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The European Strive for Digital Sovereignty

Have We Lost Our Belief in the Global Promises of the 'Free and Open Internet'?

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ABSTRACT

Digital sovereignty is the buzzword of the hour in European digital policy debates. But what if it was something more fundamental than just a new policy principle? This short essay analyses shifts in the belief system that underlies our idea of the global Internet in order to better understand the European digital sovereignty debate within its historical and political context. For this purpose, it identifies three different types of dependency that shape today's global digital order and explains how the perceptions of these dependencies motivate the EU's claims for more digital self-determination. What come apparent is that the liberal imaginary of an "open and free Internet" could not hold up to reality and that we are in urgent need of alternative visions for a globally interconnected world. The European digital sovereignty debate can be interpreted as the first stage in the search for such an alternative. Whether it will be able to fill the gap, remains questionable.

The digital policy sphere has never been short of buzzwords. From "information society" to "fake news", policy-making regarding the Internet and its services has always been accompanied by fuzzy, yet powerful concepts that have contributed to shaping our perception of the digital world and how it should (or should not) be regulated. Amongst the most recent buzzwords, the term "digital sovereignty" appears almost unstoppable in its rise to the top in both national and international policy debates. Countries around the world seem to outbid each other with their claims to more digital self-determination and their strategies to strengthen their own capacity to act and compete in a global digital economy.

While China and Russia have a longer history in applying the concept of sovereignty to digital policy-making, today several European states – primarily Germany and France – as well as the European Commission are taking a prominent role in advancing the digital sovereignty discourse. Over the last few years, the concept developed into a "leitmotiv of European digital policy" (German Presidency of the EU Council, 2020, p. 8.). Despite of the significance that European policy-makers – both in Brussels and at national level – give to the concept, they do not necessarily share a common understanding or concrete definition of what digital sovereignty is and what kind of measures are needed to strengthen it. In a very general sense, the concept expresses the aspiration of increasing the capacity of self-determination and decision-making with regard to digital technology and of reducing dependencies on foreign digital infrastructures and services. Digital sovereignty claims can, thus, refer to either the collective capacity for digital self-determination by states, organizations, particular groups and companies or to the self-determination of individuals as citizens and technology users – or to a combination of all of them (Pohle, 2020; Pohle & Thiel, 2020). As many scholars have noted, the fuzziness of the digital sovereignty concept and the variety of meanings attached to it, is part of its attractiveness as it enables political actors across all parties and political beliefs to project their specific priorities and ideas on the broad vision of "digital sovereignty" (Lambach & Oppermann, 2023, p. 13). But its popularity also goes beyond the relatively closed circles of policy-makers, as it is also embraced and promoted by the private sector and representatives of civil society, including the open-source community. What all these actors' strives for more self-determination with regards to digital technologies have in common is that they appear to derive from similar apprehensions. This short essay seeks to identify these apprehensions in order to better understand the motivations behind the European digital sovereignty debate within their historical and political context.

In order to grasp the reasoning and perceptions that have contributed to the popular calls for digital sovereignty, one needs to look back at the early moments when the Internet started to grow into a global digital network. It was at that time that discussions about sovereignty and the role of states with regards to digital networks first emerged. The entire early history of Internet development was marked by the belief that the Internet as a digital, transnational and decentralized networking technology would transcends places and territories. Hence, it was thought to be irreconcilable with the idea of state-based territorial sovereignty. Instead, the Internet was viewed as a unique and new kind of virtual space, unlike any previous forms of order. This cyber-exceptionalist belief in the uniqueness of the Internet was heavily marked by a pragmatic brand of libertarianism that had served as a major ideological influence on the technical development of the Internet (Wu, 2010). Barlow's "Declaration of the Independence of Cyberspace", for example, emblematized the cyber-libertarian perspective by explicitly articulating an individualistic concept of equality and individual freedom and pitting this concept against the restrictive regulatory attempts of governments portrayed as tyrannical. Based on a strong distrust of established political decision-making processes and institutions, the core of cyber-libertarian convictions was that existing political structures would become obsolete with the expansion of digital communication. From this perspective, governments as the symbol of state power had no place in the new virtual space, as they were unable to exercise their presumed sovereignty there.

