



The Liberal Internet in the Postliberal Era

Digital Sovereignty, Private Government, and Practices of Neutralization

Johannes Thumfart

palgrave
macmillan

The Liberal Internet in the Postliberal Era

Johannes Thumfart

The Liberal Internet in the Postliberal Era

Digital Sovereignty, Private Government,
and Practices of Neutralization

palgrave
macmillan

Johannes Thumfart
Vrije Universiteit Brussels
Elsene, Belgium

ISBN 978-3-031-63425-3 ISBN 978-3-031-63426-0 (eBook)
<https://doi.org/10.1007/978-3-031-63426-0>

© The Editor(s) (if applicable) and The Author(s), under exclusive license to Springer Nature Switzerland AG 2024

This work is subject to copyright. All rights are solely and exclusively licensed by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use. The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, expressed or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

This Palgrave Macmillan imprint is published by the registered company Springer Nature Switzerland AG.

The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

If disposing of this product, please recycle the paper.

*For Ludwig and Agathe.
May you still be able to switch it off now and then.*

FUNDING INFORMATION

This book is the outcome of a research project on digital sovereignty funded by *Gerda Henkel Stiftung's special program Security, Society, and the State*. I also found time to work on it next to my project on ethics and internet shutdowns, which was funded by the *European Union Horizon 2020 research program under Marie Skłodowska-Curie Actions COFUND grant agreement 101034352 with co-funding from the VUB-Industrial Research Fund*.

ACKNOWLEDGMENTS

In hindsight, it appears that the development of the ideas presented in this book took longer than a decade. It would not have been possible without preliminary events and publications facilitated by institutions and individuals whom I would like to take this opportunity to thank. My theorizing of the digital began with articles published in *Die Zeit* alongside my academic research during the last phase of internet optimism around 2011. In these articles, I discussed topics such as Wikileaks as an expression of Kantianism, the 15th anniversary of Barlow's Manifesto, and the Arab Spring. In this context, I also had the opportunity to meet in person with staff from the *NATO Cooperative Cyber Defence Centre of Excellence* in Tallinn to discuss the geopolitical dimension of digital technologies. From 2012 to 2014, I taught several courses on political philosophy and digitalization at the *Universidad Iberoamericana* and the *Centro de Cultura Digital* in Mexico City, where some of the main ideas of this book were developed. In this context, I co-edited the anthology *Pensar Internet* with the late art historian Mariana Aguirre. This anthology also featured the former co-director of ICANN, Alejandro Pisanty, who introduced me to technological aspects of internet governance from a Global South perspective. As early as 2013, I published opinion pieces in *Die Tageszeitung* on digital colonialism and Schmitt and digitalization—two topics crucial to this book. From 2014 to 2015, I taught theory seminars at the *University of Cincinnati*, where I discussed my reading of Freud, Marx, and Piketty in relation to mathematical network theory. I first addressed the question

of digital sovereignty in the context of mathematical network theory in an anthology edited by the writer Ingo Niermann that was published in 2015. The same year, I met legal scholar Mireille Hildebrandt, whose interdisciplinary legal research group *LSTS* at the *Vrije Universiteit Brussel* I joined in 2018. Other LSTS members provided valuable feedback during the work process, particularly through the reading groups of security researchers Rocco de la Bellanova and Peter Burgess, where I discussed my Hegelian reading of Rawls's *The Law of Peoples*. From 2018 to 2019, I collaborated with data protection lawyer Paul de Hert on several papers linking the Microsoft Ireland case to digital sovereignty, which prefigured some of the key concepts of this book. Since 2020, I have been teaching ethics in international security management at the *Berlin School of Economics and Law*. My research on security issues is also reflected in preliminary articles published in journals such as *The Journal of Global Security Studies* and *The European Journal of International Security*. In 2021, I had a long and memorable conversation with EU Commission advisor Paul Nemitz, who demonstrated how critically Big Tech can be assessed on various concrete policy levels. In 2022, I presented preliminary work at the *Institut Barcelona d'Estudis Internacionals*, facilitated by telecommunications engineer Miquel Oliver. I also met on several occasions with representatives from the *Centre for Internet and Society India* and *The Internet Society* to discuss digital sovereignty, some of these meetings facilitated by former co-director Rinalia Abdul Rahim and lawyers Florence G'sell and Arindrajit Basu. The workshops on digital sovereignty initiated by political scientist Jamal Shahin from the *United Nations University* were also an important input. I presented preliminary work at the following conferences: *CPDP 2021*, *CyberBRICS 2021*, *Borders, Bordering and Sovereignty in Digital Space 2021*, *Cartography of Datasphere and Political Geography of Data 2022*, *Francisco de Vitoria and Carl Schmitt 2022*, and *Sciences Po Chair Digital, Governance et Souveraineté Annual Conference 2022*. Regarding some of these conferences, proceedings including my work have been or will be published, for which I thank the editors: media theorist Min Jiang and legal scholars Luca Belli, Dara Hallinan, Ron Leenes, Paul de Hert, José María Beneyto, and Ignacio de la Rasilla. An essential collaborator was international lawyer Wanshu Cong. Our two articles on Chinese digital sovereignty in the 1990s are part of the solid empirical basis of this book. Also crucial to this book was political scientist Marcus Michaelsen, with whom I published an article on sovereignty and

digital extraterritorial repression and who introduced me to the topic of authoritarian practices. I also thank japanologist and mathematician Harald Kümmerle for literature and regular discussions. I thank the editor Isobel Cowper Coles at Palgrave for her work and those involved in the review processes, particularly sinologist Florian Schneider. I also thank lawyer Anupam Chander for his comments on the book. I especially thank Mireille Hildebrandt and Marcus Michaelsen for their critical comments on the earliest draft versions. Finally, I thank my wife, Rachel de Joode, for her support.

