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INDIVIDUAL AND INFORMATION TECHNOLOGIES / MASS MEDIA:

Privacy, Censorship, Propaganda, Control and Access

In the western democracies of the northern industrial countries, the prevailing wisdom is that the principles laid down in declarations of human rights and individual constitutions are based on the dignity of the individual. The latter is the be-all and end-all of political theory. Historically, the individual is the result of the emancipation of the bourgeoisie from the feudal order – through the Renaissance in Italy, the Protestant Reformation in Germany, and the 1789 Revolution in France. In the 18th century, political philosophy discovered the self, which possesses autonomy, uniqueness, and – precisely – dignity. Against this background, the individual is conceived of as an independent being, capable of reason and will. Linked to the concept of the individual is that of privacy. This Latinate word appears in German for the first time in the 16th century, in the age of Luther, and specifically refers to that sphere of life, which is divided off from the state. In the western democracies of the northern industrial countries, the prevailing wisdom is that the individual's private sphere is to be protected from interference by the state. This is the main idea behind both George Orwell's *Nineteen Eighty-Four* (1949), with its omnipresent Big Brother, and the many data protection laws that have been passed since the beginning of the seventies.

The degree to which the concepts of the individual and of privacy are presently undergoing a historical change is made clear by the French cultural historian Philippe Ariès in his work *Histoire de la Vie Privée* (1985-87): the term "individualism" appeared in Europe only as late as 1850. Following the work of the German sociologist Max Weber, the historical growth in individualism is synonymous with the process of modernisation and civilisation. On the one side of the dichotomy between traditionality and rationalisation stand concepts such as family, stability, low political participation and inward orientation, while on the other, that of modernity, stand concepts such as individual, mobility, high political participation and outward orientation. At the present time in Europe, the tradition of the Weberian modernisation theory is represented by the English social scientist Antony Giddens and by the German sociologist Ulrich Beck.

A political philosophy that places the individual at the centre of its deliberations finds itself the target of criticism from a number of directions: 1. All schools of contemporary sociology start out from the premise that the individual, in the social sense of the term, can only realise the specific expression of its genetic potential as a social being – as a personality – through society. 2. Empirically it is debatable whether increasing modernisation entails increasing individualisation. It is conceivable that an empirically determined increase in individualisation is simply based on selective perception and self-fulfilling prophecies on the part of the researchers. 3. From a normative perspective too, it is debatable whether an increase in individualisation is desirable, since such a development could lead to the so-called hedonism trap.

But the gravest objection is that a political philosophy based on the individual is Eurocentric, both de facto and from a normative point of view. Neither ancient Greece nor Islamic law, neither the cosmic philosophies of India, nor Japanese and Chinese ethics, recognise individual entitlement under law. Rather, the individual is recognised not as an autonomous being but as a member of the community, and only as such does the individual enjoy political rights. In the human rights debate, this has led to the *Universal Declaration of Human Rights* (1948) being augmented by social rights, through the two pacts of 1966, the one on *Civil and Political rights* and the other on *Economic, Social and Cultural rights*. The Vienna Human Rights Conference of 1993 also recognises the coexistence of individual and social rights.

The German social philosopher Theodor W. Adorno has insisted on maintaining the vision that individual freedom be the highest norm worth striving for. Yet with equal emphasis he has insisted that the consumerist character of capitalism destroys all individuality, that under capitalist conditions there can be no free unfolding of individual potential.

All developments in information technology and the mass media which touch on the dignity of the individual must be considered within this area of conflict between individual, society and state.

1. Privacy

Data protection raises the problem as to the conditions under which society's conduct in the

information field can be made acceptable to the members of that society. Whereas this problem as such was first recognised as being socially relevant under 18th century absolutism, it is the ancient legal institutions of a priest's duty to remain silent and medical confidentiality which may serve as the historically most important precedents for the current debate on electronic data processing and privacy. In the field of medicine the Hippocratic Oath (named after the Greek doctor Hippocrates, 460-377 BC) includes the rule of medical confidentiality. In the history of the church, the seal of confession became important as the church went over to receiving confessions of non-public sins in private. Historically, this change can be dated by a decree of Charles the Great in the early 9th century. A definitive regulation in canonical law took place at the Lateran Council of 1215, at which life-long imprisonment was decreed for violation of the seal of confession. During the Spanish Inquisition, in the 13th century, the debate between theologians and canonical lawyers over the seal of confession came to a crisis as the problem arose as to whether the seal of confession applied to heretics too.

