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Truth and Information

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Understanding China’s Engagement in Technical Standards Bodies

FIONA POLLOCK AND EMILY TAYLOR

China is seeking dominance over the shape of emerging technologies by taking up leadership positions across multiple international organizations that influence norms and standards. China’s positioning and astute use of process within digital technical standards bodies initially caught democratic countries napping. An effective response from the West will require coordination and cooperation between two groups that have not always seen eye to eye: governments and some participants in the industry-led standards bodies such as the Internet Engineering Task Force (IETF). Despite the G7 governments’ continuing support for industry-led, multistakeholder standards processes, some in the IETF remain distrustful of governments and are uncomfortable with their new-found A-list status in geopolitical declarations.

The recent declaration by the G7’s technology ministers provides high visibility to digital technical standards — previously a somewhat neglected policy backwater, populated by closed communities of engineers and technical experts. As highlighted in the G7 technology ministers’ declaration on 28 April 2021¹, and endorsed in the G7 leaders’ communiqué in June 2021, emerging technologies have a wide societal impact, and it is essential that technology standards support democratic values and principles. Far from projecting a government-led approach, the G7 agreement clearly stressed the need for industry-led, inclusive, multi-stakeholder approaches for the development of technical standards. The declarations’ emphasis on inclusion and capacity building in standards bodies is not just support for the status quo. It could also be interpreted as a call for existing engineering orientated bodies to widen participation and be more welcoming to civil society participants and women. It is arguably because standards have to date been developed by a single stakeholder group — male, Western engineers — that the societal and geopolitical impacts of technological standards have not always been adequately acknowledged.

In fact, ‘standards’ and ‘China’ are becoming ever-linked in the minds of Western policy makers who were unsettled after a set of proposals, known **[Cont’d, Page 3]**

Ensuring a diverse and balanced participation of all relevant stakeholders in the creation of technical standards is essential to ensure a fair and open digital future for all.

TRUTH AND INFORMATION

• From the Associate Director •

This year's edition of *Democracy & Society* offers essential and timely insights into one of the key issue areas in democratic theory and practice today. The rapid changes in the way that technology and data are influencing day-to-day life around the world have important social and political implications. The pieces in this issue make important contributions to helping us think through the vital questions that result. This year's editorial team of **Ruby Karki**, **Maeve Edwards**, **Janelle Clausen**, and **Alexander Mayer** have worked intensively to produce an excellent issue.

The 2020-2021 academic year was conducted almost entirely remotely as the world continued to battle the COVID-19 pandemic. Despite these challenges, the Democracy and Governance M.A. program adapted and even thrived. We welcomed **9 new students** as our 15th incoming cohort. In December 2020 and May 2021, we proudly welcomed **10 new graduates** into the community of DG alumni. Students at every stage of the program produced impressive work inside and outside the classroom and showed the grit and grace that are the hallmarks of our Hoyas.

This academic year was marked by concerns not only for the quality of democracy globally, but also specific worries about the health of democratic practice and institutions in the United States. From the contention surrounding the 2020 presidential election to the violent events of January 6, many of our informal conversations and **special events** have demonstrated the importance of including the US in our thinking about global democracy. You can read more about these events and other program news in the **Program Highlights** at the back of this issue.

The theme of this year's publication is "**Truth and Information.**" All of the pieces in this issue deal with questions of how democratic and nondemocratic societies collect information, use that information, and decide what information is reliable enough to serve as the basis for individual and collective decision-making. We are privileged this year to present work from an array of scholarly, professional, and student authors.

Fiona Pollock and Emily Taylor of Oxford Information Labs open the issue by examining China's active participa-

tion in international technical standards bodies and exploring how that country's engagement could alter technical processes with serious implications for global information flows. The theme of authoritarian governments' influence over information flows also emerges in our editors' interview with **Emerson Brooking**, which presents a deep dive into the influence that social media holds over democratic politics, even in the most established democracies.

Rapid developments in technology also motivate several other authors in the issue. **Isabella Wilkinson** explores the ways that digitizing elections might impact voters' trust in electoral integrity. **Grayson Lewis** engages with online-capable video games as a new—if unintended—landscape of social interaction and potential political activism. **Ann Duke and Caroline Morin** advocate for blockchain-based audit systems to help bolster the integrity of elections in raise confidence in official election results. **Zinaida Rozhkova** explores the potential of "liquid democracy" as an alternative to conventional forms of contemporary democracy.

Another theme that emerges from contributions to the issue is the role that truth and accuracy play in building or stabilizing democratic systems. **Erin Rizzato Devlin** examines the "judicialization of politics" and cautions readers of the risks for democratic health. **Rebecca Coyne** turns our attention to the past and argues that contested versions of history in divided democratic societies have serious consequences for the political use of identity in the public sphere.

Finally, our issue's book review sees outgoing Editor **Maeve Edwards** review Kai Strittmatter's *We Have Been Harmonized: Life in China's Surveillance State*. She finds the book multifaceted and reflects on what it tells us about political life even beyond China's borders in a variety of regimes.

On a final note, I would like to share that this is my final *Democracy & Society* issue introduction as Associate Director of the Democracy & Governance Program. After five wonderful years with the program, the time has come for me to depart the Hilltop. I extend my heartfelt gratitude to everyone in the program and my best wishes for success to all our M.A. students and alumni.

I hope you enjoy this issue.

as New IP, was introduced by Chinese representatives at the United Nations International Telecommunications Agency (ITU). These proposals, if adopted, would amount to a new and non-interoperable set of protocols for the Internet's regulatory architecture. Whether or not New IP is ever adopted by the ITU or another forum, the episode served as a wake-up call on the strategic importance of technical standards. At the same time, observers have noted that China is pursuing a patient, concerted strategy in which standards are seen as a vehicle to advance both domestic goals and international ambitions regarding trade, technology, and geopolitics. To fulfil that strategy effectively, China has been steadily filling leadership positions in key institutions across the UN system and other international standards development organizations. Standards insiders also report, on condition of anonymity, that Chinese representatives are astutely using process for strategic advantage — whether by 'flooding' resource-constrained working groups with scores of written submissions shortly before meeting dates, or by repeatedly re-submitting requests for new work items even after they have been rejected by their peers. Whether or not the New IP proposals will eventually be rejected or perhaps re-emerge with different names in different fora, the case of New IP has brought standards into the public eye and acted as a reminder to many liberal democracies of the importance of technical standards and their inherent power to lay the groundwork for global internet technologies.

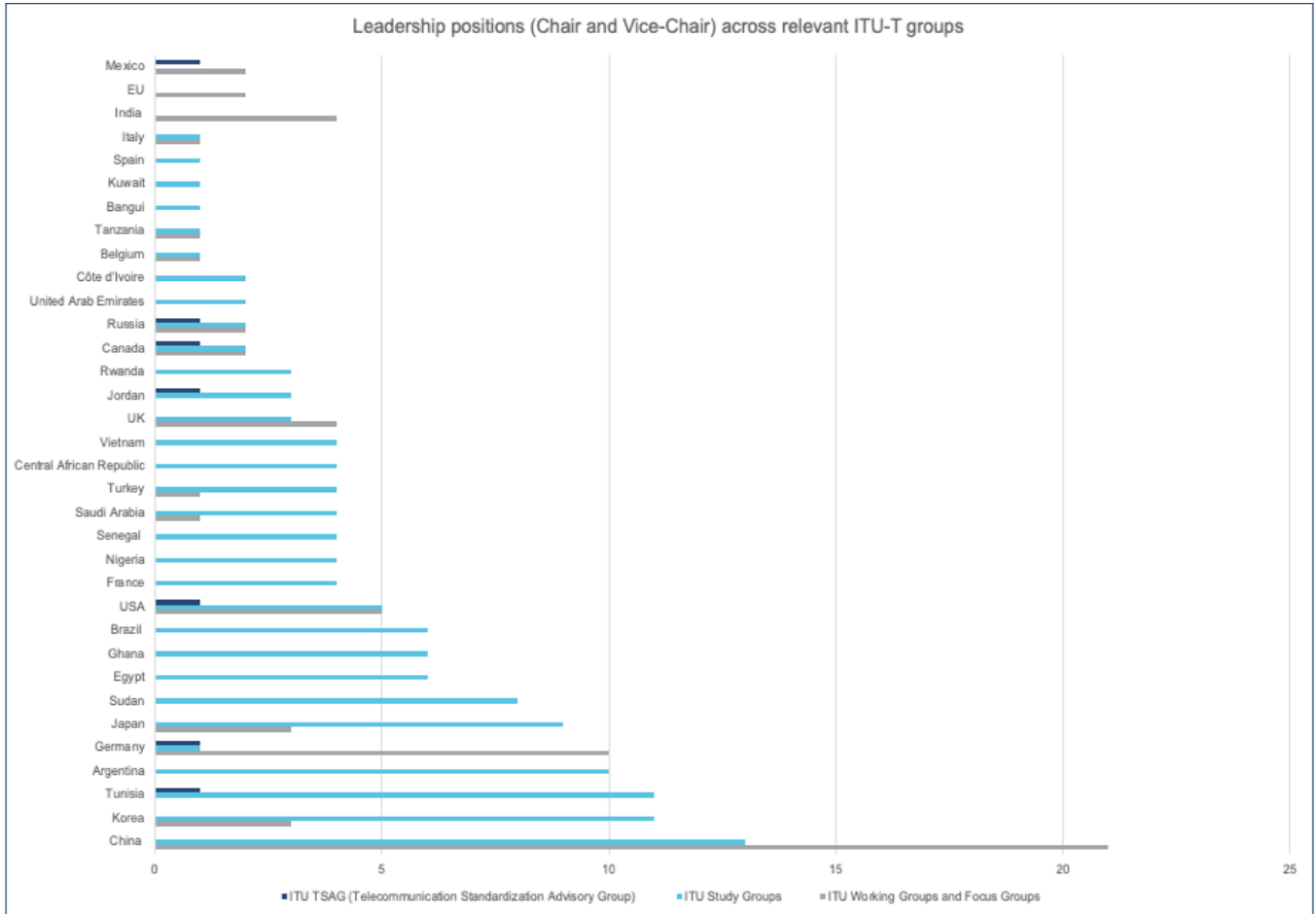
The technical standards and technical deployment of New IP are unclear at present, although there have been reports of testbeds involving more than 40 universities in China.² The New IP proposals were laden with overarching goals, but technical specifics were lacking. At the same time, New IP, if adopted, would imply a new form of internet governance by replacing the current multi-stakeholder processes with a state-led, multilateral approach. Yet, according to Hoffmann et al., despite claims by its advocates that New IP would decentralise the internet, the technology has the potential to enable centralised control and command of the internet through fine-grained micromanagement and surveillance.³ A state-owned internet structure with an encrypted core would allow the controller of that infrastructure, in this case the Chinese government, enhanced capability to fully surveil and monitor users. As Carolina Caeiro, Kate Jones and Emily Taylor note in a forthcoming book chapter, under New IP, the network itself becomes the instrument of surveillance, raising concerns over the security and human rights of end-users.⁴

In essence, through the power of technical standards, China's New IP would take China's national approach to cyber sovereignty into the international internet governance structures. The episode demonstrates China's strategic use of technical standards bodies to pursue its national techno-

logical goals and priorities. The case of New IP highlights how critical technological standards are in creating and upholding a fair and equitable internet for all users. It is certainly the case that today's internet is imperfect, there have been human rights abuses, scandals regarding the use of data by corporations and some governments. Whatever the concerns — and many are valid — New IP is not the answer. As new challenges present themselves, we can expect the internet to constantly develop and adapt. The internet requires constant evolution, not a revolution and certainly not a revolution led by China. The proposals known as New IP if adopted, would replace the internet's lightweight, open, interoperable standards with an architecture built for surveillance, and pose even greater human rights and surveillance risks.

Moreover, the Chinese government has been explicit about its desire to have a greater influence in standards in public documents about their technological strategy. China has published strategies which highlight the importance it attaches to technical standards that support domestic and international trade, development, and other geopolitical objectives. In 2020, China's Five-Year Plan reflected the nation's public desire to pursue greater leadership positions⁵ in strategically important technological standards bodies: “积极参与数字领域国际规则 and 标准制定” which translates as their intention to, “Actively participate in the formulation of international rules and standards in the digital field”⁶. Additionally, while academic institutions globally seek to attract investments, China has steadily increased its partnerships with international universities and competitive research funding.⁷ This funding results in the Chinese government potentially having more involvement and control in the development of international academic research. Again, this involvement raises questions regarding how the Chinese government's values are being subtly embedded into research and academia more widely. A recent report showed China invests more in experimental development research compared to the U.S.⁸ The Chinese government has not been shy about its intention to establish a strong foothold in standard-setting bodies, with data presented later in the article supporting the conclusion that China has experienced measurable success in pursuing this strategy.

