



## **European cybercultures: between the mix and idiosyncrasy. The role of interconstitutionality**

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*ABSTRACT: The process in which constitutions mutually influence and reflect each other and what the European Union project is in-between has become increasingly evident. It is therefore important to understand how this happens and what consequences it has. This process is reflected in national cultures, both in legislation and in the political and social strategies defined at various levels, such as mobility, sustainability, consumption of goods and services, among many others. With the development and social implementation of Information and Communication Technologies, cyberculture has come to stand alongside and to accompany culture. This means new rules, regulations, behaviours, attitudes, lifestyles and traditions. Cyberspace is a privileged environment for the creation, consumption and sharing of cyberculture, a space of collective intelligence. The dialectic of interconstitutionality contributes to enhancing the different European cybercultures, which do not cancel each other out. On the contrary, they elevate each other.*

*KEYWORDS: Culture – cyberculture – European Union – interconstitutionality – reflexive interaction.*

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## 1. Introduction

«The Director interrupted himself. “You know what Polish is, I suppose?”

“A dead language.”

“Like French and German”, added another student, officiously showing off his learning.

[...]

“In brief”, the Director summed up, “the parents were the father and the mother.” The smut that was really science fell with a crash into the boys’ eye-avoiding silence. “Mother,” he repeated loudly rubbing in the science; and, leaning back in his chair, “These,” he said gravely, “are unpleasant facts; I know it. But then most historical facts are unpleasant.”»

Aldous Huxley, *Brave New World*

UNESCO defines culture as

*“the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and belief.”*<sup>1/2</sup>

Culture is an identitarian body of characteristics that, grouped or individually, represents individuals and their relations. By and through culture, someone states themselves as “*being part of*” in the sense of belonging.

Culture is not a static concept. It evolves and encompasses societal changes and transformations. There are several examples of this process (cultural evolution). However, two of them are to be mentioned and discussed in this paper: technological and digital developments and international political strategies, specifically in the scope of the European Union (EU).

The first is linked to the concept of cyberculture, as a result of perceiving the Internet as the “*new anthropological site*”,<sup>3</sup> where different connections are established, and digital rituals and practices are implemented. The second example emphasises the importance of defending national idiosyncrasies in a more and more global and interconnected world, specifically in the EU. The challenge is to ensure that different and multiple cultures stay strong by responding to the demand of belonging to the EU, where interconstitutionality tends to occur.

The paper discusses those two examples and answers the following questions: is there a European (cyber)culture? Moreover, if so, does that implies the disappearance of national cultures? What room is there for (cyber)cultures in the reflexive interaction process?

For this discussion, it is relevant to firstly understand the differences and similarities between culture and cyberculture, how these concepts have evolved, and how they are integrated. It is also essential to understand the info-communication competencies one must develop to participate actively and efficiently in cyberculture.

In addition, the topic of the characteristics of European cyberculture will also be addressed. Considering the conclusions regarding the differences and similarities in cyberculture, our aim is to establish the distinctive features of European cyberculture.

<sup>1</sup> UNESCO, *UNESCO Universal Declaration on Cultural Diversity* (Paris: UNESCO, 2001), 62, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000124687.page=67>, accessed July 12, 2023.

<sup>2</sup> UNESCO, *The 2009 UNESCO Framework for Cultural Statistics (FCS)* (Montreal: UNESCO, 2010), 9, available at <https://unstats.un.org/unsd/statcom/doc10/Bg-FCS-e.pdf>, accessed July 12, 2023.

<sup>3</sup> Lídia Oliveira da Silva, “A Internet – a geração de um novo espaço antropológico”, in *Janelas Do Ciberespaço*, ed. André Lemos and Marcos Palacios (Porto Alegre: Editora Sulina, 2001), 151–71.

Finally, it will be of great relevance to understand the influence of the reflexive interaction process in developing European cyberculture, in light of its influence on the maintenance of national cultures.

These three sections are the ones that comprise the paper, which aims to offer a broad perspective of the process of interconstitutionality so that cultures can encompass European and global demands.

## 2. Culture and cyberculture: differences and similarities

Culture is a significant element defining individuals as belonging to some era, place, and/or group (society/community). Its importance justifies its complexity. As Marc Manganaro<sup>4</sup> and Massimiliano Mazzanti<sup>5</sup> put it, it is a manifold concept: multifaceted, multidimensional, multi-value and multi-attribute. On the one hand, this provides culture with a unique richness. On the other hand, it makes it harder to define and apply.