In this area of conflict between silence and speech, between secrecy and transparency, between privacy and openness, historical precedents for the current debate on data protection may be seen not only in protective laws but also in basic principles concerning what is public information. In this respect mention must be made of the first Swedish press law of 1766, which for the first time both admitted and regulated access to public documents.

In most northern industrial countries, the data protection laws that have existed since the early seventies are to be understood as a reaction to technology, specifically to electronic data processing. This is by no means a natural consequence. For instance, the data protection laws passed in Hungary in the early eighties were not a reaction to technology but the expression of a political struggle to assert legal and civil rights against a centralised one-party state. This fact has, incidentally, led to the creation of something unique to Hungarian law. The country's data protection laws apply not only to natural and legal persons but also to organisations not having a legal personality, i.e. to citizens' action groups and above all to human rights groups, for it is precisely the status of the latter which these laws were designed to protect.

The first data protection law in the world was passed in the German federal state of Hesse in 1971. Together with the German federal data protection law of 1977, it owes much to the foregoing debate on privacy in the USA. As is the case with the US Privacy Act of 1974, most data protection laws are oriented towards the rights of the individual. They are understood to be

a concretisation of the national constitution of the country in question, specifying that which in many constitutions is covered by such terms as the free development of personality or the dignity of the individual.

Most data protection laws conform with the following basic principles with respect to the area in which they are operative and are applied:

- The laws regulate only the protection of personal data.
- For the most part, the laws regulate not how such data are handled in general but how their misuse is to be avoided.
- They refer only to electronic data processing and exclude records and collections of records on paper.
- In many laws, the concept of protection is not litigable. Yet what is considered worthy of protection includes in particular data on health, on illegal acts, and on religious and political views.
- The laws regulate data processing by the authorities and by natural and legal persons, thus interfering in a range of social relationships.
- As interpreted by most data protection laws, personal data refer only to natural persons. In some countries, data protection laws also extend to legal persons.

In 1983, the Federal Constitutional Court of the Federal Republic of Germany passed down a decision of general principle on the relationship of data protection to the constitution. For two reasons, this decision is of outstanding significance for the position of the individual vis-à-vis the state. 1. Through this decision, the court created the so-called right of each citizen to informational self-determination. According to this decision, a democratic society can exist only if each citizen knows "who knows what, when, and under what circumstances about him or her." 2. In addition, what is new about this decision is its shifting of the burden of proof. It is not the legitimacy of the authority to process personal data, but rather the legitimacy of the authority to make use of such data without, or even against, the permission of those affected, that must now be specifically established.

The whole debate on data protection is, first of all, for the most part a product of the seventies and early eighties. Secondly it essentially starts out from a western European legal and constitutional understanding of the individual and the latter's human dignity. In North America the debate on data protection resulted in the US Privacy Act of 1974 and the Canadian Privacy

Act of 1983. Right from the beginning, this debate had less status in North America than it has had in western Europe. At the end of the seventies, the US Congressional Privacy Protection Study Commission established that the Privacy Act was de facto meaningless. Kevin G. Wilson advanced a similar argument (1988): in the interests of efficiency and control, government bureaucracies and the commercial interests of the privately-owned information industry have overshadowed any legal right to privacy. David Banisar even went so far as to say that the privacy policy of the US Government has, since the seventies, "fallen into a coma" (1998).

In 1995, the European Parliament and the European Union promulgated a Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data. This directive obligates member countries to regulate the collection and transmission of personal data not only within their own states, but also to other Member States within the European Union. As such, the Directive sparked an immediate international controversy. The focus of contention was Articles 25 and 26, which regulate the transmission of data to non-member states. This Directive was and is of such great significance because its Article 25 regulates the international information market in a completely new way. According to this Directive, the international transmission of personal data must be restricted in those cases in which the recipient, non-EU country does not have an "adequate" policy on the privacy rights of the individual, even if this call subverts international trade. Put simply, the EU's position is "no privacy, no trade". This position brought a storm of American and Japanese protests down on the EU. Behind this controversy is not simply an apparently obvious conflict between individual rights and international trade interests. The fact is rather that Europeans see privacy as a human right, whereas Americans see it merely as a civil right.

Most philosophies of data protection have to be seen against the background of technological developments. More precisely, they reflect natural rights concepts concerning the protection of the individual from Big Brother state – concepts which arose in the seventies against the background of the kind of mainframe electronic data processing that had been around since the fifties. Such individual rights to self-protection may have been effective against stand-alone computers, but in the face of online global networks they are increasingly losing any functionality they had. The following examples illustrate some of the current difficulties in data protection:

- In the northern industrial countries, video surveillance of public spaces and rooms is increasing at an ever faster rate. At the end of the nineties, Great Britain is probably the

leader in the video surveillance of cities; a total of 500 urban councils have now installed full video coverage of their streets.

