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DIGITAL TOTALITARISM? SOPHISTICATED TECHNOLOGIES AND THE POSSIBILITY OF DIGITAL TOTALITARISM

Abstract: *This paper analyzes the potentially harmful impact of the latest digital and information-communication technologies on political orders, freedom, and democracy. Through a comparative analysis of the implementation of these new technologies by regimes in Russia, China, and the United States, it is demonstrated that no political system is immune to the danger of slipping into digital totalitarianism.*

Key words: *digital technologies, totalitarianism, democratic values, individual rights.*

It is commonly accepted in the world of theory that the modern age gave birth to, among other things, two forms of totalitarianism. i.e. systems that were characterized by attempts to establish rigid control over all spheres of social life from a single point (the political center). No matter how different those regimes were in terms of their nature and proclaimed goals, both were one-dimensional in the ideological sense, and to that extent ideologically anti-pluralistic. In the first case, it was about a system that was based on different variants of communist ideology; in the second case, about a system whose weft was racist ideology; but both made

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use of the illegal use of brutal violence for the purpose of their own reproduction. Leaving aside the analysis of the influence of external factors on their downfall, both had their internal limit - they were against human nature; the obstacles that stood in the way of perpetuating their fundamental ideals were immanent obstacles to them, to those ideals.

After the collapse of Nazism first, and then, much later, communism, which lost the battle with liberalism (the third orientation that arose in the modern age) or, as it is metaphorically said, "after the fall of the Berlin" wall, concepts about the "end of history" began to revive. First, the now famous Fukuyama thesis appeared, that the world was moving irreversibly towards the absolute dominance of parliamentary democracies; of course, Fukuyama did not mean the stagnation of historical processes by the end of history; on the contrary, those processes will accelerate, but they will take place under one and the same assumptions - under the conditions of the rule of liberal democracy.

When the further development of events began to convincingly deny Fukuyama's thesis, it was followed by a different, far more pessimistic view of Robert Kaplan that a state of anarchy - a state of lawlessness and uncontrolled violence - will inevitably mark the end of history. In his book *The Coming Anarchy*, Kaplan believed that the indicated state that will soon engulf the entire world can best be illustrated by the example of West Africa: "West Africa is becoming a symbol of anarchy... Disease, overpopulation, unprovoked crimes, shortages resources, migration of refugees, strengthening of private armies, international cartels" and the like - all this is most clearly demonstrated in West Africa".

The essence of that point of view is reflected in the claim that the central government will become increasingly powerless to prevent the disintegration of society into irreconcilably opposed armed groups-gangs.

This gloomy picture is supported by the latest sci-fi dystopias that deal with forecasts of the future state of the world. Although those forecasts usually contain a moment of catastrophic exaggeration, historical experience so far shows us that there is not a small part of accurate prediction in them. In these dystopias, some authors see America in the future as a country divided into urban neighborhoods that are reduced to narrow identities. According to their vision, it requires passports and visas to travel from one quarter to another. The CIA has been privatized while the aircraft carrier USS Enterprise has become a floating house for refugees...

The authority of the federal government has declined to the extent that it encompasses only the land on which federal government buildings are located.

And finally, today, the point of view of many contemporary thinkers and scientists comes to the fore, alluding to the fact that in the context of the development of highly sophisticated technology, above all artificial intelligence, the world is irresistibly moving towards the establishment of digital totalitarianisms aimed at eavesdropping and monitoring the behavior of citizens. At the same time, these authors claim that this aspect of technological development can threaten the rights to privacy and individual freedoms of citizens not only in the despotically regulated Leviathan, but also in the previous liberal democracies. For example, Yuval Noah Harari in his text *Why technology breeds tyranny* claims that the development of artificial intelligence heralds the

unstoppable growth of the number of digital dictatorships in which the authorities will be able to observe, control, even dictate the way people will influence each other, communicate and think.

As if the realization of such predictions would fully realize Orwell's dystopia *1984*, which foresaw a Big Brother controlling individuals by means of tele-screens, (instruments that include televisions, security cameras, micro-telephones and the like).

However, the real danger of the planetaryization of digital totalitarianism cannot be considered in an adequate way without first noticing the main similar points of the two mentioned classical totalitarianisms of the modern age, despite their essential differences.

In my opinion, the key similar point of both these totalitarianisms was the focus on the destruction of the legal state (*Rechtsstaat*) based on the separation of powers without which there cannot be parliamentarism as a unity of legitimacy (winning the majority support of a party or party coalition in multi-party elections) and legalism (the mechanism of formal-legal restrictions on the winner of multi-party elections to rule arbitrarily, implementing the so-called tyranny of the majority). The Bolsheviks came to power through revolutionary violence, the ultimate goal of which was to establish communism as the antithesis of capitalist society, which in its most developed form, according to them, was based on the exploitation of the bourgeoisie over the working class. The central theoretical assumption of the revolutionary communist ideology was the thesis about the relationship between the base and the superstructure; even more precisely the economic way of production in each society was interpreted as its essence, and the forms

of the superstructure (among which law was included) as its manifestations. According to such an approach, the essence of capitalism as supposedly the last form of class society was represented by the fully developed form of commodity production in which not only the products of labor but also the means of production and labor power were commodities. As part of such an interpretation of capitalism, the treatment of the rule of law as an ideologically and class-neutral instance was presented as a mere illusion, with which an attempt is made to conceal its ideological-class, bourgeois character, i.e. its use as a manipulative justification for the exploitation of the working class on an ever-increasing scale. This "legal illusion" was based, claimed the communist ideologues, on the fetishized surface of commodity production, i.e. to the sphere of exchange in which, at first glance, an equivalent exchange takes place between capitalists and free wage labor, which by its very nature excludes the visible application of coercive means on the participants in that process, but it obscures the supposedly indisputable fact that in the sphere of production as in the essential sphere of the capitalist way production and reproduction of human life, capitalists appropriate for themselves a part of other people's work, i.e. of workers without equivalent exchange. Therefore, in the very form of capitalist appropriation of surplus value, as a specific historical form of exploitation, in which the necessary work (work for oneself) and work for others coincide in time and space, the necessity of abstracting (separating) the relationship of power from the immediate process itself is contained of production that take the form of an impersonal mechanism of public authority separated from society. Therefore, the establishment of