CONTENTS

1	Introduction	1
2	Conceptual, Terminological, and Methodological Clarifications	25
3	The Construction of Digital Sovereignty in Struggles for Recognition	55
4	Net Neutrality, State Neutrality, and Neutralization	141
5	The Critique of Liberal Neutrality and the Concept of Neutralization	185
6	The Neutralizing Mechanism of Liberalism	221
7	The Aporias of Liberalism Before the Digital Age	255
8	The Aporias of Liberalism in the Digital Age	303
9	Practices of Neutralization	383

10 Conclusion: Beyond the End of History	433
References	439
Index	483

LIST OF FIGURES

Fig. 2.1	Venn diagram for simplifying the terminology around digital sovereignty	28
Fig. 3.1	Discourse triangle of three texts from 1996: Nye and Owens's 'America's Information Edge', Barlow's 'Declaration of the Independence of Cyberspace', Guan's 'International Legal Principles of International Communication'	64
Fig. 3.2	Caricature appearing at the same time in Nye and Owens's text from 1996 and in Guan's text from 1997, by Richard Willson	72
Fig. 3.3	Inglehart-Welzel World Cultural Map 2023 by the World Values Survey	78
Fig. 4.1	The Eastern Telegraph Co.: System and its general connections. Chart of submarine telegraph cable routes, 1901	163
Fig. 4.2	Submarine Cable Map with landing points from TeleGeography, January 2024. https://www.submarinecablemap.com/	164
Fig. 4.3	John Gast, 'American Progress', 1872	166
Fig. 4.4	Global Map of internet root name servers. Numbers indicate number of root server instances per region. Regions with one or more of the 13 original root name servers are black dots. Top ten countries with the most internet users are marked gray. Made using data from https://root-servers.org/ and Statista on 30 January 2024	167
Fig. 6.1	Interlocking levels of neutralization through liberalism's core tenets	225

Fig. 7.1	A Poisson distribution in the US highway network juxtaposed to a power law distribution in US airport networks. (By Albert-László Barabási from http://networksciencebook.com/chapter/4#hubs)	293
Fig. 7.2	Depiction of the consumerist “freedom from want” by Norman Rockwell. US Office of War Information, 1943	298
Fig. 8.1	Structure of the ant colony optimization algorithm	312
Fig. 8.2	Optimal fit between underfit and overfit regarding the relation between output variable and predictor variable	314
Fig. 8.3	Positive feedback loop: more data leading to better services, more users, and more activity	344



CHAPTER 1

Introduction

1.1 INITIAL PERSPECTIVES AND CORE THESES

There may not even be a need for NATO in another 40 years. More than arms, more than diplomacy, the communications revolution will be the greatest force for advancement of freedom in the world. Information is the oxygen of the information age. It seeps through walls topped with barbed wire and wafts across borders. The Goliath of totalitarian control will rapidly be brought down by the David of the microchip.

—Ronald Reagan, Winston Churchill Lecture, 13 June 1989

The United States could be fairly charged with the militarization of the World Wide Web. If the web lasts another 500 years it may be the thing the United States is remembered for the way the Romans are remembered for their roads.

—Michael Hayden, Speech at St. John's Episcopal Church, 15 September 2013

Whilst the information superpowers sing the hymns of 'international freedom of communication' and 'information without borders', many developing countries feel that their rights are being taken away and even their national security is being threatened.

—Wenxiang Gong, *International Communication in the Information Age*, 1998

After the 9/11 attacks in 2001, the tide began to turn against open societies. Repressive regimes are now in the ascendant. Today, China and Russia present the greatest threat to open society. I have pondered long and hard why that should have happened. I found part of the answer in the rapid development of digital technology, especially AI. In theory, AI ought to be politically neutral. But in practice, AI is particularly good at producing instruments of control that help repressive regimes. The rapid development of AI has gone hand in hand with the rise of social media and tech platforms. These conglomerates have come to dominate the global economy.

—George Soros, Remarks at the 2022 World Economic Forum in Davos, 24 May 2022

This introduction began with four preceding quotations that contain different interpretations of historical events and are to be read as historical testimonies. Each is strongly influenced by its context and the speaker's biography and opens up a broad field of historical resonance.

The first quote comes from a speech by Ronald Reagan, who is known for his ardently neoliberal views. The former US President gave this speech, dedicated to Winston Churchill, just a few months before the fall of the Berlin Wall in 1989. In it, he anticipated the collapse of the Soviet Union and emphasized the crucial role of digital technologies in the triumph of liberal democracy. A Californian by choice and early Silicon Valley enthusiast, Reagan even claimed that digital technologies have the potential to make NATO obsolete by the year 2029.

The second quote comes from a simultaneously apologetic and unexpectedly blunt speech by former NSA Director Michael Hayden. Hayden delivered this speech in an Episcopal church across the street from the White House immediately after the Snowden revelations in 2013. In his role, he was closely associated with an unprecedentedly far-reaching attack on a fundamental liberal value—the human right to privacy—paradoxically perpetrated by the world's leading liberal power. More realistically than Reagan, intelligence man Hayden asserted that the internet is a global infrastructure created to project US power worldwide and that it is, in this sense, comparable to the ancient Roman road network. In the context of this comparison, Hayden also mentioned the potential decline of American hegemony and the possibility that, like the Roman Road network, the internet could one day represent a remnant of a bygone era—a liberal internet in a world that has moved on. However, he generously gave this development “another 500 years”.

The third quote comes from an academic essay by Chinese international relations and communications scholar Wenxiang Gong. In this essay, published just one year before the construction of China's 'Great Firewall' began in 1999, Gong developed an early concept of digital sovereignty with both authoritarian and decolonial elements. Like a harbinger of a coming postliberal era, the Chinese scholar offers an outsider's perspective on liberalism. He argued that the free flow of information enabled by digital technologies poses a threat to justice and security from the perspective of the Global South and that bordering cyberspace is therefore crucial for national self-determination. In his text, Gong also compared the liberal policy of the free flow of information to the Opium Wars, in which the British used military force to push the highly addictive drug onto the Chinese market.

The last quote is taken from a speech by George Soros, Holocaust survivor, liberal political philanthropist, and—especially given the setting of his speech at the World Economic Forum in Davos—representative of a form of applied cosmopolitanism also known as globalism. Soros delivered his speech a few months after Russia's invasion of Ukraine in 2022, which ended the post-Cold War liberal order—a tectonic geopolitical shift that Soros attributed to digital technologies. Unlike the neoliberal Reagan, the globalist Soros acknowledged that the project of using digital technologies to promote liberalism worldwide has failed. Rather surprisingly, he claimed that digital technologies instead favor authoritarian forms of control by states and private conglomerates—both in Western and global contexts. In particular, Soros argued that AI is inherently linked to repressive politics.