- In Germany at the end of the nineties, several firms began to photograph all the houses in selected communes and to store all photographs in three-dimensional electronic databases.
- Interactive online networks and infrastructures strengthen the new direct marketing and list broker sectors. By comparing a range of data, it is now possible to identify individuals according to age, estimated income, profession, hobby and interests. Such trends are encouraged by the global growth in personal smart cards. The global market for smart cards will top \$4.2 billion in 2002.
- The storing of data obtained from DNA analysis – so-called genetic fingerprinting – in modern criminology, with all the resources of medicine and computer technology at its command, runs the danger of using personality and risk profiles to create a "transparent individual".
- High-resolution cameras on board surveillance satellites can now achieve a resolution of 1 metre by 1 metre, i.e. a camera positioned in space can recognise a point on earth when it is only 1 metre from the next point. Since the end of the nineties, one can buy pictures from such surveillance satellites on the open market. One's neighbour's garden can just as well be observed from space as a political demonstration, traffic jams, or a close-combat battle in the desert in a future Gulf War. **[INSERT GRAPH 1]**

If one takes a look at Sweden, one notes very clearly that a complex dialectical relationship exists between secrecy and transparency. On the one hand, there can be no other country in the world in which the state has such comprehensive informational access to its citizens as is the case in Sweden. The system of personal identity numbers created in 1964 accompanies every citizen in every administrative act from the cradle to the grave. But at the same time, Sweden is the one country on earth in which personal data protection is especially intensively cultivated. The increase both in transparent information and in secret information to be kept away from the public eye is characteristic of the general intensification of information, its communication and its exchange. Philippe Ariès has called Sweden a "transparent" society. In it individual data protection and individual data control are one and the same: they are an expression of a deeply hedonistic society.

Although almost every country on earth now includes the right to privacy in its constitution, in many places such legal entitlements are more a concession to international norms than they are

anchored in the country's culture.

2. Censorship

If one understands by censorship, in general, control over people's opinions backed up by force, then censorship has always existed throughout history. Taking, for instance, the drastic example of book-burning as a specific form of post-censorship, one finds that the first case of such destruction of written documents took place under the Chinese emperor Shi Huang-Ti in the year 213 BC. (Books on agriculture and medicine were spared from destruction, and furthermore one copy of each text burnt was deposited in the state library of Emperor Shi Huang-Ti.)

As a controlling instance to exclude undesirable publications and to keep the rest in line with state ideology, a pre-censorship has existed in Europe, in the Catholic Church, since 1515. State censorship was established in all European countries at approximately the same time.

In the era of bourgeois emancipation in Europe, when feudal structures were being cast off in the 18th and 19th centuries, the struggle against censorship and for freedom of speech and the press took top priority. For this reason, the First Amendment to the Constitution was passed in the USA in 1791. To this very day, in Americans' understanding of constitutional priorities, freedom of speech is more important than, for instance, the dignity of the individual, in contrast to many European constitutions. And for this reason Americans' understanding of what is meant by freedom of speech goes much further than in most other countries. For instance the publication of fascist and racist hate literature is just as much protected by the First Amendment as is the public burning of the national flag.

In Great Britain, press censorship was abolished as early as 1694; in France it was swept away by the 1789 Revolution, although Napoleon introduced a press control system which was extremely similar to censorship. In Germany and Austria, censorship was finally removed in 1848 (although admittedly it was, in the subsequent period of restoration, replaced by such mechanisms as licences, the depositing of securities, and newspaper stamps). During the First World War, censorship was reintroduced in nearly all belligerent countries. Naturally, such censorship measures have existed de facto during wartime throughout the 20th century, even in the present.

In political philosophy, the question of censorship has been a subject of fierce debate in this area of conflict between individual freedom of information and social responsibility for a long time. Three quotations from classic philosophers illustrate this controversy.

In his *Areopagitica (For the Liberty of unlicenc'd Printing)* (1644), John Milton wrote:

There is yet behind of what I purpos'd to lay open, the incredible losse, and detriment that this plot of licencing puts us to, more then if som enemy at sea should stop up all our hav'ns and ports, and creeks, it hinders and retards the importation of our richest Marchandize, Truth... I mean not tolerated Popery, and open superstition, which... it self should be extirpat... That also which is impious or evil absolutely either against faith or maners no law can possibly permit, that intends not to unlay it self...

