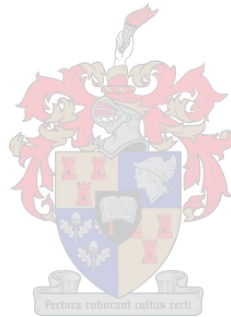


**‘Digital Surveillance’  
from the Perspective of ‘Christian Freedom’:  
A Theological Assessment in Conversation with  
Martin Luther and Dietrich Bonhoeffer**

by

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Dissertation presented for the Degree of Doctor of Philosophy  
at the Faculty of Theology at Stellenbosch University

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## Declaration

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## Abstract

Digital surveillance as a dominant phenomenon of current life is increasingly coming under scrutiny by sociological and economic research because of its impact on individuals and societies. Theologians can contribute to this discourse through their focus on the human-divine relationship and its ethical implications. This thesis investigates in what way Christian freedom according to the Lutheran tradition can speak critically and constructively to the problematic aspects of digital monitoring. To this end the practice of pervasive data harvesting and processing by state and commercial operators is placed within a wider framework of historical, cultural, political, social, economic and technological parameters. This analysis raises serious concerns about governance, the handling of power and the role of technology, but also about human dignity, the notion of human freedom and the overall understanding of the human person as such. The dilemma of an adequate response to these challenges has to do with human ambiguity, resignation and dependency on the digital medium.

The subsequent exploration of Christian freedom first relies on Luther's seminal considerations on freedom, which reflect his God-related anthropology. As a divine gift of grace, granting justification, forgiveness and a liberated existence in Christ, freedom is realized as loving commitment to others in faithfulness towards God. In society, freedom unfolds its dynamic within the twofold rule of God in the worldly and the spiritual kingdom. Bonhoeffer portrays freedom as anchored in the reconciliation reality revealed in Christ, characterizing it as 'creaturely freedom' for God, from creation and for others. It is the basis for a new humanity in conformation to Christ and a life that is determined by accountability before God and mutual human responsibility. The ethical claim embodied in 'the other' is honoured in love and obedience towards the divine will and in vicarious representative action for others. To describe the specific tasks of Christians and government in society, Bonhoeffer leans on Luther's two-kingdoms-approach, appropriating it for his own time.

A Reformation-based theology thus identifies the worldview of the digital surveillance paradigm as strongly self-referential and devoid of a transcendent perspective. This results in an inappropriate view of the human person and a self-centred concept of freedom, which abets the neglect of others, the avoiding of responsibility and the

danger of dispensing with moral considerations. Christian freedom constitutes an antidote, emphasizing the gift-character of human life, the liberation from perpetual self-justification and the inescapable judgement of data permanence through God's judgement of grace. In rejecting the utilitarian calculus of digital abstraction, it affirms the wholeness and value of individual personhood. Against ideas of freedom as convenience, predictability and risk-free safety and its side-effects of dependency and (self)objectification, freedom is upheld as reciprocity, grounded in bonds of trust, wherein responsibility is embraced as divine empowerment to serve others and for genuine 'self-realization'. This approach can represent an alternative way of living and acting in a digitally dominated world. The critical assessment of digital surveillance shows the urgent need to find agreement on certain values based on a shared experience of humanity.

## Opsomming

Digitale bewaking, as 'n dominante fenomeen van die hedendaagse lewe, is toenemend die onderwerp van sosiologiese en ekonomiese navorsing vanweë die impak op individue en samelewings. Teoloë kan tot hierdie diskoers bydra deur hulle fokus op die verhouding tussen mens en God en die etiese implikasies daarvan. Hierdie tesis ondersoek in watter opsig Christelike vryheid volgens die Lutherse tradisie krities en konstruktief uitspraak lewer oor die problematiese aspekte van digitale monitering. Vir hierdie doel word die praktyk van omvattende data-insameling en -verwerking deur staats- en kommersiële operateurs binne 'n breë historiese, kulturele, politieke, sosiale, ekonomiese en tegnologiese raamwerk gestel. Hierdie analise wek ernstige kommer oor bestuursgedrag, die hantering van mag en die rol van tegnologie, maar ook oor menswaardigheid, die konsep van menslike vryheid en die verstaan van die mens in die algemeen. Die dilemma van 'n gepaste antwoord op hierdie uitdagings het te make met menslike ambivalensie, oorgawe aan en afhanklikheid van die digitale medium.

Die daaropvolgende ondersoek van Christelike vryheid maak eerstens staat op Luther se seminale oorwegings wat sy God-verwante antropologie reflekteer. Vryheid word beskou as 'n goddelike gawe van genade, die skenk van regverdiging, vergifnis en 'n bevryde bestaan in Christus. Dit word verwerklik in 'n liefdevolle verbondenheid met ander mense wat uit getrouheid aan God spruit. In die samelewing ontsluit vryheid sy dinamiek binne die tweevoudige heerskappy van God in die wêreldse en die geestelike koninkryk. Bonhoeffer beeld vryheid uit as geanker in die werklikheid van versoening soos in Christus geopenbaar. Hy karakteriseer dit as 'vryheid van die kreatuur' vir God, vanuit die skepping en ter wille van ander. Dit is die basis vir 'n nuwe menslikheid in ooreenstemming met Christus en 'n lewe wat bepaal word deur aanspreeklikheid teenoor God en wedersydse menslike verantwoordelikheid. Die etiese aanspraak beliggaam in 'die ander' word eerbiedig in liefde en gehoorsamheid teenoor die goddelike wil en in die plaasvervangende verteenwoordiging vir ander. In sy beskrywing van die spesifieke take van Christene en regerings in die samelewing, steun Bonhoeffer op Luther se twee-koninkryke-benadering en pas dit aan vir sy eie tyd.

'n Reformasie-gebaseerde teologie identifiseer dus die wêreldbeeld van die digitale bewakingsparadigma as sterk self-verwysend en sonder 'n transendente perspektief. Dit lei tot 'n misplaaste opvatting van die mens en 'n self-behepte voorstelling van vryheid wat die verontagsaming van ander, vermyding van verantwoordelikheid en die gevaar van die minagting van morele oorwegings bevorder. Christelike vryheid stel 'n teenmiddel daar wat die geskenk-karakter van die menslike lewe beklemtoon asook die bevryding van permanente selfregverdiging en van die onontkombare oordeel van datapermanensie deur God se oordeel van genade bewerkstellig.

Deur nuttigheidslogika van digitale abstraksie te verwerp, bevestig Christelike vryheid die integriteit en waarde van individuele persoonlikheid. Teenoor die idees van vryheid as gerieflikheid, voorspelbaarheid en risikolose veiligheid, met sy nuwe-effekte van afhanklikheid en (self)objektivering, word vryheid as wederkerig verstaan, gegrond in 'n vertrouensverbond, waarbinne verantwoordelikheid aangegryp word as goddelike bemagtiging om ander te dien en ware self-verwesentliking te bereik. Hierdie benadering verteenwoordig 'n alternatiewe manier om binne 'n digitale wêreld te leef en te handel. Die kritiese ontleding van digitale bewaking toon die dringende behoefte om ooreenstemming te vind oor sekere waardes wat op 'n gedeelte ondervinding van menswees gebaseer is.

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I am also indebted to helpful staff at the Theological Library and at the Stellenbosch University Library as well as at the amazing Library for Theology and Philosophy at the Ludwig-Maximilian-Universität in München, my Alma Mater, where I had the pleasure to do research twice in two years.

I am deeply grateful for the support of my friends, here in South Africa and in Germany. Thank you for helping me to stay grounded through your faithful support, sound advice and unwavering encouragement. Thank you also for keeping me in your thoughts and prayers. And thank you that you just never stopped believing in me.

Last, but not least, I want to thank my husband Thomas, without whose steadfast love, endless patience, constant support, invaluable pragmatism, great sense of humour and indestructible optimism I could not have finished this project.

## Five Quotations

“Ich freue mich und bin fröhlich über deine Güte... du stellst meine Füße auf weiten Raum.“

***Psalm 31, 8-9***

“It is for freedom that Christ has set us free. Stand firm, then, and do not let yourselves be burdened again by a yoke of slavery.”

***Galatians 5:1***

“Laat jou nie deur die kwaad oorwin nie, maar oorwin die kwaad deur die goeie.”

***Romeine 12:21***

“Ricordati che devi essere forte e coraggioso. Io, il Signore tuo Dio, sarò con te, dovunque andrai. Perciò non avere paura e non perderti mai di coraggio.”

***Giosuè 1, 9***

“Geliebt wirst du einzig, wo schwach du dich zeigen darfst, ohne Stärke zu provozieren.”

***Theodor W. Adorno***



## Dedication

To  
my beloved  
husband  
Thomas

\*\*\*\*\*

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# Chapter 1

## Introduction

### 1.1 Personal motivation

“It is for freedom that Christ has set us free. Stand firm, then, and do not let yourselves be burdened again by a yoke of slavery” (Gal 5:1, New International Version=NIV, 2008). During two decades of working as a pastor in the Lutheran Church in congregations in four different countries (United States, Germany, Italy, South Africa) I have been challenged again and again (and enriched by the task!) to translate this combined assurance of liberation and call to commitment into people’s realities in the context of preaching, teaching and pastoral care (*See/sorge*). On all the paths that I walked with schoolchildren and grandmothers, teenagers and middle-aged parents or young singles – between joy and sadness, burdens and achievements, confidence and uncertainty – I encountered a recurring motive: the hunger for recognition and unconditional acceptance and the search for true freedom.

As someone who is familiar with Luther’s theology from his key works and the Lutheran confessional writings, it remained striking to me how topical and deeply personal the Reformer’s notion of ‘justification by grace’ has remained for our own life reality in the 20<sup>th</sup>/21<sup>st</sup> century, as we navigate the treacherous seas of self-expectations, fear of failure, societal demands and individual longing for happiness and meaning. Even if people today no longer ask Luther’s question: ‘How do I get a merciful God?’ but rather: ‘How does my life become meaningful?’, the scope of this question is still the same as 500 years ago, namely the yearning for liberations from all the powers that hinder a fulfilled life, the desire for genuine community with others and the existential quest for ‘salvation’.

The beginning of the new millennium made the massive changes unfolding in the private and in the public sphere around us much more acute to me. The omnipresence of smartphones and the extreme dependence on computers and other technical gadgets, the permanent availability of the internet together with the growing strain to function incessantly at work and in family life influenced our lifestyle and profoundly changed our communication patterns. All of this also spilled over into congregational life, and indeed into every form of communal life. Some of these changes intrigued and excited me as much as they puzzled me. While they obviously brought about many advantages in terms of learning, communicating and saving time, they also created insecurity, pressure and new constraints, increasing the speed of life without taking the human soul along. This made me wonder: What kind of ‘inner switch’ has happened and which mindsets are being promoted in the current culture? What kind of needs are fulfilled by some of the new technologies and what are the interests of those who promote

them most assiduously? Does the perceived pressure to be successful and available all the time possibly subtly undermine the power of our Christian freedom? And is the new effective life on the fast lane really the epitome of opportunities or rather a sophisticated form of self-imposed slavery?

The revelations of Edward Snowden in June 2013 shifted another by-product of the internet revolution into clear focus: the fact that our digital lives are being tracked in real time by anonymous entities. Not least of all the risk and calculated sacrifice contained in his personal story made me realize that digital surveillance is not a vague, abstract and merely 'technical' issue, but very concrete, personal and highly socially relevant. This led to more questions on my part: What does such a systematic monitoring of our thoughts and activities say about our humanity, our societies and our values? How does this impact our consciousness as modern and autonomous adults and what does it mean for our self-understanding, our relationships and our life in community in the future? I asked myself whether Christians, who rightly add their voice to the public debate on so many pressing contemporary issues – climate change, the protection of a sustainable environment and biodiversity, the growing discrepancy between rich and poor and economic justice, the preservation of world peace etc. – did not have anything to say on this specific issue from a theological and an ethical perspective. Hence my wish to know and to understand more and to link these two themes in a dissertation: Christian freedom and digital surveillance.

## **1.2 Research problem, objectives and research questions**

### **1.2.1 Title**

'Digital surveillance' from the Perspective of 'Christian Freedom': A Theological Assessment in Conversation with Martin Luther and Dietrich Bonhoeffer

### **1.2.2 Scope of the dissertation**

This dissertation looks at digital surveillance by state and commercial actors as an omnipresent phenomenon of current life through the lens of Christian freedom as a central notion within the Lutheran theological tradition. The analysis of digital surveillance's current practices, objectives, underlying motivations and their implications for the individual and society is motivated theologically with the ongoing relevance and liberating potential of Christian freedom and a Lutheran understanding of the human person.



### **1.2.3 Research questions**

The principal research question is: In what way can the notion of Christian freedom according to the Lutheran tradition speak critically and constructively to the current practice and problematic aspects of digital surveillance?

In the light of this main question, several other secondary questions present themselves. Departing from the phenomenon and experience of digital monitoring, they are: What does the current practice of 'digital surveillance' entail? What is its rationale and the underlying notion of the human person that undergirds it? What are its objectives and the possible effects on individuals and communities? Why and in which way is digital surveillance a topic for theological and ethical reflection?

With respect to the theological conversation partners Luther and Bonhoeffer, answers will be sought to questions about their specific emphasis: What is understood by Christian freedom according to Luther and Bonhoeffer? What is the relationship between Christian freedom and the understanding of the human person? How do Christian freedom and human responsibility relate to one another?

In terms of the contrasting juxtaposition of Christian freedom and the surveillance paradigm the following queries suggest themselves: What is the critical potential of Christian freedom with respect to the worldview and the underlying understanding of the human person of the surveillance paradigm? Which realizations of Christian freedom can effectively counter the freedom notions and the harmful effects of digital surveillance? Which ethical criteria can be deduced from Christian freedom and brought to bear to deal with the challenge of perpetual digital monitoring and a pervasive digital culture?

### **1.2.4 Research hypothesis**

The hypothesis of this dissertation is, that the notion of Christian freedom as a constitutive element of a Christian understanding of the human person offers a powerful counternarrative to the underlying anthropology and the various freedom notions of the surveillance paradigm. The implications of Christian freedom for ethical conduct in an individual and societal setting equip us with vital criteria and effective ethical tools to deal with the frequently dehumanizing consequences of surveillance practices.

### **1.2.5 Objectives**

The thesis intends to critically examine the mechanisms, consequences and the underlying worldview of current digital monitoring from the vantage point of a Reformation-based anthropology and understanding of Christian freedom. Apart from providing a thorough analysis of the surveillance phenomenon, this will also require revisiting those parts of a

Reformation-based theology that support and facilitate such an assessment. In this vein a fresh look at the scope, the meaning and the ethical consequences of a freedom and human self-understanding grounded in the relationship with Christ is called for. The systematic-theological insights and the ethical criteria gained from the concept of Christian freedom will then be applied to the methods and ramifications of digital surveillance in a critical evaluation. In this manner the study wants to enhance a more comprehensive understanding of the problematic aspects of digital surveillance while at the same time conveying a notion of Christian freedom which is existentially relevant in a reality that is strongly shaped by the digital. It strives to bring the liberating potential of Christian freedom to bear and to make a relevant contribution to an ethical discourse about the practice of digital surveillance.

### **1.3 Approaching the topic: Some observations on the current context of our lives**

Ambivalence seems to be a key characteristic of our times: huge contrasts, ambiguity and the ‘simultaneity of the unsimultaneous’ (*die Gleichzeitigkeit des Ungleichzeitigen*). This applies to practically every area of our lives in a globally connected world – within the public and the private sphere alike: education, work and profession, social life and family, hobbies, health care, the economy or the financial sector, law and order, the structure of societies and the form of societal institutions.

On the one hand, we live in an age of enormous scientific and technological development, where worldwide mobility, the globalization of the economy, the speed of digital communication and exchange of information via the internet have revolutionized our lives, widened our scope of action and opened a whole realm of opportunities to experience freedom for individuals and communities. On the other hand, many people feel increasingly overwhelmed by the sheer number of options and the countless conundrums, that shape life in the 21<sup>st</sup> century.

The inscrutable mechanisms governing many areas of life – the financial sector or political processes could be examples – and the perceived intricacies within the social sphere, enhance the difficulty to make adequate decisions. The permanent overload of information that we need to process daily, and not least of all the amount, the range and the complexities of the world’s crises, add to this sentiment of (perplexed) uncertainty. Intimidated, unsettled and overburdened by the demands of life and ‘the world as such’, many crave some sort of ‘liberation’ and clear-cut solutions – which might explain the growing appeal of conspiracy theories or populist promises of easy answers.

The dilemma we are facing is that while the available knowledge grows continually, we also have less control, and while our scope of freedom as individuals has increased immensely, it

is also threatened, because we can no longer make use of it in a proper manner. This creates frustration and a certain level of resignation. On a global scale we are often acutely aware of our individual insignificance, experiencing ourselves as a small puzzle piece in a huge and inscrutable machinery (*ein Rädchen im Getriebe*) – a feeling which in turn thwarts the potential empowerment that the widely extended array of possibilities has to offer.

The differentiation of the economy necessitates continuous further training and adaptation to new procedures as well as almost permanent availability and physical mobility from those who work. The widespread use of smart phones and computers in combination with the possibility to have internet access almost everywhere and at any time, have contributed to this development, resulting in the public and private sphere becoming more and more blurred and enmeshed. Individuals are intensely aware of the ever-growing demands on them in private and professional life – the new imperatives for life orientation seem to be ‘permanent effectiveness’, ‘goal-orientated functionality’ and ‘conform to the norm’.

Zuboff (2019:411) notes that “in the 20<sup>th</sup> century the critical success factors of industrial capitalism – efficiency, productivity, standardization, interchangeability, the minute division of labor, discipline, attention, scheduling, conformity, hierarchical administration, the separation of knowing and doing... were... crafted in the workplace and then transposed to society, where they were institutionalized in schools, hospitals, family life and personality.” Wolfgang Huber (2015a:8), who looks at current developments from a theological-ethical perspective, comes to a similar conclusion: “The norms of economic competition control more and more areas of life... science and education, health and culture, sports and leisure activities.... One’s personal life is increasingly subjected to the laws of the market, and one’s self-understanding is determined ever more strongly by self-assertion and profit-seeking.”

With this invasion of economic criteria into our social lives and many other areas, which were previously regarded part of the ‘private sphere’, our mindsets and the outward organization of our lives also change. This leaves less time for spontaneity, playfulness and ‘purpose-free’ use of time and does not encourage creativity and ‘otherness’. The need to plan even one’s free time and the pressure to ‘perform’ (as a professional and co-worker but also as a parent, as a hobby-athlete or as a team-mate in a sports team etc.) is internalized on all levels and frequently leads to burn-out-syndrome, depression, chronic illnesses, dramatic failures and irrational behaviour.

In a certain sense, the internet has become the epitome of all the ambivalence surrounding us. Pushing aside the limits of distance and time, it started out as a platform for worldwide exchange, providing ample opportunity for the use of freedom: access to knowledge, information and entertainment for all, even ‘the underprivileged’; new opportunities for self-expression, the promotion of arts and the preservation of cultural heritage, the prospect of

connecting individuals of different cultures and languages, new ways of organizing people with similar interests, the opportunity to participate in political processes, the fast dissemination of news from all parts of the globe and not least of all the possibility to denounce injustices in real time. All this created a feeling of autonomy and 'connectedness' and contained the promise to promote equality, human rights, democracy and justice for a much bigger number of our planet's inhabitants.

This potential is still there, but with time the realization sank in that the unregulated virtual space of the internet also has its down-side. Not only can the Web be used by paedophiles, profit-hunters, terrorists, and all sorts of criminals, but in the name of 'free speech' even those with radical and violent inclinations can promote their ideas and interests and use the Web as a platform for slander and the dispersion of lies, conspiracy theories, hatred and propaganda. Furthermore, dissenting opinions and social conflicts are amplified in that they can instantly gain world-wide attention.

While most people were aware of occasional security leaks in the internet and the commercial capturing of consumer data for the purpose of creating better products and more targeted marketing etc., the exponential growth of internet use by an increasing number of the world's population eventually propelled the full extent of the widely practised monitoring of our internet activities into global consciousness. We became aware that making use of the Web's opportunities leaves a profitable and revealing trace for those who know how to make use of it. Being part of the digital world exposes us, our data, our personal and professional relationships as well as our digital communications, searches, interests and activities to being parsed and mined, categorized and used by various state and commercial actors for profiling, for profit and commercialization in technologically sophisticated ways, that are for the most part beyond our imagination as non-experts. The world wide web does not forget, it knows no limits and nobody is safe from scrutiny. Once the data is 'out there', we no longer 'own' our own stories. We no longer have control over the data that we put on the Net and much less over that which others put on the Net about us. Our data is game which can be placed into new contexts and become a 'product' at someone else's disposal.

Spurred by new insights on the part of internet experts and not least of all through the disclosures about secret operations by whistle-blowers, we have come to understand that our so-called 'internet freedom' is largely an illusion. While Edward Snowden enlightened the world about the systematic scope of global spying activities on individuals by the National Security Agency of the USA (NSA) and other state entities (Greenwald, 2014:90-169), others directed our attention to commercially motivated monitoring and data gathering as the basis of revenue for dominant technology firms on the market: a new market approach which has

quickly become the norm for successful business models *per se*: “surveillance capitalism” (Zuboff, 2015; 2019).

The free access to largely un-encrypted information and the retracing of individuals through their computers has opened new possibilities for classification and categorization, for control and manipulation, pressure and even oppression from the part of those who have the technological means to track, collect and process our data (Lyon, 2001, 2003, 2007; Lipartito, 2010:9; Greenwald, 2014:90.97; Lanier, 2014:49; Zuboff, 2019). In short: The Web has become a tool for spying on individuals and a war zone for gaining power, where many actors are vying for our attention and the opportunity to influence our thoughts and to direct our actions and our movements.

Latching on to Freud’s three narcissistic offences of humanity<sup>1</sup> the German internet expert Sascha Lobo called the disillusionment about the loss of freedom and the built-in surveillance function of the internet ‘the fourth offence to humanity’ (Lobo, 2014 – tl CS)<sup>2</sup>. South-Korean born German philosopher Byung-Chul Han (2014) maintains that in view of the digital revolution (with its permanent data availability, observation mode and data harvesting mechanisms) the whole question of power, freedom and sovereignty needs to be asked in a radically new way; in fact; that the situation requires a new definition of what human freedom and sovereignty (*Souveränität*) actually is. If digital surveillance indeed becomes a counterweight to individual and societal autonomy, this also raises the question of the significance and range of Christian freedom in a whole new way. What happens to its power to inspire our life in the multiple relations with our fellow-humans, our fellow-creatures and our environment in a permanently monitored environment? And how can freedom be preserved and renewed in such circumstances?

## 1.4 Background and rationale

The yearning for freedom is at the heart of our individual and collective humanity because it is closely related to self-realization, self-determination and identity. We associate freedom with

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<sup>1</sup> Sigmund Freud, in his essay *Die Schwierigkeit der Psychoanalyse* (1917) describes these offences as narcissistic in the sense of being a threat to the self-love of humanity because they fundamentally question the human self-notion of being in the centre of everything. These challenges come from scientific research and are 1. The cosmological offense, consisting in Copernicus’ discovery that the earth is not at the centre of the universe but a planet that revolves around the sun. 2. The biological offence takes the shape of Darwin’s findings that humans are not fundamentally distinct from animals, and that the origins of *homo sapiens* are in fact to be sought in the animal world. 3. The third insult to humans’ self-love is psychological in nature; it is an insight of psychoanalysis, namely, the discovery of the inscrutable realm of the unconscious which means that Ego is not really the sovereign and ultimate controlling authority of all the actions and emotions that unfold within its mental and emotional realm, the ‘realm of the soul’, as Freud calls it.

<sup>2</sup> Any translations from German sources that are my own, will henceforth be indicated with the abbreviation ‘tl CS’ after the respective reference.

self-agency, responsibility, dignity and authenticity and value it as a positive counter-concept to heteronomy and 'other-directedness'. In our perception it involves the absence of interference, constraints or limitations to our actions as well as the positive capacity to create and to accomplish what we conceive (Berlin, 1958:6, 16).

Freedom has to do with possibility and opportunity, with rights and claims, with privacy and personal space, but also with equality and justice, and not least of all with the possibility of participation in society. Hannah Arendt describes freedom as an "incontestable fact" (1998:235) because it is closely tied to the human capacity for creating as such, namely the ability "to start new unprecedented processes whose outcome remains uncertain and unpredictable" (1998:231-32). Being able to actively shape our environment according to our motivations and our will, makes us feel alive and 'real' and in charge of our own lives. Therefore, the contemporary philosopher Peter Bieri calls freedom 'the feeling of being the author of our own will and the subject of our own life' (2001:73 – tl CS). To experience and to exercise such freedom provides us with a genuine sense of self and a notion of fulfilment.

