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Is digital sovereignty normatively desirable?

Matthias Braun [a]* and Patrik Hummel [b]*

[a]Department of Social Ethics and Ethics of Emgerging Technologies, University of Bonn, Bonn, Germany; [b]Philosophy & Ethics Group, Eindhoven University of Technology, Eindhoven, The Netherlands

ABSTRACT

Sovereignty is a frequently used term when it comes to analyzing and shaping digital processes and transformations. For example, digital sovereignty has become a central concept in European politics in recent years. In this article, we argue that references to digital sovereignty have largely operated with an implausibly one-dimensional, overly simplified notion of sovereignty in general and its application to the digital in particular. We explore the question of what talking about sovereignty in the context of data and digital spaces can comprise. As a basis for this exploration, we distinguish three aspects of the concept of sovereignty: (1) sovereignty as absolute power, (2) sovereignty as embodied power, and (3) sovereignty as institutional power. We argue that, at least in the European debate on digital sovereignty, two of these aspects pertaining to the intricate relation between sovereign and addressee(s) of claims to sovereignty are consistently overlooked. Once understood as encompassing the three aspects distinguished above, digital sovereignty could be part of a normative framework that is normatively oriented towards vulnerability and freedom, that remains open and sensitive to tensions and ambivalences, and that continuously takes these as starting points for new approaches to governance and regulation of digital practices.

Introduction

The increasing interest in sovereignty as a category to frame and to reflect on digitization has become the subject of a number of recent review articles (Couture & Toupin, 2019; Hummel et al., 2021) and discussion pieces (Glasze et al., 2022; Pohle & Thiel, 2020). These have distilled or put forward specific understandings of what sovereignty with regard to digital technologies and environments encompasses. For example, Hummel et al. observe that '[d]ata sovereignty typically relates in some way to meaningful control, ownership, and other claims to data or data infrastructures.' (Hummel et al., 2021). Pohle & Thiel highlight that digital sovereignty is 'often used as a shorthand for an ordered,

value-driven, regulated and therefore reasonable and secure digital sphere' (Pohle & Thiel, 2020). Two selected, common observations are, first, that the state remains one important kind of agent who claims and seeks to enforce forms of sovereignty in the digital. For example, Martin et al. (Martin et al., 2022) provide a rich discussion of controversies around the sovereignty of the state vis-à-vis the deployment of private-sector digital tools in the field of humanitarian action. However, given *de facto* distributions of power over technologies and markets, the state is not the only agent on the playing field who determines whether digital sovereignty is instantiated and by whom (Bellanova et al., 2022). Indeed, a second shared observation is that the kinds of agents relevant to sovereignty in the digital include further agents besides the state. Sovereignty, as the term is used in this context, is not limited to state power but is being claimed and influenced by a whole range of further agents whose freedom and powers are affected by digitization and vice versa (Floridi, 2020). Thus, individuals, citizens, enterprises, and other stakeholders have become the object of attention.

In this article, we explore the question what can be meant by sovereignty in the context of data and digital spaces. As a basis for this exploration, we distinguish three aspects of the concept of sovereignty: (1) sovereignty as absolute power, (2) sovereignty as embodied power, and (3) sovereignty as institutional power. We argue that two of these aspects pertaining to the intricate relation between sovereign and addressee(s) of claims to sovereignty are consistently overlooked in debates on digital sovereignty. This neglect undercuts the appeal of references to digital sovereignty made by various stakeholders, including the European Commission in connection with its digital agenda, which includes the determination that 'Europe must now strengthen its digital sovereignty and set standards, rather than following those of others' (European Commission, 2024). Such references appear to presuppose that pursuits of digital sovereignty are per se normatively desirable. This presupposition does not explicitly engage with important questions (Parks et al., 2022) about the agent(s) for whom such desirability is assumed, and on what grounds. As we shall argue in the following, the claim is rendered questionable or implausible to the extent that it presupposes one-sided, potentially truncated understandings of sovereignty. We argue that countenancing the conceptual complexity of sovereignty entails that, despite all the differences in detail, one central common focus of digital sovereignty is to maintain, shape, and reinforce modes of freedom for individuals and groups within and across digitized societies. Understood in this way, digital sovereignty could be part of a framework that is normatively oriented towards vulnerability and claims to freedom, that remains open and sensitive to tensions and ambivalences, and that continuously takes these as departure points for new approaches to governance and regulation of digital practices.