Over two hundred years later, in his treatise *On Liberty* (1859), John Stuart Mill formulated a similar liberal position:

If all mankind, minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind. Were an opinion a personal possession of no value except to the owner; if to be obstructed in the enjoyment of it were simply a private injury, it would make some difference whether the injury was inflicted on a few persons or on many. But the peculiar evil of silencing an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.

And naturally, it was none other than Karl Marx who took up arms against such a liberal attitude to censorship. His starting point was not individual freedom of speech but the profit interests of newspaper publishers. Thus it is no wonder that he criticises the contemporary French press in the following terms:

The French press is not too free; it is not free enough. Although it is subject to no intellectual censorship, it is subject to a material one, the depositing of large monetary securities. It thus functions according to material laws precisely because it has been dragged out of its true sphere into the sphere of large-scale trade speculations.

This difference between a liberal approach to censorship and one based on a theory of social responsibility is to this very day the cause of differing constitutional opinions on press censorship and freedom of speech in many countries. In the countries of the former Council for Mutual Economic Assistance (CMEA) and in most developing countries, the social responsibility theory is far more important than any based on liberal principles.

But censorship need not only be organised directly by the state; it can also function via other mechanisms: 1. In an act of self-censorship, the communicator (journalist, film producer, newspaper editor, etc.) voluntarily distances him- or herself from certain topics, or refrains from publishing certain pictures. 2. In an act of group censorship, a moral, political or economic pressure group intervenes in order to prevent or restrict the dissemination of information. 3. Volunteer organs of self-control (press councils, codes of ethics laid down by publishers' or journalists' associations) do not see themselves as exercising censorship, although they do indeed regulate the selection of topics and of content.

The increasing significance of human rights in international politics in the last third of the 20th century has caused the question of censorship to grow in importance globally. Increasingly more organisations around the world collect and publish data on censorship and on the political persecution of journalists, to include the International Press Institute, the International PEN Club, the *Index on Censorship* journal, the French organisation "Reporteurs sans Frontières", and the World Association of Newspapers. The last named, for instance, has stated that in 1998 there were 117 journalists in prison around the world, and that in that year a total of 28 journalists were murdered.

[**INSERT GRAPH 2**]

Without doubt, the mechanisms of censorship are also partly dependent on technology. In general it is true that digital global networking facilitates both censorship and avoidance of censorship. Whoever participates as an individual in an interactive electronic network leaves behind a digital fingerprint, and can be localised and even subject to individual electronic censorship. The opposite is of course also true: state censorship is scarcely capable of stopping a skilled network guerrilla.

At the end of the nineties, precisely with reference to the Internet, there have been numerous attempts made in many countries to prevent, repress or censor certain subject matter on the Web. Germany has laws prohibiting pornography and racism in cyberspace (1997), and Australia requires self-censorship by Internet Service Providers (1996). There are Japanese laws against Internet offences (1996). In China, Internet subscribers must register with the authorities (1996), and in Cuba there is control over individual access (1996). Malaysia monitors Internet contents (1996). Both the Philippines and the Republic of Korea enacted Internet censorship measures in 1996.

The digitalisation of information allows content to be manipulated in an infinite number of ways. Digital photography allows a single image to be created from 500 individual images. During a live broadcast of a sports event taking place in western Europe to an Islamic country, it is possible to cover up the open décolleté of a woman sitting in the grandstand. Both examples (which are from actual practice at the end of the nineties) show that such concepts as censorship, manipulation, consideration for cultural sensibilities, or optimal targeting of a particular audience without loss of intensity due to scattering, are by no means clearly separable.

[illustration]

3. Propaganda

In 1621, under Pope Gregory XV, the Catholic Church set up a commission with the title "Congregatio cardinalium de propaganda fide" – i.e. a commission for the propagation of the Christian faith among so-called heretics and heathens. But the history of the current meaning of the word propaganda, derived from the Latin "propagare" (to propagate or spread) begins only in the era of Bismarck, in the latter third of the 19th century. In other words, propaganda is closely linked with technological progress in the history of the media. Both the means of delivering and the effectiveness of propaganda have grown and evolved from innovations in printing and the beginnings of film in the last century, to the beginnings of radio and TV in the twenties and thirties, to the digitalised multimedia world that exists at the end of the 20th century. The 20th century is a century of propaganda.