As much as freedom contributes to our personal identity, though, it can never be looked at 'in isolation', it is always lived and realized in the context of human community. Since we do not live our individual lives in a vacuum but in a web of social relations and responsibilities, any notion of freedom can only be a relational one (Huber, 1993b:580; Berlin, 1958:40). Not only is our personal freedom shaped, limited and enriched by the presence of others, its relational nature also enables us to act towards others in a loving and considerate way in the first place, Huber (2012:10) insists. Our individual freedom is meaningless without others, and it only gains its true purpose if it is used for the sake of others around us, too. Correspondingly, freedom also includes the desire for acceptance and for 'wholeness' – and for this we are dependent on other free human beings around us. The reach for such freedom in delimitation *against* others, together *with* them and *for* them, is a lifelong theme for every individual. And the search for concrete realizations of freedom in society is likewise an ongoing task for every new generation of humans in their time (Hübner, 2012:24). Thus, freedom with all its connotations is truly at the core of our self-understanding and of our quest for a fulfilled life.

What, then, is the relationship between 'freedom in general' and 'Christian freedom'? Obviously 'Christian freedom' is also concerned with the whole of the human person since it includes emotions and reason, body, soul and mind. It is therefore closely connected to all the other existential aspects of freedom discussed above. But it is a specific kind of freedom in that it is determined by our connection to Jesus Christ. It refers to the reality given by God as the creator and sustainer of worldly and human life, who has revealed himself to us as our saviour in Christ. Hence Christian freedom looks at us – as individuals and in our relationships with others – as creatures of a gracious creator and as justified sisters and brothers of Christ.

As a key feature of the biblical understanding of the human person this freedom implies responsibility, accountability and the ability to be God's partner and co-curator for all creation – as such it is an essential element of the *imago-Dei*-identity of human beings. And as unconditional grace imparted to us by a loving God in Jesus Christ's sacrifice, this freedom is neither our birth-right nor a natural claim, but a divine gift, which is real and alive only in faith in God and in genuine relationships.

It is important to note with Luther (Martin Luther's Basic Theological Writings = MLBTW:597) that our freedom as Christians is first a spiritual truth whose reality does not depend on favourable exterior conditions and whose power cannot be 'cancelled out' by the loss or limitation of 'exterior liberties' such as 'freedom of movement' or 'freedom of action' etc.. Bonhoeffer himself testifies to this truth. But by the same token freedom in Christ is of course not just an abstract concept in our individual consciousness. It always takes concrete shape in daily reality because it involves creating, enhancing and preserving a life worth living in community with others. This places 'Christian freedom' into a close relationship with civil liberties, social justice, human rights and the quest for human dignity – all of which essential factors for finding the fulfilment that we all long for.

The understanding of freedom as 'freedom from' and 'freedom to' (Berlin, 1958:6), which is so prominent in every past and current discussion about human freedom, also resonates strongly in the biblical understanding of freedom: 'Liberation from' and 'empowerment to' are practically inseparable as *one* single movement.<sup>3</sup> Martin Luther captures this twofold nature of freedom as liberation from the destructive forces of sin, law and death and as the empowerment to a realization of the 'true self' in service to others, aptly in the opening antithesis of his Treatise on Christian Liberty: "A Christian is a perfectly free lord of all, subject to none" (MLBTW:596) and "A Christian is a perfectly dutiful servant of all, subject to all" (ibid.).

For the Wittenberg theologian, the divine origin of freedom clearly implies that the relationship with God is the only access to such a lasting liberation and genuine empowerment – there is no real human freedom and no sustainable fruit in human relationships without God. This insight is still key to understanding the ongoing human predicament and the many driving forces within this world. In Luther's understanding, Christian freedom as the benefit of Christ's

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<sup>3</sup> A few examples illustrate this: The exodus tradition of the liberation from slavery and oppression in Egypt binds Israel to God in a permanent way, as it leads directly to the gift of the commandments and Israel's self-obligation to live in faithfulness to them. The same motive is taken up by all the prophets and prominently in the New Testament letters, whose core message can be described like this: 'You have been forgiven and saved from sin, now live worthy of the calling that you have received and make ample use of the newly gained freedom to do good works' (see e.g. Gal 5:1ff. 13ff; Eph 2:8, 13; 4:1; Col 1:10; 2:6, 20; 3:1). The Gospels echo this: Jesus' activity as the liberator from sin, sickness and fear always aims at enabling humans to live and proclaim a new life in the power of God.

salvation and as the fruit of 'justification by grace' is sheltered in the trusting relationship with Christ and given to be shared with others. This sharing happens in genuine dedication to others which is nothing other than the answer to God's love and the faithful obedience to his commandments (MLBTW:617, 619).

For Bonhoeffer, this is certainly no different. In his view, genuine freedom is constituted and realized in the creaturely bonds with God, other human beings and the earth – and these same bonds also become the embodiments of ethical responsibility (Dietrich Bonhoeffer Werke = DBW 6:256). Together with Luther, Bonhoeffer sees this kind of responsible and loving freedom of faith as shaped by vicarious representative action and self-sacrifice (DBW 6:256, 289).

Looking at the face of current reality with its ongoing drama of human sin and the need for forgiveness and salvation, it appears to me that 'Christian freedom' as a gift of grace and as commitment in response to this grace – or as the Barmen Theological Declaration of 1934 puts it: "God's assurance of the forgiveness of all our sins... and... his mighty claim upon our whole life" – has lost none of its relevance and is still able to respond to the deepest human longing for wholeness and true life. So, while I am well aware that 'Christian freedom' as a *topos theologicus* has been researched extensively, I am convinced that the necessity to convey the truth of the Gospel in an ever-changing world must incorporate an ongoing process of searching for cues how we can 'translate' this truth of freedom into current reality, so that it is meaningful for people today.

This involves a thorough analysis *of* and engagement *with* contemporary culture on the one hand and a recourse to our sources in Scripture and Theology on the other hand. The combination of sober realism, world awareness and an acceptance of the present reality on the one hand, and inspiration from the thoughts of those who tried to live freedom in their time and in their specific context, in other words, a combination of being turned towards the world and immersed in the Word, can help us to better understand what "the glorious freedom of the children of God" (Rom 8:21, NIV, 2008) actually means in our concrete living circumstances. We need freedom's 'input' for our humanity to tackle the 'ideological' and ethical challenges that we are confronted with. For Christians the continuous exploring of Christian freedom in its scope and consequences is definitely part of their faith journey.

And precisely because our liberation in Christ is a lived reality that involves constant interaction between humans, reflecting on our conduct as Christians is essential for our human quest for fulfilment. This must take place within the community of the Christian church as well as within the context of the world – in exchange with people of other convictions. Such ethical reflection can be directed at any inner-worldly development, with repercussions for human lives and human relationships, and all the more at issues of global relevance.



Digital surveillance as a sub-area of technological globalization has become such a topic that directly or indirectly affects every single inhabitant of this earth. It must therefore be subjected to the same scrutiny as other topics that are of concern for the whole of humanity – especially because its collateral effects and long-term consequences are still far from being properly understood.

While nobody refutes the necessity of identification and the need for reliable records on individuals, for the practical functioning of multiple processes in a highly differentiated society, the storage, ongoing use and commodification of such data has long ceased to be an abstract issue, as it can directly impact our concrete bodily lives. It not only raises questions about privacy and the protection of personal information but also about bias and social justice, power abuses and civil liberties. Topics like the objectification of human beings and the role of fundamental human dignity inevitably come to the fore – all indicators that point to deeper issues, like the underlying worldview and the notion of the human person.

Computer scientists, economists and sociologists have long since named the inherent risks of surveillance such as for example, the danger of reinforcing social and economic divisions, creating massive power imbalance and facilitating manipulation (Lyon, 2003:11; Lyon, 2007:194; Lipartito, 2010:4; Greenwald, 2014:200; Zuboff, 2019:376ff.). Subsequently they have called for a more wide-spread ethical reflection and debate on the implications of surveillance and the use of technology (Bauman, 1993; Lyon, 2001; Lanier, 2014:186; Zuboff, 2019).

Indicating that the emphasis of surveillance is increasingly shifting from care to control (2001:7), David Lyon points out that digital monitoring is no longer just an “individual matter, but an inherently social concern” (2001:4) and should therefore “be a topic, not merely of... sociological investigation, but also of ethical and political concern” (2001:10). Lyon’s colleague Zygmunt Bauman likewise points out “the ways in which areas of social life are removed successively from the reach of moral critique” and “cautions that this situation should be countered by the development of serious and relevant ethical criteria by which to confront today’s dilemmas...” (Bauman, quoted in Lyon, 2001:10).

If Lyon (2001:11) as a sociologist is convinced “that relevant ethical criteria are available that appeal to notions of social justice and embodied personhood” and that these criteria “speak to the issues raised by surveillance societies today and offer modes of practical engagement with them”, then Christians and theologians should not remain at the side-lines and withhold what they have to offer in this respect. It affords us the opportunity to put the notion of Christian freedom forward in a fresh way and to bring the critical and constructive potential of Christian freedom to bear within the context of the surveillance phenomenon.

The Lutheran understanding of Christian freedom can make a specific contribution to the debate about digital surveillance in more than one way. From the outset there is ample room for the individual 'I' and its need to be an acting subject with a reasonable degree of independence. At the same time the emphasis on the unconditional acceptance of the unacceptable sinner is a counterweight to the constant focus on self-justification and proving one's own worthiness, which is enhanced through the data monitoring process.

The gift-character and the relational nature of freedom in Christ promotes a realistic understanding of the human person which takes human sinfulness and fundamental dependency into account. It also underlines that humans are grounded in 'togetherness' and values the need for reciprocal trust and care. Acknowledging that human beings are called to realize freedom in community, can further help us to better evaluate the side effects of surveillance on the social fabric of society and to deal with them in such a way that we do justice to 'real people'. In addition, as those who trust in God and entrust themselves to his power, Christians will be cautious with respect to all sorts of inner-worldly power claims that try to appropriate human beings for their 'cause' – and this awareness will help us to be sensitized regarding the power and control issue of surveillance.

Both Luther and Bonhoeffer's understanding of the human person as accepted and loved by God and their ethical emphasis on freedom as responsible and loving commitment to others, offer strong clues on how to counter the dehumanizing tendencies that accompany the practice of surveillance. The scope of Christian freedom contains an 'antidote' to all claims to a 'totality' of diverse areas of human activity. And it certainly has the capacity to critically question all ideologies and likewise all forms and practices of human life as to their ability to enhance life and freedom. Hence Christians should not forfeit this critical potential of the Gospel and of Christian freedom, but instead participate "in the ongoing struggle to bring the criteria of humanity to bear under the given and ambiguous conditions of action" (Huber, 1993b:585).

## **1.5 Theoretical framework, methodology and research design**

As a pastor and Christian shaped by the Lutheran tradition I wanted to look at the issue of digital surveillance from a Reformation-based theological perspective. With Luther being a champion for Christian freedom and an important witness for an understanding of the human person based on the biblical revelation, he remains an obvious choice. In addition to capturing existential truths about God and human beings, he is also unequivocal about the inherent connection between the freedom of the justified believer and the ethical commitment to others, which grows out of the experienced divine redemption.

In view of the 'time gap' between Luther's circumstances and our 21<sup>st</sup> century situation, the incorporation of a further theological dialogue partner with a more contemporary perspective suggested itself. Dietrich Bonhoeffer was chosen because he is firmly rooted in the theological tradition of the Reformation and obviously draws on Luther's approach in many ways. At the same time, he also makes the Reformer's key concepts accessible in a modern age by employing a different language and contextualizing them for his own time. With a view to our present, Bonhoeffer's observations on a genuine humanity, a Christ-centred ethics and the role of technology decades before our own time – made especially acute by the totalitarian experience of the Third Reich – have an almost prophetic quality. Bonhoeffer's constructive and critical engagement with the modern world – as 'a world come of age' and equipped with the critical tool of reason, but also as a world that is in denial of God and thus botches its own potential for autonomy<sup>4</sup> – turns out to be a highly accurate cultural analysis. It is the very same world that Bonhoeffer is passionate about because God has loved and redeemed it in Christ.

The method of this dissertation is a literature study in Systematic Theology and Ethics. This will involve a close reading of selected works by Martin Luther and Dietrich Bonhoeffer in the original German language (my mother tongue) and various English translations. Drawing on Luther's *Freedom of a Christian*, *The Bondage of the Will*, his *Catechisms*, the *Treatise on Temporal Authority* and a few other works, as well as on Bonhoeffer's *Ethics*, *Creation and Fall*, *Letters and Papers from Prison* in combination with *Act and Being*, *Sanctorum Communio* and selected essays from his *corpus* make it possible to convey the notion of Christian freedom and the strong parallels between the two theological thinkers. Especially with respect to the Berlin theologian I have mostly worked with the German original in the *Dietrich Bonhoeffer Werke* and frequently made my own translation. In this case it is indicated with a 'tl – CS' after the respective reference.

The secondary sources are commentaries and interpretations of their work in the forms of books, articles and contributions by other contemporary theologians, respectively eminent scholars of Luther or Bonhoeffer, such as Hans-Martin Barth, Oswald Bayer, Gerhard Ebeling, Winfried Härle, Wolfgang Huber, Jörg Hübner, Eberhard Jüngel, Klaus Nürnberger, Michael DeJonge, Clifford Green, Geoffrey Kelly, Ann Nickson, Larry Rasmussen.

To understand and assess the mechanisms, practices and background of digital surveillance, I lean predominantly on one of the foremost experts on this topic, the Canadian sociologist David Lyon and Harvard emerita scholar Shoshana Zuboff. Lyon has specialized his research on the phenomenon of surveillance, and especially the surge of state surveillance in the aftermath of 9/11, and has closely followed the developments in this field for decades. Zuboff,

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<sup>4</sup> Cf. DBW 6:112-113, 118-19; DBW 8:476-77, 650.

as economist has explored the connections between technological developments and economic imperatives and the development of commercially oriented data harvesting for many years. Apart from these two main sources, I also make use of current interdisciplinary research from the field of 'economy' and 'law', as well as ongoing contemporary reflections and research on the subject by those who observe current trends and actively participate in public debates in society: philosophers, journalists, computer experts, social and political scientists and 'digital visionaries'. Books and research articles, blogs and contributions in newspapers will also be considered.

Any translation of primary or secondary sources that is my own, will be indicated by bold inverted commas ('.....') to distinguish them from other, regular citations ("....."). For the primary sources I use abbreviations. They will be introduced once with their full name and the corresponding short form, for instance Martin Luther's Basic Theological Writings = MLBTW or Dietrich Bonhoeffer Works = DBWE, before I continue to use the acronym. This will be repeated in each chapter as a reminder. These few sources will be listed in the bibliography with their abbreviation, followed by the full details.

## **1.6 Structure of the thesis**

Chapter 2, titled 'The Phenomenon of Digital Surveillance and its Implications' introduces this practice as a ubiquitous and yet invisible method applied by state entities and private actors, situating it within a wider framework of historical, cultural, political, social, economical and technological parameters. After an overview over the essential features and the different forms and theories of surveillance, a subsequent look at its motivations and objectives and the corresponding mechanisms of digital data capturing and data interpretation will offer some insight into the surveillance rationale, which is strongly determined by risk management and predictability. The central part of the chapter will examine the tangible and strongly overlapping consequences of digital surveillance in the lives of individuals and societies. Many of them raise serious concerns about the understanding of governance, the handling of power, the notion of law and the societal role of technology but also about human dignity, privacy, the concept of human freedom and the overall understanding of the human person as such. Given the many worrying aspects of monitoring, the final section will address the dilemma of an adequate response, considering the multiple individual, structural and societal reasons for the lack of resistance against these undesired repercussions. Being aware of these dynamics will be important when contemplating a Christian response to the harmful ramifications of digital scrutiny in Chapter 5.

Chapter 3, under the headline 'Martin Luther: Christian Freedom as a Gift from God', explores the richness of Luther's understanding of Christian freedom as the foundation of our

Reformation-shaped Protestant faith today. Commencing from the basic traits of the Reformer's (theological) anthropology with its existential human dependency on God's gracious 'attention' and the incorporation of human freedom into divine freedom, it will expound the essential elements of a Christ-related human freedom as the power of God's undeserved grace and unconditional love, which in turn facilitate justification and a new identity grounded in faith. The understanding of Christian freedom as lordship and servanthood becomes the basis of its ongoing realization as commitment and selfless action for the benefit of others, which is nothing other than the concretion of Luther's ethics. Understanding the ongoing relevance of Luther's notion of freedom for our current life context will help us deal with the practice, the worldview and the understanding of the human person of the surveillance paradigm on an intellectual and on a spiritual level. To complete the overall picture of the newfound liberation in Christ, the last part of the chapter contemplates the dynamics of Christian freedom in a society of believers and non-believers – the equivalent of Luther's political ethics of freedom. This necessitates a presentation and critical appraisal of the Reformer's much misunderstood teaching on the two kingdoms, followed by an overview over its later reception and interpretation (*Wirkungsgeschichte*). Understanding two-kingdoms-thinking in its wider context will enable a clearer grasp of the legitimacy and the limits of current state-instituted monitoring practice and the state's obligation to regulate digital surveillance. Since it contains many aspects still present in today's discourse about the role of government and citizens, two-kingdoms-thinking could provide important criteria for a beneficial application of monitoring and the digital within a society as a whole, thereby possibly becoming a bridge on which Christians and people with other religious or non-religious worldviews can meet.

Chapter 4 is called 'Dietrich Bonhoeffer: Christian Freedom as Responsibility in Conformation to Christ'. It lays out the Berlin theologian's original contribution to an understanding of Christian freedom within the whole of his 'ethical theology', while being aware of the strong parallels to Luther's approach. Bonhoeffer establishes human freedom within his understanding of the reality of the world and the reconciliation-reality in Christ, characterizing it as a creaturely gift in analogy to the creator's own freedom, to be lived for God, for others and in non-dependence from creation. Outlining the consequences of human sin as the loss of this original human calling and subsequent alienation from one's own humanity, he interprets the vicarious self-giving of Jesus Christ and the resulting reconciliation as the return to true humanity and to the potential of God-given freedom. The conformation to Christ remains the goal of genuinely lived creaturely freedom and a fulfilled human life. Accordingly, Bonhoeffer, like Luther, develops his ethical approach on the basis of his soteriology with a strong emphasis on the divine commandments and Christ as the example and anchor of ethical action. Human freedom is then realized in bonds of responsibility towards God,

ourselves and others but also towards the earth and the world of things. And love becomes concrete in obedience to God's will and standing in for others in many ways. Bonhoeffer continues to apply the structure of responsible life for his practical considerations on how to live freedom in the context of society. At the same time, he also strongly relies on Luther's two-kingdoms-thinking to describe Christians' role in the setting of a community and their relationship with the government. Luther's notions of 'church' and 'government' are likewise integrated into his concept of divine mandates as ordering structures for freedom in community. On the whole Bonhoeffer's unequivocal efforts to appropriate two-kingdoms-thinking for his own circumstances and his recourse on Luther for his reasoning on resistance against a totalitarian state show that he clearly believed in the ongoing relevance of the two-kingdoms-approach. This corroborates the plausibility of applying two-kingdoms-thinking for the issue at hand and its strength in rebutting all claims to 'totality'. The chapter will close with a summary of the strong parallels in theological content and approach between Luther and Bonhoeffer – another argument for the ongoing relevance of their shared cause for freedom.

Chapter 5 under the heading: 'Christian Freedom as an Antidote to the Surveillance Paradigm' will be the synthesis, consolidating the thesis' different motives and taking up all the main concerns raised in the study. To this end it will directly juxtapose the two main foci within a final critical evaluation – namely, the practices and repercussions of digital monitoring in human life and current culture on the one hand, as well as the reality of Christian freedom anchored within an understanding of the human person oriented to God on the other hand. This begins with identifying the underlying worldview of surveillance with its predominantly self-referential orientation and visions of omni-perception and the ramifications thereof for the assessment of human fallibility, personal accountability and the role of technology. The entire attitude will be challenged, drawing on Luther's and Bonhoeffer's faith-based view of reality, and refuted on biblical grounds. Revisiting the previously discussed inadequate notions of humanity, the second subsection critically questions the latent concept of the human person inherent in digital monitoring's outlook on worldly reality. Justification by grace in connection with the gift-character of Christian freedom will be re-affirmed against ideas of life as a successful project, self-justification and the persistent judging of others. The restored humanity in Christ and the acknowledgement of people in their unique personhood and 'wholeness' serves as a stronghold against the over- or undervaluing, the objectifying, manipulating and defragmenting mode of the surveillance paradigm. The third sub-section is devoted to the contested notion of freedom. Against the thought pattern of freedom as a humanly anchored possession, which requires predictability and risk minimization to facilitate safety, conveniences and the liberation from responsibility, Christian faith puts forward an alternative vision: Christ-related freedom as a space nourished by reciprocity, the acceptance

of others' boundaries and commitment, which leans on creativity and trust, recognizing responsibility as one of its core elements. Knowing that the bond with God and with others is the source of its empowerment and the heart of its servant autonomy, such a divinely grounded freedom embraces risk and uncertainty entrusting itself to God's gracious judgement. The chapter will be rounded off by a reflection on the ethical consequences of such a Christian understanding of reality, humanity and freedom for confronting the woes of surveillance and an appropriate participation in the digital. Based on the contextualization of Luther and Bonhoeffer's guidelines of freedom, love, responsibility and obedience, various suggestions for Do's and Don'ts with respect to the digital reality will be put forward, considering both the possibilities of individual Christians in their immediate environment as well as in the public sphere of society. Two-kingdoms-thinking will figure prominently with respect to the right of resistance to inappropriate forms of state surveillance and the state's responsibility for proper legal supervision of commercially oriented surveillance activities. The deliberations on appropriate Christian action will be completed by sketching a vision for a different kind of surveillance and an alternative digital culture.

The Conclusion as final and 6<sup>th</sup> chapter will summarize the most important insights by retracing the study's trajectory. Since the problem of digital surveillance gives further prominence to the need for consensus on certain values for the proper survival of humanity, it argues that Luther and Bonhoeffer's approach to reality and the role of human beings in it offers just such a foundation for a dialogue between Christians and Non-Christians on essential aspects of a shared experience of humanity. The values protruding from this exchange could then lead to compromises for a 'code of conduct' for the digital age. The dissertation ends with an outlook on possible further interdisciplinary research, especially pertaining to the human self-understanding tied to the digital reality and its repercussions in analogue life.

## Chapter 2

# The Phenomenon of Digital Surveillance and its Implications

### 2.1 The parameters of digital surveillance

#### 2.1.1 The origin, development and basic features of surveillance

The internet has provided us with countless new opportunities for learning, exchange and connecting, and has given us the convenience of a multitude of services – all through fast access to information and to persons. The speed, easy access and capacities for disseminating and processing information have made electronic data transfer part of every business and administrative model: the communication with our health insurance, the acquisition of concert tickets, the church's newsletter, a job application or engaging with the authorities in administrative matters – it has all become digitalized.

Thus, in the private as well as in the public realm – which are becoming more and more enmeshed due to the intricate connection between our physical lives and our 'online lives' – we have become dependent on digital data exchange for effective life organization, a viable economy and social participation. Those without internet access are not only deprived of life chances but *de facto* excluded from essential segments of reality. It is therefore no surprise that access to the internet has become vital to the point of becoming a legal right.<sup>1</sup>

The consequence of this growing data exchange via electronical means is that we feed more and more information about ourselves and others into the gigantic information machinery that is the world wide web. And once this data is in circulation, it is beyond our control. It can be collected and harvested, sent on, put in a different context, distorted or falsified, re-used, re-purposed, made someone else's property and become part of a data base. In this sense digital surveillance is a 'by-product' of the digital re-organization of our lives and of technological globalization.

Data gathering is like a detailed stocktaking of 'things' and of people revolving around material, means and procedures as well as around identities, activities, interests and patterns of behaviour of individuals or groups. Since it occurs in literally every area of our lives, it encompasses all our different roles as partners, parents, professionals, patients, clients and consumers. David Lyon identifies military intelligence, geo-political conflicts and warfare,

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<sup>1</sup> In her article 'Dark Google' Zuboff (2014b) refers to a 2010 BBC poll which "found that 79 % of people in 26 countries considered access to the internet to be a fundamental human right".



bureaucracy and state administration, workplace supervision, policing and law enforcement as well as the entire field of market research, production of goods, marketing, entertainment, consumer activity and consumer relations as essential sites of systematic monitoring (2007:2-9.25-27.96).<sup>2</sup> The aim is to establish “information infrastructures” (Lyon, 2007:96) as a basis for successful business and effective administration. Digital surveillance has become integral to any modern economy (Lipartito, 2010:29) and an essential ingredient of social life – in short “a central feature of postmodern, global information societies” (Lyon, 2001:10).

