The Digital Freedom Risk: Too Fragile an Acknowledgment

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We publish this article as a tribute to the work of Professor Ulrich Beck, who died on 1 January 2015, and to commemorate the spirit of this eminent German sociologist who significantly contributed to the analysis of contemporary society, exploring concepts such as the risk society or cosmopolitism in depth. This was, in fact, the central theme of “Re-inventing Europe: A Cosmopolitan Vision” in issue 10 of Quaderns de la Mediterrània: “Intercultural Dialogue between Europe and the Mediterranean”.

In the present article, Beck argues how, at least at first, freedom dies without human beings being physically hurt. Freedom risk is the most fragile among the global risks we have experienced so far. It makes us vulnerable both towards the state and between each other, leaving it to our own will to protect ourselves from this new but extremely powerful and omnipotent Empire – while for the rest of the global risks the possibility of self-resistance was narrowed down. However, digital freedom risk resembles the climate change risk, in the sense that it is a problem that the nation-state will not confront given that it is against its national interest. We have created a monster that we cannot control, it moves faster than our feet can reach.

The Prism scandal has opened up a new chapter in the world risk society. In past decades we have encountered a series of global public risks, including the risks posed by climate change, nuclear energy, finances, September 11 and terrorism – and now the global digital freedom risk.

All these global risks (with the exception of terrorism) are more or less part of technological development, as well as of the misgivings usually expressed in the phases of modernization of any respective new technology. And now we have Edward Snowden’s disclosures. All of a sudden, something is happening that turns the global risk – in this case the digital freedom risk – into a globally public problem. However, the risk logic at work here is different from what we have known so far.

Whereas the accidents in the reactors of Chernobyl and later Fukushima triggered a public debate about the nuclear power risk, the discussion about the digital freedom risk was not triggered by a catastrophe, because the real catastrophe would actually be an imposed hegemonic control on a global scale. The self-image of the information hegemony imposed, however, does not allow for this global risk. In other words, this particular catastrophe would normally happen without anyone noticing. We have become aware of the potential catastrophe only because a single secret service expert from the United States applied the means of
information control in order to tell the world about the global risk, and we are faced with a complete inversion of the normal situation.

Our awareness of this global risk is, at the same time, an extremely fragile one, because, unlike the other global risks, the risk we are dealing with does not focus on, result from or repeatedly refer to a catastrophe that is physical and real in space and time. It rather – and unexpectedly – interferes with something we have taken for granted: our capacity to control information, which has almost become our second nature. But then, the mere visibility of the matter triggers resistance.

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Let us try and explain the phenomenon in a different way: first of all there are some features all global risks seem to share. In one way or another they all bring home to us the global interconnectedness in our everyday lives. These risks are all global in the particular sense that we are not dealing with spatially, temporally or socially restricted accidents, but with spatially, temporally and socially delimited catastrophes. And they are all collateral effects of a successful modernization, which questions retrospectively the institutions that have pushed modernization so far. In terms of the freedom risk, this includes scenarios in which the capacity of the nation-state to exercise democratic control fails and other cases in which the calculation of probabilities, or insurance protection, and so on, do so too.

Furthermore, all these global risks are perceived differently in the different parts of the world. We are faced with a “clash of risk cultures”, in order to offer a variation of Huntington’s concept. We are also faced with an inflation of existential catastrophes, and with one catastrophe threatening to outdo the other: the financial risk “beats” the climate risk; and terrorism “beats” the violation of digital freedom. This is, by the way, one of the main barriers to any public recognition of the global risk to freedom, which, therefore, has not yet become the subject matter for public intervention.

The latter is clearly changing today. Yet, the acknowledgement of this fact is a rather fragile one. Who could the powerful player be, with an interest in keeping this risk alive in public awareness and thus pushing the public towards political action? The first candidate to come to my mind would be the democratic state. Alas, this would be like asking the fox to look after the chickens. Because it is the state itself, in collaboration with the digital trusts, that has established its hegemony in order to optimize its key interest in national and international security. Any movement here could, however, constitute a historic step away from the pluralism of nation-states towards a digital global state, which is free from control.

The citizen is the second potential player on our list. However, the users of the new digital information media have, actually, become cyborgs. They employ these media as if they were senses, and consider them an integral part of their concept of how they understand and act in the world. The members of the Facebook generation, because of their dependence on social media, are living within these media and, in doing so, relinquish a relevant part of their individual freedom and privacy.

Who, then, could exercise this kind of control? It could be, for example, the Basic Law. Alas in Germany, Article 10 stipulates that postal and telecommunication secrecy is sacrosanct. That sounds like a phrase from a world long gone, and by no means fits the communication and control options provided by a globalized world. In other words, Europe, for example, provides excellent supervisory
agencies, a whole range of institutions that try to assert fundamental rights against their powerful opponents, for example, the European Court of Justice, data protection officers, and parliaments.

