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## Leetocracy. Networked Political Activism and the Continuation of Elitism in Competitive Democracy

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## CHAPTER NINE

# Leetocracy<sup>1</sup>

## Networked Political Activism or the Continuation of Elitism in Competitive Democracy

YANA BREINDL & NILS GUSTAFSSON

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### INTRODUCTION

On May 6, 2009, the European Parliament (EP) gathered for its monthly plenary in Strasbourg. Among the texts to be voted upon was the so-called Telecoms Package, a set of five directives regulating the European telecommunications market, which the three major institutions of the European Union (EU)—the European Commission, the European Parliament, and the Council of the EU—have been working on for nearly 2 years. The outcome of the vote seemed settled, as the Council and the EP had come to an agreement on the entire package and were hoping to close it before the European elections of June 2009. However, the vote did not follow the initially assumed voting order. Instead of confirming the compromise previously agreed with the Council, the members of the EP (MEPs)—to the surprise of many observers—adopted the initial version of “amendement 138,” postponing the entire negotiations for a further 6 months as the EP and Council extended the negotiations to a third reading. Amendment 138 states that member states cannot cut off internet access without a prior ruling of the judicial authorities, and is strongly supported by a French advocacy group, *la Quadrature du Net* (Squaring the Net), that constituted itself in March 2008 to try to prevent French and EU legislators from passing repressive laws on the digital realm. How can a group, referred to as “five blokes in a garage” by a senior French civil servant,<sup>2</sup>





introduce such an amendment to a highly complex package and effectively lobby decision makers, thus reversing a set deal at the last minute?

This chapter critically examines the role of networked advocacy groups in the policy-making process of intellectual property rights reform. Through analysing the case of la Quadrature du Net, we question the assumption that political intermediaries or elites are disappearing leaving space for a more inclusive, direct democracy in which decision makers interact more directly with citizens. Next to established political actors such as political parties or trade unions, which are—sometimes reluctantly—integrating information and communication technologies (ICTs) into their working practices, internet-based actors are emerging in a wide range of political areas (Chadwick, 2006). Such forms of networked political organisations are usually perceived as less hierarchical than traditional mobilizing groups (Norris, 2002; Dalton, 2008). This development is often interpreted by techno-optimists as a way out of the iron law of oligarchy in traditional politics, offsetting the professionalization of politics and the transfer of political power to technocrats and anonymous international political actors far away from democratic accountability, thus preparing the ground for a more inclusive grassroots-oriented democracy.

However, we argue that intermediary elites still exist. After a short discussion of the articulation between ICTs and democratic theory (“Democracy in a Digital Age” section), we introduce the concept of temporal elites (“Temporal Elites” section) and apply it to the case of la Quadrature du Net’s campaign surrounding the Telecoms Package. This campaign has proven successful in the sense that it has had a clear impact upon the decision-making process (“Internet-Based Lobbying on the Telecoms Package” section). Our discussion will show that internet-based activism constitutes a new type of elites in competitive democracy, whose effective forms are heavily dependent on technical and networking skills (“Discussion” section). Rather than functioning as the base of more egalitarian politics, the growing importance of networked political activism aided by digital media may, on the contrary, create new elites. We finish by discussing whether such elites are detrimental or beneficial to a well-functioning democracy.

## DEMOCRACY IN A DIGITAL AGE

Contemporary democratic politics is characterized by the uneasy coexistence of old power networks sustained by elites in the parliamentary political system with, arguably, two types of actors: an intermediary level of business elites, mass media outlets, and interest groups on the one hand; and newer forms of organized interests, functioning in seemingly unstable, unprecedented, and unpredictable networks of individuals and organizations, generally associated with and aided by



ICTs, on the other (cf. Norris, 2002; Dalton, 2008; Wellman, Haase, Witte, & Hampton, 2001; Castells, 1996; Micheletti, 2003; Shirky, 2008). This development is connected to several central debates that have arisen in the social sciences in the past decades, including discussions about the rise of postmaterialist values in (post-)industrialized countries (Inglehart, 1977), and the growth of new forms of political activism (Micheletti, 2003; Bentivegna, 2006; Baringshorst, 2009). This kind of renewed participation supposedly takes place beyond conventional forms of political participation and is known as “life politics” (Giddens, 1991) or “sub politics” (Beck, 1997). As traditional political institutions become increasingly contested in an era of globalization and corporatism characterized by dense networks of communication, politics are “materializing in different ambits and contexts, thus meaning the loss of ‘center’ as a consequence of the crumbling of the traditional political institutions that previously had control of it.” (Bentivegna, 2006, p. 332).