The current form of digital surveillance and its rise to relevance has its roots in centuries-old developments that reflected the need for governance with the help of economic and societal structures. Rabinow (1984:16) notes that the 17<sup>th</sup> century saw a growing number of “centralized state administrative apparatuses” and the birth of statistics, both of which combined the “art of government and empirical knowledge of the state’s resources and condition” to form “a new political rationality”. Beginning with the 18<sup>th</sup> century nation states began to develop more systematic procedures to keep track of their populations within a world of increasing mobility, industrialization and changing social conditions (Foucault, 1977:225; Lyon, 2007:2).

These, in combination with the decrease of “face-to-face-relationships” (Lyon, 2007:125) and the need to communicate over greater distances necessitated new forms of authentication and asserting eligibility in order to obtain reliable records on citizens with respect to taxation, conscription, standardized administration, proper identification, voting rights and public health (Lyon, 2007:2, 31). Recording and storing information about individuals in the form of lists, dossiers and files became the new “tokens of trust” (Lyon, 2007:125). Apart from the ‘intra-national’ aspects of effective governance another important driving force for the development of state-instituted surveillance was of course the preservation of the nation in geo-political struggles and the protection from possible threats and dangers from outside adversaries (Lyon, 2001:110; Lyon, 2007:29f.).<sup>3</sup>

Thus “modern forms of surveillance... have grown out of central processes of modernity: capitalist production, bureaucratic organization and the increasingly globalized struggles between states” (Lyon 2007:19) in combination with “the desire for rationality, efficiency, speed, plus...for control and for the care of populations” (Lyon, 2007:68).

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<sup>2</sup> Lyon (2007:68) notes that “the drive for capitalist control of employees, raw materials and markets provides a constant catalyst for surveillance.”

<sup>3</sup> Spying on neighbouring tribes, groups, territories, cities, principedoms, countries and nation states to assess potential dangers and opportunities has of course always been part of the human survival strategy. Lyon contends that much of present-day surveillance is still strongly shaped by its roots in military frameworks and “the holy grail of command and control systems” (2001:29)

There is wide-spread consensus that while the 9/11 attack did not bring about the ‘surveillance society’, it definitely reinforced and accelerated pre-existent trends: The so-called ‘war on terror’ in its aftermath and the subsequent prioritization of ‘control’ and ‘safety’, enormously boosted surveillance’s digital and global properties (Lyon, 2007:115, 195; Schneier, 2014). And once again the requirements of military organization and warfare acted as a catalyst for many developments in the field of monitoring technology at large. The new instruments and applications quickly became part of the repertoire of other surveillance sites, and – expanding them in size and scope – thus contributed to creating new surveillance systems (Lyon, 2001:112; Lyon, 2007:25ff.).<sup>4</sup>

A similar tendency of spreading and ‘emigrating’ into new fields of applications is manifest in the diffusion of captured data itself: Consumer data, for instance, can be ‘exported’, re-used and re-edited and become useful for other applications and purposes (e.g., for crime control or insurance purposes) (Lyon, 2007:17). With data travelling from one surveillance site to another and with the linking of different kinds of data collections huger “surveillant assemblages” (Haggerty and Ericson, 2000:606) with the possibility of cross-referencing infinitely new findings and data exploitation opportunities are created (Haggerty and Ericson, 2000:614; Lyon, 2003:31; Richards, 2013:1939) – a phenomenon that Helen Nissenbaum (quoted by T Doyle, 2011:97) sums up as: “Information begets information.”<sup>5</sup>

Before we embark on a more detailed examination of the forms and consequences of contemporary surveillance, we need to take a closer look at some of its characteristic features. Lyon (2007:69) identifies the “calculative mode” of counting, measuring and controlling as “a drive for classification... and another for system integration” as typical traits. This attempt to understand connections and to label existing correlations goes hand in hand with a “shift towards risk management” (ibid.) which pushes considerations on the social context into the background.

However, these highly specialized features of digitally enabled surveillance can easily make us forget that surveillance is not just about a specific aspect of the application of technology – the latter is only the vehicle to realize it. Lanier (2014:235) reminds us that “Information is

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<sup>4</sup> Lyon names two examples: The capacity of locating objects and humans via GPS devices – from being available only to a chosen few in policing and crime control – has evolved into a tool available to ordinary citizens to keep track on themselves, spouses, and children as well as objects like cars or cell-phones (2007:113). A parallel development took place with the use of biometric data and fingerprints: First only used in the narrow context of state authority, it has now become a means for companies and private identities to regulate access to buildings, office spaces and computers (2007:112).

<sup>5</sup> In reference to Deleuze, researchers describe this expansive and overlapping quality of surveillance and the subsequent exponential growth of integrated data collections as rhizomatic growth (Haggerty and Ericson, 2000:614; Lyon 2007:52, 114, 201) casting it as a “spreading plant-like organism that sends out shoots in different directions, each of which may take root in its own right” (Lyon, 2007:114).

nothing but people in disguise". Our data have a specific '*Sitz im Leben*': They refer to our concrete existence in the physical and material world and are connected to our personal experiences, reflecting our inner and outer world. Within digital surveillance highly complicated technological processes are being intertwined with the intensely personal character of individual stories and data, "meeting in the software-coding nexus" (Lyon, 2007:115) with "questions of risk and trust, of security and opportunity" (ibid.) playing a central role. Thus, any handling of data has social consequences; it involves power relations and power shifts between people (Lyon, 2007:23). So regardless of its form or purpose, surveillance is deeply embedded in the social world and formative for it because its subjects are human beings.

By the same token surveillance systems, to be effective, also depend on the contribution and interaction of all social players involved in it (Lyon, 2001:7-8, 35-36). By making use of the web and engaging in mandatory or voluntary digital exchange we are supplying and spurring on the demand for data collection. At the same time, we also gain access to a growing amount of data about others which adds a new dimension to our human responsibility. At no stage we are merely defenceless victims of a hierarchically imposed tracking – in our different roles as private persons, citizens or participants in the working world we all interact with surveillance systems and contribute to their (in)efficacy and their particular form by the way in which we comply, negotiate, react or cooperate (Lyon, 2003:35,152; 2007:27, 115). Lyon captures our overall participation in surveillance with the musical metaphor of "social orchestration" (Lyon, 2001:7, 35).

Connected to this is another one of surveillance's attributes: its inherent ambiguity. The latter manifests itself in all its different aspects – whether it is the contents, the form, the processes or the consequences of it (Lyon, 2001:136, 140; Lyon, 2003:5,16). The French word "*surveiller*", literally "to watch over", renders this aptly: Watching over someone involves the connotation of care, concern and protection to prevent harm and maintain safety. At the same time, it also includes the dimension of control (Lyon, 2007:13). Hence "surveillance – watching over – both enables and constrains, involves care and control" (Lyon, 2001:3). Surveillance always oscillates between these two poles – whether closer to the one or the other, depends on its drivers and its purposes (Lyon 2003:5, 11; Lyon, 2007:3).

Surveillance's ambiguity also resonates in our experience of it: On the one hand the potential benefits of increased data accessibility to provide more justice, fairness and reliability in transparent administrative processes, hindering corruption, safeguarding individuals' rights and protecting them from arbitrariness and power abuse must not be discounted. Nor can we deny its many life-enhancing properties and contributions to welfare and a higher standard of living through more wide-spread access to information, education and amenities, through fast

communication across the globe, timesaving, efficiency in addition to many practical comforts and conveniences.<sup>6</sup>

The price for these new opportunities is, however, that our communications and a lot of relevant information about us can be accessed (Lyon, 2001:3) with potentially harmful consequences. As a sub-area of the digital revolution digital surveillance shares in the ambiguous character of the internet and of every other complex phenomenon in our global world which can be used for healing, enhancing and saving lives, or abused to cause damage, fear, destruction and death. As Christians we must be aware of this, our fundamental human ambiguity, remaining realistic in our analysis and sober in our attitude towards surveillance as one of its expressions.

### **2.1.2 Surveillance in a historical, philosophical and literary perspective**

As we examine digital surveillance, we can neither ignore its historical trajectory nor dispense with a critical cultural analysis of some influential philosophical thinkers. Not only do their reflections still strongly resonate in today's forms of digital monitoring and continue to shape our perception of this phenomenon, but they also help us understand digital monitoring's overall agenda and possible alternatives. And not least of all they enable us to throw the specific features of *current* surveillance into sharper relief.

#### *Bentham's vision of the panopticon*

Jeremy Bentham, the late 18<sup>th</sup> century English philosopher, inspired after visiting his brother Samuel, who was on a supervision task in Belarus, developed the idea of a central control mechanism for supervising huge numbers of people in settings like prisons, work houses, factories, mental asylums, hospitals or schools (Engelmann, 2011:284-290).<sup>7</sup> This centralized supervision would be realized by an architectural concept named the 'Panopticon' – referring to the 100-eyed giant Panoptes from Greek mythology. The Panopticon consisted of a circular structure that would allow a single observer from the position of a central watch tower to look out on a surrounding building with cells containing the inmates. Whereas centrally regulated lighting would make the inhabitants clearly recognizable, the inspector himself, shielded by

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<sup>6</sup> We all profit from identification through passports, pin codes and health cards; nobody wants to live without the advantages of global communication, online banking and online purchases anymore. But life-enhancing properties also refer to ground-breaking medical research and exchange, progress in diagnostic and treatment methods as well as the development of technical gadgets which help people with sicknesses, physical handicaps or support the elderly.

<sup>7</sup> Bentham's purposes were "to punish the incorrigible, guard the insane, reform the vicious, confine the suspected, employ the idle, maintain the helpless, cure the sick, instruct the willing, or train... in the path of education" (Engelmann, 2011:284/ Letter I, no page).

blinds and the blinding lights emanating from the surveillance position would remain invisible (Engelmann, 2011:285).<sup>8</sup>

The main point was that the inmates, not knowing at which time or whether they are being observed – must assume to be always under scrutiny (Engelmann, 2011:285, 287). At the same time the cell arrangement would make it impossible for them to communicate with other inmates and to form bonds of solidarity (2011:286). In this scheme activating the self-control and self-censorship of those observed obviously played a crucial role. Bentham envisaged that the ensuing pressure created by the combination of physical coercion, isolation and inescapable monitoring would eventually achieve the desired educational objective: obedience, adaptation and conformity in the inmates' behaviour – behavioural change for the sake of a more productive and efficient society (2011:284-285). In his view the project represented nothing less than “a new mode of obtaining power of mind over mind” (2011:283).<sup>9</sup>

Bentham gathered that the whole system would be cost-effective and practical, requiring fewer people to supervise many and minimizing physical contact and direct confrontation between observers and observed (Engelmann, 2011:287-289). In this way, surveillance would become a kind of ‘non-personal issue’. Bentham's plans never materialized during his lifetime, but he rightly foresaw a wide array of applications for the panoptic principle in a variety of political contexts and institutional settings. He considered himself a reformer, who wanted to contribute to a better functioning society. While Bentham certainly had no doubt that many needed ‘guidance’, maybe even in the form of coercion, in his mind's eye the panoptic idea was not primarily meant to be an instrument of oppression, but rather a means to enhance ‘the common good’ as part of a progressive and rational approach to societal problems.<sup>10</sup>

In this vein the whole surveillance was to be rigorously transparent in the sense that there was no secrecy and no hidden agenda involved. According to Bentham, anybody authorized could do it and anybody could come and inspect the process – which obliged the supervisors to fulfil their duty diligently, turning them into supervised subjects, too (Engelmann, 2011:288-290):

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<sup>8</sup> Bentham's original plans also included listening in on the cells with a sort of microphone (Engelmann, 2011:286-87).

<sup>9</sup> Given the factual bodily confinement of the inmates in the described entities it would probably be more appropriate to call this a method of ‘mind over matter’ combined with ‘mind over mind’. Of course Bentham did not have to handle the ‘fundamental legitimacy problem’ of any current surveillance – given the strong role of ‘class’ in English society, the economic imbalance between rich and poor, the gap between the educated and those with little formal education, as this was joined to the general living circumstances and the view on authority that existed before the fundamental shift of Enlightenment..

<sup>10</sup> As we will see, ‘the common good’ is a treacherous term since it can serve as justification for many unjust, unlawful and illegitimate political practices. The crucial question is always: Who determines what ‘the common good’ is and in what way?

“The doors... will be... thrown wide open to the... tribunal of the world” (2011:290).<sup>11</sup> Bentham assumed that by virtue of this transparency the danger of power abuse would be kept at bay and the strictly functional aspect of supervision would be upheld.

### *Foucault’s disciplinary powers and the rise of surveillance*

In the 20<sup>th</sup> century Michel Foucault’s in-depth-study of societal structures with their shifting distribution of power, and his analysis of the relationship between power and knowledge, have remained a focal point of reference for any reflection on contemporary surveillance – for good reason, as we shall see. In *Discipline and Punish* (1977) the French philosopher latches on to Bentham’s key points and explores the way in which mechanisms of power play out in all areas of human life, from individual social relationships to political, economic, cultural and scientific processes. Departing from analysing prison structures and the changing ways of punishment (from torture and execution to prison sentences and reform-efforts) he argues that the underlying agenda and the respective control mechanisms, that is, the disciplines<sup>12</sup> as “techniques for assuring the ordering of human multiplicities” (Foucault, 1977:218) could be applied in a huge variety of different contexts – such as in schools, asylums, factories, hospitals, prisons, working-class housing estates or the army (1977:171) - and moreover quite independently of the respective “political regimes, apparatuses or institutions” (1977:221).<sup>13</sup>

Foucault identifies three features of disciplinary power which have become characteristic for a “disciplinary society” (1977:216): “Hierarchical observation” (1977:170), “normalizing judgement” (1977:177) and “the examination” (1977:184). These are essentially control mechanisms that work by external coercion as well as internalized pressure. People are observed for purposes of supervision and “subjected to a field of visibility” (1977:202) where they are exposed and readily identifiable. The position of hierarchical observation provides the supervisors with a clear advantage in knowledge, which could also be used to blackmail and pressurize those “under the inspecting gaze” (Foucault, 2002:98). Therefore, Foucault characterizes the “systems of micro-power as essentially asymmetrical” (1977:222). In such a constellation the power imbalance and the imminent danger of power abuse is undeniable.

In close connection to Bentham the supervising power is defined as continuous, comprehensive and omnipresent and at the same time unobtrusive, silent and invisible –

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<sup>11</sup> Foucault (1977:207) later comments: “The seeing machine...has become a transparent building in which the exercise of power may be supervised by society as a whole”.

<sup>12</sup> In *Discipline and Punish* and other publications Foucault uses different terms for the disciplinary powers: “the disciplines”, “micro-physics of power” “disciplinary mechanisms”, “disciplinary modality of power”, “techniques of power”, technologies of power”, “mechanisms of power” and “anatomy of power”. All these expressions are basically synonyms.

<sup>13</sup> See also Foucault (1977: 205, 209, 211, 216).

beyond reach and unverifiable. As a quasi-anonymous, de-personalized mechanism, it can operate in a very functional and automatic way (Foucault, 1977:176, 177, 193, 201, 214). Permanent monitoring makes it possible to record, measure and calculate behaviour and allows for the classification, categorization and the ongoing evaluation of individuals (1977:184,193, 190, 208, 220). The goal of supervision is “to alter behaviour, to train or correct individuals” (1977:203). This is accomplished by getting the supervised to reliably follow certain rules and to adopt acceptable patterns of behaviour.<sup>14</sup>

Punishment and rewards, retribution and gratification are the corresponding elements of this disciplinary system (Foucault, 1977:178ff.). Within it “the norm” or the notion of “normal” is established as a point of reference and ‘normalization’ thus becomes an instrument of power (ibid:184). Accordingly, “normalizing judgement” (1977:177) seeks to extinguish the abnormal, correcting deviant behaviour by way of punishment or incentives. As it strives to make people conform to the norm, it imposes homogeneity and standardization by differentiating, comparing, hierarchizing, determining levels and averages, measuring, separating, partitioning, qualifying, disqualifying and excluding (Foucault, 1977:170, 183, 184, 199, 220). Finally, the process of examining “combines the techniques of an observing hierarchy and those of a normalizing judgement” (1977:184). By turning each individual into a unique “describable and analysable object” (1977:190) it enables “the measurement of overall phenomena, the description of groups, the characterization of collective facts, the calculation of the gaps between individuals” (ibid.).<sup>15</sup>

The French philosopher contends that disciplinary mechanisms have become an essential tool for augmenting the usefulness of individuals, noting that “the disciplines must increase the effect of utility proper to the multiplicities so that each is made more useful than the simple sum of its elements” (1977:220). Measuring humans’ value in the sense of ‘profitability’ in turn contributes to making them into objects. Foucault characterizes discipline as “the specific technique of a power that regards individuals both as objects and as instruments of its exercise” (1977:170). The parallel to Bentham’s reasoning is clear: Disciplinary methods of objectification become instruments of subjection (1977:224). In most cases the described surveillance of the disciplinary powers has no need to resort to exterior force, not only because the monitoring techniques’ automatism guarantee its success, but also because the observed

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<sup>14</sup> This discipline then has different goals in the different settings of application: In a learning context it could serve to enhance knowledge and skills: in prison, it could reduce the risks of revolt and damage, in the army it could serve to enhance soldiers’ combat skills, in a hospital it could help making procedures smoother and more effective; in factories it could facilitate higher production and increase the quality and quantity of the output etc (Foucault, 1977:170-194).

<sup>15</sup> Foucault’s entire description of ‘disciplinary power’ strongly resembles the function and objectives of algorithms.

likewise play their part by internalizing the effects of observation and complying with the expectations of their observers (Foucault, 1977:187, 201-203). The consciousness of being constantly seen and judged and the vulnerability of this position keeps the subject of surveillance in line.<sup>16</sup> However, Foucault also leaves no doubt about the fact that the observed are not only submissive objects with no power of their own. In the dynamics of power relations each power evokes “counter-power” (1977:219), which means that surveillance is never only a one-way-street – its power plays on those who are targeted by it in very subtle ways, it imposes responsibility on them, and it turns them into accomplices and bearers of their own surveillance (1977:201, 217).<sup>17</sup>

Apart from exposing the power flows within the disciplines, the formation and effect of knowledge is also central to Foucault, not least of all because for him knowledge and power are inextricably connected (1977:27). Since “there is no power relation without the correlative ... field of knowledge, nor any knowledge that does not presuppose and constitute... power relations”, (ibid.) this means that “power produces knowledge” (ibid.) and that knowledge multiplies the effects of power (ibid.:29, 224). In Foucault’s view, the combination of the different techniques of the disciplines – to quantify, classify, categorize, reward, punish etc. – serves to attain a level “at which the formation of knowledge and the increase of power regularly reinforce one another in a circular process” (1977:224).<sup>18</sup>

Foucault clearly saw the nexus between the effects of the disciplinary powers and the development of a modern economy. To him there are strong parallels between the accumulation of power and the conglomeration of capital. Here, again, the ‘utility argument’ plays a central role: Managing the “problem of the accumulation of men” (1977:221) is only possible with the help of “an apparatus of production capable of both sustaining them and using them; conversely, the techniques that made the cumulative multiplicity of men useful

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<sup>16</sup> “Hence the major effect of the Panopticon: to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power” (Foucault, 1977:201).

<sup>17</sup> “He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection” (1977:202-203). In portraying the observed, Foucault uses numerous verbs of action – in connection with keywords like “counter-power” (1977:219), “responsibility” (1977:202) and “bearers of their own surveillance” (1977:201) to carry the notion of ‘participation’ and the leeway to act, which points to a potential for resistance and counter-action.

<sup>18</sup> Rabinow (1984:17) says that Foucault called “those joinings of knowledge and power ‘technologies’”. In Foucault’s opinion the panoptic schema “can constitute a mixed mechanism in which relations of power (and of knowledge) may be precisely adjusted... to the processes that are to be supervised... It arranges things in such a way that the exercise of power... is not added to the functions it invests but is so subtly present in them as to increase their efficiency by itself increasing its own points of contact (1977:206 – parentheses Foucault). This description is almost like an anticipation of the ‘instrumentarian power’ of surveillance capitalism that Shoshana Zuboff describes in detail in her book *The Age of Surveillance Capitalism* (2019). See also 2.1.3.



accelerated the accumulation of capital" (1977:221). Hence the disciplines are necessary prerequisites for the effectiveness of a capitalist economy and contribute to its success.<sup>19</sup> Simultaneously capitalist economic procedures also encouraged the development and increase of even more sophisticated control mechanisms (ibid.). Surveillance as part of the disciplinary techniques is integrated into economic procedures, becoming "an internal part of the production machinery" (1977:175).

Decades before the global reign of computers, a digitalized economy and the pervasive presence of surveillance mechanisms in every area of life, Foucault's insights have an almost prophetic quality. Thus, some of his essential conclusions are: "The... disciplines... try to define... a tactics of power that fulfils three criteria: firstly, to obtain the exercise of power at the lowest possible cost (economically, by the low expenditure it involves; politically, by its discretion, its low exteriorization, its relative invisibility, the little resistance it arouses); secondly, to bring the effects of this social power to their maximum intensity and to extend them as far as possible, without either failure or interval; thirdly, to link this 'economic' growth of power with the output of the apparatuses (educational, military, industrial or medical) within which it is exercised; in short to increase both the docility and the utility of all the elements of the system" (Foucault, 1977: 218 – parentheses and quotation marks by Foucault).

#### *Orwell's 1984*

George Orwell's 1949 novel *1984* is frequently regarded as the epitome of an inescapable surveillance machinery and as one of the most haunting accounts of a totalitarian state apparatus aspiring to control every aspect of human life: from living conditions, occupation, social contacts to thoughts and language. Written in a climate of cold war and under the impression of emerging Stalinism in the aftermath of World War II and the traumatizing effects of the Nazi regime, there are many implicit references to the practices and 'the spirit' of those times.

The novel is set in the authoritarian state of Oceania whose leader is 'Big Brother'. To him all owe absolute allegiance; the 'universal' presence and power of the party is expressed through posters with the message 'Big Brother is watching you' and mandatory propaganda education, flanked by strong military presence and public executions. In connection with the aim of controlling people's thoughts, mindsets and behavioural patterns, the 'thought police' are established and a new language is invented – Newspeak and Doublethink – both of which are fundamentally efforts to blur or to embellish reality – respectively to turn it into its contrary by

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<sup>19</sup> "Discipline... arranges a positive economy... It is a question of extracting... from each moment, ever more useful forces" (Foucault, 1977:154).

creating a new kind of 'truth' that complies with party ideology.<sup>20</sup> A close-knit monitoring system that encompasses the ubiquitous presence of telescreens in private flats and public buildings, the control of people's communication, written records and correspondence and a spy network consisting of family members or neighbours guarantees that any sort of privacy is blotted out and that people's thoughts and actions are under constant scrutiny.

Orwell's novel paints an utterly depressing vision of life: a world without joy or passion, where every strand of colour has been painted grey and every trace of hope has been crushed; a world with absolutely nothing worth fighting, living or dying for. The overwhelming sense of 'emptiness' is not even masked by comforts, perks and benefits.<sup>21</sup> The ruling party's aim in *1984* is basically to create a population which thinks, acts and speak in complete conformity with the party line and its interpretation of the present and the past. This is accomplished by monopolizing the 'truth' in combination with the strategic perversion of 'values' and words and systematically obliterating every expression of human individuality in order to make the party's ideology the only legitimate world view. The envisaged goal is a complete takeover of the mind – citizens are to have no own ambitions, ideas or independent thoughts and the continuous brainwashing leads them to distrust even their own memories.

In this world there is no room for critical thinking, questioning or probing new thoughts; uniqueness and creativity is unnecessary and so is individual ambition. The absence of private spaces for the mind and for the body safeguards an atmosphere of continuous suffocation. Personal relationships are of no value in themselves; their only purpose is to serve the party goal of upholding power. The perpetual threat of censorship and the encouraging of reporting on each other hinders the development of any 'deviating thoughts' and destroys any last vestiges of trust and solidarity. In such an environment, selfless commitment or love do not have a chance to flourish. The result is dehumanization and an utterly 'soulless' society without true values, a life devoid of true relationships and any genuine meaning.

The writer's account has had an enormous influence on all subsequent thinking about (state-conducted) surveillance.<sup>22</sup> The expression "Orwellian" has become proverbial for surveillance

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<sup>20</sup> Examples would be the 'Ministry of Love' which is responsible for torture and brainwashing or the 'Ministry of Truth' which is in charge of propaganda and historical revisionism. Other expressions would be "Ignorance is strength, War is peace" (Orwell, 1973:7). Similarities to recent and current political developments and the propagation of 'fake news' are striking. J.K. Rowling makes strong references to Orwell's totalitarian framework in the 5<sup>th</sup> part of her Harry Potter Series *Harry Potter and the Order of the Phoenix* when she describes the political grip of the 'Ministry of Magic' on the magical world with its increasingly authoritarian methods.