Beyond standards being key for promoting values, standards are also powerful component of geopolitical and economic advancement. China's engagement in technical standards bodies has been smart and strategic. Had the New IP standards proposals been approved, they would have been protected under World Trade Organisation rules that make it unlawful to ban technology equipment built to standards approved at the ITU. The ITU is a natural choice for the Chinese government to express its national strategy given the complexity of the ITU's processes and the limited participation of private-sector engineers and experts from liberal democracies, when compared with industry-led processes such as IETF. Moreover, the ITU is ideologically



a good match for China as the ITU is a government-led multilateral body which gives the Chinese government a clear role and voice in this setting.

Commentators have noted China’s active participation and increasing representation within standards bodies, but few have acknowledged that China was able to gain this presence and influence at standards bodies because there was room for them to do so.⁹ Western countries’ engagement at standards bodies declined in part because of the 2008 financial crash which prompted more companies to save money by making cut-backs on spending deemed inessential, such as financing company participation at standards bodies. On the other hand, China’s representatives have been stepping up their involvement in standards as a result of China’s Standards Law 2018, which encouraged China’s international participation in SDOs.¹⁰

Chinese influence is particularly striking in two bodies: the ITU and 3GPP — the latter of which is responsible for setting mobile telecommunications standards such as 3G, 4G and 5G technologies.

As of April 2021, Chinese national heads the ITU and China’s delegations have the largest number of leadership positions at the ITU — at 21 leadership positions, see figure. Of the 66 Chair and Vice-Chair positions at the ITU, China holds over 30% while the United Kingdom and the U.S. hold 6.1% and 7.6% respectively. The bureau responsible for setting worldwide telecommunication standards (ITU-

T) has 11 working groups, of which China holds a Chair or Vice-Chair position in 10. Chinese nationals also hold a total of 25 positions at Chair or Vice-Chair at key ITU-T study groups and 87 rapporteurs.¹¹

Leadership positions at the multilateral, top-down ITU-T are a reasonable barometer to judge China’s relative influence, because under ITU rules, the leaders have clear and well-documented roles informing the content, processes, and approval of technical standards. These leadership roles “coordinate the activities of their working group, serve as the first stage of appeal of a working group’s decision and determine whether consensus has been achieved.”¹²

The relevant ITU study groups are working on standards for emerging technologies that will have wide societal and human rights impacts. For example, China has two or more vice chair positions in key study groups such as Study Groups 13, 17 and 20 that are working on future networks, security and the internet of things (IoT), artificial intelligence and smart cities and communities.¹³

In addition to the ITU, Chinese nationals hold a significant number of leadership positions within 3GPP, the body responsible for mobile standards. In keeping with 3GPP’s industry-led nature, Chinese participation is seen through companies including Huawei, China Mobile, China Unicom, Alibaba and ZTE, which are “playing a larger role in both multilateral and multistakeholder SDOs acting as negotiators”. As of April 2021, there are 15 Working Groups

at the 3GPP, with representatives from Chinese technology companies holding Chair or Vice Chair positions in 13 of those Working Groups.¹⁴

Beyond ITU and 3GPP, China's participation across other standards bodies is somewhat uneven, but this is changing. The author Matt Sheehan, in his analysis of autonomous vehicle standards, points out that there is a major variation between standards bodies in the types of Chinese organisations participating¹⁵. Sheehan finds that at bodies which are traditionally more industry-led, such as ETSI, the International Organization for Standardization (ISO) and the Internet Engineering Task Force (IETF), China's influence is noticeably less compared with its representation at the ITU. Others with long-term experience in standards bodies told the authors that there has been a noticeable uptick in participation at ETSI by Chinese companies over the past 10 years, who now stand for a large number of chair and vice chair positions. These observers interpret the strategy as an example of Chinese actors 'playing the long game of working through the ranks to get a Chair position, but often standing and finding that others have not put themselves forward, and therefore the Chinese candidate simply get a position by virtue of others not bothering.'¹⁶

If the ITU is where governments go to make standards, the IETF epitomises bottom-up industry-led standards development. IETF prides itself on being a meritocracy, where respect is earned among the primarily private-sector representatives through good ideas rather than through the status afforded by leadership roles. Technical bodies such as IETF also work across geopolitical and ideological divides; operating on the notion that the merit of the technology should remain the primary consideration and determinant in adopting new standards. Working Groups are the primary mechanism for development of IETF specifications and its adopted standards are called 'Requests for Comments', a nod to the IETF's tradition of non-compulsion and open, peer review. When examining the current representation of nationalities in leadership positions in the seven active IETF Working Groups, Chinese nationals are not overrepresented compared to other countries and by nationality the participation is overwhelmingly by individuals from North America and Europe.¹⁷ Within the IETF environment influence comes either through being known for your technical prowess, or through sheer number of contributions and weight of numbers — so that your people can be across multiple working groups. In the latter path, China is pushing hard.

For some time, there have been signs that Chinese participants are stepping up their engagement in the industry-led IETF. For example, Huawei has sent more representatives to the IETF meeting in November 2020 than any other long-serving participants at the IETF.¹⁸ At the IETF's meeting in March 2021, Huawei and its subsidiary Futurewei together registered 72 attendees, while Cisco registered 62, Google 32 and Apple just 10¹⁹. While participants from US and European countries continue to far outweigh the numbers from China, but Chinese engagement at IETF is unquestionably

increasing — with China Telecom, China Mobile, and ZTE each sending several representatives.

In the above analysis, consistent with China's expressed intent to be active in technical standards in their Five-Year Plan, China appears to be adopting a 'horses for courses' approach, reflecting the nature of the various organisations: prioritising leadership roles in ITU and 3GPP; and stepping up participation in bottom-up processes such as ETSI and IETF (while also running for leadership roles when they become available²⁰)

In a recent study by Baron and Kanevskaia²¹, which examined the background of Chinese leaders at standards bodies, they too observed an overall increase in Chinese representation and participation at standard-setting organizations. Baron and Kanevskaia study goes further and indicates that Chinese leadership positions were more likely to be appointed when they were affiliates of Huawei. The authors attribute this phenomenon in part to Huawei's recruitment of experienced standards participants, indicating an understanding that 'Individuals are appointed to leadership positions because of their experience and individual qualifications, not because of their affiliation.' At the same time, the authors warn of the need to prevent 'groups of aligned interests to acquire outsized influence' within standards organisations.²²

When looking at leadership positions alone, the data can then only show a part of the picture. It is important to highlight the role played by written contributions — the engine that drives standards development organisations. Therefore, the numbers of participants and written contributions are relevant measures of how individuals can exert influence within standards bodies. Long-serving ITU participants speaking to the authors on condition of anonymity described China's increasingly aggressive approach. These participants described China's tactics of bombarding working groups with numerous submissions which despite their reservations or concerns, due to the sheer volume of submissions, result in some submissions invariably passing through.

Our analysis of the data and relevant literature relating to China's leadership positions in technical standards bodies reveals a complex picture. The case of New IP has rightly prompted many liberal democratic stakeholders to reassess their own involvement in technical standards to curb China's growing influence.

The UK's Integrated Review and the recent G7 declarations show that democratic states are increasingly concerned about the influence of authoritarian states and actors in creating digital technical standards for emerging technologies with wide societal impact. But for democracies nations, the path ahead is not straightforward. It would be counter-productive if democratic states further politicise standards-setting or adopt a top down approach — as some in the IETF seem to fear.

But reading the detail of these recent declarations, the commitment of leading democracies to retaining an industry-led, multistakeholder approach on standards is

clear. Western democracies have recognised the risks to democratic values arising from the adoption of technical standards and the need to now re-engage to uphold key democratic values in emerging technologies that have wide societal impact. Rather than causing further politicisation of standards, improved relations between these groups could foster a more collaborative and diverse environment in standard-setting bodies which, in turn, would strengthen the standards work and improve the internet environment.

Policymakers, civil society organisations and human rights experts will have a critical role to play as an early warning system to alert for wider societal impact in the standardisation of emerging technologies and as advocates for the adoption of rights-respecting digital standards according to widely accepted policy principles. Although a strong defensive posture is essential, Western democracies appear to reassert a positive, multi-stakeholder model, and the benefits of open, interoperable standards whilst also protecting core democratic liberal values.

Going forward, it will be necessary for the industry-led standards bodies, such as IETF, to be more welcoming to a diversity of new voices, including government actors. Ensuring a diverse and balanced participation of all relevant stakeholders in the creation of technical standards is essential to ensure a fair and open digital future for all. As this study has shown, Chinese representation through key leadership roles in technical standards risks creating imbalances, and at worst could result in the adoption of standards that turn the network into an instrument of surveillance -as in New IP. Only by fostering increased engagement by industry experts, leveraging the policy-analysis of human rights organisations (and government officials) can standards bodies foster a truly industry-led, inclusive multi-stakeholder approach. More collaborative technical standards ecosystems will help to ensure a fairer internet and the successful creation of technology in supporting open societies and tackling global challenges.

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11 <https://www.itu.int/en/ITU-T/studygroups/2017-2020/Pages/default.aspx>

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- 17 Data gathered from IETF: <https://www.ietf.org/about/groups/>, and
- 18 <https://www.centri.org/news/blog/ietf109-new-chair.html>
- 19 IETF 110 attendance list <https://registration.ietf.org/110/participants/remote/>, accessed 5 July 2021
- 20 See <https://www.centri.org/news/blog/ietf109-new-chair.html>. Commenting on the IETF Chair election, the author states ‘It is unfortunate that the most plausible candidate from the standpoint of diversity, is sponsored by Chinese vendor Huawei, who is currently locked in a trade war with the US.’
- 21 Justus Baron and Olya Kanevskaia, ‘Global Competition for Leadership Positions in Standards Development Organizations’. 2021. <https://ssrn.com/abstract=3818143>
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From Analogue to Digital: An Exploration of Digitizing Elections, Electoral Integrity and Voter Trust

ISABELLA WILKINSON

I. Introduction

The past year has heralded unprecedented changes and challenges to the administration of elections. The COVID-19 pandemic and its obstacles have disrupted democracy as we know it, and provided dangerous global openings for authoritarian encroachment on political rights and civil liberties.¹ Digital threats to elections have reached a crescendo, originating from outside and within established liberal democracies. All the while, many countries are undergoing gradual evolutions towards the implementation of digital tools in elections.

One of such countries is Estonia. Estonia’s internet-voting platform has won global plaudits since its implementation in 2005. Globally, Estonia may be considered *the* global pioneer in the digitization of elections, with a world-leading track record in electoral integrity.² Estonia hosts the Tallinn Cyber Diplomacy School, co-chairs the Compendium on Cybersecurity for Election Technology, and provides benchmarks to the European Commission’s package on ‘Securing Free and Fair European Elections.’³ Estonia’s diverse experiences at the intersection of democratic deepening and digital technology are at the cutting-edge of innovating democratic governance. Perhaps most

importantly, Estonia is a healthy, liberal, digital-at-heart democracy, consistently scoring highly in Freedom House’s Global Freedom and Internet Freedom scores.⁴

There are clear motivations for scholarly work that considers the impact of digital disruption on democracy’s core tenet: democratic buy-in, or *trust in the process*. The intersection of technology and democracy — its clashes, synergies, and growing pains — will undoubtedly spur much valuable research in the coming decades,⁵ rooted in questions such as the following: Is the ‘Estonia model’ the future of democracy? Can technology improve electoral and democratic integrity, or will it serve to exacerbate existing problems? Rather than grappling with these general questions, or proposing a plausibility probe of the impact of digital technology on elections, this study instead provides a brief roadmap for how scholars and practitioners should approach elections in the digital age and tackle key questions, such as whether technology can enhance trust in elections and the integrity of democratic societies more generally.

To start, this study defines aspects of digitization, and then proposes a theoretical approach to ‘digital democracy’ rooted in scholarship relating to democratic consolidation and voter trust. The next section briefly introduces two case studies — Sierra Leone and Armenia — to identify core issues pertaining to the digitization of elections, that will be further elaborated in the final section.

II. Building a Theoretical Approach

The intersection of technology and democracy is undoubtedly a growing field. As a result, an interdisciplinary approach is necessary, drawing on technological definitions and core literature on democratic consolidation and voter trust.

Generally speaking, digitization refers to the conversion of analogue processes and products to their digital equivalents; for instance, the shift from paper ballots to electronic ballots. Though often synonymized, digital transformation refers to a more pervasive metamorphosis of processes and products — that is, being “digital at heart.”⁶ Disruptive technology refers to the technology native to the Fourth Industrial Revolution (an era of innovation beginning in the 2010s).⁷ Its constituent technologies include blockchain (digital blocks of information, stored in a digital chain securitized by cryptographic keys),⁸ biometric technologies (the use of technology to identify biometric features, often fingerprints, facial recognition and iris recognition), among others.