The structure and history of mass media propaganda are closely bound up with wars, with German fascism, with the Soviet Union under Stalin, and later with the Cold War. The First World War saw an initial flourishing of propaganda. In both France and Germany, war publications projected images of the enemy based on counterfeit photographs and pictures – in newspapers, on postcards, and above all in the form of caricatures.

The beginnings of radio in the early twenties also saw the birth of international broadcasting, which was from the start closely tied to political propaganda. The history of international broadcasting may be divided into the following four phases: 1) Colonial broadcasting

(1927-1932), 2) European war and propaganda broadcasting (1933-1948), 3) Cold War broadcasting (1949-1989), 4) Commercialisation and hate and crisis radio (1989-today).

Colonial radio began with the first broadcast by Radio PCJJ from Eindhoven in the Netherlands on 1 July 1927. It was followed by Radio Moscow and the German Weltrundfunksender (both 1929), the French Radio Colonial and Radio Vaticana (both 1931), and the BBC (1932).

Although the term propaganda has negative connotations in most languages, being interpreted as an unadmitted or even secret intent on the part of the communicators to influence the opinion of an audience without the latter's being aware of this influence, the German fascists employed the term positively. As of 1933, Joseph Goebbels' official title was "Reichsminister für Volksaufklärung und Propaganda". The propaganda of the German fascists took the form of a rigorous bringing into line of all media. However, contrary to widely held opinion, radio was scarcely used as an instrument of explicit political propaganda during the Nazi period (1933-1945). On the contrary, both radio and film were reserved mainly for entertainment purposes. The famous film theoretician Siegfried Kracauer bases his 1947 theory of the "political in the unpolitical" on this politically motivated media policy.

It is by no means a coincidence that what today are called the communication sciences began in the middle of the Second World War, in the USA, as propaganda research. The basis of this research was a simple stimulus-response model involving a sender and a receiver, which was developed and used for both political and commercial advertising campaigns.

A definition of the Cold War would be impossible without the concept of propaganda. In contrast to a "hot" war, i.e. a shooting war, political propaganda was the be-all and end-all of the Cold War. And once again, in this era international broadcasting played an outstanding role. Between 1948 and 1949 alone, the CMEA countries quintupled the number of their international broadcasts, and the US stations pushed the BBC from the top of the international broadcasting league, until they in their turn were overtaken by the Soviet international broadcasting stations at the end of the seventies. The logic of the Cold War also made it a proxy war between the USA and the USSR for the developing countries of the Third World. Thus this period of international broadcasting saw above all a flourishing of international broadcasting stations in developing countries, led by Radio Beijing, Radio Cairo, Radio Pjongyang, Radio Havana, and Radio Tirana.

The latter third of the twentieth century has seen a hitherto undreamed of increase in propaganda through the development of a new business sector: governments waging war have commissioned public relations agencies to manipulate the global press and to mislead global public opinion. The following table lists the most important activities of this nature since the sixties. One of the most outstanding examples of this kind of propaganda work was the testimony of the Kuwaiti girl Nayirah at a hearing before the US Congress in the spring of 1991 on Iraqi human rights violations in Kuwait in August 1990. The girl testified that Iraqi soldiers had thrown babies out of incubators in a Kuwaiti hospital. Whereas this "incubator story" contributed to legitimising US Gulf war policy, today we know that it was nothing more than a professionally prepared performance put on by a public relations agency who received a fee for its work. And incidentally, Nayirah was later revealed to be the daughter of the Kuwaiti ambassador to the United States (Beham, 1996). **[INSERT TABLE (graph) 3]**

Activities by Public Relations Agencies in Wars 1967-1993

Year / Client / Activity / PR Agency

1967 / Biafran provincial government / PR campaign led by American opinion makers to support Biafran independence / Ruder Finn Global Public Affairs (USA)

1968 / Nigerian central government in Lagos / Improvement of own image in the European press vis-à-vis the Biafran secessionists / Galitzine & Partners (Great Britain)

1985 / UNITA rebels in Angola under Jonas Savimbi / Improvement of UNITA image in US press / Black & Manafort (USA)

1986 / Marxist government of Angola / Improvement of Marxist government of Angola's image in US press / Gray & Co (USA)

1990 / Government of Kuwait / PR campaign against Iraq, creation of negative image of Iraq in the press / Hill & Knowlton (Great Britain)

1991/1992 / Government of Croatia / PR campaign among US politicians, government members and officials, media counselling, organisation of tours for politicians, support for Croatian war aims / Ruder Finn Global Public Affairs (USA)

1991 / Provincial government of Kosovo / Pro-Albanian PR campaign in the international media / Ruder Finn Global Public Affairs (USA)

1992 / Government of Bosnia-Herzegovina / Contact with media, founding of Bosnia Crisis Communication Centre, organisation of press conferences, international correspondence for the government, placing of leading articles in New York Times / Ruder Finn Global Public Affairs (USA)

1993 / Government of Croatia / Intervention with American media politicians and scientists on behalf of Croatian war policy / Ruder Finn Global Public Affairs (USA)

Source: Becker, J. Kommunikation und Medien. In: Hauchler, Ingomar et al. (eds.): *Globale Trends 1998*, p. 390. Frankfurt, Fischer Taschenbuch Verlag, 1997.

