structural conditions of current communication environments (such as social media affordances) indirectly - rather than directly - influence political actors’ communicative behavior and output through their heuristic perceptions.

Based on these assumptions, we empirically investigate political campaign practitioner accounts from Germany and the United Kingdom. More specifically, analyzing interviews with twelve communication managers from major German and British political parties about their work on general election campaigns in 2017, we identify typical heuristic judgements that are based on the hybrid and algorithmic characteristics of current communication environments. In addition to detailing these heuristics, we discuss the normative assumptions that they reveal about how different political campaigns think political institutions like media and political parties should work and what “good” political communication should look like.

The paper concludes by considering the political and normative implications of the results. Although we do not evaluate how campaigns actually behave but rather how campaign practitioners think about their communication behaviors, the results have several implications for the performance of electoral politics and the quality of the democratic discourse. For example, if party com-

munication managers think that using polarizing language is a necessary prerequisite for successful political communication on social media platforms, then this might result in respective performances and foster populist communication styles within social media that could also travel to other more traditional channels within the hybrid media system. Our findings also contribute to recent scholarship on how campaigns are using social media to achieve their electoral ambitions by looking beyond the U.S. case and beyond “data-driven campaigning” (e.g., Anstead 2017; Baldwin-Phillipi 2019; Kreiss et al. 2018).

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Engaging Users Through Information or Critique?

“Likes” and “shares” for parties on Facebook during the 2019 European
Election campaign

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Even though political communication differs between different country contexts, many scholars argue that the contemporary political environment overall has become increasingly fragmented and polarizing as it is dominated by divisive ‘hot’ topics, fragmented issue focus, a populist communication style, and heightened negativity (see Bennett & Iyengar, 2008; Bennett & Pfetsch, 2018; Blumler, 2016). These changes are frequently associated with the emergence of social media, which has changed the structure of the political communication ecosystem by, *inter alia*, making ordinary citizens’ communicative activities more important in the political information process than ever before (Blumler, 2016; Chadwick, 2017).

Social media in general, and Facebook in particular, have become an increasingly important communication channel for political actors. Although via their Facebook pages political actors directly reach only rather narrow and already converted voter segments, the network effects of the platform enable them to indirectly reach much larger audiences (Bene, 2017). If many users engage with their posts and thereby disseminate party information to their friends, parties can reach an enormous number of voters in a peer-mediated way, which is highly impactful in social media contexts (see Anspach, 2017). For these reasons, research shows that user engagement is a crucial performance factor in parties’ social media strategy (Kalsnes, 2016; Kreiss et al., 2018).

While user engagement is obviously driven by multiple factors, studies show that the content of messages matters. Therefore, political actors make efforts to adapt to users’ communication and produce content that triggers user reactions (Ennsner-Jedenastic et al., 2021; Kalsnes, 2016). This way citizens’ communication can affect the dominant patterns of our current political communication: if they prefer certain types of topics and styles, these communication tools will probably be more prominent in parties’ communication, as described by the concept of viralization of politics (Bene, 2021; Ennsner-Jedenastic et al., 2021). Consequently, if users engage more with divisive ‘hot’ topics, parties’ own issues, populist appeals and negative content, this fact could at least partly explain why at present political communication shows tendencies of fragmentation and polarization.

However, it is still largely unclear what content characteristics of parties’ posts determine how users engage with the content, and more importantly, what role political contexts play in these processes. In fact, the emerging literature of this field is dominated by single-country investigations (Bene, 2017; Heiss et al., 2019; Jost et al., 2020), which makes it difficult to generalize the often-conflicting findings. Further, one can argue that the effects of particular content types are not uniform across different contexts. First, users from distinct geographical regions with different social and political cultures, challenges and experiences may have varied political content expectations and demands. Second, the structure of political competition may also shape users’ behaviour, as polarizing content may be more attractive in an already highly polarized political context.

The present study addresses these research gaps by conducting a content analysis of parties’ (N=68) posts (N=9,703) on Facebook in 12 European countries during the 2019 European Election campaign. First, we systematically examine how divisive ‘hot’ and more permanent policy topics, issue ownership, populist appeals, and negativity affect user engagement (Reactions, comments, and shares) on parties’ central Facebook pages. Second, we show how these effects differ across geographical regions and are moderated by the level of party system polarization.

However, findings only partially support our expectations. Concerning topical aspects of posts, our findings are that ‘hot’ topics are not generally successful in provoking user engagement. Particularly

surprising is the inefficacy of environmental topics, which might be explained by their more specific vocabulary and the fact that problems are often discussed in a less accessible way. In contrast, the other ‘hot’ topic of the campaign, namely immigration, has a strong engagement-provoking potential: immigration-related content is highly engaged on Facebook. The impact of these ‘hot’ topics differs across geographical regions. While immigration is a more commented and shared issue in Southern-Eastern countries, environmental topics are even less engaged with than in Continental-Northern countries. More permanent policy topics, however, are not treated in the same way. While the economy is a highly unpopular topic on Facebook, domestic policy tends to be favoured, while labour and social policy-related posts are less commented but more shared. Overall, two issues typically put forward by niche far-right parties, namely immigration and domestic policies (linked with law and order), proved to be very effective in terms of engagement. Further, there is no issue ownership effect on Facebook user engagement, as parties are not more successful when posting about their own issues than in the case of other topics, not even in more polarized countries.

Concerning the effects of stylistic characteristics of posts, our findings are that populist and negative communication is highly effective in increasing the level of user engagement. People are keen to React and share content that criticizes the elite or refers to the people and are ready to comment on posts that are about dangerous ‘others’. These effects are uniform across geographical regions, however, anti-elitists and (to a lesser degree) people-centric messages are more effective in more polarized party systems. Our findings confirm that negativity is the strongest predictor of user engagement, which seems to be a rather general effect, as it is not moderated by geographical regions or the level of polarization. Thus, it seems that country factors play a minor role in the patterns of user engagement; regional deviations only matter for ‘hot’ topics, and the level of party system polarization only matters for populist appeals.

Overall, it seems that due to the growing strategic importance of triggering user engagement, the increasing presence of populist and negative communication can be at least partly explained by users’ demands on Facebook. All else being equal, parties that communicate their main messages in a more populist and negative way can gain larger visibility, and thereby realize the different strategic goals of their Facebook communication. From this viewpoint, a populist and negative style can be the vehicle by which parties can communicate crucial campaign messages to wider segments of potential voters in a highly effective, peer-mediated way. Such tendencies do not stay in social media only but influence political communication as a whole. Thus, if parties follow their users’ needs, that could increase the overall degree of populism and negativity in political communication, which in turn might have negative effects on democracy. Immigration seems to have had a similar function during the 2019 EP elections. At the same time, party-based issue fragmentation cannot be explained by users’ demands in lack of any significant issue ownership effect.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Following the Beaten Track

A sociology of knowledge perspective on disinformation and its effects on
democratic discourse

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With recent political events, disinformation has emerged as one of the apparent major threats in political debates in highly connected democracies. It looms large in the socio-political debate on the quality of democracy, but also in international security discourse it is perceived as one of the core elements of (digitally enhanced) information warfare. Thus, it is likely to shape both future measures of internet governance, in particular content regulation, as well as international conflict.