Accordingly, digitizing elections refers to the transition — from analogue to digital — of different parts of the voting process, such as voter registration, identification, authentication, vote-casting and ballot tabulation. Most literature on the digital disruptions of electoral administration focuses on digital threats, such as disinformation and cyberattacks targeting electoral processes.⁹ While some studies focus on “digital democracy,”¹⁰ research on “electronic

elections” is already outdated and predominantly overlooks disruptive technologies like blockchain.¹¹

Linz and Stepan’s classic definition of democratic consolidation — when democracy is the “only game in town,” institutionalized by citizens and the state on an attitudinal, constitutional, and behavioral level — provides a helpful starting point for studying the digital disruption of elections.¹² Scholars like Schedler and Mainwaring observe that democratic consolidation is not a linear, irreversible process; on the contrary, it unfolds concurrently in multiple sectors, for multiple actors working with different timelines.¹³ Related to this, research by Carey, Bermeo, and Yashar emphasizes that “[electoral] mechanisms matter:” the way that elections are administered, and who administers them, has a significant impact on democratic buy-in and consolidation.¹⁴ Following the failure of several transitional regimes to consolidate into fully-fledged democracies in the 2000s, some scholars noted the “end of the transition paradigm” and the rise of “grey zone” regimes, stuck in the no-man’s-land between democracy and authoritarianism.¹⁵ This wave of scholarship represents a decades-long shift towards an approach to democracies that are dynamic and (perhaps, digitally) adaptive. To this end, democratic consolidation offers two main contributions to theories about digitizing elections: first, digital developments are indeed a frontier of democratic deepening; and second, digitization is an aspect of electoral design, reflecting the distinctiveness of implementing contexts.

Literature focused on voter trust differentiates between trust in *government* and trust in *elections*: the former refers to confidence in the government’s day-to-day administration of governance, while the latter refers to perceptions of electoral integrity.¹⁶ The ‘Third Reverse Wave’ of global democracy has prompted substantial shifts in the classic trust-as-evaluation approach to voter trust. Bermeo’s explanation of democratic backsliding is a key text in any studies of digital democracy. As Bermeo explains, the rise in democratic backsliding and decline of global levels of freedom can be attributed to the malign nature of modern electoral dis-integrity.¹⁷ Namely, using digital technologies, malign actors can gradually erode trust through sustained democracy- prevention efforts, originating from within and outside democracies, and dating months or even years before Election Day itself.¹⁸

The field of democracy studies offers numerous approaches to gauging voter trust. V-Dem’s Democracy Index now includes a new indicator, ‘*Toxic Polarization*,’ which measures voter trust as a subset of democratic disillusionment.¹⁹ The Electoral Integrity Project’s Perceptions of Electoral Integrity Index (PEI) measures integrity across the electoral process,²⁰ and Freedom House’s Global Freedom Index (GFI) measures access to political rights and civil liberties,²¹ with specific indicators related to electoral integrity. Also produced by Freedom House, the Internet Freedom Index (IFI) measures obstacles to access, limits on content, and violations of user rights.²²

Contemporary literature and empirical approaches to voter trust offer two main observations relevant to this paper: first and foremost, voter trust is by no means synonymous with democratic buy-in; and second, voter trust is not static and may be eroded at any time or place in the electoral process.

III. The Cases of Sierra Leone and Estonia

The following case studies do not offer conclusive insights on digitized elections. Instead, the case studies are part of an experimental roadmap, exploring how scholars and practitioners should most effectively approach digitized elections in vastly different political and economic contexts. *What common themes arise from a brief analysis?* This section draws on empirical data (GFI and PEI),²³ country research, and electoral observation mission reports.²⁴

BLOCKCHAIN VOTE TABULATION IN SIERRA LEONE

In March 2018, Sierra Leone held a general election with a presidential run-off, in which President Ernest Bai Koroma’s chosen successor, Samura Kamara, lost to opposition leader Julius Maada Bio.²⁵ A blockchain platform developed by start-up Agora enabled vote tabulation, apparently storing 70 percent of votes cast on a hyper-secured ledger, which offered immediate transparency into vote tabulation and initial results.²⁶ While electoral observers recorded that Sierra Leone’s elections had faced a host of difficulties — from operational difficulties, exacerbated by a short time-frame, to baseless allegations of electoral irregularities by losing political parties — vote tabulation was *not* one of these difficulties.²⁷ In fact, tabulation was described as at least “good” in 90 percent of polling stations observed, owing to “professionalism” and “the perceived overall integrity of the process.”²⁸

Data suggests that the 2018 elections did little to improve Sierra Leone’s political rights and civil liberties (GFI), with evidence of a downward trend in electoral integrity (PEI).²⁹ However, digitized elections are now part of Sierra Leone’s emerging track record in the digital innovation of governance. Leveraging past policy commitments from 2018, President Bio promoted governance digitization with the National Innovation and Digital Strategy, an official roadmap for digitizing healthcare, education, finance, and national identification.³⁰ Recent efforts in tandem with Kiva and the United Nations have extended blockchain-backed citizen identification in an effort to improve the breadth and depth of digital governance and improve democratic inclusivity. Granted, while Sierra Leone’s first partially-digitized elections may be considered low-impact, the experience may serve as a strong foundation for further digital and democratic development — particularly as part of a consolidated, all-of-government policy commitment.

BIOMETRIC VOTER AUTHENTICATION IN ARMENIA

In December 2018, Armenians went to the polls for a snap parliamentary election which resulted in a landslide victory for Prime Minister Nikol Pashinyan's reformist bloc, winning 70 percent of the vote.³¹ In 2017, the Armenian electoral commission had introduced voter authentication devices (VADs), which use fingerprint scanners to authenticate voter identity by cross-checking biometric data with the country's citizenship database.³² Both empirical data and electoral observations suggest a remarkable improvement in Armenia's electoral integrity. PEI data records a shift from the 'low electoral integrity' group in 2013 to the 'very high' group in 2019 — a jump from 44/100 to 70/100 points.³³ The GFI records a similar improvement in political freedoms and civil liberties, although Armenia remains in the 'partly free' group. The IFI, however, ranks Armenia as 'free.'³⁴ Moreover, observers assessed tabulation procedures positively in most polling stations.³⁵

A United Nations Development Program and Council of Europe task force³⁶ guided the implementation of VADs as part of an international, long-term project to combat electoral fraud and reduce political corruption.³⁷ While the implementation of VADs garnered global praise, the 'Velvet Revolution' of April 2018 and the new, liberal government committed to an anti-corruption agenda has had a momentous impact on the perception of electoral integrity, voter trust, and confidence in government. In Armenia's next elections, it remains to be seen whether digitized elections — in addition to a broader political commitment to fighting electoral fraud — can generate positive synergies, particularly as confidence in government has reached new lows following the Nagorno-Karabakh conflict.

WHAT'S THE 'SO WHAT?' FOR DIGITIZING ELECTIONS IN SIERRA LEONE

The selected case study countries perhaps could not be more different. However, they both implemented electoral digitization to some degree of success, and underwent significant political changes in tandem. As explored in Section 2, electoral digitization was indeed an opportunity for democratic deepening, and its mechanisms mattered: both were reflective of the government's new priorities, whether it was enhancing electoral integrity or signaling a future-ready shift in government. As for voter trust — no means synonymous with democratic buy-in more generally — both case studies may demonstrate that, while digital technologies can improve the perception of technical efficiency or operational integrity, digitization is not a stand-in for trust. The role of international organizations or international technology companies in providing technical expertise and political backing cannot be overstated. However, it is apparent that homegrown democratic deepening and a willingness to adapt is the necessary precedent for any significant digitization.

Digitization may have a significant impact on democracy. The case studies demonstrate that any research approaches to the subject must consider this impact as contingent and

conditional — *contingent* on a comprehensive, consolidated political strategy for improving elections (and whether these transformations are digitally disruptive), and *conditional* on other constituent processes of democratic consolidation or deepening. Future studies may expand the regional scope of analysis and consider development indicators, such as meaningful connectivity, affordability,³⁸ and the IFI. Another promising research avenue may consider pre-existing digital literacy and threat perception among voters, including empirical studies of electoral cybersecurity breaches and implications for voter trust.

4. Looking Ahead: Core Issues

This paper proposes several preliminary yet important notions. **First, digitization is by no means a 'fix-all' for voter trust.** Improperly-administered digitized elections may serve to erode integrity. On the flip side, Armenia's digitized elections were *specifically* designed to build electoral integrity, and apparently did so. As both Estonia and Armenia's experiences may demonstrate, digitization is most effective for improving integrity and trust if it is part of a long-term roadmap for digital-at-heart democratic consolidation.

There is no one kind of digitization, and no 'one size fits all' model. The digitization of elections should be understood as a series of interlocking classifiers accounting for country difference, not a static procedure: the technological *mode* (i.e. what technology is implemented?), the electoral *sub-process* (i.e. when is it implemented?), and the *scope* of implementation (i.e. was it implemented locally, or nationally?).

Finally, **the political context and culture matter** greatly in the analysis of digitized elections. Isolating the implications of digitization from other political factors (such as a revolution in Armenia, or a tense political turnover in Sierra Leone) is undoubtedly complex. Locating studies of digitization within countries' experiences with democratic consolidation or deepening provides the necessary layer of contextual insight.

Generally, this study emphasizes the observation that the 'Estonia Model' and digitized elections are no longer rare outliers. Increasingly, they are the norm. The pandemic era has already redefined governance to a significant extent, and democracy's concurrent transition from the analogue to the digital world will challenge elections as we know them. However, guided by future-ready research and policymaking, this digital metamorphosis also presents new frontiers for democratic renewal, particularly in the face of emerging and long-standing threats to democracies worldwide.

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Disinformation Landscape

PRESENT: JANELLE CLAUSEN, ALEXANDER MAYER,
AND EMERSON BROOKING

In early June, the *Democracy & Society* team interviewed Emerson Brooking, a Senior Fellow at the Atlantic Council’s Digital Forensic Research Lab and co-author of *Like War: The Weaponization of Social Media*. The conversation focused on the power of social media, the role of disinformation campaigns within modern democracy, and how the U.S. and other international stakeholders can effectively address said threats as they continue to emerge and proliferate throughout the digital environment.

The interview began with a fundamental question: What are the primary institutional threats that disinformation could pose to democracy?

Brooking said the threats are not directly institutional, but they are considerable in that they often undercut the pillars of accountability required within democratic polities. “The primary threat that disinformation poses to democracy is the possibility that one can masquerade as someone who they are not, or say something that is objectively untrue,” Brooking explained, yet, “there is no resource in the modern information environment to punish them and impose [penalties] once the deception is discovered.”

He recalled how democratic organization was previously “a local phenomenon,” where politicians could wield the bully pulpit, but were still held liable for attempts at “obvious deception.” However, the advent of social media has allowed for lies to now spread quickly, drastically changing the dynamic. “[It] creates a new sort of incentive structure where if you are a charlatan ... you can decide to keep lying,

even when your first lies are discovered,” operating under the assumption that, as Brooking states, one is still able to reach a larger and vulnerable audience. Many notable examples came over the course of the presidency of Donald Trump, Brooking noted, with Trump wielding a “megaphone that nobody could match” because of his approval ratings among the Republican party. “[It’s] the way that it subverts the consequences that one once faced for lying repeatedly in public life,” Brooking said.

There is also the possibility for foreign actors to deliberately masquerade as domestic voices by inventing false and fabricated identities. This condition allows anyone with access to social media platforms and within the sphere of digital inclusivity to “throw things out of alignment,” Brooking said, particularly when it comes to gauging public support and discourse. This, as he notes, “makes it possible for an organized effort by nationals in one country to subvert and hijack democratic deliberation in another.”

Emerson Brooking’s interest in studying social media formally began in 2012, as the world witnessed the “First Twitter War” between the Israeli Defense Force and Hamas and the subsequent “global tug of war” to shape public opinion and the encompassing information environment. Soon after, the rise of the Islamic State of Iraq and the Levant (ISIS) brought about a “sudden awareness by millions of people that [social media] could be subverted toward horrific ends, and that it was not solely a domain for democratic activists.” Then, while working on his 2018 publication *Like War*, Donald Trump was elected as the 45th President of the United States—something that felt “inexplicable” at the time. For Brooking, this event further clarified that asymmetric actors of any sort, and within any context, could take advantage of social media and modern information systems to their benefit.

“Many of the systems that benefited say a disruptive, asymmetric actor, like the Islamic State, also benefited the Trump campaign who had sworn off or ignored many traditional elements of American presidential campaigns to focus almost entirely on a very aggressive communication strategy,” Brooking said. “Then, of course, it began to come out that the Trump campaign had been aided by operatives out of the Russian Federation. And so it was obvious that not only did our politics more resemble this sort of online conflict that I have been studying, but that the conflict also came to our politics through the lens of those Russian intelligence activities.”