Using the words of Edward Tylor, Manganaro starts its book by acknowledging the difficulty it is to narrow the concept, defining it as a “*complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society*”.<sup>6</sup> Furthermore, this concept is as inclusive as it is exclusive. It serves everything, which often means it serves nothing.

However, one must also highlight its usefulness, just as UNESCO did. Culture must include all the elements and dimensions contributing to individuals feeling included in a specific community. Furthermore, this suits laws and art, as it does for traditions and lifestyles. It suits tangible objects as it reaches intangible ones. It is human’s patrimony, but by understanding its specificities.

And this leads to the importance of the cultural heritage concept, explained by UNESCO as

*“[...] artefacts, monuments, a group of buildings and sites, museums that have a diversity of values including symbolic, historic, artistic, aesthetic, ethnological or anthropological, scientific and social significance. It includes tangible heritage (movable, immobile and underwater), intangible cultural heritage (ICH) embedded into cultural, and natural heritage artefacts, sites or monuments. The definition excludes ICH related to other cultural domains such as festivals, celebration etc. It covers industrial heritage and cave paintings.”*<sup>7</sup>

As for the EU (the specific context of this paper), the definition of European Member States’ cultural heritage sums up the previous one but immediately starts by including the diversity dimension:

*“[...] is a rich and diverse mosaic of cultural and creative expressions, an inheritance from previous generations of Europeans and a legacy for those to come. It includes natural, built and archaeological sites, museums, monuments, artworks, historic cities, literary, musical and audiovisual works, and the knowledge, practices and traditions of European citizens.”*<sup>8</sup>

<sup>4</sup> Marc Manganaro, *Culture, 1922 The Emergence of a Concept* (New Jersey: Princeton University Press Published, 2002).

<sup>5</sup> Massimiliano Mazzanti, “Cultural Heritage as Multi-Dimensional, Multi-Value and Multi-Attribute Economic Good: Toward a New Framework for Economic Analysis and Valuation”, *Journal of Socio-Economics*, vol. 31, issue 5 (2002): 529–58.

<sup>6</sup> Marc Manganaro, *Culture*, 1.

<sup>7</sup> UNESCO, *The 2009*, 25.

<sup>8</sup> European Commission, “Cultural Heritage”, available at: <https://culture.ec.europa.eu/policies/selected-themes/cultural-heritage>, accessed July 12, 2023.

The authors Veronese, Silveira and Igreja sum up the concept of culture<sup>9</sup> and its elements in the context of cultural social research. In this specific context, “*culture is characterised by the symbolic interpretation of primary and secondary sources.*”<sup>10</sup> This means that the researcher must consider how individuals appropriate cultural elements. Primary sources are directly observed behaviours and narratives, and secondary sources are the documents and objects that contain these directly observed behaviours and narratives.

In further works, the abovementioned authors developed their research regarding the concept of culture and its links to privacy and data protection. Veronese, Igreja and Silveira<sup>11</sup> introduced new theoretical approaches and new conclusions. The authors go on to address the linkage between the dichotomy of local-global and culture of personal data protection, and privacy. Meaning that, although that culture must include its global perspective, its local context is widely relevant.

Nowadays, people tend to express themselves online through social networks and/or websites. Since 2000, the Internet has been where most social interactions occur, and these practices cause changes in lifestyle, art, morals, beliefs, and law, as in how people experience tangible objects, such as museums, sites, and other buildings.

Cyberculture has been understood as having its characteristics, which are inevitably linked to tangible and intangible offline culture. The basis of (cyber) culture is the community. Culture provides (through all the elements mentioned in the previous definitions) a sense of community. Moreover, as Silva<sup>12</sup> states:

*“Community emerges as an anthropological reality conducive to the establishment of values in which intersubjective networks will be legitimised. Networks that have always existed as products and producers of humanity as a communication and communities’ web, that is, webs or networks of sharing, participation, association, identities.”*<sup>13</sup>

The network practices redefine the concepts of community (widening it) and culture (redefining it). Thus, if culture has community, communication, and connections, the community gains new meaning in cyberculture. It is globalised, having no boundaries. Communication has no limits; it can happen synchronously and asynchronously. The connections are richer, complex, and superficial.