The waning of social capital and political participation as a result of individualization (Putnam, 2000), or conversely, social capital being reinforced by individualization, resulting in new forms of participation (Dalton, 2008; Dahlgren, 2009), is equally subject to debate. As ICTs have become more prevalent, cheaper, and useful since the rapid spread of internet connections in the 1990s, social science has increasingly turned its eyes towards the web as a promise of a more democratic future (e.g. Rheingold, 2000; Becker & Slaton, 2000; Morris & Delafon, 2002; Lévy, 1997, 2002) or as a dynamic machine concentrating ever more power into the hands of the few (e.g. Van de Donk, Snellen, & Tops, 1995; Hindman, 2008). The development of applications often referred to as Web 2.0 and social media in the mid-2000s, combined with anecdotal evidence of new forms of rapid networked mobilization (cf. Rheingold, 2002; Jenkins, 2006; Benkler, 2006; Shirky, 2008), created a new interest in the effects of technology on political participation.

Much of the literature on the articulation between politics and ICTs is underpinned by a certain dissatisfaction with the electoral democratic system prevalent in many industrialized nations (Norris, 2002). Current political systems are frequently considered as failing to fulfil ideals emphasizing egalitarianism, affecting not only formal political rights like voting, freedom of speech, freedom to organize and so on, but also who actually participates in political life, sets the agenda and makes the decisions. Like the invention of previous technologies such as the telegraph, the radio, or television (Vanobberghen, 2007; Hoff & Bjerke, 2009), the internet fostered hopes for an invigorated public using technologies to learn about and promote political and social causes for the good of humanity. Political participation makes people grow as individuals, leading to emancipation as well as to better governance (Norris, 2002, p.5). Hence, the debate has centered on the need for mass participation and whether internet use promotes it or not. These sets of democratic ideals



or theories are summarized by deliberative democratic theory, emphasizing rational political discourse in the public sphere (Habermas, 1962/1989, 1996; Fishkin, 1991; Barber, 1984) and direct democracy, emphasizing the actual participation in politics by all (or a large number of) citizens (Pateman, 1970; Beitz, 1989). It is not difficult to understand how this has come about; the history of the internet is also a history of a libertarian, anti-establishment, meritocratic, and anti-hierarchical culture (Castells, 2001; Rasmussen, 2007). From a communication science perspective, the internet enables not only traditional one-to-many communications, but also the possibility for many-to-many conversations. It allows communication with as many people as one wishes, providing one has access to the network. In terms of political activism, the mass coordination of large groups of people becomes possible.

The existing, imperfect system of electoral democracy can also be associated with what David Held (2006) calls competitive elitism. Competitive elitism, which has been laid out in its purest theoretical form by Joseph Schumpeter (1946) and Anthony Downs (1957), employs the economic model of rational action in markets to analyze the democratic system. In essence, the democratic model, presented as both existing and desirable in these treatises, assigns citizens the passive role of voters, selecting their rulers among competing elites. The emphasis is put on fostering competent politicians, experts in their fields (which the public cannot be), but accountable for their actions to the electorate (competition assures quality in governance).

Although the above-mentioned normative theories of what democracy is (or should be) do not completely describe any existing political system, and although elements of the theories tend to coexist in reality, we nevertheless believe that the competitive elitist model resembles the state of contemporary democracy more than do the deliberative and direct democratic models. One aim of this chapter is to turn to the members of the political elites themselves, rather than trying to analyze movements and campaigns aided by digital tools as examples of increased deliberation or mass participation.

The core problem with understanding the current political reality is the failure to see that internet-based networks do not pose a threat to the competitive elitist democratic system of our time, nor are they simply a continuation of old structures. Instead, they represent a complementary tool of informing the political elite about the wishes of certain parts of the electorate. In the competitive elitist model there is no dual model where society consists of powerful politicians/rulers and voters/ruled with extremely limited power. Instead, the political system of a society can be analyzed as a series of strata with the key decision makers at the top, a large group of fairly passive bystanders who restrict their actions to voting, a smaller group of nonvoters completely disinterested in the political games, and opinion

leaders and activists acting as intermediaries between these strata.

## TEMPORAL ELITES

David Miller (1983, p.134) describes the political elite as: “a small group of political leaders, [...] with perhaps an intermediate section of more active citizens, who transmit demands and information between the mass and the leadership.” This intermediary group of influentials and activists as described by Putnam (1976, see Figure 1) can be further divided into various strata. The actual power exerted by this group of people is directed both “up” and “down”: activists influence politicians directly as well as the “mass,” who in turn exert influence over the politicians. Whereas some supporters of the direct or deliberative democratic model claim that digital tools might render such intermediaries obsolete as direct contact between leaders and citizens is made possible, we argue that core activists form a new elite, augmenting the existing model.