Within its contemporary context, social media has become weaponized and strategically influential through its ability to exacerbate socio-political divisions and operate as a vehicle for disinformation. In sharp contrast to the traditional public diplomacy and soft power campaigns of the past, Brooking defines the modern iteration of disinformation as “purposeful deception and organized campaigns which seek to manipulate online discourse, to distort the truth and create false consensus or amplification, typically towards a certain policy outcome.” As Brooking has found, while social

media platforms may have been used as a means of enhancing traditional and transparent political communication in the past, they today hold the capacity to exacerbate social divides and further political stratification by enabling a proliferation of falsehoods and exposure to disinformation by vulnerable populations at-large.

The use of disinformation has unquestionably proliferated in recent years. A 2019 report from the Oxford Internet Institute found that 70 countries have shown evidence of organized social media manipulation — up from 48 countries in 2018, and 28 countries in 2017. Manipulative information strategies have also begun to utilize new technological instruments such as ‘deep-fake’ audio and video, advanced micro-targeted advertisements, and a variety of increasingly sophisticated disinformation techniques.

While between 2018 and 2020, Facebook and Twitter successfully took down 147 influence operation networks, the current global acceleration in disinformation and social media use is set to remain a significant challenge to democratic stability and the digital landscape for years to come. Scholars have attempted to isolate the normative and institutional implications of these emerging trends in disinformation, but the turbulence in its manifestation — as a bricolage of complex political contexts, standing sociopolitical stratifications, normative institutions, and other societal facets which help to illuminate civic and political behaviors at-large — has made such a task increasingly difficult.

The emerging trend was also something few people had seen coming. Brooking specifically cited Evgeny Morozov and his book *The Net Delusion: How Not to Liberate the World*, which came out almost a decade ago. “It argued that Silicon Valley’s embrace of the liberating, democratizing influence of the Internet was premature,” Brooking said, adding that this proved to be correct. Social media, in fact, has and continues to be used by several nondemocratic and illiberal actors as an effective tool for subversion.

The United States’ adversarial triumvirate of Russia, China, and Iran, have each taken on a variety of tactics, according to Brooking. Russia has been “willing to inhabit both sides of the issues” — both the far right and far left — to “identify and further exacerbate fissures in American society.” Iran has been primarily focused on the public messaging business, utilizing Twitter bots “to amplify messages written by bureaucrats.” As for China, it is less focused on disinformation than amplifying its own officials and suppressing democratic voices — perhaps misinformation in terms of forced omission.

One of the more surprising findings from Brooking’s research, was the initial “over-exaggeration of the impact of influence operations.” He recalled how Russian influence became an overwhelming part of the political dialogue, with many articles seeming to look for traces of Russian involvement everywhere, and said he believes researchers are now approaching a more balanced view of the impact of influence operations. “At the same time, it’s been completely surreal to

me to watch the development and professionalization of the study of influence operations,” Brooking said. Now, technology companies and social media companies like Facebook are authoring reports about manipulation campaigns on their platforms and engaging in the comprehensive study of the disinformation phenomenon, Brooking said, when in 2013 they sought to avoid “responsibility for terrorist content on their platforms.”

While the spread of misinformation is a global issue, Brooking has found that we are witnessing the fragmentation of the internet, complicating the possibility of multilateral or multi-stakeholder solutions with concerns of state sovereignty likely to emerge. “Most nations outside of the U.S. and the European Union are leaning toward asserting control of their domestic information environments,” specifically citing debates between Twitter and the Indian government over the labeling of misinformation. “For many nations, their primary interest is in what they call data sovereignty — the fact that, to them, it is unreasonable that a Western social media company has any control over the information that’s transmitting over their particular local internet. The problem though is that this erases any way for us to work with those countries to create some kind of global response to misinformation.” The Europeans are also “extremely concerned,” he noted, but they are wanting to “impose harsh penalties” — which raises questions about balancing internet sovereignty with concerns of national security and freedom of speech. Some actors like China are meanwhile offering an “alternate information environment,” a model that he believes “will [unfortunately] become increasingly attractive.”

Falling closer to a free speech absolutist, Brooking personally does not believe governments can “write just laws that penalize the spread of misinformation, in most cases,” although he believes it would be appropriate for social media platforms to impose stiffer penalties. “I think a lot of the action falls on the corporate entities,” Brooking states, “and where I think governments can do more is strengthening the rights of victims of disinformation campaigns.” He contrasted the case of InfoWars broadcaster Alex Jones, who famously spread false conspiracy theories regarding the 2012 Sandy Hook shooting and caused “irreparable harm to private citizens,” yet has largely failed to see any repercussions within the courts, with that of a recent defamation lawsuit against Rudy Giuliani, Sidney Powell, and Fox News by Dominion Voting Systems, a voting infrastructure company often subjected to conspiracy theories following the 2020 U.S. presidential election. The latter cases, he found, were taken far more seriously. “Most of the people who were targets that were named in the lawsuit settled out of fear of significant financial penalties,” Brooking said. “So I think you should treat people at least to the standard that you treat big businesses.”

In terms of countering organized disinformation campaigns, Brooking said he believes the Biden administration has “a good shot at reducing” the impact of foreign disinformation campaigns. The sources are easier to identify than a

Democracy Levels Up: Online Video Games as Liberation Technologies?

GRAYSON LEWIS

Introduction and Framing

A decade ago, with the internet beginning to show its true potential as a tool for democratic activism, Larry Diamond dubbed it a wellspring of “liberation technology.”¹ To Diamond, “liberation technology enables citizens to report news, expose wrongdoing, express opinions, mobilize protest, monitor elections, scrutinize government, deepen participation, and expand the horizons of freedom.”² He heralded software and websites with an overtly social and informative purpose as some of the rising stars in the growing constellation of liberation technologies. The “blogosphere” was utilized as an alternative source of news in regions and locales with strict, repressive media environments. Later, Facebook and Twitter became legendary as the central tools for organizing pro-democracy uprisings in places like Egypt, Tunisia, and Libya during the Arab Spring of 2010-2012. In each of these countries, masses of citizen protestors communicated rapidly on the social media platforms, managing to bring down recalcitrant dictatorships organically, if not always peacefully. In the years since the Arab Spring, noticeable problems with social media (disinformation, hate speech, and state surveillance) have dampened its efficacy as a liberation technology. This has led some scholars at the intersection of democracy and technology to ask, through what other avenues then might more promising forms of online liberation technology be found? One answer may come from a rather unexpected genre of electronic media.

In recent years — but particularly since the dawning of this new decade — some individuals have begun to realize the burgeoning potential of online-capable video games as a new type of liberation technology. In the era of COVID-19, video games have provided an escape into a fantasy world that seems to be the perfect respite from an indoor life of gloom, isolation, and perpetual news of global health and economic catastrophe. Even older individuals who have previously had negligible or perhaps only cursory interactions with video games have now taken to them as a means of entertainment. Games like *Animal Crossing: New Horizons* and *Minecraft* provide rich and colorful outdoor settings in which players can live a second life, gardening, crafting, and establishing friendships with an array of virtual neighbors. Though video games have been around since the 1970s, the incorporation of the internet has informed their shift

hacking campaign, given that they occur over a prolonged period of time, are less covert, and may be spreading a message that complements a goal. But “unfortunately, we’re going to have to, in a lot of ways, adjust to this new dynamic,” Brooking said. “Obvious manipulation and false personas ... those can be moderated and eliminated on these [social media] platforms, but the incentives for influence in the attention economy remain.”

When asked about public vulnerability to accepting or spreading misinformation, he noted that lies often spread faster than truth because they tend to be more interesting to an audience, often deliberately. As he detailed, current research shows people are not necessarily reading a story before sharing or concerned about its truth, let alone “thinking about the health of the entire democracy.” Emotionally laced content, or stories framed in an adversarial way, can spread like wildfire. Some social media companies have consequently been experimenting with a concept known as friction, which aims to slow the speed at which an article spreads rather than simply taking it down.

When asked about where he hopes and expects the disinformation landscape to be a decade from now, Brooking said that it is difficult to make concrete projections. On the one hand, he expects online fragmentation to grow and become “increasingly attractive,” especially for authoritarian regimes looking to gain “absolute sovereignty over the information within its own borders.” At the same time, he noted, there is a greater degree of “information literacy” among Generation Z and Millennials. They are an “incredulous generation,” he said. “They have not only been born into an omnipresent social media environment, but also into an environment where they know that everyone may be lying or misrepresenting themselves from the start. Maybe it is a little bit harder for them to apply it academically, and they still need preparatory coursework in information literacy, but they [intuitively] know that not everyone speaking online is telling the truth.”

When asked about a message he would want to share with readers, Brooking said that one should not simply look to the past and present, but to “deliberately project into the future” to be in a better position to help. “Look for the next great challenges that are coming down the pathway rather than what everyone is focusing on.”

Indeed, the future of disinformation may very well be one of the conversations that has yet to be had.

from a form of entertainment intended for individuals or small, physically-proximate groups, into a means of mass social interaction. Most major titles that are released today have some form of internet usage.³ It is this possibility for online interactions that takes video games from being merely another form of high-tech entertainment into the realm of a profound social experience. With that evolution comes the potential for the use of games as a means of other, unintended online social interaction — including political expression and civic engagement.

As Hugh Davies of the Royal Melbourne Institute of Technology notes, “video game activism is understood as the intentional use of digital game technology to bring about social or political change.”⁴ To this end, a creative and purposeful use of a video game’s mechanics and online social functions with the intent for actions in-game to bring about social or political change in the real world can render a hitherto trivial game as a novel type of liberation technology. Two examples, both from 2020, illustrate how online video games are indeed being utilized by individuals to interact with each other in political ways that were not intended by their creators — as a substitute for closed civic spaces, shuttered due to either state repression or the COVID-19 pandemic. One case saw the open sharing of censored literature and news media on a massive online video game server as means of skirting the prying eyes of authoritarian regimes.⁵ The other involved the use of in-game protests in lieu of physical demonstrations in the real world.⁶

Video Games as a Means of Skirting Information Censorship: Minecraft and the Uncensored Library

When upstart Swedish game developer Mojang launched its flagship title *Minecraft* in 2009, no one had expected anything other than its initial imagining: a colorful, open-world adventure game that promised ‘sandbox’ style gameplay, allowing players to build or remove anything in the world that they desired. Until only recently, *Minecraft*’s signature boxy, square blocks were mostly used by children and teens to build digital palaces, skyscrapers, or models of real-life buildings.

In March of 2020, however, media freedom watchdog Reporters Without Borders announced that they had undertaken a project with a novel use for the game which was now a global bestseller.⁷ Partnering with the niche game company Blockworks, which designs custom *Minecraft* levels — referred to as “servers” — for customers, they created a downloadable server which contains a massive library filled with censored literature. Referred to as the Uncensored Library, it is a massive, orthogonal structure occupying the center of a server that took designers months to build. The pieces of written and audio media within are heavily-restricted or forbidden in their country of origin, with the journalists who wrote the content being subject to extreme regime-sponsored repression. The works are written out or recorded on in-game books or cassette tapes, respectively, and placed throughout the building for players to engage with.

The Uncensored Library currently contains material from authors in seven countries — Egypt, Mexico, Russia, Saudi Arabia, Belarus, Brazil, and Vietnam. Each country has its own room in the building, complete with an artistic diorama in the room’s center that symbolizes journalistic oppression by each state’s government, or in Mexico’s case, the cartels. Russia’s room, for example, features a massive leviathan representing autocratic president Vladimir Putin’s ability to sink any independent media network.

The genius of the Library is its use of the *Minecraft* platform. As the second best selling video game of all time, it has one of the largest player bases in the entire world, with 126 million monthly players in 2020, spread across dozens of nations.⁸ This includes players who live under overtly censorious governments who would otherwise ban the sale and possession of a game that would be critical of the state. For example, the distribution and sale of the popular 2013 military-themed game *Battlefield 4* has been forbidden in China for “content that endangers national security and is all about cultural invasion.”⁹ But many authoritarian regimes do not see any danger in their populations playing a title that consists of collecting different types of blocks to build artistic and creative structures. Thus, the use of an unassuming game like *Minecraft* as a platform likely extends the Library’s potential audience. Players in Egypt might have previously used *Minecraft* as a way to stay connected with friends, perhaps engaging with others about personal topics as they worked together to build a structure on their shared server. Now, they have the additional capacity to visit the Uncensored Library server and listen to audio recordings of reportage by the censored national newspaper, *Mada Masr*. Vietnamese citizens, who face government firewalls and legal restrictions from accessing regime-critical blog posts, can now find some of those blogs by heading to *Minecraft*, instead of a heavily-surveilled internet cafe.

Currently, the Uncensored Library contains only a handful of texts and audio clips, but Reporters Without Borders has stated that the Library will continue to grow. Its featured section in 2020 contained articles that detailed the methods with which media-repressing regimes are dealing, or failing to deal, with the coronavirus. Autocratic and semi-authoritarian regimes which are not one of the Library’s main countries that are present in this section include North Korea, Hungary, and Myanmar.