We focus on recent, broadly European understandings of sovereignty. However, we do not claim that the content of these understandings is unique to European views. Various elements certainly resonate with understandings of sovereignty in other contexts (Carrai, 2019; Narins & Agnew, 2019). Moreover, as just indicated, one of the starting points for the current inquiry is that some tendencies of these European understandings of sovereignty have their blind spots and are well exceeded by more encompassing understandings (or aspects thereof) elsewhere. We call for increased attention to cross-cultural analyses in order to mutually inform and ameliorate different understandings of

sovereignty. The following is an attempt to address selected blind spots in the broadly European tradition from within that tradition itself.

Sovereignty and (shifts of) power: three aspects of sovereignty

It is useful to consider continuities and contrasts of these two shared observations just mentioned with the notion of sovereignty as viewed from a historical perspective (Hummel et al., 2019, pp. 27–28). Despite all the differences in the concrete understandings of sovereignty, one common anchor point is that sovereignty is thought of as a particular kind of power over a specific area or domain. In a very broad sense, '[p]owers are abilities or capacities to bring about a change or to prevent a change from taking place' (Raz, 2019). However, different accounts of sovereignty vary greatly in how they delineate and analyze the concrete domain of power, who is understood and recognized as sovereign – in the sense of being justified in exercising that power – and in the mode in which power is exercised.

Three different aspects can be distinguished. They differ in terms of what is negotiated under the concept of sovereignty and which attributions of sovereignty are made to which subjects.

A *first aspect* of sovereignty is sovereignty in the classical, (geo-)political sense. We discuss this aspect of sovereignty as (a form of) absolute power. In early modern political theory, sovereignty denotes absolute power that is neither constrained by nor accountable to other powers. The notion became prominent after Bodin (1576) applied it to absolutist rulers in order to characterize their supreme authority. For Hobbes (1651), this authority is the result of a transfer of sovereignty from the people to the ruler.

In his work, the French philosopher Michel Foucault has put forward the thesis that according to standard views of sovereignty – such as Bodin's and Hobbes' – power is thought of as emanating from the state. The sovereign exercises their power using rules and laws to regulate the coexistence of citizens while securing power through legislation and jurisdiction. It is the right of the sword that Foucault describes as the central element of political power in this understanding of sovereignty (Foucault, 1978, p. 140). Sovereignty in this sense includes the authority to exercise indirect power over life and death, and to require its subjects to risk or even lose their lives, for example in order to defend the state. If the sovereign sees their power threatened by non-compliance with rules and laws, this indirect threat to life is transformed into a very direct one: as a punishment, the sovereign will kill the disobedient. At the same time, according to Foucault, natural life only ever comes into view in this form of power as threatened by death. Natural life, in all its different, particular embodiments, remains outside the scope of sovereignty.

This perspective changes with a *second aspect* of sovereignty, in which the embodiment of a person and discourses about what desires, inclinations, or interests are considered socially acceptable become central. We discuss this aspect of sovereignty as embodied power. The embodiment of claimants to sovereignty fundamentally affects and extends the scope of sovereignty.

> The 'right' to life, to one's body, to health, to happiness, to the satisfaction of needs, and beyond all the oppressions or 'alienations', the 'right' to rediscover what one is and all

that one can be, this 'right' - which the classical juridical system was utterly incapable of comprehending was the political response to all these new procedures of power which did not derive, either, from the traditional right of sovereignty. (Foucault, 1978, p. 145)

With this new aspect of sovereignty, natural life itself comes into view in its various forms and embodiments, thus changing the claimant, scope, and reference point of power. The central goal of sovereignty, as Foucault explains, is the maintenance of discipline and order in an increasingly differentiated society (Foucault, 2010).

Alongside this ascribed change in perspectives, a simultaneous shift concerns the agents involved in and shaping this process: the state is no longer thought of as the sovereign alone but much more so the individuals themselves. Rights and laws are no longer only the rights of the state and the duties of the subject, but are also increasingly understood as a codified system of rights of the individual. Foucault even describes this process as a 'democratization of sovereignty' (Foucault, 1991). Foucault thus understands this second aspect of sovereignty as a mesh of competing claims to power. Sovereignty in this sense is actually a bundle of different claims to power that is negotiated between individuals and collectives. In these negotiation processes between different claims to power, strong asymmetries immediately arise: the proclaimed rights of individuals are subject to the provision that they are also recognized within social and constitutional discourses.

