

18 December 2007

Curriculum Workshop:
UNITAR / eDC

e-Democracy and Public Law

Navraj Singh Ghaleigh

Lecturer in Public Law, Edinburgh Law School

n.ghaleigh@ed.ac.uk



I. The Context

- Primacy of Private Law
 - IP/IT
 - E-commerce / contract law
 - Data protection
- Extensive reach of Public / Constitutional Law

II. The Nature of Public Law

- Traditional Public Law
 - Staking out key institutions of government
 - Relations between those institutions
 - Relations between those institutions and citizens
- New Technologies, New Dimensions ?
 - Change in practice?

III. The Stress Points

- Concrete Issues
 - Libel / defamation
 - Data protection
 - Media regulation
 - Campaign / party finance
- Constitutional Rights
 - Voting (inc counting)
 - Privacy
 - Freedom of Expression

III. The Stress Points

(cont.)

- Constitutional Theory
 - Sunstein, *Republic.com*
 - Dystopian retreat into private worlds, subversive to civic republicanism and deliberative democracy
 - Priority of private preferences over civic duty
 - Sundering of intermediaries
 - Balkin, *Digital Speech and Democratic Culture*
 - Need to give greater weight to popular choices

But... online worlds (media politics) for

IV. Conclusions

- Regulation must be understood in the context of how people communicate
- Yet not technological determinism
- Dynamic and reflexive role of Law