

# Technology and Political Freedom

by

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The impact of technology upon political freedom has been great, and will become much greater still. Out of fear of one kind of technological development, or out of enthusiasm for some other, discussions of technology and political freedom commonly have as their object some warning to the body politic, or they seek to counter what is believed to be inappropriate alarmism. My objective is not either of these — or if you like, it is both. I aim to provide a framework within which we can appraise the political goods and evils of current technological development. Using that framework I will make some judgments about the present state of the relations between technology and political freedom, and about the prospects of those relations.

I cannot say what is commonly conjured up in the mind's eye by the word "technology." For many, I hazard, the mental picture is one of hardware — machines and wires, screens and dials — doing things earlier supposed impossible for any but rational beings to do. Mental pictures of this sort are not foolish; technological products are often hard, and have effects in the world of hard things. In Michigan — part of what is called, a bit unfairly, "the rust belt" — we talk a good deal about machines; but machines being talked of most in these days are robots that make other machines; in Ann Arbor we have an entire institute devoted to the study of robotics — a word not yet in most dictionaries!

Machines in all their forms, however, are but the manifestations of technology, its epiphenomena. In saying this I am not merely observing the critical role of the software beneath the hardware — although emphasizing that relationship does point us in the right direction. I ask myself: what are the essential features of technological development, or a technological change? The answer is misleadingly simple: it is a change in our abilities to do things, in our capacities of control.

Let me give two examples, importantly different from one another. The introduction of assembly-line production, mass production, not so many decades ago, was a technological development with enormous impact, not because it resulted in kinds of things we could not otherwise have, but because it resulted in a

quantity of them we had not earlier dreamed possible. Changes in the speed and reliability of manufacture changed the world. Very much more recently we have developed what is correctly called "recombinant DNA technology" — the capacity to cut, remodel, and reconnect the strands of deoxyribonucleic acid, controlling the genetic information in all living cells. The impact of this technology will prove, over the years, to be greater than that of assembly-line production. It does also require physical tools — but they are few and inexpensive. It is not the machines that are the essential features of a technology, but the principles of control that they make concrete. *Technikos*, in the Greek, means simply "pertaining to art, or skill." Who knows the technique knows how to do it.

It is technology, in this very large sense, whose impact upon political freedom I want now to explore. I propose to do this by retrieving, and using, an old but very helpful distinction drawn in discussions of human freedom. With it at hand I propose to consider the impact of technology upon the aspects (or, if you prefer, the kinds) of freedom. The distinction I refer to is that between negative freedom and positive freedom, although I am not happy with those adjectives because of their emotional overtones. What is "negative" sounds bad, and what is "positive" sounds good; from which I conclude that we would be better off drawing this distinction with other words — but these are the words with which we are saddled by our tradition. These are the words used by Thomas Hill Green, when he drew and used the distinction in the philosophical and political battles in Britain in the 1870's; these are the words — negative freedom and positive freedom — with which the battles have been continued by Isaiah Berlin and his successors in our time.

Let us not choose sides. The task is not to decide whether we are to enlist in the forces of the negative or the positive. On the contrary, we may accept and relish the contributions of the two sides, treating them not so much as adversaries (which, in candor, they have often been) as co-workers, each fastening upon, and emphasizing, one side of an inescapably two-sided beast.

Classical liberal thought — the work of those for whom liberty, freedom, was the premiere political good — was the defense of negative freedom. The original liberals emphasized the importance of the absence of restriction upon the human being whom we would keep free. Freedom of thought and expression, freedom of action without hindrance by states or other institutions, freedom in the conduct of private life — these are the classical, negative freedoms that we still rightly treasure. Not all negative freedoms are political in their ambit, but many of them are. I am, and long have been, an active member of the American Civil Liberties Union, a profoundly principled and highly honorable body devoted still to the protection of these and allied civil liberties. The two classic texts from which civil libertarians most frequently quote with pride are *On Liberty*, by John Stuart Mill, and the Bill of Rights in the Constitution of the United States. The former is, as you know, a professedly utilitarian defense of liberty, but one surely need not be a utilitarian to share that demand for personal freedom, as the philosophical arguments of the Founding Fathers of this country make evident. I am reminded of that wonderful speech we learned to declaim when we were school children, in which Patrick Henry concludes: “I know not what course others may take, but for me, give me Liberty or give me Death!” And if you ask me to identify the most eloquent defender of negative freedom in recent years, I would nominate the late Justice of the United States Supreme Court, Hugo Black, in whose opinions passion for freedom is matched by rational penetration. It was his practice to carry in his jacket pocket a copy of the US Constitution, and his pleasure, in supporting arguments in defense of negative freedom, to call attention to the particular words and phrases of the Bill of Rights.