<sup>21</sup> In this respect there is a strict contrast to today's surveillance society.

<sup>22</sup> Solove (2007:756) notes that Orwell's *1984* is often quoted as the classical example for the intimidating effect of the collection of data by way of government surveillance – one of the harms being "inhibition and social control".

and any kind of totalitarian system which relies on ideological manipulation of facts and historical records, total monitoring, and all sorts of intrusive and oppressive control measures in order to keep the population in line. Although Orwell's overall scenario seems to bear little resemblance with current political systems, many of its attributes, such as appropriation and distortion of language, manipulation of behaviour, censorship and self-censorship, lack of privacy, limitation of individual creativity are certainly part of the toolbox of authoritarian leaning governments, and they are quite topical as undesired side-effects of current monitoring.<sup>23</sup>

#### *Kafka and present-day surveillance*

While Orwell's dystopian narrative immediately comes to mind when thinking about surveillance because of its all-encompassing approach to observing humans' exterior activities and 'inner worlds', Kafka's novel *The Trial* is more of a second glance discovery. It is not really concerned with the technical details of omnipresent observation, nor does it explore the Why and How of it, but instead concentrates strongly on the experience of being controlled *by* and exposed *to* an inscrutable and unaccountable power and its effects on the individual.

The atmosphere in *The Trial* is deeply unsettling, alternating between absurdly comical moments and scenes of a nightmarish, paranoid and perplexing quality. Everything surrounding 'the trial' remains vague and elusive and therefore even more threatening: K, the bank teller, never manages to find out the exact charges against him; the authority bringing the charges remains unidentified, the identity of the judges is a mystery, the court rules or any proceedings are a secret; the date of the trial is unknown and even the location of the court is surreal. It seems that a grinding process, once set in motion, must run its course and that everything is geared towards a fatal conclusion – but at the same time all the events appear as coincidental and ultimately meaningless because they are neither coherent nor do they depict any logical development.<sup>24</sup>

Kafka's novel is the account of the slow annihilation of the individual, who may still be physically free but already finds himself in a virtual prison from which there is no escape. The protagonist K is seized by an overwhelming feeling of inevitability and of being completely at the mercy of an inscrutable (bureaucratic) apparatus. The latter takes entirely arbitrary decisions which cannot be appealed or questioned, while being accountable to no one. Not surprisingly, the apparent powerlessness of the individual in the face of an invisible but commanding machinery triggers associations of totalitarian and authoritarian regimes.

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<sup>23</sup> Cf. section 2.2.

<sup>24</sup> In the present Paul Auster has taken up the baton from Kafka with his disturbing and nihilistic *New York Trilogy: City of Glass (1985), Ghosts (1986) and The Locked Room (1986)*.

Legal scholar and privacy expert Daniel Solove (quoted in Lyon, 2007:144) views Kafka's novel as a more powerful and more accurate rendering of many of the features of present-day surveillance than the big-brother-metaphor. The problem of monitoring, he gathers, is no longer captured in describing a malign super-power-creature, but rather in tracing the "more mindless process of bureaucratic indifference, arbitrary errors, and dehumanization" (ibid.) that individuals are exposed to. Furthermore, Solove contends, the issue at stake in present-day surveillance is far more than information collection as such, but rather "the problems of information processing – the storage, use, or analysis of data..." (2007:757). Just like Kafka's main character Joseph K, surveillance subjects are also at a loss about what kind of information is kept about them, and how this determines their standing before surveillance systems.

Kafka, Solove points out, describes how the individual finds himself or herself confronted with an anonymous bureaucratic 'counter-power' with an incomprehensible agenda "that uses people's information to make important decisions about them, yet denies the people the ability to participate in how their information is used" (Solove, 2007:256-257). The methods and consequences of information processing "affect the power relationships between people and the institutions of the modern state and they ...frustrate the individual by creating a sense of helplessness and powerlessness..." (ibid.:757). The obvious absence of accountability in combination with the lack of transparency in the procedures and the insufficient protection from abuse, produces a feeling that there is no one to turn to, leaving individuals with "the sense of being in a maze" (Lyon, 2007:144). These motives will undoubtedly reappear when we get into the details of the concerns about digital surveillance.

### **2.1.3 Forms and theories of surveillance**

After taking note how surveillance is evaluated in a historical and 'ideological' context, we can now return to present day surveillance to better identify and categorize its dominant trends and forms. David Lyon (2007:51-54, 71-93) distinguishes modern and postmodern forms of surveillance, emphasizing that these terms must not be understood in absolute terms, but more as helpful markers to describe a complex and confusing situation. Modern surveillance, he states, is strongly connected to the development of capitalism, bureaucracy and nation states, and its methods are characterized by rationalization, accounting procedures and file integration; the respective monitoring routines are oriented versus the present and the past, displaying a tendency towards inclusion and enhancing conformity and patterns of homogeneity (Lyon, 2007:51, 75, 88).

Meanwhile postmodern surveillance absorbs essential trends from modernity and carries them further. Incorporating the increasing role of 'consumer capitalism' and the growing

digitalization of the surrounding economic and political context, this form of monitoring “is based on behavioral and biometric traits, future-oriented... and tends to be exclusionary” (Lyon, 2007:75). It is “systematic, methodical and automatic” (2007:88) and “localized in everyday life wherever people are” (ibid.). Accordingly, “it relates to bodies, by making us visible to others through electronic records, location technologies and DNA... systems” (ibid.). Its assessment and calculation are “digitally mediated” (Lyon, 2007:75) and “based on algorithmic assemblage” (2007:88).<sup>25</sup>

Obviously modern and postmodern features of surveillance exist simultaneously, continuing to mutually inform each other (Lyon, 2001:120; Lyon, 2007:56). Lyon notes: “However ‘postmodern the situation, the ‘modern’ is still present in the world and in the social reality” (2007:56) with communication and information technology being indispensable elements of both, of course (Lyon, 2001:2). Due to the increasing emphasis on risk assessment, there is now a growing field of “simulation, prediction and action before the fact” (Lyon, 2007:60), trying to foresee and anticipate human behaviour instead of recording the present and deducing insights from past activity in hindsight (Lyon, 2007:89).

Within the overall framework between modernity and postmodernity and on the basis of becoming a mass phenomenon, surveillance has turned into something much more complex which can no longer be captured by a single model.<sup>26</sup> Monitoring is no longer just ‘top-to-bottom’, it is also ‘horizontal’ and ‘mutual’ and ‘ubiquitous’, enmeshing the digital and the physical realm. In a mass media society that can be described as a ‘viewer society’ where the many observe the few, Mathieson (as recorded by Lyon, 2007:59-60, 156; Haggerty and Ericson, 2000:618 and Stoddart, 2008:413) has coined the term “synopticon”. Epitomized in TV and social media it “parallels and reproduces the panopticon where the few watch the many” (Lyon, 2007:156).<sup>27</sup> The synopticon shows the interdependence of all actors involved:

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<sup>25</sup> Lyon describes the changed paradigm by virtue of a few examples: “The everyday character of postmodern surveillance ...goes far beyond criminal or workplace deviance. Surveillance categories now include geo-demographic lifestyle groups, psychological classification, educational difference and health distinctions” (2007:55).

<sup>26</sup> Lyon gives a detailed overview over the current viewpoints in his book *Surveillance Studies. An Overview* (2007):54-62.

<sup>27</sup> In TV-shows like *‘Big Brother’* or similar formats people in a confined space are ‘put under the microscope’ by the anonymous TV audience who is able to watch their actions closely. A similar synoptic setting applies to ‘stars’, ‘self-appointed celebrities’ or so-called ‘influencers’ who share news from their personal lives with their ‘followers’ on social media, inviting participation and comments. On the basis of making themselves a digital object of observation – and desire or envy, in many cases – they exercise influence, gain fame, fortune and privileges. Han comments with biting criticism: “Exhibitionism and voyeurism feed the net as a digital panopticon... Subjects bare themselves not through outer constraint but through self-generated need. ...the need to put oneself on display without shame” (2015:46). The phenomenon as such gives renewed meaning to Foucault’s considerations on the dynamics unfolding when the many watch the few at public executions in the second chapter of *Discipline and Punish* ‘The spectacle of the scaffold’ (1977:32-69). While the current media visibility is

Those who watch depend on the observed for entertainment and insight, and the observed feed on the attention and admiration of their followers in order to be relevant – power is distributed in all directions. The peer-to-peer-surveillance combined with self-surveillance is not perceived as hierarchical observation but as on-a-par-communication;<sup>28</sup> it is accepted as part of everyday culture and experienced as “decidedly enjoyable for participants” (Bauman *et al.*, 2014:142). An additional variation of ‘participatory surveillance’ is to be found in online computer games where tracking is an intricate part of the interaction (Lyon, 2007:155-56). According to Zygmunt Bauman the increased relevance of consumerism and the role of individuals as consumers has created “forms of consumer seduction that are replacing the panoptic regime” (Lyon, 2007:60). Certainly, seduction plays a huge role within the dynamics of commercially oriented surveillance with its credo of personalized service for the price of personal data.

In connection with the rise of powerful internet firms,<sup>29</sup> another unprecedented form of comprehensive digital surveillance has gained enormous traction. Its dominant role is the result of a new economic rationale which has become the “default business model for most online companies and start-ups” (Zuboff, 2015:81): “surveillance capitalism” (Zuboff, 2015; 2016; 2019).<sup>30</sup> To understand it is crucial, for cultural as well as for economic reasons and not least of all because the most pressing concerns about the legitimacy and approach of surveillance latch on to precisely this form of data monitoring. Surveillance capitalism’s “logic of accumulation is defined by economic imperatives” (Zuboff, 2019:338), like permanent and all-encompassing data extraction depending on “economies of scale” (Zuboff, 2019:281) and the power of predictions that approach near certainty (Zuboff, 2019:281, 339, 351, 376, 382, 399). This business model tracks, processes, and commodifies “behavioural surplus” (Zuboff, 2019:97, 281); in other words, it harvests “more behavioural data... than required for service improvements” (*ibid.*:97) from digital activity, apps and so-called ‘wearables’ (Zuboff, 2015:78-80; Zuboff, 2019:247-250, 423-424). Machine intelligence turns the collected information bits into prognostications about future patterns of consumption and behaviour of those observed. These predictions are then “sold to business customers in new behavioural future markets”

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seen as “a desirable aim” (Lyon, 2007:204) and decidedly not as punishment or deterrent, there are interesting parallels to Foucault in terms of ‘the spectacle’ and the theatrical display involved in it.

<sup>28</sup> The messenger app WhatsApp for instance has a function which allows users to see when the other person has last checked their account and whether he/ she is presently online with the app.

<sup>29</sup> Such as Amazon, Apple, Facebook, Google and Microsoft (Hill, 2020b; Hughes, 2019).

<sup>30</sup> Harvard Emerita Shoshana Zuboff is undoubtedly the person who has most thoroughly described the inner workings and economic logic, the underlying ideological assumptions as well as the practical and cultural implications of surveillance capitalism in countless essays during the last decade, and in her seminal book *The age of surveillance capitalism* in 2019.

(Zuboff, 2019:97). In this way human behaviour and human experience are “claimed as surveillance assets” (ibid:338).

In this economic model “behavioral modification” (Zuboff, 2015:82) as a means to exert power and control is sought out as a path to profit,<sup>31</sup> but is ultimately also regarded as a way to change the world and to improve and influence society (Armbruster, 2018; Cain Miller, 2013; Hughes, 2019; Schmidt and Cohen, 2013; Zuboff, 2019:360, 376, 401, 519). Distinct from ‘Big Brother’, Zuboff calls the “ubiquitous digital apparatus” (2019:376) through which surveillance capitalism operates “Big Other” (2015)<sup>32</sup> because it is a non-centralized, ubiquitous and inescapable power (2015:82) aspiring to develop “a scientific objectification of human experience” (2019:372) “from the viewpoint of the Other-One” (2019:367), the allegedly ‘neutral observer’. Big Other’s mechanisms are determined by “instrumentarian power” (2019:352) which is “defined as the... instrumentalization of behaviour for the purposes of modification, prediction, monetization, and control” (ibid.).

While surveillance capitalism absorbs some key elements of industrial capitalism, like the orientation “toward profit maximization along with the intensification of the means of production, growth and competition” (2019:338), Zuboff emphasizes that it also changes capitalism’s paradigm by placing itself in sharp contrast to it. Traditional market economies, she argues – despite their incontestable shortcomings and failures – always functioned within a system of *quid-pro-quo*: there had to be an investment in people, because people are needed as workers to produce goods; and goods, of course, need buyers – so “populations and capitalists needed one another for employment and consumption” (2015:86). Hence “over time this market led to institutionalized reciprocities” (Zuboff, 2015:80) such as more work security and social contracts, “durable employment systems... steady increases in wages and benefits” (ibid.) and “affordable goods and services for more consumers” (ibid.). In this framework, democracy and democratic rights paved the way to more overall prosperity, and subsequently traditional capitalism became closely linked to the development of western market democracies (Zuboff, 2015:80, 86).

According to Zuboff, surveillance capitalism, on the other hand, undermines this connection with democracy because its business logic follows a completely different path. It “preys on

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<sup>31</sup> Zuboff (2019:379) maintains that, while in the ‘old form’ of capitalism, power was associated “with the ownership of the means of production”, in the new surveillance capitalism, regime power “is now identified with ownership of the means of behavioural modification that is Big Other.” The traditional means of production such as buildings, machines and materials, etc. of the old form of capitalism are substituted by the complex capacities of “specific technologies and techniques” (2019:95) which can be summarized as “machine intelligence” (ibid.). In ‘surveillance capitalism’ “machine intelligence is the new means of production” (2019:97).

<sup>32</sup> Zuboff expounds the term “Big Other” in her 2015 research article: ‘Big other: surveillance capitalism and the prospects of an information civilization’.

dependent populations who are neither its consumers nor its employees” (2016) for the sake of its clients, the advertisers, with the dominant aim “to predict and modify human behaviour to produce revenue and market control” (2015:75). The automated methods of data tracking and data assessment which generate its income, largely amount to a well disguised dispossession and are not at all the same as a proper contract or a transparent business deal between equal partners (2015:78-80).<sup>33</sup>

Therefore, Zuboff views this new market form as self-serving, inappropriate and characterized by distance and “formal and radical indifference” (2015:79, 83, 86; 2019:376-77) towards the population whose data it exploits for profit – a profit that is not shared and that does not add value to the relationships involved (2015:79; 2016). Marked by “the absence of structural reciprocities between the firm and its populations” (Zuboff, 2015:80), the business model of surveillance capitalism does not rely on contracts but on control, “replacing ...the rule of law and social trust with the sovereignty of Big Other” (ibid.:83). Within such a culture of ‘instrumentarian power’, regulation and authority in the form of “democratic institutions, laws... rights and obligations, private governance rules and contracts” (Zuboff, 2019:404), would only stand in the way of revenue and influence-wielding. So they are ignored, ‘circumnavigated’ or fought by the drivers of surveillance capitalism wherever possible (Zuboff, 2015:86). For Zuboff (2015:86), these traits in combination with the “radical disembedding from the social” clearly reveal the deeply “antidemocratic character” of surveillance capitalism and its digital automation project.<sup>34</sup>

After gaining a first overview over different features of surveillance and on our way to evaluating monitoring from a Christian viewpoint, a first short résumé can be drawn: Cultural shifts and technological innovations have facilitated the emergence of different forms and levels of surveillance which not only exist simultaneously, but also impact one another and become more and more enmeshed. This has led to a lively discussion on how to assess them. Many scholars therefore argue that we have entered a post-panoptic phase (Lyon, 2007:60). There can certainly be no doubt that the panoptic scheme needs to be supplemented by other perspectives that ensure a more differentiated description of present-day-surveillance.

However, the multifaceted reality of surveillance forms does not invalidate the ongoing impact of panoptic structures, nor does the ‘conscious participation’ of the observed in monitoring processes automatically ‘undo’ the power concentration created by the unassailable lead in

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<sup>33</sup> Zuboff points out that the term ‘data extraction’ alone reveals the non-equal, non-reciprocal and non-consensual character of this practice (2015:79-80).

<sup>34</sup> Since ‘surveillance capitalism’ in its different variations has become the main model for commercially instituted surveillance, it will play a dominant role when looking more closely at surveillance’s repercussions in section 2.2



knowledge on the side of the observers. While it is true that there is “no longer a centralized command and control like in the panoptic regime” (Zuboff, 2015:82) and the hierarchical architecture has been substituted by a variety of observation points,<sup>35</sup> the absence of reciprocities ensures that monitoring is still about domination and control. Monitoring may have become non-physical and seemingly unoppressive, but it is, still or again, unavoidable; as Zuboff says: “There is no escape from Big Other” (2015:82). Many of the French philosopher’s insights resurface in variations within contemporary surveillance patterns – from the methods, the intentions and the rationale of observation right to its consequences and the terminology used.<sup>36</sup> With all this in mind, it is decidedly premature to discard the panoptic paradigm’s vital role in understanding today’s surveillance.

#### **2.1.4 A working definition of surveillance and an introduction into its methods, goals, purposes and rationale**

By way of describing the origins of internet-enabled monitoring and some of its contemporary forms, we have now zeroed in on what precisely is meant by ‘digital surveillance’ in the context of this study. As a point of departure David Lyon’s definition is unsurpassed: Surveillance is “the focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction” (2007:14). Observing and profiling individuals and groups via their digital devices and online activity happens through collecting, storing, sorting, analysing, organizing, categorizing, classifying and interpreting personal data.<sup>37</sup> This also encompasses the processes of connecting, exchanging, synchronizing, circulating and marketing these data for new uses (Lyon, 2001:2; Lyon, 2003:146; Lipartito, 2019:3).<sup>38</sup>

Getting some insight into the technical scope of surveillance is important to understand its wider impact. But this thesis does not focus on the technical intricacies of targeted surveillance measures such as closed-circuit television (CCTV) cameras in public places, security controls at the airport or the necessity of valid identification documents for administrative purposes. Nor can it be a detailed examination of self-surveillance, peer-surveillance, social media and

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<sup>35</sup> Byung-Chul Han describes this kind of surveillance as “an entirely new, *aperspectival* panopticon” (2015:45, italics Han) and a “penetrating illumination” (ibid.) which is actually “more effective than perspectival surveillance because it means illumination of everyone from everywhere, which anyone can perform” (ibid.).

<sup>36</sup> Note the importance of notions like visibility, standardization, codes, categories, measurement, calculation, classification, behavioural normalization, exclusion, inclusion and control etc. in current surveillance forms.

<sup>37</sup> Roger Clarke (quoted in Lyon, 2001:143 and in Stoddart, 2008:363) coined the hybrid term of “dataveillance” to denote the “systematic monitoring of people’s actions or communications through the application of information technology” (Lyon, 2007:200). See also Lyon (2007:17, 200).

<sup>38</sup> There are strong parallels between this notion of digital surveillance and Foucault’s description of “a discipline”: “It is a type of power, comprising a whole set of instruments, techniques, procedures, levels of applications, targets; it is a ‘physics’ or an ‘anatomy’ of power, a technology” (Foucault, 1977:215).

their many implications for our society and public discourse. All these aspects will rather be considered in as far as they participate in surveillance's general dynamics.

The focus of this study is to explore the 'bigger picture' that these monitoring practices reveal: If surveillance is indeed an ongoing and methodological attempt by identifiable actors with distinct purposes to gain oversight and influence over actions, thoughts, interests, values and behaviour of others with the help of the digital medium, then what does this mean for our humanity and what are its implications? What does the pattern that guides these actions, look like? What is the 'paradigm' created by it? And how does this shape our own 'behaviour' in the digital sphere?

In this vein the terms 'digital surveillance' or 'digital monitoring' have much wider connotations than merely describing technological procedures. They also encompass the broader impact that tracking and being tracked has for our individual sphere and that of society; they capture the effect that permanent and virtually unlimited data access, data collection and data availability has on our self-perception, our notion of others and our perception of reality. In short, 'digital surveillance' in the context of this dissertation not only denotes the processes of gathering, analysis and re-purposing of data but it also encompasses their impact in our daily lives, the economy and society at large and the way in which our entire (digital) culture is affected by these data processing methods.

The key drivers and main beneficiaries of digital surveillance are at present a conglomerate of intelligence services and commercial companies - such as for instance the National Security Agency of the USA (NSA), the British intelligence service Government Communication Headquarters (GCHQ) and firms like Google-Alphabet, Facebook, Apple, Alibaba, WeChat, Microsoft, Walmart, Amazon and YouTube<sup>39</sup> (Bauman *et al.*, 2014:123; Greenwald, 2014; Hill, 2020b). As the global players, they run the internet infrastructure and are the biggest 'distributors' of contents;<sup>40</sup> they run the fibre cables and control the internet hubs, own the biggest storage capacities and cloud services and possess the most powerful servers channelling the bulk of the worldwide flow of data. In this way they have access to the greatest possible amount of data and can collect and intercept it.

Based on their financial resources, they can not only gain command over the available technical know-how (machinery, hardware, software), they are also able to develop the most advanced computer software and hire the most qualified data analysts to safeguard the most profitable re-use of data (Bauman *et al.*, 2014:123; Budras and Siedenbiedel, 2014; Lauer,

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<sup>39</sup> A multitude of smaller companies of course benefits from the biggest companies – all those who pursue a surveillance capitalism business model.

<sup>40</sup> Jaron Lanier (2014:49) – referring to Greek mythology – coins the term "siren servers" for these powerful networks.

2015; Hill, 2020b). Of course, these powerful internet actors also have the most vital interest to know as much as possible about as many people as possible because this directly pertains to their 'mission' (security, national interests, market dominance, shaping the future) and their business interests - after all, personal data are their real assets and the basis of their activity (Lipartito, 2010:7ff.; Greenwald, 2014:90, 97; Lanier, 2014:XIX. 49; Zuboff, 2014a; Zuboff, 2015:77; Zuboff, 2016; Hughes, 2019; Zuboff, 2019).

The *modus operandi* of data collection is manifold: the NSA and other prominent intelligence services harvest data by intercepting them at the different hubs of the internet, by tapping into underwater and fibre-optic cables, servers, installing spyware in personal computers, in routers, modems and servers besides placing tracking cookies in computers and mobile phones (Bauman *et al.*, 2014:122; Greenwald, 2014:108,116). The commercial companies have access to internet users' activities via their infrastructure (e-mails, search engines, servers, cloud services). Tracking us individually through the Internet Protocol or IP-addresses of our digital appliances, they rely on location devices, cookies, apps and default data extraction-mechanisms built into devices and integrated into their services.<sup>41</sup>

The contents of the data collection itself comprises basically everything from everybody from every internet-connected device at all times: the subject matter of our web searches, downloads, online purchases, videos, audios, photos, social media entries, telephone calls, voice messages, text messages, e-mails and attachments; every click, page view, misspelled words<sup>42</sup> or the seemingly most insignificant little details are recorded since they could take on significance later (Bauman *et al.*, 2014:123, 141; Greenwald, 2014:97, 110; Lyon, 2014:26; Zuboff, 2014d; Zuboff, 2015:79). Equally interesting for collection are metadata, such as the means of communication (smartphone, laptop, tablet, desktop, etc.) or the time, date, location and length of an exchange or activity since they also provide important clues for profiling individuals and mapping relations between internet users (Bauman *et al.*, 2014:123; Greenwald, 2014:123, 132; Zuboff, 2015:79; Zuboff, 2019:272).

In addition to human communication, human bodies themselves are becoming sources for databases. Highly individualized information can be drawn from 'imposed measures' such as iris scans, biometric data and fingerprints (Lyon, 2007:112), and – to an increasing degree – also from 'voluntary body observation' that people engage in to monitor their health

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<sup>41</sup> Google for instance automatically scans every e-mail sent via gmail (Cain Miller, 2013b), Facebook tracks users and non-users alike (The Guardian, 2015) and Microsoft Windows keeps a detailed record of all our documents, sending this information automatically to servers.