communism requires the radical abolition of the universalized form of commodity production, which necessarily entails the abolition of the so-called rule of law, and thus parliamentarism as a necessary condition for the existence of modern formal law. The highest theoretical authority of the communist movement, Karl Marx, most clearly expressed his attitude towards developed commodity production and law in his Critique of the Gothic Program: "Within a society based on the collective, common ownership of the means of production, producers do not exchange their products, nor the labor spent on products does not appear here as the value of those products, because now, contrary to what we have in capitalist society, individual works are not confirmed in a roundabout way (post festum, through market), but directly as integral parts of the entire work" (Marks 1979: 16- 17). Clearly, it couldn't be clearer. Work that creates use value is not confirmed here as socially beneficial work indirectly, i.e. through the market, but directly, without market mediation. In other words, a radically new non-capitalist, i.e. the non-commodity mode of production requires a total planned economy. However, Marx, defining this type of communism as a lower, transitional form to a higher authentic form of communism, expresses his attitude towards law as law, which escapes many of its interpreters. "Here," he continues, "obviously, the same principle that regulates the exchange of goods, insofar as that exchange is the exchange of equivalents, rules. The content and form have been changed, because under the changed conditions no one can get anything other than his labor, because on the other hand, nothing can pass into the individual property of the individual except the

individual means of consumption." But this equal right tacitly recognizes unequal natural endowment and so unequal work ability as a natural privilege. That is why, in terms of its content, it is "the right of inequality like any other right". Thus, Marx shows himself to be a radical critic, not only of bourgeois law, but also of law as such. However, this conclusion of his is not an expression of his logical incoherence in thinking, but is precisely in accordance with his theory about the of withering away of the state, i.e. with the understanding of communism as a free association of producers, as a community in which the famous principle will rule: "each according to his abilities, to each according to his needs".

But the great historical experience related to the construction of communism, especially in the phase of the so-called of war communism, indisputably confirmed the thesis that if the commodity form of reproduction is stripped of its depersonalized power, it will necessarily pass into the hands of the "person over persons" who will in a legal vacuum, i.e. without any legal restrictions on the arbitrary arbitrariness of the government, establish, with the help of loyal institutions and intelligence services, control over all areas of human life including art, organize large social mobilizations from above in order to establish the appearance of mass support for revolutionary terror that included arbitrary arrests, staged political processes intended or so-called counter-revolutionaries or so-called apostates from communist ideology and the like. The transitional period towards communism in the Soviet Union and in the countries of the so-called The Warsaw Pact lasted quite a long time, thanks to the deviation from the principles of orthodox communism, i.e. dosed opening to the market and the

introduction of certain forms of participatory democracy, which resulted in the loosening of totalitarian restraints. However, in that process, two of his basic principles - unity of power and democratic centralism - were never abandoned. In practice, the first principle enabled the supremacy of the party leadership over the law, and the second one made it impossible for the outvoted minority to continue to represent its minority point of view. Both of these principles ensured ideological monicity or, if you will, represented a barrier to the transition to a parliamentary system.

Although Hitler came to power in parliamentary elections, his attitude towards parliamentarism and the rule of law based on the separation of powers was completely contemptuous; based on the use of manipulative means (which we cannot get into here), he introduced a state of emergency and abolished parliamentarianism and, seizing all those branches of government in his hands, established the so-called a sovereign dictatorship in which, unlike the commissar (mandate) dictatorship, the sovereign and the dictator are united in the same person. As Martin Heidegger stated precisely in his rector's speech, "the will of the Führer is the only law of Germany."

Theoreticians who tried to scientifically prove the concept of racial hierarchy had the greatest influence on Nazi ideology, and among them Gobineau should be singled out. One of the key terms that led to the biological interpretation of social reality was the term "Aryan". It was originally a fundamentally linguistic notion – based on the thesis that there are deep connections between a series of languages. We are talking about almost all the languages spoken in Europe, Persia and some areas in

Asia. Linguists have named this family of languages the Indo-European languages. Gobino was the one who created the synthesis of racism.

In his work *Mein Kampf*, Hitler popularized the thesis of the superiority of the Aryan race, which can only be reproduced by maintaining its homogeneity or purity, that is to say by avoiding its mixing with inferior races, in a language acceptable to the masses.

However, the ideology of Nazism was also influenced by Friedrich Nietzsche, who died before the Nazis came to power. I will not refer here to Nietzsche's book *The Will to Power*, published after his death, which his sister, according to some interpreters of the German thinker, edited and prepared for the press, while allegedly modifying his views in order to adapt them as much as possible to the Nazi concept. In other words, I will indicate only some of Nietzsche's key understandings that he presented in the books published during his lifetime (Divjak 2012: 318, 355).

"In today's Europe," Nietzsche points out, "morality is the morality of a herd animal... Surely, with the help of religion that indulged and flattered the desires of herd animals, we have come to the point where we find an increasingly visible expression of that morality in political and social institutions. The democratic movement is the successor of the Christian movement" (Nietzsche 2019: paragraph, 202). In other words, modern parliamentary democracy marked by herd morality is a consequence of the origin and development of Christianity, which, by equalizing all people on Earth before God, was the introduction to the victory of the principles of modern democracy - equality of all before the law. Nietzsche's famous statement "God is dead"

should not be interpreted in an atheistic light. Because he literally points out that "when rejecting God, only the moral (Christian - cf. trans.) is rejected." In this way, Nietzsche returns to ancient polytheism in a peculiar way. According to Nietzsche, people face the mystery at the heart of existence through religion, but they observe that religion through the "protective glasses of religious ideas and concepts". In Christianity as the religion of the weak, those protective glasses are the thickest, and in paganism the most transparent. Therefore, paganism is a religion only for the strong and powerful, ie. only for those who "return to the innocent conscience of the beast, like ecstatic monsters who, behind a series of murders, burnings, desecrations, tortures, emerge with a hangover and tranquility, as if some schoolboy's mischief had been done..." (Nietzsche 2016: 191).