The emphasis on constant negotiation as a process within sovereignty has also been taken up into a *third aspect* of sovereignty. We discuss this form of sovereignty as institutional power, or one could also argue: structural power. This aspect was developed with different emphases by different authors. Even more strongly than Foucault, they argue that in the context of sovereignty, not only are individual and collective claims to power negotiated, but power must even be understood as a structural condition of the formation of identity. Jacques Derrida, for example, argues that '[t]here is no freedom without ipseity and, vice versa, no ipseity without freedom – and, thus, without a certain sovereignty.' (Derrida, 2005, p. 23) Derrida locates the conditions for a self to name itself, for one to understand oneself as an individual entity, in the condition of power that emanates from others and to which one is always already subjected and attached. Derrida thus links sovereignty very closely to alterity and tries to show how and why individual power cannot be understood simply as an opposition to the power of other subjects of sovereignty. At the same time, however, he is far too well-versed in the writings of Hobbes and also Foucault to assume an overly harmonious relationship between the individual and, above all, the state sovereign. It is precisely the (national) state sovereign that attempts to define or exclude a specific *Other*. For Derrida, deconstructing historical and current claims to absoluteness is not an abolition of sovereignty but rather a contribution to preventing one-sided concentrations of power and thus enabling sovereignty in a positive sense – as a conditional possibility of individual freedom. For this reason, for Derrida it is

thus no doubt necessary […] to call into question and to limit a logic of nation-state sovereignty. It is no doubt necessary to erode not only its principle of indivisibility but its right to the exception, its right to suspend rights and law, along with the undeniable ontotheology that founds it. (Derrida, 2005, p. 155)

Derrida goes on to speak of an 'ontotheology of sovereignty' (Derrida, 2005, p. 157) and tries to show that the binding of sovereignty to nation-states and territories is an attempt

(though a misguided one) to narrow down the openness and multidimensionality of sovereignty and to condense nation-state sovereignty into the power of the one sovereign and the binding to a God, who is described as the guarantor of precisely this narrowing.

> For wherever the name of God would allow us to think something else, for example a vulnerable nonsovereignty, one that suffers and is divisible, one that is mortal even, capable of contradicting itself or of repenting (a thought that is neither impossible nor without example), it would be a completely different story, perhaps even the story of a god who deconstructs himself in his ipseity. (Derrida, 2005, p. 157)

In this respect, as Judith Butler has also shown in her work, sovereignty is always permeated by an intrinsic ambiguity that hinges on the fact that human life is fundamentally vulnerable and dependent on others (Butler, 2006). In every attachment to the claims of others – for example, articulated and negotiated in social norms and values – there is an element of encroachment and violence in that specific claims become prominent and threaten to establish power constellations that limit individual self-determination or sometimes make it impossible (Lévinas, 1998). There is a close overlap at this point between the substantive debates about sovereignty and autonomy. In both cases, there is a struggle about the extent to which relationality and dependence on others are part of or even a condition for autonomy or, as we have seen with Derrida, also for sovereignty. Once again in the words of Derrida:

> In any case, such a questioning of sovereignty is not simply some formal or academic necessity for a kind of speculation in political philosophy, or else a form of genealogical, or perhaps even deconstructive, vigilance. It is already under way. It is at work today; it is what's coming, what's happening. It is, and it makes history through the anxiety-provoking turmoil we are currently undergoing. For it is often precisely in the name of the universality of human rights, or at least of their perfectibility, as I suggested earlier, that the indivisible sovereignty of the nation-state is being more and more called into question, along with the immunity of sovereigns, be they heads of state or military leaders, and even the institution of the death penalty, the last defining attribute of state sovereignty. (Derrida, 2005, p. 157)

Dimensions of *digital* sovereignty

In recent years, the concept of sovereignty has been discussed increasingly in connection with a more specific subject matter: discourses on digitization. As mentioned above, calls for digital sovereignty typically assume at least implicitly that intensive data use and automated data processing can raise tensions with the rights and interests of the agents involved, and thus raise questions about control over data, access, processing, and infrastructures (Couture & Toupin, 2019; Glasze et al., 2022; Hummel et al., 2021; Pohle & Thiel, 2020).

