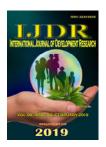


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SPACE, TIME, BODY: THE CHALLENGES OF LAW IN THE DROMOCRATIC ERA

*Aparecida Luzia Alzira Zuin

Universidade Federal de Rondônia, Brazil

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ABSTRACT

This work aims to present the constitution of a new category of subject, who is treated here as pixel-citizen. Since he (or she) is a subject that doesn't dwell in the territorial geopolitical space, but is rather a dot in the Internet Protocol, he indicates how the meanings of space, time and body have suffered changes and divergences from those instituted throughout modern philosophy. Regarding changes in those meanings, it discusses the dromocratic era and its consequences for the modes of political and social practices representativeness, since this era consists in the repercussion of private interests and the speed of information. Therefore, no longer a local and global space, but a glocalone. Finally, it entices the Law area to reflect, through the bias of Communication and Semiotics, on the virtual citizen and his (her) practices on the network, since most legislations are directed to the flesh-and-bone citizen, different from the glocal pixel-citizen.

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INTRODUCTION

In order to understand how the relationship between the pixelcitizen and the glocal space happens, it is necessary to review some concepts that may introduce the idea about body and space. In Aristotle, the body is an extension in any direction (Fis., III, 5, 204b 20); by any direction we understand: height, width and depth. The body that owns those three dimensions is perfect in the order of greatness. In Aristotle's terms, when the body disappears, the space also disappears with it, as its integral determinant. Diminishing space to a determination of the own body, due to that purpose of carrying its own space, the body becomes the interior of a space or a place; thus, body and space are parts of themselves. Augmenting the body, space augments with it, and does not become larger than a previous, independent space. That means that the body occupies a physical space, and thus Leibniz improves the concept, distinguishing the idea of Aristotelian body to a mathematical body. To Leibniz, the body is also physical, but more: it is matter and contains, besides extension, resilience and impenetrability. Due to this last feature, a body is forced to yield or to stop when another body overcomes (ABBAGNANO, 2000). In that order, as a quality, space started being conceived as a place where the body is positioned among other bodies (Aristotle, Fis., IV, 4, 212 to 20). In Leibniz's conception, counterposing Newton and his followers,

space is a property or an attribute, the property of some substance; or even, "as an order of existence, as well as time, it is an order of successions" (Leibniz, III Lettre à Clarke, 4; op. ed. Erdmann, p. 752). About time, we commonly have the idea of chronology, or the time measured by a clock. In fact, that is the value given to time, mainly, in contemporary society. Time elaborated and followed by life, counting the hours, in its sociological and technical dimension; lately, much more technical than sociological, in virtue of the lifestyles that impose man's daily actions. The understanding of time seems sustained by human thought, whose aim is to give time, as well as space, a predesignated sequence. Plato (427-348 B.C.) stated that time happened when a divine being put order and structured primitive chaos. Time has, according to Plato, a cosmological origin. From there Plato tried to establish the difference between "being" and "not being". The world of "being" is fundamental and not subject to transformations. Time is nothing but always the same. This world is the plane of ideas, only apprehensible through intelligence, and may be understood by using reason. In the world of "not being" are the irrational sensations, which depend essentially of each person. To Plato, this world is unreal. On the issue of cyclic or acyclic time, studies of Physics suggest it is a question related to time's features since the origins of Western science. That idea is proposed in function of Nature's countless periodical phenomena: tides, seasons, days and nights, and so on. Those facts, known since the oldest civilizations, are evident cyclic phenomena. In that context, we may remind St. Augustine, a

thinker in the 4th century, when he was asked about time: "if no one asks me, I know; if I want to explain it to the one who asks, I don't know anymore". About the meaning of time, given the technological processes mutations, it became a theme of a specific forum in Western culture. On that line, the several meanings of space, time, and therefore body have reacted to philosophical and historical revolutions, that is, in what concerns nature and culture, the being and existence, to metric structure, linear chronology, etc. In that tune, space and body came to be reflected due to the immediate time dynamics, as seen in the phenomenon of the internet - a place neither local nor global, but glocal (of speed, of the virtual). At the glocal, bodygraphy is a simulacrum, therefore the fleshand-bone body (the individual in his existence) and the pixelbody (the simulacrum individual) demand to be thought through a new "matrix", because they launch not just the bodygraphic reproductiveness in the virtual, but create new categories and social relationships which, fluid in the computational platform, install another public and political arena. Because of that model resulting from pixels, from the body were excluded the flesh, blood, bones, the subject's soul; hence, one may confer the overcoming of temporal routines and old habits foreseen in the logic of the citizens' freedom in the polis, unchaining, moreover, another type of society, different from the democratic one instituted by the rule of law. Therefore, one should reflect on how the juridical area will tend do face this subject who inhabits the virtual space armed with the dromocratic prescriptions of modern society.