Absence of restriction, however, is not by itself adequate in giving an account of freedom, and its insufficiency has troubled political thinkers for a very long time. This insufficiency becomes seriously problematic when, in the body politic, citizens are left so completely alone that they find themselves able to do very little. What is the benefit of being unrestrained if, even so, we cannot accomplish our purposes because we are without the means to do so? Material means are important, but equally important is the intellectual development required for action that is fully human and fully free. “When we speak of freedom as something to be so highly prized,” wrote T. H. Green in 1880, “we mean a positive power or capacity of doing or enjoying something worth doing or enjoying. . . . When we measure the progress of a society by its growth in freedom, we measure it by the increasing development and exercise on the whole of those powers of contributing to social good with which we believe the members of the society to be endowed; in short, by the greater power on the part of the citizens as a body to make the most and best of themselves. . . . [T]he mere

removal of compulsion, the mere enabling a man to do as he likes, is in itself no contribution to true freedom.”<sup>1</sup> And, as we know, that view forms the base of liberalism in its modern form. Over the decades the name “liberal” has come to apply less and less to those who wished to be free of restraint, and more and more to those who sought to be empowered to take advantage of opportunities, even if the process of empowerment entailed, in its course, the substantial restraint of the liberties of others.

The history of welfare democracy in the 20th century need not be reviewed. Consider one example, however, in which the two senses, or aspects, of freedom are splendidly contrasted. There are few pieces of social legislation more plainly and universally restrictive than those which compel school attendance for all children, under pain of punishment for child and parents both in the event of non-compliance. The liberty of the parents to rear their child as they think best, as well as the liberty of parents to move about freely — not to speak of the liberty of movement of the child himself! — are all sacrificed for the sake of what we hope will be universal basic education. The price we pay in negative freedom is high, very high; the return we receive in positive freedom, in the form of a citizenry able to do the fundamental things that modern life requires of us all, is surely higher. There are very few of us, I reckon, who, upon reflection, would not be willing to have us, as a society, pay that price for that return. A society of illiterates is hardly free; if the blessings of liberty are to be enjoyed, we must have — not only in our own persons, but in those of others with whom we live and work, what Fidel Castro calls “un pueblo capacitado.”

Political freedom is the ability of the citizen to do the things that must be done in the body politic. If that body politic is to be governed democratically, if the ultimate direction is to be given to it by the voice of its members, the things that must be done by them are many and complicated. We talk much, sometimes loosely but not foolishly, about “our democratic freedoms” — by which we mean, I take it, not only the liberties that democracy happens to protect, but the free actions that the conduct of democracy inescapably requires, if not from every one of us at least from very many.

These political freedoms — to vote, to run for office, to criticize those in office without fear, to support candidates for office or policies or changes in policies, in one phrase the freedom to engage in politics — we Americans rightly hold very dear. They require a substantial sphere of unrestrained activity, negative freedom, and a substantial capacity to act effectively, positive freedom. Negative and positive freedoms do sometimes conflict, of course; but by and large we need a great measure of them both. You and I enjoy the highest degree of political freedom when we are minimally coerced and maximally empowered.

Using this approach to political freedom, which I trust you will find plausible and true to our condition, I

return to technology and its impact. Is it a threat to political freedoms or a boon to them? There is no single answer, obviously, but there are patterns of impact which, in the light of the frame just presented, may be combatted or reinforced.