While there is no doubt that the dynamic and rapidly growing discourse on digital sovereignty is fully committed to illuminating a range of complex phenomena from the various angles of different disciplines and stakeholders, it is probably fair to say that references to historical accounts of sovereignty like those just characterized remain rare. Particular putative contents of digital sovereignty tend to be presupposed without explicitly taking up or being guided by the distinctions and challenges like those highlighted by Foucault, Derrida, Butler, or authors before them. This raises the question

how we could shape the notion of digital sovereignty if we were to broaden the perspective in this way and deliberately attend to the aspects of sovereignty just characterized. In more concrete terms, three consequences can be drawn for the dimensions of digital sovereignty.

As a starting point, it seems uncontroversial that digital sovereignty involves the power of agents over the use of data, digital technologies, and related infrastructures. Such power can be difficult to exercise effectively as the flow of information in the digital sphere is not constrained as straightforwardly by national borders. In this context, old-fashioned forms of sovereignty operating on geospatial domains are thus disrupted, and nation states are prompted to find new ways to exert power in cyberspace (Jelinek, 2023; Mueller, 2017). Such developments are, of course, not discontinuous with the effects of previous innovations throughout history, be it telegraphy, broadcasting, satellites etc., each of which has necessitated changes to the contexts, formations, and operational modes of political institutions and processes (Ganascia, 2015; Poe, 2010). Still, the speed, depth, and seamlessness at which the digital sphere is intertwined with and permeating the analogue (Floridi, 2014) pose renewed, intensified, or even unprecedented needs to adapt. Typically, a necessary condition for states to succeed in exercising digital sovereignty is that they are in a position to exercise claims of control over relevant domains and processes. If so, they can at least partially determine who has access, for what purposes data may be processed and by whom, and above all, how access and processing affect agents' freedom. However, one clarification flowing from the foregoing is that digital sovereignty encompasses more than absolute power in the digital (or subdomains thereof). It is only one aspect of digital sovereignty that states have their way in the digital sphere, including being free of dependence on, and interference from, or even exploitation by others.

Second, sovereignty as embodied power, denoting a bundle of pluralistic claims by various embodied agents beyond just the state, highlights that non-state agents are claimants as well as addressees of digital sovereignty as well. While in the first understanding of sovereignty a central question is how sovereignty can be exercised and effectively guaranteed, the second understanding is more concerned with the question of how sovereignty changes the already embodied forms of life in the exercise of sovereignty.

In the context of the debates on digital sovereignty, it is negotiated rather than presupposed which actors should and can be recognized as sovereign actors. Sovereign in this sense can be individuals as well as organizations or collectives. Not only can tensions arise between different claims to sovereignty, but the respective claims to sovereignty themselves are already the result of complex negotiation processes. This means that sovereignty does not simply describe a status quo but proclaims a certain demand, a certain claim for protection, for participation, and/or, if necessary, for empowerment and emancipation from oppression (Kukutai & Taylor, 2016). Digital sovereignty thus expresses the demand to design data-processing technologies and their application in such a way that the actors concerned are enabled to deal with these technologies in a self-determined manner. Here, both protective claims and claims to participation are put forward. From the perspective of negative rights, claims, or entitlements, digital sovereignty is primarily a matter of protecting data and access to digital spaces and being able to prevent repercussions on the exercise of freedom by individuals and groups.

From a participatory perspective, digital sovereignty is about both the realization of individual interests and a contribution to the well-being of a community.

Third, sovereignty as institutional power highlights that all these forms of digital sovereignty are not free-standing and self-contained, but rely fundamentally on an interdependence between sovereignty and the alterity relative to which sovereignty is claimed. Such reliance on alterity in digital sovereignty shows in a number of ways. As just argued, sovereignty in the digital space contains normative claims that one or more agents articulate towards others. One important consequence is that digital sovereignty needs concrete spaces where claims can be articulated, negotiated and renegotiated. Like sovereignty, digital sovereignty can be demanded, granted, recognized, and criticized. Points of reference for the evaluation of such claims include nationally and transnationally anchored civil and fundamental rights. With regard to collectives, the biggest challenge is to determine where and how the claims of groups can be articulated and negotiated, and how they are set in relation to the claims of individuals. A central point underlined by Derrida, Butler, and others is that these freedoms are not simply available but are maintained, shaped, and sometimes need to be defended against competing claims.