The cyber-libertarian beliefs found their expression in the idea of a "free and open Internet", meaning a virtual space made up by digital networks that is open to be accessed by anyone without the limitations of the physical world and that remains free from outside interference. This powerful imaginary depicted the Internet as the ultimate means to extend liberal norms of open data flows, freedom of speech, and later also human rights more generally, to all Internet users no matter their geographical location. As such, it was able to attach meaning and values to the new digital technology, which were also understandable and relatable for users, developers and policy-makers outside the small circle of early Internet pioneers. As a result, till today, it remains the most persistent and formative imaginaries about the Internet as a global network technology. The aim to protect the openness and freedom of the Internet is not only viewed as a guiding principle by the many institutions that contribute to the governance of the Internet infrastructure. It is also a core mission of a large variety of civil society organizations that fight, for instance against online censorship and for universal access to digital networks. In addition, starting from the information society policies of the 1990s, which helped to institutionalize a liberal approach to the Internet, the aim to protect the "free and open Internet" was iterated by policy texts in many parts of the world. Most European member states and the European Commission also joined the US-initiated Internet-freedom agenda and, over the years, have always supported the USA and its digital policy approach in international policy fora. What is often overlooked in this context is that this libertarian Internet imagi-

nary always was and still is very much in the service of US-American liberal economic and foreign policy objectives (Farrell & Newman, 2021; McCarthy, 2011; Thumfart, 2022, p. 10). It not only made it possible to convince countries world-wide about the necessity of free trade and an open market for digital technology and products and, thus, helped the US to globally export its hardware, software and content (Powers & Jablonski, 2015, p. 22). But the US government saw the Internet also as a tool to transform authoritarian, non-liberal states. Hence its global Internet-freedom agenda also sought to institutionalize a liberal global order in line with its own ideological interests. Accordingly, the "free and open Internet" imaginary further includes the idea that the United States, as ultimate defendant of a liberal order, would also act as the selfless guardian of the Internet as such.

From the beginning, powerful counterarguments were brought forth against the cyber-libertarian belief that digital interconnectedness would ultimately cause the decay of state sovereignty and, in return, lead to the global spread of liberal norms. Yet, its performative effect was impressive. It not only materialized in neoliberal Internet policy agendas policies in almost all parts of the world, but it also shaped the way in which the Internet's infrastructure is governed until today. Its ideological influence and political repercussions are still noticeable today, including in Europe. Yet, it is fair to say that, despite this normative success, the last two decades have shown that states were very much able to reassert their authority over the Internet and its services. National processes of lawmaking and law enforcement regarding the digital space turned out to be more effective than assumed – examples range from Internet censorship in China all the way to European legislation such as the General Data Protection Regulation (GDPR). In addition, due to growing concern by many Internet users that their user rights and civil liberties might be endangered rather than enabled by the use of the Internet and its services, governments also feel increasingly empowered to act on behalf of their citizens when intervening in the digital sphere.

The ongoing European strive for more digital self-determination needs to be understood as part of this historical development. Rather than viewing these efforts as a form of digital protectionism (Burwell & Propp, 2020; Christakis, 2020) or a tendency towards networked authoritarianism (MacKinnon, 2010; Maréchal, 2017), I argue that they are expressions of various shifts in the belief system that underlies our perception of global digital connectivity. Each of these shifts was closely linked to events and processes taking place over the last decade, which brought to the foreground the different kind of dependencies that shape our digital world.

While some European member states have a longer history of arguing for more national autonomy regarding digital technology and infrastructures, European calls for digital sovereignty have gained strong momentum since Edward Snowden's revelations in summer 2013 regarding massive online surveillance by US-American intelligence services and their Western allies. The Snowden leaks not only exposed the almost unrestricted exercise of hegemonic power and the possibilities for data gathering and control by US intelligence agencies. They also led to the realization, in Europe and many other world regions, that we are, in a both physical and structural manner, *dependent on digital infrastructures and data flows that do not defy control (as propagated by the cyber-exceptionalists), but are steered and controlled by entities beyond our own influence of power*. This sudden and painful realization was subsequently reaffirmed by political events around the world that exposed the priorly hidden dynamics of data flows via digital networks and how they can be used for the purpose of political micro-targeting and the spread of disinformation, for instance in the context of the 2016 Brexit referendum or the Brazilian general elections in 2018. These events and the perceived dependency on digital infrastructures and data flows triggered in many countries a strong desire for drawing digital boundaries, including in Europe. But what is more, they also marked in some way a general loss of belief in the promises of the "open and free Internet", and in the United States as its protecting agent. In light of the newly exposed possibilities of interference in data flows via digital networks, which exceeded both in quantity and quality what Internet activists had feared for a long time, the idea of the global Internet as an open and free virtual space that interconnects people world-wide, based on a decentralized network that does not allow for central control points, could not hold up. In particular the imaginary that the "freedom" of the Internet would protect the privacy and security of all its users was seriously challenged during this time, with the GDPR being just one of the many political repercussions of this epistemic shift.