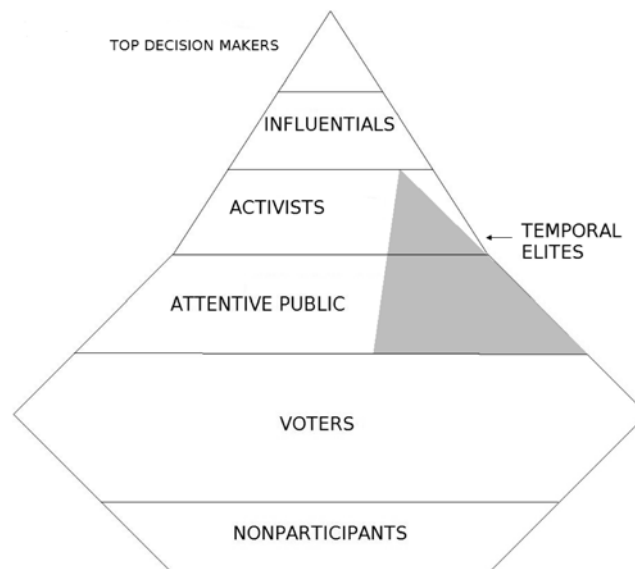


Figure 1. Putnam's pyramid of power (adapted with modifications from Putnam, 1976)



1. *Top decision makers*: incumbents in key official posts. This is normally a very small group of people.
2. *Influentials*: powerful opinion makers and people to whom decision makers look for advice—high-level bureaucrats, interest group leaders. This is also a small group.
3. *Activists*: This stratum is made up of the group of citizens who take active part in politics—as members of a political party or on a more private level. This is a larger group of people.
4. Still larger is the stratum of the *attentive public*, which consists of citizens who follow the political debates as some kind of spectator sport. They rarely actively participate.
5. The main bulk of citizens are the *voters* who have very limited, if any, political influence. They vote and that is all.
6. Finally, the *nonparticipants* do not even vote and have no political power regarding the formal political system.

We refer to networked activists as *temporal elites* (Gustafsson, 2009). The concept denotes their limited influence on certain fields and their highly unpredictable success in exerting influence over policy outcomes and agenda-setting. In terms of Putnam's model, temporal elites belong to the third and fourth strata (as shown earlier), with fairly inactive supporters of the campaign belonging to the fourth, and the attentive public and core of highly involved individuals to the third strata, the activists. However, we suppose that the group of activists grows in importance compared to the second stratum, the influentials, as "viral politics" rise in importance as compared to traditional means of influencing politicians and the public. Temporal elites adopt "viral politics," or the rapid sharing of information across the internet resulting in political mobilization (Gustafsson, 2009).

The strategy behind viral politics is to increase the number of persons composing the fourth strata, the attentive public, paying attention to the specific campaign. These "spectators" may not contribute actively to the campaign, but the more interest there is for an issue, the more politicians feel they are watched and are likely to listen to activists. Having no direct access to the mainstream media, temporal elites effectively use ICTs to spread their messages on a multiplicity of platforms. In this sense, they truly challenge established actors, although the success of a viral campaign is often measured by the resonance it creates in traditional media outlets. Furthermore, temporal elites work towards convincing "spectators" to make the step to the third strata, the activists. At the same time, activists try hard to establish themselves as influentials or to turn decision makers or influentials into activists. This form of shifting strata is not radically new. On the contrary, it is characteristic of

any type of contestation, which by definition aims to alter existing power structures. What distinguishes internet-based activism from previous forms of campaigning is the reach their message can potentially have at a relatively low cost and the loose organizing forms such activism adopts.

In specific networked political campaigns, we usually find that the “movement” mobilizing around the issue can be imagined as a number of concentric circles, with a core of dedicated activists in the middle that we can call political or movement entrepreneurs (Gustafsson, 2009). (Note that the “pyramid of power” graphically represents the power strata in all society and not the power balance in specific campaigns or movements). Such individuals are generally directly affected by the issue at stake, and rely upon their own skills to achieve their objectives (Earl & Schussman, 2003; Gustafsson, 2009). Sometimes they act out of individual grievances (Earl & Schussman, 2003), but are generally nodes in a larger network of activists who share common views and notions of political strategy (Gustafsson, 2009). Movement entrepreneurs active on different levels or countries do not necessarily know each other personally but observe each other on the internet, developing a common understanding of a certain political issue (Baringhorst, 2009). Core campaigners often spend uncountable hours on the campaign, frequently full time—at least during key moments of the campaign. From the core to the periphery we can then see circles containing first activists who spend large amounts of time volunteering for the campaign, then people who contribute only occasionally, and finally, a wide, shifting group of “lurkers” who intermittently participate through informing themselves about the issue. The core and other activists belong in Putnam’s model among the activists, whereas the lurkers belong to the attentive public.