Research on disinformation has developed techniques to detect false stories and to measure its impact mostly at the level of individual behaviour (Lazer et al., 2018; Gorrell et al., 2015). Other works have focussed on the spread of individual pieces of disinformation (Vosoughi & Aral, 2018). Several studies have put emphasis on cross-media effects of disinformation e.g., on election results (Allcott & Gentzkow, 2017; Jamieson, 2018). Despite widespread concerns about the so-called disinformation order (Bennett & Livingston, 2018), most empirical studies feed into a growing consensus that there are no readily available tools to malevolent actors for significantly swaying public opinion through information operations (Rid, 2020; Lanoszka, 2019). However, there is only little knowledge about structural and persistent effects of disinformation at the societal level (Jungherr & Schroeder, 2021). To address those concerns and to study the structural dimension of information operations, we propose a theoretical reorientation towards a sociology of knowledge perspective. Thereby, we avoid individualistic misconceptions of politically relevant knowledge (Schünemann, 2018; Dunn Cavelt, 2008). Knowledge goes beyond information. It is not just the sum of single bits of information. Information needs to be interpreted based on social knowledge orders. Therefore, knowledge is not a feature of an individual or at its disposal but is necessarily constructed and processed in societal discourses.

Empirical research in the field so far has paid attention mostly to the disruptive novelty of disinformation, or the alleged inaccuracy of particular pieces of information. However, it may be more illuminating to understand successful disinformation campaigns as informational exploits of given vulnerabilities in targeted discursive formations. Instead of expecting disinformation to change public opinion, we conceive it as strategically confirming embedded social knowledge orders. For example, disinformation campaigns frequently propagate various salient and sensitive narratives simultaneously, which are often mutually contradictory, but share an inflammatory nature (Bradshaw & Howard, 2019). We hypothesize that information operations utilise and reinforce pre-existing issues and fault lines in a society to maximise disruptive effects. Such a revised conception might help to explain the heterogeneous set of actors and motivations behind disinformation campaigns within and across countries, it can improve attribution assessments based on a *cui-bono*-logic and would help to better grasp the catalytic effects of attentional mechanisms in (digital) media ecosystems.

This paper empirically tests the aforementioned hypothesis through a thorough analysis of corpora of news articles from Germany and France published between 1 January 2019 and 30 June 2019. These dates comprise the culmination and aftermath of the 2019 European elections campaign, which has been identified as a prime target for foreign actors to conduct large-scale disinformation campaigns (European Parliament Resolution 2019/2810(RSP), 2019). Since it is the objective of this paper to identify the ebb-and-flow of a disinformation campaign, and how it relates to public discourse, the suspected disinformation corpus is collected from *Russia Today* (RT). This news outlet has been identified as one arm of the Russian influence apparatus abroad, which includes disinformation operations (Elsawah & Howard, 2020). RT is a particularly useful case to study due to its presence in multiple countries and multilingual content. This allows for comparisons on country- and language-

level, which will help in identifying any potential country-specific features of disinformation campaigns. The two countries were chosen because in comparative studies (EUvsDisinfo, 2021) they appeared as the main targets of information operations attributed to Russia. Moreover, there is a German and French version of RT available. It seems particularly illuminating to assess disinformation campaigns in non-Anglophone countries, since much of the existing literature has already covered the latter extensively. In order to gather a representative sample of mainstream news media, which also serves as a representation of the respective general public discourse, we built corpora with news articles from one regular newspaper and one tabloid newspaper: *Die Welt* and *Bild* for Germany, and *Le Figaro* and *France Soir* for France. This yields a dataset that we think is both manageable and sufficiently representative for the media landscapes in both countries.

The articles used in the dataset were scraped from the German and French websites of RT, as well as from the *France Soir* website, while the articles from *Die Welt*, *Bild* and *Le Figaro* were downloaded from LexisNexis. These datasets are curated and analysed using R tools for text-mining. We use Structural Topic Modelling for our analysis, as it allows to estimate covariate effects on topic distribution for both the various news outlets, as well as the timeline in which trends and/or clusters of topics emerge. Coming from our social-constructivist perspective, we expect RT information operations to align to socio-culturally specific patterns of public discourse. Therefore, we expect cross-country variation in topical orientation. Moreover, as to the temporal variation, we expect RT to ‘follow’ the newspapers on divisive topics, rather than ‘planting the seeds’ for a dominant topic. We hypothesise that RT will do so in an amplifying manner, using more galvanising language than the quality newspapers in the dataset.

Preliminary findings from the German case study suggest that RT stands out most from the mainstream newspapers through its substantial coverage of issues that are salient and likely to evoke strong emotions. Topics that RT covers more extensively than its more mainstream counterparts include migration, migrant criminality, Brexit, alternative perspectives on politics and Russia. Conversely, less emotionally charged topics, such as those related to finance, health and party politics, receive far less attention from RT than from mainstream news outlets. These findings are commensurate with the expectation that disinformation latches onto potentially disruptive issues present within the society that it targets. Further analysis on topical orientation and publication timeline should give more insight into the relationship between cases news outlets. These findings will be presented in the final paper, combined with an assessment of how they may or may not fit within the discourse of their respective societies.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Fostering Inclusion Online

Can online instruments compensate the elitist bias of
representative democracy?

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What is the role of technology in fostering local democracy? How has technology changed our expectations about the proper sites of representation, and the modes of citizen participation in self-governance? Can we even expect a technologically re-empowered local democracy to compensate for structural problems of recent multi-level governance democracy?

This paper starts with a diagnosis of structural problems of modern representative democracy. It explains the practice of multi-level governance as a structural and well-justified feature of democracy. Multi-level governance has a dark side, however. It implies long chains of representation, severely limited relevance of individual interventions, an elitist bias and a lack of citizen participation. “The flaw in the pluralist heaven”, as Schattschneider has famously argued, “is that the heavenly chorus sings with a strong upper-class accent”. Multi-level governance is thus not only relevant for European and global governance but also for understanding growing civic frustration. Even complementing representative forms of governance with more direct democratic institutions does not solve the problem. Empirical evidence underlines that citizens who participate in direct democratic initiatives are on average relatively highly educated, older and politically or civically active. They have often been involved on previous occasions and form a group of participants with a low degree of diversity (Michels/ De Graaf 2017: 877). Much of the recently discussed “democratic regression” (Schäfer/ Zürn 2021) is a product of this twin problem.