Video Games as a Means of Peaceful Virtual Demonstration: “Free Hong Kong” Protests on Animal Crossing

From its inception nearly twenty years ago, the *Animal Crossing* series was known for its charming array of characters and penchant for the gamification of quotidian tasks like gardening, interior decoration, and fishing. The humans and anthropomorphic animals that populate the game provide the aesthetic of a welcoming virtual neighborhood. For the most part, *Animal Crossing*, like *Minecraft*,

was never expressly political. The newest installment of the game series offers the ability for players to visit each other's virtual island-homes online, where the players' in-game characters can speak and interact with one another. This feature is primarily used by players to show off their island's native fruits and their home decorations to friends. But it acquired a more serious use entirely when it was used by pro-democracy protesters in Hong Kong in the Spring of 2020.

The uprising against Hong Kong's city administration and the larger Chinese central government with its Communist Party began in March of 2019, in response to a bill that would have allowed Chinese extradition of Hong Kong citizens to the Chinese mainland.¹⁰ Concerned with a larger loss of freedom and independence from Beijing, Hong Kong citizens continued to demonstrate amidst police crackdowns throughout late 2019. It was not only regime security forces that pushed protesters indoors, however, but also the onset of the novel coronavirus. As the city, the rest of China, and indeed vast swathes of the world dealt with the pandemic in early 2020, pro-democracy activists sought innovative ways to maintain their protests. To do so, they looked to the newly released video game *Animal Crossing: New Horizons* as a vehicle for their resistance.

By early April 2020, many Hong Kongers had begun sharing their political grievances with fellow players on *Animal Crossing*, including some major organizers of the latent real-world demonstrations. Some methods of in-game protest mimicked the physical rallies that had become a staple of life in the beleaguered peninsular city — characters stood together on one player's game island, shouting popular slogans like “Free Hong Kong, revolution now,”¹¹ in cartoon speech bubbles. Players would also set up their own pixelated protest signs with the slogans in English or Chinese, or images of relevant political figures. Other virtual protest means were more creative, taking advantage of the game's mechanics — demonstrating characters lined up in front of a row of digitized pictures of Hong Kong's Chief Executive in the ground, before ceaselessly whacking the effigies of the unpopular politician with butterfly nets. At many rallies, players even adorned their characters with virtual protest clothing like gas masks and black shirts, mimicking their uniforms out in the real world. The shirts often featured pigs or dogs, the animal symbols of the Free Hong Kong protests. These were the products of an innovative feature that allows players to design clothes or the aforementioned signs and posters for their characters. The camaraderie between protesting players, and the realistic, if not garish outfits and visuals, allowed demonstrators to recapture a semblance of their fight for freedom, even when separated by disease and confined to their homes.

Sadly, Free Hong Kong's *Animal Crossing* rallies did not last long. Upon catching wind of the use of the game for free speech purposes, Beijing effectively banned the game, blocking imports of physical copies into its borders, while preventing sales of digital copies on Chinese versions of the Nintendo Switch. While some ingenious Chinese and Hong

Kong gamers have found ways to circumvent the ban, it is unclear how many are utilizing their contraband copies of *New Horizon* to engage in Free Hong Kong demonstrations. Meanwhile, alternative games like *Grand Theft Auto V* saw use as a similar venue for virtual, in-game protests by Hong Kong activists.¹²

Other protest movements also seized upon the use of *Animal Crossing* for their peaceful, virtual activism. The recent Black Lives Matter marches for racial justice in the United States, for example, have been accompanied by their fair share of similar *Animal Crossing* rallies.¹³ Similar to the Free Hong Kong demonstrators, some of these American protestors assigned digital Black Lives Matter clothing to their game characters and gathered on each other's islands around signs and messages that featured victims of racial police violence. In November of 2020, Nintendo ultimately asked businesses and brands to “refrain from bringing politics into the Game,”¹⁴ though this language would seem to still allow for protests organized by individual activists.

Going Forward: Implications for the Future?

Thinking past these two types of application, could there ever be room for using electronic games to directly conduct core functions of democracy? In the face of growing concern about the epidemiological dangers posed by traditionally large, crowded American campaign events, U.S. Representatives Alexandria Ocasio Cortez and Ilhan Omar held a widely-viewed event for their reelection bids on the popular game *Among Us*.¹⁵ The presidential campaign of Joe Biden, meanwhile, created a level in the game *Fortnite* designed to engage young players with Biden's electoral messaging.¹⁶

This raises questions about the logical conclusion of the uses of internet-capable video games to enhance freedom. Perhaps there is a not-too-distant future where candidates hold more of such rallies, or where political parties can even hold entire nominating conventions through an online game. If warfare, global health crisis, or further authoritarian closure of safe civic space make such practice of important political freedoms impossible, citizens could then turn to games as a means of running for elected office and engaging in key political activities. The use of *Minecraft* and *Animal Crossing* for the exercise of civil liberties within circumstances of repression and state-censorship has certainly begun to raise questions about its future implications for the contingency of political activism and democratic engagement abroad. These trends suggest that we now live in a world where online video games are no longer a simple form of entertainment, but possibly a novel and transformative mode of liberation technology. Much like with the emergence of social media a decade ago, it is now becoming clear that video games have the potential to provide creative and empowering ways of enhancing and preserving global democracy at-large.

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Improving Risk-Limiting Election Audits: A Blockchain-Based Solution

ANN DUKE AND CAROLINE MORIN

Introduction

In late 2020, leading into January 2021, scores of American citizens initiated multiple violent protests in Washington DC, united behind the slogan, "stop the steal," referring to President-Elect Joe Biden's win of the November 2020 presidential election.¹ While the intensity of this dissent exceeds recent memory, fear of fraudulent election results has occurred at least twice in American history, due to the alleged Chicago Mayoral election manipulation by Mayor Daley in 1960, and the hanging chads issue of the 2000 presidential election.²

In this era of renewed distrust in democratic elections, blockchain — a cryptographically secure, distributed ledger system — may be evidenced as a solution.³ A blockchain-based audit system allows for increased security, transparency, efficiency, and traceability of assets; these are four key features that can quell fears of technological errors related to the incorrect tabulation of election margins.⁴ Fear differs from distrust because it can be solved by attacking disinformation — its root cause. Fear raises adrenaline and creates an emotional response to a perceived threat, the threat here being the loss of a cornerstone of American governance: free and fair elections.

A democracy's power comes from its citizens, and if its citizens start to believe in a perceived threat to their democracy, it arguably ceases to exist. Risk-limiting audits (RLAs) provide a check on the American democratic process, which allows the public to hold election officials accountable and see the facts behind their perceived threat. It is important to

acknowledge that RLAs are separate from voting and vote tabulation; they do not change election results, only help to verify their accuracy.

RLAs check the accuracy of election results by using random sampling to verify the correct tabulation of elections.⁵ To conduct an RLA, auditors randomly select ballots and then count them by hand until they meet the risk-limit, at which point there is sufficient evidence that the election was correctly counted.⁶ The number of votes counted increases as the electoral margin-of-victory decreases. If the election results were correct, then the findings of the audit would match the election results. If an issue existed with the election, RLAs would have a statistically significant chance of finding it because RLAs serve as a final check on accuracy before certification of the election.⁷

RLAs, considered to be the gold standard of testing election accuracy, face significant barriers to implementation throughout the US.⁸ RLAs require significant labor and capital, effectively barring their use in forty-six states, which do not have statutory requirements to conduct RLAs after each election. Using blockchain to tabulate the votes instead of human auditors can considerably reduce how much labor and capital an RLA needs while improving the audit's accuracy. Reducing barriers to RLA implementation would likely lead to greater proliferation and could residually alleviate the fear of elections being incorrectly counted.

Using blockchain technology instead of human auditors would reduce barriers and increase transparency in the electoral process. Blockchain's distributed ledger technology allows the public to conduct RLAs on their own. Elevating the public's role from watcher to active participant allows for a reduction in fear and a greater sense of ownership over the American democratic process.

Reducing Barriers to Risk-Limiting Audits

The high amount of labor and capital required for each RLA serves as a significant barrier to implementation.⁹ In a longitudinal analysis in which studied elections had both tight and wide margins, the presence of RLAs resulted in an overall reduction in the need for full recounts.¹⁰ While in the long term RLAs reduce costs, in the short term, given high rates of election accuracy, justifying the high price of implementation could prove difficult. However, reducing the associated costs could change this calculation.

The incorporation of manually counting ballots increases costs associated with RLAs. To avoid repeating underlying errors, audits must utilize different election equipment than the machinery that initially tabulated ballots.¹¹ To combat this issue, and ensure that human intent is accounted for, most audits employ a hand-tabulation method; however, this is "time-consuming, labor-intensive, and prone to human error."¹² While manual audits require no additional purchase of technology, they carry steep costs: a November 2017 RLA in Colorado cost about 500 USD for 516 ballots.¹³ Applying this cost approximation to the RLA of the November

2020 presidential election in the US state of Georgia, which audited every ballot due to the tight margin, would have amounted to roughly 5 million USD.¹⁴

Using blockchain to count votes during the RLA process can reduce barriers to implementation by minimizing labor costs.¹⁵ A 2019 study found that the tabulation of ballots can feasibly occur on blockchain in a way that fulfills democratic obligations.¹⁶ In contrast to the high labor costs associated with a hand-count, conducting tabulation on blockchain minimizes the involvement of people and, by effect, the cost of labor.¹⁷ Blockchain's decentralized storage and cryptographic hashing makes the data storage immutable, meaning that, after data is uploaded to the blockchain, it cannot be manipulated.¹⁸

Blockchain has the potential to transform the RLA tabulation methodology. However, blockchain cannot eliminate every barrier to implementing an RLA. Blockchain, as an emerging technology, has its limitations. For instance, 70 percent of municipalities used paper voting technology in the November 2020 election, and blockchain lacks the capacity to audit these ballots.¹⁹ Interpreting human intent requires manual auditing.²⁰ For ballots filled out by a machine, blockchain tabulation eliminates the necessity of human auditors and the costs associated, an act that can reduce some barriers for states to implement RLAs.

Increasing Transparency

Former US President Donald Trump propagated unfounded questions surrounding the accuracy and dependability of *Dominion Voting*, a voting technology manufacturer, after the November 2020 presidential election. According to Trump's social media posts, the software caused "tens of thousands of votes [to be] stolen ... and given to Biden."²¹ Further conspiracy theories, spread by supporters and posts by the former president himself, implied that *Dominion* deleted votes from the software and switched votes from Trump to Biden.²² These claims, while grounded in fiction and incorrect knowledge about vote tabulation, had a real impact. *Dominion's* software was listed as one of the grounds for overturning the election, in an *Amicus Curiae* brief written by the Attorney General of Texas and agreed to by seventeen other states.²³

Increased implementation of RLAs would increase transparency and decrease unfounded fears of mistabulation and vote-changing. Before an RLA occurs, when voters cast their ballots, most states require voter verifiability: before a voter casts their ballot, they must be able to observe that their ballot was marked the way they intended.²⁴ *Dominion Voting* and other voting software companies follow this requirement and create machines that meet the voter verifiability standard and create a paper record of it; therefore, even if deleting or switching votes did occur, a voter-verified paper trail would ensure that the election still produces the correct winner.²⁵ This paper record of votes is saved, and during an RLA, each paper ballot has an equal chance of random selection to test

its accuracy.²⁶ If a problem with the software which was big enough to change the margins of the election existed, RLAs would have a strong chance of finding the error.²⁷

Audits have enormous power to reduce fears that citizens have of unfairly counted elections; thus, many states take measures so the public can see the audit conducted accurately and honestly. Almost all states that implement RLAs conduct their audits in the view of the public and publish the results.²⁸ However, an audit conducted via blockchain could allow states to expand this transparency by letting voters conduct RLAs on their own. This takes the voter-verified ballots a step further, as voters would not only be able to confirm that their ballot was properly filled out, but conduct an audit of the ballots themselves. Previous research in related fields has shown that allowing people to take ownership of a solution can boost their confidence in it.²⁹

In September 2019, Utah County, UT proved that the public can conduct audits on their own with only a laptop and an internet connection. However, the county also used blockchain to cast the ballots, a method proven to have several large security issues.³⁰ Still, the program successfully increased transparency by allowing people to conduct their own audits after receiving the same data as the elections board, a how-to guide, and an instructional video.³¹ The presence of this blockchain-based audit is indicative of officials' potential willingness to allow the public greater ownership over RLAs, building on the ownership associated with voter-verified paper ballots.