The Hitler Youth is known to have sung the song: "We are the joyful Hitler Youth, we don't need any Christian virtue, our leader is our savior, the pope and the rabbi are gone, we want to be pagans again."

It should not be forgotten that Nietzsche treats Christianity as an instrument by which the cunning and disembling Jews completed their rebellion in the sphere of morality, universalizing the position of the slave, thus taking revenge on their masters and thus equalizing them with themselves. Thus, through the radical criticism of Christianity, the anti-Semitism of this German philosopher, who attributed to the Jews as a "people born for slavery" the main blame for the collapse of the natural order based on the master-servant relationship or, if you will, on the dominance of superior over inferior races, is manifested. According to Nietzsche, pagan Rome was the bearer of the master's morality, and Christianity, as

disguised Judaism, was the bearer of slave morality. At the base of both these morals is the will to power, with the fact that in the first case it appears openly, without any concealment, and in the second case in a masked, cunning, sneaky way. Hence, for Nietzsche, the source of morality lies beyond good and evil, which means that from the point of view of the classical understanding of morality, which is always linked to the categorical pair - good and evil, Nietzsche can also be interpreted as an immoralist.

Of course, Nietzsche cannot be criticized for the fact that he pointed out in an ingenious way the great role of the will to power in world history, but for the fact that he was not in favor of laws that limit this will to power, but for those that favor and reproduce it in ever-increasing scale. It would not be difficult to prove that in almost all of his works Nietzsche advocated the restoration (both domestically and internationally) of an order based on the dominance of superior over inferior races. We should not forget that in the *Genealogy of Morals*, Nietzsche described the victory of Judea over Rome, i.e. attributes the weak over the strong to "blood poisoning", i.e. mixing of races.

Everything that has been said so far was a pretext for what Nietzsche announced in the *Will to Power* as follows: "From now on, conditions will arise that will be more favorable for the realization of comprehensive forms of domination that did not exist until now. The conditions will be created for the creation of international racial unions whose task will be to raise a race of masters, the future masters of the Earth... creators of the harshest possible legislation, which will enable men in power and tyrants to rule for millennia" (Nietzsche 1967: 504).

There is no doubt that Hitler would have signed these thoughts.

I devoted this much space to considering the forms of totalitarianism that arose in the modern age because I believe that the modern disguised supporters of these forms of government can use the unstoppable process of development of digitalization and artificial intelligence by abusing its achievements as a powerful tool for their improvement. However, since these abuses represent a real threat to the rule of law in the form of turning its basic mechanisms in the sphere of the rule of law into a mere facade, which conceals the real rule of invisible power centers, then the ominous danger of digital totalitarianism looms over the so-called countries of liberal democracies whose main institutional guarantors of the protection of individual rights, negative freedoms and privacy were precisely the instruments of the rule of law - the separation of power at the heart of which is an independent judiciary, but also its correctives in the form of civil disobedience. We have already mentioned that the common key point of support of ideologically different totalitarianisms was the dismantling of the rule of law.

However, in addition to this universalized danger that all forms of state organization potentially contain within themselves the planetary scale of the digitalization process as an integral part of the development of artificial intelligence, it seems that in all probability this danger finds its most fertile ground in countries where various modalities of an anti-democratic form are at work rule - autocracy, theocracy and facade-modified forms of totalitarianism.

Mao and Deng's China;

The Orwellian side of China's economic growth

No one can dispute the fact that since Deng's economic reforms until today, China has recorded record growth rates; moreover, many Western economic experts

predict that China could overtake America in terms of GDP (gross domestic product) in the very near future. Many interpreters of this phenomenon claim that it is not only a consequence of China's opening to the world and the market economy, but also of its radical break with the Maoist orthodox communist heritage, so radical that this country can be treated as communist only in the sense of a facade that hides its deeply specific capitalist nature.

It is true that contemporary China differs from the China of the Mao Tse Tung in some important aspects, but it will be totally incorrect to say that China broke up with some essential characteristic of orthodox communistic system, which inherent moment was anathemising inner „class enemy“ in form of, not just regular citizens, but also high ranked party members. In fight against them it is common use of all means from arbitrary, illegal captions after which comes many ways of torture, to the sending in concentration camps for ideological brain washing in which many were killed in multiple ways, and even some of them suicide because they were not able to endure inhuman methods of tortures and humiliation.

I will say nothing revolutionary new if I remind that in Mao's time there were camps for the ideological re-education of people using the labor system. The *Directives for the Purification of Covert Counter-Revolutionaries* was the first document to mention this type of camp (1955). Soon after, a system of re-education camps was constructed and these camps were scattered throughout China. In them, the practice of beating inmates (detainees) with iron rods, wooden clubs, and leather belts was widespread. During these acts, not a small number of inmates were beaten to death. In

addition, prisoners were forced to eat excrement and drink urine, which was intended to destroy the last vestiges of their personal identity and dignity.

Many of us will think that such a system of punishing ideologically dubious persons is something that modern China has long since thrown into the dustbin of history. But there are exact data presented, among others, in the extensive book of Daron Acemoglu and James A. Robinson *The Narrow Corridor – States, Societies and the Fate of Liberty* (2019) to which we will refer in this paper.

Just as one cannot deny the fact of the unusually rapid economic development of China, which was established by Deng Xiaoping with his program of economic reforms, it is also impossible to deny that he not only kept the camps for ideological re-education, but also increased them numerically, treating them as a supplement to those economic reforms. In 2012, there were 350 such camps in China, housing 160,000 detainees. Ordinary Chinese and members of the Chinese Communist Party were deported to them without any prior legal process. Therefore, such camps were labeled as a kind of illegal "black prisons" scattered across the Chinese countryside. In May 2014, they were expanded to the so-called the "correction" system, which brought another 790,000 people into their scope.