Freedom, space and democracy: To approach the freedom of expression, it is vital to understand the terms' meanings. In the Dicionário de Direitos Humanos (Porfírio, 2005) - "freedom, eleutheria, in the Greek etymology means freedom of movement"; or, "it deals with a possibility of the body, not as a given from consciousness or the spirit, but as a quality of the free citizen in the polis' structure". Well, power and freedom were practically synonyms. One understood freedom as the power of moving without hindrance, whether caused by bodily frailties, due to necessity or even because of obstacles ordered by a master. "I can" was more representative than "I want" (PORFÍRIO; ESMPU, 2005). Freedom was to know and have the power to move, walk, be in a place, fill the space with one's body. In that case, the expression of freedom was above all political. It was closer to the status libertatis, acquired among class privileges. The ancients did not know individual freedom as autonomy or determination (PORFÍRIO; ESMPU, 2005). Another meaning falls on the principle of democracy while individual equity, of being able to manifest in and move around the polis, of exposing ideas, participating in politics, etc. The idea of democracy to the Greeks is useful for our discussion, in view that democracy, as well as freedom and expression in the city space and politics, did not mean an action for all the people. Original from Ancient Greece, the word "democracy" (*demo* = people, and *kracia* = government) is the system of government developed in Athens (one of the main cities in Ancient Greece). However, even though it was the cradle of democracy, we know that not everyone could take part in the city politics, that is, to practice democracy. Women, foreigners, slaves and children did not take part in decisions because they were not considered citizens. Consequently, that old form of politics was quite limited, differently from the city of Sparta, which had another model of democracy. Hence the purpose of democracy was extended in Western culture, mainly acquiring another meaning, which is part of the model commonly known as democratic rule of law.

In that sphere, democracy started to mean the people with power to participate in political decisions, electing their representatives and/or rulers. Meanings apart, the intent here is to analyze how the democratic process allows citizens, in the condition of free people, to express their wishes, interests, etc., in a certain space. That is the reason to analyze the discourses or ways of expression that are being exposed in the democratic space presently known as "social media", since that space is permeated with different features from those conceived in classic antiquity. While (fixed) space was taken as a place where bodies would stand during a certain period of time, in the new field of dromocratic society it is counted in microspaces of time, in the volatile environment of the virtual, also features of ambience that diverge from those in the scope of local public sphere.

From the public thing's local to the internet glocal: Trivinho (2000), when approaching the glocal, and focusing on studies about the virtual, defends that the internet is a Right, which, for its linkage with information circulation, passes through a politization, which aims "to convert it from a socially meaningful communicational value into a social, collective right priority political value". Becker (2009), in the perspective of understanding the communicational value present in the fact of the right and access to communication, complements that the access gains a wider dimension, in fact, a new right in a new era, according to the author. We have there the right of full access to infotechnical access passwords as a right to life (this one) in its peculiar form of organization in the contemporary virtual era (TRIVINHO, 2000). When analyzing the territory through the local perspective, one aims in the Political Geography to understand it as an organized entity in the physical space. Departing from the logic of habitus, that explains the meaning of State as a territory, and has as its main processes the relationship not only sociological, but also geographic, in the perspective of space analysis associated to citizenry. However, there is another relationship presented in space and time according to which modern society started to be called "global". In these terms, global is:

Intensification of social relationships in a world scale (GIDDENS, 2008). A crescent interconnection in several levels of everyday life to different distant places in the world (FURMANN, LIMA, 2002). The political, economic, geoeconomic, geopolitical, cultural, religious, linguistic, ethnic, rational nexuses and all of those that articulate and tension national societies, in the international, regional, multinational, transnational or world scope. (IANNI, 2006). Commonly, global became the term to distinguish from local in the meaning of space and time's confluence with technologies; in its specification it is the experience of the modern society project, overall; of technical reproducibility; of the "here, now and elsewhere" without distances or exact measures. The global has inaugurated the communicative program of fast information interchange, modifying with its model of spatiality and temporality the argument of community in communication of the public sphere, the one identified in investigations about a bourgeois society category and its representations, in the early 18th century (Habermas, 2003). Globalization is normally associated to economic processes, such as capital circulation, market amplification or productive integration in a world scale. But it also describes social sphere phenomena, as the creation and expansion of supranational institutions, the cultural standards universalization and the resolution of questions concerning the planet wholeness (environment,

nuclear disarming, population growth, human rights and so forth). Thus, the term has designated "the growing transnationalization of economic, social, political and cultural relationships that occur in the world, moreover in the late 20th and early 21st centuries" (FURMANN, VIEIRA, 2002)

From the global we came to the "glocal" category, and it is worth examining it from the economic and informational functions, because it was the internet that best comprehended the establishment of that private interest model. According to Trivinho (2007):

In recent years, the glocal category became highly used in the corporative (mainly multinational) area. In that environment, whose tonic is celebration, the glocal becomes the technobureaucratic trend image to be followed, consubstantiated, roughly speaking, in the pragmatic principle according to which all economically relevant action must have a reference in the community, that is, in a defined spatial and cultural context, and simultaneously to adhere to internationally standardized, market-consecrated technical parameters. In the glocal space, those discursive manifestations pointed, as much as in the globalization model, commercial transactions modes (economical dimension); participation, expression of views, choices (political dimension); new forms of human relations (social dimension); glimpses of the facilitating modes of cultural contacts among different peoples (cultural dimension); the development of communicational, environmental and other tools (communicational ecosystem dimension). However, among some differences with older times is the loss of control on time, given the format of fluidity and/or velocity determined in informational logic. That is, that space of power as dictated by Hobbes, or the space or territories as the intertwining field of power structures acting in diverse manners, envisioned by Foucault, has suffered mutations. In the glocal category there was not only a reduction of spatial and temporal limits, because meaning is not passed through the dynamics of chronos (chronikó; diástima; chronological, sequential and linear time); because the labyrinthine, hyperlinked citizen is not located just in the State-territory, he transports himself into another bodily matrix, and so instigates other inferences in the communication order. This pixel-citizen often does not allow to be known, even though he tends to communicate, he does not define himself through iconographies and personal documents, he is a rhizomatic citizen in the sense of Deleuze and Guattari, like a plateau: "A plateau is always in the middle, neither start nor end. A rhizome is made of plateaus" (DELEUZE and GUATTARI, 2004). Therefore, the glocal multiple pixel-citizen spreads as tentacles. simultaneously here and now and in a non-place. Thinking on that kind of individual demands new actions in the epistemological field, since the space he runs on is also rhizomic, limitless, often hidden in some IP - Internet Protocol - point whose technology allows standardized communication between computers, but seldom allows saying who he really is. Thus, it is no longer in the state-territory that the pixel-citizen is born, but through his computer, in his IP address. In that IP space, he (she) lives, communicates, eats, sleeps, buys, consumes, travels, dates, marries, divorces, exercises his freedom of speech, etc., and even dies. Thinkers in the Law area of that iconic-symbolic dimension try to translate that pansemiotic manifestation in order to, with its peculiarities, answer to the demands of the living and real world, with the required ID card or Physical Persons Record. It is thus

imposed to the Legal Sciences the challenge of how to mediate relations and actions in the hypertext links of glocal pixel-citizens, in order to create the juridical tools that may assure them the same warranties included in the Individual and Collective Rights and Duties, because legal norms are always elaborated for citizens according to legal dispositions -- flesh and bone subjects.

Dromocracy and structural shift in the communication model: According to Habermas (2003), public sphere designates the emergence of an arena where private citizens would constitute themselves as an audience to discuss issues and to influence political decision processes. Democratic consciousness would be correlated to the Habermasian thinking in the sense that the individual consciously stands in the space where communicative action still survives, that is, the world of life. In the living world there are spaces where language (communication, interaction processes) perform the role that power, money, interests carry out in economy and politics in the global and glocal categories. In that context, Jürgen Habermas theoretical proposition calls to attention the fact of language devoid of contact and/or interaction between subjects in a debate arena, that is, in the public sphere -- a place where the subject discusses, judges, participates, in search of communicative proficiency. To Habermas, two lines would be confronted in that arena: the communicative community and the technocracy community. So, democratic society is for communicative community as dromocratic society is for technocracy.