While blockchain can enhance RLAs, the whole voting process cannot move online. Many studies have found blockchain-based vote casting, specifically with the *Voatz* app employed in Utah County, has large security issues, including the potential alteration of votes, undetectable errors, and general incompatibility with the voting process.³² These limitations for blockchain-based voting do not carry over to applying blockchain in an RLA, however. In general, the US intelligence and defense communities, along with foreign governments, have found minimal security issues in using blockchain in an RLA, leading to the incorporation of blockchain into other aspects of government.³³ It should be noted that while the blockchain contains several cryptographic tools, they do not prevent hackers from infiltrating the chain. They do, however, make the attempted manipulation obvious.³⁴ The incorporation of blockchain into RLAs can consequently boost their power to detect errors in the process by virtue of its ability to recognize cyber-attacks and foreign probes.

Bridging the Digital Divide

Previous literature written posits that e-government acceptance is a function of trust in the internet, trust in the government, and perceived risk. When this model is applied to using blockchain to perform RLAs, it does not hold because of distrust in the government and any government-run solutions, as evidenced by the “stop the steal” riots.³⁵ However,

blockchain's design circumvents the need for both trust and a central institution. Therefore, the Technology Acceptance Model (TAM), which asserts that acceptance of technology is a function of perceived usefulness and perceived ease of use, more accurately represents the situation.³⁶ Through the application of TAM, if the public perceives and comprehends the usefulness of blockchain in RLAs, regardless of their trust of the government, the model predicts acceptance.

Conclusion

In the twenty-first century, the proliferation of technology has empowered citizens to promote democratic principles and hold election officials accountable. Technology has admittedly also allowed conspiracy theories, such as the “stop the steal” movement, that may have once remained at the margins of society, to become mainstream. This context of increased volatility and individual shaping of democracy requires more transparent governance than ever before.

When election officials have an opportunity to increase transparency and, by effect, public trust, their oath of office obligates them to take it. Integrating blockchain into RLAs provides several opportunities to enhance the process, including greater transparency and reducing barriers to implementation. While increasing the prevalence of RLAs will not solve the rampant distrust that voters may carry, it is a start. Verification that votes are counted accurately and fairly is the best way to actually “stop the steal.”

ANN DUKE and CAROLINE MORIN, the College of William & Mary class of 2022, were introduced to blockchain through the course, “Blockchain: Business and Development Policy.” The course provided Duke and Morin with key knowledge regarding the technical basis of blockchain, Dapps, and best practices for research within the blockchain space.

In February 2021, they received a provisional \$5,000 grant from the Global Research Institute to study public acceptance towards central bank-backed digital currency (CBDCs) in the United States

Outside of the Lab, Ann Duke has previously held several internships with some of the nation's largest nonprofits such as United Way. This past summer, she interned with Goldman Sachs as a summer analyst.

In addition to her work within blockchain, Caroline Morin has worked abroad on development initiatives in Spain, Ecuador, and Laos. Outside of the blockchain space, Morin works in collaboration with the National Geospatial-Intelligence Agency as a team lead at William & Mary's geoLab.

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While there would likely be significant labor costs associated with software development, the majority of states would likely not have to pay it. From previous software developed in this realm, it is likely that the research and development would either be paid by the private sector or a single state. If it was paid by the private sector, the firm would then distribute it amongst states that purchase the software. If the software was paid for by a single state, it is likely upon completion the software would become open-source. This precedent was established by Colorado’s creation of RLAtool, a software used during the auditing process, which is now open-source.

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Connecticut’s semi-automated audits allow for the incorporation of technology while still allowing for human interpretation of voter intent. This methodology has been found to reduce some of the barriers to implementing an audit, including labor intensity. While blockchain has a larger impact on reducing barriers to implementation, Connecticut’s semi-automated method is a feasible alternative for manually cast ballots.

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"Fluid Prejudice:" Construction of Sectarian Histories in the Postbellum American South

REBECCA COYNE

American author Mark Twain once wrote that "the very ink with which history is written is merely fluid prejudice."¹ As Twain implies, history often serves to codify subjective judgements about the other; however, historical consensus also tends to coalesce around the experiences and perspectives of one particular group, providing it with the common roots and legitimized narratives which are essential to constructing a cohesive political and social identity. Therefore, in societies fractured along racial, religious, or regional lines, competing histories emerge behind each faction, and debates over historical textbooks, symbols, and memorials become proxies for modern sectarian conflicts. This process, in which contested histories are both the catalyst for, and consequence of, identity politics, has profound implications for the construction of identity and its weaponization in the public sphere. In the postbellum American South, the dynamics of identity-based historical revisionism regarding the Confederacy and the Civil War can be examined in detail through educational practices, media narratives, academic frictions, and public disputes. As repeatedly illustrated through "Lost Cause" narratives, history is mythologized, passed down, and ritualized like a religion — a signifier of political and racial loyalty rather than a dispassionate field of scholarship.

To endow contemporary political movements with history's stamp of legitimacy and justification, sectarian leaders often endeavor to link disparate incidents across time, forging one continuous narrative of struggle, unity, and adversity. Elites in the postbellum American South created narratives of historical continuity that replaced Confederate interests

and political objectives with romantic ideals, through the “Lost Cause” movement of the early twentieth century. Besides forwarding a disillusioned and denialist portrait of the Civil War that sentimentalized and minimized slavery while mythologizing Confederate valor, Lost Cause rhetoric also charged southern whites with preserving the “Old South,” along with its lost honor, dignity, and lifestyle. In doing so, former plantation-owners cultivated white solidarity against the Populist movement gaining traction in the North, which threatened to unite poor white and Black people in a class struggle against the powerful.² These mythmakers, a small group of politically-shrewd and socially-powerful individuals with personal incentives to protect the legacy of the Confederacy, were disproportionately instrumental in creating a continuous and heavily revisionist historical narrative of the South’s past.

In addition to smoothing and linearizing historical progression, southern mythmakers ritualized the commemoration of key events within these historical legends in ostentatious and elaborate celebration, integrating them into public and political life. A high degree of fanfare continues to surround Confederate icon Robert E Lee, especially at Washington and Lee University, where the general’s cult of personality has long outlasted his presidential tenure. Until 1878, students stood watch over Lee’s tomb, and grand orations memorialized and reinvigorated the Confederate cause on his birthday; for instance, in his address titled “The Old South,” Thomas Nelson Page said that, if “‘there be any young son of the South in whose veins there beats the blood of a soldier who perilled his life for that civilization . . . he has before him a work not less noble, a career not less glorious’ than his Confederate father.”³ Such a strategy also combines the influences of narrative continuity and quasi-religious ritual, here curated specifically towards “pure blooded” gentlemen tasked with carrying on the work of Confederate soldiers and restoring the Old South to its former glory. Heredity is an important framework behind these claims, as the ultimate purveyor of continuity across time and circumstance; thus, Nelson Page’s remarks necessarily apply only to the white descendants of Confederates, rather than empowering all Southerners to work for a better future. Southern states still celebrate Lee’s birthday as a regional holiday, sometimes on the same date as national Martin Luther King Day, as if to symbolically replace one officially-legitimized US history with a directly-contradictory local alternative.⁴

This type of activity at Washington and Lee University is merely one illustration of the numerous ways in which these sectarian pseudo-histories are propagated through education systems of divided societies such as the American South. Southern Christian institutions were pivotal in perpetuating Lost Cause ideology in the decades after the Civil War, simultaneously teaching a neo-Confederate version of the conflict and cultivating the spirit of gentlemanly civility alleged to reflect the virtues of Confederate leaders. The first line of Charles Reagan Wilson’s “Schooled in Tradition: A Lost Cause Education” reads as follows: “Southerners realized

that ultimately the Southern Way of Life could not survive if their children rejected the Confederacy.”⁵ Without the support of subsequent generations, and without a factionalized historical consciousness connecting the political project across generations, group leaders hazard losing sectarian political solidarity and identity itself. Furthermore, those dominating the higher and lower education systems in the postbellum South included prominent clergymen, Confederate veterans, and the daughters of the now-impoorished former plantation owners.⁶ These groups’ future prospects heavily depended on maintaining “southern tradition” — i.e. white privilege — and on how society decided to revere the memory of the Confederacy.

Impelled by these socioeconomic incentives, Lost Cause universities across the South sanctified Confederate figures as archetypes of masculinity, chivalry, and honor for students to emulate. The Stonewall Jackson Institute was described as a “living monument” to the man himself, using his “gentlemanly” character and “southern point of view” as a model for white Virginia youth.⁷ Southern Baptist preacher Edwin Winkler even more poetically described Washington and Lee University, the epicenter of the movement, as “the parable of the great Virginian soldiers” where “they, being dead, yet speak,” and further argued that Lee had transferred the war itself “to the sphere of the mind!”⁸ Together, these universities mixed historical instruction, memorialization, and institutional culture into a “southern civil religion” epitomized by the legacies of Confederate figures.

Educators often wage these sectarian battles over “proper” historical teaching across the pages of textbooks themselves, further mobilizing historical pedagogy as an instrument of modern politics. Portrayals of slavery in American textbooks have suffered a particularly troubled past, ranging from sentimental, to negationist, to downright horrific. Miranda Branson Moore’s 1863 *Geographical Reader for the Dixie Children*, for instance, teaches elementary school students that the Caucasian race is “civilized, and is far above the others,” whereas Africans “are slothful and vicious, but possess little cunning. They are cruel to each other, and when they have want they sell their prisoners to the white people for slaves.”⁹ A somewhat subtler specimen, the 1956 edition of Thomas A Bailey’s widely used *The American Pageant*, insinuates that “white masters all too frequently would force their attentions on female slaves, fathering a sizable mulatto population” which, as the Southern Poverty Law Center’s Maureen Costello points out, is “a rather delicate way of describing rape.”¹⁰ Thus filtered through white perspectives for the majority of American history, “textbooks have long remained a battleground in which the humanity and status of Black Americans have been contested.”¹¹ The Lost Cause movement cultivated its own canon of acceptable literature focusing on slavery’s profitability and erasing its violence. Altogether, these texts reveal a propensity for the selective humanization of only one identity group and a penchant for distortions, omissions, and specious interpretations of historical truth.

Warped by identity politics in this way, historical narratives prevent more “natural” or “rational” political solidarities along class lines — that is, between poor white and Black communities. The tendency to derive sense of self primarily from inherent, non-economic features facilitates clannishness that mollifies anger against exploitative elites of the same group, as well as feelings of supremacy which justify discrimination against, and separation from, outsiders of the same socioeconomic status. John Winberry situates the Confederate monument as an object projecting white power across southern landscapes — a political signifier intended to bring “all whites together, rich or poor, for theirs was a common heritage” — symbolically driving a wedge between impoverished southerners along racial lines.¹² In response to recent debates over the continued existence and prominence of such monuments, Tyler Zimmer protests that the average Confederate soldier was coerced into betraying his class “all for the sake of protecting the wealth and power of a tiny ruling class who looked upon them with scorn;” that Confederate symbols were historically “designed to legitimate black oppression and bury latent class conflicts among whites;” and that their enduring popularity among lower-class southern white people represents a “protracted collective amnesia.”¹³ Historical brainwashing safeguards the power of wealthy elites through divide-and-conquer tactics, thwarting any potential for an organized political challenge from below. Moreover, a historically-supported racial hierarchy grants poor white people a sense of superiority which is so comforting and psychologically important to those who have so little else, that they decide not to risk it via cooperation with Black people, even to improve their lot through politics or unionization. Concordantly, W.E.B. Du Bois predicted that economic equalization would be impossible in the region “so long as the Southern white laborers could be induced to prefer poverty to equality with Negroes;” indeed, to this day, labor movements have been most anemic in the South — and wages consequently the lowest — of anywhere in the United States.¹⁴

In a financially-decimated, culturally-demoralized and broken environment, it made sense that southern white people turned to a shared historical heritage to cultivate identity and community, creating an alternative narrative of events eulogizing the Confederate past and shaping it into a mythology of ideas, virtues, and rituals. Exceptionally vulnerable to the comforts of identity in this devastated postwar landscape, and looking to ease the psychological pain and alienation of defeat, poor white people accepted the elites’ political gospel that would work against their interests for over a century. Another side effect of the southern doctrine, which dismissed criticism or inquiry as heretical, has been a blindness toward its position within an objectively changed and changing postwar reality — political, social, and economic. Denying historical fact has delayed the South, keeping it out of step with the rest of the nation, and perpetuated the fractures of the war well beyond its military conclusion. An 1895 New York Times article gave

the situation a chillingly oracular diagnosis: “So long as the South has an admiration for the rebellion, so long will the South be a rebel at heart.”¹⁵