<sup>42</sup> Typing errors and misspelled words seem to give insight into our subconscious too.

respectively their fitness by way of ‘wearables’ – with sensors measuring blood pressure, heart rate, blood sugar, etc. (Heller, 2014; Oberhuber, 2016; Schmickler, 2015).<sup>43</sup>

The current trend goes towards assembling and integrating more and more data, creating a kind of ubiquitous web of digital connections in the form of the “Internet of Things” (Zuboff, 2019:202). It can be described as a growing “network of... internet enabled devices intended as a new intelligent infrastructure for objects and bodies” (Zuboff, 2014b) which will facilitate the incorporation of a huge amount of real time data into future data assemblages.<sup>44</sup> Digital assistants like Apple’s Siri, Amazon’s Alexa and Google’s Now who listen to our commands and conversations are already becoming common features. And the “Smart Home” – where everything can be programmed according to our needs with synergy and energy saving effects being created through the connection of all appliances – is being propagated on a massive scale through TV, digital advertising and print media coverage (Smart Home, 2014; Wiedemann, 2014).<sup>45</sup> The method of directly tapping into human realities and extracting data from ‘smart sensors’ on objects and wearables on human bodies has been coined “reality mining” (Pentland, 2009:76, 80; Zuboff, 2015: 84; 2019:420).<sup>46</sup> The reality business plays a massive role in the business model of surveillance capitalism since it creates countless opportunities for behavioural modification (Zuboff, 2015:84ff.; Zuboff, 2019:360-388, 397, 420-474).<sup>47</sup>

While all surveillance operators collect massive amounts of data on individuals and groups, the specific focus definitely depends on their motivation and strategic interests and the

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<sup>43</sup> Even in the cases where these data are only meant for the individuals’ own use and not passed on to a broader database, they are of course vulnerable to digital interception, either by outside hackers or default settings by the manufacturers of the devices themselves. Information about our heart rate, blood pressure, weight, etc. would be valuable information for health insurances.

<sup>44</sup> Zuboff (2014b) describes it as “a network of things that are connected such as your fridge, the wall, the mattress, lights, heating system, coffee mugs, and artificial knee – this will be the smart neural network in which you breathe, eat, sleep, travel and work.” See also Zuboff (2015:78). Schmidt and Cohen (2013), in their book *The new digital age* sketch a vision of a morning routine in this all-around-connectivity-state in a time a few decades from now on which sounds either completely dystopian or excitingly progressive and promising – depending on one’s perspective. See *ibid.*:28ff.

<sup>45</sup> The devices and technical solutions stand at the ready to manage all sorts of household tasks like shopping, regulating energy use, keeping the food stock up to date, or help ordering our personal lives such as managing our appointments, monitoring our health, measuring our fitness levels and supporting our exercise programme. With their cumulative organizational abilities and built-in data storage capacities they can allegedly answer our questions, keep the overview, send reminders, measure progress, lower the risks of accidents or failures.

<sup>46</sup> Alex Pentland is a professor at the Massachusetts’ Institute of Technology (MIT) with huge laboratory opportunities and considerable influence in the digital world. He is one of the proponents of behavioural modification via mass data gathering. See for instance Pentland (2009), Staun (2014c) and Zuboff (2015:84ff.; 2019:420ff.).

<sup>47</sup> It is not difficult to see how the digitalization of everything and the related monitoring of human action, life patterns, relationships, interests and thought worlds offers endless possibilities for abuse, influencing and manipulation – on a scale that would make Orwell’s *1984* look like child’s play.

particular context in which they operate.<sup>48</sup> The approaches and goals of ‘state entities’ like intelligence services and private commercial companies frequently overlap,<sup>49</sup> and with time the “constructive interdependencies between state security authorities and high tech firms” (Zuboff, 2015:86) – whether in the form of voluntary or forced collaboration – led to similar monitoring practices and a shared “surveillance paradigm” (Zuboff, 2014a).<sup>50</sup> The latter moves on a scale between care and control, both frequently interwoven (Lyon, 2007:6, 159).

In terms of administration and bureaucracy, digital data collection still serves the same purpose as in the pre-digital era: to facilitate standardized procedures, correct identification and certifying eligibility. While this could help to increase effectiveness, reduce errors, prevent corruption and system abuse, it can also be used as an instrument of exercising growing control over citizens through government agencies. At present one of the most prominent reasons given by state organs for scrutinizing populations is the pursuit of public safety and the physical inviolability of a country’s inhabitants.<sup>51</sup> Nation states invoke their duty to uphold public order and to protect citizens from health risks, physical harm, death and the loss of property and livelihood. In this context, the apprehension of potential terrorists and the prevention of terrorist attacks, in combination with combatting organized and ‘general’ crime is considered to be an important task (Lyon, 2001:98; Lyon, 2007:40, 122; Bauman *et al.*, 2014:126-28; Greenwald, 2014:74, 136).

Another obvious reason for state-instituted and state-intelligence-guided internet monitoring is to protect the ‘national interests’ – however they are defined – and to procure general strategic advantages for one’s own country.<sup>52</sup> Thus data from the industrial, economic, political, diplomatic or military sector of allies and adversaries,<sup>53</sup> as well as the observation of international and non-government organizations, civil and consumer associations and

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<sup>48</sup> One can assume that a medical insurance is less interested in our musical tastes than a platform like YouTube that collects that kind of information to sell it to potential advertisers.

<sup>49</sup> Lyon states that long before the Snowden revelations, there was strong evidence for the growing cooperation between different surveillance actors and the related tendency to develop into a new form of governance (2007:163, 178).

<sup>50</sup> See also Richards (2013:1936), Bauman *et al.* (2014:121, 123, 126) and Greenwald (2014: 77.101).

<sup>51</sup> Police records and police profiling come to mind, but also the domestic intelligence service who observe individuals or groups with possibly extremist or violent views.

<sup>52</sup> The boundaries between long-term national interests and pure power politics for the sake of preserving the power of a particular government can of course be blurred because a government inevitably makes use of the intelligence services as one of their resources. Many regimes’ efforts to monitor the digital utterances of their citizens and to censor and control the internet by blocking certain contents are well known – see e.g., countries like China, Russia or Turkey.

<sup>53</sup> The Snowden revelations 2013 and subsequent Wikileaks publications 2015 showed that the NSA had obviously not only tapped German chancellor Angela Merkel’s phone but also systematically spied on multiple German government departments as well as on the French government (Stocks, 2013; Goetz and Baars, 2015; Baars and Goetz, 2015).

potential political dissenters is vital to every government to maintain a degree of control over the political situation (Lyon, 2001:96; Lyon, 2003:51, 54; Bauman *et al.*, 2014:127; Greenwald, 2014:94, 134, 139, 143, 147,177).<sup>54</sup>

The goal of commercial companies' monitoring efforts consists in improving their market position and in maximizing their profits (Lyon, 2001:101; Zuboff, 2015:85). Therefore, the more accurate and comprehensive the knowledge about location, habits, hobbies, individual lifestyle, behavioural patterns and corresponding consumer interests, the more targeted the advertisements, the more refined and tailored the products and ultimately the more successful the overall business strategy (Lyon, 2003:28; Lyon, 2007:105).<sup>55</sup>

The single most dominant factor underlying surveillance purposes in the public and the private sector is risk management. This is because possible risks and potential (future) trends in society either present commercial or scientific opportunities or require precautionary measures. Risks for commercial companies could be an inefficient use of resources, unnecessary losses respectively incalculable costs, and possible harm to the surveillance drivers' reputation and credibility. Therefore, all monitoring efforts are directed at keeping the possibility of failure and the margin of error to a minimum and safeguarding a high degree of efficiency at the lowest possible cost. Obtaining and evaluating a maximum of information serves this goal, because it reduces uncertainties, and guarantees the greatest possible control of possible outcomes – and is thus an indispensable prerequisite for any form of risk minimization.<sup>56</sup> Hence for state-instituted surveillance operators risk minimization is tantamount to a maximum of security<sup>57</sup> and for commercial surveillance actors, it is synonymous with enhanced market power and profit maximization.

In this context, another practice becomes ever more relevant: Instead of making deductions from past and present and projecting them into the future to calculate the likelihood of possible

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<sup>54</sup> This sort of 'general surveillance' is practiced by democratically elected governments and authoritarian regimes alike.

<sup>55</sup> Compare the described business strategy of surveillance capitalism, which is handed down from the dominant surveillance operators to the smaller businesses, who do not have the same surveillance infrastructure but profit from the bigger players for their services, by buying the data information or advertising on the platforms of the bigger players.

<sup>56</sup> Risks obviously have to do with the unknown, in other words with the possible variations for the future. A significantly lower risk can only be attained by knowing and assessing as many of these variables as possible. After being familiar with the components that could shape the future and thus also contribute to a potential risk, the next step would then be to limit these factors – in other words to restrict the array of possibilities that make up the future. In addition, unknown variables must be turned into calculable factors and human behaviour has to be made more governable, by channelling it into certain desired directions.

<sup>57</sup> The reasoning is that the more accurate the predictions as to who or what might be a potential security risk, the more threats, such as acts of violence or other human-made disasters, can be thwarted and the more security can be provided.

risks, the ambition is now to conquer coincidence by simulating future events and behavioural patterns.<sup>58</sup> To reach a maximum of predictability would be the epitome of successful risk management. The attempt to perfect 'anticipating' is tied to the efforts to *create* a determinate future by directing human behaviour towards determinate options favourable to the purposes of the surveillance operators. This involves influencing, modifying, and controlling people's behaviour to increase future commodification and decrease risk (Lyon, 2001:4, 6,145, 152; Lyon, 2003:15; Lipartito, 2010:7, 24; Richards, 2013:1949, 1956; Zuboff, 2015:79; Zuboff, 2019: 353ff., 397).<sup>59</sup>

Reflecting on the current face of surveillance and the rationale behind monitoring, must also include a look at the process through which data become a valuable asset. On a technical level, data analysis and data mining begin by methods which "separate the interesting from the irrelevant" (Lipartito, 2010:3) via sifting, prioritizing, and establishing correlations within the assembled data. Algorithms sort the information based on codes, categories, relevant criteria and grids of specifications (Lyon, 2001:124; Lyon, 2003:31, 143, 146; Lipartito, 2010:2, 14, 32).<sup>60</sup> Given the importance of risk containment, data classification systems tend to group people into "categories of risk or opportunity which relate in turn to suspicion or to solicitation – and many others in between" (Lyon, 2003:149). The classification procedures are completed by comparing, matching, interlinking, cross-referencing, data exchange, synchronization, and integration, which includes placing information into new contexts and creating new data assemblages (Haggerty and Ericson, 2000:606; Lyon, 2003:31, 146; Bauman *et al.*, 2014:123-24; Zuboff, 2015:79).

The combination of data from different fields such as e.g. health data and consumer data and the trend to use data that have been collected for *one* purpose for an additional end (Lyon, 2007:17) can lead to a whole new range of applications and to hitherto unconceivable concentrations of power.<sup>61</sup> In addition, the desire to make the future more calculable, has given "pre-emptive surveillance" (Lyon, 2001:103) increasing relevance in the data interpretation tool box. Based on the existent and consistently growing data collection,

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<sup>58</sup> "Simulation's seductive claim is that any image is observable... any event... programmable, and thus, in a sense foreseeable" (Lyon, 2001:147).

<sup>59</sup> A typical and comparatively harmless effort to synchronize our behaviour and steer our consumer habits into a certain direction with a view to make them more predictable are the (additional) offers and suggestions we encounter while browsing or shopping online: "People who ordered this book/ film, also bought this book/ film...."

<sup>60</sup> Such grids can be certain keywords (Lyon, 2001:88) search terms and so-called "selectors" (Goetz, 2015). Categories could refer to ethnicity, address, economic standing, income level, past and present financial behaviour and/ or existing credit obligations. Gender, sexuality, health, education, age or religion can also play a role – depending on the aim of the respective surveillance scheme.

<sup>61</sup> Consumer data... may be of considerable interest to law enforcement, just as drug companies are interested in medical data" (Lyon, 2007:17-18).

simulation allows a variety of future scenarios to be played out and likely behaviours can be second-guessed and anticipated (Lyon, 2001:103, 149).

Data assemblages and data analysis serve different, but often connected purposes: On the one hand they facilitate individual profiling because they support precise identification and help to sketch a detailed picture of individual lives (Zuboff, 2015:78).<sup>62</sup> On the other hand, individual data bits help to establish databases with regard to different target groups or various fields of interest. The value of these databases increases with the growing quantity of representative data (Lyon, 2001:90; Lipartito, 2010:29; Zuboff, 2015:78; Zuboff, 2019:195). What ultimately makes the data collection relevant and valuable, however, is not merely the quantity of information but its quality, namely, the way in which this information is subsequently structured, analysed, and combined in order to generate further insights and pave the way to additional applications (Lipartito, 2010:18). This implies: To turn quantity into quality, the available information needs to be interpreted within a ‘framework of meaning’.

The pre-existent framework of meaning – determined by the programmers, data analysts and other individual actors within the surveillance operators in conjunction with the company culture and the (business) interests of the respective sector – as well as the technological mechanisms themselves influence each other in a complex cycle. Lyon (2007:94) describes the interdependence like this: “Classification is based on practices of meaning-making and judgment calls and is the medium through which those practices continue to occur.”<sup>63</sup> The synergy effects of applying technological tools of data analysis and attributing meaning in certain contexts can be characterized as the ‘power of interpretation’ (CS) or, as Lyon calls it, the “classificatory power” (2003:30).

In the public discourse, all surveillance operators are eager to convince us that extensive monitoring is in our best interests and indispensable in the future and on a global scale. While state actors argue with their mandate to provide public safety and protection from potential threats, commercial data collectors justify their activity with the need to provide us with the best possible – and that is with ever more personalized and targeted – services and products, and with their commitment to enhance our overall quality of life. In this narrative, the upshot will be more personal security and individual comforts coupled with greater productivity, more individual flexibility and increasing efficiency in all kinds of environments and spheres of

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<sup>62</sup> Since practically everyone uses his/ her own device, information and activities can be clearly assigned to identifiable persons.

<sup>63</sup> What this means in concrete life will become more obvious as a more comprehensive picture of the repercussions of surveillance unfolds. Cf. 2.2



activity – at the workplace, or at home, with respect to energy use, traffic, health, education, sports, fitness or family organization – just to name a few examples.<sup>64</sup>

While much of this may be true, and many officially proclaimed purposes of surveillance may be legitimate, there is also an additional agenda which is intentionally kept under the radar: the wish to bring the future and people’s future behaviour under control and the objective “to concentrate money and power” (Lanier, 2014:20, 54) by way of information dominance. Public assurances about the advantages or even ‘inevitability’ of digital surveillance should therefore be taken with a grain of salt and the accompanying explanations with the appropriate caution.<sup>65</sup>

## **2.2 Serious concerns about surveillance practices and their consequences**

The mere overview over the origin, forms, mechanisms and rationale of current digital surveillance has already revealed a panoply of problematic aspects, all of which are connected and overlap in significant ways. The concerns about surveillance pertain to its ‘grand scheme’, in other words, the underlying worldviews as well as to surveillance’s palpable effects in the lives of humans. This section will investigate a number of these concerns.

### **2.2.1 Surveillance’s power asymmetry: comprehensive control, behavioural modification and visions of totality**

Foucault’s analysis rightly anticipates that one of the foundational problems with surveillance is the power generated and increased through observation procedures.<sup>66</sup> As a social force to shape life and influence developments in society, power is an asset – as long as those who wield it are aware of their responsibility and its character as a limited and targeted tool. As soon as power begins to become an end in itself, it inevitably turns into a means of domination and a potential instrument of abuse. This usually goes hand in hand with loss of accountability, the invalidation of checks and balances, a lack of transparency, and the absence of a fair and open public debate. Lyon gathers that “the organizations that process the data have a built-in advantage of size, expertise and knowledge, which tips the balance of power heavily in their direction” (2007:194). The leading internet companies’ enormous financial resources, together with their market value and market dominance, have turned them into monopolists with unrivalled influence in the digital world and the economy at large (Solnit, 2013; Budras and

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<sup>64</sup> Schmidt and Cohen (2013) in their book *The new digital age*, paint the picture of a glorious future of seamless service... where all the appliances in our household already know our wishes before we even voice them...

<sup>65</sup> Cf. 2.2.5.

<sup>66</sup> Ellul (1962:401) is already sharply critical in the 1960s, contending that “technology of every kind has... only one aim, namely the multiplication of means of power” and that its “power... has as its object only power.”

Siedenbiedel, 2014; Nienhaus, 2014; Lauer, 2015; Nienhaus, 2016; Cohen, 2017; Streitfeld, 2017; Taplin, 2017; Hughes, 2019; Clayton, 2020; Swisher, 2020b).<sup>67</sup>

Their specific power consists in having a unique command of the internet infrastructure and an unassailable lead in the capacity to accumulate and process data, in other words, superior knowledge and unmatched authority to define and interpret the relevance of information. Joined to this is the capability to steer the flow and the access to information and the claim to unilateral rights of data management and their commodification (Zuboff, 2014b; Zuboff, 2019; Clayton, 2020). As the most powerful data collectors, they are also the most influential data distributors, which means that by way of algorithms they can determine the priorities according to which digital contents is presented and to whom.<sup>68</sup> The algorithms of search machines, for instance, prioritize, and preselect the information bits that are brought to our attention, based on our data profiles and on deals with other clients who want their details to rank high in our personalized search results (Budras and Siedenbiedel, 2014; Hughes, 2019).<sup>69</sup>

This access-control also means that there is a growing potential for censorship over information, influence-peddling and manipulation.<sup>70</sup> Information that does not correspond to our supposed interests can be withheld or made less visible while other political or cultural information is prioritized so that our view of the world is perpetually confirmed – with the result that we are never exposed to new and different thoughts that might challenge us. Apart from that web users have no influence on the previously discussed ‘framework of meaning’ and the

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<sup>67</sup> Three examples can illustrate this: 1. In his open letter to then Google-CEO Eric Schmidt, Mathias Döpfner, the CEO of German publishing house Axel Springer pointed to Google’s unique position in the market with “having the biggest and most widely used search engine in the world, along with YouTube, the second biggest search engine in the world... with Chrome the biggest browser, with Gmail the most widely used e-mail provider, and with Android the biggest operating system for mobile devices” (2014). To this ‘almost-monopoly-list’ one can add the lead in mapping through Google maps and Google Street View or the highly pushed efforts in terms of self-driving cars or Artificial Intelligence. 2. Facebook is the biggest social network in the Western world in terms of users and market share and it also owns the highly successful platforms Instagram and WhatsApp (Spehr, 2015; Lindner, 2018; Hughes, 2019). 3. As the biggest players on the field, these companies can simply outmanoeuvre smaller companies that become potential competitors in a certain field, by either blocking them, acquiring them or copying their innovations (Hughes, 2019; Clayton, 2020; Swisher, 2020b).

<sup>68</sup> This prioritization of content is a staple principle of all companies with surveillance capitalism as their business model. In the case of Facebook, the social network will use the preferences from people’s Newsfeed to show them more and more similar content, in the hope to have them hooked onto the network (Hughes, 2019). Amazon and YouTube’s search engines work in the same way: Whenever we log in, they will suggest us items (books, music, clips, videos, etc.) that match our previous choices.

<sup>69</sup> This preselection happens on the basis of criteria that ordinary internet users are not able to penetrate – the algorithms for profiling are part of the companies’ trade secrets (Bauman *et al.*, 2014:138; Zuboff, 2015:78, 85). This also means that search results, for instance, that are placed ‘further back’ are likely to never reach us at all (Budras and Siedenbiedel, 2014).

<sup>70</sup> One of the most prominent examples in the recent past was the Cambridge Analytica scandal in which millions of Facebook user data ended in the hands of a political consulting firm for the purpose of ‘psychographic profiling’ and influencing voters, all under the guise of ‘academic research’ (Goldberg, 2018; Granville, 2018; Hughes, 2019; Ovide, 2021).

power of data interpretation because there is no process in place that invites participation or any form of transparent public discourse. The focus, priorities and criteria for data collection, data analysis and data brokerage, together with the whole algorithmic rationale remain the exclusive property and privilege of the observers – even though their ‘subject matter’ are details from our individual human lives. Both the non-transparent practices and the unilateral decision-making of surveillance operators mean that ‘data subjects’ as objects of scrutiny find themselves in a position of powerlessness – which is not only psychologically unhealthy, but also entirely inappropriate, – given the actual value of their information bits for the surveillance operators.

All these different power elements give surveillance operators a very real hold on all the real-life-data-subjects who provide the information bits for their successful business strategies – voluntarily and knowingly or involuntarily and unknowingly. Accordingly, Lyon states that “the net effect of surveillance capacities is to strengthen the regimes behind their design and programming” (2001:4) and – correspondingly – to weaken the position of those who are being scrutinized (Richards, 2013:1955-1956,1962). Losing control over our personal data undermines our ‘right to informational self-determination’ and makes us more vulnerable to abuse.<sup>71</sup> The ensuing power asymmetry is inherent to surveillance’s whole set-up – the technicalities of monitoring mechanisms simply override reciprocity (Zuboff, 2015:80ff.).

The detailed insight into people’s lives, thoughts, interests, activities, habits, contacts, associations and locations affords unique and targeted opportunities to influence and control present and future actions of individuals (Lipartito, 2010:4; Richards, 2013:1953ff.; Zuboff, 2019:360ff.). Hence behavioural modification is one of the pillars of surveillance capitalism’s success. Directing human behaviour into certain predictable patterns that are favourable to society as a whole (Pentland, 2009; Staun, 2014; Nienhaus, 2015; Oberhuber, 2016; Zuboff, 2019:378, 382, 431ff.) – for instance a more responsible driving style or more healthy self-management – or favourable for the profits of surveillance-based companies because they achieve the goals of their advertising clients, is achieved by nudging, incentives or social pressure (Zuboff, 2019:294ff., 437). Han (2014) describes these efforts at directing behaviour as ‘digital psycho-politics’ (tl CS) operated by a ‘smart power’ with a... friendly face that inspires and seduces instead of threatening and prescribing (tl CS): ‘Big Data is a very efficient psycho-political instrument that facilitates the accumulation of comprehensive knowledge over

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<sup>71</sup> The German equivalent “*Recht auf informationelle Selbstbestimmung*” is a much-used term, which emphasizes the close connection between data and the actual person and places the discussion about the handling of data within a context of individual freedom, autonomy and human dignity. It assumes that there are inviolable areas where nobody has the right, to decide things *for us* – like e.g., “*das Recht auf sexuelle Selbstbestimmung*” – the ‘right to sexual self-determination’.

individual and collective behaviour. This knowledge is knowledge for the sake of dominion, facilitating interventions into the psyche to influence it on a pre-reflexive level' (tl CS).

What is problematic about this approach is that the definitions of the 'common good', of desirable behaviour and goals for society are not determined in a participatory process of societal dialogue and other politically established modes of consensus-finding, but decided, declared, pushed, and imposed upon by those few who, given their superior vantage point of behavioural observation and information gathering, claim to know what is the best for the overall majority of individuals in society (Pentland, 2009; Staun, 2014; Zuboff, 2019:434ff.). In this vein, behavioural direction can easily turn into an instrument for control, where people are pressurized into adopting a certain behaviour on the basis of privileged information about them (Lipartito, 2010:4; Richards, 2013:1936, 1955-56; Zuboff, 2019:370ff.; Zuboff, 2020).<sup>72</sup>

Thus the huge arsenal of data about individuals or groups, combined with the capacity to utilize this information at their own discretion gives surveillance operators an invaluable lead over (almost) everybody else which they can use to their own advantage in various ways: to dictate the market conditions for the smaller competitors and to ensure a dominant influence on public opinion and future market developments while pursuing their own strategic aims and promoting their own vision for the future.<sup>73</sup> For Zuboff the unbalanced power distribution, patronizing and refusing of reciprocity evident in these surveillance operations, strongly resembles patterns of "social relations in pre-modern absolutist authority" (2014b).<sup>74</sup> She warns "that these new forms of power, poorly understood except by their own practitioners, threaten the sovereignty of the democratic social contract" (ibid.).<sup>75</sup> Many of the described characteristics of dominance and (the potential for) power abuse, also apply to nation states in their monitoring of groups or whole populations. Authoritarian regimes strive to control the

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<sup>72</sup> Three examples can give an idea: 1. Car insurance companies are already beginning to reward clients who are prepared to have 'event recorders' aka 'black boxes' installed in their cars with lower premiums (Horne, 2019). This could of course be reversed: punishing those who refuse this kind of monitoring with higher premiums. 2. Health insurances might refuse coverage in the future, if clients are not willing to have their fitness monitored. 3. Technology companies could sell our digital searches with respect to health issues to insurance companies. The possibilities are countless.

<sup>73</sup> The major surveillance operators have so much financial and economic clout that they can claim the attention of the world arena effortlessly at developers' conferences, economic forums and by way of interaction with political decision-makers.

<sup>74</sup> Of course, the electronic monitoring practiced by public and private entities is not simply a renewed edition of Foucault's "hierarchical observation", because those who observe are not (by general consensus) considered to be in a position of entitlement to dominate others, even if they might consider themselves to be exactly in such a position. However, the capacity of observation with the ensuing advantage of having unequalled knowledge about others itself, turns the observers' position into a superior one and creates a hierarchy of knowledge and power.