The paper combines the recent literature on smart cities with the suggestion that digital instruments might be helpful for overcoming the twin problem. The easy availability of online technologies promises to provide for new forms of local participation and ownership, and thus improve the overall legitimacy of democracy. Digital technologies are identified in the literature with innovative instruments for the making of local communities, for strengthening the direct involvement of citizens in the implementation of local budgets, and of providing additional access to decision-makers. They are connected to

- increasing transparency and better opportunities for retrieving information;
- promoting inclusion by giving social actors (especially marginalized ones) better opportunities to contribute to the formation of public opinion outside institutionalized channels and without the filtering function of traditional media;
- opening up of alternative opportunities for participation, allowing people to be more involved in political decision-making processes over the Internet;
- strengthening the responsiveness of political actors by easier access to dialogue with representatives on social media;
- lowering the costs of communication, association, and participation
- stimulating processes of online community building via connective action

The paper reports in its third part preliminary findings from a participatory online process of setting up a smart city strategy for Frankfurt (Oder). The process is conducted in spring and summer 2021, i.e. under conditions of social distancing necessitated by the pandemic. It entails interviews with more than 50 local experts in various aspects relevant for local governance, a full-day digital town hall meeting for all citizens in June, 2021 and a systematic analysis of German smart cities’ initiatives to address the concerns of those most vulnerable in society, i.e. kids in very low income households.

This process is interesting both in itself and with regard to its outcome. A purely online process highlights many of the strengths and difficulties involved with organizing digital democracy. Important strengths are the

- easy availability of experts. Video conferencing allows conducting interviews and organizing meetings with an efficiency unknown in analog times. It is also
- less difficult to provide information to all participants and interested parties,
- to organize discussions among experts and
- to reach out to partners across borders.

Online interviews have proven far less adequate for reaching out to those who are less well-off and living in neighborhoods with low levels of income. Representative structures are difficult to identify, often lack the necessary technological instruments and knowledge for meaningful interaction or are, if equipped with proper resources, themselves part of the elite. In order to overcome this elitist bias of representative structures and to bypass the flaw of equating direct democracy with inclusionary policy, the research project launches in its second empirical part a large-scale online survey with 6.000 households mainly living in social housing.

The paper will present the survey and discuss its likeliness to

- overcome elitism in participation
- give voice to those who are excluded by formal structures of representation
- and stimulate republican attitudes

The paper will conclude with a preliminary – and cautious - assessment of the empirical findings of the project and infer some suggestions about the conditions under which local online instruments can alleviate the legitimacy deficit of representative multi-level democracy.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

For Health of The Nation, Unite Online

Medical controversies, civil disobedience and the future of democracy in
the light of expert authority crisis

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Digitalization of knowledge means that Kazimierz can open a browser, than a search engine, type in “rush on an forearm”, go to Google Pictures and look for similarities with what his grandson developed overnight. Moreover, it means that his wife, Beata, who is equally skeptical of the public healthcare system, can pick up her smartphone, go to Facebook, and ask one of the many health advice groups, what might have caused the rash, posting pictures and detailed descriptions. “Doctors don’t have time for patients, they just cure effects, not the cause”, she says, “I want the whole truth, I want the facts”. Across the Polish-speaking Facebook, complementing the already popular health-related portals, blogs, forums, as well as Wikipedia, various self-help groups grow in number and size. Some are in favor of conventional medicine, but many are not, pointing out all those “inconvenient truths” of the “health industry”, once hidden and now finally known to people – thanks to the Internet. They can be as big as having hundred thousand members, or as small to only count couple thousands. Either way, their popularity I have observed over the years, skyrocketed in the pandemic. New groups emerged, old expanded to incorporate a new wave of members, people whose trouble in accessing healthcare, or getting care that satisfies their needs grew exponentially since the late winter of the 2020.

In Poland over the past decade the Internet has become the place to go, when seeking health advice. Like elsewhere across the globe, it has also become a source of information on the malfunctions of both, the healthcare and the pharmaceutical industry. While old media have their gatekeepers and their agendas, the Web, even though being fundamentally in private ownership, creates networked spaces where various Internet users can, in various forms, to various degrees, and on various levels of anonymity, prod-use Internet’s content (Bruns, 2016). It became an open-ended learning place, and a place of encounters, where Beata can meet others, who also seek health advice across not only new medical information outlets or Wikipedia, but also within social networking sites such as Facebook or Instagram, social news agreggators such as Reddit, or group instant messaging apps such as WhatsApp, Telegram or Messenger. This paper builds on a long-term ethnographic fieldwork, that took place in years 2016-2020 across the Polish-speaking Internet-scape, inquiring into networked health activism within Internet’s networked publics, that those social media constitute (boyd, 2011; Papacharissi, 2002). In Poland, they revolve around Facebook, and this platform, was my primary focus of the study. Relationships that take place within those spaces, are what I have come to call the new public care.

The new public care is a concept that captures relations of advice, support, and care, that materialize through affordances, and communication infrastructures, of the social media that mediate the information exchange. It describes both the self-care and community-care of Internet users, as it is usually the self-interests that makes help-seekers become members of such care communities; some of them repay the support received, sharing their knowledge – experiences, or information obtain other way, through online searchers, doctor consultations, friend’s stories. The new public care as a concept has three folds to it.

First, there is the care, the same one that makes up the definition of the modern healthcare system. Those informal health advice groups and networks, whether big or small, provide a safe space to ask questions, seek opinion, reference, solution, providing swift answers from other group members, non-experts, lay public, patients. Bottom-up, grass-root organized, they provide what malfunctions and inefficiencies of the public healthcare system cannot. On the one hand, it’s the quick advice of what to do, where to look further, what to Google. On the other, however, it’s attention, often extensive,

emotional support, and a remedy for the feeling of hopelessness, desperation or despair they come to those groups with, after being, for various reasons disappointed or confused by the public or private healthcare, or the biomedicine as such.

Second, those care practices take place in what Zizi Papacharissi have called the public sphere of the Digital Age – on the Internet. Informal health advice networks provide an ad to the national healthcare system, that is used by the majority of the society, as every Polish citizen is eligible. It's primary malfunction are the waiting lines, that in the case of more advanced health problems can make a patient wait for years. While there isn't much difference in the quality of service, private healthcare offers no lines, but at a substantially higher cost. Networked publics across social media are the public sphere where grassroots health advice tries to fill in for the failures of the state.