Each of these four historical testimonies sheds light on the relationship between the liberal order and digital technologies from a different angle. Despite their contrasting perspectives, the speakers agree that digital technologies are not neutral but have identifiable political effects. Juxtaposed, their reflections show a not entirely chronological development from an initial, perhaps naïve optimism to extreme pessimism.

The contrast between these four positions raises pressing questions: What triggered this drastic shift in perception? To what extent are these narratives reliable? And depending on the extent to which they are reliable, what has gone wrong, and what should be done about it? It is precisely these questions that are addressed in the following eight central theses of this book.

Thesis 1 “The post-Cold War internet”: The internet was one of the central pillars of the US-led liberal post-Cold War order.

Thesis 2 “The liberal internet”: The internet is closely connected with liberalism, and it can be understood as a materialization or reification of liberal values.

Thesis 3 “The postliberal era”: The contemporary historical moment can be characterized as the dawn of the postliberal era.

Thesis 4 “Digital sovereignty”: The first characteristic aspect of the postliberal era is states’ turn towards digital sovereignty.

Thesis 5 “Private government”: The second characteristic aspect of the postliberal era is Big Tech’s transformation into a private government.

Thesis 6 “Illiberal digital civil societies”: The third characteristic aspect of the postliberal era is the empowerment and creation of illiberal civil societies through digital technologies.

Thesis 7 “Liberal internet causing postliberalism”: The spread of the liberal internet and the dawn of the postliberal era are causally linked. The internet contributed to provoking the postliberal turn and to providing the conditions for this turn.

Thesis 8 “Practices of neutralization”: To preserve liberal values, liberal states should abandon the liberal concept of neutrality on various levels and adopt what I call ‘practices of neutralization’, including numerous concrete digital policies.

1.2 THESIS 1: THE POST-COLD WAR INTERNET

My first thesis is historical and should be fairly uncontroversial. I argue that the internet was one of the central pillars of the liberal order as it emerged from the US’s post-Cold War “unipolar moment”.¹ This is reflected in a great number of historical sources. Take the initial quote from Reagan containing his famous metaphor of the “David of the microchip” overthrowing the “Goliath of totalitarianism”, formulated in 1989. A few years later, in 1996, the “Atari Democrat”² Al Gore promoted the

¹ Charles Krauthammer, ‘The Unipolar Moment’, *Foreign Affairs* 70, no 1 (1991/1990).

² The term refers to a group of neoliberal democrats who grew up with the Atari console and were extremely technology friendly. Gary Gerstle, *The Rise and Fall of the Neoliberal Order: America and the World in the Free Market Era* (New York, NY: Oxford University Press, 2022), 135. For a characterization of Clinton as an ‘Atari Democrat’, see *Ibid.*, 155. For a characterization of Gore as an ‘Atari Democrat’, see Sara Miles, ‘A Man, a Plan, a Challenge’, *Wired*, 30 January 1998, <https://www.wired.com/1998/01/a-man-a-plan-a-challenge/>.

‘information superhighway’ as “linking every country, every town, every village”.³ Despite its global reach, Gore described the project as characteristically American, “born out of a commitment to the free flow of ideas and communication”.⁴ Also that year, two political advisors to Bill Clinton, Joseph Nye and US Navy Admiral William A. Owens, elevated the narrative of the transformative power of digital technologies to a mythical dimension. In their seminal essay *America’s Information Edge*, they argued that the liberal nature of the internet confronted totalitarian regimes with a “Faustian bargain”: if totalitarian rulers sought to profit from information technologies, they would “ineluctably” lose the grip on their citizens, which, in turn, would foster democracy and strengthen the US-led liberal order.⁵

Accordingly, international relations scholar McCarthy underlines that the internet represents “perhaps the most powerful form of symbolic capital and legitimacy in international politics in the post-Cold War world”.⁶ And historian Gerstle characterizes the internet as “integral to the triumph of the neoliberal order, its provision of instantaneous and global flows of unlimited data promising to turn markets into perfect instruments of economic exchange, development, and prosperity”.⁷

Such considerations concerning alternative history are unverifiable; however, it is highly unlikely that a comparably rapid shift from massive public funding of digital technologies and the internet—including a significant amount of resources provided by the Department of Defense—to unfettered privatization would have occurred in any historical period other than the 1990s, when liberalism was celebrating its global triumph at the “end of history”.⁸ In 1993, e.g., a transitional public investment plan for Silicon Valley was enacted for the express purpose “to help defense companies make the difficult post-Cold War adjustment and deal with a

³ Al Gore, ‘Bringing Information to the World: The Global Information Infrastructure’, *Harvard Journal of Law & Technology* 9, no. 1 (1996): 1–10, 2.

⁴ *Ibid.*, 10, 1.

⁵ Joseph S. Nye and William A. Owens, ‘America’s Information Edge’, *Foreign Affairs* 75, no. 2 (1996): 20–36, 35.

⁶ Daniel R. McCarthy, *Power, Information Technology, and International Relations Theory: The Power and Politics of US Foreign Policy and the Internet* (New York, NY: Palgrave Macmillan, 2015), 115.

⁷ Gary Gerstle, *The Rise and Fall of the Neoliberal Order: America and the World in the Free Market Era* (New York, NY: Oxford University Press, 2022), 277.

⁸ Francis Fukuyama, ‘The End of History?’, *The National Interest*, no. 16 (1989): 3–18.

shrinking US military budget”.⁹ Seven years later, Ash Carter, who later served as Secretary of Defense in the Obama administration, summarized: “(...) The cutting edge in information technology (...) has passed from defense to commercial companies.”¹⁰

1.3 THESIS 2: THE LIBERAL INTERNET

This leads to my second, less uncontroversial thesis regarding the materialization or reification of liberal values in what I call the ‘liberal internet’: methodologically following Winner’s analysis of the relationship between politics and technology,¹¹ I consider the internet as a materialization or reification of liberal values in a technological artefact.¹² When I speak of a materialization or reification of liberal values in the internet, I imply that the internet is inherently liberal in a double sense.