In cyberculture, “*a new way of conceiving space, time, relationships, representation of identities, knowledge, power, borders, legitimacy, citizenship, research, in short, the social, political, economic and cultural reality is generated.*”<sup>14</sup>

<sup>9</sup> The authors provide important reflections on the concept of culture following two main theoretical contributions: Leslie A. White and Clifford Geertz.

<sup>10</sup> Free translation from Alexandre Veronese, Alessandra Silveira, and Rebecca Lemos Igreja, “Cultura, Privacidade e Proteção de Dados Pessoais na América Latina: Anotações Preliminares em Busca de um Quadro Conceitual”, in *Desigualdades globais e justiça social: violência, discriminação e processos de exclusão na atualidade*, org. Rebecca Lemos Igreja and Camilo Negri (Brasília: Faculdade Latino-Americana de Ciências Sociais, 2021), vol. II, 364-410, 374.

<sup>11</sup> Alexandre Veronese, Rebecca Lemos Igreja, and Alessandra Silveira “Cultura, Privacidade e Proteção de Dados Pessoais na América Latina: Bases Teóricas para uma Pesquisa de Campo e de Documentos de Caráter Internacional”, *Revista de Estudos Empíricos em Direito*, vol. 10 (2023): 1-44.

<sup>12</sup> Lídia Oliveira J. Silva, “Globalização das redes de comunicação: uma reflexão sobre as implicações cognitivas e sociais”, in *O Futuro Da Internet – Estado Da Arte e Tendências de Evolução*, ed. José Augusto Alves, Pedro Campos, and Pedro Quelhas Brito (Lisboa: Centro Atlântico, 1999), 53-63, 54.

<sup>13</sup> Translation provided by the author.

<sup>14</sup> Lídia Oliveira J. Silva, “Globalização”, 55.

Information is not static but “*acquires a dynamic of change, growth, transformative appropriation, modular plasticity and dialogue with its creator.*”<sup>15</sup>

The space where cyberculture is created and transmitted is cyberspace,<sup>16</sup> a place that is so wide and open that, in the abstract, it guarantees space for everyone and all ideas and opinions. This creates ambivalent experiences in individuals: they are placed in a specific location but can spread their word globally. They are alone but they are followed by (and follow) millions of others. They are producers and consumers. They belong but have no roots. Moreover, most importantly, they feel both national and cosmopolitan.<sup>17</sup>

Cyberspace is a place where communications are technologically mediated. Furthermore, “*such mediated connections produce cultural diversity and particularity as much as they foster allegiance and traditionalism.*”<sup>18</sup> This aligns with the European definition of cultural heritage, including individuality and diversity, expressions, and works of different species. Cyberspace is where cyberculture manifests.

If culture is dynamic and constantly evolving, cyberculture embraces this characteristic, but in an exponential way. The aim is to “*encourage the construction of intelligent collectivities*”,<sup>19</sup> which in turn aims to recognise and enrich people in a dialectical way.<sup>20</sup>

However, are all these possibilities available to everyone indifferently? If one tries to answer this question based on the Treaty on European Union (TEU), right in its Introduction, the Parties mention the relevance of culture:

“DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law;

DESIRING to deepen the solidarity between their peoples while respecting their history, their culture and their traditions, [...]”

One tends to agree with Veronese, Silveira and Igreja. The authors claim that the concept of culture assumes centre stage in research where the focus is on understanding directly and indirectly observed behaviours and narratives (things and events). Even more so when these things and events are related to the law.<sup>21</sup> In this sense, when the field of study is culture (or cyberculture and its cultural characteristics), the researcher must adopt the perspective of the intersection between sociological research and legal research.<sup>22</sup>

But also, in that perspective incorporate the global, national, and local idiosyncrasies, which should not be seen as autonomous universes, instead as their ideas as being in a constant interpenetration.<sup>23</sup>

When it comes to cyberculture other variables must be taken into consideration: do geographic, economic, political, social, and educational dimensions influence how people live in cyberspace and cyberculture? In a more and more hypermediated

<sup>15</sup> Lídia Oliveira J. Silva, *op. cit.*, 59.

<sup>16</sup> Cyberspace was a term introduced in *Neuromancer* (1983), by William Gibson.

<sup>17</sup> Lídia Oliveira J. Silva, *op. cit.*, 58.

<sup>18</sup> Mark Deuze, *Media Life* (Cambridge: Polity Press, 2012), 134.

<sup>19</sup> Free translation from Pierre Lévy, *A Inteligência Coletiva. Para Uma Antropologia Do Ciberespaço. Epistemologia e Sociedade* (Lisboa: Instituto Piaget, 1994), 33.