4. Control

According to the legend, Dionysos I of Syracuse (404-367 BC) possessed a whole range of

surveillance and control instruments to keep an eye on communication. For instance, he is said to have listened in on conversations between prisoners in his dungeons, by means of long subterranean passages with special acoustic qualities that led into his house. He is also said to have set up megaphones in large stores, which were used to communicate orders. Everywhere in his palace, so it is said, there were speaking trumpets built into the walls which conveyed all conversations taking place there to his agents, such that the ruler was always informed of what was currently preoccupying his courtiers.

In other words, then as now the media are technical instruments with a dual-use character; as is the case with all technologies, the media are always a means of control and rationalisation in a comprehensive sense. They can be used in both a communicatively liberating and a communicatively repressive manner, with concomitantly different effects. In this connection, Oliver Cromwell's 1657 justification for enforcing use of the state postal system is notorious: "The post will be one of the best means of discovering and preventing dangerous and loathsome attacks against the Commonwealth." Here too it is clear that there exists a systematic connection between free and controlled communication.

What is true for the British postal system under Oliver Cromwell is of course also true for later information technology. For instance, in 1920 the US Senate learned that all telegrams between the USA and Great Britain were being read by the British, on the orders of the British Admiralty in London. The background to this affair was as simple as it was alarming: the British government had granted the American telegraph company in question the right to conduct its business, only on condition that it agree to the British Secret Service's plan of surveillance. This example of American-British information control is the classical precedent for the Echelon project of the late nineties. In 1998 the Scientific and Technological Options Assessment Program of the European Parliament published a study on Echelon. The latter is a surveillance and control system for the routine global tapping of fax, telex, email and telephone communication by United States secret services. In the Echelon project, the USA works together with the police and military forces of other countries.

Historically there has always been a very intimate relationship between communication and the military. The latter has helped to create a whole range of new information technologies and media, for which it has itself had an insatiable need. And in peacetime, though much moreso in wartime, the military has controlled civilian communication structures.

Thus it is no wonder that it was the Swedish ministry of defence that in 1979 for the first time drew global attention to the growing vulnerability of modern computer networks. The notion of deliberately destroying computer networks has given rise to what has been dubbed at the end of the nineties the "information war". In future wars, it will not so much be a question of causing the enemy material damage but of deliberately destroying his information structure. The focus of war will be, precisely, information war.

Information control is by definition especially difficult to establish in those cases in which it apparently takes place with the agreement of those who are being controlled. In the mass media, this is illustrated by the TV series "Big Brother", which began in the Netherlands in 1999. In this series, 24 cameras register for 24 hours a day the activities of "volunteers" in a closed living area. At regular intervals, TV viewers force one of the participants to leave the living space and end the game, voting by telephone or via the Internet. Are the TV viewers controlling the game? What is the difference between players and viewers? Which party is the more cynical? Experts are labelling this type of TV program "sensation", "stress", or "clink TV" – it is about to be exported with great success. **[INSERT GRAPH 4]**

The arrangement of the cameras in the TV series "Big Brother" (Netherlands, 1999)

Camera rails / WC / Shower / Bedroom / Consulting room / Store, entrance / Sitting room / Kitchen / Living area / Garden / Legend: Camera, Infra-red camera, one-way mirror.

Source: Solinger Tageblatt, January 20, 2000

Control through information technology and the mass media takes place independently of whether power is exercised by government or by private industry. Above all, it takes place in people's everyday lives. In industrial countries in the closing years of the 20th century, socialisation means above all media socialisation. As agents of socialisation, the mass media make a significant contribution to members of society's ability to comply with a range of social norms and role expectations, as they pass through social learning processes. Integration as a concept can scarcely be separated from socialisation. The mass media are the most important agents for integrating social communication. This is especially true of many young nation-states who achieved independence only after the sixties.

