

Is the surveillance society the last stage of State sovereignty? A philosophical-economic perspective.

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Abstract

This research intends to explore structural changes in the Western contemporary political order and it will focus on those studies that analyse the development of increasingly effective systems of control (with the consequent decline of privacy) based on continuous “states of exception” and the advent of manipulative mechanisms by states which induce deep changes in beliefs, economics, values, and behaviours. Starting from the conclusions of a series of inquiries in political theory, history of political ideas and philosophy of economics, this contribution will foster a first multidisciplinary investigation of the conditions of civil coexistence in our time.

An objective is to overcome old fences and begin to move towards a new political-philosophical conversation that sidesteps crystallized language, and looks at the crucial events of our time and tries to gasp their meaning. Just as in 1944 a Trotskyist writer, George Orwell, read the Austrian Friedrich von Hayek (Orwell, 1944), and just as Michel Foucault approached not only the Ordoliberal authors, but indeed Hayek himself (Foucault, 2008), today those who feel the threats of possible forms of a soft totalitarianism must overcome ancient barriers and discuss together.

The implicit starting point is an understanding of the constant reformulation of statehood, given that contemporary political systems represent a logical stage in the development of sovereignty, as it emerged in Europe at the end of the medieval age, and developed progressively over the centuries.

This ability to render everything transparent, from bank accounts to health, is facilitated by the advent of a power based on arbitrary commands justified by a constant state of crisis. At the beginning of the 21st century in the West we live in welfare societies, where the cycles of life (with the substantial State monopoly of education, health, and pension system) have been accompanied by the management of situations presented as “emergencies”. The threats of international terrorism, the advent of financial crises, the spread of pandemics, the hypothesis of global warming and a global war potentially destructive of the entire planet are used for a repeated call for a state of necessity. This in turn produces a system of surveillance that destroys ordinary law, with the precise aim of imposing arbitrary decisions rendered legitimate with some reference to science.

Hence the new political order tends to increasingly undermine the predictability of law in the name of sovereign acts of will that ensure security and survival. We are thus witnessing a progressive decline of privacy and a tendentially unlimited expansion of control systems in the name of global public surveillance.

In a world in which knowledge, the media and information technology play an increasingly important role, it is not surprising that those who are able to dominate others are creating a society of control that is defined as a transparent society in which opaque power structures are able to oversee everything. Not only are video-surveillance devices multiplying in the cities, but thanks to the network some public and private apparatuses are now able to collect a great deal of data on our existence.

Moreover, technological change may have an impact on the legal rules themselves (Boenink, Swierstra & Stemerding, 2010). Thus, new technologies not only affect privacy by changing the accessibility of information, but also by changing the privacy norms themselves. For example, social networking sites invite users to share more information than they would otherwise.

On the fiscal side, we have computer systems linking bank accounts and state administrations. The total transparency of every economic choice and the destruction of all privacy in this area is justified by the fight against fiscal evasion, in order - it is said - to achieve greater social justice. In more realistic terms, it is evident how the construction of a system of telematic control over our consumer choices and, at the same time, the progressive abolition of the use of cash, aim to help the maximum extraction of resources. Such an objective is very important for a large corporation of interests, as it is necessary both to the

political-bureaucratic caste, and to the large industrial and financial classes that live parasitically on the thousands of streams of public budgets (Bassani – Lottieri, 2021). It is not surprising that well over 100 countries now adhere to the Foreign Account Tax Compliance Act (FACTA) and that regulations aimed at limiting the use of cash, which is by nature anonymous, are multiplying everywhere.

The panoptic society based on control is also a society in which power is consolidated through a strong intertwining of public powers and private conglomerates. The expansion of the State sphere means that every private individual sees in regulatory power a formidable opportunity (as we have already seen repeatedly in the past: just think of protectionism and state procurement). At this point it is not only a matter of obtaining private rents through public regulation and government decisions, but also of building a society that is increasingly transparent to the state apparatus and to the large private corporations that can receive privileges (and fear penalties) from the State. In this situation, it is not surprising that social networks are already lined up to defend official “truths” but it is even more evident that the knowledge under their control can be at the disposal of public officials at any time.

The whole history of statehood is characterized by the alliance between power and knowledge, and if in its first phase it is theologians and jurists who offer a justification for the claims of monarchs, later we see the advent (Prussian Cameralism) of new groups: from public administration scholars to economists. The construction of borders that were difficult to cross and the invention of the passport (Torpey, 2000) should be seen in this light. The legitimization of power continues to rest on “political theology” and some metaphysical reference to the necessity of the state, but the process of secularisation means that people end up attributing sacredness to areas of knowledge that are far removed from the religious dimension. As Friedrich Hayek emphasized in his book about the counter-revolution of science, in nineteenth-century France, Claude Saint-Simon and Auguste Comte were fundamental in the metamorphosis of state power and paved the way for the triumph of intellectual centres (École Polytechnique, École Nationale d’Administration, etc.) that will form the best minds for politics, public administration and even the management of businesses throughout the country (Hayek, 1952).

The expression “governance by experts” today should be understood – according to Jan Klabbers – as a group composed of «policy advisors, whose tasks are first and foremost to help develop or formulate policies or, most likely, both. In global governance, this refers to the economists at the World Bank or the European Investment Bank, the finance experts at the Basel Committee, the doctors working for the World Health Organization, the chemists employed by the OPCW, but also the lawyers working at those agencies. It may cover the economic policy advisors at the IMF, or the fisheries experts at one of the many regional intergovernmental fisheries organizations, or the environmental engineers at UNEP» (Klabbers, 2021, p. 35). This pattern implies decision-makers at the same time expert and virtuous in the Kantian sense: examiners who know how to be balanced in their judgement (to assess accountability) and know how to guide society on the basis of their knowledge.