<sup>20</sup> Pierre Lévy, *op. cit.*, 38.

<sup>21</sup> The authors provide relevant insights on data protection and privacy.

<sup>22</sup> Alexandre Veronese, Alessandra Silveira and Rebecca Lemos Igreja, “Cultura, Privacidade”, 400.

<sup>23</sup> Alexandre Veronese, Rebecca Lemos Igreja, and Alessandra Silveira “Cultura, Privacidade”, 33.

world, is there anyone who is still excluded? And if so, for what reasons? Let us discuss info-communication competencies and their relevance in guaranteeing access to cyberculture.

### 3. European (cyber)culture: distinctive features

Nowadays, culture is not a concept in which clear boundaries can be defined. Expressions such as “*space of flows*”, “*real virtual culture*”, and “*timeless time*”, presented by Manuel Castells,<sup>24</sup> represent the profound changes societies are living and the inherent influence this will bring to the way culture is created, lived, and disseminated.

As previously analysed, we live in a period where culture is often linked to cyberculture. What does this mean to people (and their culture) living in a country that belongs to a broader union with all its potentialities and constraints? Can national cultures preserve their identities while incorporating and living with other European cultures?

It is essential to clarify that the development and access to cyberculture are unequal for everyone. In fact,

*“[...] possession of computer equipment is part of access to ICT; however, this does not in itself constitute full access, which, in current times, requires an internet connection, as well as skills and understanding to use the computer and the internet in a socially valid way.”<sup>25/26</sup>*

This means that access to ICT can be ensured. However, an informed use of those tools may not be happening. Moreover, being part of cyberculture may not be a reality.

If one looks at the statistics (Figure 1), it is possible to conclude that many European countries must provide their youth with digital skills.

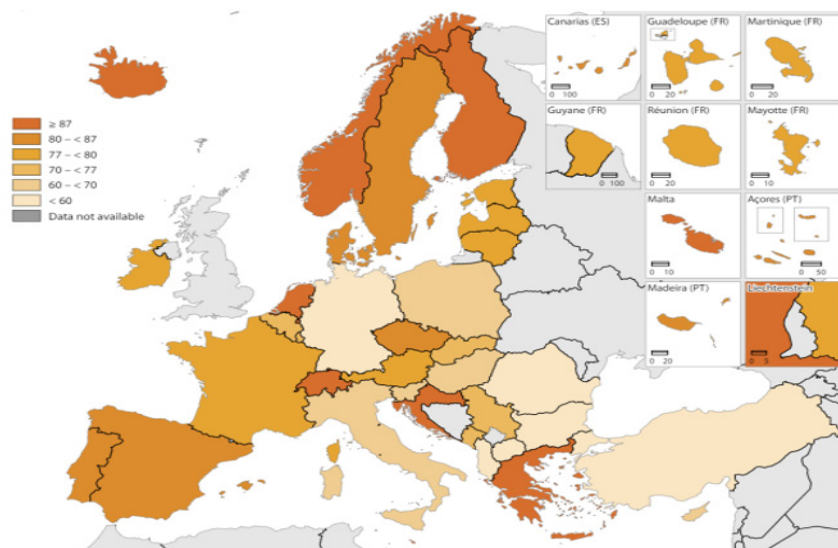


Figure 1. Digital skills of young Europeans, 2021<sup>27</sup>

Source: Eurostat

<sup>24</sup> Manuel Castells, *A era da informação: economia, sociedade e cultura. A sociedade em rede*, vol. I (Lisboa: Fundação Calouste Gulbenkian, 2007).

<sup>25</sup> Mark Warschauer, *Tecnologia e inclusão social: a exclusão digital em debate* (São Paulo: Editora Senac, 2006), 55.

<sup>26</sup> Translation provided by the author.

<sup>27</sup> Share of young people (16-29) with basic or above basic digital skills.

Furthermore, these statistics may show even lower percentages if they refer to the older age groups of the population, which are the main ones in some European countries, such as Portugal.

