

Digital Citizenship: Fighting the Digital Divide*

Eva M^a Menéndez Sebastián

(Full Professor of Administrative Law in the University of Oviedo
Councillor of the Consultative Council of the Principality of Asturias)

Javier Ballina Díaz

(Associate Lecturer of Public International Law and International Relations in the University of
Oviedo)

ABSTRACT We are currently witnessing profound changes in the relationship between citizens and public authorities, particularly in terms of public administration systems. Two aspects in particular contribute greatly to this transformation: the so-called *new governance* and the implementation of new technologies. As such, the idea of *digital citizenship* can be considered not only from the perspective of the use of ICTs, but also in terms of the very meaning of what it means to be a citizen today. However, despite the obvious contribution of new electronic media to the greater exercise of citizenship, for example, in terms of new forms of participation, this technology also entails significant risk if it is not undertaken in the right way. One such danger is undoubtedly the *digital divide*, through which existing differences may be exacerbated and new ones may be brought into effect.

1. Approach

The technological revolution in which we are immersed undoubtedly brings with it important advances, but also major risks, some of which are linked to fundamental rights that need to be protected, such as data protection, privacy, and even human dignity. In addition, as Prof. De La Quadra-Salcedo has rightly asserted, the digital society may result in formidable instruments of power, domination and control being made available to only a few, which is incompatible with the higher values and principles of our legal system: freedom, justice, equality and political pluralism¹.

Hence the need to promote the use of ICTs for the benefit of citizens, but also to protect fundamental rights², as well as the fundamental principles and values of our coexistence, among which equality must be highlighted: a basic value, principle and right that must be preserved at all costs, and which

should act as a beacon to guide the regulation and use of ICTs.

This idea, then, is the starting point of this study, not so much in terms of *posthumanism* and the empowered human³, where its use may perhaps seem more obvious, but in the field of *digital citizenship* and, in particular, citizen participation in political, democratic, social and administrative life. In other words, what we are talking about is equality, an essential value of the social and democratic rule of law, in relation to *digital citizenship*, which inevitably leads us to the issue of the *digital divide*.

However, to get there, we must first travel a long road, starting with the more general reflection formulated by the French *Conseil d'État* in its 2018 annual study⁴. The change that society has undergone in recent years is not only technological, but is due to something more profound, or at least to various factors, which in turn is linked to the

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¹ T. De La Quadra-Salcedo, *Retos, riesgos y oportunidades de la sociedad digital*, in T. De La Quadra-Salcedo and J. L. Piñar Mañas (dirs.), M. Barrio Andrés M. and J. Toirregrosa Vázquez (coords.), *Sociedad digital y Derecho*, Madrid, BOE, 2018, 65.

² Regarding the need to protect fundamental rights in the face of the advance of technology and how it has influenced not only the exercise of these rights but also the emergence of new ones, reference should be made to the study by the Conseil d'État, *Le numérique et les droits fondamentaux*, Paris, La Documentation Française, 2014.

³ In relation to this very interesting subject, reference should be made to the work by Prof. S. Rodotà entitled *Diritto, scienza, tecnologia: modelli e scelte di regolamentazione*, presented at the Congress *Scienza e diritto nel prisma del diritto comparato*, Italian Association of Comparative Law, Pisa, 22-24 May 2003, and published by Giappichelli, Turin, 2004, 397-412, as well as the following: *Del ser humano al posthumano*, in T. De La Quadra-Salcedo and J. L. Piñar Mañas (dirs.), M. Barrio Andrés M. and J. Toirregrosa Vázquez (coords.), *Sociedad digital*, Madrid, BOE, 2018, 87-93.

⁴ Conseil d'État, *La citoyenneté. Être (un) citoyen aujourd'hui*, Paris, La Documentation Française, 2018.

so-called concepts of *new governance*, *good government* and *good administration*⁵. However, it is also true that the digital environment offers enormous possibilities for improving democratic quality and public decision-making, which must be taken into account.