First, in a *technological sense*, the internet is a prime example of an artefact with embedded politics regarding the internet’s specific *technological affordances*.¹³ The technological architecture of the internet, starting with the decentralizing tendencies of open standards, packet-switching, and interoperability, inherently promotes transnational cooperation and communication between and within civil societies, which is a fundamental liberal value. In this sense, the internet constitutes a materialization or reification of liberal ideals, i.e., a technological artefact that can be understood as providing significant nudges promoting liberalism.

However, as underlined by Hutchby, these nudges or “frames” of action provided by technological affordances should not be confused with technological determinism.¹⁴ What appears to be a terminological quibble

⁹ ‘Technology Reinvestment Program Awards 55 More Grants’, UPI, 24 November 1993, <https://www.upi.com/Archives/1993/11/24/Technology-reinvestment-program-awards-55-more-grants/7248754117200/>.

¹⁰ Ashton B. Carter, ‘Keeping the Edge: Managing Defense for the Future’, in *Keeping the Edge: Managing Defense for the Future*, ed. Ashton B. Carter and John P. White (Cambridge: MIT Press, 2001), 1–26, 9.

¹¹ Langdon Winner, *The Whale and the Reactor: A Search for Limits in an Age of High Technology*, Second edition (Chicago: University of Chicago Press, 2020).

¹² Chander and Krishnamurthy make a similar point based on Winner: Anupam Chander and Vivek Krishnamurthy, ‘The Myth of Platform Neutrality’, *Georgetown Law Technology Review* 2, no. 400 (2018), <https://georgetownlawtechreview.org/wp-content/uploads/2018/07/2.2-Chander-Krishnamurthy-pp-400-16.pdf>.

¹³ Ian Hutchby, ‘Technologies, Texts and Affordances’, *Sociology* 35, no. 2 (May 2001): 441–456.

¹⁴ *Ibid.*

has had enormous historical implications. In contrast to this cautious assessment by contemporary technological sociology, liberal politicians in the 1990s followed the somewhat crude paradigm of technological determinism developed in the nineteenth century. They saw the Internet as a piece of infrastructure that “ineluctably” (in the words of Nye and Owens from 1996) produces democracy. This problematic techno-determinist tendency was most famously expressed in the following quote from Clinton in 2000:

We know how much the Internet has changed America, and we are already an open society. Imagine how much it could change China. Now, there’s no question China has been trying to crack down on the Internet. Good luck! That’s sort of like trying to nail Jell-O to the wall.¹⁵

Second, from the perspective of *conceptual history*, the internet must be understood as a partly conscious and partly unconscious reification of liberal concepts characteristic of Western intellectual history. Gerstle writes that the “internet revolution was closely tied ideologically to visions of market freedom” and that it was imagined as “inherently, restlessly, and relentlessly democratic” and linked to concepts of diversity and cosmopolitanism.¹⁶ Internet governance expert Nanni underlines the connection between the [Internet Corporation for Assigned Names and Numbers \(ICANN\)](#) multistakeholder model and liberalism: “Managed internationally on a private-led basis, the internet is (...) a US creation representative of globalization considered as the global spread of the liberal order in its free-market essence.”¹⁷ In more general terms, international relations scholars Barrinha and Renard state: “Cyberspace was not only a creation of the liberal order, but was deeply infused by its values and principles.”¹⁸ The values reified in the internet include, of course, the advocacy of free trade and freedom of expression—but also international interdependence

¹⁵ ‘Clinton’s Words on China: Trade Is the Smart Thing’, *The New York Times*, 9 March 2000, sec. World, <https://www.nytimes.com/2000/03/09/world/clinton-s-words-on-china-trade-is-the-smart-thing.html>.

¹⁶ Gary Gerstle, *The Rise and Fall of the Neoliberal Order: America and the World in the Free Market Era* (New York, NY: Oxford University Press, 2022), 160, 168, 183.

¹⁷ Riccardo Nanni, ‘Whither (de)Globalisation? Internet Fragmentation, Authoritarianism, and the Future of the Liberal International Order: Evidence from China’, *The Pacific Review*, 16 December 2023, 1–25.

¹⁸ André Barrinha and Thomas Renard, ‘Power and Diplomacy in the Post-Liberal Cyberspace’, *International Affairs* 96, no. 3 (1 May 2020): 749–766, 750.

following the paradigm of “one-worldism”¹⁹ or “globalism”.²⁰ In this regard, the internet is a prime example of a “quasi-obligatory globalism based on a (...) permanent shared infrastructure”.²¹

In retrospect, many liberal tenets and practices seem to anticipate the free flow of information and services brought about by the internet and the related political convictions: Milton, Mill, and Jefferson made the argument that free speech was generally beneficial because the “collision with error” produced a “clearer perception and livelier impression” of truth.²² Montesquieu claimed that global connectivity tended to result in *mœurs douces* (sweet manners). Kant argued that the ‘spirit of commerce’ and the unleashed self-interest of free citizens are inherently pacifist, leading to his ‘democratic peace theory’. Mandeville conceived of human societies as a beehive, with crowd intelligence turning ‘private vices’ into ‘public benefits’.

Much later, liberal theorists and practitioners continued to make the same arguments, even implicitly presupposing a global communicative infrastructure. Zoellick argued that global economic and institutional entanglement would create ‘responsible stakeholders’.²³ Coicaud diagnosed a ‘socialization of international life’.²⁴ Galtung envisioned a ‘global domestic policy’.²⁵ And the European approach towards non-democratic governments was characterized by the idea of ‘change through trade’ (*Wandel durch Handel*).²⁶

¹⁹ Gary Gerstle, *The Rise and Fall of the Neoliberal Order: America and the World in the Free Market Era* (New York, NY: Oxford University Press, 2022), 207, 210.

²⁰ Quinn Slobodian, *Globalists: The End of Empire and the Birth of Neoliberalism* (Cambridge, Massachusetts: Harvard University Press, 2018).

²¹ Paul N. Edwards, ‘Meteorology as Infrastructural Globalism’, *Osiris* 21, no. 1 (January 2006): 229–250, 230.

²² John Stuart Mill, *On Liberty* (New Haven and London: Yale University Press, 2003), 87.

²³ Robert B. Zoellick, ‘Beyond Aid’ (George Washington University, 14 September 2011), <https://openknowledge.worldbank.org/handle/10986/26104>.