The person who detains digital skills is defined as a hybrid info-communication individual, which means:

*“This individual must also know how to assess the level of freedom they have in this universe, even to extend it, considering the regulatory public policies for the use of networks, as well as the conditions established by their owners; therefore, understanding that the ability to enter, edit and modify – in short, to transgress – is subject to a series of restrictions, however anarchic the browsing environment may seem.”*<sup>28/29</sup>

However, even more so, when we talk about an individual who circulates in cyberspace, consumes, and produces cyberculture, criticises, reflects on content, and shares his/her reasoned opinions, Daher Junior and Borges consider this to be the ultimate stage of skills development:

*“The hybrid infocommunication individual, therefore, transposes its basic infocommunication condition to transcend one-dimensional marketing processes. This is because, based on their awareness of the power of the conjunction of indivisibility between information, communication and operational skills, they may even try to expand his/her dominance over others, but he/she will also have a counterpoint that seeks to build a citizenship capable of promoting advances in the deconstruction of a world that has already been edited or even face the surveillance of a capitalism that has the human being as its main product, despite the fact that, as seen previously, this will end due to projections of growing poverty and the scarcity of natural reserves in their habitat.”*<sup>30/31</sup>

These dimensions of digital skills – information, communication, and operational – are even more relevant when media are spreadable, and culture is considered networked.<sup>32</sup>

European cyberculture has distinctive features if one considers the consumption, production, and regulations surrounding it.<sup>33</sup>

From the consumption point of view, Figure 2 characterises the cultural goods purchased by Europeans. As Jenkins, Ford, and Green state, we are dealing with transnationally concerning cultural consumption, and we must think that way when producing and disseminating cultural goods. This feature is made available by cyberspace, allowing cultural goods to flow (in the “*space of flows*”) and cultural practices and forms.

Therefore, when analysing Figure 2, one must consider that some of the cultural goods and forms that are purchased is in a logic of European transnationality. This, in fact, is lined up with the major European principle of Article 3 of the TEU:

<sup>28</sup> Daher Junior, Francisco José and Jussara Borges, “Competências infocomunicacionais: possibilidades para uma ultrapassagem lógica”, *Transinformação*, issue 35 (2023): 1-13.

<sup>29</sup> Translation provided by the author.

<sup>30</sup> Daher Junior, Francisco José, and Jussara Borges, *op. cit.*

<sup>31</sup> Translation provided by the author.

<sup>32</sup> Henry Jenkins, Sam Ford, and Joshua Green, *Spreadable media: creating value and meaning in a networked culture* (New York and London: New York University Press, 2013).

<sup>33</sup> In line with the proposal of the existence of a European cyberculture, Kieron O’Hara & Wendy Hall propose the existence of four Internets, being: Silicon Valley Open Internet, DC Commercial Internet, Brussels Bourgeois Internet, and Beijing Paternal Internet. The first Internet can be characterized as the place of free flow of information and free speech. The second one can be described as the beginning of the Internet commercial exploitation (if one perceives Internet as property). The third Internet has as its main principles an open Internet, however being well-ordered, self-regulating, and responsible. Finally, the fourth Internet, which is perceived as a mean to an end, being the Internet the mean for propaganda, public opinion and social control. These thoughts can be found at Kieron O’Hara, and Wendy Hall, Four internets, *Communications of the ACM*, vol. 63, issue 3 (2020): 28-30.

2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.