To this end, the scheme that will be followed in this brief analysis of *digital citizenship* will set out from what is understood today by the notion of citizenship, consider its digital dimension, and conclude by considering the problem that the *digital divide* causes.

2. What does citizenship mean today?

As the *Conseil d'État* reminds us, men and women are social beings. The idea of citizenship is thus linked to the right to participate in decisions concerning the political community and is therefore at the epicentre of the Western conception of the relationship between the individual and society⁶.

However, we are currently witnessing the exaltation of a series of principles, such as transparency, accountability, participation, public ethics, etc., which respond to a new relationship between public authorities and citizens. This involves not only important functional changes, but also changes in the conception of what citizenship is and how to make it effective, which, although not always made explicit, is key to knowing and understanding the very reason behind the transformations themselves.

To this end, it is worth mentioning here a concept that has been used for almost twenty years in French doctrine. We refer to the idea of the *citoyenneté administrative*⁷, which, in our opinion, explains in a very precise and interesting way the transformation public administrations have undergone, including the introduction of transparency, participation and

accountability. The *Conseil d'État* even goes a step further to speak of the *citizenship of public action*, which gives life to political citizenship⁸.

In our opinion, the idea of the common project referred to by the *Conseil d'État* is important, but so too is the fact that inequality is a major cause of citizen distrust⁹, and as such the solution proposed must clearly address and correct this inequality and not accentuate it¹⁰. Of no less importance is the philosophy of commitment, which is inherent to the notion of citizenship as it is handled by the French, any less important¹¹. And,

⁸ Conseil d'État, *La citoyenneté. Être (un) citoyen aujourd'hui*, 63.

⁹ In relation to the key question of trust, it should be remembered that, as Prof. E. García De Enterría rightly said in *Democracia, jueces y control de la Administración*, Madrid, Civitas, 1996, 102-103, "the essence of the trust, to which the primary meaning of the word alludes, is trust, which (as occurs with the mandate in Romanised law) is not given once and for all, but must be kept alive constantly and from which instructions can be addressed to the trustee and, eventually, revoked. Nothing could be more opposed to this idea of trust or *fiducia* than to imagine it as an alienation of powers, whether this alienation is conceived as perpetual (the central idea of absolute monarchies, renewed with plebiscitary formulas by modern dictatorships), or as temporary, for the period of the legislature to which an election refers, after which either a ratification of the incumbent manager or a new alternative manager emerges, who would go on to occupy the same formal position as the previous one as the unconditional holder of power. Elections, which are undoubtedly vital for democracy, as an instrumental procedure for the expression of popular confidence, are not, however, able to absorb the fullness of this confidence, which it is essential to keep alive throughout the period of performance, as the nerve that enlivens and animates the actions of the managers and, with it, the entire democratic system".

¹⁰ We refer to this in specifically because the French *Conseil d'État* itself, in its 2018 study, points out that digital technology, which has the potential to both facilitate and broaden the scope of participation, nevertheless also has the potential to reproduce the biases and inequalities observed in consultations carried out in the traditional administrative and political sphere; and it can also give rise to new risks, such as fake news or the hacking of online consultation or voting processes, as well as the widening of the *digital divide*. Neither should the idea put forward in the aforementioned study regarding the possible contribution of social networks to divide rather than unite in search of a common project be disregarded.

¹¹ Thus, in the idea put forward by Dominique Schnapper, citizenship expresses a standard of common life or coexistence, a community of citizens, of a nation, in accordance with the democratic principles embodied, in France specifically, in the three pillars of the motto of the republic: liberty, equality and fraternity. See, in this respect, several works by this same author, such as *Qu'est-ce que la citoyenneté ?*, in *Collection Folio actuel*, vol. 75, Paris, Gallimard, 2000; or more recently

⁵ It should also not be forgotten that, as J. Chevallier says in *Vers un droit post-moderne? Les transformations de la régulation juridique*, in *Revue du Droit Public et de la Science Politique*, vol. 3, 1998, 659, it is quite obvious that law, as social production, is destined to evolve according to social change.