Third, the new public care that relays on knowledge exchange between individuals, creates a hive mind repository of knowledge that provides information from outside of the biomedical hegemony. Alongside YouTube and various webpages, Facebook plays a crucial role in being the main provider of information on the short-comings of the so-called "health industry", that wouldn't be found in mainstream media, except in a few left-wing or right-wing niche magazines. While experts are (usually) well aware of the "imperfections" in their respective fields, the so-called "lay public" expresses feelings of unease, confusion, uncertainty, fear, and anger across the cyberspace, often turning their interest towards alternative health practices, seeking remedies the biomedicine has so far failed to provide them with.

Beata in her post to a Facebook group that brings together Internet users with various stands on biomedicine, learned that her grandson could have had an allergic reaction to food, clothes, chemicals, animals, plants, but also stress. She received advice on home made cures to take care of the rash, and based on the comments under her post, she decided to convince her daughter to take Jaś to see a allergologist, an expert in allergy detection, privately of course. When she first joined the group she was at first overwhelmed with the stories she read, shared news articles that talk about the dark side of the pharmaceutical industry, medical mistakes, corruption in healthcare, and that the scientific process of knowledge-making is a work-in-progress, with many more unknowns than "facts. While the ethnographic methods strength lays in choosing quality over quantity, a scale and sheer number of various grass-root health advice places across the Web seem to suggest a growing need for a reform that would change medical practices more radically than just fixing waiting lines. The democratization of the access to information that the digital age supposedly brought, allowing Beata and others to seek information on their own, having only their habitus, cultural and social capital as points of reference on where to go, made the expert authority crisis of the era of reflexive modernization more visible (Beck in., 1994). The Web is collectively produced, hence, to that seemingly infinite repository of information anyone can contribute. The Internet is full of various forms and kids of knowledge, some of which are not in line with academic sciences, being not evidence-based.

Annemarie Mol in her concept of body multiple, points to complexity of bodily experiences of sickness that make diagnosis and treatment difficult (Mol, 2002). Many of my interviewees talk about their reasons for seeking advice in health advice groups as being more trusting of experiences of others, even if they recommend cures that are not approved by the hegemonious biomedicine. As they felt unheard and misunderstood by medical doctors, they decided to take matter of their health in their own hands, with Internet repositories helping them to perform their agency. In modern democracies experts are those who inform public policies – experts understood as professionals, individuals who

either through their experience or academic education gained extensive knowledge of a given topic (Collins & Evans, 2008). With power relations around knowledge categories changing, how should the democratic state address that the demos is multiple when it comes to their healthcare choices? Bringing in examples that include the controversial anti-vaccination movement, but also the Lyme disease, gluten intolerance, and Hashimoto disease, I argue that the future of healthcare in a democratic society must address the ambiguity of expertise.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

The Making of Citizens

Democracy and children's rights in digital spheres

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KEYWORDS

UN Convention on the Rights of the Child; fundamental rights and democratic order; children's communication in digital spheres; civic (dis)engagement; self-experimentation; social networks; converging media landscapes; updated interpretation of children's rights; balancing protective and participatory rights

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1 BALANCING A RISK-BASED NARRATIVE OF CHILDREN'S PARTICIPATION ONLINE

Emerging digital spheres hold enormous potential and risks for children, both of which are increasingly understood and outlined. As many new phenomena, they have triggered discursive polarization. Generally, the participation of children in online environments is characterized by a risk-based narrative, emphasizing the dangers of digital media for the younger generations. Even in scholarly literature, those risks have been found grossly overstated (Holmes, 2009).

Beyond the legal realm, children's rights have functioned as a counterpoint to this narrative. In particular, they have served to formulate children's needs in a digital world from a socio-psychological and educationalist point of view (Livingstone, 2014; Kutscher & Bouillon, 2018). All around the world, children's rights are guaranteed by the UN Convention on the Rights of the Child (CRC). The CRC, despite turning 35 years old this year, holds great potential for the implementation of children's rights in digital spheres (Kaesling, 2021; Committee on the Rights of the Child, 2021). Notably, the CRC recognizes children as rightholders with individual agency (Dethloff & Maschwitz, 2012), which extends to their participation as independent actors in online environments (Graziani, 2012). Greater emphasis should be put on children's rights to participate in digital communication with a view to its importance in the making of democratic citizens.

2 COMMUNICATION AS LIFEBLOOD OF A DEMOCRACY

Communication is the lifeblood of a democracy and a constitutional state (Hoffmann-Riem, 2002). The freedom of expression as guaranteed by Article 5 GG (Basic Law) was taken up by the Parliamentary Council in 1949 in order to safeguard political freedom against any paternalism (Hoffmann-Riem, 2002). The German Constitutional Court considers freedom of expression to be constitutive of the liberal-democratic order (BVerfG, 1958 and 1995). Public debate of citizens is seen as a vital element of democracy. Children generally have the same fundamental rights as adults. The German Constitution does not yet include a specific section on children's rights.

The CRC, ratified by Germany in 1992, contains a number of children's rights with particular importance for communication in the digital age. Article 13 CRC establishes the right to freedom of expression, which includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice. Article 13 (2) CRC allows for certain restrictions of the exercise of that right, but only if they are provided by law and are necessary for the attainment of the aims mentioned there, such as the respect of the rights or reputations of others or the protection of national security, public order, public health or morals. For example, limitations on the creation and consumption of user-generated content on social networks need to be legally justified with regard to these standards. According to Article 17 CRC, State Parties recognize the important function of the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources. Article 31 (1) CRC contains rights to rest and leisure and to participate freely in cultural life and the arts. Similar to what the German Constitutional Court has stated with regard to Article 5 GG, children's participatory rights like the freedom of expression have to be interpreted with regard to their purposes and links to democratic orders.

3 CHILDREN’S CIVIC ENGAGEMENT AND POLITICAL CONCEPTS

The inclusion of children in online sociality is also a question of civic education. Internet-based communication can counteract disengagement of young people from public life (Carpini, 2000; Benkler, 2006; Gottlieb-Robles & Larson, 2006; Bennett, 2007). Digital spheres offer opportunities for civic expression and participation (Shah et al., 2005; Kenski & Jomini Stroud, 2006). Long before children turn into voters, they form notions of normativity, authority, and justice. Children’s political concepts develop at an early stage through everyday experiences (Cullingford, 1992). They thus grasp concepts of fundamental rights, autonomy, and democracy (Helwig/Turiel, 2002). A substantive amount of their identity experimentation takes place online as part of the socialization with media (Schulz, 2010). Social media offers a rich environment for creative self-expression. Digital spheres become an important space for youth to develop and express their political selves (Lane, 2020).

Communication in the digital age encompasses not only messaging services, but also content creation on social media for the public or a selected audience (Thimm, 2017; Dittler & Hoyer, 2014). End-users interact privately and publicly, giving rise to online group exchanges and community building (Neumann-Braun, 2011). The use of social networking sites is so integrated into young people's everyday lives that it is practically out of the question for young people to reject this form of communication (Authenrieth et al, 2011). In the converging media landscapes with regular multitasking, multi-media theme repertoires are part of the everyday identity practices of young adults (Kleinen-von Königslöw & Förster, 2016).