3. [...] It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

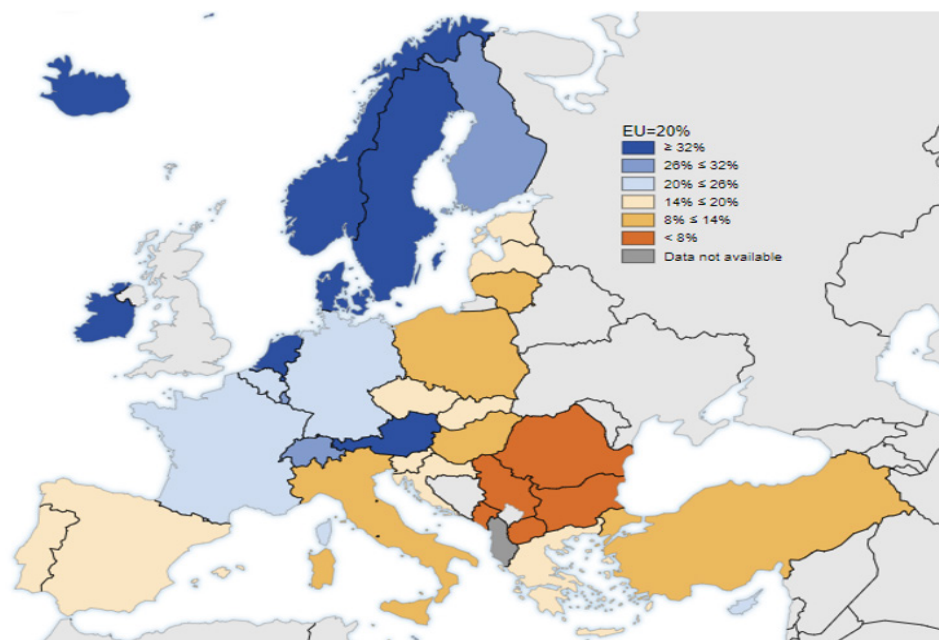


Figure 2. Use of the Internet for purchasing at least one of selected cultural goods and services, 2021<sup>34</sup>

Source: Eurostat

And this is where and why the reflexive interactive process influences the development and dissemination of European cybercultures and its specificities.

To claim that European cyberculture is only the sum of all the Member-States cybercultures would be reductive. On the contrary, the paper presents the thesis to respond to European demands. European cyberculture has gained some characteristics because of the promoted free movement of persons and a dialectic process of mutual and diverse influences. As Lucas Pires puts it, “*the territory became less tight, the population less exclusive, and the sovereignty of the states less indivisible.*”<sup>35</sup>

However, European countries (proudly) maintain their cultural idiosyncrasies. The following section will discuss this process, giving some examples.

#### 4. Reflexive interaction process influence in the promotion of cybercultures

It is beyond doubt that European integration and its regulations have influenced some aspects (if not all) of Member States’ culture and cyberculture. If, as Lucas Pires

<sup>34</sup> The percentage (%) of people aged 16-74 years who used the Internet in the previous three months. ‘Selected cultural goods and services’ means: films or series as recordings, streaming services or downloads; music as recordings, streaming services or downloads; printed books, e-books, printed and online magazines or newspapers; games online or as downloads, tickets for events.

<sup>35</sup> Francisco Lucas Pires, *Introdução ao Direito Constitucional Europeu* (Coimbra: Almedina, 1997), 8.



claims, the constitutional reality has suffered a reconceptualisation,<sup>36</sup> this process inevitably influences how people create, maintain and share (cyber)culture.

For Gomes Canotilho, States are not isolated, delimited, and homogeneous entities but instead placed in an articulated and interconnected network.<sup>37</sup> This new reality is provided by reflexive interaction, where national Constitutions reflect (like looking at a mirror) the characteristics of their European counterparts, while at the same time transmitting their own.

That reflexive interaction is provided by the process of interconstitutionality (when constitutions are linked and must interact, they begin to reflect on each other, their differences, and similarities), which in turn implies constitutional interculturality. There are three dimensions of this concept that are relevant to the scope of this paper:

- a) Considering the operations of exchange between constitutions, mainly of values, ideas, actions of individuals and groups, the emergence of an “interconstitutional” culture can be observed.
- b) This interculturality is not linked to rules or regulations. On the contrary, it emerges from these values, ideas and experiences.
- c) Therefore, constitutional interculturality implies the existence of “*community networks*”, where individual and collective values, ideas and experiences take place and are exchanged.<sup>38</sup>

Maria Luísa Duarte speaks about internormativity<sup>39</sup> to explain how national, international, and supranational legal rules are inserted into a networked system. According to Leonel Rocha and Fernando Tonet,<sup>40</sup> technologies (and the existence and development of cyberspace) play an essential role in this process. As the authors claim, “*with the advancement of technologies and the strong influences arising from globalisation [...] States have entered the postmodern era*”,<sup>41</sup> with the leading constitutionalism losing its prevalence.

In the words of Besselink, ‘constitutionalism’ is not primarily a formal notion but a substantive notion: it refers to constitutional values, the values by which we have ordered our political communities.<sup>42</sup> And the rising of European identity (with its values and principles proclaimed in European treaties) does not consequently mean the disappearance of national and Constitutional identities.<sup>43</sup>

One considers that in this identity (which Besselink identifies as ‘political identity’), culture is included and, most recently, cyberculture. We tend to agree with the author regarding the interaction between the EU and its Member States:

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<sup>36</sup> Francisco Lucas Pires, *op. cit.*

<sup>37</sup> J. J. Gomes Canotilho, “*Brançosos*” e *Interconstitucionalidade: itinerários dos discursos sobre a historicidade constitucional* (Coimbra: Edições Almedina, 2008).

<sup>38</sup> J. J. Gomes Canotilho, *op. cit.*, 271-274.