The people closer to the core can be described as more powerful than the ones in the periphery due to their often more detailed knowledge of the issue. Yet, they are usually powerless without a wider supporting group who can spread information through social networks and rapidly mobilize. They often possess the features we usually associate with political influence: education, technical skills, sociability, and organizational skills, but they are nonetheless also an example of a disruptive force in the existing elitarian system. They do not necessarily need large financial interests behind them, nor massive organizations with thousands of card-carrying members, willing to make phone calls and sit in tedious meetings on weeknights. They benefit from the way ICTs enable “flexible participation” (Joyce, 2007); the barrier of entry into political activism is lowered by the fact that the repertoire of actions and the time and resources needed to participate in a campaign can be individualized to fit every participant’s schedule and interest. One of the key advantages the internet offers is that it allows the efficient aggregation of small contributions—for example, in terms of time spent on sharing information, donating money,





editing the wiki, contributing to the planning of a mobilization, or contacting an MEP. The next section will examine the case of la Quadrature du Net and its Telecoms Package campaign, before developing the concept of temporal elites and viral politics in light of this case.

## INTERNET-BASED LOBBYING ON THE TELECOMS PACKAGE

La Quadrature du Net (QdN) is a French citizen-collective established in March 2008 in response to president Nicolas Sarkozy's announcement of the introduction of a three-strikes plan, negotiated with the record industry and internet providers. Their name refers to the impossible mathematical problem of "squaring a circle," an analogy for the impossibility of transposing traditional legislation onto the digital environment. QdN believes that "it is impossible to effectively control the flow of information in the digital age by means of the law and technology without harming public freedoms, and damaging economic and social development. This is what we call Squaring the Net."<sup>3</sup> The advocacy group therefore calls for innovative internet regulation that respects fundamental rights and the inherently democratic character of the internet.

The data for this research was collected as part of a broader project that analyses campaigns aiming to influence EU policy-making in the domains of intellectual property rights, internet regulation and so-called digital rights, that is, the protection of citizens rights in digital realms (cf. Breindl & Briatte, 2009; Breindl, 2010). The Telecoms Package campaign has been selected because it is a typical example of an internet-based network of activists campaigning to influence EU decision-making on copyright issues. Activism surrounding intellectual property rights lends itself heavily to internet activism, as the tools and objectives they pursue coincide. QdN is emblematic of networked, transnational, internet-based activism in a domain that heavily relies on ICTs.<sup>4</sup>

QdN is a hybrid organisation (Chadwick, 2006), mixing the action repertoires traditionally associated with social movements and interest groups: protest actions (such as an internet blackout), but also participation in conferences, discussions with MEPs, and the provision of analyses. QdN is part of an international network of digital rights advocates. Their aim is to prevent what they consider repressive copyright legislations such as the "three-strikes-and-you're-out" scheme that plans to cut off copyright infringers' internet connection after two unsuccessful warnings. Amendment 138 was introduced as a warrant against such a scheme, as it would make a prior judicial ruling compulsory, complicating the three-strikes mechanism. Three-strikes is only the latest in a series of events generally referred to as the "copyright wars" in which the entertainment industry uses any possible venue in order to counter copyright infringements, including lobbying, litigation, education,

and licensing (Yu, 2004).

Internet-based networks such as QdN have been instrumental in raising public awareness of copyright issues (Breindl & Briatte, 2009), and are typical of a larger trend of new communities that have emerged with the rapid expansion of the internet. Since the early 1990s, they are gaining in importance, notably by influencing traditional decision-making. On their internet site, they define their activities as advocacy “for the adaptation of French and European legislations to respect the founding principles of the Internet, most notably the free circulation of knowledge,” and intervening in “public-policy debates concerning, for instance, freedom of speech, copyright, regulation of telecommunications and online privacy.”<sup>5</sup> More generally, their actions aim to encourage citizen participation and debate on “rights and freedoms in the digital age.”<sup>6</sup>

Most core activists can to some extent be linked to the free/libre and open source software movement (FLOSS), either as programmers, free or open source software company owners or users. For these activists, the advent of computers and the internet is a revolution that fundamentally alters the current power balance, moving from an industrial society to an information society. They are inspired by what Castells has termed the “culture of the internet” (2001, pp. 36–63), based on the techno-meritocratic values built in the open architecture of the internet by its early innovators; enacted by hackers promoting principles of sharing, openness, decentralization, free access to computers and information, and the belief that computers can change the world for the better (Levy, 1984); and embedded in virtual communitarian networks and the entrepreneurial culture that contributes to “an ideology of freedom that is widespread on the Internet world” (Castells 2001, p.37; see also Flichy, 2001; Rasmussen, 2007). At present, a much broader digital rights movement has taken shape, as exemplified by QdN’s promotion of openness, sharing, and free access.