But paradoxically enough, these institutions fail, even if they work. Because the means of defense they have at hand are restricted to national territories. While we are dealing with global processes, they are bound to use the tools of intervention developed in the last century. This applies, by the way, to all global risks: The national answers and the political and legal instruments our institutions offer can no longer meet the challenges posed by the global risk society today.

All this might sound very pessimistic. Yet, we must go one step further and ask whether we – social scientists, normal citizens, and users of digital tools – know the right terms in order to describe how profoundly and fundamentally these are transforming our societies and politics. I believe that we lack the categories, maps or compasses we need to navigate the New World. This, again, corresponds to the situation in the global risk society at large. Successful modernization and an escalating technological evolution have catapulted us into fields where we may and must act, without providing us with the vocabulary we need to adequately describe or name these fields and our options for action.

An example might help explain our position concerning the freedom risk. We tend to say that a new digital empire is coming into being. But none of the historical empires we know – neither the Greek, nor the Persian, nor the Roman Empire – was characterized by the features that mark the digital empire of our times. The digital empire is based on characteristics of modernity that we have not yet truly reflected upon. It does not rely on military violence, nor does it attempt to integrate distant zones politically and culturally into its own realm. However, it exercises the extensive and intensive, profound and far-reaching control that ultimately pushes any individual preference and deficit into the open – we are all becoming transparent.

The traditional concept of the empire, however, does not cover this type of control. In addition, there is an important ambivalence: we provide major tools of control, but the digital control we exercise is extremely vulnerable. The empire of control has not been threatened by a military power, or by a rebellion or revolution, or by war, but by a single and courageous individual. A thirty-year-old secret service expert has threatened to topple it by turning the information system against itself. The fact that this kind of control seems unfeasible, and the fact that it is much more vulnerable than we imagine, are the two sides of one and the same coin.

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The individual can, indeed, resist the seemingly hyper-perfect system, which is an opportunity that no empire has ever offered before. The brave can resort to counter-power, if they choose to offer resistance on the job. One of the key questions is, therefore, whether we should not oblige the major digital companies to legally implement a whistleblower union and, in particular, the duty of resistance in one's profession, maybe first on a national scale and subsequently at European level, and so on.

However, John Q. Citizen – unlike Snowden – does not know much about the structures and the power of this so-called empire. The young Columbus travels towards the New World and uses social networks as an extension of his communicating body. The world vision of the new generation incorporates the benefits offered –
be it with respect to the organization of protest movements, to global communication, or to digital love. From all we can see, the young do not fear being controlled by the system.

An important consequence becomes evident here. How we assess the risk posed by the violation of freedom rights differs from our assessment of a perhaps health-related violation as a consequence of climate change. The violation of our freedom does not hurt. We neither feel it, nor do we suffer a disease, a flood, a lack of opportunities to find a job, and so on. Freedom dies without human beings being physically hurt. The power and legitimacy of the state are based on the promise of security. Freedom comes or seems always secondary. Being a sociologist, I am convinced that the freedom risk is the most fragile among the global risks we have experienced so far.

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What should we do? I suggest that we formulate a kind of digital humanism. Let us identify the fundamental right of data protection and digital freedom as a global human right, which must prevail like any other human right, if needs be against all odds.

Is a lesser approach feasible? No, there is no lesser goal. Currently we are being told to apply the new methodologies of encryption in order to protect us from attacks by those who want to track us. This approach, however, implies the individualization of a problem that is, in fact, a global one. And the true catastrophe is, as we have seen, that the catastrophe disappears and becomes invisible, because the control exercised is becoming an increasingly perfect one. This happens to the extent to which our reaction in view of the imminent death of freedom remains an exclusively technical and individual one.

Indeed, we lack an international body to enforce such claims. In this respect there is no difference between the freedom risk and the risk posed by climate change. The litany has always been the same: the nation-state cannot do it. There is no international player that can be addressed either. But there is general concern. The global risk has an enormous power of mobilization that goes far beyond what we have ever had before, e.g. the working class. A crucial factor would be to politically combine the unrest that has activated social movements and political parties in different countries to varying degrees, in order to push them towards the idea mentioned above.

But, is this the way to implement standards on a global scale? The permanent reflection about the dangers for friend and foe alike could, indeed, trigger the creation and implementation of global norms. The sense of what is right or wrong with respect to global norms would result ex post from a global public shock about the violation of these norms. We are bound within a historical development that brings us to this point time and again: we need a transnational invention of politics and democracy.