<sup>39</sup> Maria Luísa Duarte, *União Europeia e direitos fundamentais: no espaço da internormatividade* (Lisboa: AAFDL, 2006).

<sup>40</sup> Free translation from Leonel Severo Rocha and Fernando Tonet, “A Interconstitucionalidade como produção jurídica descentralizada dentro das novas observações estatais”, *Revista Brasileira de Estudos Políticos*, issue 115 (2017): 473-96.

<sup>41</sup> Leonel Severo Rocha and Fernando Tonet, *op. cit.*, 476.

<sup>42</sup> Leonard F. M. Besselink, “Multiple political identities: revisiting the ‘maximum standard’”, in *Citizenship and Solidarity in the European Union. From the Charter of Fundamental Rights to the Crisis, the State of the Art*, ed. Alessandra Silveira, Mariana Canotilho and Pedro Madeira Froufe (Brussels: Peter Lang, 2013).

<sup>43</sup> Leonard F. M. Besselink, *op. cit.*

*“[...] constitutional reality of the moment is one in which the orders of the EU and the constitutional orders of the member states interact. They mutually assume each other’s existence. [...] They positively interact. In short, the hypothesis is that of an encompassing constitutional order of which the EU and national constitutional orders form part; if you wish: a compact of constitutional orders or a composite European constitutional order.”<sup>44</sup>*

The consequence must be (and we believe it is) the existence of multicultural realities circulating in and between states. Ideally, this results in intercultural experiences. This is the opinion of Rego when the author states that *“dialogue between different cultures, philosophical, legal and political traditions, especially between different constitutions, as a mirror and soul of each State, embodies the sedimentary substrate of the European Union.”<sup>45/46</sup>*

Taking the example of Portuguese legal procedures (one of its cultural dimensions), several changes are now happening, whether because of Portuguese integration in the EU or the existence of cyberspace (and cyberculture). One of them was the notarial deeds, which were transformed to allow them to be carried out online using videoconferencing. This example happened for two reasons: COVID, and a response to the modernisation of the judicial system and digitisation under European demands.<sup>47</sup>

Following this example, a more complex and recent one is the application of Artificial Intelligence (AI) to Justice. Measures are already being implemented to facilitate AI integration in Justice. The most recent report on integrating AI into European lawyers’ activity<sup>48</sup> is a concrete example. The report presents seven guidelines for lawyers’ work to benefit from large language models and generative AI.<sup>49</sup> This is and will be a change to pay attention to.

Being part of the EU inevitably changes the lifestyle of its Members. The way people move in cities and between countries, consume cultural products (cinema, theatre, music, etc.), how sustainability is thought, among other cultural and cybercultural dimensions, has its origins (and/or is ruled) at the EU level, but having in consideration local specificities. That is why it is not fair and accurate to claim that national idiosyncrasies are not considered, disappear, and become homogenised.

Nowadays, what happens is that, more efficiently, every Member State can access (cyber)cultural details and characteristics that would be challenging to have (and was not) if not belonging to the EU. Furthermore, it is relevant to remember the concept of hybrid individual info-communication. When individuals have

<sup>44</sup> Leonard F. M. Besselink, *op. cit.*

<sup>45</sup> Ana Torres Rego, “Multiculturalidade e cidadania num contexto de jusfundamentalidade múltipla”, in *Interconstitucionalidade: Democracia e Cidadania de Direitos Na Sociedade Mundial – Atualização e Perspectivas*, ed. Alessandra Silveira, II, 141–56 (Braga: EDUM and CONPEDI, 2017), 142.

<sup>46</sup> Translation provided by the author.

<sup>47</sup> This response was evaluated by OCDE, and is available in the following report: OECD, *Justice Transformation in Portugal. Building on Success and Challenges* (Paris: OECD, 2020).

<sup>48</sup> The European Bars Federation, *European Lawyers in the era of ChatGPT. Guidelines on how lawyers should take advantage of the opportunities offered by large language models and generative AI* (Strasbourg: The European Bars Federation, 2023).

<sup>49</sup> The guidelines presented are: 1. Understand the generative AI technology; 2. Acknowledge limitations and context; 3. Adhere to existing rules on AI use; 4. Complement legal expertise; 5. Maintain attorney-client privilege; 6. Ensure data protection and privacy; and 7. Inform clients and assume responsibility. As it is possible to conclude, not all guidelines are directly related to AI and cyberculture, but all of them depend and/or rely on cyberculture to be effective and efficient. The report ends with a call to action to start the discussion on these matters.

access to and develop different info-communication competencies, they can constructively interpret, consume, produce, and share cyberculture.