<sup>75</sup> In this vein, she describes Google's domination in the information technology sector as "the rise of a new absolute power" – absolute in the sense of absolutism's self-concept as being "unchallengable, not subject to check or change or context-dependent" (Zuboff 2014b).

internet infrastructure and frequently make use of behavioural modification schemes in their efforts to keep societies under control and steer people's behaviour along predictable and 'socially acceptable' lines. Zuboff names China's "comprehensive social credit system" (2019:388) as a prominent example.<sup>76</sup>

In a climate of fear or political and economic insecurity, it is obviously much easier for governments and state authorities to obscure their power aspirations and to avoid public accountability.<sup>77</sup> The restricting of civil rights and an increase in surveillance are being justified by the need to provide stability and more security. The former is presented as the price for the latter – a "dubious deal" (Lyon, 2003:1, 164), because "the... assumption that obtaining 'security' involves curtailing 'liberty' deflects attention from arguments that both may be sought without compromise" (Lyon, 2007:195). A related strategy for enlarging state power consists in directing all attention to a 'mutual enemy' on the outside or on the inside.<sup>78</sup> This is the context that also houses concepts like 'categorical suspicion' or 'ethnic' and 'racial profiling', which is becoming a major trend in policing, too (Lyon, 2001:101; Lyon, 2003:100ff.; Stoddart, 2008:374). Greenwald (2014:200) is right in his analysis that "radical expansions of power are often introduced... by persuading people that they affect just one specific group... The indifference or support of those who think themselves exempt invariably allows for the misuse of power to spread far beyond its original application, until the abuse becomes impossible to control."<sup>79</sup> The described method is widespread within authoritarian regimes past and present but one against which, unfortunately, not even officially democratic governments are immune.<sup>80</sup> Richards concludes that "surveillance... distorts the power relationships between

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<sup>76</sup> In this system the state "tracks 'good' and 'bad' behaviour across a variety of financial and social activities, automatically assigning punishments and rewards to decisively shape behavior... in economic, social and political life" (Zuboff, 2019:388). "Through tuning, herding, and conditioning people" (Zuboff, 2019:389) the Chinese government hopes to achieve behaviour that stabilizes society respectively "preempts instability" (ibid.).

<sup>77</sup> Greenwald contends: "If a government, via surveillance, knows more and more about what its citizens are doing, its citizens know less and less about what their government is doing... this... reverses the defining dynamic of a healthy society" and "shifts the balance of power toward the state" (2014:209). Subsequently the "exercise of limitless power with no transparency or accountability" (2014:169) is a recipe for power abuse.

<sup>78</sup> The method of amplifying state power through creating an 'enemy image' – reminiscent of Orwell's *1984* – is practiced in countless past or present authoritarian or authoritarian-leaning regimes.

<sup>79</sup> One of the most prominent examples for this insight is still Nazi Germany, where 'Non-Aryans' and Jews – by National-socialist definition – were prominently targeted by 'measures of state power', while other population groups also came into focus: Sinti, Roma, homosexuals, physically and mentally disabled people, political dissenters from all different camps. Therefore, Bonhoeffer could most probably have identified with Greenwald's analysis – since it also tallies with his notion of standing in for others and making their plight one's own.

<sup>80</sup> Greenwald (2014:200) names the example of the US Patriot Act allowing for a massive increase in surveillance and detention powers. They were introduced in the aftermath of 9/11 and then applied well beyond its ostensible and original purpose of apprehending terrorists, leading to manifold abuse. See also Lyon (2003).

the watcher and the watched, enhancing the watcher's ability to blackmail, persuade, coerce and discriminate against the people under its scrutiny" (2013:1936).

The current practices of mass surveillance – even if not conducted in the context of a dictatorial regime or with the aim to subordinate all data subjects to a central power – are clearly united by a vision of totality.<sup>81</sup> The ambition is to get access to the whole realm of individuals' lives as citizens and consumers, collecting and processing all the minute details from every conceivable area of people's professional and private existence from the past and the present (Bauman *et al.*, 2014:123; Lyon, 2014:26; Zuboff, 2014b; 2015:79, 82; 2019:399) and – by way of simulation and "pattern of life and predictive analysis" (Zuboff, 2015:84) – preferably also of the future. This pursuit of the "totality of actions" (Zuboff, 2015:82) in combination with the "total certainty... of guaranteed outcomes" (Zuboff, 2019:396) amounts to the "dream of omniperception" (Lyon, 2001:147) joined by the vision of foresight. As far as this 'total agenda' is concerned, there is no substantial difference between the intelligence agencies and commercial enterprises.<sup>82</sup>

The surveillance operators obviously entertain visions of "a God's eye view" (Zuboff, 2015:76, 80; Zuboff, 2019:418, 422, quoting Pentland) of human life by way of the ubiquitous presence of monitoring tools which allow them to observe human behaviour from a multitude of viewpoints – with the perspective of developing new ways of modifying and commodifying individual conduct (Zuboff, 2019:352, 363ff., 382). In Zuboff's view (2015:82), "these processes reconfigure the structure of power" because the power of "that totalitarian symbol of centralized command and control" is supplanted by a power that flows along a multitude of channels: "Habitats inside and outside the human body are saturated with data and produce radically distributed opportunities for observation, interpretation, communication, influence, prediction and ultimately modification of the totality of action." She contends drily: "The aim is

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<sup>81</sup> The Snowden documents show that the NSA and their partners had made it their institutional mission to collect, store, monitor and analyse all electronic communication and metadata by all people around the globe all the time (Greenwald, 2014:95). A remarkable slide from a top-secret presentation to the 2011 annual conference of the Five Eyes Alliance reads under the headline "New Collection Posture: Sniff it all, Know it all, Collect it all, Process it all, Exploit it all, Partner it all" (2014:96). See also the suggestive names of data tracking programmes such as "Boundless Informant" (Greenwald, 2014:81), "PRISM" (Bauman *et al.*, 2014:121) or "Total Information Awareness" (Solove, 2007:746).

<sup>82</sup> Zuboff (2019:352ff.) emphasizes that within this context 'totalitarian power' and 'instrumentarian power' need to be clearly distinguished. Totalitarianism is bent on the inner transformation of the individual, seeking to substitute all ties and taking the place of all personal meanings, claiming absolute allegiance and trying to effectuate "the engineering of the soul" (*ibid.*:353). Instrumentarianism, on the other hand, is not interested in individual humans' attitude, meaning or motives, its aim is "the transformation of society" (*ibid.*:401) and the "engineering of behaviour" (*ibid.*:373). Hence instrumentarian power seeks "social domination" (*ibid.*:360) by way of controlling, modifying and determining human behaviour (*ibid.*:352, 376, 443).

not merely the God's eye view, but the God's eye power to shape and control reality" (Zuboff, 2014b).

### 2.2.2 The role of secrecy and operations in a space beyond the law

Closely related to the issue of power, is the carefully cultivated inscrutability of surveillance. Secrecy, as one of power's greatest assets, helps to obscure the concentration of power and enhances its efficiency while simultaneously making resistance more difficult – for lack of a palpable target. To continue enjoying the advantages of unequalled knowledge and to avoid unwanted attention, the surveillance actors "have learned to obscure their operations" (Zuboff, 2015:85). Digital surveillance is designed to be subtle, unobtrusive and undetectable (Lipartito, 2010:23; Zuboff, 2014d; Zuboff, 2015:79).<sup>83</sup> This secrecy by design is inherent to the (business) strategy of monitoring as such and encompasses the entire process: the exact contents and methods of data extraction as well as the codes and criteria which determine the classification and interpretation of our data and the intricate mechanisms of re-packing, selling and trading of data through data brokers and undisclosed agreements (Lyon, 2007:185; Bauman *et al.*, 2014:138; Zuboff, 2015:78, 83-85). Researchers express our ignorance in no uncertain terms: "We have absolutely no idea in what way our data are valuable or useful for the intelligence agencies or the commercial enterprises, because the criteria for utility are neither disclosed nor discussed" (Bauman *et al.*, 2014:138). Nor do we have knowledge of "the full range of personal data that we contribute... , the retention of those data, or how those data are instrumentalized and monetized" (Zuboff, 2015:83).

Apart from ignorance about the technical operations and business procedures, our disadvantage as consumers and clients becomes manifest in the lack of consent, and the non-existing opportunities for participation. Starting with data extraction, a huge amount of data is taken from us without our knowledge and consent (Zuboff, 2014d; Zuboff, 2015:78-81; Hughes, 2019), hence we cannot oppose it and much less prevent it.<sup>84</sup> We can neither challenge the practices of surveillance-based companies nor access our data bits in order to correct or change them (Lyon, 2001:129; 2007:88); nor do we have any say with regard to the

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<sup>83</sup> Foucault's 'disciplines' are characterized by the exact same operational mechanisms of secrecy and silence and unobtrusiveness which allows them to work without the use of external force (Foucault, 1977:177, 201, 214, 218). Han (2015:47) wryly states: "Transparency and power do not get along well. Power likes to cloak itself in secrecy".

<sup>84</sup> Two of many examples can be named: 1. In monitoring the contents of g-mail-account-operated e-mails, Google also obtains the e-mail-addresses of non-g-mail users as it scans their e-mails (Cain Miller, 2013b; Zuboff, 2014b). 2. When Facebook bought the messenger service WhatsApp in 2014, WhatsApp vowed to continue to protect users' privacy. This promise was broken in August 2016 when WhatsApp decided to pass on "phone numbers and analytics data of its users to Facebook" (Isaac and Scott, 2016). In both cases there has been no attempt to obtain consent or to engage in dialogue with the users.

use and dissemination of our data (Solove, 2007:766-67). Considering that there are hardly any agreements with consumers that merit the label 'reciprocal', let alone a public dialogue on eye-level, we as monitored users cannot in any way determine the surveillance parameters – even though the data in question are part of *our* personal experience. Surveillance operations and their operators are untouchable, beyond our reach.<sup>85</sup>

It is not hard to see that this combination of overreach, non-transparency, and lack of reciprocity is a potentially alarming mix, lowering the threshold for power abuse and activities outside the boundaries of the law. David Lyon rightly points out that keeping surveillance procedures “out of the arena of public debate and... therefore not accessible for examination in civil society” (2007:185) is a dangerous development, because it undermines democratic principles of transparency and public accountability. Abusing one's power is an obvious temptation for both public and private entities – due to the authority afforded by the state or on the basis of a dominant market position and existing dependencies.

As far as state-instituted surveillance is concerned, a certain level of operational secrecy is legitimate and necessary for the sake of preserving the integrity of the state, the protection of the lives of citizens, as well as fighting crime and illegal activities. However, secrecy, just like power, can never become an end in itself. 'Protection' or 'safety' cannot serve as justification for arbitrary interpretations of the law.<sup>86</sup> Nor can undercover procedures become an excuse for evading accountability before democratically established control mechanisms (Richards, 2013:1951; Bauman *et al.*, 2014:137).<sup>87</sup> In the aftermath of the 9/11 terror attacks, ongoing safety concerns led to permanent “states of emergency” (Lyon, 2007:119) and the political paradigm of the 'safety state', which propagated 'physical inviolability' as the *one* priority to which all other values must yield (Lyon, 2001:136; Greenwald, 2014:208). As a consequence, the rule of law was frequently weakened and civil liberties were regarded as dispensable

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<sup>85</sup> With respect to the biggest player in the commercial surveillance market, Zuboff observes drily: “Google is ubiquitous, hidden and unaccountable” (2014d). It is interesting to observe that wherever surveillance is still connected to an obligation to cater to clients or wherever it tends to be closer to the 'care' than to the 'control-side', there seems to be less reluctance to explain the company practices of data-storing, and also more transparency and more willingness to act according to fair information principles.

<sup>86</sup> Neil Richards argues that scrutinizing individuals based on a substantial suspicion “requires legal process... to ensure that it is targeted, justified, and no more extensive than is necessary” (2013:1961). This seems to be a reasonable and balanced way of arguing the subject which also leaves room for targeted surveillance measures in the case of a serious threat.

<sup>87</sup> Greenwald (2014:27-28) names the Foreign Intelligence Surveillance Act (FISA) Court in the USA as an example. It was created in 1978 with the idea to rein in possible government abuse by requiring the government to obtain permission before engaging in extended electronic surveillance. FISA, however, contains none of the elements unanimously recognized as essential to an independent judiciary system within democratic structures: “It meets in complete secrecy; only one party – the government – is permitted to attend the hearings and make its case; and the court's ruling are automatically designated 'Top secret' ” (Greenwald, 2014:28).



(Lyon, 2003:38, 155; Lyon, 2007:69, 119, 136). Increased 'exceptional authority' allowed for all sorts of operations outside the law or on very shaky legal ground.<sup>88</sup>

It is within this climate that intelligence services in numerous countries were able to set up indiscriminate mass surveillance programmes with minimal political oversight or juridical limitations which are ongoing (Greenwald, 2014:128-131).<sup>89</sup> For many sociologists, journalists, economists, legal experts and contemporary thinkers, the conclusion from these developments is obvious: When states fail to protect their citizens' data, ignore established democratic practice and side-line civil liberties, they neglect individual rights such as due process, privacy, and the inviolability of people's communications and personal space. These are alarming signs of the increasing erosion of democratic values (Lyon, 2003:6, 11, 155; Richards, 2013; Bauman *et al.*, 2014:131; Greenwald, 2014; Zuboff, 2014a).<sup>90</sup>

The data gleaning and business operations of the commercial enterprises manifest similar anti-democratic features – albeit with a different emphasis and a less visible impact at first glance. The fact that companies in this sector have so far been subject to comparatively little legal regulation has much to do with the rapid development of technology which invariably outpaces intricate law-making-procedures (Lipartito, 2010:22; Zuboff, 2015:79-83; Hughes, 2019).<sup>91</sup> And even where privacy laws and regulation regarding data protection exist, they are often difficult to enforce because of a lack of expertise and control capacities. Accordingly, Lipartito (2010:22) notes that the “law has so far proved to be a weak barrier against the tidal surge of surveillance.”<sup>92</sup>

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<sup>88</sup> One of many examples: In December 2013 a US federal judge stated that the NSA metadata collection was likely to be found in violation of the 4<sup>th</sup> amendment to the US constitution (Greenwald, 2014:250).

<sup>89</sup> The NSA operations concerned American citizens and “entire foreign populations” (Greenwald, 2014:74) without any concrete cause, with no warrant, with virtually no restrictions, no public debate and no public accountability whatsoever (Greenwald, 2014:74, 90ff., 112-131, 141). In the same vein, ‘the war on terror’ led to “people being detained without trial and without knowledge of charges, sometimes refused lawyers and kept incommunicado” (Lyon, 2003:48). The investigative journalist Glenn Greenwald gives an impressive overview over USA - state instituted surveillance programmes in his 2014 book *Nowhere to hide* – based on the Snowden revelations.

<sup>90</sup> Law professor Neil Richards is convinced that secret surveillance programs are incompatible with the basis commitment to intellectual freedom that is at the heart of democratic self-understanding (2013:1951). Accordingly, “the existence and capabilities of... surveillance programs” (ibid.:1960) must be disclosed as to make them “amenable to judicial and public scrutiny” (ibid.:1960).

<sup>91</sup> One of the problems is that the existing laws referring to wiretapping, the protection of (electronic) communications and the private sphere, were formulated with regard to an analogue environment. In this capacity they are frequently insufficient to address the complicated issues that come up in the context of worldwide digital exchange and surveillance.

<sup>92</sup> It is surely no coincidence that Foucault also picked up on the intrinsic propensity of the disciplines to undermine the law and contractual obligations. By virtue of continually fostering the asymmetry of power, they essentially establish their own law. In *Discipline and Punish* (1977:222), he describes the “systems of micropower” as “essentially non-egalitarian and asymmetrical” referring to the disciplines as “infra-law” or “a sort of counter-law”.

So while fair information principles have occasionally “found their way into legislation, voluntary codes, international agreements and standards” (Lyon, 2001:129),<sup>93</sup> the overall lack of regulation in combination with astute business methods and a powerful market position still allows technology companies to disregard the rights and the dignity of digital users as their source of data and income on a grand scale (Lyon, 2001:129; Bauman *et al.*, 2014:134; Zuboff, 2015:78, 83; Hughes, 2019; Zuboff, 2019). In the majority of digitally operated services, the self-authorized right to data collecting is simply included in the equally self-established rules with no opt-out option for users (Budras, 2014; Zuboff, 2015:79, 81; Zuboff, 2016). The companies create *faits accomplis* by virtue of their terms and conditions, which they are free to change at any time. In such a scheme, reciprocity is a mere formality and consumer consent completely superfluous.<sup>94</sup> By making use of the companies’ services, the users ‘automatically’ forfeit the rights to their personal information and ‘accept’ the ongoing intrusion into their privacy – the ‘fruit’ of which can then become part of the companies’ business assets (Lipartito, 2010:17; Lanier, 2014:XVII; Zuboff, 2014b; Zuboff, 2015:81.83; Zuboff, 2019:97, 338).

In addition, the ‘implied consent argument’ is also used by the companies to harvest the data of people who are not even their clients, but in contact with their clients.<sup>95</sup> Hence, in the current global context major internet companies can largely establish their own rules, operate in legal grey areas or simply ignore the law and act in a kind of ‘self-authorized space’ (Lyon,

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<sup>93</sup> Fair information principles include aspects like limits to data collection (only what is necessary for the specific purpose), accountability for data collection and data storage, knowledge and consent of the data subjects, a limit to data commercialization and the obligation to keep data up to date and accurate, including the right of data subjects to access and correct their personal information (Lyon, 2007:172, 177, 201).

<sup>94</sup> In most cases users are forced to supply many data about themselves (including e-mail-addresses and cell-phone numbers) or consent to cookies, before being able to make use of a certain service respectively even access simple information. Since any form of consent presupposes ‘choice’, this pretty much reduces the concept of ‘consent’ to absurdity. ‘Consent by force’ is not consent. A typical example of this practice are Facebook’s new terms and conditions which came into effect at the beginning of 2015. The company claims the right to gather more data about their users in terms of their location and “from visited sites and apps by following logged-in users and watching what they do in other parts of the internet” (Nagel, 2014).

<sup>95</sup> In a court proceeding against Google’s secret scanning of all contents and meta-data of internet users communicating with g-mail accounts, Google argued that scanning e-mails was an “ordinary business practice” – in parallel with the scanning done to detect spam or viruses or to filter messages – and that g-mail users and non-g-mail users knew about this and “had consented to it by agreeing to Google’s terms of service and privacy policy” (Cain Miller, 2013). The judge did not accept this ‘argument of necessity’ and Google’s theory of ‘implied consent’, countering that “Google’s alleged interception of e-mail content is primarily used to create user profiles and to provide targeted advertising – neither of which is related to the transmission of e-mails” (ibid.). As far as Facebook is concerned, it came out in April 2015 that the social network had been tracking non-users via cookies. The company admitted this but attributed it to a bug and denied that it had breached EU privacy law (The Guardian, 2015). A year later Facebook announced that it would now officially follow non-users around the internet with the aim to place more targeted advertisement, informing them via cookie-warnings (Toor, 2016).

2001:129; Bauman *et al.*, 2014:134; Zuboff, 2015:78, 83).<sup>96</sup> The Google Street View enterprise, Zuboff notes, is such a typical case of “Google’s declarative practice of invading and claiming previously legally and socially undefended territory until resistance is encountered” (2015:79).<sup>97</sup> The pattern involved is simple: The company can afford to wait for legal opposition and then exhausts adversaries in tedious court battles in the awareness that its own financial resources outstrip everybody else’s. In the meantime, the contested practices continue until the lawsuit is decided (Zuboff, 2014b; 2015:78). In the course of the last decades, numerous lawsuits have been filed against technology companies by individuals – most of them either anti-trust or concerned with the violation of privacy, data protection or the right to have a say on the dissemination of personal data. Even if some of them have been successful,<sup>98</sup> the overall power imbalance at the expense of the ‘data subjects’ has not been significantly reduced.

From the internet companies’ perspective, the prospect of more governance is naturally perceived as an inconvenient limitation, that could possibly hamper their business and stand in the way of their vision of “the new digital age” (Schmidt and Cohen, 2013). Thus regulation is portrayed as unnecessary in public appearances and in the lobbying that happens in the background (Kang and McCabe, 2021; Kang *et al.*, 2021). Moreover, it is depicted as a stumbling-block to innovation and ‘inevitable progress,’ and essentially as a danger to economic growth (Schmidt, 2014).<sup>99</sup> Mathias Döpfner (2014), alarmed by this attitude, asks

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<sup>96</sup> Two examples from recent years illustrate this: 1. In 2016 the messenger service WhatsApp, which has been acquired by Facebook in 2014, started disclosing phone numbers and analytics data of its users to Facebook despite prior promises to protect users’ privacy. This has led to numerous complaints and ongoing litigation (Isaac and Scott, 2016; Scott, 2016c). 2. In the run-up to the 2016 US election a company called “Cambridge Analytica’ harvested private information from over 50 million Facebook users without their permission” for the purposes of “psychographic profiling” and influencing voters (Goldberg, 2018).

<sup>97</sup> The launch of Google Street View in 2007 involved photographing private homes and mapping living situations for public consumption without asking permission or providing prior information (Helft, 2007; Wyatt, 2010; Zuboff, 2014b; Zuboff, 2015:78ff.). In connection with the mapping venture scanners in the Google cars also illegally collected data from private wi-fi-networks including entire e-mails, passwords and photos (Helft, 2007; Wyatt, 2010; Zuboff, 2014b; Lohr and Streitfeld, 2012).

<sup>98</sup> Two examples must suffice: 1. In May 2014 the top European Court of justice backed “the right to be forgotten” and ruled Google must delete “inadequate, irrelevant or no longer relevant data from its results when a member of the public requests it” (Arthur and Travis, 2014). 2. In October 2015 Austrian law student Max Schrems’ two-year legal battle against Facebook’s data transfer into the US, the connected exposure to NSA mass surveillance and subsequent violation of privacy ended in the European Court of Justice. It declared the “Safe Harbour” agreement allowing the data transfer between the United States and the European Union as invalid (Cook and Price, 2015; Fioretti and Prophan, 2015).

<sup>99</sup> In their book *The new digital age*, Eric Schmidt and Jared Cohen (2013) describe the internet in all its variety, richness and potential as “the world’s largest ungoverned space” (ibid.:1). Schmidt (2014), as the Google-Alphabet’s then CEO, characterized the European efforts of democratic oversight to curb the power of companies like Google as “heavy-handed regulation”. Google co-founder Larry Page struck a similar chord, when he said at a developer conference in May 2013: “There are many exciting things you could do that are illegal or not allowed by regulation... In tech we should have some safe

whether this means “that Google is planning to operate in a legal vacuum, without troublesome antitrust authorities and... outside of democratic accountability... in a kind of superstate that can navigate its floating kingdom undisturbed by... nation-states and their laws?”

The insight from a team of researchers sums up the current situation accurately: There can be little doubt that the described strategies of mass surveillance reveal an obvious contempt for “deeply engrained principles of modern societies such as privacy, human rights and the rule of law... whether wilfully, and even conspirationally... or through structural processes no one quite understands” (Bauman *et al.*, 2014:134). The shift towards a “digitized reason of state” (ibid.:126) is driven by professionals in the public and private sector alike, who no longer regard state law and contracts as “the ultimate measure of political and ethical values” (ibid.:124). Subsequently they “despise the idea that the rights of all internet users can create limitations to their projects” (ibid.:126) and strive instead to “reconfigure the ideas of privacy, secrecy of communication, presumption of innocence, and even democracy” (ibid.:126).

This summary only confirms the urgent and ongoing need for legal regulation of state-instituted and commercially directed surveillance,<sup>100</sup> precisely because monitoring has to do with people. And wherever people live together and interact with one another, values, rules, (social) norms and laws are indispensable to protect individuals and the life of the community. Public oversight and governance of monitoring practices is essential, not only for the upkeep of democratic values and fair market conditions (Hughes, 2019; Zuboff, 2015:83) but also as a means of safeguarding fairness and justice towards individuals (Lyon, 2001:10.90.128.150.159; Lyon, 2003:43). This is why surveillance must be guided by “clear and democratically defined limits” (Lyon, 2003:39) and “assessed by high standards of justice and care” (ibid.).

### **2.2.3 Privacy: multi-faceted, contested and indispensable**

Among all the concerns about digital data monitoring, ‘privacy’ clearly mobilizes the most resistance. It seems to be the *one* topic that condenses all the other objections against surveillance. It is the “embattled terrain” (Lyon, 2007:174) *par excellence*, that people of different political convictions can agree on – possibly because it is perceived as the most intensely personal’ issue.<sup>101</sup> However, the shared goal of protecting privacy does not mean that all have the same understanding of it. The mingling of different cultures and wide-spread

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places where we can try out some new things and figure out what is the effect on society and what is the effect on people, without having to deploy them in the real world” (Ingraham, 2013; Cain Miller, 2013a). It is the dream of “a world set aside for unregulated experimentation” (Ingraham, 2013).