But what does it mean dromocracy? In Greek, dromos means a place for running ("autodrome" for cars, "velodrome" for bikes, "hypodrome" for horses); add the term "cracy", also from Greek -- the people's rule. We have then the word used by Paul Virilio and Eugênio Trivinho. The first one, a scholar in French urbanism, coined the term "dromology", whose idea is velocity as a value since the advent of the technical revolution and its connection with the political revolution. In that sense, "if the logic of wealth is expressed in a political economics, the logic of racing would be explicit in a theoretical conception capable of articulating speed and politics". (VIRILIO, 1977). In that perspective, it is a life model that, in the dromocratic era, loses the sense of community and communication, because no longer democratic. It annihilates its function in behalf of the fast production process and without using the critical reason and practical orientation that matter to the communication community. Dromology here presented considers that speed is a main factor in the coming of the political revolution that, while allowing the acceleration of the production process, also destroys those processes in equal or even larger proportions. According to Virilio, wealth is guided in political economics, and the speed in which relationships intertwine to that racing logic is capable of articulating velocity and politics. (VIRILIO acc. to SILVA, 2014). Eugênio Trivinho approaches cybercultural dromocracy related to glocal in the following terms: "Velocity is the smooth rape of the self by technique elevated to an apolitical, apparently harmless factor". (TRIVINHO, 2007). It is a concept that includes our times. It is an invisible regime, articulated by the daily use of digital and interactive technologies in the production and leisure space. Those technologies and their modes of use regulate a world marked by the logic of speed. In that system, where we live without much awareness of what is going on, being fast, therefore "dromo-apt", is an imperious condition to reach

results that can be appreciated by a world organized according to that logic. The democratic society becomes the one where subjects know and recognize their own communicative acts, conscious of the interactive possibilities they may reach through mediations suffered by themselves. In Habermasian terms, it is the principle of free communication, i.e., that which links in an equal condition two subjects in a dialogizing network. However, the dromocratic era individual often proliferates in a virtual environment, decided not to intervene in behalf of the communication community, such as those who manifest in social media without physical, nominal, geographic or other identification, the simply anonymous, avatars, simulacra or other forms of "virtual life", because even though they make statements they also know about the remote chances of locating the used machine's IP. Thus, the first one is the very essence of human and social interaction, therefore without it communicative acts do not happen. In the second one, such liberties are representations without their own reflection, which would hurt the principle of the person's treatment as an end in itself, that is, using the terms by Fabio Comparato (2010, p. 36-37), it is not the same freedom foreseen within the first one, because freedom:

Implies not only the negative duty of not hurting anyone, but also the positive duty of operating in the sense of favoring other people's happiness, which constitutes the best justification of recognition, besides individual rights and liberties, of the human rights for the achievement of economical and social content public policies.

In that context, when Habermas formulated the theory of democracy, he introduced a procedural model related to a discursive ethics, according to which it constitutes an alternative, both to liberal individualism and to communal consensus, uniting the elements of liberal theories based on interest and community theories based on the common good. Finally, the issue is if the freedom of speech policy, in this case, is really assumed as a task for establishing the conditions to effect communication according to legal dispositions related to the theme: the common good (social communication). In that field, a democratic society unfolds and orientates in defense of constitutional and human rights of freedom of speech, above all with responsibility. So, we may conclude that subjects would fit the model proposed by Alexy as subjects of Protected Liberties:

It (constitutional protection) is constituted by a bundle of rights to something, and also by objective norms that grant the fundamental right holder the chance of achieving the intended action. If a freedom is associated to such right and/or norm, so it is a protected liberty.

[...] Liberties that are protected by a substantially equivalent protection are directly protected liberties. Both the indirect protection and the direct protection may occur either through norms that confer subjective rights (subjective protection) or through norms that do not confer subjective rights (objective protection). (ALEXY, 2008, p. 233).