4 INTERPRETING AND BALANCING OF CHILDREN’S RIGHTS

Children’s rights are human rights, but with special protections, which are warranted by the fact that their rights are particularly easy to encroach upon, in particular in the name of protection and parental responsibility. When interpreting and balancing children’s rights, in particular those of the CRC, links between participatory rights, public debate and civic engagement and democracy have to be considered. Consequences for the application of children’s rights are threefold:

- (1) Firstly, these links underline that children’s participatory rights are equally important as protective rights. Purely risk-based approaches to children’s online participation do not sufficiently take into account the magnitude of online sociality and its political dimensions in the 21st century.
- (2) Protective measures, destined to shield children from harm associated with their activities in digital spheres, have to be seen as limitations on children’s participatory rights. As such, their lawfulness depends on their justification with regard to their purpose. Participatory rights such as those guaranteed in Article 13 and 31 CRC therefore set limits to regulation in a number of legal areas including platform regulation, family law and tort liability, in particular with regard to copyright violations.
- (3) Thirdly, the interpretation of key terms has to be updated. In particular, characteristics of digital media landscapes have to be taken into account. The CRC already unequivocally extends freedom of expression to all types of media (Article 13 CRC). The interpretation of the term “mass media” in Article 17 needs to be extended beyond traditional media categories in the light of the convergent multi-media theme repertoires.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

The New Face(s) of News

Journalistic intermediaries in the YouTube universe

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In today's "high-choice media environment" (van Aelst et al., 2017) transmission and reception of political news increasingly shifts from the legacy media to new participatory online media (Newman, 2018), resulting in new forms of political reporting and challenging established forms of mediated democracy (Blumler, 2013). On social network sites, activists and extremists in concert with commercial and political influencers compete for attention, clicks and users' support. In addition, new intermediaries emerge, which are particularly influential among the digital natives (Freberg et al., 2011). They converge the coverage of political and societal issues with the sociable and affective cultures of social media, by making use of personalization, emotions, humor, and opinion (Hurcombe, Burgess & Harrington, 2021; Miltner & Highfield, 2017; Highfield, 2016; Shifman, 2013).

Over the last decade, journalism scholars have started paying more attention to journalistic practices on the video-sharing platform YouTube (e.g., Djerf-Pierre, Lindgren & Budinski, 2019; Peer & Ksiazek, 2011). YouTube is a hybrid medium in which TV's audiovisual content and the participatory culture of social media converge (Burgess & Green, 2018). Whereas the great majority of YouTubers publish entertainment or lifestyle videos (Bärtl, 2018; Frühbrodt & Floren, 2019), *journalistic* YouTubers produce and distribute content that can be described as news. They combine the originally text-based practice of blogging about societal and political issues with audiovisual presentations, YouTube's community culture. Additionally, they deal with social media's interactive and algorithm-driven logic. Journalistic YouTubers must be considered for shaping political knowledge and opinion formation among the digital natives and to complement or supplement traditional media outlets in their functions. Even though knowledge on these new intermediaries is crucial to understanding their role in modern democracies (Pfetsch, Löblich & Eilders, 2018; Schweiger, 2017), research on their motivation, role orientations, and their ability to fulfill normative functions of the public sphere (e.g., information or orientation) is scarce (Wegener, 2019).

This paper analyses journalistic YouTubers in Germany, considering their journalistic role orientations in this new media environment. Journalistic role orientations entail normative and cognitive dimensions, and the analysis of such orientations reveals the dynamics involved in the construction of journalism's identity and its boundaries (Hanitzsch & Vos, 2017). In Germany, public service broadcasters and other public institutions fund several journalistic YouTube formats with financial and editorial resources in order to provide quality content to younger audiences in the *funk* network (funk, 2020). Yet, some intermediaries are associated with commercial media networks or funded independently. In order to gain explorative insights in the way the new intermediaries on YouTube *perceive their role in political communication* and how YouTubers within and without the funk network differ in their role orientation, we conducted 16 qualitative semi-structured interviews with journalistic YouTubers from which 11 YouTubers are integrated in the *funk* network. We identified journalistic YouTubers in a combination of an automatic search and snowball system and checked for journalistic qualities of their content, including YouTubers only who provide a recent, relevant and rather universal spectrum of topics (Neuberger & Nuernbergk, 2010; Wegener, 2019). The average age in our sample was 32 years, ranging between 22 and 35 years, with two outliers at the ages of 40 and 58. Follower counts ranged from 19,000 to 1.3 million, with an average of 323,031 subscribers. We analyzed the data following a grounded theory-based approach, through a consistent coding system (Pentzold, Bischof & Heise, 2018), identifying similarities and contrasts in the role conceptions.

Most of the interviewed YouTubers have at least some experiences in the practical work as mass media journalists and identify with journalistic norms and ethics. Results indicate that our respondents identify the most with monitorial role orientations and strive to disseminate information, contribute to opinion formation, and enhance political participation. In difference to what is known about mass media journalists (Steindl, Lauerer & Hanitzsch, 2017) they have a strong accent on the motivation to activate users on the basis of information and opinion. They strive to inform their young audiences in a user-friendly way, to provide an overview on issues and to stimulate engagement. They seek to motivate their audience to search for further information and facilitate discussion. In addition, our participants reported that they ‘close gaps’ in legacy media’s reporting. This refers mainly to missing representations of young people and minorities in society, and secondly to the younger perspectives on current affairs and societal issues. They further employ critical positions, which they perceive as otherwise excluded from legacy media’s reporting. Yet, they report to select their presented issues along their personal lines of interest and highlight the need for entertainment. Citing entertaining journalism and a high responsiveness to audience inquiries as the future of journalism and political communication in a digital world, they promote different approaches to reporting. Addressing the logic of social media, they highlight opinion-heavy or even provocative content to foster distribution and ignite further discussion, instead of legacy media’s neutral reporting.