<sup>100</sup> This is something that all those who look at surveillance with a critical eye – legal experts, politicians, sociologists, computer experts, data protection ombudspeople etc. can agree on.

<sup>101</sup> Accordingly, many civil rights and consumer protection organizations see privacy protection as their main objective.

global exchange within the last decades has made abundantly clear: There is no *one* 'universal' timeless notion of privacy; it is a relational, multi-faceted and contested concept, whose content and valuation depends on many factors: culture, country and mentality, social and historical circumstances, priorities, values, specific context and position of the speaker (Lyon, 2001:20; Lyon, 2007:175; Allmer, 2011:84; Van Lieshout *et al.*, 2013:123).<sup>102</sup>

The understanding of privacy is connected to the complex and changing notion of what should be 'public' and what should be kept 'private' (Lyon, 2007:174). And privacy is now set in a much more intricate global context imbued in digital technology. This means that the most intimate details of an individual's life are stored in the non-extinguishable electronic memory of the world wide web and can be projected onto a world-wide screen in a matter of seconds.<sup>103</sup> Hence in the current debate there is a growing awareness about the need to differentiate the notion of privacy within a digital context. Therefore, the European Charter of Fundamental Rights treats the right to privacy and the "right to the protection of personal data" as two distinct aspects (Van Lieshout *et al.*, 2013:120). The two are nevertheless intricately connected, because personal data are always 'placeholders' for the real person, representing crucial facets of that person's life and identity.

Apart from all these factors – what makes privacy into such a complicated and ambivalent issue is that it is closely related to other similarly complex issues such as the development of personhood, the (self)-understanding of the human person, the connection between the individual and society, the protection of relationships and intimacy, the idea of what freedom is about, the notion of autonomy and the role of civil liberties and much more. This leads to further questions: What are the practical consequences, if privacy is being ignored or violated? Is privacy an individual right or a social structure, a personal value or a public good, an expression of self-determination or a prerequisite for interpersonal relationships? Does it describe a level of access control, a zone of immunity,<sup>104</sup> an internal or an outward sphere? There are many reasons to suggest, that all these aspects come into play which makes 'privacy' all the more difficult to pinpoint or to defend.<sup>105</sup> Evidently privacy is much more than

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<sup>102</sup> A simple example makes this plain: In the Western world there seems to be agreement that bathroom matters and sexuality are high on the priority list for privacy. For a person who has grown up with many people living in one room, there may be different privacy priorities, like for instance having a quiet 'private' space to think and to study.

<sup>103</sup> While the privacy breaching that happens by virtue of digital surveillance still has strong parallels to non-digital intrusions, it also clearly exceeds them in terms of quantity and quality. By tapping into our electronic exchange, surveillance has found an unprecedented manner of intruding our private sphere and our minds without having to rumple up our beds, opening our letters or recording our conversations.

<sup>104</sup> The notion of 'access' echoes "the right to be let alone" that Warren and Brandeis (1890:193) invoke in their ground-breaking essay *The right to privacy* in the Harvard Law Review.

<sup>105</sup> Solove (2007:754-755) admits that the efforts to define privacy by finding a sort of "essence" and "locating a common denominator" have not been fruitful. He therefore opts for a "pluralistic

a legal concept; it also involves moral and ethical questions – hence the law alone is an insufficient instrument to regulate it.

All these different facets of privacy are then often viewed in the light of a more individualistic or a more socially oriented approach. The former is primarily concerned with individual choice, freedom from interference, delimitation and personal autonomy, emphasizing a claim that must be protected or defended from others (Allmer, 2011:85f., 90-91). The latter stresses privacy's relational character and its essential function for the whole of society, understanding it as an indispensable value within the context of social relationships and communal structures (Lyon, 2007:170).<sup>106</sup> Again, it makes very little sense to play out the two dimensions against one another – both contribute crucially to outlining what privacy actually means in the lives of individuals and in a wider social context.

Some of the privacy notions that are discussed or promoted in connection with digital surveillance are characterized by serious distortions – and therefore they need to be addressed here. Lyon (2001:21-23; 2007:174) strongly criticizes Western culture's dominant tendency to regard privacy as a sort of 'personal possession' whose function consists in protecting personal autonomy and private property. He argues that while this may be very much in keeping with the priorities of an individualistic consumer culture fostered by contemporary capitalism, it is a fundamentally flawed notion of privacy. This is because it contributes to isolating individuals from one another. It ignores the embodied reality of human life as an experience in community, underestimating the crucial role of interpersonal relationships for the well-being of individuals and for the functioning of society at large (Lyon, 2001:22-23; Lyon, 2007:180). The Canadian sociologist therefore opts for a concept of privacy that honours its own profound social dimensions, understanding it as a communal asset that needs to be shared (Lyon, 2001:150; Lyon, 2007:180; Stoddart, 2011:26). Solove also warns of separating the individual and society: "The individual is shaped by society, and the good of both the individual and society are often interrelated" (2007:762). "Thus, privacy should not be weighed as an individual right against the greater social good" (ibid.:763). Since the protection of individual rights enables social responsibility, it is in society's own interest to make sure there are 'protected spaces' for individual development.

In connection with the fear of terrorist attacks and the corresponding mass surveillance to safeguard security, another interpretation of privacy emerged, which declared it to be the opposite of secrecy. The much repeated but still faulty argument behind this is: "If you have

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understanding of privacy" (2007:756) as a set of "different things that... nevertheless bear a resemblance to each other" (ibid.).

<sup>106</sup> The discussion is similar to the debates around the notion of freedom – which is not surprising given the close connotation between 'privacy' and 'freedom'.

nothing to hide, then you have nothing to fear from the massive amount of personal information that the government and other organizations possess about you... On the other hand, if you are acting illegally, then you have no claim to protest” (Doyle, 2012:108 referring to Solove, 2011; Solove, 2007:746).<sup>107</sup> Such a contention is obviously based on a very narrow concept of ‘privacy’ and ‘secrecy’, which does not do justice to either and fails to see the much wider issues at stake. ‘Secrecy’ is not ‘bad as such’; it protects an intimate sphere and is necessary for human dignity. We all have experiences and feelings that we want to keep within a sheltered space, and we all relate to other people whose intimate information we strive to protect out of respect or affection for them. Hence ‘privacy’ is not principally about concealing illegal or ‘shameful’ information or activities, but a necessary pre-condition for having some control over one’s own life and for experiencing closeness and fostering trust. Therefore Zuboff (2014b) concludes, that privacy facilitates choice: “We can choose to keep something secret or to share it, but we only have that choice when we first have privacy.... Privacy lets us decide where we want to be on the spectrum between secrecy and transparency in each situation.” So, while privacy does not denote a general right to withhold information or an entitlement to never to be observed, it is nevertheless – among many other aspects – about a right to secrecy ‘appropriate to the subject matter’.

Another false dichotomy closely related to the privacy-secrecy-contrast is the one between privacy and security. In the aftermath of 9/11 and the ensuing fight against terrorism, “the relationship between privacy and security has often been seen as a trade-off” (Van Lieshout *et al.*, 2013:119). In other words, the loss of privacy is regarded – and often accepted – as the necessary price for a gain in security (Solove, 2007:746, 753, 767; Van Lieshout *et al.*, 2013:119, 123).<sup>108</sup> This perspective must be challenged: Firstly the underlying assumption – namely, that more sophisticated surveillance measures automatically increase security – is by no means proven; secondly, such a one-dimensional picture of both privacy and security fails to take into account other factors that contribute to both – such as trust, community life and experienced solidarity (Lyon, 2003:61; Lipartito, 2010:23; Van Lieshout *et al.*, 2013:119, 124). So, thirdly, pitting privacy and security against each other as two conflicting values, with ‘security’ as the ‘greater good’ requiring the sacrificing of the other good ‘privacy’, overlooks the real challenge: to find “a way to enforce both without loss on either side” (Van Lieshout *et*

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<sup>107</sup> When asked about concerns over his company’s retention of user data in a 2009 interview then Google-CEO Eric Schmidt said: “If you have something that you don’t want anyone to know, maybe you shouldn’t be doing it in the first place” (Newman, 2009; Greenwald, 2014:170), insinuating that the mere desire to keep things to oneself or to a small circle of people was illegitimate or suspicious per se.

<sup>108</sup> See also Daniel Solove’s (2011) book *Nothing to hide: The false trade-off between privacy and security*.

*al.*, 2013:123).<sup>109</sup> Both 'privacy' as well as 'security' are 'greater goods' which are indispensable. Subsequently the breaching of privacy in the name of a 'higher interest', like for instance the fight against crime or a threat to the nation, must always be considered with great caution; unless in the case of serious suspicion, it must be temporarily limited and strictly pertaining to the envisaged purpose.

While any discourse about privacy departs from the analogue experience, privacy violations in the digital realm are frequently of a different nature due to the method and the impact of the technological procedures involved. Boundaries are exceeded not only via the mere accumulation and processing of personal information and the dissemination of data but also by the way in which information bits are linked, aggregated and 'recycled' (Solove, 2007:759). Completely unremarkable and much less intentionally hidden fragments and meta-data from everyday life can become highly relevant information if combined and pieced together in the right way – information that individuals might want to keep to themselves or within a narrow circle of trusted individuals (Greenwald, 2014:133f.; Solove, 2007:766). From "scraps of... innocuous personal information... it is now possible to sew a silk purse out of a sow's ear" (Doyle, 2012:109, referring to Nissenbaum).<sup>110</sup> Privacy violations are hidden in plain sight in the 'power of interpretation'.

Lipartito (2010:18) points out another related weak point of privacy protection: when private information given by consent is matched with publicly available data for which no consent is necessary. In this context privacy is threatened by a mistaken notion of transparency: Information like public records, on property or addresses that was previously accessible to a limited circle of persons for a narrowly defined purpose that relied on trust and conscientious use of this information, is now frequently placed on the internet and therefore accessible to everybody – which can expose people to abuse, harassment and 'blackmailability'.<sup>111</sup>

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<sup>109</sup> Obviously, the protection of privacy raises similar issues as the discourse about the preservation of civil liberties. See the contrast between 'liberty and 'security' discussed in 2.2.1

<sup>110</sup> Greenwald (2014:133) explains how very few metadata allow the deduction of a clear storyline with very intimate details.

<sup>111</sup> Two current examples serve to make the point: 1. The afore mentioned publicly available information on individuals' living situations via Google Street Views are an excellent instrument for planning break-ins and robberies. 2. In the USA there is a website called *Sex Offender Public Website* (coordinated by the Department of Justice – FBI and USA government website) which enables every citizen to search the latest information on registered sex offenders from all 50 states, who are displayed there with name, photo and address. The category of 'sex offenders' is not only applied to convicted paedophiles or rapists but also persons of age who engaged in consensual sex with a person under 16 years of age, since this is classified as a sexual offence in many federal states. Apart from the question of proportionality, such an example of 'transparency by force' very clearly shows the conflict between an understandable desire for security and the personality rights of the offender, and the whole issue of human dignity that is involved. Moreover, this kind of public exposure endangers the idea of rehabilitation and reintegration into society, apart from completely disregarding the Christian notion of forgiveness and renewal.



In addition, privacy interferences with *one* person inevitably have ripple effects on the intimate sphere of others who are part of the protected space of this person. By virtue of their bonds with the 'first' person, they are automatically drawn into the dragnet of observation, too.<sup>112</sup> Therefore, Lyon is convinced that the routine and comprehensive monitoring of individuals and its effects on their mindset and behaviour not only threatens individual privacy rights but also undermine the cohesion of society. This is because the very foundation of a community is substantially supported by respecting and upholding privacy and preserving mutual trust (2003:159; 2007:180).

The ever-present and increasingly 'normalized' tracking of our digital lives seems to suggest that privacy is dispensable and increasingly irrelevant. In a 2010 interview Mark Zuckerberg maintains that due to "the rise of social networking, online people no longer have an expectation of privacy" and that "people have really gotten comfortable not only sharing more information and different kinds, but more openly and with more people" (Johnson, 2010). From this the Facebook founder concludes that privacy in the digital age is no longer a "social norm" (Johnson, 2010). While the general observation about sharing information more widely by virtue of the digital is certainly accurate, Zuckerberg's conclusion is not convincing at all. The fact that people have a different understanding of privacy than in pre-digital times, does not mean that they have given up on their quest for a 'free and protected space'. The ongoing protests against monitoring's privacy breaching shows that very clearly.

The various criteria that qualify privacy, do not abruptly become invalid in a digital setting nor does the necessity and inherent value of privacy suddenly disappear: we are still flesh-and-blood-people with individual feelings and social needs. Being spied upon may be seen and felt as more 'abstract', but it is still perceived as unwelcome. And people resent being 'data-milked' and objectified for unclear purposes.<sup>113</sup> The key to understanding privacy and possible concerns about it lies in paying attention to the specific circumstances of data transmission: 'With whom do I share this information, for what purpose and in which setting?' For most people voluntary sharing of personal information on the internet in a context of their own choosing is not on the same page as being involuntarily exploited as data objects for someone

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<sup>112</sup> In a criminal investigation a suspects relatives and/or friends are often considered suspicious by default although they might have no knowledge and no part in an alleged crime.

<sup>113</sup> Scores of studies reveal that people understand the necessity of some data-sharing in relation with certain services and clearly defined purposes (e.g., their location if they want to order an Uber or their address if they want to order a book online). However, many people do not share data 'happily' and feel uncomfortable about having to divulge ever more personal details. (Why does Uber want to track the location of its customers when they are not using the service? Why is it necessary to register with one's physical address for a free e-mail account? etc.). The unwillingness to be exploited for commercial gain is growing and so is the wish to have more control over the way in which data are being processed and re-used (Singer, 2015; Maheshwari, 2018; Turow and Hoofnagle, 2019).

else's greater profits. While the first instance is perceived as an expression of freedom and self-determination, the second case amounts to an imposed measure, a limitation to personal autonomy because of its coercive aspect ('If you do not give me your data you cannot use my services.').

At this point we can retain: Despite its complex nature, 'privacy' has lost none of its deeply rooted relevance.<sup>114</sup> As an uncensored 'free protected space' for body, spirit, intellect and soul, it is essential for the preservation of human dignity, self-esteem and for the functioning of individuals in society. And privacy is vital for the development of intimacy because it creates the possibility for "voluntary self-disclosure in relationships of trust" (Lyon, 2001:153). If it is taken from us, or if we give it up, we lose something profoundly valuable and essentially irretrievable, something that has to do with the core of our humanity. Legal regulation is important, but it cannot guarantee privacy without a strong notion of reciprocity, respect and genuine interest in preserving humans as individual subjects in their own right. This includes acknowledging that privacy is – like other 'properties' of humanity – an indivisible value: we cannot claim it exclusively for ourselves while refusing it to others.<sup>115</sup> Given its fundamental importance, we obviously need to keep looking for ways to safeguard privacy even in a world of infinite data and global exchange.<sup>116</sup>

#### **2.2.4 Surveillance's chilling effects on individuals and society as a whole**

The awareness of being tracked by both indiscriminate mass surveillance as well as targeted digital monitoring cannot fail but have an impact on individual consciousness and behaviour and also on society. Our ignorance about the full value of our digital activities and communications to commercially oriented surveillance operators creates permanent uncertainty about our own best way forward, and about the manners in which the gathered data could be used to gain an advantage over us or – even worse – be turned against us for purposes of manipulation or blackmailing. Revelations about data leaks, hacking and undisclosed data deals confirm the unease and show that we cannot even be sure that state

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<sup>114</sup> The notion of 'protected space' is not extinguished by visibility as such: There must also be something like 'privacy in public' – in other words the right not to be identified and exposed, the right to stay 'anonymous' in public (Nissenbaum, 1999:218).

<sup>115</sup> Zuboff speaks about the expropriation of privacy rights by the surveillance capitalism-based firms (2015:79, 81, 83).

<sup>116</sup> Helen Nissenbaum with her approach of "privacy as contextual integrity" (2011:33) makes a substantial contribution to a more differentiated understanding of privacy in a digital environment. Her basic assumption is that every communication context is guided by certain norms, values, purposes and expectations. These determine the boundaries of information exchange and depend on "the subject, the sender and the recipient", the "attributes of information" and the "transmission principles" which can comprise "confidentiality, reciprocity and knowledgeability" (Doyle, 2010:99; Nissenbaum, 2011:33). Accordingly, the core issue is whether the flow of personal information unfolds in a manner that is appropriate to its specific context or not. We will come back to this approach in Chapter 5.

entities or other institutions of trust like banks and insurances reliably protect our personal information.<sup>117</sup> There are no guarantees that our pictures, texts or messages which were communicated in a ‘private’ context will not be passed on to third parties (even without malicious intent but nonetheless with possibly damaging consequences) or stolen, taken out of context and ending up in the Net accessible to millions of users.<sup>118</sup> The long-term consequences could be wide-ranging: An enduring insecurity and fear of abuse of personal information will not only impair trust in the digital medium as such and possibly lead to a backlash against it,<sup>119</sup> it could also ultimately compromise healthy and trusting interpersonal relationships and impede economic, political and personal progress.

Contributing to the insecurity could also be the fact that being monitored – even while performing the most trivial activities – makes people feel apprehensive and vulnerable, reducing self-confidence even when there is no objective reason for it. Research and social science experiments confirm that our comfort level and our behaviour changes when we are being observed (Richards, 2013:1948). “Surveillance turns insignificant actions into a source of self-judgment and anxiety, just by virtue of being observed” (Greenwald, 2014:180). And people are wary of being categorized by way of their digital activity.<sup>120</sup> The concentration on individual behavioural patterns and interests can make people feel singled out and exposed to the judgement of obscure algorithms and the unknown operators at the “surveillance switches” (Lyon, 2007:183). Placed in an invisible spotlight by an incomprehensible surveillance apparatus and unable to set their own behaviour in relation to that of others, individuals may feel isolated and thrown back on themselves.<sup>121</sup>

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<sup>117</sup> A prominent example during recent years was the British National Health Service’s 2014 plan to sell patient data to insurances to create broader databases and improve medical research – which was met with a national outcry (Ramesh, 2014; Zuboff, 2014d).

<sup>118</sup> The following occurrence can stand as an example for many similar ones: In 2011 an Australian family posted a picture on Facebook, which was taken in the occasion of a visit to a children’s home in India: It showed their little blond toddler surrounded by a group of Indian children and adults. This photo was used in February 2016 by German parliamentarian Erika Steinbach to paint the picture of a future German society ‘swamped’ by ‘dark-skinned’ foreigners where ‘white Middle Europeans have become a curiosity’ (Zeit.online, 2016 – tl CS). The photo had been (ab)used to underpin similar xenophobic messages before.

<sup>119</sup> Many ordinary users and public figures have already denounced social media reduced their exposure or turned away from it in the last few years (Weidermann, 2014; Hughes, 2019; Bouie, 2020; Swisher, 2020a, Warzel, 2020).

<sup>120</sup> Accordingly, Zuboff (2014a) asks: “Have you ever thought twice before googling certain phrases or about the subject line in an e-mail?” Studies and surveys confirm that such considerations are not infrequent at all. A *New York Times* article from June 4, 2015 ‘Sharing Data but not happily’ detailing results from a Penn State University survey on attitudes on data mining, states as an example that consumers are reluctant to be tracked when they look up “painkillers for their mother because they don’t want the Internet to think they are addicted to opiates” (Singer, 2015). See also Hoofnagle *et al.*, (2010) and Turow and Hoofnagle (2019).

<sup>121</sup> This reproduces the conditions of isolation of the Panopticon which Foucault (1977:200) describes in the following terms: “Each individual... is seen... by the supervisor; but the side walls prevent him

Being scrutinized, evaluated and possibly judged – in this case by algorithmic analysis – can put an invisible filter on our mental approach to things and our willingness to engage in action, dampening enthusiasm, playfulness and the desire to experiment. It “causes people to act and think differently from the way they might otherwise” (Richards, 2013:1948) and it “deters eccentric or possibly deviant behaviour” (ibid.) for fear of shame, disadvantages or condemnation. Hence “when people know they are being watched, they tend to conform, both consciously and unconsciously to the expectation of the watchers” (Zuboff, 2014a).<sup>122</sup> The result of all this adaption is a kind of over-eagerness to comply, a sort of ‘anticipatory conformity’ which for all intents and purposes is nothing other than self-censorship.<sup>123</sup>

Especially in a socially or politically oppressive climate such self-censoring can become a human ‘survival mechanism’. As the external pressure is internalized, a kind of self-programming ensues, that encompasses not only our speech and our actions but also our mindset and our belief-systems (Greenwald, 2014:177-178; Richards, 2013:1949). Suppressing emotions or hiding perfectly legitimate behaviour in order to blend in and avoid attracting the ‘undue’ attention of others or the digital surveillance apparatus is part of this ‘internal strategy’. In the long term this will lead not only to muted or faking individuals but also to a public atmosphere with new taboos, where open exchange of different views is impeded and increasingly suppressed because every word said in public becomes ‘ammunition’ for someone else.<sup>124</sup> Self-censorship enhances opportunism and limits our openness and honesty in our dealings with others, turning us into calculating creatures to avoid disadvantages or to gain advantages. And conformism – whether self-imposed or triggered off by external pressure – then in turn promotes a judgemental mentality towards those who are ‘different’ or ‘non-compliant’. All this inevitably leaves a mark on our social environment.

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from coming into contact with his companions. He is seen, but he does not see; he is the object of information, never a subject of communication.” And it also reflects the Kafkaesque experience of being exposed to an intangible and unaccountable power (Bauman *et al.*, 2014:141; Lyon, 2007:144; Solove, 2007:756-57).

<sup>122</sup> We have already encountered this in Foucault’s reflections. Conformism on the side of the surveillance subjects then corresponds to the tactics of “normalizing judgement” (Foucault, 1977:177, 184) on the side of the surveillance operators.

<sup>123</sup> Self-censorship is an exaggeration of a reasonable adaption to the rules that each society requires to function smoothly. Hannah Arendt (1998:40-41) – in an interesting parallel with Foucault – describes society as a “normalizing” and “equalizing” force which “expects from each of its members a certain kind of behavior, imposing innumerable and various rules, all of which tend to “normalize” its member, to make them behave, to exclude spontaneous action or outstanding achievement.” She also holds that the conformism in modern society has led to the replacement of action through behaviour. “It is the same conformism, the assumption that men *behave* and do *not act* with respect to each other, that lies at the root of the modern science of economics” (Arendt, 1998:41-42, italics CS). This is the link to ‘behavioural modification’.

<sup>124</sup> This is already very much a reality with regard to the censorship, indignation and ‘shitstorms’ that are a regular occurrence on social media.

Since surveillance aspires to make human decisions more calculable and to streamline human behaviour, it naturally welcomes conformism. The latter makes it easier to identify patterns and to assign people to certain categories.<sup>125</sup> Unpredictability, ‘otherness’, quirkiness, and spontaneous decisions are only a disruptive factor causing friction in the system (Zuboff, 2019:520-525). The fact that the predictions frequently turn out to be accurate not only has to do with the brilliance of algorithmic calculations, but also with the psychological dynamics of conformism and human self-management. The human wish to gain control over the basic unpredictability of life creates self-fulfilling prophecies. People want to prove the efficiency of human-made software by adapting to it (Lanier, 2014:104; Lyon, 2001:117).

Hence ubiquitous surveillance with its technological control mechanisms and dubious data use can seriously impede if not crush innovation and creativity on the individual as well as on a societal level.<sup>126</sup> The combination of uncertainty, anxiety, adaptive conformism of internet users together with classification schemes and the push towards behavioural modification by surveillance operators contains the real danger of channelling free thought only along certain lines and leaving no space for the development of new and different ideas. As a result, individual freedom would be stifled, and the social climate would be suffocating. In a totally controlled environment, Lipartito concludes, where “we must account for each and every action, opportunities for originality and innovation would cease. Anything outside the grid, anything that could not be accounted for, would be deemed illegitimate and... eliminated” (2010:35).<sup>127</sup> However, creativity, societal development and scientific progress are precisely about the possibility of defying predictions, ‘otherness’ and lateral thinking, and it contains the element of surprise. All this necessarily needs leeway to play (*Spielraum*) and a room to grow that is free of pre-emptive censorship. So, both Solove and Richards reckon that spaces of individual intellectual freedom (facilitated by privacy) are crucial reservoirs for new ideas that an entire society can benefit from (Richards, 2013:1935, 1946; Solove, 2007:762).<sup>128</sup>

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<sup>125</sup> And within the logic of the surveillance paradigm conformist behaviour is ultimately rewarded with smoother and more effective service.