²⁴ Jean-Marc Coicaud, ‘Deconstructing International Legitimacy’, in *Fault Lines of International Legitimacy*, ed. Hilary Charlesworth, Jean-Marc Coicaud, and United Nations University (Cambridge; New York, NY: Cambridge University Press, 2010), 29–86, 31f.

²⁵ Johan Galtung, ‘Human Rights: From the State System to Global Domestic Policy’, in *Johan Galtung*, ed. Dietrich Fischer (Berlin, Heidelberg: Springer Berlin Heidelberg, 2013), 157–66.

²⁶ ‘Transatlantic Economic Policy in Times of War’, Text, European Commission - European Commission, 21 April 2022, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_22_2556.

The internet must be understood as a materialization and reification of these liberal tenets and an instrument for their promotion, a conscious and unconscious attempt to elevate these tenets (that are specific to Western intellectual history) to the rank of an irreversible, objective, global, and, hence, universal infrastructure.

1.4 TERMINOLOGICAL CLARIFICATION: LIBERALISM AND NEOLIBERALISM

The preceding introduction of my first two theses requires a brief clarification of my use of the term ‘liberal’. Since a great part of my genealogical arguments are focused on the post-Cold War order, one might object that speaking of a ‘neoliberal’ order would be more accurate. This can be refuted for several reasons. First, I follow Gerstle regarding his assessment that there is no fundamental distinction between liberalism and neoliberalism: both are part of a continuous, albeit extremely heterodox tradition, and the distinction between liberals and neoliberals is mainly strategic.²⁷ Moreover, the term ‘neoliberalism’ has a highly protean and often polemical component, which makes its use problematic. Therefore, it makes sense not to use it as an umbrella term, but to limit it to its more precise historical meaning, which describes the clearly defined school of primarily Austrian and German economic thought in the first half of the twentieth century, its internationalization through the Mont Pèlerin Society, and the later influence of this well-defined school of thought.²⁸ Instead, I use the term ‘liberalism’ as an umbrella term and emphasize the continuity between classical liberalism and neoliberalism, referring indiscriminately to modern neoliberals such as Hayek and his successors Reagan and Friedman, but also drawing on the pre-modern sources of liberalism such as Milton, Montesquieu, Kant, Mill, Locke, Grotius, and Mandeville to characterize what I call the ‘core tenets’ of the liberal order and their aporias before and in the digital age.

²⁷ Gary Gerstle, *The Rise and Fall of the Neoliberal Order: America and the World in the Free Market Era* (New York, NY: Oxford University Press, 2022), 5–6, 73ff.

²⁸ Thomas Biebricher, *The Political Theory of Neoliberalism*, Currencies (Stanford, California: Stanford University Press, 2018); Philip Mirowski and Dieter Plehwe, eds., *The Road from Mont Pèlerin: The Making of the Neoliberal Thought Collective* (Cambridge, Mass: Harvard University Press, 2009).

This sense of continuity between liberalism and neoliberalism is also informed by the fact that many of my reflections are concerned with international relations. In this field, liberal approaches are opposed to realist approaches, and there is little difference between a liberal and a neoliberal approach.²⁹ In economic policy, the main distinction between classical liberalism and neoliberalism is that the former relies on the spontaneity of markets, whereas the latter has been actively involved in building institutions securing international free trade, such as the WTO.³⁰ In contrast, in international relations, the distinction between liberals and neoliberals is blurred. Liberals in the context of international relations precisely emphasize the importance of international institutions. Conversely, particularly if one understands neoliberalism as a global regulatory agenda, the libertarian imaginaries of spontaneous order expressed in ‘Cyber-Utopianism’³¹ or ‘Californian Ideology’³² are hardly neoliberal but closer to traditional laissez-faire liberalism—for instance, the Lockean natural rights tradition, the free speech tradition at Milton, Mill, and Jefferson, and the Mandevillean imaginary of the beehive’s crowd intelligence.

1.5 THESIS 3: THE POSTLIBERAL ERA

This leads to my third core thesis: the current historical moment can be characterized as the dawn of the postliberal era. With this perspective in mind, it also makes sense to focus on liberalism as a whole and not just on neoliberalism. The term ‘postneoliberal’ is used in the public debate, but it suggests a shift towards more closed forms of economic policies rather

²⁹ Timothy J. Lynch, ‘Liberalism and Neoliberalism’, in *New Directions in US Foreign Policy*, ed. Inderjeet Parmar, Linda B. Miller, and Mark Ledwidge (New York, NY: Routledge, 2009), 48–61.

³⁰ Quinn Slobodian, *Globalists: The End of Empire and the Birth of Neoliberalism* (Cambridge, Massachusetts: Harvard University Press, 2018); Gary Gerstle, *The Rise and Fall of the Neoliberal Order: America and the World in the Free Market Era* (New York, NY: Oxford University Press, 2022), 89.

³¹ Lincoln Dahlberg, ‘Libertarian Cyber-Utopianism and Global Digital Networks’, in *Globalization and Utopia: Critical Essays*, ed. Patrick Hayden and Chamsy El-Ojeili (Basingstoke [England]; New York: Palgrave Macmillan, 2009), 176–89.

³² Richard Barbrook and Andy Cameron, ‘The Californian Ideology’, *Science as Culture* 6, no. 1 (January 1996): 44–72.

than a broader development.³³ Since trust in free trade is one of the central elements of liberalism, this purely economic shift undoubtedly plays an important role in this context. The dawn of the postliberal era is intrinsically linked to the abandonment of the liberal belief in the unequivocally benign nature of economic interdependence and the resurgence of discussions about economic autarky, deglobalization, and the moderate concept of ‘friend-shoring’.³⁴ However, scholars from various disciplines use the term ‘postliberal’ to characterize a more fundamental change.³⁵ The postliberal era, which has not yet crystallized into a stable postliberal order,³⁶ also implies a departure from fundamental liberal values, such as freedom of speech and individual liberty. This departure is particularly evident regarding the international power system since ‘liberal’ stands for the essential characteristics of ‘Western’ legal, political, and social norms as opposed to the norms of rising non-Western societies, such as China, Russia, and India. These non-Western societies often have authoritarian, semi-authoritarian, illiberal, and nonliberal preferences regarding concrete policies. Moreover, they also have not participated in the Western intellectual tradition to the same extent as Western Europe and the Americas—particularly not in the secularization processes of the sixteenth and seventeenth centuries that are crucial to the genealogy of liberalism.