Moreover, they believe that their work contributes to the modernization of journalism by pushing journalism towards younger target groups, entertaining presentation styles, and a strong focus on audience interactions. Accordingly, they emphasize the benefits of a “generation-specific” journalism which they perceive, however, as a complement rather as a substitute to mass media journalism. Finally, funk YouTubers are incorporated into professional editorial structures and must follow qualitative and quantitative success criteria. While the funk membership enables for a strong audience management, regarding content production, editorial support is perceived as a “reasonable limitation” and as a driver for professionalization. In sum, our findings reveal a “normalized revolution” (Klotz, 2019): while public broadcasters benefit from young YouTubers acting as a gateway to a younger audience, the YouTubers integrated in the funk network profit from the resources and professional standards of media organizations.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Intermediaries vs. States or Intermediaries and States

Democracy in the post-intermediation age

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1 INTRODUCTION

Humans are social beings. We experience ourselves through others. A lot of communication has now moved to online spaces. As the European Court of Human Rights put it in 2015, the internet provides “essential tools for participation in activities and discussions concerning political issues and issues of general interest” (ECHR 2015). In that sense, it is well accepted that “the internet plays a particularly important role with respect to the right to freedom of expression” (Committee of Ministers of the Council of Europe 2018), and that this role relies on private intermediaries’ digital platforms that not just regulate access to the online communication space, but constitute – through their rules – large parts of it (Kettemann/Schulz 2020).

Given the normative frame for online communication is thus to a large extent defined by private actors, how can states, citizens and users influence the rules which determine the limits of what may be said online? Do rules formulated exclusively by intermediaries exercising their rights *ipso facto* suffer a legitimacy deficit? Can stronger interventions by states into private processes of rulemaking and -enforcement improve this status quo (Kettemann/Tiedeke 2020), or do they constitute an even larger danger (Fertmann/Kettemann 2021)? Is the normative friction between the Old and the “New Governors” (Klonick 2017) ever increasing, or rather apt for dissolution through a stronger mutual integration of private and public rule-making systems into more symbiotic relationships? If the latter is the case, how could such a re-integration look like?

2 STATES VS. INTERMEDIARIES

When considering approaches to dissolving the sometimes messy regulatory private-public simultaneity, one may consider full-scale state interventions in order to establish democratically legitimate and accountable oversight. However, recent examples for the dangers associated with such an approach tell a cautionary tale, even for presumably robust democracies, as such an interventionism is prone to escalate into officeholders attacking intermediaries as proxies for suppressing political speech and public discourses. Repressive regulation, bans of intermediaries’ platforms or even criminal prosecution and imprisonment of employees – or the threat of any of these restrictions – have recently been used in translucent schemes to make intermediaries’ intervene in favor of those in power in Belarus (Human Rights Watch 2020), India (Mahapatra/Fertmann/Kettemann 2021), Myanmar (Irving 2019), Nigeria (Nwokoro 2021), Russia (Roache 2021) and in the United States under the previous administration (Duan/Westling 2020), sometimes in contradiction to the respective states’ obligations under international human rights law. Therefore incentives for intermediaries’ *non-compliance* with state requests are needed, if and to the extent which these requests are inconsistent with applicable international law.

3 INTERMEDIARIES VS. STATES

The global conversation around the question who the *least-worst* actor to control speech on the internet is, states or private platforms, is on the other hand also driven forward by cases in which intermediaries destabilize or even restrict states and public actors through and on their platforms. Intermediaries’ acting against (perceived) harmful communication of government agencies, public office holders and politicians, such as in the case of the deplatforming of former U.S. president Trump, justifiably also face significant scrutiny for the increase of intermediaries’ discursive power

associated with them. Next to this specific facet, general concerns relating to confining private power over individual freedoms and securing the societal prerequisites of social cohesion accentuate the need for increasing accountability of intermediaries' governance systems.

4 DEMOCRATIZING INTERMEDIARIES

Against this background, it seems almost unavoidable that institutions for overseeing intermediaries' governance systems emerge that are constructed from a public/societal *as well as* a private point of view: in an environment in which many societies welcome certain measures against content well below the threshold of illegality, but are weary of the corresponding concentration of power in companies' and states' hands, there is not much else to turn to than non-state, non-corporate institutional arrangements. Such "Social Media Councils" (Article 19 2018; Kaye 2018) may function as a point of entry for adapted versions of rule of law-principles or even be a starting point for re-importing democratic values into intermediaries' private orders. Such models may amount to a democratization or even socialization of intermediaries.

These institutions can be designed as enablers of political (user, citizen) participation or as expert-based, private reconfigurations of rule of law-principles. They may be implemented through self-regulation (cf. Facebook Oversight Board) or co-regulation (cf. NetzDG-review panels), as part of larger community moderation systems (Wikipedia Arbitration Committees) or as "soft" advisory institutions (e.g. TikTok regional councils; Twitter Trust and Safety Council) (see Kettemann/Fertmann 2021).

This concept is thus far being applied only to improve companies' governance systems, but it holds promise also for disincentivizing company compliance with unlawful State requests (Donahoe/Hughes/Kaye 2019, p. 13; Douek 2020; Mahapatra/Fertmann/Kettemann 2021) and could therefore also dissolve some normative friction in constellations of "States vs. Intermediaries".

While the existing institutional concepts fall into very different places on the scale between institutional mimicry/whitewashing and meaningful separation of private power, they all still fall short of bridging the regulatory public/private disconnect: existing voluntary self-regulation configurations lack democratic legitimacy and robust enforcement; co-regulatory configurations such as the German NetzDG's review panels have trouble interconnecting with the institutional dynamics of companies' governance systems, thus leaving much of the potential of these institutions unused. A democratic approach is therefore needed, reimporting democratic legitimacy through co-regulatory platform councils as "mini-publics" for user participation.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

Digital Activists

The networking society as a democratic reality

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From the very beginning, the spread of the internet brought high hopes for progress in society and politics. Low-threshold participation and networking opportunities would allow under-represented citizens to get involved, optimists argued (Coleman, 2005; van Deth, 2010). However, research so far showed that the ongoing trend of declining participation (Putnam, 1995), which had been observed offline, continued online (Vissers & Stolle, 2014), and the forms of interaction and collaboration on the internet were not able to fulfil optimistic visions. The internet does not gather people to participate per se. Moreover, anti-democratic developments, such as “dark participation” in social networks, were becoming more and more apparent (Quandt, 2018; Swart et al., 2018).

On the other hand, recent developments suggest a turning point of political online mobilization. Movements such as ‘Fridays for Future’ use the internet to grow and, therefore, manage to bring people onto the streets, who were previously considered apolitical (Sommer et al., 2019). Right-wing parties such as the German AfD can successfully mobilize non-voters by relying heavily on social media communication, especially on Facebook (Böhmer & Weissenbach, 2019). Apparently, means of digital mobilization form a context factor for renewed participation of only specific groups of citizens – digital activists (Theocharis et al., 2019).

Recently, scholars on digital activism have focused on the concept of digital activism (Joyce, 2010), the technological environment as a context for digital activism (Kaun & Uldam, 2018) or organizational dynamics around digital activism (Bennett & Segerberg, 2012). Others have studied ideologies of digital activism (Gerbaudo, 2017) or the digital activism divide (Schradie, 2018). Concerning political parties, questions about the changing nature of membership were addressed (Gibson et al., 2017). However, only little is known about the characteristics of digital activists on a micro-level (exception: Schradie, 2018).