The frames articulated by digital rights activists are notable for their trans-political appeal, resisting traditional right/left cleavages. QdN succeeded in playing on antagonisms within the two big European political formations, the European People’s Party (EPP) and the Progressive Alliance of Socialists and Democrats in the EP (S&D), leading to affinities between members of different parties and a crucial role for small parties to act as intermediaries. This is, however, not unusual in European politics, characterised by shifting majorities depending on the issues at stake. From QdN’s perspective, governments and corporations frequently do not understand the emancipatory potential of internet technologies and try to regulate them in order to control them more effectively. In a European Parliament largely dominated by the conservative EPP, their sole chance of success is to increase the awareness of MEPs across the political spectrum.

The way they work reveals a strong tendency to adopt an “engineering philos-



ophy to make things work” and an “insistence on adopting a technocratic approach to solving societal problems and to bypassing (*hacking*) legislative approaches” (Berry 2008, p.102). If there are “harmful” amendments within a French legislative proposal or even within a set of five European directives, everything needs to be done to “patch”<sup>7</sup> these, as one activist explains:

Basically, what you had in this kind of community is a certain pragmatic approach towards implementing stuff, by doing stuff and problem solving. So you have a problem, try to get a fix for it, try to get a solution. You’re not so much interested as other political communities in socializing or in feeling good among us and sticking together as a community. So this doesn’t really matter. We want to achieve our objective. Yeah. It’s very focused. (...) Actually, politics is also a technocratic system and in the same way you program computers, you somehow try to fix the political regulatory framework. (Interview 1, Brussels, February 2008).

QdN can be best described as functioning in four concentric circles, as introduced previously in the discussion on temporal elites. At its core are five founders, four of whom are computer scientists, empathetic to the FLOSS movement, and the fifth previously a parliamentary assistant in the French national assembly before rallying to the digital rights cause. One core campaigner and a half-time assistant are paid with funds provided by the Open Society Institute (OSI). Founded by the Hungarian-American businessman and philanthropist George Soros, OIS is a private foundation offering grants for the promotion of democratic governance and the safeguard of fundamental rights. The second circle is composed of voluntary contributors who are generally part of la Quadrature du Net’s discussion list and follow the Internet Relay Chats (IRC). These contributors do not only actively engaging in the discussion but analyze legislative texts, check press releases, edit the campaign wiki, create the word online, and create new tools. A third circle is composed of occasional contributors, people who follow closely what la Quadrature du Net does, performing tasks such as translating documents or the content of the website, cleaning up the wiki or helping out with reviewing the press coverage of their activities. Finally, a fourth circle of supporters, so-called “lurkers,” is comprised of people who read and follow what la Quadrature du Net does, maybe engaging in their mobilizational campaigns through calling an MEP or participating in the internet blackout,<sup>8</sup> but without actively contributing to the organisation of the campaign itself.

Most (but not all) core campaigners and supporters interviewed are male, holding a university degree, aged between 20 and 35 and live in urban areas. The boundaries between these circles are far from impermeable. Even core activists can put their activities on hold for a certain period of time and become occasional contributors, just as lurkers can decide to join the IRC discussions and move closer to

the core of the group. These dynamics are observable within online groups in general. Often a core group of very active members is responsible for most of the produced content, while up to 90% are made up of lurkers (Nonnecke & Preece, 2000). Due to “[t]he fluid character of many of these netbased movements, and the ease of joining and withdrawing, it is really difficult to estimate what portion of the citizenry is actually involved” (Dahlgren, 2004, p.18).

QdN is an informal organisation, without statutes or an elected board. The collective emerged in response to the so-called HADOPI law<sup>9</sup> in France. Most core activists used to fight previous intellectual property rights legislations, such as the directive on computer implemented innovations or the copyright law DADVSI in France (Breindl & Briatte, 2009). These past struggles prompted their awareness of the necessity to look at the European level, if only because two-thirds of all legislations in member states legislations are transpositions from EU law.

In spring 2008 they discovered that among more than 700 amendments to the reform of the Telecoms Package (a set of five directives regulating the European telecommunications market), several were supportive of establishing “graduated response” or “three strikes” legislation being established at a European level. Further amendments were problematic to the principle of net neutrality (the indiscriminate routing of content over the internet) or to the respect of privacy in digital realms. Their actions therefore became twofold; at the French level with the HADOPI law, and at the European level with the Telecoms Package.