In October 2013, we witnessed current Premier Xi Jinping's praise of a political campaign conducted in 1963 during Mao Zedong's rule in which no one was arrested, but in which the Chinese were encouraged to monitor the behavior of their neighbors and report it to representative's authorities in order to contribute to the fight for their re-education and leading them on the right

path. That campaign, as is well known, was the prelude to China's famous Cultural Revolution, in which millions of innocent people are believed to have been killed. Xi Jinping ordered his subordinate officials at all levels to renew that type of political campaign from 1963, i.e. to mobilize the masses to fight class enemies; which was undeniably an invitation to introduce mass ideological snitching into the game.

Hence, today's Chinese state is undeniably reminiscent of the terrifying face of Hobbes's despotic Leviathan, which maximizes its own capacity to the detriment of the individual freedoms of citizens, thanks to which the desired balance of power between the state and society is annulled, in the absence of which an atmosphere of existential dread, fear and tremors, caused by the impossibility of seeing the consequences of the opaque moves of the Leader elevated to the pedestal of earthly deity.

It should also be noted that there are reliable indicators that China is sliding towards the establishment of a digital dictatorship using the super-sophisticated inventions of the digital revolution to gain insight into the behavior of its citizens in private life and for ideologically motivated rigid "filtering" of information, statements and events on social networks that imply critical views. according to the existing situation in this country. All of this is reminiscent of Orwell's *1984*, which predicted the establishment of a totalitarian system in which Big Brother controls individuals using various forms of tele-screens, thus destroying individuality and privacy.

Of course, this attempt of mine to shed light on the "dark sides" of China's rise, which, just as it is, must have

its own "red line", should not be interpreted as my plea for the external, violent overthrow of such a system - it would not only be an impossible mission, but also an anti-liberal act. The main reason why I pointed out the mentioned tendencies lies in the fact that in Serbia, the fascination with the Chinese internal system is growing more and more, not only within the citizenry but also within our intellectual elite, which is also contributed to by the illusion that China, although today is a great global power, it does not harbor imperial-neocolonial appetites. This, among other things, creates a mass aversion to parliamentarism that deadens the process of creating a broad movement of resistance to the autocratic regime in order to establish authentic parliamentarianism. We should not forget that during its history, Serbia experienced its "stellar moments", only when it figured as a parliamentary country.

For the last two decades, special attention of researchers has been attracted by the systematic campaign that the Chinese authorities are conducting against the Muslim population, who as a million-strong minority live mainly in Xinjiang in western China. We are talking about the Uighurs, whose history of relations with China we cannot delve into here. The aforementioned systematic campaign began after the Guija conflict in 1997, when the Chinese authorities arrested a large number of Uyghurs, accusing them of attempted separatism. It is quite certain that the Uyghurs during the long period in which they were an integral part of the Chinese territory displayed separatist tendencies, including in this case. Repressive measures directed against separatism can certainly be justified from the point of view of the principle of preserving territorial sovereignty, because this principle is written into the constitution of every country, regardless of its state

structure. However, many hacked recordings and other documents, including the statements of the highest Chinese officials, which are available to many world organizations and the media, convincingly indicate that the various forms of repression applied to the Uyghurs are aimed at erasing their identity, culture, religious orientation, even the demolition of mosques that are about 800 years old.

Constant discrimination, followed by mass arbitrary arrests and intensive use of state surveillance techniques - this is the environment in which the Uyghurs live. An integral part of the permanent control of their private lives is the sending of numerous cadres of the Communist Party of China to their homes in order to monitor their daily actions and verbal communication.

The first contingent of these "social monitors" (about 200,000 of them) arrived in 2014. That contingent was joined in 2016 by a group of 110,000 KP members as part of the "United as one family" campaign, so that this number of monitors would increase to one million in 2017. people.

In 2017, Uyghur re-education camps were also built across Xinjiang. Although the Chinese authorities claim that these are only schools whose goal is to integrate the Uyghurs into the Chinese state, they are denied by the photos and other details revealed in the huge amount of data hacked from police computers in the area. As part of the material obtained in this way, you can see guardhouses set up inside these alleged schools where armed guards take turns, as well as scenes of killing those who try to escape on the spot.

China's decades-long repression of Uyghurs includes, among other things,

- mandatory biometric registration of facial recognition, which is then monitored by thousands of cameras in Xinjiang,

- the legal ban on possessing the Koran, learning the Arabic language, going to study Islamic sciences abroad, establishing kindergartens for Muslim children, as well as destroying mosques.

Uyghurs are severely punished and persecuted for insufficient use of mobile phones or for not extending the credit on these phones after they expire, because such actions are interpreted as attempts to evade the digital surveillance system.

In all of this, it should be borne in mind that even in liberal-democratic constitutional orders, in which the basic principles are separated from the cultural traditions of which religious orientations are integral parts, in principle, there are formal legal obstacles to the elevation of these particular traditions to the level of constitutive principles. state organization, as well as the separatist tendencies of minority ethnic groups, but these legal obstacles do not imply a ban on following those traditions at the level of society, i.e. in the private sphere.

There are many prejudices about the Chinese education system. Many are convinced that since it is formally free, it is equally accessible to everyone, both those from poorer and richer families. However, the actual situation in that area is significantly different. Namely, the Chinese education system is riddled with bribery and corruption. Parents can hardly enroll their children in schools from primary to the highest level without first paying established illegal fees. So, for example, Zhao Hua, in order to enroll her daughter in elementary school, previously had to pay 4,800 thousand dollars. If the parents want to enroll their children in one of the top schools, say in the renowned Beijing Renmin University, the bribe reaches up to 130,000 dollars. Many

gifts must also be given to teachers. According to comments from the Chinese media themselves, parents have to give teachers a variety of designer, expensive watches, gift cards, even debit cards linked to bank accounts, which can be topped up throughout the year. Of course, it should be mentioned here that when enrolling in schools, especially the most prestigious ones, strong political connections play a very important role.