Admittedly, social control through the mass media has proved to be problematical in many ways. Firstly, a shifting of the socialisation process from primary to secondary (media) experiences increases alienation; secondly the contents of media offerings are ethically questionable. Thus as early as the seventies, Luis Ramiro Beltrán, the "father" of Latin American communications theory, established that the following twelve elements constitute the basic norms of the world of TV: individualism, elitism, racism, materialism, adventurism, conservatism, conformism, defeatism, belief in fate, fixation on authority, romanticism and aggression. The large increase in the number of TV channels since the eighties has probably led to a strengthening of these twelve basic media elements, rather than to plurality. For it is a sobering observation that the multiplication of TV channels has not led to an enrichment in terms of content but simply to a multiplication of the same old content.

Whereas up into the eighties social control exercised via the mass media was demonstrably the result, effect and function of conscious political action on the part of state and government, the deregulation of the mass media under the pretence of neo-liberalism is bringing this state of affairs to an end. By pursuing a policy of deregulation, politics is voluntarily handing over control of the mass media to the markets.

5. Access

First of all, rights of access to information are quite old, and secondly, they are derived from two differing legal traditions. Thus the legal instrument of access to official documents was already recognised in the Swedish press law of 1766. This law exemplifies one of the two legal traditions, that of democratic control over government conduct with respect to information. The second legal tradition is based on the development of social rights in the form of participatory rights.

In the European Union, national rights of access to public sources of information exist in Denmark, France, Greece, and the Netherlands. In the Netherlands, such a right of access is even guaranteed by the constitution (Article 110). In the USA, rights of access to certain information sources are regulated by the Privacy Act of 1974 and the Freedom of Information Act of 1977. The 1986 Sandinista constitution of Nicaragua is also interesting in this respect: Article 30 regulates freedom of speech as an individual right; Articles 66 and 67 both include regulation of the right of access to information as a social right. All these laws and constitutions

in one way or another regulate the right of access of citizens to collections of information held by the government or by public authorities.

Rights of access to information have the following functions:

- Popular control of government and administration
- Transparency in executive conduct
- Endowment of citizens with informational competence.

Even from an economic perspective, rights of access to information are both important and an explosive subject, since in many countries government is still by far the most important and largest producer of information and knowledge, in the following forms:

- Public school and university systems
- Offices for collecting statistics
- The production of information (including concomitant publications) in all areas of public administration
- Extensive R&D activities financed by public funds
- Government activity with reference to patents and standards.

Contrary to popular belief, detailed access rights to information and knowledge in public archives would have considerable advantages for private industry:

- The ambiguous, unstable legal relationship between private and public information markets would become more stable and predictable.
- Public authorities would be forced to take precise stock of their information and knowledge, thus allowing for more effective business practices.
- Clearly formulated rights of access to information would reduce the number of publicly controlled copyrights, since under such clearly defined conditions everybody would have the same right of access to the same information.

Rights of access to information may conflict with other rights (such as rights of personality, data protection rights, industrial secrets, and security interests). As in many other legal areas, so in that of rights of access to information, there is a difference between de jure and de facto rights. For instance, rights of access may be rendered ineffective by prohibitive fees. In addition, rights of access to information assume the existence of a knowledgeable citizenry that is aware of possessing such rights. Thus rights of access can de facto be effectively claimed –

with some chance of success – only by a socially privileged class of "information rich".

A consideration of rights of access to information are (directly or indirectly) also to be found in all debates on social rights. But there can be no right to development, such as was formulated in a UN document in 1978 by the African expert in international law Kébe M'Baye, if there is no guarantee of access to information. A right of access to information guaranteed in international law becomes the more important, and from the point of view of southern countries the more logical, the more the gap between the "information poor" (developing countries, small countries, national minorities, impoverished sectors of the population in industrialised countries) and the "information rich" (the USA, the EU, Japan and some fast-developing Asian countries) increases exponentially – i.e. in the whole area of high tech. It was precisely against this background that, in the seventies, lawyers and communication scientists Jean D'Arcy, Desmond Fisher and L. S. Harms developed the legal concept of a "right to information" as a social participation right, a concept which they later developed into a "right to communication". In the MacBride Report *Many voices, One World*, addressed to UNESCO in 1980, L. S. Harms formulated the case for such rights thus:

Everyone has the right to communicate: the components of this comprehensive Human Right include but are not limited to the following specific communication rights: (a) a right to assemble, a right to discuss, a right to participate and related *association* rights; (b) a right to inquire, a right to be informed, a right to inform, and related *information* rights; and (c) a right to culture, a right to choose, a right to privacy, and related human *development* rights. The achievement of a right to communicate would require that communication resources be available for the satisfaction of human communication needs.