The same events that brought to light this first type of dependency also contributed to a second apprehension, which is generally believed to be a major driver for Europe's digital sovereignty efforts: the realization that *we depend for almost all our digital technologies and services on private companies, primarily on IT companies based outside of Europe*. Of course, the commercialization of the digital space is not a recent phenomenon. It rather occurred in multiple waves, changing not only the Internet's social but also its technological configurations. While the Internet's commercial orientation started with the introduction of e-commerce and the business of selling Internet access, its current structure is strongly marked by data-based advertising and the exploitation of network effects. The outcome we see today is often described as platform capitalism or surveillance capitalism (Srnicek, 2017; Zuboff, 2019). In this particular digital market structure, companies do not only provide the hardware and software for others to rely and operate on. But by facilitating high market concentration, the structure also allows a limited number of powerful platform companies to behave as almost sovereign, yet non-territorial entities that create their own closed

systems within the virtual space. These intermediaries, most of them based in the United States and in China, became such central points of control over data flows and the availability of contents that the open Internet protocols become almost worthless. The realization that our global digital economy is structured in a way that makes some benefit so much more than most others, led many actors to question even more the decentralized character of "the open and free Internet". In addition, it represents a challenge to the belief that the virtual space made up by the Internet is a global common that – in economic terms – can freely be used by everyone without reducing its quantity and – in geopolitical terms – lies beyond national jurisdiction (Raymond, 2013). In particular in Europe, where policy-makers had to realize that they had very few instruments to counter these problems, this comprehension provided an important incentive for government regulation. The EU's most recent regulatory projects, the Digital Services Act (DSA) and the Digital Markets Act (DMA), bear witness to this trend.

The third and last dependency that motivates European digital sovereignty claims encompasses the infrastructural and economic dimensions of the first two, but goes beyond it as it relates to global inequalities in digital development. In line with the idea of cyberspace being a global common, it was part of the influential cyber-libertarian vision that the Internet would create a world of freedom and equality on a global level (Chenou, 2014). Its decentralized and non-hierarchical character would contribute to overcoming physical boundaries and, thus, also level structural imbalances that have long historical roots. However, the fragmented use of digital communication technologies beyond the original, highly homogeneous communities soon showed that this assumed levelling, egalitarian quality of digital networks and their associated inclusive nature did not apply universally – a problem that became known as the "digital divide" (George, 2004). Although it has long been part of the dominant policy discourse that this global gap somehow needs to be closed, the strong belief in the imaginary of an egalitarian Internet community seems to have faded. Instead, the Covid-19 pandemic, which accelerated digitalization processes in an unprecedent manner, made it clearer than ever before that the global value chains related to digital technologies and services are not only built on the structural inequalities of the past, but also reinforce them and contribute to creating new ones (Heeks, 2022). In addition, ongoing trends, such as the growing digital leadership ambitions of China that find their expressions – for instance – in infrastructure initiatives of the digital Silk Road, and the growing techno-economic rivalry between the US and China made European policy actors realize that this problem not only concerns developing countries. Instead, Europe's digital development is very much *dependent on the geopolitical and geoeconomic power dynamics surrounding digital technology*, too, and the EU needs to better position itself if it wants to play an active part in these dynamics. The EU Commission's objective to propose a "European third way" for a global digital transformation, which thanks to its normative and regulatory ambitions represents an alternative to the US-driven liberal approach and the more authoritarian digital governance vision of China, is only the most visible expression of this recent apprehension.

When looking at the European quest for more self-determination in the context of the infrastructural, economic and geopolitical dependencies that shape our digital world, it becomes clear that the contested concept of "digital sovereignty" is far more than a buzzword or a policy principle. It rather seems to express the understanding that the still dominant vision of the Internet as a global networking technology rooted in the liberal norms of openness and freedom could not live up its promises. Although it is not (yet) formulated as such by European policy-makers, the digital sovereignty debate can hence be interpreted as the first stage in the search for an alternative imaginary of digital interconnectedness. This alternative vision is, on the one hand, much broader as it not only refers to the Internet but the digital transformation more generally. On the other hand, it is more realist as it accounts for the more prominent role of states and governments in shaping this transformation, both nationally and on a global scale. At least in its European variation, the digital sovereignty imaginary also encompasses the protection of human rights and democratic values. However, with the number of liberal democracies being on the decline worldwide, building a normative vision for the global digital transformation on the concept of "sovereignty", which is generally associated with control and authority rather than human rights and democracy, seems just as aspirational as the original liberal imaginary of the Internet.

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