³³Rana Foroohar, ‘After Neoliberalism. All Economics Is Local’, *Foreign Affairs*, December 2022, <https://www.foreignaffairs.com/united-states/after-neoliberalism-all-economics-is-local-rana-foroohar>.

³⁴Rana Foroohar, ‘My Guide to a Deglobalising World’, *Financial Times*, 21 October 2022, <https://www.ft.com/content/f4c17c8c-9097-417e-94d6-36825fe85c24>; Eric Helleiner, ‘The Return of National Self-Sufficiency? Excavating Autarkic Thought in a De-Globalizing Era’, *International Studies Review* 23, no. 3 (16 August 2021): 933–57; José Balsa-Barreiro et al., ‘Deglobalization in a Hyper-Connected World’, *Palgrave Communications* 6, no. 1 (December 2020): 28; Günther Maihold, ‘A New Geopolitics of Supply Chains: The Rise of Friend-Shoring’ (Stiftung Wissenschaft und Politik (SWP), 2022), <https://www.swp-berlin.org/10.18449/2022C45/>.

³⁵Azeem Ibrahim, *Authoritarian Century: Omens of a Post-Liberal Future* (London: Hurst & Company, 2022); Judith A. Baer, *Feminist Post-Liberalism* (Philadelphia: Temple University Press, 2020); Fred R. Dallmayr, *Post-Liberalism: Recovering a Shared World* (New York: Oxford University Press, 2019); Oliver P. Richmond and Audra Mitchell, eds., *Hybrid Forms of Peace: From Everyday Agency to Post-Liberalism* (London: Palgrave Macmillan UK, 2012); Adrian Pabst, *Postliberal Politics: The Coming Communitarian Consensus* (Cambridge, UK; Medford, MA: Polity Press, 2021).

³⁶Gary Gerstle, *The Rise and Fall of the Neoliberal Order: America and the World in the Free Market Era* (New York, NY: Oxford University Press, 2022), 290.

However, this transition from Western unipolarity to a multipolar dynamic revolving around the five actors China, Russia, India, the US, and the EU—sometimes dubbed the ‘pentarchy’—is just one characteristic trait of the postliberal era. In a broader sense, the shift towards the postliberal era is accompanied and accelerated by a polycrisis related to various factors displaying various degrees of endogenous and exogenous causality in relation to the liberal order: the ongoing climate crisis, the COVID crisis 2020/21, the ongoing migration crisis, and the Ukraine War starting in 2022, which all demonstrated the vulnerability of global norms and supply chains. All these events demand the re-conceptualization of individual liberty in an economic, political, and legal sense and require a revision of the liberal belief in the unequivocally benign nature of global connectivity.

1.6 THESIS 4: DIGITAL SOVEREIGNTY

This leads to the fourth core thesis of this book, which was illustrated by the initial quotation from Chinese international relations and communications scholar Gong. In the context of digital technologies, one of the characteristic aspects of the postliberal era is states’ turn towards digital sovereignty.³⁷ The materialization and reification of liberalism in the internet included an act of “asymmetrical recognition”³⁸ regarding its indifference towards non-Western legal and political traditions, the interests of non-Western actors, and concrete local circumstances. This became particularly evident in the context of the Snowden leaks. The establishment and military exploitation of the US’s digital hegemony inevitably produced a response by non-Western actors.

Moreover, the development of digital sovereignty has a decolonial aspect since it challenges Western-born liberal tenets reified in the internet and Western hegemony in general.³⁹ This decolonial aspect of the digital

³⁷ Johannes Thumfart, ‘The Norm Development of Digital Sovereignty between China, Russia, the EU and the US: From the Late 1990s to the Covid-Crisis 2020/21 as Catalytic Event’, in *Enforcing Rights in a Changing World*, ed. Dara Hallinan, Ronald Leenes, and Paul de Hert, Computers Privacy Data Protection (CPDP) 14 (London: Hart Publishing, 2021), 1–44.

³⁸ Michelle K. Murray, *The Struggle for Recognition in International Relations: Status, Revisionism, and Rising Powers* (New York, NY: Oxford University Press, 2019), 36.

³⁹ Nick Couldry and Ulises Ali Mejias, ‘The Decolonial Turn in Data and Technology Research: What Is at Stake and Where Is It Heading?’, *Information, Communication & Society* 26, no. 4 (12 March 2023): 786–802.

sovereignty discourse is particularly important for the development of digital sovereignty in China and India, both of which experienced historical colonialism and are rising powers engaged in a struggle for recognition disrupting Western dominance.⁴⁰

However, originating from authoritarian regimes in China and Russia and their approaches of 网络主权 (“cyber sovereignty”), 信息主权 (“information sovereignty”), and Суверенный интернет (“sovereign internet”), the development of digital sovereignty also embeds authoritarian norms into the digital infrastructure, most importantly by fundamentally opposing the freedom of expression and the free flow of information but also by enabling authoritarian practices such as digital surveillance and censorship. This development particularly represents a challenge because Western and traditionally liberal countries are also increasingly adopting the narrative of digital sovereignty, most notably in their fight against disinformation and foreign interference and their implementation of protectionist economic policies. As legal scholar Bradford writes, the current digital sovereignty discourse in liberal countries “may even lend legitimacy to the more extreme variants of digital sovereignty that authoritarian governments such as China and Russia are pursuing”.⁴¹

The rhetoric of digital sovereignty, particularly the use of the nonliberal and somewhat atavistic legal concept of *the ban* (more commonly known as ‘blacklisting’), often aims at giving the impression that the ‘sovereignization’ of cyberspace produces a new and stable division between those inside and those outside of a political order.⁴² However, the realities are significantly more complex than that. Practices of digital sovereignty are defined by the construction of frontlines within a deeply entangled world that is, in some areas, perhaps even irreversibly, characterized by the triumph of liberalism in the post-Cold War era. Similar to other contemporary practices of bordering, the sovereignization of cyberspace constitutes a “diverse, spatially fluid, organizationally diffuse” practice within

⁴⁰ Michelle K. Murray, *The Struggle for Recognition in International Relations: Status, Revisionism, and Rising Powers* (New York, NY: Oxford University Press, 2019), 18ff.