And finally, it should be noted that many renowned international institutions specializing in the given problem indicate that there is a tendency in China to establish a growing material gap between the poor and the rich, which is approaching the level of social differences that exists in the most developed capitalist countries.

When Vladimir Putin came to the head of Russia, whom Yeltsin had previously appointed as the head of the Federal Security Bureau, in the context of the unreformed entire security apparatus, the Russian Federation set out on the path of consolidating the autocratic system under the facade of parliamentary democracy. Disloyal oligarchs were removed by exile or imprisonment and their property confiscated, thus establishing control over the economy in the sphere of independent private interests. The media gradually became Putin's propaganda tools, and every kind of opposition activity, not only by parties but also by civil associations, was increasingly prevented by the use of harsh repressive measures, while an arsenal of accusations from the "good old days" was in circulation.

The almost disappeared forms of social mobilization from below and the inequality caused by the previous privatization opened the way for Putin, with the

reactivated KGB under his leadership, to take almost complete control over the economy and society. Putin's autocracy is cemented by the constitutional changes he himself initiated. Namely, as part of those changes, the Law on the Election of the President of the Russian Federation was passed, which annulled all his previous mandates, thanks to which he could, in accordance with the amended constitution, run for president two more times, which means that the presidential position is practically guaranteed to him for life. , considering his age and the fact that due to his election to this position, the appearance of real competition was prevented, i.e. real opponents, which is a logical result of the absence of an authentic parliamentary system in Russia. With this, Putin's arbitrary will was raised to the level of the inviolable law of Russia, thanks to which it can be said that a sovereign dictatorship is at work in Russia as a kind of totalitarianism.

The case of Alexei Navalny, a Russian opposition activist, can be interpreted as an indication that Russia is being Stalinized. Namely, as a political prisoner, he was sent to the prison known as the Polar Wolf (IK_3) for nineteen years, which is located in the central-northern part of Siberia, where the temperature drops to minus 45 degrees Celsius in winter. In that prison, which the guards metaphorically call "Purgatory" because there is no one to complain to, the very weather conditions are used to torture the prisoners. This prison is primarily intended for people who have committed the most serious crimes: serial killers, rapists, and the like. However, political prisoners are also sent there. As is known, Alexei Navalny also died in this neo-Gulag, although the cause of his death remained a secret.

Truth be told, it should be said that Putin managed to improve the economic situation in this country, but it is far from the economic "boom" created by China, which, according to official data from the relevant world agencies, is approaching America in terms of GDP, while Russia is in 21st place.

In summary: in the Chinese and Russian neo-totalitarian model, there are the greatest prospects for systemic abuse of the achievements of the development process of digitization and artificial intelligence. The dynamics of these abuses at the systemic level should, in my opinion, be seen as a process of perfecting traditional totalitarianism in terms of ideological disciplining of the population with the aim of their unquestioning submission to the dictates of the highest political center of power, while the lower levels of government should be seen in this context as mere transmission mechanisms of the aforementioned will central arbitrator. In classical totalitarianism, the sovereign dictator, through his secret intelligence services, developed a very wide network of informers or snitches among the ordinary population, who provided the representatives of these services in one way or another with information about ideologically deviant, dissident or oppositional activities and verbal anti-regime statements of their compatriots in private sphere. It is known that after the fall of the so-called of real socialism, by opening secret files, it was established that in every country-member of this ideological empire, it was established that a huge number of ordinary citizens were involved in the aforementioned treasonous network. It is undeniable that the development of various forms of sophisticated technology enables a far more efficient way of monitoring and controlling the behavior and mutual

communication of citizens in their private and semi-public lives.

Dangers of digital totalitarianism in the West

Of course, as already mentioned, the danger of the establishment of digital totalitarianism also threatens political systems of a different nature, including liberal democracies. This danger is not only potential, but it is also partially manifested in these latter countries.

After the now-famous September 11, when extreme Islamist suicide bombers, piloting hijacked planes, crashed into the symbols of American world power, the twin towers of the World Trade Center and the western side of the Pentagon, the then US President George Bush Jr. declared a war on terrorism. In the course of that great anti-terrorist war, in addition to understandable and justified emergency measures, the CIA, which should not have acted illegally against American citizens, not only eavesdropped on a huge number of American citizens, but also engaged in the process of extraordinary renditions, which included extrajudicial transfers of suspects. for terrorism to secret prisons, primarily to the one in the American military base in Cuba (Guantanamo) and the one in Abu Ghraib in Iraq, where the American laws on the rights of prisoners did not apply. In those prisons, detainees were subjected to various severe forms of torture, thanks to which many of them lost their lives, and not a few of them were killed. The intention of the US officials at the time was to keep these crimes secret, but information about them later became public (See details in (Faulk: 2003)).

Edward Snowden later exposed the various ways in which the National Security Agency surveilled millions of American citizens and collected information about

them beyond the control of other branches of government and society as a whole. These covert activities were carried out using servers and satellites, underground cables and telephone records. The information obtained in these ways was also related to foreigners, including the leaders of American liaisons. Snowden himself, who was a private contractor for the Central Intelligence Agency, pointed out: "Sitting at my desk, I could eavesdrop on anyone from you, your accountant to a federal judge, even the president, if I had that person's personal email" (Daron Acemoglu and James A. Robinson, 631).

The Foreign Intelligence Surveillance Courts are tasked with controlling the programs exposed by Snowden, but they operate in secret, turning into a mere "voting machine", which in fact only amines previously made decisions, away from the eyes of the public, even other branches of government, therefore, arbitrarily, without any constitutional-legal restrictions.

The already mentioned authors of the book *Narrow Corridor* cite the Danish experience as an example opposite to the way intelligence services work in America. Namely, the Danish government, acting no less decisively than America towards security threats, maintained the trust of its own society, among other things, because it clearly informed its own public about security programs, and it was able to do this because those programs, which are involving the collection and retention of private data related to the population did not take place secretly and spread without any restrictions, as in America, but under the control of all branches of government and with the watchful attention of the mobile public.