With our article, we add insights on digitally active citizens in the case of Germany. We take the internet and democracy as two interconnected social realities (Floridi, 2015). The democratic society is digital, so are most of its citizens. As a result, we see a vastly growing number of services offered by civic tech firms, non-governmental organizations, and governments. Young people, in particular, are making increasing use of these opportunities, even though, from the perspective of society in general, political participation remains mostly offline (Schaetz et al., 2020). We treat the digital society as a context factor that supports new participatory movements. However, this digitality does not mean a total online democracy.

By finding out more about how politically active citizens get politically involved and how much of their political actions happen online, the article contributes to the question of why established political organizations are not able to attract supporters online, while some new movements and organizations do.

Based on the Civic-Voluntarism-Model, we add an exploration of the concerns, motivations and expectations of online political activists (Schlozman et al., 2010). Even though issues of the digital and participatory divide are addressed, the focus will be on the motivational dimension of the model. We aim to shed light on their perception of citizenship in general and of their role in society.

For this purpose, we draw on survey data from the German General Social Survey (ALLBUS) 2018. Taking population representative data allow us to better understand the interaction of offline and online modes of participation and to carve out broad patterns.

We aim to describe how digital activists differ from ‘traditional’ activists with reference to the following aspects:

- i. their political mindsets, such as political self-efficacy, satisfaction with democracy and trust in political/democratic institutions,
- ii. their sets of participation modes (online only/online additionally to offline/partial replacement),
- iii. their socioeconomic characteristics.

We apply a broad definition of digital activism. Survey respondents were classified as digital activists if they reported having participated digitally in at least one way in the past. In contrast, we refer to traditional activists as those who have participated politically but have done so exclusively offline.

Three key findings emerge from our analyses. Firstly, digital activism seems to expand the offline participation repertoire instead of replacing it. Secondly, personal motivation (in the sense of the Civic-Voluntarism-Model) appears to be more important than attitudes toward the political system. And third, the digital activists seem to be profiteers of the digital divide. The results show that online activism, as assessed here, is very demanding and requires both resources and particular motivation. However, with reference to the survey data, no statements can be made about the role of internet-based mobilization for participation. Moreover, the operationalization applied does not take into account that online participation is a multidimensional phenomenon (Gibson & Cantijoch, 2013).

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

**“Can we please stop yelling at each other just
because it’s the Internet?”**

Comparing incivility perceptions of community managers, users, and activists in online comment sections

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1 INTRODUCTION

The roles of journalists and recipients have changed, especially since the emergence of social networking sites (SNS). The publication of content on SNS and the supervision of the subsequent online discussions have become an integral part of everyday editorial work, and the new journalistic role of community managers has emerged. Online discussions offer promising benefits as they promote deliberation between users and foster participatory journalism (Quandt, 2018; Ruiz et al., 2011). However, there are major concerns about the low quality of these discussions and an increase of uncivil behavior such as insults, vulgarity, discriminatory language and lies (e.g., Coe, Kenski & Rains, 2014; Diakopoulos & Naamann, 2011). Consequently, community managers, single users and different activist groups have started to engage in comment sections and counter behavior they perceive as uncivil, sanction users and improve the discussion atmosphere (e.g., Friess, Ziegele & Heinbach, 2020; Kalch & Naab, 2017; Ziegele et al., 2018).

However, the scientific debate over what exactly constitutes incivility is still ongoing: While scholars agree that incivility is a violation of norms, they disagree which norms constitute incivility (e.g., Muddiman, 2017; Stryker, Conway & Silver, 2016). Recent research further suggests that incivility is highly subjective and lies in the eye of the beholder (e.g., Herbst, 2010; Kenski, Coe, & Rains, 2017). Such considerations imply a perceptual construct of incivility. Approaching such a construct requires asking the actors involved in online discussions about what they perceive as uncivil. However, only few studies have addressed incivility perceptions of different online actors, namely community managers, users and activists. Studies in this field typically focused on one type of incivility (Chen et al., 2018), or on one group of actors such as activists (Ziegele et al., 2019). Moreover, most of the studies defined a priori types of incivility (e.g., Kenski, Coe, & Rains, 2017; Muddiman, 2017) rather than exploratively inquiring what the participants perceive as uncivil. Therefore, we brought together community managers, users, and activists to address the following research question:

What do different actors of public online discussions perceive as uncivil and where do they agree and differ in their perceptions of incivility?

2 THEORETICAL BACKGROUND

In recent years, incivility in public online discussions has increasingly gained scholarly attention. However, definitions and operationalizations of incivility vary widely: While scholars largely agree that incivility is a violation of norms, they disagree regarding which norms constitute incivility. The majority of studies conceptualized incivility either as a violation of politeness norms (e.g., Chen & Lu, 2017; Mutz, 2007), deliberative respect norms (e.g., Anderson et al., 2014; Coe et al., 2014), or democratic norms (e.g., Papacharissi, 2004). Additionally, recent studies have approached incivility as a violation of multiple norms and empirical findings suggest that incivility is highly subjectively shaped (e.g., Muddiman, 2017; Stryker et al., 2016). We follow these extended approaches and conceptualize incivility as a perceptual construct that includes violations of multiple norms. More specifically, we build on a new approach of Bormann and colleagues (under review) who developed an integrative framework that incorporates previous incivility concepts. They suggest a multidimensional concept consisting of five injunctive communication norms that participants of online discussions can disapprove of violating. The *information norm* is about the substance (i.e., quality, quantity, relevance) of the information provided in a discussion. The *modality norm* refers to the formal aspect

of communication and asks participants to communicate clearly. The *process norm* refers to the reciprocity of contributions. The *relation norm* asks participants to be respectful and polite with each other. Finally, the *political context norm* refers to liberal democratic norms. According to the authors, violations of one or several of these five norms potentially constitute incivility.

3 METHOD

To answer the research question, we employed a qualitative semi-structured focus group methodology and composed five heterogeneous focus groups with representatives of the three types of actors: (1) Community managers of public, private, regional, and national news media, including broadcasting and print, (2) ordinary users, and (3) members of the largest German activist groups *#Iamhere* and *No Hate Speech Movement*. The sample comprised a total of 25 participants. The focus groups were conducted face-to-face in November 2019 in five different German cities. Two researchers moderated the focus groups and the approximate duration was two hours. The interview guide included open questions and stimuli on perceptions and evaluations of norm violations in public online discussions. The focus groups were audio-recorded, transcribed and analyzed with a thematic qualitative content analysis (Kuckartz, 2014).