⁴¹ Anu Bradford, *Digital Empires: The Global Battle to Regulate Technology* (New York: Oxford University Press, 2023), Ebook at 652.

⁴² Giorgio Agamben, *The Omnibus Homo Sacer, Meridian, Crossing Aesthetics* (Stanford, California: Stanford University Press, 2017).

and defined by the partly irreversible networks of global free flows of capital, services, people, goods, and information.⁴³ The reintroduction of borders under the banner of ‘digital sovereignty’ into this global system is, in principle, a highly complex, partly futile undertaking, not necessarily affirming sovereignty as such but also displaying a merely populist demand for ‘taking back control’. Furthermore, digital sovereignty has a highly destabilizing tendency since it is a tool for tit-for-tat games of ‘weaponized interdependence’⁴⁴ and the construction of competing ‘digital empires’ with extraterritorial reach, which inevitably provokes other powers.⁴⁵

In this sense, the fate of the internet—as insinuated by the initial quote from former NSA Director Hayden—might indeed be comparable to the fate of the Roman road system during the Migration Period. The Roman road network partially survived but was also partially destroyed on purpose as the connection it provided had become a source of insecurity after the destabilization of the *Pax Romana*.⁴⁶ Some of the Roman roads took on a new function as borders, which is reflected in the double meaning of the Latin word *limes* (“border” and “road”). After the end of the *Pax Americana*, similar paradoxical processes are taking place on the global internet, which constitutes a piece of infrastructure from another time, a sometimes-inconvenient remnant of the unipolar past in a world that moved on: a liberal internet in a postliberal era.

⁴³Steffen Mau, *Sorting Machines: The Reinvention of the Border in the 21st Century* (Medford: Polity Press, 2022), 35.

⁴⁴Mark Leonard, *The Age of Unpeace: How Connectivity Causes Conflict* (London: Bantam Press, 2021), ebook at 150ff.; Daniel W. Drezner, Henry Farrell, and Abraham L. Newman, eds., *The Uses and Abuses of Weaponized Interdependence* (Washington: Brookings Institution Press, 2021).

⁴⁵Anu Bradford, *Digital Empires: The Global Battle to Regulate Technology* (New York: Oxford University Press, 2023).

⁴⁶Norbert Ohler, *Reisen Im Mittelalter* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2004), 56. See also Nina Dengg, ‘The “Dark Ages” of the Roman Roads’, *The Viabundus Blog* (blog), 12 August 2020, <https://www.landsgeschichte.uni-goettingen.de/roads/viabundus/the-dark-ages-of-the-roman-roads/>.

1.7 THESIS 5: PRIVATE GOVERNMENT

My fifth thesis concerns Big Tech’s turn towards what the philosopher Anderson calls ‘private government’.⁴⁷ In relation to digital technologies, this concept has been discussed under the labels “merchant-sovereignty”,⁴⁸ “functional sovereignty”,⁴⁹ “virtual sovereignty”,⁵⁰ and “cloud empires”.⁵¹ Big Tech is challenging core liberal assumptions about free markets by increasingly abandoning the paradigm of open competition and private enterprises’ traditional scope of action. The oligopolies and oligopsonies of TAMAMAN (Tesla, Apple, Microsoft, Amazon, Meta, Alphabet, Netflix) and their Chinese counterparts BATH (Baidu, Alibaba, Tencent, Huawei) are enclosing large portions of digital flows by constructing ‘walled gardens’⁵² characterized by systemic ‘lock-in-effects’,⁵³ furthered by network effects that promote unprecedented accumulation.⁵⁴ In the spirit of Silicon Valley investor Thiel’s maxim that “competition is for losers”,⁵⁵ these companies are increasingly abandoning the liberal paradigm of private actors competing in a market and moving into the traditional domains of states such as food security, disaster relief, health, and

⁴⁷ Anderson, Elizabeth. *Private Government: How Employers Rule Our Lives (and Why We Don’t Talk about It)*. Princeton: Princeton University Press, 2017.

⁴⁸ Lawrence Lessig, *Code Version 2.0* (New York: Basic Books, 2006), 287.

⁴⁹ Frank Pasquale, ‘From Territorial to Functional Sovereignty: The Case of Amazon’, *LPE Project* (blog), 6 December 2017, <https://lpeproject.org/blog/from-territorial-to-functional-sovereignty-the-case-of-amazon/>.

⁵⁰ Maryanne Kelton et al., ‘Virtual Sovereignty? Private Internet Capital, Digital Platforms and Infrastructural Power in the United States’, *International Affairs* 98, no. 6 (2 November 2022): 1977–1999.

⁵¹ Vili Lehdonvirta, *Cloud Empires: How Digital Platforms Are Overtaking the State and How We Can Regain Control* (Cambridge, Massachusetts: The MIT Press, 2022).

⁵² Florencio Cabello, Marta G. France, and Alex Haché, ‘The Social Web beyond “Walled Gardens”: Interoperability, Federation and the Case of Lorea/n-1’, *PsychNology Journal* 11, no. 1 (2013): 43–65.

⁵³ Fabrizio Ciotti, Lars Hornuf, and Eliza Stenzhorn, ‘Lock-In Effects in Online Labor Markets’, *SSRN Electronic Journal*, 2021.

⁵⁴ Paul Belleflame and Martin Peitz, ‘Platforms and Network Effects’, in *Handbook of Game Theory and Industrial Organization. Volume 2: Applications*, ed. Luis C. Corchón and Marco Marini, Paperback edition (Cheltenham, UK Northampton, MA, USA: Edward Elgar Publishing, 2020), 286–317; Terry Flew, *Regulating Platforms* (London: Polity Press, 2022), 73; Nick Srnicek, *Platform Capitalism* (London: Polity Press, 2017), Ebook at 52.

⁵⁵ Peter Thiel, ‘Competition Is for Losers’, *Wall Street Journal*, 12 September 2014, <https://www.wsj.com/articles/peter-thiel-competition-is-for-losers-1410535536>.

weather forecasting, where they are establishing unchallenged realms of private government.