⁶ Conseil d'État, *La citoyenneté. Être (un) citoyen aujourd'hui*, 11.

⁷ In relation to this concept, it is worth highlighting the doctoral thesis of Professor G. Dumont, *La citoyenneté administrative*, Ph.D. thesis, Université Panthéon-Assas Paris 2, 2002 (HAL Id: tel-01292880, <https://hal.archives-ouvertes.fr/tel-01292880>).

although we cannot dwell here on the very concept of citizenship and the transformation it has undergone in recent years, we must at least raise this idea of commitment, as well as recalling that, along with bestowing rights, citizenship also includes duties.

In short, citizenship, from this French perspective, is exercised through the recognition of specific rights for citizens in their relations with public authorities, including the public administration, as well as in all consultative processes involved in the drafting of public decisions in which citizens participate. This participation has various instruments at its disposal and the technological revolution has had a clear impact on it, as will be explained in the following section.

3. The transition from democratic administration to administrative democracy: the importance of the French concept of *citoyenneté administrative*.

Within this context, then, it is important to analyse the transformation of the relationship between citizens and the public administration for two main reasons: On the one hand, because the administration is one of the public authorities referred to earlier. On the other, because it is not without reason that we nowadays speak of the *citizen* within this relationship and not of the *administré*, *usager* and/or *partie intéressée*¹², as was the case not so many years ago. As will be seen, this represents a profound change, strongly linked to the very concept of citizenship.

Indeed, the change from considering those who have a relationship with the administration or use a public service as being the *administré* or *usager*¹³ to the idea of citizen has implied a complete transformation that is reflected in this *citoyenneté administrative*. Likewise, it is necessary to

La citoyenneté à l'épreuve. La démocratie et les juifs, in *Collection NRF Essais*, Paris, Gallimard, 2018.

¹² We have chosen to use the French terms *administré*, *usager* and *partie intéressée*, since there are no legal equivalents in the British system, hence the difficulty of a suitable translation into English.

¹³ Thus, as V. Donier has already pointed out in *Les droits de l'usager et ceux du citoyen*, in *La Revue Française de Droit Administratif*, vol. 1, 2008, 13, the first step in this evolution was taken with the idea of the *usager*, thus demonstrating the emancipation of the *administré* with respect to the administration, since he/she ceases to be subject to administrative action and becomes its beneficiary.

take into account the changes that have occurred in the classic conception of citizenship itself, which is more closely linked to the idea of nationality.

This new position that the citizen has acquired with respect to the administration is what justifies the introduction - from this perspective of citizenship - of the principles on which the new governance largely hinges (*i.e.*, transparency, accountability, participation, public ethics). This is a profound transformation of the relationship between the administration and the citizens of today, formerly the *administrés*, in line with the transition from *democratic administration* to *administrative democracy*. The increasing use of the notion of *democracy in public administration* clearly reflects this shift. It implies the granting of new rights to all citizens, and also *involving* them in administrative processes within a framework of deliberative and participatory mechanisms¹⁴.

The notion of *administrative democracy*¹⁵, as already mentioned, reflects a profound change in the traditional conception of the relationship between administration and democracy; the administration is no longer called upon to be democratic, but rather to become the spearhead and vector of a reformulation and consolidation of democratic logic. However, we must never lose sight of the fact that *administrative democracy* complements representative democracy and does not substitute for it¹⁶, it is a means of participation in power that does not end simply with the right to vote, but extends to every moment of institutional life¹⁷.

¹⁴ In the words of J. Chevallier, *De l'Administration démocratique à la démocratie administrative*, in *Revue Française d'Administration Publique*, vol. 137-138, 2011, 217-227.

¹⁵ According to C. Testard, is understood as the set of rules that tend to encourage the participation of citizens in the elaboration of administrative decisions (*Pouvoir de décision unilatérale de l'administration et démocratie administrative*, Paris, LGDJ, coll. Bibliothèque de droit public, vol. 304, 2018).