4 RESULTS

In general, all actors perceived a lack of empathy and humanity in public online discussions and expressed concerns about this development. They reported various violations of all five communication norms, and there appears to be a large common ground which communication acts are perceived and condemned as uncivil: All three types of actors most frequently mentioned violations of the political context norm, followed by violations of the relation norm, the information norm, and the process norm. Overall, violations of the modality norm are mentioned less often. Nevertheless, violations of all five norms are more or less perceived as uncivil. In terms of severity, differences between the norms can be identified: Violations of the context and relation norm tend to be perceived as more severe than other norm violations.

Violations of the political context norm that were frequently reported and perceived as uncivil were hate speech, incitement and discrimination of marginalized groups, attacks against individual and collective liberty rights, and attacks against democratic and constitutional principles. Perceived violations of the relation norm were, among others, insults, swearing, vulgarity, threats, and slurs. Uncivil violations of the information norm were, for example, spreading dis- and misinformation such as lies or conspiracy theories, as well as referring to unreliable sources and dubious or unsubstantiated claims. In addition, users reported specific violations of the information norm caused by community managers: A lack of transparency regarding sanctions, and the deletion of comments containing media-related criticism, which the users perceived as censorship and deception. Regarding the process norm, the most frequently reported violations were topic deviation and ignorance of other participants' contributions. Violations of the modality norm were reported less often and some of them were contentious between different actors, for example, sarcasm or ambiguous communication. Whereas some participants perceived irony and sarcasm as uncivil, others found ironic and sarcastic comments in public online discussions to be entertaining.

The results and its implications will be discussed in more detail in the presentation.

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Democracy in Flux

Order, Dynamics and Voices in Digital Public Spheres

**Digital Public Activism and the
Redefinition of Citizenship**

The movement against the citizenship (amendment) act of India

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Social media, as a site of direct political communication and participation, allows for the study of citizenship-in-action. In this article, we explore the normative construction of citizenship by the citizens themselves. This relates to identity, values, and civic actions of citizenship (Coleman and Blumler, 2009), that is, its substantive rather than procedural aspects. Taken as a claims-making process (Tilly and Tarrow, 2006), citizenship can reflect solidarity, as well as competing loyalties in a diverse democracy (Gopal, 2013). How does this happen in the digital space, that is just as diverse when it comes to its avenues, affordances, and audiences? We take the case of India, the world's largest digitalising democracy, to study this.

On 11 December 2019, India passed the Citizenship (Amendment) Act (CAA), which, for the first time, made religion a part of citizenship to the detriment of the country's largest religious minority, the Muslims. This undermined the principle of secularism guaranteed by the Indian Constitution. This sparked off student-led protests, which under a month, grew into a country-wide movement comprising women, professionals, farmers, marginalised castes, and LGBTQ communities, all of whom, despite their differences, positioned themselves as protectors of a liberal republic against an illiberal state. At the same time, another group of citizens started protesting against the protesters. They projected themselves as defenders of the state, speaking on its behalf. This makes both a top-down study of citizenship as given by the state and a bottom-up study of citizenship gained through struggle against the state (Blaug, 2002; Gopal, 2013) limited. We take a different approach—a more horizontal study of citizenship as constructed through cooperation and contestation between citizens. This builds on the idea of 'actualising citizenship', where loose personal networks share information and organise civic action using social technologies (Bennett, 2008).

We use a constructivist approach to examine our research questions, which focus on the three core aspects of citizenship as articulated by the protesters (anti-CAA) and the state defenders (pro-CAA): (a) How did anti- and pro-CAA define themselves and others as citizens? (b) What values did anti- and pro-CAA ascribe to citizenship when it came to themselves and others? (c) What constituted the civic actions of anti- and pro-CAA? Instead of the state, citizens defined the attributes of 'good' and 'bad' citizenship. Social media activity, in this case, is taken to reflect ground reality.

Taking conversations as content, we examine texts, images, and videos from Twitter, Instagram, YouTube, and WhatsApp from 11 December 2019 to 31 January 2020, the peak period of the protest. As Indians account for the largest number of social media accounts per person in the world (11.5 accounts/person: Dean 2021), a dataset from multiple platforms provides a rounded view of citizenship claims made by a more representative sample of citizens. We collected data by using the official API for each of the platform taking the hashtags #CAA, #CAB (Citizenship Amendment Bill), #CAA-NRC-NPR (National Register of Citizens and National Population Register that were associated with CAA), #NRC, #indiaagainstCAA, and #isupportcaa. We collected 500 random but purposive posts each from Twitter, Instagram, and YouTube, which had more than 100 retweets and comments, indicating engagement. These posts were manually checked for being organic and not belonging to a political influencer so that they could be taken as an approximation for the voice of the person on the street. For WhatsApp, we joined public groups that discuss politics in India. We filtered data from 1000 such groups to code messages containing the keywords #CAA, #NRC, and #CAB. The posts of all four platforms were hand-coded for key words and qualitatively studied for themes associated with the three research questions.

Instagram was the most personalised and expressive platform while Twitter showed more citizens posting content of political influencers. However, the normative, descriptive, and performative attributes of citizenship were the same across platforms. In terms of identity, anti-CAA identified citizens as ‘defenders of the constitution’ (more than 96 per cent) while describing pro-CAA as ‘anti-constitution’ (more 94.8 per cent). The pro-CAA identified citizens as ‘national’ (more than 87 per cent) and anti-CAA as ‘anti-national’ (more than 71 per cent). In terms of values, ‘right to dissent/peaceful protest’ was the predominant self-ascribing citizenship value of anti-CAA (more than 75 per cent) while pro-CAA were described as ‘supporting police brutality’. The pro-CAA’s self-ascribing value was being ‘responsible citizens’ (more than 73 per cent), while describing anti-CAA as ‘law breakers/instigating violence’ (more than 75 per cent). In terms of civic action, opinion mobilisation, information sharing, and call-to-action formed the bulk of anti-CAA (more than 68 to 94 per cent across platforms) and pro-CAA (59 to 92 per cent across platforms). About 76 per cent of WhatsApp posts were misinformation and hate speech against the anti-CAA. The anti-CAA used more images, videos, songs, memes, posters, and poems, asserting their legitimacy by reclaiming the Constitution and national flags and symbols. The pro-CAA used mostly videos, images, and accusatory content. The bulk of the most engaged content was that of the anti-CAA across platforms. In this contest, they gained definitional dominance. The digital space aided their construction of citizenship of inclusion, bringing them closer to what the Indian Political Scientist Kalpana Kannabiran (2021) has called ‘constitution-as-commons’— a collective crafting of the jurisprudence of citizenship through civic engagement. This represents transformative jurisprudence where people arrogate to themselves the power and agency to deem themselves as citizens, determining its attendant values, rights, and responsibilities through collective deliberation. Citizenship as defined by the secondary attribute of nationalism is rejected as extreme statism, which is unjust and exclusionary.

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