In this context, a conceptual tension in debates on digital sovereignty is the tension between sovereignty as an expression of control on the one hand and as an expression of claims of mutual recognition on the other. Foucault's reflections suggest that a primary focus on unilateral claims to control can perpetuate existing power asymmetries, which might even cease to come into view as such. Particularly in view of the commercial use and monopolization of access to data and a strong concentration of power in a few (and economically very strong) actors (Mantelero, 2022), a decisive challenge is to maintain and develop collective and publicly usable structures that allow broad participation and inclusive empowerment for both individual and collective choices (Sharon, 2021).

Digital Sovereignty as intertwined with notions of a common good

As social and networked beings, data subjects – individuals as well as collectives – not only have an interest in restricting information flows but also allow, expect, and need them. With regard to the individual, the participatory dimensions of sovereignty involve being able to strike one's own balance between shielding data and making it available in a controllable way. Understood in this way, digital sovereignty cannot be comprehended as being limited to either individual or collective control and choices. Rather, the enabling of individual choice and privacy claims presupposes collectively negotiated structures of a common good, and vice versa. As Foucault's reflections on the described second aspect of sovereignty have shown, there is a danger that an overemphasis on individual control overlooks the fact that such control is dependent on collective structures. Individual controllability of data, one could argue also in connection with Derrida's third aspect of sovereignty, is embedded in and dependent on social negotiation processes: different actors can make claims to digital sovereignty that are not always mutually compatible and therefore require negotiation. Moreover, individual freedom depends on a social framework. In order to preserve and strengthen this framework, it is necessary to weigh individual claims to control against public interest. In this sense, in the debates

about understandings of digital sovereignty, we are always wrestling with how the common good can be understood and maintained (Sharon, 2016, 2018).

Frameworks for digital practices, and especially data protection frameworks, are grappling with this necessity to articulate and apply criteria on how the balancing between individual and collective claims can be negotiated. Such frameworks often refer to concepts such as the notion of informational self-determination in Germany and similar notions elsewhere (Gstrein & Beaulieu, 2022) that appear to treat data on a conceptual level as if there was an individual entitlement to certain data. Along these lines, various categories and instruments currently used in the context of data governance aim to strengthen the control of individuals over the use of their own (personal) data. In Europe, the EU General Data Protection Regulation (GDPR) or art. 8 of the EU Charter of Fundamental Rights can be cited as examples. National data protection laws also tend to understand control over the use of data as an individual privacy claim. At the same time, it would be an oversimplification to consider these frameworks as exclusively individual-centered. Data protection frameworks balance rights to control over data with other (fundamental) rights. In particular, there are many scenarios in which the consent of data subjects to data processing is not necessary due to distinct collective interests. This intuition is enshrined, e.g., in GDPR art. 6(e) which deems the processing of personal data lawful if it is 'necessary for the performance of a task carried out in the public interest'. Article 9(g) suspends the prohibition of processing special categories of data (including data on racial or ethnic origin, political opinions, religious or philosophical beliefs, as well as genetic and biometric data) if 'processing is necessary for reasons of substantial public interest'. Article 89 allows derogations from rights to, e.g., access, rectification, and restriction of processing, '[w]here personal data are processed for archiving purposes in the public interest.'

The sharing of data, besides potentially being legally mandated in certain circumstances, is also often the result of individual control over data. This means that even if we were to conceive of digital sovereignty and relevant data-related rights and entitlements as individual-centered, it is implausible to suspect that data flows will always be constrained rather than facilitated. Some individuals will exercise their digital sovereignty in ways that do not solely privilege their own interests. If so, digital sovereignty encompasses at least two aspects. On the one hand, digital sovereignty has a defensive dimension, which primarily concerns the protection of personal rights and the preservation of freedom. Secondly, digital sovereignty is linked to an entitlement to make data available. Digital sovereignty includes the individual's ability to balance and implement these two aspects. The controllability of data is a central prerequisite for this.

The implications of these positive, participatory aspects of sovereignty remain underexplored in the debate on sovereignty in the digital (Hille et al., 2023). Digital sovereignty, once extended to encompass positive-participatory dimensions, could facilitate new patterns of data solidarity. Solidarity refers to a common will to share costs in a broad sense – financial, social-emotional, or other costs – in order to help others (Prainsack & Buyx, 2017). For example, the sharing of medical data can be beneficial based on the understanding that it provides a necessary contribution to research processes that generate new knowledge (Hummel et al., 2019, 2020). The option of making data available for research can also be seen as a component of participation in research processes and an implementation of a human right to science. It also resonates with the current data

governance proposal of the EU Commission, which, among other things, strongly promotes the concept of data altruism (European Commission, 2021a). Without the possibility to conduct research on urgent societal challenges and to gain new scientific insights that require the availability of data, individual freedom as well as the common good would be severely constrained (London, 2021).