I begin on the negative side — now using the word negative in two senses. The general impact of technology upon negative freedom is negative. One enormous consequence of greater powers of control is the threat of that control to private citizens. That threat, as we have been rightly and repeatedly told, takes a thousand forms. There are those who would manipulate us, singly or collectively, in their interests. Technological developments give them instruments with which to do this, instruments which, until recently, we encountered only in science fiction, but which are now real and actually in operation. The parade of horrors is no longer merely speculative or futuristic; it also sells a good many books in these days. [One of the best of these, by the way, is *The Rise of the Computer State*, by David Burnham, (Random House, 1980), which I recommend to you. It is a frightening book, somewhat sensational but well written and richly documented. Its subtitle is: "The threat to our freedoms, our ethics, and our democratic process."]

Without reviewing the entire parade, let me try to identify categories of technological threat. The threats I attend to are by no means all the bad things that may be done, or done more effectively with powerful new techniques. My concern is with the threats to political liberty, chiefly to negative freedoms. Three categories (at least) are distinguishable, which I will call: penetration, accumulation, and manipulation.

1. Penetration. Technological developments give power to governments, and to other powerful institutions, to enter the private sphere in ways that are truly frightening. What goes on in our houses, in our private offices, on our private telephone lines, in our private conversations — all that and more is now accessible by others in a degree previously undreamed of. Surveillance of the most damnable sort is easy and widespread. Tapping in to wires is a technique already very old; sophisticated listening devices penetrate almost any possible wall; even private physical activities may now be visually monitored, and will be subject to such monitoring ever more fully as the years go on. In 1984, you will recall, the citizens are watched in their grim little apartments on the telescreen — but it is possible for the protagonist, Winston Smith, to hide in an alcove not covered by the telescreen in his apartment. Sound surveillance cannot be so easily dodged. Photo-monitors are now common in public places, and becoming more so. Thorough-going totalitarianism, it used to be thought, is defeated by its physical impossibility. No more. Technology makes virtually every invasion of the private sphere possible.

The old theoretical picture of individual citizens, each controlling a small realm into which even the king

may not enter without permission, was probably never very accurate. Still, we like to think that there is some sphere that is strictly ours, private, a domain from which external powers are excluded. The Fourth Amendment to our Constitution is concrete evidence of that liking. If there is such a sphere, its walls are weaker and its holes are wider than ever they used to be. The powers of technology erode the barriers of the private, and make it ever more difficult for citizens to engage, privately, in the conversations and activities that undergird their public roles. Technology penetrates. Even the possibility of penetration is frightening, and for some stultifying. In so far as it may limit the activities that citizens believe safe or prudent, penetration chills and restricts political freedom.

2. Accumulation. Our political convictions — our interests, our beliefs, and our causes — are best exhibited not in what we say or do on a particular occasion, but by the pattern of minor events of which our lives chiefly consist. The bills we pay, the telephone numbers we call, the magazines we subscribe to, the persons we visit or who visit us, the contributions we make — these are the elements of political life. Each is perhaps trivial by itself; collectively they constitute a pattern by which we can be fully known and, in some circumstances, gravely threatened. It is the genius of much modern technology that such bits of information can be not only readily collected, but readily compiled, compared, and accessed by those in authority. [That refinement of data is now as simple as "1 2 3"!] Moreover, the files of information kept about us, or the files on us that are readily constructible, may be unknown to us, and untouchable by us.

Not long ago, if I may relate a personal experience of this kind, I received word from the Michigan State Police that I might, if I wished, retrieve from them a copy of the file they had been keeping on me. Frankly, I was dumbfounded to learn that they had maintained such a file, although I suppose that was naive. I had been Chairman of the Michigan ACLU. If there were "Red Files," as I had heard, why not suppose that mine was among them? It was. When I saw the file (since destroyed, except for the copy I kept for my own amusement) I was more entertained than troubled: it consisted largely of reports of speeches and activities in connection with the ACLU — activities of which I was, and remain, very proud. But how very threatening such accumulation becomes to the political process of a democracy when it is a) electronic, b) comprehensive, and c) universal. All that is well within our technological capacities.

3. The uses of penetration and accumulation combined open the door to massive political manipulation. Private coercion is bad enough; shrewd pressure by means of automated telephone solicitation combined with the distorted uses of broadcasting channels — television above all — may corrupt the entire process of public participation. Already we have seen efforts to

use the democratic process in this way: we will see many more. There can be no doubt that the technological forces at the disposal of those with great power, or great wealth, or both, do threaten our political freedoms.