Sectarian historical narratives — divisive, compelling, and historically-influential as they are — do not emerge automatically for all groups; only those with considerable power and social organization can push their stories into the media’s public sphere, embed them in education systems, and operationalize them in politics. Dominant American histories have traditionally left out Black voices, even as they construct mythology and ritual around white supremacy. What would it look like to reverse this process, to treat Black agency as the sole driving force of historical events and progress? *The New York Times*’ “1619 Project” aims to do just this by intentionally and experimentally rewriting US history in a way that centers on Black Americans’ experiences and contributions, effectively creating a sectarian history from scratch. The project’s writers begin with 1619, the year that the first slave ship arrived in Virginia, as the true date of America’s founding. They then go on to argue that “out of slavery — and the anti-Black racism it required — grew nearly everything that has truly made America exceptional,” from its industrial power to its political system, its popular culture to its inequities, its reputation for liberty and its penchant for violence and hatred.¹⁶ Furthermore, Black people have been the principal architects of American democracy — its true “founding fathers” — in working tirelessly to bring this nation’s reality into harmony with its founding ideals.¹⁷

The project is a blueprint of sectarian history’s crucial elements laid bare, as its contributors do transparently what white faction-leaders have done clandestinely throughout American history. Such a project involves elevating figures like Crispus Attucks, while disparaging traditionally exalted white figures for their greed, hypocrisy, and inhumanity, tearing down one old system of historical reverence to construct another. It involves using a new historical paradigm to explain modern phenomena, placing claims on modern art and culture, and finally creating an epic pantheon of historical literature memorializing and sanctifying new historical moments — the beating of veteran Isaac Woodard in 1946, the 1963 bombing of the 16th Street Baptist Church in Birmingham, and the founding of the Black Panthers.¹⁸ Poet Tehyimba Jess canonizes the struggle of Black Americans with all the trappings of valor characteristic of factional history, exalting the “Black refugees, /self-abolitionists, fighting /through America’s history, /marooned in a land /they made their own, /acre after acre, /plot after plot, /war after war, /life after life.”¹⁹ Critically, Joshua Bennett pays homage to historical continuity’s power in describing the Black Panthers, past, present, and future: “*who wants to be a panther ought to be he can be it ... The panther is a human vision, interminable refusal, our common call to adore ourselves as what we are and live and die on terms we fashioned from the earth like this.*”²⁰

Like Lost Cause rhetoric in the American South, this is history as a call to action, history curved around identity. The “1619 Project” is courageous in its work to replace sectarianism, not with objective historical information, but with another mode of sectarianism — it remains to be seen, however, whether this effort can illuminate and discredit these cyclical processes, or whether it will only further fracture society. Perhaps we can commonize the past to expand identity, perhaps we can sterilize historical narratives of their myths and fabrications, or perhaps bitter sectarianism is the only way in which humans can truly engage with history.

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Democratising and Judicialising: The Judicialisation of Politics

ERIN RIZZATO DEVLIN

Within the classical tripartition of powers, courts and tribunals have always held the most marginal role, limited by the interpretation of laws. In the last decades, however, judiciaries have been increasingly addressed with the task of resolving moral issues and political questions, drawing power away from representative institutions. The intention of this essay is to analyse the judicialisation of politics and how this emergent phenomenon is slowly reshaping the skeleton of political structures and mutating the political environment — particularly within the United Kingdom. In order to provide beneficial outcomes, this phenomenon should be accompanied by an attempt to embrace more democratic principles, seeking to promote a more inclusive space in the light of greater political responsibility, dialogue, and plurality of opinion.

Origins

The term ‘judicialisation’ refers to both the expansion of judges’ powers at the expense of politicians and executives by conferring decision-making rights to the former, and the proliferation of legal discourse, procedures, and decision-making methods outside the judicial sphere.¹ The ambivalent term is employed to define multiple interrelated processes, including the increasing politicisation of the judiciary which has characterised the political environment since the late twentieth century. In Britain, this has occurred in the form of greater judicial involvement in issues such as educational policy, prison discipline, and social welfare.² The phenomenon of ‘constitutional supremacy’ — in which judiciaries gradually establish their influence over legislative and administrative entities — has spread globally to over one hundred countries.³

Constitutionalisation has been largely prominent in many post-authoritarian regimes transitioning to democracy, such as those in Latin America, Asia, and the new Eastern European states emerging from the former USSR.⁴ However, the adoption of a new constitution or the revision of rights have also been important factors in the diffusion of judicialisation as a trend. Since 1945, in fact, Japan, Turkey, India, the Philippines, and many European countries have attributed or re-ascribed review powers to their judiciaries, meaning that courts could criticise legislative enactments and administrative rules as inconsistent with constitutional norms, thus declaring them invalid.⁵ The institutionalisation of policies into legal agreements and the consequent decline of legislative supremacy thus prepared the ground for the decisive establishment of judiciaries as a global phenomenon.

Among the many causes of judicialisation, democracy stands out as being one of the main drivers of this tendency.⁶ Though judicial review is founded upon a counter-majoritarian and unelected basis — which would appear to contradict the very notion of democracy — many theorists support the view that active judiciaries are both a prerequisite and by-product of democracy.⁷ The debate around the role of courts in a democracy has been ongoing since the origins of political thought, involving prominent figures such as John Stuart Mill, who wrote in the tradition of British parliamentary supremacy, and Alexander Hamilton, who supported the independence of a United States judicial system.⁸ The issue of liberty within a constitutional system which aims for the protection of basic rights is crucial in the context of a democracy. In the imminent words of Charles-Louis Montesquieu, a predecessor of the judicialisation of political powers, “there is no liberty if the power of judging is not separated from the legislative and executive.”⁹

Additionally, it has also been argued that the judicialisation of politics has evolved concomitantly with the increasing de-politicisation of democracy. According to this view, the trans-nationalisation of the state, which primarily conceptualises itself as an actor in the international arena, leads to domestic neglect and a shrinking space for political discourse on a national dimension.¹⁰ Nonetheless, in order for a healthy democracy to survive, dialogue amongst citizens is necessary to provide legitimacy to any rising constitutionalism through free and engaged participation.

The Judicial-Legislative Relationship

Prior to the 1950s and the general rise of ‘new constitutionalism,’ the role of judges was circumscribed by a strict separation-of-powers doctrine and was therefore committed solely to interpreting the constitution. With the growth of ‘judicialisation’ however, political issues have progressively been translated into legal questions, with courts now operating as policymaking bodies by limiting the exercise of parliamentary authority, creating substantive policy, and desiring more control over political activity. In fact, the increased willingness of judges to regulate political activ-

ity, also beyond the legislatures, has been enforced through implemented standards of acceptable norms and behaviours for parties, interest groups, and individual agents.¹¹

One consequence of this phenomenon is the rise of institutions of constitutional adjudication, particularly in countries that have historically been hostile to such practices. A clear example is the case of Britain, where legislative supremacy has been prominent throughout the country’s political history, as judicial review is non-binding. However, high courts have now achieved emancipation from their traditional role, and are entitled to interpret statutes and public acts, as well as declare whether statutory provisions are compatible with the constitutive elements of the State and can thereby challenge the acts of Parliament.¹²

What distinguishes judicial from political power is that the former involves an independent third party — embodied by the judge — whereas the latter includes a plurality of interests which enables the pursuit of a majority principle among a chorus of conflicting values. While in principle the judiciary is devoted to the impartiality of a single judge, legislative practices are characterised by the possibility of bargain and compromise which enables discussion and dialogue between parties, rather than the assignment of a single solution to a complex dispute. The role of reason emphasised by the judicial power thus privileges solutions which are meant to be impartial yet universally accepted, clearly in contrast with the appraisal of conflicting values that distinguishes the legislative or executive.¹³ In addition, the judiciary is an organ which must be petitioned into action, given that it does not operate on its own initiative like a legislature can.

For these reasons, an unelected judiciary system enabled to operate as a policymaking body, rather than countering a tyranny of the majority, may become a danger if it fails to interact with other political entities, including citizenry, and if its roles and fields of action are not clearly legitimised. In fact, the forms in which judiciaries can relate to other powers are considered to be ‘from without,’ through the judicial review of executive or legislative actions, or ‘from within,’ by which the introduction or expansion of judicial modalities delineates the principle of more adjudication and less administration.¹⁴ It is then clear that constitutionalism and administration are inversely proportional. Thence, the role of courts is limited to defending fundamental rights and freedoms in their ‘negative’ sense, defined by Isaiah Berlin as the mere absence of interference.¹⁵ The judicialisation of politics may, however, have a profound impact on political freedom as a whole, by undermining essential elements such as action and participation, which constitute the very heart of a true democracy.

Prospects

In the framework of this growing reliance on judicial procedures and courts, it is important to consider arguments for and against the judicialisation of politics, and the concomitant politicisation of law, in a democracy. The conflict

between constitutionalism and basic democratic principles is at the core of these phenomena. The main line in defence of constitutionalism aims to portray judicial review as a means of achieving basic democratic principles, which, through a supposedly apolitical and impartial third party, aims to protect rights more effectively. This is also enhanced by the independence of judiciary power which is supposed to be more insulated and therefore less self-interested.¹⁶ However, although the main arguments against judicialisation have often appealed to the unelected and ‘counter-majoritarian’ nature of judiciaries, perhaps the strongest would be that which refers to the institutional basis upon which they are founded. This, in fact, appeals to an empirical experience of institutions which are organically embedded and contextualised, not eradicated from their socio-political system.

The act of deference of courts itself is due to political rather than judicial factors, and as such has been portrayed as a mechanism of ‘hegemonic preservation’ pursued by the legislatures.¹⁷ The issue is therefore political, and as such should be addressed using democratic means, through both discourse and deliberation. Judicial empowerment should also be subject to political contestation by those who are affected by their practices to avoid the political apparatus shifting into what some have described as a juristocracy. As discussed above, legislative power is mainly directed by the people through election and participation, the main sources of legitimacy in a democracy. On the contrary, the issue emerging with judicialisation is the lack of a concomitant process of democratisation in society, which is not necessary for its occurrence but enables it to act legitimately.

Lastly, the judicialisation of politics must be followed by a new vocabulary of legitimising principles to help guide the legal translation of intrinsically political matters. This requires a re-allocation of authority which must also happen through deliberation and public contestation. For these reasons, a balance between judicial and democratic power presents itself as the solution to avoid the two possible extremes of a government led by pure adjudication, and of a total majoritarianism.¹⁸

Although often limiting political discussion within the public sphere, judicial power is crucial to preserving negative freedom and ensuring the protection of fundamental rights. However, in order for this to be effective and sustainable, it must be analysed in its political origins and integrated with full democratic legitimacy. Therefore, the phenomenon of political judicialisation may, in the near future, find a meeting point between constitutionalism and majoritarianism only through the conciliation of these mutually-supporting principles. In other words, judicialisation should be legitimised through a democratic revision of the separation of powers.

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About the Liquid Democracy Phenomenon

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It is generally accepted that two forms of democracy have historically been formed: direct and representative. However, modern democracy cannot be recognized as direct due to quantitative restrictions, and the functioning of representative democracy in practice requires compliance with a large number of conditions that are not always met. Such ideas fuel discussions about the crisis-state of democracy and the search for alternative solutions to overcome the crisis.

One of these concepts, which would include the positive features of these forms of democracy, is liquid democracy. Liquid democracy is a system for more flexible political participation by citizens in the democratic process through the use of both online and offline networks. Citizens' voting is based on trust between one another, and depending on the level of trust, various options for delegating voting rights are possible. Thus, several types of delegation can be created, from forms of traditional representative democracy to direct democracy. The term "liquid democracy" first appeared in the political sphere in the program of the Pirate Party of Germany. The party's Chairman, Erfurt Falco Windisch gave the following quote concerning the concept:

... in times of political uncertainty and issues of great complexity, we urgently need new forms of democratic decision-making. Thanks to liquid democracy, we can give citizens more opportunities to participate directly in political decision-making processes. To do this, we must use the means of modern communication.¹

Thus, the concept includes elements of both direct and representative democracy, based on the principles of a networked society and e-democracy. The emergence of liquid democracy is primarily associated with the development of modern information and communication technologies. For the first time since the ancient era of city-states, it is possible to technically implement direct-voting by citizens, creating a working participatory democracy, and strengthen "legitimacy through more constant communication with citizens."²

When speaking about the positive and negative aspects of the concept, it should be noted that some researchers believe that liquid democracy can be called an improved version of the previously-functioning forms of democracy. In this regard, this issue is considered in conjunction with the study of historical forms of the political system. First of all, this applies to direct parliamentarism, which combines both elements of direct and representative democracy. In

such a system, "democracy as such is considered not only as a form of government, but also as an idea applicable to all areas of social and political life, where citizens want and can participate on an equal basis in decision-making through discussion, in accordance with democratic standards"³. Thus, a citizen who has the right to vote in the system of direct parliamentarism decides for himself which political issue requires his active, direct participation, which can be resolved by remote voting, and which requires the delegation of the right to vote. Thus, B. Ford summarizes the principles of self-organized, liquid democracy of direct parliamentarism as follows: a citizen can choose a passive (individual) or active (delegate) role depending on their own preferences; a low level of barrier for an active role of participation; delegation of authority, which makes it possible to use different levels of decision-making; privacy of both delegates and individuals; direct accountability of delegates; specialization through two-stage delegation (delegation from a delegate).⁴

Opponents of liquid democracy claim that the concept of e-democracy is not fully developed. Electronic voting can make democracy more legitimate or, on the contrary, it can delegitimize it. As stated in the report of the Speaker's Commission on Digital Democracy at the British House of Commons in 2015, the digital aspect is only part of the solution to problems: "It can help to make democratic processes easier for people to understand and take part in, but other barriers must also be addressed for digital to have a truly transformative effect."⁵ In other words, digital technologies can become not only a stimulating factor in the formation of a liquid democracy, but also a factor leading to regression, if the process was implemented properly.