However, behind the dromocratic logic stands the internet typified objective of being the space of power and the power of space in the dynamics of speed. That is extended, consequently, to social media, since not always a political action is proposed aiming at the interaction between the public, in the intent of rescuing or promoting social debate, because if

the motto of cyberculture as preached by Trivinho is accentuated in velocity, it becomes, therefore, another model of discursive project, because without using critical reasoning, which demands time for reflection, analysis and construction of the argument, the democracy space is emptied, the protected liberties are lost. Thus, one can also lose the reflection of the person treatment principle as an end in itself, as mentioned in Comparato (2010), because the assurance of constitutional rights is still guided by the need of distinction between the communication subject (participative subject) and the glocal (virtual) pixel -citizen. In that field, we must observe the legal aspect the case demands. According to Trivinho (2005, p. 64), the "glocal" significant becomes a neologism that, although apparently resulting from a cumulative hybridation of two terms: local plus global, the semantic plasma coming from that word formation process does not seem so easy to understand when one chooses a third-degree analysis. To the author, the semantic plasma present there, without a visible seam between them, which makes it another significant, also acquires a relevant meaning in the communicational process sphere. Consequently, with the two terms - global plus local - glocal was constituted, a "third-degree alternative, not reducible to the sheer sum of those, neither to one or another, isolated" (TRIVINHO, 2005, p. 64).

The new way, global and local, are one and, even simultaneously, none; globalization (or globalism) and location (or localism) remain dissolved. The phenomenon covered by that fission in the significant and the signified plane equates, in an empirical-metaphorical language, an invisible and irreversible socio-technical link between the concrete context of existence -- representative ambience of the site of the coupling experience between human and machine, point of communicational access/reception/retransmission -and the audio/visual universe of the (mass or interactive) global network, as a modern dimension representative of the satellitized world culture. (TRIVINHO, 2005). When entering that other "place" - neither local nor global -, the individual becomes fluid, whose resource to "materialize" uses the machine and its programs to approach reality. In a certain way, the other in "flesh and bone", fixed in the territory, with ID and diverse social responsibilities, enters in disadvantage relating to that fluid-virtual, because it still did not have some responsibilities determined in order to be legitimized as a subject; what one has in this case is the mediatic or mediatized subject in detriment of the one inserted on societal and legal molds. That is why he (she) is at the same time in awe and frightened. On that approach, Santos (2001) mentions:

The fear of the internet is also manifest among those who consider it a "globalitarian" system, which is a combination of the vocables "globalization" and "totalitarian". This fortunate term by Paul Virilio emphasizes the transformation of the internet, priorly conceived in the parameters of military ideology and which had as point of departure the invasion and total occupation of spaces, suddenly saw itself hand in hand with industrial, criminal, financial, professional, commercial, proselytist, recreational and other uses, all of them with absolute success and participation of internauts. That syncretism, that mix of information with sale points, with virtual markets and even with religious proselytism, make the jubilation and the pleasure of those who fear the internet and preach against its widespread use. It is on that right of standing in the virtual world to expose one's ideas and/or to freely express oneself that the reflection touches, having in view that

in the local (geographic) space all individuals have correlated identities, warranties, rights and duties. But what to say about the one who positions himself in the virtual world? Who is that subject, what does he say, how and why, often without the attenuating duties of people's inviolability of intimacy, of private life, of honor and image, also assured in a democratic society? Well, when dealing with the concern phrased in the internauts practices, inserted in the dromocratic society's dynamics, it is also worth reflecting on the shift of the public sphere to private sphere (the social media may be inserted in that categorization), having in view that the user not always filters his discursive productions before launching them in the network. It is worth reminding that we are not limiting our analysis to communication policies actions, although it is responsible for reflections on communicative processes within the democratic process. However, it is a fact that citizens' activities are often regulated or mediated by legal-normative processes, since the user is the very manager of the information posted on the infotechnical support, and also make part of the index of citizens living in the territorial geographic space -- the State. That means that the responsibility falls on the user's democratic awareness and with the effects coming from it. After all, in order to say something to someone through a channel, one must elaborate the discourse in a proper way, in the sense of promoting interaction. What is said, to whom, with what effect must result from that stage in the measure in which in the different types of action the internet users try to harmonize the effects of that cognitive development logic, as foreseen in democratic societies, in detriment of dromocracy. So, it is not the case of just propagating a message in the glocal, but of conferring that space significant values in search of a complex understanding of reality, where the actors involved in the process and in relations built in the social dialog surpass any reductionist dialectics.