From such considerations the MacBride Report came to a single conclusion:

The call for democratization of communication has many connotations, many more than are usually considered. It obviously includes providing more and varied means to more people, but democratization cannot simply be reduced to its quantitative aspects, to additional facilities. It means broader access to existing media by the general public, but access is only a part of the democratization process. It also means broader possibilities for nations, political forces, cultural communities, economic entities, and social groups to interchange information on a more equal footing, without dominance over the weaker partners and without discrimination against any one. In other words, it implies a change of outlook. There is surely a necessity for more abundant information from a plurality of sources, but if the opportunity to reciprocate is not available, the communication process is not adequately democratic. Without a two-way flow between participants in the process, without the existence of multiple information sources permitting wider selection, without more opportunity for each individual to reach decisions based on a broad awareness of divergent facts and viewpoints, without increased participation by readers, viewers and listeners in the decision-making and programming activities of the media – true democratization will not become a reality.

Rights of access to information are a controversial issue in the conflict between north and south in so far as the developing countries seek to use these rights to guarantee access to the knowledge of the rich industrial countries, whereas the latter vehemently refuse such access as not in accordance with the laws of the market. On this point, it is interesting to note that the legal concept of "access to data and information" also occurs in the OECD Declaration on Transborder Data Flow of 1985. As the developing countries are not represented in the OECD, the guaranteed rights of access to information in question here have to do with a very different set of interests: the Europeans in the OECD were concerned that they might be cut off from American information sources.

In the world of digitalised electronic networks, problems of access have increased in complexity on at least two levels. 1. faced with an information and communications sector which is expanding at a tremendous rate, the priority of most European constitutions must be to reach a clear understanding as to what are so-called basic services and what are so-called Value Added Network services. It must be a matter of general agreement that basic services be subject to public infrastructure control that has constitutional weight behind it. All citizens should have free access to such basic services. 2. This political problem is accompanied by one of a technological and economic nature. Digital TV is based on three technologies: multiplexing (the digitalisation of program content), navigation (electronic program guidance) and conditional access (encryption technology). Whoever has sole control over these three technologies can determine which programs viewers may access. These new technologies considerably complicate the problem of access. In addition, this whole complex of problems has a further influence on economic competition in the digital TV sector.

Ever since the US telecommunications concern AT&T launched its advertising slogan "One system, one policy, universal service" in 1909, the meaning of the concept "universal" has never been clear. Does it mean "everywhere" or "for everybody"? And is the concept to be interpreted empirically or normatively? Should it be intended as a normative claim, then one would have to examine very carefully whether the right to communication as a basic human right hides nothing other than a desire to create ever expanding markets.

6. Summary

Information technologies and the mass media have radically altered the relationship between

individual and society in the 20th century; above all they have altered the relationship between intimacy and publicity. The American sociologists Richard Sennett and Christopher Lasch describe these changes in their books *The Fall of Public Man* (1977) and the *Culture of Narcissism* (1979). By establishing a quasi-intimate relationship to their public via TV, politicians have helped abolish public life and replace it by the tyranny of intimacy.

The 20th century has been above all a century of news services of the most comprehensive kind. The most important agent in the systematic collecting, reading and accessing of exclusive data has been the state. Its power vis-à-vis the individual has been based on its ability to employ statistical methodology and information technologies in order to collect, store and evaluate data on the entire population as it aged, as it lived and travelled, in sickness and in health. With deregulation of information technologies and the mass media at the end of the 20th century, and with the emergence of globalised societies, the state and the rationale it embodied are becoming increasingly less efficient. The networking of society, through distributed networks, heterarchical forms of communication, and interactive media is multiplying, individualising and decentralising Big Brother. In collecting, reading and accessing information, government authorities must compete with non-government institutions: industrial concerns, organised crime, and terrorist organisations.

In 1956, the Austrian philosopher Günther Anders published his two-volume work *Die Antiquiertheit des Menschen*. Speaking of TV, he coined the term "mass hermit". He was referring to television's tendency to create a form of depoliticised individualisation. What Anders, writing before the age of TV, conceived of theoretically has after fifty years of mass TV culture become reality. Television, having isolated the individual, has created a breed of mass hermits who are incapable of political engagement. At the end of the 20th century, the American social scientist Reg Whitaker has spoken not of the mass hermit but of the end of privacy, and at the end of the 20th century Volker Gransow has declared that mass communication is incapable of generating dialogue, having evolved into a form of autism, in which the individual communicates simply with itself.

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