¹⁶ This is the line taken by the Conseil d'État in *La citoyenneté. Être (un) citoyen aujourd'hui*, 14; and J. Chevallier, in *De l'Administration démocratique à la démocratie administrative*, 227; G. Dumont, *La citoyenneté administrative*, 367; and E. Debaets, *Protection des droits fondamentaux et participation de l'individu aux décisions publiques*, in *Jurisdoctoria*, vol. 4, 2010, 175.

¹⁷ A.G. Orofino states in *La trasparenza oltre la crisi. Accesso, informatizzazione e controllo civico*, Bari, Cacucci, 2020, 53.

Moreover, all this is linked to good administration¹⁸, in the sense of effectiveness, efficiency and better decision-making.

This changed relationship can be seen in various regulations where, in effect, the terms *administré*, *usager* and *partie intéressée* have been replaced by the term *citizen*. This is evident in France with the *Loi n° 2000-321 du 12 avril 2000 relative aux droits des citoyens dans leurs relations avec les administrations*¹⁹ and, more recently, in Spain in the *Ley 39/2015 de Procedimiento Administrativo Común de las Administraciones Públicas*²⁰, and the *Ley 9/2017 de Contratos del Sector Público*²¹.

Thus, by recognising that the *administré* is also a citizen, the regulations in force consider that the administrative relationship has a civic dimension²². The administration must provide citizens with the means to exercise their citizenship, and the administrative relationship is one of the means of accessing citizenship. This transforms the nature of the administrative relationship, where citizens have the right to participate in administrative action and to have access to the administration, with the administration being accountable to them.

The *citoyenneté administrative* thus understood implies that citizens are at the same time both citizens of the administration and citizens within the Administration²³. In short, it is therefore a matter of making citizenship effective through the extensive participation of citizens in the execution of

administrative powers, making this effective through the relationship citizens have with the public administration.

4. Digital citizenship

If we agree that the key element of citizenship is participation in power, be it through political rights or, more concretely, through *citoyenneté administrative*²⁴, the notion of *digital citizenship* leads us inevitably to the idea of such participation in public decision making through digital means²⁵.

While the shift from the idea of the *administré* to that of the citizen has meant a profound transformation in the relationship with the administration, another aspect that has contributed to changing the relationship has undoubtedly been technology, which has had a significant impact on the social iteration²⁶, and which has also extended into the public sphere²⁷, for example, in terms of the important role played by the digital revolution on the forms of participation that are available. As such, the confluence of principles and terms such as transparency, deliberative democracy, participatory democracy, good administration, good governance, etc., and new communication and information technologies becomes evident²⁸.

¹⁸ As was stated by the Conseil d'État in *Consulter autrement, participer effectivement*, Paris, La Documentation Française, 2011, 92.

¹⁹ Today the *Code des relations entre le public et l'administration* (adopted by Ordonnance n° 2015-1341 du 23 octobre 2015 relative aux dispositions législatives du code des relations entre le public et l'administration, JO, n° 0248, 25 octobre 2015, 19872, texte n° 2) which to a certain extent replaces the term citizen with that of public, should be taken into account, as shown by F. Pinel, *La participation du citoyen à la décision administrative*, Ph.D. thesis, Droit, Université Rennes 1, 2018, 2018REN1G020, 19-20.

²⁰ Although, for example, the term "citizen" is mentioned 22 times in the Act, the change and its full implications are not made explicit.

²¹ For example, when in Art. 312 it speaks of service contracts for direct services to citizens.

²² On the concept of "administrado" and citizen in Spain, see, for example, F. López Menudo, *Del administrado al ciudadano: cuarenta años de evaluación*, in *Revista Andaluza de Administración Pública*, vol. 104, 2019, 17-43.

²³ G. Dumont, *La citoyenneté administrative*, 666-667.

²⁴ Doctrine has it that, in effect, one of the attributes of all citizenship is the right to participate in the making of administrative decisions, as indicated by G. Eveillard, *La citoyenneté administrative, vecteur de nouveaux droits publics subjectifs des administrés ?* in *Les droits publics subjectifs de l'administré*, Bordeaux, France, Association française pour la recherche en droit administratif, June 2011, 109; and F. Pinel, *La participation du citoyen à la décision administrative*, 20.