Digital sovereignty and its geopolitical dimension

We have argued that digital sovereignty is a multi-layered concept from both a historical-deconstructive and an ethical-conceptual perspective. Very different rights and duties of different agents are discussed by reference to this concept. We have also identified three different *aspects* of sovereignty that can be of importance when we think about sovereignty in digital space: firstly, digital sovereignty functions via state-issued rules and obligations for a certain domain. Secondly, under digital sovereignty, we negotiate questions about the relationship between individual and collective claims to control and power over data, information about one's own body, and digital practices that use or generate data about us. Thirdly, Jacques Derrida('s work) indicates that sovereignty is always in danger of losing its inherent openness by understanding certain norms and values as the actual and determinate expression of sovereignty and denouncing other norms and values as inauthentic or even as an expression of a lack of sovereignty.

Derrida had pointed out that these forms of preemption and closure of sovereignty often arise in connection with geopolitical sovereignty. Interestingly, this is precisely the constellation in which talk of digital sovereignty can be found particularly frequently in current debates. Policy-makers around the world are currently looking for ways to best deal with the opportunities and challenges of digital practices such as big data applications, Artificial Intelligence (Jobin et al., 2019), robotics or Digital Twins (Björnsson et al., 2019; Braun, 2021; Braun & Krutzinna, 2022). In April 2021, the EU presented a governance strategy on how it intends to harness the potential of AI and prevent potential harm (European Commission, 2021a, 2021b). In a nutshell, the EU is taking a risk-based approach by assigning different levels of risk to different digital practices and emerging technologies. The central goal is to make the best possible use of the new technologies' possible advantages and to avert possible damage. Digital sovereignty is understood as the core concept of these efforts:

> While this approach will unfold in the context of the global race on AI, EU policy-makers have adopted a frame of analysis to differentiate the EU strategy on AI from the US strategy (developed mostly through private-sector initiatives and self-regulation) and the Chinese strategy (essentially government-led and characterized by strong coordination of private and public investment into AI technologies). In its approach, the EU seeks to remain faithful to its cultural preferences and its higher standard of protection against the social risks posed by AI – in particular those affecting privacy, data protection and discrimination rules – unlike other, more lenient jurisdictions. (European Commission, 2018)

To put it more pointedly, digital sovereignty is understood to encompass not only the power to define certain norms and values that should apply in one's own context, in this case, Europe. Instead, the pursuit of digital sovereignty here involves the aspiration that norms such as the privileging of a specific understanding of privacy should also apply globally. Referring back to our threefold distinction, it does not take much

imagination to construe this approach as resting on a set of claims to sovereignty that prima facie fall under the first *aspect,* given the focus on state-issued rules for a particular domain. Technically, it is even an extension of this aspect to domains not initially within the purview of the sovereign, given its global scope and thereby the aspiration to shape rules for others as well (see Braun & Hummel's contribution in Glasze et al., 2022).

At the same time, however, this rather one-sided understanding of sovereignty tends to conceal ambivalences and fragilities already woven into the relationship between putative sovereigns and the addressees of their claims. For forms of collective action in particular, there is a great danger of merely imposing one's own supposed claims to control and power unilaterally on others in the name of preserving sovereignty.

Taking this suggestion seriously and projecting it onto geopolitical configurations, (inter)national claims to digital sovereignty that ignore or suppress the intricacies of sovereignty's *aspects* 2 and 3 threaten to collapse into forms of mere, brute power rather than instantiating the other, normatively more demanding aspects of sovereignty. This is crucial, as for the shaping of digital spaces and their governance, important questions might be left out or pre-empted: which norms and values might get partially compromised if digital sovereignty is essentially oriented towards the value of privacy? How can digital practices be developed and designed in such a way that they are oriented towards inclusive participation of individuals and groups? How can profit and value generation in the digital space be designed in such a way that a large number of individuals and groups and the public space as a whole benefit, and not just a few powerful stakeholders who generate maximum profit?