The Telecoms Package campaign lasted over a period of about 20 months, closely following the legislative process through which QdN published numerous press releases. QdN actively worked to form alliances with like-minded activists and associations of other member states who would relay their message during the various mobilizations. Creating a network of involved individuals was a central component of the campaign and one for which the use of the internet is generally lauded by scholars (Castells, 2001; Bennett, 2004). However, the actors that held central positions within the network were not random citizens. On the contrary, the form of activism practised by QdN involves highly skilled actors. Most of them hold a university degree—frequently computer science but not exclusively—and as one ally inside the EP stated: “they generally come from privileged social classes or at least they have learnt everything that is necessary.” (Interview 2, Brussels, March 2009). The internet does not remove all barriers to participation; education and social capital remain strong determinants of online action (Jensen, 2006).

Furthermore, they are not only privileged and intelligent individuals, they are also technically skilled, that is, they know how computers function, how the internet works, and in which way they can take advantage of these technologies by developing viral campaigns. For example, a benevolent founder of Quadrature du Net generated the tool LawTracks,<sup>10</sup> thanks to which any internet user can compare dif-

ferent versions of problematic articles of the Telecoms Package. A link to the software used for generating this database explains furthermore how it can be installed and adapted—freely—by other activists/associations. The original texts of the directive are extracted from EUR-Lex, a European platform that provides free access to EU law texts.<sup>11</sup> These texts are available in the official EU working languages (English, French, German, and Spanish) but further translations can be added.

**Proposal for a Directive of the European Parliament and of the Council amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and services, and 2002/20/EC on the authorisation of electronic communications networks and services (COD/2007/0247)**

**Directive on access to, and interconnection of, electronic communications networks and associated facilities (Access 2002/19/EC)**

**Article 9**

European Parliament First Reading	Council of European Union Common Position	European Parliament Second Reading
<p><b>Article 9 – Obligation of transparency</b></p> <p>1. National regulatory authorities may, in accordance with the provisions of Article 8, impose obligations for transparency in relation to interconnection and/or access, requiring operators to make public specified information, such as accounting information, technical specifications, network characteristics, restrictions on access to services and applications, traffic management policies, terms and conditions for supply and use, and prices.</p> <p>2. In particular where an operator has obligations of non-discrimination, national regulatory authorities may require that operator to publish a reference offer, which shall be sufficiently unbundled to ensure that undertakings are not required to pay for facilities which are not necessary for the service requested, giving a description of the relevant offerings broken down into components according to market needs, and</p>	<p><b>Article 9 – Obligation of transparency</b></p> <p>1. National regulatory authorities may, in accordance with the provisions of Article 8, impose obligations for transparency in relation to interconnection and/or access, requiring operators to make public specified information, such as accounting information, technical specifications, network characteristics, <del>restrictions on access to services and applications, traffic management policies,</del> terms and conditions for supply and use, <b>including traffic management policies,</b> and prices.</p> <p>2. In particular where an operator has obligations of non-discrimination, national regulatory authorities may require that operator to publish a reference offer, which shall be sufficiently unbundled to ensure that undertakings are not required to pay for facilities which are not necessary for the service requested, giving a description of the relevant offerings broken down into components according to market needs, and</p>	<p><b>Article 9 – Obligation of transparency</b></p> <p>1. National regulatory authorities may, in accordance with the provisions of Article 8, impose obligations for transparency in relation to interconnection and/or access, requiring operators to make public specified information, such as accounting information, technical specifications, network characteristics, <del>restrictions on access to services and applications, traffic management policies,</del> terms and conditions for supply and use, <b>including any conditions limiting access to and/or use of services and applications where such conditions are allowed by Member states in conformity with Community law,</b> and prices.</p> <p>2. In particular where an operator has obligations of non-discrimination, national regulatory authorities may require that operator to publish a reference offer, which shall be sufficiently unbundled to ensure that undertakings are not required to pay for facilities which are not necessary for the service requested, giving a description of the relevant offerings broken down into components according to market needs, and</p>

Figure 2. Excerpt comparing the three institutions' changes to the Telecoms Package using LawTracks

The fact that la Quadrature du Net can rely on a large base of programmers certainly helps to build a coherent website and tools for analysis. Enabling citizen participation is a central component of QdN, with individuals asked to participate in various ways. They can contribute by looking at their wiki page “How to help” which lists the most recent tasks that need to be done. As such, it enables “flexible participation” (Joyce, 2007) even though most of the content is produced by the handful of core activists who rely on their technical expertise to build tools, such as LawTracks, that facilitate their intervention into EU policy-making. As one core campaigner asserts: “What I like most actually, it’s to be a toolbox to allow people

to understand what is happening and to allow them to act, to give them the tools to act.” (Interview 12, Berlin, April 2009).