²⁵ For K. Mossberger, C. J. Tolbert and R. S. McNeal, *Digital Citizenship. The Internet, Society and participation*, Cambridge, MA, The MIT Press, 2008, 1, *digital citizenship* is the ability to participate in society online. On the definition of *digital citizenship*, see also F. Grefet and S. Wojcik, *La citoyenneté numérique. Perspectives de recherche*, in *Réseaux*, vol. 184-185, 2014/2-3, 125-159.

²⁶ One example of this transformation is the French reform, analysed by A. Boto Álvarez, *Transformaciones estructurales en la administración francesa: cuestiones éticas y tecnológicas*, in *Revista General de Derecho Administrativo*, vol. 4, 2017.

²⁷ As main elements of this change, A. Mantelero, *Ciudadanía y gobernanza digital entre política, ética y derecho*, in T. De La Quadra-Salcedo and J. L. Piñar Mañas (dirs.), M. Barrio Andrés M. and J. Toirregrosa Vázquez (coords.), *Sociedad digital y Derecho*, Madrid, BOE, 2018, 160, identify communication, online services and datafication.

²⁸ L. Cotino Hueso, *Derecho y "Gobierno abierto". La regulación de la transparencia y la participación y su ejercicio a través del uso de las nuevas tecnologías y las*

Participation from the perspective of citizenship and, particularly, of digital citizenship, has been identified or related to administrative democracy; however, it has other manifestations. Citizens participate actively not only in a general sense but also to defend their own particular interests. Participation serves both to improve decision-making and to give it greater legitimacy²⁹. The citizen who participates does so in a variety of ways, as an *interesée* as a private individual, as a member of civic society, as a member of an interest group or *lobby*, etc³⁰. There are also a variety of instruments for participation, such as administrative procedures, referendums, public consultations, etc., and a number of phases involved in decision-making where this participation is present³¹.

The use of new technologies to channel these different forms of participation is proof of this, although doctrine does not agree on the phases when it is most appropriate for them to be used³². New ICTs indisputably

provide an opportunity for the exercise of citizenship through participation, as they can increase the number of participants³³; however, they can also involve risks and threats, such as favouring unilateral expressions, polarisation phenomena (citizens often only visit websites where the ideas expressed are similar to their own), as well as fickle and irrelevant citizen expressions³⁴. Hence, the use that elected representatives make of these new technologies to organise institutionalised participatory procedures is of great importance³⁵.

For this reason, it is also necessary to analyse the various instruments of *online* participation in depth before putting them into practice, establishing what their advantages and disadvantages may be, how they can be used correctly and also considering what dangers they may entail³⁶. The variety of instruments of this type that can be used throughout the various phases involved in participation in the broad sense in public decisions, so-called *open government*, as well as the new public governance, is considerable, meaning that only a thorough knowledge of them will make it possible to use them correctly³⁷.

Unarguably, this is a complex issue, which requires reflection and good regulation. A strategy that makes it possible to take

redes sociales por las Administraciones públicas. Propuestas concretas, Zaragoza, Monografías de la Revista Aragonesa de Administración Pública, 2013, 53, points out that the very notion of open government was born linked to e-democracy and e-transparency.

²⁹ Although it should be remembered that there are authors who understand that the legitimacy of the administrative decision derives indirectly from the execution of the people's decisions, as for example G. Dumont, *La citoyenneté administrative*, 15 and 212.

³⁰ In short, as Prof. E. García De Enterría pointed out more than thirty years ago in *Principes et modalités de la participation à la vie administrative*, in F. Delpérée (dir.), *La participation directe du citoyen à la vie politique et administrative (Travaux des XIIes Journées d'études juridiques Jean Dabin)*, Bruxelles, Bruylant, 1986, 257, participants in the decision-making process can be affected in different ways: the individual can be associated with public action as a holder of rights or interests, as a *private* actor, but also as a "guardian and protector of a collective value", as an actor with a *public* interest.