I know of no simple way to counter such threats. We must do with public powers what James Madison always insisted we should do with the powers of private factions — play them off against one another. I am very far from believing that our negative freedoms are doomed by technological penetration or accumulation. By force of public law we can shore up the walls of private lives: we can force open what has been hidden; we can refuse to allow collected the information some would find convenient to collect. An unremitting critical eye on the uses of public authority, and a widely cultivated respect for the private, even when that has some real public costs, can preserve political freedom in very large measure.

It is a great mistake, however, to think of the relationship between technology and freedom as chiefly one of threat. The situation is not one in which the best we can do is seek the ability to ward off the worst. Our circumstances are very much more hopeful than that. There are dangers is the misuse of technological power, only some of which have been registered above. But, from the perspective of one who cares deeply about political freedom, the technology in our future promises more help than hurt.

All depends, of course, upon which side of freedom one is looking at. The impact of technology, of the arts of control, upon negative freedom are negative. The impacts of those same (or related) arts of control upon positive freedom are positive, very positive. The negative freedoms consist in the absence of the incursive activity of others: technology gives to others — governments, corporations, individuals — abilities to invade, threaten, and coerce that they were formerly without. The positive freedoms consist in the ability to do certain sorts of things: technology enhances these powers, and thereby expands our freedom.

I will give three examples of the ways in which political freedoms, in a democracy, are likely to be enlarged by technology; then, by way of conclusion, I'll make three remarks about the larger picture.

1. Democracy is government by the people; decisions made democratically are those made by the participation of the members of the body they govern. There can be no doubt that growing technological power will — already does! — make it feasible for the members of the body politic to participate in decision-making with a universality, and frequency, that will make our present voting systems seem grossly undemocratic.

What is the role of the representative in democratic theory? There are those, like James Madison and Edmund Burke, who thought representation essential: the ultimate authority of the people is expressed through their selection of deputies who articulate the

people's will, restraining popular enthusiasm and refining popular judgments. For them — and perhaps for you — a representative system was essential in protecting a people against itself.

But is that judgment of the citizenry correct? Are the people, on the whole, a good-hearted mass whose ignorance and impetuosity render them incapable to governing themselves? Until now we did not need to answer that question directly, since it was in any case impossible for democratic government to go on in any way except through representatives. A few hundred people can mass in a town hall; some referenda can be placed on the yearly ballot — and that's about as far as direct democracy could go. Until now. But it is plainly possible now for everyone to vote on many issues — local, state, and national — using the electronic communications network that will soon be (is, in some places) upon us. The television set, telephone, and computer will very soon be combined into one console, one instrument. Issues of public import may be debated fully for a given citizenry, and, using sign-on codes to prevent fraud, they will cast their ballots once a week, or whenever necessary, from their computer keyboard. The voice of the citizens will then be regularly and authoritatively heard, not merely regarding who should decide, but regarding the substance of issues before us. Then we will have government by the people.

You may not care for that prospect. Two things about it, however, are undeniably true. First, it is certainly possible. (Indeed, it is already actual in some communities.) The great interactive network that would be required for direct democracy on a nation-wide scale will not be in place tomorrow — but it won't be many days after tomorrow before that network is a fact. Whether we will use it, and how, remains up to us. Second, you cannot deny that such a system of computerized, interactive communications will enhance the power of the individual citizen to participate, to have his voice directly counted on the issues that matter most to him. If you are truly a democrat, and if you truly want the fullest possible expansion of democratic practice, you will welcome the technology that makes it possible. More than welcome it, you will recognize it as giving humankind the capacity, for the first time in history, truly to govern itself. Until now democracy has been fully realized only in very small communities; on the scale of cities and nations we have only done what we could with clumsy representative machinery to retain the authority of the people — and very often the people have concluded, with some justice, that they have been badly represented, misrepresented. If the ability to participate in the common affairs of the community is important to you, if the freedom to do that is for you a political freedom of importance — then you may find technology to be freedom's greatest boon.

Enthusiasm must be tempered by uncertainty. No one can know how such powers may be used by a democratic people. For my own part, I have more