Thus, while the activities of security services such as the CIA, FBI and NSA most often escape any control and restrictions, being sometimes extremely cruel, the Danish intelligence agencies operate to a good extent within the framework of institutional and social restrictions. Society's trust in the Danish state is the result of constitutional and legal restrictions on the work of the intelligence services, which itself controls that work.

This trend of controlling the work of the intelligence services is not unique to Denmark, but is present in a similar way in Norway and in some other parliamentary countries. Nevertheless, in spite of everything, it should be noted that even John Locke warned in his writing *Two Treatises on Government* that the so-called discretionary rights are the "Achilles' heel" of parliamentarism, and at the time of the rapid development of new sophisticated technologies, efforts should certainly be made to innovate the control mechanisms of intelligence services in the context of parliamentarism in order to avoid abuses of achievements in the field of digitization and artificial intelligence as much as possible.

And finally, so that there are no misunderstandings, I insist on an important distinction between domestic constitutional orders and their foreign policies, and therefore also between domestic and international law. What is it really about?

As is known, after the fall of the Berlin Wall, i.e. After the collapse of the Soviet Union and the Warsaw Pact, America, as the winner of the Cold War, became the world's only superpower. This position of America exposed what was hidden before the defeat of the communist bloc: that in the relations between countries, their internal organization does not play a decisive role,

but the balance of forces on a global-world level. In other words, that every state, regardless of its internal structure, tends to expand its sphere of influence, i.e. its power, until some other state or union of states stops it from doing so.

Even in ancient times, Athens, even though it had the most democratic internal structure, acted imperially in relation to other states, if the power relationship between them was in its favor. It is simply a historical fact confirmed by empirical evidence. For example, Thucydides, witnessing the negotiations between Athens and Melos, points out that the Athenians emphasized the following point: "Both we and you should say what we really think and strive only for what is possible, because we and you know equally well that justly appears only darkness where the necessity of coercion is equal on both sides, and the powerful do what they can, and the weak take what they must". It should be noted here that the Athenians, after the surrender of Melians, killed all men capable of serving in the army, enslaved women and children and gave the island colonial status.

In the modern era, first the Netherlands, and then Great Britain, as the strongest capitalist powers, each in their own time, did not shrink from satisfying their imperial appetites and becoming the most powerful colonial countries. During the Cold War, the Soviet Union did not hesitate to intervene militarily in order to consolidate and expand its influence and power. In this context, America also intervened militarily as the first liberal democracy from an institutional point of view, but the real motive for such intervention was relatively plausibly hidden by claims that these were actions that served to defend against "absolute evil" whose bearer

was allegedly its main rival at the time - the Soviet Alliance. However, when the Soviet Union and its Warsaw Pact collapsed, America, as the world's only superpower, could no longer, during its military interventions, point the finger at its great ideological enemy who allegedly threatened the very foundations of the free world.

In the absence of such an enemy, she still intervened militarily, seeking to rule the entire world from a single point – the center of her extra power. She tried to justify her policy of power (*Machtpolitik*) by allegedly advocating for the establishment of liberal freedoms in the countries that belonged to the so-called the world "axis of evil" (Afghanistan, Iraq, etc.). However, such a way of justifying external military intervention is anti-liberal in its very essence, because the external violent imposition of liberal-type freedoms is a contradiction, since according to the original liberalist teaching, as a teaching about a liberal constitutional-legal order, liberal principles and individual freedoms based on them- or if you want a constitution with a liberal sign - before they come into force, they must first obtain the majority consent of the freely expressed will of the citizens in a secret ballot of the given country; that is to say that the introduction of liberally understood freedoms in other countries by military means is, in fact, a violent, paternalistic appeasement of people, especially if they, guided by their age-old type of custom, in principle, do not accept the liberal constitutional-legal order, which is clearly the case in Iraq, Afghanistan and some other oriental countries. The mentioned type of justification can find its basis in the philosophy of Jean-Jacques Rousseau, which is hyper-authoritarian for the most part.

Namely, according to Rousseau, the human way of life should be harmonized with the reason, that is, with the essence of human nature, because man is supposedly an eminently rational being, and since the reason is universal, i.e. immanent to all people, then the way of human life derived from such and such, substantially and teleologically interpreted reason, should be equally universal, the only one, the true one. Rousseau's understanding of human freedom is the so-called positive, content-prescribed freedom, and not liberally understood freedom as a negative and purely formally limited freedom, which the individual, moving within those formal-legal frameworks, fills with this or that content, depending on his personal choice. According to Rousseau, man is free only if he lives in accordance with the essence of human nature, because only then, supposedly, human life will not depend on something else that man is not, but exclusively on what man, by his essence, is. Therefore, according to him, individuals who refuse to accept this type of freedom should be forced to live according to it, because it is in their true interest: others, for example philosophers, who have brought to consciousness the very essence of a mentally ordered world, know better what is in interest of individuals from themselves. "He who refuses to submit to the general will, whoever he may be, should be forced to submit by the whole community, which means nothing else than that he should be forced to be free..." Rousseau points out in *The Social Contract* (Rousseau 1974: 31).

However, one of the founders of liberally understood law, Immanuel Kant, marks such a point of view as paternalistic and exposes it to radical criticism: "Government that would be built on the principle of

benevolence towards the people, he points out, is like that of fathers towards children, i.e. a paternal government in which the subjects are forced to behave only passively, like immature children who cannot distinguish what is truly useful or harmful to them, but must wait... for the judgment of the head of state ... such a government is the greatest despotism imaginable..." (Kant 1974: 103).