³¹ Thus, it is possible to speak of a first phase in which what is in the general interest is established. The second stage is participation in the narrower sense, *i.e.* in the decision-making process. And in a final phase, participation in a broader sense through the evaluation of public policies or the so-called accountability.

³² For these different doctrinal positions, see, for example, L. Cotino Hueso, *Derecho y "Gobierno abierto". La regulación de la transparencia y la participación y su ejercicio a través del uso de las nuevas tecnologías y las redes sociales por las Administraciones públicas. Propuestas concretas*, 74; Q. Cardi, *Les normes de la démocratie à l'épreuve de la participation citoyenne numérique institutionnalisée: une étude de l'appropriation du numérique par le politique dans le cadre des processus de participation citoyenne*, Ph.D. thesis, Philosophie, Université Panthéon-Sorbonne - Paris I, 2018, 24,

or S. Wojcik, *Prendre la démocratie électronique au sérieux. De quelques enjeux et controverses sur la participation politique en ligne*, in *La démocratie électronique*, Besançon, France, November 2009, 11, <https://halshs.archives-ouvertes.fr/halshs-00591937>.

³³ According to Q. Cardi, *Les normes de la démocratie à l'épreuve de la participation citoyenne numérique institutionnalisée: une étude de l'appropriation du numérique par le politique dans le cadre des processus de participation citoyenne*.

³⁴ In this respect, see, *inter alia*, M. Hindman, *The myth of digital democracy*, Princeton, NJ, Princeton University Press, 2009.

³⁵ Q. Cardi, *Les normes de la démocratie à l'épreuve de la participation citoyenne numérique institutionnalisée: une étude de l'appropriation du numérique par le politique dans le cadre des processus de participation citoyenne*, 22.

³⁶ Consider the differences between referendums, participatory budgets, public debates, consultations, polls, and even e-voting, both in terms of potential effectiveness, the degree of participation and/or deliberation, and even the legitimacy of the participants.

³⁷ Indeed, as D. Innerarity, *El impacto de la inteligencia artificial en la democracia*, in *Revista de las Cortes Generales*, vol. 109, second semester, 2020, 90, points out, "the way in which we configure the governance of these technologies will be decisive for the future of democracy; it may imply its destruction or its strengthening".

advantage of the benefits of new ICTs, especially the possibility of opening up debate and participation to all, without undermining or distorting representative democracy but rather complementing it, without violating citizenship but rather making it effective, involves, first of all, effective access for all to these new means of participation and, even more importantly, making them known and encouraging their use. It is clear that the objective is not the use of ICTs³⁸, but rather that, through them, citizens can participate in an effective and efficient government that truly responds to their needs, with the idea that when transparency, participation, collaboration and accountability are present³⁹, the result should be an effective, efficient and responsible government, the basis of good government and good administration.

5. *The need to eradicate the digital divide: citizenship is at stake.*

One of the most significant risks in the use of new technologies in terms of participation in power is undoubtedly the *digital divide*. This issue is of the utmost importance because, if, as we have already pointed out, one of the keys to citizenship is equality, this cannot be addressed using another element that introduces a greater fissure in society⁴⁰. It

is therefore absolutely essential to fight to reduce the impact of the digital divide, finding solutions that, at least temporarily and until this gap is corrected, do not leave a section of citizens outside the democratic process, outside the public decision-making processes that affect them, outside access to public services, nor exacerbate the already intolerable differences that only violate and damage the genuine idea of citizenship⁴¹.