A recurrent claim of la Quadrature’s press releases concerns the lack of transparency of policy-making. Decisions are taken in opaque committees and information is sometimes delivered to the public only once as changes can no longer be made. This is particularly the case regarding EU decision-making, which lacks strong mechanisms of democratic accountability. QdN’s attempt to engage citizens with the complex EU system is particularly well received by political representatives who advocate the constitution of a strong European public sphere.

## DISCUSSION

QdN core campaigners can be described as temporal elites. They actively engage with politics, yet focus on a particular domain—internet regulation and intellectual property rights reform—using viral politics techniques to produce awareness and outreach. Thanks to their use of the web, they have not only acquired a good knowledge of a complex supranational policy system such as the EU, but have also used this expertise to take action and mobilize others to act. By continuously informing their readers via press releases, they try to involve citizens in the organisation of the campaign generating media resonance and/or putting pressure on political decision makers via phone calls and emails. On the internet, QdN has provided the most frequent updates on the Telecoms Package reform, from a politicized perspective, and their analyses have been widely read not only by their supporters, but also by their opponents. Their claims have frequently been relayed in the traditional media and across the EU as activists from other countries published and translated their releases.

Temporal elites are intermediaries between political decision makers and citizens, acting as transmitters of information from one section of the population to the other. Of course, not all Europeans have been touched by QdN’s campaign, given that it is a very specialized domain. Yet, they managed to mobilize a significant portion of the citizenry, as all MEPs spoken to testified, regardless of their position on this issue. As QdN’s prime goal is to influence existing representative democratic politics, they are not an alien element to the competitive elitist system. Instead, they manage to break inside the power pyramid previously described, effectively merging with the activists and the attentive public.

At the same time, the emergence of temporal elites does not mean the reinforcement of old elites. As barriers of entry are lowered and communication made easier, new groups formerly uninvolved in politics can be drawn in. However, as our case study shows, these new political participants have much in common with old



elites with regards to social-economic-status (SES). Classical factors determining political participation such as time and money, education, social capital, and additional “digital factors” such as access, competency, motivation, and know-how, constitute barriers to participation (Jensen, 2006). Active minorities are often overrepresented in cyberspace (Corbineau & Barchechath, 2003). Hence, political actions, internet-based or not, are rarely representative or inclusive of the various groups constituting society. This is an important challenge to the principle of equality, central to all democratic models. The disruptive power of temporal elites and viral politics, instead, comes from the possibility of mobilising small groups of individuals around specified issues, thus competing with traditionally organized interests. The flexibility of participating in the campaign and the aggregation of small efforts allows for more people to become engaged.

The Telecoms Package campaign also shows how communication has become a primary political strategy, making “campaigns themselves political organizations that sustain activist networks in the absence of leadership by central organizations” (Bennett, 2004, p. 130). La Quadrature du Net constitutes a continuous campaign network, established to mobilise against a French law and soon moving to different levels. It is not an organization *stricto sensu* but an informal network of activists whose primary objective is to prevent “harmful” legislations within internet-related domains. Nonetheless, networks do not suppose that all of their members are equal, only that communication flows more horizontally—hierarchies are also networks. La Quadrature du Net and most contemporary forms of networked activism are indeed characterised by their interconnectedness and absence of strong leadership or central authority. However, within the various clusters composing networks such as QdN, some individuals hold more power than others, generally the most active ones.

QdN took advantage of the effective aggregation of small contributions and new forms of flexible participation. Yet, most of the work has been done by the small group of core campaigners who developed their expertise on internet-related issues. E-government practices have led to the publication of large amounts of official information on the internet. Even the European Union is keen on using these technologies to resolve the democratic deficit it is often accused of. “Netcitizens now dispose of research possibilities that used to only be accessible to State news services” argues Rebutisch (2005, p. 1). Yet, mere access to information does not necessarily increase participation levels. If the mass of information available is larger than before, it is not necessarily evenly spread. For this reason it requires increased expertise to find that information, and to understand, analyse and take advantage of it. This requires time, skills, and interest in engaging with such information, hence privileging some individuals over others. Groups such as la Quadrature du Net con-





stitute new information gatekeepers, certainly working in favour of increased transparency in the political process, but still controlling what information is published as it relates to their cause.