In practice, many programs are aimed at creating e-democracy. The recommendations adhere to the main idea that information and communication technologies (ICTs) gradually facilitate the dissemination of information and the discussion of policy issues. Therefore, it is necessary to recognize the following:

... that information and communication technology (ICT) is progressively facilitating the dissemination of information about, and discussion of, political issues, wider democratic participation by individuals and groups and greater transparency and accountability in democratic institutions and processes, and is serving citizens in ways that benefit democracy and society.⁶

The Council of Europe, for example, created an ad hoc committee on artificial intelligence in 2021 to "examine the feasibility and potential elements on the basis of broad multi-stakeholder consultations, of a legal framework for the development, design and application of artificial intelligence, based on Council of Europe's standards on human rights, democracy and the rule of law."⁷ The new program "Digital Europe 2021-2027" has also been launched.⁸ Based on the strategy of the digital single market adopted in May 2015, and its achievements, the main goal of the program is to ensure the digital transformation of Europe. The program

will allocate 7.5 billion euros for financing for 2021-2027; 1.3 billion euros are allocated specifically for ensuring the digital transformation of public administration and public services.

The research of the theorists of the electronic democracy phenomenon is also very extensive. V. I. Fedorov, based on the experience of practical application of e-voting in twelve countries, notes several general problematic trends: high financial costs for experimental projects with electronic voting systems; the lack of international legal standards for electronic voting; a low level of trust among citizens, primarily due to the lack of a clear verification mechanism; and the lack of a single standard of equipment for electronic voting.⁹ Expert of the European program for digital democracy K. Giant notes the following:

... none of the existing experimental systems, however, do not allow for scalability to tens, maybe even hundreds of thousands of participants — an opportunity that may be claimed at the first attempt to apply it in the context of an open discussion of topical issues, when participants know that the discussion will either be taken into account by the current regime, or be included in the program a broad opposition coalition.¹⁰

Researcher of the concept of liquid democracy T. L. Rovinskaya claims that there are weak points in the concept; those weak points include technology, public discussion of proposals, the threat of “virtual” abuse and “expertocracy,” the decline of political activity in the majority of the public, and stability and security of electronic systems. Based on the above, the problematic points in the liquid democracy concept are the lack of development of voting technologies, the threat of violations of ethical standards by experts, and the risks associated with possible cyber-attacks. As the researcher suggests, “Only a well-defined system of control over the voting process and security control, as well as dynamic control over the process of transferring votes and using each vote once on one issue, can prevent such abuses.”¹¹

Despite the existing shortcomings, the concept of liquid democracy in general, with its supporters and opponents, strives to make democratic decision-making more flexible, dynamic, and transparent in practice. One example of the practical application of the principles of the liquid democracy concept is the activity of a non-partisan, non-profit organization in Germany with the same name — Liquid Democracy. The organization currently has twenty-five completed projects that aim to increase civic engagement through online-participation and promote a democratic culture of participation. Since the organization was established in 2009, its work has focused on developing innovative methods to promote participation. Thus, the implementation of online participation may be relevant for non-profit civil associations and organizations, commercial companies, mass media, political parties, and, of course, public administration in the field of civil participation and urban planning. In 2012, one of the founders of Liquid Democracy, D. Reichert, said that

the Pirate Party of Germany has entered numerous national parliaments for the following reason:

We are used to saying that we live in a democracy, although we spend most of our time in autocratic systems — whether at school, at University, in the profession, and even clubs often have a steep hierarchy and undemocratic processes. The term ‘liquid democracy’ — refers not only to smooth transitions between direct and representative democracy, but also in general to how we can incorporate relevant areas of life into politics.¹²

Liquid Democracy’s principles are the following: innovation, as developing opportunities for democratic participation is impossible without social and technical innovation; participation, which has implications for the development of society as a whole and individuals; independence from state and economic structures, which also gives greater transparency and the ability to better focus on the goals and objectives of the organization; software of an open and accessible source code that creates absolute transparency and the value of information; and non-profit status of the organization. The project team itself states that “The core of our work revolves around the development of Adhocracy, a free and open-source software and digital participation tool providing users with various civic participation tools.”¹³

Adhocracy, based on the above principles, is open-source software that reflects the diversity of e-participation processes and allows many participants to make decisions together at any given time, even if they are not in the same place. These projects often face very different requirements, so Adhocracy was conceived as a library that one can use by downloading the software in the public domain. The program’s license allows you to view, use, and modify the source code for free, so that users benefit from innovation and further development in other projects and applications. It is thanks to the popularity of Adhocracy that Liquid Democracy has become a non-profit organization in a few years, which now employs twenty people full-time in various projects. Work is underway on the third version of Adhocracy and a multi-purpose participation portal for Berlin, which makes decisions about zoning, environmental initiatives, and allocation of funds in its area. These are just a few of the twenty-five projects which have been successfully implemented by the organization, which are open and posted on their official website.¹⁴

The introduction of digital technologies into the political life of society has an impact on democratic processes. The positive consequences of digitalization as a new stage of informatization of society include the expansion of the right to information, access to information about the activities of public bodies, and the development of a networked society. Currently, “liquid democracy” successfully combines the ideas of a networked society, as well as direct, representative, and electronic democracy. It is becoming a concept that is relevant to modern society, but to strengthen its influence and expand its scope, a large study of both theoretical provi-

sions and various practices is required. Taking into account all of the positive factors, we can talk about the prospects of the concept of liquid democracy. However, as long as it does not convince the majority of the members of society in practice of its effectiveness and does not demonstrate success in overcoming the crisis-states of democracy, it will be considered only as one of the possible options for the democracy of the future.

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Review: We Have Been Harmonized: Life in China's Surveillance State

MAEVE EDWARDS

Kai Strittmatter's *We Have Been Harmonized* begins with several assertions: "The China we once knew no longer exists;" "Something is happening in China that the world has never seen before;" and, "the greatest challenge for our democracies and for Europe won't be Russia, it will be China."¹ The statements themselves are not necessarily groundbreaking, but the author's work in this recent publication is certainly noteworthy for the comprehensive manner in which it details the facts which support such statements. The book explores the "harmonization" of China under the Chinese Communist Party as it is being revived by Party General Secretary and the nation's president Xi Jinping. Although there are criticisms to be made of certain points which the author makes, his warning that China poses a threat of authoritarian influence to the world should not be ignored.

It is difficult to summarize the concepts presented in the work very succinctly, as the angles from which China may be viewed are as multifaceted as a dragonfly's eye — a significant and meaningful motif of which Strittmatter makes good use — but it may be useful to describe the state of the CCP's rule over the nation now according to the following passage concerning the statement of Mao Zedong, that "political power grows out of the barrel of a gun."²

This is one of Mao's most-quoted pronouncements. But what people often forget is that, alongside and equal to the barrel of the gun, Mao always had the barrel of the pen — propaganda. The Maoists used to mention the two in the same breath: "The Revolution relies on guns and pens." One stands for the threat of physical violence and terror; the other for mind control.³

The two are undeniably complimentary, and very much interdependent. Strittmatter describes their use in China at length. He mentions, in terms of the gun, the Central Commission for Discipline Inspection, which has been used to "fight corruption" and "also investigate comrades'

ideological loyalty.”⁴ The author describes this exercise as “a modern-day Spanish Inquisition,”⁵ though a more modern example does come to mind — specifically, the Red Scares of the twentieth century. He also mentions, in terms of the pen, that the CCP’s propaganda, “which to outsiders often comes across as crude, vacuous, and absurd,” should not be discounted because of it — “Much propaganda *is* crude and vacuous — and it works surprisingly well.”⁶

An illustrative example is apparent in a story related by writer Murong Xuecun; in this story, Xuecun mentions questioning a friend — a Party functionary — about whether the Party really believed that it could really influence people with propagandist posters which “drew the reader back to the People’s Republic of yesterday via the familiar, stale slogans that were printed across the cheerful images.”⁷ Acknowledging that the posters were indeed “stupid,” Xuecun’s friend dismissed this point — “that doesn’t matter ... We can cover the walls with this stuff. Can you?”⁸ Strittmatter elaborates on the relevancy of this story in the following paragraph:

The implication was: “This is how great our power is. The whole world around you belongs to us. We are going to wallpaper your heaven and your earth. And you are only a guest here by our grace.” This isn’t only about the words, it’s about overpowering people. Haifeng Huang, a political scientist at the University of California, calls it “hard propaganda.” He carried out a field study in China which came to the conclusion that such propaganda could “worsen citizens’ opinion of their regime” while at the same time fulfilling its purpose: “signalling the state’s power and reducing citizens’ willingness to protest.”⁹

But of course, just as intimidation is not unique to authoritarian regimes, neither is propaganda and censorship. As Strittmatter justly notes, “Hardly anyone in China found out what was really happening in Hong Kong, not in 2014, when its citizens were on the street, still hoping, and not in 2019, when hope had already died...”¹⁰ However, a similar example can be cited from very recent events, when Facebook — a platform which is banned in China — was observed censoring information concerning the Israeli attacks on Palestine in May 2021.¹¹

These notes of intimidation and censorship in the West are not to diminish that which exists in China and other authoritarian regimes — it is merely meant to drive home one statement which Strittmatter leaves readers with in the final chapter of his book: “In the end, rather than just pointing the finger at China, we need to look at ourselves.”¹² As the author touches on, Western democracies’ betrayal of their proclaimed values plays into authoritarian regimes’ characterization of democratic states as hypocritical, and only self-serving.

It is the responsibility of these states to correct their own acts of intimidation and violence — Strittmatter rightfully mentions the US’ torture of prisoners in Abu Grhaib and Guantánamo as examples — and exercise of censorship and propaganda, as exemplified by the instance noted above. They must do this *in conjunction* with their criticism of China

and its authoritarian influence. And they must demand more than simple promises: they must demand real change for the benefit of all people. They should not act as the character of the prisoner described by author Yan Lianke, who, once the window of his cell has been unshuttered, may not “dare ask for the prison gates to be opened for him.”¹³ If Western democracies truly stand for democratic values, then they must demand it all — they must demand for democratic values to be upheld.

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ENDNOTES

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Program Highlights

❖ In response to the COVID-19 pandemic, the 2020-2021 academic year took place nearly entirely online. Students, faculty, and staff in the Democracy & Governance program continued to leverage the many opportunities for novel learning and programming presented by the virtual format.

❖ In August, 2020 we (virtually) welcomed our 15th class of incoming students to the M.A. program. A special welcome to: **Joshua Allen, Saskia Brain, Janelle Clausen, Rebecca Harris, Savannah Jones, Alexander Mayer, Nicholas “Coty” Novak, Wagner Rodrigues Horta, and Taylor Williams.**

❖ On October 20th, the DG program held its annual career panel. This year’s panel included contributions from **Monica O’Hearn (DG ’17), Sundar Ramanujam (DG’17), and Michael Abramowitz, President of Freedom House.**

❖ Following the violent attack on the United States Capitol on January 6, 2021, the Democracy & Governance Program issued a statement condemning the violence and reaffirming the vital importance of the peaceful transition of power as a fundamental tenet of democracy.

❖ On March 15, 2021, the DG program joined the Center for Latin American Studies and the Berkley Center for Religion, Peace, and World Affairs, and Outreach Aid to the Americas to host a discussion with U.N. Special Rapporteur **Dr. Ahmed Shaheed** on civil society and religious freedom in Cuba.

❖ On April 21st, the DG program hosted an online panel discussion entitled **“Democracy Promoter, Come Home.”** The discussion highlighted the lessons that the United States can draw from international democracy assistance and featured Eric Bjornlund (Democracy International and the Election Reformers Network), Dr. Rachel Kleinfeld (Carnegie Endowment for International Peace), and Soren Dayton (Protect Democracy), with DG Program Director Daniel Brumberg serving as event chair.

❖ This year we said farewell to 10 impressive graduates of the M.A. program: **Joseph Laposata, Isabella Wilkinson, Nicholas Albano, Ruby Karki, Cesar Augusto Jo, Maeve Edwards, Michael Reinders, Alexander Baker, William Ritchey, and Bowen Qi.** Our newest alumni were able to attend the university graduation ceremony at Nationals Park, as well as a smaller reception for DG graduates on campus.



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