There are various solutions. In our opinion, in addition to the option suggested by some authors of temporarily and provisionally maintaining the two channels of participation: digital and face-to-face⁴², with the limitations that this implies⁴³, there are also other ways: two short term and one long term. The first is the importance of having support offices or access points where citizens would have the means and advice to exercise their rights digitally, of course with all the necessary guarantees. Secondly, the importance of simplification, making digital public services easy to access, understand and implement. And the third way, crucial in our view, is education and training in new technologies, as well as the promotion of their use, and in this case, not only from the perspective of the use of ICTs, but we understand that it is essential that the public authorities place value on the exercise of citizenship, that is, that in education - the basic pillar of any society - *citoyenneté administrative* is made known and promoted, as well as the new ways of making

³⁸ This was pointed out by I. Martín Delgado, *El acceso electrónico a los servicios públicos: hacia un modelo de administración digital auténticamente innovador*, in T. De La Quadra-Salcedo and J. L. Piñar Mañas (dirs.), M. Barrio Andrés M. and J. Toirregrosa Vázquez (coords.), *Sociedad digital y Derecho*, Madrid, BOE, 2018, 180; and was previously noted in E. M^a. Menéndez Sebastián, *Las garantías del interesado en el procedimiento administrativo electrónico: luces y sombras de las nuevas Leyes 39 y 40/2015*, Valencia, Tirant lo Blanch, 2017.

³⁹ As highlighted by W. Gilles, *From the right to transparency to the right to open government in a digital era. A French approach*, in *International Journal of Open Government*, 28, <http://ojs.imodev.org/index.php?journal=RIGO>, rather than promoting transparency per se, the modern approach uses transparency as a vehicle to improve the functioning of government administration and to hold officials accountable for their decisions and actions. Finally, from this perspective, in his view, citizens now, in the Internet age, have not only a right to transparency and access to public information, but a broader right to open government that allows them to be at least a partial stakeholder in public decision-making.

⁴⁰ Digital inequality is rooted in structural inequalities and although this cannot yet be resolved by technology, it can be made worse by it. Thus, as our everyday lives become more digital, it is crucial to include everyone in the digital society, as was made clear by E. Carmi and S.J. Yates, *What do digital inclusion and data literacy mean today*, in *Internet Policy Review*, vol. 9, Issue 2,

2020, 1, DOI: 10.14763/2020.2.1474.

⁴¹ As J. Tomlison, *Justice in the Digital State. Assessing the Next Revolution in Administrative Justice*, Bristol, Policy Press, 2019, has noted, digital technologies have the potential to expand access to public services, but only if they are properly designed.

⁴² This is the case of E. Gamero Casado, *El derecho digital a participar en los asuntos públicos: redes sociales y otros canales de expresión*, in T. De La Quadra-Salcedo and J. L. Piñar Mañas (dirs.), M. Barrio Andrés M. and J. Toirregrosa Vázquez (coords.), *Sociedad digital y Derecho*, Madrid, BOE, 2018, 235-236.

⁴³ We must not lose sight of the fact that the use of ICTs means overcoming some of the difficulties that classic participation presents, such as the notion of so-called unviability, as pointed out by M^a. I. Álvarez Vélez and F. De Montalvo Jääskeläinen, *La democracia ante los avances de la tecnología: una perspectiva de Derecho Constitucional*, in *Revista de las Cortes Generales*, vol. 82, 2011, 287; although it is true that as asserted by L. Faure, P. Vendramin and D. Schurmans, *A situated approach to digital exclusion based on life courses*, in *Internet Policy Review*, vol. 9, Issue 2, 15, <https://doi.org/10.14763/2020.2.1475>, the absence of choice is part of the definition of digital exclusion.

it effective⁴⁴. It is essential to educate and train those who are called upon to be committed citizens⁴⁵.

The proposals and progress made by different states in this regard are diverse. Briefly, for example, in Spain, the *Plan Nacional de Competencias Digitales*, of 27 January 2021, the *Plan de Digitalización de Pymes y el Plan de Digitalización de las Administraciones Públicas* of the same date should be briefly mentioned; and in addition, the *Agenda Digital 2025*, the *Carta de Derechos Digitales* that is currently being processed, the *Plan para la Conectividad y las Infraestructuras Digitales de la sociedad, la economía y los territorios*, the *Estrategia de impulso al 5G*, the *Estrategia Nacional de Inteligencia Artificial*, etc.; along with the Dutch website <https://www.Digitaleoverheid.nl/overzicht-van-alle-onderwerpen/archief/toegankelijkheid/digitale-inclusie/>, the French [gouv.fr](https://www.gouv.fr)⁴⁶, as well as the particular measure in this country of the right to error of the *Loi n° 2018-727 du 10 août 2018 pour un Etat au service d'une société de confiance*. Not forgetting the proposal for a *European Regulation on Artificial Intelligence*.