So, on the position of virtual individual, relevant to the formalization of norms or laws that make him (her) follow in fact and right such as "flesh and bone" subjects, Trivinho (1998) points to an interesting aspect about the glocal that Law thinkers should take into account. Such injunctions, according to the author (1998), show above all that the glocal phenomenon is -- in the meaning prioritized in the present essay -- an evident original technocultural invention of the telecommunications era. It is, as such, a socio-technical construction exclusively identitarian to technologies capable of real time, an instantaneous technical time of simultaneous articulation of local, socially fragmentary contexts. From all the formative elements of the glocal phenomenon, that is the most decisive. In its absence, from the mediatic point of view, there is no glocal phenomenon. A basic apparatus unplugged or deactivated, a dead interface, disconnected from the network, configures in fact the exclusive precedence of a proper local field, a traditional sphere of processing the nontechnologically mediated existence, a place of unappealable depletion of the inextricable relationship between corporality, subjectivity and language, as old as the history of humanity (TRIVINHO, 2005). Being an event that implied a global and local political revolution, the relationships of the internet with its target audiences or the world citizens have passed to the new relational formulas of the glocal. What was formerly directed to the formulas mediated by norms, rules or laws of collective and institutional, particular or public scope, as proposed by Thompson (2008), which would tend to "the creation of bonds of all kinds: sensorial, communicational,

identitarian and inclusionary", now falls predominantly on the economic, individual and sometimes quite unconvincing bonds of the freedom of speech exercise in behalf of citizenry, or even of the right to communication or responsible information. Nonetheless, the communication policies defy the State and civil society, not differently from the legal area, because in constitutional terms the only valid policy permeates the democratic aspirations to stimulate social communication. In that way, the glocal synthesizes, in its concept and modus operandi, the proliferation of informational technologies, the world marketing of culture, the economical and financial globalization, and the geographic specificity of urban cultures. While it levels and intertwines those factors in everyday life, the glocal represents the contextualization of the mediatic process into and for each one of those elements. "Without the glocal phenomenon, moreover, there would not exist the informational audiovisual globalization of the capital, neither the recent international social movement of anti-globalizing politicization" (Trivinho, 2005). That is, the network-society that started proliferating with the internet, besides the expansion of the movements of multiple designations and interests, such as social media, characterizes the dissipation of the physical space that formerly existed and that from its technological mechanics now is metaphorically represented in the virtual body, modifying the meanings of space, time and

Final remarks

If we understand the internet as a space of communication policies, it will consequently be surpassed as a merely glocal space. In that tune, the internet users manifesting through their messages, using that channel, to another internaut would be inclined to elaborate through language a possible political action. Considered the ability of judgment, it is implied the condition of discernment and responsibility as foreseen in the very legal ordinance and in the democratic societies model; that is, the emitted discourse is something interchangeable, thus, departing from the possibility of communication among individuals, the internet confers an inter-subjective character to the public sphere, amplified from the confrontation of (different) ideas and actions. In that sense, there is here the satisfaction of the right to communication, because it is with that sense of hope of a total conjunction that present society demands the recognition of different cultures' rights to an without manipulations autonomous existence, authoritarianism that may come to invasively destroy the other part. In that order, the human person is conceived as a being of dignity and protected liberties. That recognition demands respect and a treatment of people as a subject, whose independence and freedom must be assured in social life. After all, the major interest is in the exercise of citizenship, such as is also foreseen in the public sphere -- a space turned to mutual understanding, to discussion and discernment, of reason and moral awareness oriented to the communicative act, consequently, in the awareness of what democracy could mean. By this angle, we emphasize the need of rethinking the intentionalities foreseen in the constitution of political public sphere whose practical, as well as normative, value should be highlighted, of society's or groups' participation in democratic processes, in the technological supports or in mass communication means. After all, the issue here is if in fact the policies of technological inclusion, in that case, assume in those spaces the task of establishing conditions for deliberation to happen. And more, it is important to magnify that, in this

logic, the guiding thread for language to become action resumes to a quest for a communicative competence, in opposition to technocratic ideology of the mean and/or infotechnical support of the internet, because in this latter would be the ideal of the monopolist capitalism, the imperial logic against communicative action: constant action, where the access to a domainless communication turns this act into a liberation from institutional powers, at the same time it modifies the meanings of space, time and body, such as we intended to demonstrate.

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