Anti-liberal paternalism of the Rousseau type, behind which are the mundane interests of power politics, reached its full expression in the so-called humanitarian military interventions that were justified not by reference to existing international law but by ad hoc moral argumentation, for the simple reason that they could never find any basis in the first one. But such orientation leads to the immediate moralization of positive law, which undermines one of the basic principles of the modern world - the mutual separation of law and morality. In order to avoid misunderstandings, in the very procedural procedure of enacting a system of positive law, whether domestic or international, certain moral principles are introduced into it and serve to justify the legalization of its adopted norms; but, once that process is over and positive law comes into force, then it must be seen as completely separate from morality. This avoids the fundamentalism of human rights, their voluntaristic instrumentalization and giving legitimacy to ad hoc, situationally determined interpretations of the existing legal system. However, if the latter is at work, politics submits not to positive law, but to morality, the validity of which is determined by the most powerful force in accordance with its current interests.

So, my thesis is that there is no liberal constitutional legal order at the international level, but only at the

domestic level. When I say that, I first of all have an insight into the fact that existing relations between states are not regulated in the way that relations between individuals within liberal-type states are regulated. Namely, as it has already been made known, power relations play a crucial role on the international level, insofar as the most powerful strive to maximize their supremacy. Therefore, the relationship between states is closer, metaphorically speaking, to a "state of nature" in which the right of stronger is at work, than to state order. Of course, the right of the stronger is also at work within liberal states, but it is much more limited there by purely formal rules that include the separation of power, which is absent at the international level, since there is no world state.

This is important to point out since a large number of our intellectuals observe the so- called humanitarian military interventions as an essential expression of the liberal constitutional- legal order itself, thus crucifying it on the cross of dishonor, and treating its purely formal procedures as a mere facade beneath which hides absolute evil in the form of new enslavement and humiliation of its own population and other countries and peoples. Such an attitude, however, has disastrous consequences for the way such intellectuals of ours understand the construction of democracy in their own homeland.

Schematically speaking, there are two paradigmatic ways of forming the state-legal order. The first was indicated in ancient natural law. For example, in Plato's dialogue *Gorgias*, Callicles illustrates his point of view by interpreting the mythical story of Heracles, who violently snatched cattle from the three-headed giant

Geri, without buying or obtaining them, and thus, in accordance with natural law, transformed violence into a right according to which all cattle and property of the inferior and weaker belong to the superior and stronger. According to Callicles, natural law justifies violence "done by a mighty hand." What is important to note here is the relationship between natural law and the institutional-legal order. Natural law is interpreted here as what temporally and logically precedes the normative order; the former is a prius, and the latter is its derivative. In other words, at the base of the legal order lies an extra-institutional instance - the power of the stronger as an extra-normative foundation of law.

Contemporaries of the modern era also referred to the pre-modern theory of natural law. For example, Carl Schmidt handled the so-called by the concept of foundational violence, foundational because it is interpreted as what lies at the foundation of the founding of states. That violence, therefore, is not something that is foreign to law, that comes from outside, but a force that belongs to the very essence of law. Here, it is not out of place to recall the contemporary Spanish ruler Franco, who told his opponents quite bluntly: we came to power with bayonets, and you can only take power away from us with bayonets.

Therefore, even in the modern age, the legitimacy of the secular government is based on the right of the stronger and on the appeal to the divine mission that gave it the right to dominate the subject and to do violence to his rights.

The new paradigmatic form of establishing the constitutional legal order was the so-called constitutuent assembly whose roots lay in the so-called modern

natural-law theories, above all in those of John Locke and Immanuel Kant, which appeared as an idea of the reason, as a hypothetical mental construct on the basis of which no real-historical constitution was created. But these two thinkers, as theorists of the so-called of the state of nature and the ideological founders of liberalism, can be treated as precursors of pure legal formalism within which citizens are viewed as the original bearers of sovereignty. The Constituent Assembly can be interpreted as a kind of empirical equivalent to a hypothetical social contract on the basis of which people move from the natural state to the civil, legal state. Namely, when it comes to the constitutional assembly, free and mutually independent citizens in secret direct elections elect their representatives in the said assembly, whose sole task is to pass the constitution or, in some cases, its legislative proposal, with a qualified, usually two-thirds majority, which enters into strength if more than half of the registered voters declare for him.

Therefore, such a constitution gains its legitimacy "from below", by the votes of the majority of citizens: as the highest legal act of a given country, it is preceded by the freely expressed will of the citizens expressed in secret direct elections. Since it formulates the basic principles on which the state organization rests and the legal mechanisms that ensure their implementation, it then means that the freely expressed will of individuals precedes the legal- political form of the state. In this sense, the at first glance absurd thesis of natural state theorists that parts (individuals) precede the whole (the essence of the state union) should be interpreted.

There is a well-established opinion that between multi-partyism and authentic parliamentarism one can

put a sign of equality. But the existence of party pluralism, within which its actors compete under equal conditions for coming to power, is only a necessary, but not sufficient, condition for authentic parliamentarism. Namely, without the institution of a strict division of power between its various branches, it is impossible to stand in the way of the arbitrary rule of the winner of the elections, which thereby gains legitimacy. In other words, it is impossible to prevent the so-called the tyranny of the majority, which Alexis de Tocqueville wrote about, among others, in his work *Democracy in America*. According to him, the real problem is not who rules, but how the government is controlled and limited. "When I see that the right and the ability to do everything is transferred to any power, whether it was called the people or the king, democracy or aristocracy, whether it was exercised in a monarchy or a republic, I say: there is the germ of tyranny and I'm going to live under other laws". Tocqueville finds a remedy for that tyranny in the separation of powers: "Suppose, in contrast, a legislative body created to represent the majority, but not to be a slave to passion; an executive power that would have its own power; and a judiciary independent of those two powers, you will still have a democratic government, but there will no longer be any prospect of tyranny" (Tocqueville 2002: 158).

Since in that intermediary, procedural democracy, the laws are basically purely formal, desubstantialized and non-teleological, i.e. since they do not communicate to individuals what they should do but only what they must not do, they allow them individual autonomy, therefore they provide them with the formal-legal possibility to choose between different alternative and different

traditional and individualistic lives and the like. In contrast, in direct democracy, for example in the one that was at work in the Athenian polis or in the Germanic tribes, there is no possibility of establishing freedom as individual autonomy, but only freedom as participation in making collective decisions by majority vote, because those citizens who remain in the minority do not have the right to continue to represent their minority views even after the vote, but must obey the will of the majority. In other words, in such types of democracy, citizens cannot act independently from each other or from the community as a whole. This is also logical, because allowing the political minority to continue to represent its views would pave the way not only for factional struggles but also for a multi-party system.