Moreover, this digital inequality usually affects already disadvantaged groups⁴⁷, i.e. it is not just a matter of inequality in access to and use of technology, but has been seen to reproduce broader social problems and even reinforce existing social and economic

inequalities⁴⁸. We are talking about a *digital divide* in three levels: the first being access, the second relating to the skills required for meaningful⁴⁹ use even if one has access⁵⁰, and the third emphasises the way in which technology worsens traditional forms of inequality⁵¹.

Finally, in our opinion, it can be concluded that for there to be good administration and good government, as well as for *citoyenneté administrative* to be put into practice and effective, it is essential to be aware of the inequality that ICTs themselves can introduce, as well as the potential to increase existing inequalities, and to adopt measures to eradicate them or, otherwise, the basic fundamental right of equality will be violated, a right which is also at the very core of a committed and appropriate citizenship, the idea of a common project, thus turning ICTs from virtue or benefit to *Trojan horse*.

⁴⁴ Remember the words of Victor Hugo “Freedom begins where ignorance ends”.

⁴⁵ The importance of education in the very construction of citizenship is clearly shown in Conseil d'État, *La citoyenneté. Être (un) citoyen aujourd'hui*, which argues strongly for the teaching of citizenship in schools. In Spain, this idea was introduced to some extent with the subject “Education for citizenship”, which was established by Royal Decree 1631/2006 of 29 December 2006, following the Recommendation of the Council of Europe (Recommendation (2002)12 of the Committee of Ministers to member states on education for democratic citizenship), but the subject disappeared completely in 2016.

⁴⁶ As referred to by S. Ranchordas, *Automation of Public Services and Digital Exclusion*, *I-CONNECT Blog of the International Journal of Constitutional Law*, 11 March 2020, <http://www.iconnectblog.com/2020/03/automation-of-public-services-and-digital-exclusion/>.

⁴⁷ This connects with the concept of administrative vulnerability proposed by A. Nogueira López, *Vulnerabilidad administrativa. Los obstáculos administrativos en el acceso a los programas de vivienda*, in N. Paleo Mosquera (ed.), *Políticas y derecho a la vivienda: gente sin casa y casas sin gente*, Valencia, Tirant lo Blanch, 2020, 241, and, as the author states, tackling it is a requirement of the social state connected to good administration.

⁴⁸ As S. Ranchordas, *Automation of Public Services and Digital Exclusion*, reminds us.

⁴⁹ It is worth remembering what doctrine has been indicating regarding the need for not only digital literacy but also algorithmic literacy as the latter affects the individual's ability to participate in social and political debates and to evaluate data critically; thus, as indicated by L. Rainie and J. Anderson, *The need grows for algorithmic literacy, transparency and oversight*, in *Pew Research Center, Internet & Technology*, 8 February 2017, algorithmic literacy means that individuals are not only aware of how data is collected and used, but also how it can affect the decisions that are made on the basis of it.

⁵⁰ This refers to the difference between those who can effectively use digital technologies and those who cannot, as E. Hargittai explains in *Second-Level Digital citizenship: Differences in People's Online Skills*, in *First Monday*, vol. 7, Issue 4, 2002, <https://doi.org/10.5210/fm.v7i4.942>.

⁵¹ In this regard, see, *inter alia*, D. Calderón Gómez, *The third digital divide and Bourdieu: Bidirectional conversion of economic, cultural, and social capital to (and from) digital capital among young people in Madrid*, in *New Media & Society*, <https://doi.org/10.1177/1461444820933252>.