This is important because of the ability to move from one Member State to another (free movement of persons), even if this movement is in cyberspace, which brings the possibility of accessing different European cybercultures. Furthermore, in this process, national Constitutions also have a primary role, mainly regarding how cultural creation and dissemination are thought.

As far as Portugal is concerned, Article 73 of the Constitution of the Portuguese Republic<sup>50</sup> mentions the democratisation of education and culture. The importance of those dimensions for individual development and for the country to have enlightened citizens and a diversity of cultural associations.

Moreover, this ends up being reflected in Article 3 of the TEU:

*It [The Union] shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.*

It is also embodied in Article 167 of the Treaty on the Functioning of the European Union (TFUE):

*1. The Union shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.*

*2. Action by the Union shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas:*

*- improvement of the knowledge and dissemination of the culture and history of the European peoples,*

*- conservation and safeguarding of cultural heritage of European significance,*

*- non-commercial cultural exchanges,*

*- artistic and literary creation, including in the audiovisual sector.*

*3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe.*

*4. The Union shall take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures.*

Moreover, this is a clear sign (among the concrete implemented actions) of the interconstitutionality process and its relevance for promoting European cybercultures in different times and spaces.

## Conclusions

The paper intended to answer the question: is there a European (cyber)culture? Moreover, if so, does that imply the disappearance of national cultures? What room is there for (cyber)cultures in the reflexive interaction process?

<sup>50</sup> Article 73. Education, culture and science. 1. Everyone has the right to education and culture. 2. The state shall promote the democratisation of education and the other conditions needed for an education conducted at school and via other means of training to contribute to equal opportunities, the overcoming of economic, social and cultural inequalities, the development of the personality and the spirit of tolerance, mutual understanding, solidarity and responsibility, to social progress and to democratic participation in collective life. 3. In cooperation with the media, cultural associations and foundations, cultural and recreational groups, cultural heritage associations, residents' organisations and other cultural agents, the state shall promote the democratisation of culture by encouraging and ensuring access by all citizens to cultural enjoyment and creation. 4. The state shall encourage and support scientific research and creation and technological innovation, in such a way as to ensure their freedom and autonomy, strengthen competitiveness and ensure articulation between scientific institutions and enterprises.

After understanding the meaning of culture and cyberculture and the relevance of interconstitutionality for promoting and empowering national and European (cyber)cultures, we conclude that there is a European (cyber)culture. However, its existence does not mean the nullification of national (cyber)cultures.

Europe promotes the recognition of national cultures, and their safeguarding, following a logic of plurality and diversity. Therefore, European cyberculture's distinctive features are defined by the possibility brought by different national cultures. At the same time, the EU has defined some guidelines and traced some critical paths to be followed to guarantee a sense of belonging to a Union (by accompanying the digital evolution and safeguarding national identities and idiosyncrasies).

The UNESCO Universal Declaration on Cultural Diversity provides an essential perspective on the relevance of the interconstitutionality process for cultures to encompass European and world demands. As stated in its Article 1, culture is the common heritage of humanity:

*“Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations.”<sup>51</sup>*

Moreover, Article 2 provides insight into how cultural diversity is transformed into cultural pluralism:

*“In our increasingly diverse societies, it is essential to ensure harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together. Policies for the inclusion and participation of all citizens are guarantees of social cohesion, the vitality of civil society and peace. Thus defined, cultural pluralism gives policy expression to the reality of cultural diversity. Indissociable from a democratic framework, cultural pluralism is conducive to cultural exchange and to the flourishing of creative capacities that sustain public life.”<sup>52</sup>*

Moreover, these two Articles can apply to the principles of the European Union regarding culture, whether this is the European one or different national cultures, not making them disappear but elevating them. Precisely as the European Commission claims: *“Culture promotes active citizenship, common values, inclusion and intercultural dialogue within Europe and across the globe, strengthening European identity and attractiveness.”<sup>53</sup>*

<sup>51</sup> UNESCO, *UNESCO Universal*, 62.

<sup>52</sup> UNESCO, *op. cit.*, 62.

<sup>53</sup> European Commission, *The Cultural and Creative Cities Monitor 2019 Edition* (Ispra: European Commission, 2019), 41.