## CONCLUSION

In this chapter, to challenge the misconception that the emergence of new forms of digitally aided political activism, carried out through loose networks rather than through formal organisations, might be heralded as a positive replacement or at least a threat to the existing traditional elitist democratic systems of the world. Instead, we point to the way these new forms of organisation can produce new hierarchies and the emergence of new elites. We use the term temporal elites to describe a heterogeneous group of technologically and socially skilled activists with a strong motivation to influence policy, forming networks around specific issues with a few dedicated individuals in the core and larger groups of interested and potentially mobilizable people forming the important peripheral network. The term is useful for interpreting empirical studies of digital political activism in the light of elitist democratic theory, as our study of QdN shows. We do not claim that the evidence presented in this case is generalizable to all forms of protest activity relying on the internet nor that elitist democratic theory is the sole perspective through which to analyse what is happening in the field. Future research will have to address to what extent internet-based activism is disruptive for representative democracies and work on how to integrate various democratic theories and other conceptual frameworks to shed light upon the phenomenon.

In the end, whether temporal elites are seen as beneficial or detrimental to democracy is not only a question of democratic ideology, but also one of realism. Digital activism does not end elitism in democracy; it might on the contrary augment the existing system. But it is hard to claim that internet-based activists worsen the situation from an egalitarian point of view. Quite the contrary, the barriers for participation have been lowered. Motivated people with some basic skills can more easily than before use available information, build up a network of activists, and get the message into the political system (or out on the streets). Not everyone is motivated. Some people become interested in politics and, to make a long story short, we do not know why (Verba, Schlozman, & Brady, 1995). Furthermore, some people have the technical and social skills needed to participate successfully. This is connected to factors such as education and social background, but there is no evident unequivocal causality. We believe that political participation by as many as possible in a given society means better, more efficient, and more legitimate democracy. A limited number of people should be interested enough in an issue to build up the





necessary knowledge and devote the time to promote the cause. If social media and other digital media make it easier for motivated people to connect to each other, this is probably a good thing for democracy. But further empirical studies must take into account the old question of whether the elites, new or old, have views that are representative of the people as a whole.

If politics is the art of the possible, we, as social scientists, should not mourn the seeming impossibility of mass activism spread equally through all fractions of society, but critically assess new forms of political organization in their societal context. We must compare emergent developments in democracy with reality, not with abstract democratic ideals.

## NOTES

1. “Leetocracy” means basically “rule of the leet.” “Leet” is an Anglo-American internet slang term deriving from the word “elite.” It denotes the special kind of language used by hacking and other online cultures, using abbreviations (lol, brb), numbers instead of letters (1337) and deliberate misspelling (pwned), as well as the self-appointed digital elite using the language. We use the term “leetcocracy” as a reminder that the increased importance of networked political activism might not necessarily mean increased equality in political participation but instead the potential rise of new elites as argued in this paper.
2. La Libre Belgique, 2009, <http://bourse.lalibre.be/actualites.html?id=20090308T120621Z&genre=AFP&ticker=&pays=&source=afp> (last accessed 10/01/2010)
3. <http://www.laquadrature.net/en/faq-0> (last accessed 10/01/2010)
4. This paper draws on a series of 20 interviews conducted with activists and members or staff of the European Parliament involved in the Telecoms Package reform. All interviews and data collection were carried out between September 2008 and December 2009, and the sources have been analyzed following a thematic, inductive inspection. Documents generated by the activists themselves such as press releases, analyses and further documentation posted on their website and wiki, messages posted on mailing lists and documents, and analyses provided by the activists themselves or the political staff inside the EP were also taken into account.
5. <http://www.laquadrature.net/en/who-are-we> (last accessed 10/01/2010)
6. Ibid.
7. “A patch is a small piece of software designed to fix problems with or update a computer program or its supporting data.” (Wikipedia “Patch,” [http://en.wikipedia.org/wiki/Patch\\_\(computing\)](http://en.wikipedia.org/wiki/Patch_(computing))), last accessed 10/01/2010)
8. La Quadrature du Net launched an internet blackout, that is, the voluntary dressing in black of websites, avatars, etc., in order to influence the French legislative proposal, the HADOPI law (see below).
9. The HADOPI law is the acronym used for the Loi n°2009-669 du 12 juin 2009 favorisant la diffusion et la protection de la création sur internet (Law n°2006-660 of June 12, 2009 facilitating the diffusion and protection of creation on the internet) implementing the three strikes mechanism in France.
10. [http://www.laquadrature.net/lawtracks/telecoms\\_package/](http://www.laquadrature.net/lawtracks/telecoms_package/) (last accessed 10/01/2010)
11. <http://eur-lex.europa.eu/en/index.htm> (last accessed 10/01/2010)

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## 210 | SECTION THREE: POLITICAL INTERSECTIONS

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