However, historical experience testifies to the fact that the rule of law, what the Germans call *Rechtsstaat* and the Anglo-Saxons *rule of law*, is not an ideal form of government, but only less bad than those other forms. Therefore, she should not be fetishized either.

An important, unavoidable corrective to the imperfection of the rule of law is the activism and mobility of society from below, i.e. his effort to respond to the expansion of the state's power by expanding his own power in order to establish a dynamic balance of forces between these two spheres. Expanding the power of society should be understood in this context as expanding its possibilities to control and limit the state and as finding ways to effectively realize those possibilities. Society's mobility can also be manifested in drastic forms of the so-called civil disobedience: mass protests by citizens against certain laws passed in parliament that under normal circumstances restrict the individual freedoms of citizens guaranteed by the

constitution and the degree of independence of society from state power; these protests can include not only peaceful marches, but also blockades of main roads and intersections, conquest of public spaces and, ultimately, a general rebellion of society against the government, which has degenerated in various manipulative and violent ways from a limited representative into an arbitrary government that seeks to deaden society and turn him into a mass of subjects. The right of the people to rebel against a government that has substantially exceeded the powers granted to it by the people itself received its first theoretical foothold in Locke's Two Treatises on Government, in which the people rise to the level of ultimate judge. "The people will be the judge, this philosopher points out; for who will be the judge of whether his trustee or representative is acting properly or in accordance with the authority - except the one who sent him and who, having sent him, must still have the power to dismiss him when he oversteps his authorization... Whenever the legislators try to take away and destroy the property of the people or to bring them into slavery under arbitrary rule", the people are immediately "discharged from all obedience..." (Locke 2002: 360, 348).

Of course, by this type of rebellion, Locke does not mean a revolution in the classical sense of the word as the violent introduction of a new anti-parliamentary order, but rather the restoration of representative democracy, which also includes the innovation of those parts of the legal- institutional system that enabled the involution of the previous parliamentary order into an arbitrary, despotic government.

The effectiveness of various forms of civil disobedience is evidenced by many events within the modern era: the movements of women, people of color

and other underprivileged social groups that led to the universalization of the right to vote, which was already contained in the American Declaration of Independence and the French Declaration of the Rights of Man and Citizen, but also mass uprisings of citizens that collapsed the so-called real socialism.

Such events confirm the fact that although the "memory of freedom" can be pushed into the unconscious for a long time thanks to lead repression, it cannot be eradicated from a person as such. And this is precisely the last barrier to the planetarization of digital totalitarianism, whose main actors are not the inventors of increasingly sophisticated technologies, but the leading policymakers who strive to transform the state into a Leviathan limited by nothing, which strives to abolish every form of society's autonomy, to master man from the inside, fully instrumentalizing his consciousness, i.e. turning him into a mere automaton who unquestioningly carries out his commands based on his insatiable Will to Power for its own sake. Nietzsche's famous thesis about the eternal return of the same should be interpreted as the eternal return of the will to power, which Nietzsche ontologizes, treating it as the foundational principle of everything that exists: "This world is the will to power - nothing else!" You yourself are the will to power - and nothing else!" (Nietzsche 1937: 586).

The record economic growth of some strictly autocratic regimes creates the illusion, especially in the public opinion of Serbia, that these regimes can not only become superior in every respect compared to liberal-democratic systems, but also cause their complete collapse, or, in Spengler's language, "decline of the

West", meaning first of all parliamentarianism and the rule of law, as its inseparable part. According to such interpretations, the growth of orders that represent the combination of the market economy and its rigid political control is, in principle, a growth that does not have its own immanent limits. Not a small number of theorists call this type of growth "despotic growth", since it takes place under the watchful eye and strict control of the political elite, which puts the citizens in a state of complete passivity when it comes to their attempts to counter-control that elite and its submissive elite. In this context, state power shackles society, completely subjugating it, excluding the negative freedoms of individuals and any possibility of their self-organization aimed at limiting the autocracy of the rulers. In other words, there is the complete omnipotence of the political elite and the complete impotence of society at work. The eventual success in establishing the dominance of such regimes at the world level, which would result in the "downfall of Western civilization", would mean the end of negative freedom as an essential component of man as a being who has the freedom to choose between different alternatives. But such a turn is hard to imagine, precisely because it is against the aforementioned non-essentialist component of human nature. As Asemoglu and Robinson point out in *The Narrow Corridor* on p. 310: "You can provide massive amounts of resources (and data to apply AI), you can command people to work hard, but you cannot command them to work creatively. Creativity is an essential element of innovation and it depends significantly on the number of individuals who participate in that process", as in the era of the so-called industrial revolutions... You can invest in patents,

universities, and offer great rewards for success, but that is not enough, unless you can create an atmosphere for the noisy, riotous, and unruly nature of true experimentation," which no despotic society has ever succeeded in doing. Precisely because of the lack of freedom in the states of "despotic growth", their model can hardly reach the level of attractiveness and, hence, planetarization, which was reached by parliamentary societies whose geographical "birthplace" was in the West, but, as history has shown, they did not exist necessary obstacles to their spontaneous spread to other geographical areas. The unattractiveness of the Chinese model of development is clearly evidenced by the refusal of Taiwan (formerly Formosa) to voluntarily integrate into its former mother country.

And assuming that the super dominance of state Leviathans happens in the world, only fanatics and utopians can believe that in that case there would not be a reckless fight between these Leviathans for supremacy at the world level and that the smaller countries that are in the orbit of their protection would could be sovereign and independently manage their own destiny. Hobbes was absolutely right when he postulated the relationship between protection and submission. Protecting powers demand an appropriate degree of compliance from the countries they protect. Just as there is no free handle, as it is commonly said, there is no free protection by the stronger.

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