Moreover, digital platforms have turned into a state-like ‘market for rules’ and perform state-like functions without granting the right to civic participation.⁵⁶ For instance, digital platforms are increasingly becoming de facto regulators regarding freedom of expression, undermining the originally emancipatory liberal concept that a relatively unregulated private sector should serve as a counterweight to overregulation by state power. A similar turn towards state-like functions can be observed in the increasing involvement of platforms in settling disputes between users and creating social order through disciplining mechanisms such as recommendation systems and flexible price rates for gig workers.⁵⁷ Particularly due to their control over the design of contact tracing apps during the COVID crisis, Google and Apple were accused of constituting a “private government”.⁵⁸

1.8 THESIS 6: ILLIBERAL DIGITAL CIVIL SOCIETIES

My sixth thesis is that a similar shift towards postliberalism can be observed in digital civil societies across the globe, which display rising levels of extremism and polarization facilitated by ‘clicktivism’ and promoted by the ‘dark patterns’ of digital platforms to catch users’ attention.⁵⁹ Contrary to the assumptions from the heyday of the ‘liberal internet’ discourse in the 1990s, social actors do not necessarily pursue liberal aims when empowered by digital technologies. In many cases, the Utopian “smart mobs”⁶⁰ from the days of techno-optimism have turned into illiberal or

⁵⁶Vili Lehdonvirta, *Cloud Empires: How Digital Platforms Are Overtaking the State and How We Can Regain Control* (Cambridge, Massachusetts: The MIT Press, 2022), 222.

⁵⁷José Van Dijck, Thomas Poell, and Martijn De Waal, *The Platform Society*, vol. 1 (Oxford University Press, 2018); Vili Lehdonvirta, *Cloud Empires: How Digital Platforms Are Overtaking the State and How We Can Regain Control* (Cambridge, Massachusetts: The MIT Press, 2022).

⁵⁸Lokke Moerel and Paul Timmers, ‘Reflections on Digital Sovereignty’ (EU Cyber Direct, January 2021), 6. https://eucd.s3.eu-central-1.amazonaws.com/eucd/assets/khG-GovSY/rif_timmersmoerel-final-for-publication.pdf. See also: André Barrinha and G. Christou, ‘Speaking Sovereignty: The EU in the Cyber Domain’, *European Security* 31, no. 3 (3 July 2022): 356–376, 363.

⁵⁹Caroline Sindors, ‘Designing Against Dark Patterns’ (German Marshall Fund, July 2021), <https://www.gmfus.org/news/designing-against-dark-patterns>.

⁶⁰Howard Rheingold, *Smart Mobs: The next Social Revolution* (Cambridge, MA: Basic Books, 2003).

‘uncivil’ civil societies⁶¹ and even violent mobs. One of the most striking examples of this is India’s ‘WhatsApp lynchings’ based on fake news.⁶² Similar cases of ‘digital vigilantism’⁶³ have occurred in the West where individuals who are not necessarily legally or morally culpable have been hounded, sometimes for years, sometimes with drastic consequences.⁶⁴ On 6 January 2021, even the US experienced an attack on one of its central democratic institutions organized by means of social media.⁶⁵ Indian “cyber-Hindus”,⁶⁶ Russian pro-Putin activists,⁶⁷ and Chinese Digital Nationalists⁶⁸ support their governments without being necessarily forced to do so. Sometimes, they are even more radical than their authoritarian rulers. Most notably, this includes ‘patriotic hackers’ in China, Russia, Iran, and North Korea, who are connected with their governments to varying degrees.⁶⁹

⁶¹ Maria Bakardjieva, ‘The Other Civil Society: Digital Media and Grassroots Illiberalism in Bulgaria’, *European Societies* 25, no. 2 (15 March 2023): 304–25.

⁶² Ishan Gupta, ‘Mob Violence and Vigilantism in India’, *World Affairs: The Journal of International Issues* 23, no. 4 (2019): 152–72; BBC (staff), ‘India Lynchings: WhatsApp Sets New Rules after Mob Killings’, *BBC News*, 20 July 2018, sec. India, <https://www.bbc.com/news/world-asia-india-44897714>; Elyse Samuels, ‘How Misinformation on WhatsApp Led to a Mob Killing in India’, *Washington Post*, 21 February 2020, <https://www.washingtonpost.com/politics/2020/02/21/how-misinformation-whatsapp-led-deathly-mob-lynching-india/>.

⁶³ Daniel Trottier, ‘Digital Vigilantism as Weaponisation of Visibility’, *Philosophy & Technology* 30, no. 1 (March 2017): 55–72.

⁶⁴ Benjamin Loveluck, ‘The Many Shades of Digital Vigilantism. A Typology of Online Self-Justice’, *Global Crime* 21, no. 3–4 (1 October 2020): 213–41; Sascha Lobo, ‘„Drachenlord«: Ein jahrelanges Martyrium in Deutschland – und niemand hält es auf’, *Der Spiegel*, 27 October 2021, sec. Netzwelt, <https://www.spiegel.de/netzwelt/netzpolitik/der-fall-drachenlord-ein-jahrelanges-martyrium-in-deutschland-und-niemand-haelt-es-auf-kolumne-a-91b94ce3-ab01-4ac1-9286-d85bea144928>.

⁶⁵ Lyn Van Swol, Sangwon Lee, and Rachel Hutchins, ‘The Banality of Extremism: The Role of Group Dynamics and Communication of Norms in Polarization on January 6’, *Group Dynamics: Theory, Research, and Practice*, 4 April 2022.

⁶⁶ P.R. Biju, *Political Internet: State and Politics in the Age of Social Media* (New Delhi: Routledge India, 2019), 10.

⁶⁷ Bradley E. Wiggins, ‘Crimea River: Directionality in Memes from the Russia-Ukraine Conflict’, *International Journal of Communication* 10 (2016): 451–85.

⁶⁸ Florian Schneider, *China’s Digital Nationalism*, Oxford Studies in Digital Politics (New York, NY: Oxford University Press, 2018).

⁶⁹ Tim Maurer, *Cyber Mercenaries: The State, Hackers, and Power* (Cambridge: Cambridge University Press, 2018); Janine Schmoldt, ‘Patriotic Hackers Are Civilians Sporadically Participating in Hostilities’, in *ECCWS 2018 17th European Conference on Cyber Warfare and Security V2* (Academic Conferences and Publishing Limited, 2018), 447–53.