The perspectives of Foucault and Derrida show that these questions are not only loosely or coincidentally connected to questions of digital sovereignty, but rather mark the essence of the struggle for digital sovereignty. Debates about digital sovereignty face the challenge of not blindly constraining their scope to the first aspect of sovereignty and thereby prematurely ignoring the critical potential of the struggle for digital sovereignty. If digital sovereignty is understood in this sense as a coupling of these three aspects (and it may be possible to identify more), then a great opportunity could lie in the European Union's claim of digital sovereignty as a guiding paradigm for shaping digital practices and ways of life. This and similar proposals would then not primarily concern the enforcement or expansion of geopolitical claims to power but, much more, the question of which claims to participation are systematically overheard.

In the geopolitical context, these questions arise with regard to relations between sovereign nations or jurisdictions. However, analogous points can be made about the relation between a sovereign nation and the individuals within its scope of sovereignty. The digital sovereignty of a nation might be superficially intact if it succeeds in exercising and maintaining power over digital practices pertaining to its citizens. At the same time, such power is compatible with asymmetries, neglect, marginalization, and obstacles to the well-being and freedom of parts of its populations. To name just one example from theorists conceptualizing various dimensions of marginalization in and through digital spaces, Anita L. Allen coined the term 'black opticon' (Allen, 2021) to refer to practices of governmental agencies, private-sector organizations, or both, resulting in compounding vulnerabilities for Black Americans: '(1) multiple forms of excessive and discriminatory surveillance; (2) targeted exclusion through differential access to online opportunities; and (3) exploitative online financial fraud and deception' (Allen, 2021, p. 910).

Allen partly draws on Simone Browne's demonstration of how the history of surveillance practices is closely interwoven with processes of racialization: 'when enactments of surveillance reify boundaries along racial lines, thereby reifying race, and where the outcome of this is often discriminatory and violent treatment' (Browne, 2015, p. 8). In the context of our discussion, these observations illustrate that even a seemingly unified national domain of digital sovereignty is rife with tensions between various claims to power, (in)visibility, and protection. Prima facie digital sovereignty can fail to recognize and balance these claims in a way that is mindful of the interdependence and vulnerability of human life, consequently collapsing, e.g., into oppressive modes of unilateral power. That is, even agents superficially instantiating digital sovereignty can neglect *aspects* 2 and 3 of this relation. For such agents, too, there is a constant need to illuminate how more than *aspect* 1 of sovereignty is executed, i.e., that more than unilateral, state-issued power, but a normative power is exercised that is cognizant of, and latches onto, the voices of those living within its purview.

In this sense, digital sovereignty, once understood as encompassing the three aspects distinguished above, could be part of a normative framework – or again with Joseph Raz (Raz, 2019): a perspective on desirable normative power to shape the governance and regulation of digital practices in such a way that these mechanisms and structures become and remain responsive to concrete experiences of pervasive and persistent disadvantage – a framework that is normatively oriented towards vulnerability and claims to freedom, that remains open and sensitive to tensions and ambivalences, and that continuously takes these as starting points for new approaches to governance and regulation of digital practices.

Conclusion

In this article we have argued, firstly, that engagement with different theories and concepts of sovereignty can lead to a richer and, at the same time, more differentiated understanding of sovereignty. Secondly, such an enrichment of the understanding of sovereignty prevents a normative curtailment of the debates on digital sovereignty. Questions of justice, corporeality and vulnerability are then not simply important additional issues of a global negotiation of claims to digital sovereignty, but rather point to the center of the questions of what a normatively justifiable understanding of such sovereignty must include. Thirdly, this conceptual reconfiguration of sovereignty gives rise to new possibilities for connecting with debates on sovereignty in other contexts and regions – debates that then also lead to new options for action with regard to geopolitical issues of shaping the digital space.

Disclosure statement

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Notes on contributors

Matthias Braun heads the Department of (Social) Ethics at the University of Bonn, Germany. Matthias Braun's research addresses questions of political ethics (the relationship between democracy, civil society and the rule of law) as well as the ethical and governance challenges of new technologies (in particular: Big Data, Artificial Intelligence and Genome Editing).

Patrik Hummel is an assistant professor in the Philosophy & Ethics Group at Eindhoven University of Technology, Netherlands. His current research focuses on bioethics and philosophy of technology, in particular how practices of datafication and automation interact with concepts such as health, well-being, justice, and identity.

ORCID

Matthias Braun http://orcid.org/0000-0002-6687-6027
Patrik Hummel http://orcid.org/0000-0001-9668-0810

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