<sup>126</sup> Zuboff (2014a) points out “that centuries of experience have shown that power concentrations regularly destroy the potential of economic evolution, leading to stagnation and social decline.” Correspondingly she rejects Google’s warnings to the EU that to oppose Google’s practices places Europe at risk of “becoming an innovation desert” (2014b). On the contrary, she argues, if there is no regulation that reins in on Google’s absolutist and deterministic practices that could lead to the death of innovation and creativity. Hughes (2019) argues in the same vein with respect to Facebook.

<sup>127</sup> This is one of the interesting self-contradictions of surveillance capitalism-based companies: On the one hand they constantly emphasize that their goal is renewal and progress in order to make the world a better place, on the other hand they heavily invest in streamlining human behaviour and creating a ‘hive mentality’ (Zuboff, 2019:414-415, 445-474, 504-512). The envisaged innovation is obviously not meant to be a general empowerment for all users, but predominantly as one initiated by *them*, respectively as one that is of financial and reputational use to *their* specific goals.

<sup>128</sup> By the same token the leading proponents in the field of surveillance capitalism could of course claim their right to experiment and not to be hemmed in by too many rules and regulations. However, we need

As we have seen, the impact of surveillance on the individual and the social costs for society cannot be separated. Insecurity, the feeling of isolation and self-censorship erode the consciousness of a 'togetherness' and faith in the strength of united action. But so do categorization mechanisms that create barriers between people and alienate them from one another. As a sociologist David Lyon is especially sensitive to these societal effects. He describes the method of "social sorting" (2001:4, 10, 25, 34, 88; 2003:34ff.) as an algorithmic sifting process with the aim of assigning people to certain categories, groups or stereotypes – for example gender, race, ethnicity, nationality, economic status<sup>129</sup> – in order to treat them in different ways (2007:98, 204). Based on the respective grading of a person on the 'risk-or-desirable-scale'<sup>130</sup>, they are then entitled to certain benefits or services or excluded from them, often in subtle ways (Lipartito, 2010:27.29; Lyon, 2001:149-151; 2003:34). Hence the methods of data analysis in themselves become "social tools" (Lipartito, 2010:7) representing the "social infrastructure of surveillance" (ibid.). Classification procedures directly impact on people's opportunities and social standing, "enhancing the life chances of some and... diminishing those of others" (Lyon, 2001:10) which contributes to "reproducing and reinforcing social, economic and cultural divisions in informational societies" (Lyon, 2003:34-35).<sup>131</sup>

While refined classification schemes provide commercial surveillance with the means for more targeted marketing and more profits, it gives nation states the possibility to control minorities and implement racial and ethnic profiling (Lyon, 2001:101; Lyon, 2003:100). State-instituted surveillance frequently includes a specific form of social sorting which is part of their pattern of governance: "categorical suspicion" (Lyon, 2007:185-86, 198).<sup>132</sup> It describes a practice

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to take into account that 'uncensored space' is not the same as 'unregulated space' or 'space outside the law'. Every exercise of freedom must happen within the boundaries of established law or social norms. Our freedom reaches its limits where it infringes on the freedom of others respectively threatens to harm the other person.

<sup>129</sup> In a *New York Times* article from June 2015 about consumer attitudes towards data mining Natasha Singer offers some drastic examples of interior company-categories: "Some marketing companies... segment individuals into clusters like "low-income elders" or "small town, shallow pockets" or categorize them by "waistband size" (Singer, 2015).

<sup>130</sup> This ranges from state authorities who assess the probability of someone becoming a public threat to dating agencies trying to minimize the risk of a mismatch via algorithmic analysis, and from insurance companies who assess the likelihood of a health risk and reserve the right to refuse cover in the case of pre-existing conditions to credit institutions that scrutinize individuals' financial situation, spending habits, ethnicity and neighbourhood living situation to determine credit eligibility.

<sup>131</sup> Lyon calls attention to the practice of digitally mapping out the establishment of bank branches, supermarkets or entertainment and sports facilities according to criteria of profitability – which means that people assessed as 'high-risk-low-opportunity-customers' are systematically disadvantaged by having fewer of such establishments in their area (2007:103-104).

<sup>132</sup> Since the profiling mechanisms as such – whether they aim to include, distinguish and attract or to exclude, isolate and discourage – resemble each other, 'categorical suspicion' can be understood as the counterpart of 'categorical seduction' (Lyon, 2001:128; Lyon, 2003:26; Lyon, 2007:102). "Categorical seduction describes a world in which an opportunity calculus identifies certain groups as

whereby certain groups of people experience discrimination and a-priori-distrust – not because of their concrete actions or utterances, but merely on the basis of their belonging to a certain ethnicity, religion, neighbourhood, social environment or political conviction (Lyon, 2003:53-54; Lyon, 2007:198; Stoddart, 2008:374).<sup>133</sup> Mostly without any direct interaction and on the basis of data evaluation alone they are singled out as risk factors – for example as likely to fault their credit obligations, to violate their parole conditions or suspected of committing some crime (Metz and Satariano, 2020; Hill, 2020a). US-President Trump’s sudden indiscriminate travel ban against all citizens from seven predominantly Muslim countries in January 2017, allegedly to protect the USA from “radical Islamic terrorists” (Shear and Cooper, 2017), was an extraordinary demonstration of ‘categorical suspicion’ being elevated to be a legitimate ‘reason of state’.<sup>134</sup>

In an overall societal climate of fear, insecurity and suspicion reciprocal distrust spurs on mutual spying-upon,<sup>135</sup> where denouncing others seems to have become a ‘civic duty’.<sup>136</sup> The public endorsing of prejudices further contributes to the marginalization of minority groups and enhances an informer mentality allowing people to distance themselves from others (Lyon, 2003:61; Greenwald, 2014:196). This ‘rationale’ is often corroborated by “a world view that divides citizens into categories of good people and bad people” (Greenwald, 2014:182)

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potentially profitable consumers... categorical suspicion bespeaks one in which a risk calculus identifies certain groups as potential offenders” (Lyon, 2007:105).

<sup>133</sup> The examples are legion, therefore few reminders of occurrences with ongoing repercussions suffice: In the months after 9/11 an increase of racial profiling focusing on ‘Arab’ populations led to an FBI crackdown on Muslim students, singling them out at more than 200 US campuses by requesting information on them from the universities and interviewing the students themselves in unannounced visits (Steinberg, 2001). Many similar actions of “negative discrimination towards those defined as Muslims or Arabs” (Lyon, 2003:30) followed and they have been widely documented. Cf. Lyon, 2003:30, 35, 100, 145, 150, etc.

<sup>134</sup> Trump’s executive order banning all citizens from Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen applied to everyone, regardless of their individual status and current living situation: refugees awaiting repatriation in the US who had already gone through an extensive vetting process, visitors with relatives in the USA as well as people with valid visas who had lived in the United States for years, many of whom in regular employment (Shear and Cooper, 2017).

<sup>135</sup> A practice which has left millions traumatized in regimes as Nazi-Germany, the East-German Stasi-system or Stalin’s terror regime.

<sup>136</sup> Two examples illustrate this: 1. In April 2016 a Californian student of Iraqi descent was removed from a flight for speaking Arabic on his phone before take-off because a fellow passenger reported him (Milman, 2016). 2. In May 2016 an Italian economics professor from a Pennsylvania University on board an inner-US flight, who incidentally had “dark curly hair, olive skin and an exotic foreign accent” (Rampell, 2016), scribbled unintelligible notes on a notepad. In combination with the man’s unwillingness to engage in small talk, his seat neighbour found this behaviour suspicious. Concocting that there might be some secret Arabic code involved, she reported the man to the flight attendant. As a result, the man was taken out of the plane and interrogated by FBI agents; it then turned out that the cryptic notes were maths equations and its creator on his way to an International Conference. The flight was delayed for two hours (Rampell, 2016; The Guardian, 2016).

insinuating that only the latter as ‘wrongdoers’ have anything to fear from (digital) scrutiny by police or intelligence services.

Where people are anxious not to be associated with ‘undesirable people’, a self-centred and fundamentally self-righteous perspective becomes prevalent. So continually sowing the seeds of categorical suspicion in combination with the perpetual cementing of differences keeps people from seeing what they have in common. It tends to confine individuals to their different spheres, preventing them from getting to know each other and becoming sympathetic towards each other’s situation. Solidarity and compassion with the plight of those who become victims of falsely directed surveillance attention do not stand a chance. This coincides with a growing polarization within societies that is frequently exacerbated by a kind of ‘default categorization’: others are no longer perceived as individual humans with their story and motives, but as ‘elements’ belonging to a certain category. Such a ‘category’ can then be rejected and condemned in its entirety and be ‘dealt with’ by virtue of *one* general approach. This is where the dehumanization of self and others begins.<sup>137</sup>

Therefore, looking at the overall effect of social categorizing, we can retain that there is a very real danger of unfair treatment and institutionalized inequality (Lyon, 2001:90, 128, 159). In an atmosphere of “prejudicial categorization” and reciprocal suspicion, the basic assumption of good will between people dissolves and distrust becomes the default position. And this undermines the very core of what makes up the social fabric of a society. If the state compounds this trend by abusing its surveillance power to unjustly burden certain groups of people and undercutting civil liberties, this will in the long run undermine its citizens’ trust in rightful authority and due process. The experience of social injustice nourishes resentment and endangers the faith “in the fairness of a society in which opportunities are... open to all.” (Lyon, 2003:43).

The overall deterioration of the social climate is part of the “chilling effects” (Lyon, 2003:53; Solove, 2007:758; Bauman *et al.* 2014:133; Greenwald, 2014:178) that unregulated surveillance has on individuals and communities and that is compounded by a culture of categorical suspicion. Beginning as a magnified version of isolation and self-censorship the chilling effects play out on the stage of society as mutual distrust and alienation. Freedom is frozen at its roots, holding back the ‘social whole’. Hence Lyon prophesies that if the application of obscure surveillance practices and the trend to create “categories of suspicion” ... “is permitted to continue unchecked, it will undermine the basic trust on which all social relationships and democratic participation depend” (2003:10). In any community of people,

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<sup>137</sup> Such ‘labelling’ then insulates us from having to engage with individual humans. It is not difficult to see that this is the opposite of Bonhoeffer’s approach.



however, trust is the most valuable ‘currency’ and its underlying foundation: it cannot be replaced by ‘standardized procedures’ or control mechanisms. We need to actively build up social cohesion in society instead of corroding it by ‘quick bias’. Therefore, Lyon rightfully emphasizes the crucial role of trust in respect, tolerance and mutual solidarity for our living together, calling it “the bedrock of sociality” (2003:43).

### **2.2.5 The limited efficiency and inappropriate glorification of surveillance properties**

The range and degree of automation in monitoring raises high expectations as to the precision and usefulness of its results – eagerly promoted by its respective operators in the commercial and intelligence field. In practice, however, surveillance does not always live up to its claims; thus doubts about the scope and legitimacy of mass surveillance are being voiced continually (Lyon, 2007:82, 162; Greenwald, 2014:202-205, etc.). The reasons for this lack of efficiency can be found in technical intricacies as well as in the human operation and reaction to surveillance systems.

Lyon points out that “the hardware and software of surveillance are not infallible” and “data processing techniques are... subject to failure or error” (2007:162). Lipartito emphasizes that the more complex a system is, the more fragile and more susceptible to errors it becomes (2010:33, 35)<sup>138</sup> – which makes more system breakdowns in the future more likely. Already at this stage – due to our global dependency on digital exchange – the occasional collapses of data systems lead to chaos, causing enormous financial and personal damage. Moreover, the increasing and often successful attempts at hacking entire systems clearly show their vulnerability. The risk of system errors is further exacerbated by the sheer amount of unspecified information which needs to be processed.<sup>139</sup> Despite the fact that surveillance is highly automated, it still needs to be put in place by conscious human decision-makers; mistakes in programming and evaluating cannot be ruled out – ultimately the results of monitoring are only as good as the people who operate it.

Lipartito (2010:33) argues in a similar vein: While he concedes that surveillance’s success on a commercial scale might be considerable, it cannot produce ‘comprehensive results’. The algorithmic limitations built into the respective data systems only allow for analytical results within their own previously defined scope, other contributing and possibly crucial factors

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<sup>138</sup> This is logical because complexity raises the number of factors that come into play and the more elements are involved, the more things can go wrong, too.

<sup>139</sup> This may account for the numerous cases of people ending up on ‘terrorist suspects lists’ or ‘no-fly-lists’ based on name-similarity, mixed-up identities, unfathomable algorithmic calculations or for no apparent reason at all – with sometimes serious consequences for these individuals (Lyon, 2003:143; Lyon, 2007:192; Lipartito, 2010:17-19; Pemberton, 2015).

remain outside of consideration.<sup>140</sup> If data surveillance for example only concentrates on monitoring behaviour and disregards “beliefs and premeditated actions” (Lyon, 2001:18), it can fall prey to the limitations of its own perspective. This is because deductions made from observed behaviour with respect to other interests, needs, life patterns, convictions and contacts, are never totally compelling, they always contain a margin of error. Human beings are inherently complex and quirky creatures, full of surprises, inconsistencies and contradictions, neither altogether logical nor completely predictable.

In addition, the effectiveness of surveillance also “hinges... on the way in which those under surveillance react, negotiate or cooperate with them, Lyon (2007:82) reminds us. He therefore decidedly refutes “the assumption that surveillance systems are all-powerful, after an Orwellian fashion” (ibid.) based on their technical capacities alone. Data subjects may behave in unexpected ways, they may resist the systems, they can knowingly mislead them or even subvert them and in this way undermine the accuracy of surveillance results (Lyon, 2007:70, 82, 91, 162; Zuboff, 2019:345, 489-492).<sup>141</sup> Lyon concludes that basically “any technology can be outwitted, given time and ingenuity”, simply because “human beings are more flexible and imaginative than technologies” (2003:83).<sup>142</sup>

Ironically, the limited efficacy of surveillance techniques is especially notable in an area that was one of the most stringent justifications for their rise to prominence: the fight against terrorism and crime. After 9/ 11, intensified state-initiated digital observation was initially widely welcomed or at least tolerated in the hope of apprehending potential perpetrators and impeding acts of violence in advance. And in connection with the ‘safety-first-creed’, state authorities and intelligence agencies worked hard at convincing us that security can be safeguarded by a maximum of technological control (Lyon, 2003:15).

In the meantime, however, considerable disillusionment settled in because digital scrutiny has turned out to be largely ineffective in this respect (Lyon, 2003:8; Greenwald, 2014:202-209, 250-251; Lyon, 2014:25; Schneier, 2014; Stisa Granick, 2017). This very likely also has to do with the afore-mentioned algorithmic shortcomings *per se*. Since algorithms by their very nature categorize, they do not encourage ‘thinking out of the box.’ This can lead to neglecting information outside their specific focus, resulting in an inability to connect dissimilar circumstances and ultimately to incorrect conclusions from available information. Conclusive

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<sup>140</sup> On the issue of algorithmic limitation also see Bernard and Staun (2016), Thadaney Israni (2017), Castle (2020), Metz and Satariano (2020), Satariano (2020).

<sup>141</sup> In the “looping process” (identified by Hacking ) for instance, individuals try to evade categorization by consciously changing their behaviour to distinguish themselves from the laws and regularities of behaviour associated with others in that category (Lyon, 2007:91).

<sup>142</sup> See also Bernard and Staun (2016) Interview with Prof. Alexander Galloway, Lanier (2014) and Schipper (2014) Interview with Carl Benedikt Frey.

insights into a person's intentions and state of mind obviously require an additional, a different kind of 'knowing', that has to do with time investment and personal engagement. Therefore, if data mining has not been very successful at predicting whether someone is about to commit a crime or a terrorist act, this is presumably because 'the making of a person' involves a great many different aspects and the afore mentioned human complexity applies in this case, too.<sup>143</sup> In addition the practical execution of an attack depends on many circumstances that surveillance cannot pre-calculate.

So far there is no conclusive proof that the collection of data and metadata via mass surveillance by police or intelligence agencies have actually made the world a safer place (Lyon, 2003:64; Lyon, 2007:131f.; Greenwald, 2014:202; Schneier, 2014; Stisa Granick, 2017).<sup>144</sup> On the contrary, in many instances it seems that bulk surveillance actually "makes detecting and stopping terror more difficult" (Greenwald, 2014:205) because it requires much greater financial and human resources to sort the relevant from the irrelevant. In contrast to the former, targeting of few individuals the massive amount of data now manifests a trend "from a high degree of certainty about a small amount of data to a high degree of uncertainty about a large amount of data" (Bauman *et al.*, 2014:125-126).

Besides, Lyon argues, that contemporary terrorism increasingly operates in networks of mobile, flexible units and independent cells which are difficult to control "by top-down, integrated surveillance" (2003:64). Accordingly, "automated, algorithmic systems are poorly equipped... for the task of identifying or monitoring the actions or messages of previously unknown potential terrorists" (2003:83). What is needed to procure more safety, is not more and more information, but more precise, meaningful information, and more human sophistication and expertise in understanding and interpreting it.

In a variety of cases the hindsight analysis of committed crimes clearly showed that better managed resources and more effective cooperation between the relevant agencies, including a more timely exchange of the available information might have reduced the imminent risk and yielded better results in apprehending potential perpetrators (Greenwald, 2014:204).<sup>145</sup> Many

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<sup>143</sup> Even if authorities know about people with extremist leanings, they frequently cannot assess in advance with any certainty whether these people present a real danger or not.

<sup>144</sup> For instance in December 2013 – a few months after the Snowden revelations – a US federal judge said that the government had not cited a single instance "in which analysis of the NSA's bulk metadata collection" (Greenwald, 2014:202) had actually stopped an imminent terrorist attack.

<sup>145</sup> Two examples of possibly avoidable tragedies serve to make the point: 1. In the case of Tunesian Anis Amri, the Berlin Christmas market truck killer of December 2016, several authorities knew about his criminal activities in past and present – drug dealing, trying to procure a weapon, planning a robbery, using multiple identities, welfare fraud – accusations that would have justified his arrest. His application for asylum in Germany was denied in June 2016 and he was ordered to be deported, but the order could not be executed because the Tunesian authorities did not issue the required passport. Amri was even put under temporary surveillance which turned up nothing and was called off a few months before

observers are therefore convinced that targeted digital surveillance of individuals on the basis of reasonable suspicion in combination with classical police and intelligence methods, such as the use of reliable informers to infiltrate the respective networks, and also the contributions of an attentive environment (not to be confused with opportunistic denunciation!) would be much more successful in fighting the scourge of terrorism and crime than dragnet style surveillance (Lyon, 2003:84; Richards, 2013:1961; Greenwald, 2014:204-05; Stisa Granick, 2017).<sup>146</sup>

All these combined factors manifest the limited range of surveillance technology for the preservation of security and in the long run point us back to the importance of basic human connection. Our alertness, attention, and diligence, in combination with social competence is still very much needed because 'security' is not an overwhelmingly technical topic, but above all an eminently social issue.

Another facet of surveillance's innate inability to safeguard security is its self-created vulnerability to be misused and turned against itself which endangers everybody's internet security in the long run. This has to do with the intelligence services' multiple attempts to crack the codes of encrypted communication. Within the bigger picture encryption is one of the pillars of trust in the internet realm – internet users entrust their data to companies who promise confidentiality, keeping the information safe in the 'cloud' and secure data exchange. The Snowden revelations showed that intelligence services had been trying to break down the barriers for years, either by developing more sophisticated methods of decryption with the help of super-computers, by inserting "secret vulnerabilities – known as backdoors or trapdoors – into commercial encryption software" (Ball *et al.*, 2013) or by cooperating with internet companies themselves, respectively forcing them to cooperate (Bauman *et al.*, 2014:123; Greenwald, 2014:110; Zuboff, 2015:86; Zuboff, 2019:115ff., 387).

These "efforts to override the encryption methods protecting common internet transactions – such as banking, medical records and commerce – have left these systems open to infiltration by hackers and other hostile entities" (Greenwald, 2014:205). Computer security expert Bruce

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his terrorist attack (Smale *et al.*, 2016a and 2016b; Smale, 2017). 2. Another tragic case is the death of 71 refugees who suffocated in a truck on their way from Hungary to Austria on the 27<sup>th</sup> of August 2015. It transpired later that the Hungarian authorities already knew about the human trafficking for weeks and had even targeted the smugglers. They started wiretapping their phones 13 days before the horrible event, and even the deadly 'tour' itself was on record. Despite the available evidence, the authorities did not have the incriminating conversations translated in time to prevent the tragic deaths of the refugees (Süddeutsche Zeitung, 2017a and 2017b).

<sup>146</sup> Stisa Granick (2017) argues that given that "almost every major terrorist attack on Western soil in the past fifteen years was committed by someone already on the government's radar for one or another reason", "targeted surveillance of people known to be connected to terrorism is the best way to find terrorists."

Schneier (2014) maintains that whoever exploits security vulnerabilities for own ends instead of helping to fix them, ultimately contributes to a growing lack of safe communication in the web. Whoever develops decryption tools to spy on others creates cyberweapons – and with weapons there is always the risk of them falling into the wrong hands. He is convinced that “ubiquitous surveillance... breaks our technical systems, as the very protocols of the Internet become untrusted... The more we choose to eavesdrop on the Internet and other communications technologies, the less we are secure from eavesdropping by others... Our choice is... between a digital world that is vulnerable to all attackers, and one that is secure for all users” (Schneier, 2014).<sup>147</sup>

Surveillance’s inaccurate claim to unsurpassed efficiency is closely connected to the presentation of technology as a self-determined entity that operates according to its own autonomous laws independent of human agency (Ellul, 1962:394; Lyon, 2001:23-24; Lanier, 2014:157, 183; Lyon, 2001:23-24; Zuboff, 2014a; Zuboff, 2014c; Zuboff, 2015:75, 81; Zuboff, 2019:195, 225-226).<sup>148</sup> Its procedures and developments are portrayed as ‘objective requirements’, which cannot be challenged; by virtue of their ‘feasibility’ they become *de facto* inevitable, indispensable and legitimate (Lyon, 2001:27; Zuboff, 2014c).<sup>149</sup> The big technology companies continuously promote their notion that there are no alternatives to their vision of our future and that tomorrow’s developments are predetermined in a certain way (Lyon, 2001:27; Schmidt and Cohen, 2013; Zuboff, 2014c; Zuboff, 2019:222-225, 401ff.).

Questions like ‘Why?’, ‘What for?’ and ‘*Cui Bono?*’ get drowned out by the perpetually repeated creed of the blessings of progress and growth.<sup>150</sup> In this narrative the intelligent

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<sup>147</sup> Schneier’s analysis proved to be shockingly accurate when in May 2017 the ransomware Wannacry hit millions of computers worldwide. A group of hackers by the name “Shadow Brokers” as far back as 2013 had obtained NSA hacking tools, making them available to cybercriminals and other intelligence agencies. Some of these tools were obviously used to spread the Wannacry ransomware virus, which encrypted all the data on the infected computers, forcing people to pay for the release of their data. The Shadow Brokers have since threatened to publish more NSA secrets or NSA intercepts if no one pays (Sanger, 2016; Perloth and Sanger, 2017a and 2017b; Schneier, 2017).

<sup>148</sup> Again, Foucault’s analysis throws light on current developments: “The power in the hierarchized surveillance of the disciplines... functions like a piece of machinery... Discipline makes possible the operation of a relational power that sustains itself by its own mechanism...” (Foucault, 1977:177).

<sup>149</sup> In her 2013 Essay ‘Be the friction – Our Response to the New Lords of the Ring’ Shoshana Zuboff refers back to the laws she already established in her 1988 book *In the Age of the Smart Machine*: “Everything that can be automated will be automated. Everything that can be informed will be informed.” She then adds a third law referring to data monitoring: “In the absence of countervailing restrictions... every digital application that *can* be used for surveillance and control *will* be used for surveillance and control, irrespective of its original intention” (Italics by CS).

<sup>150</sup> The development of self-driving cars is an interesting example: The mere fact that it can be technically done, seems to be a sufficient reason to declare it as an inevitable development and as the dominant option for the future. To date, however, neither the full implications or possible negative side-effects have been properly understood nor has there been serious quest for alternative solutions to current traffic problems and to dealing with human mistakes while driving. See Stalinski (2015), Lincoln Kitman (2016), Vollmuth (2016), and Conger (2020).

machine assumes a central role, becoming “smart and autonomous, a new form of life” (Lanier, 2014:183) almost like “a giant supernatural creature growing on its own, soon to overtake people...” (ibid.:209). For Lyon, this is *one* way how technological determinism tries to insinuate that “technology speaks for itself, somehow guaranteeing its own effectiveness” (2007:147). The driver of automation then is no longer capital or (human) business interests, but technology itself (Zuboff, 2014c). Surveillance has become an end with a vital interest in its self-preservation; it upholds its legitimacy by constantly feeding upon itself (Lyon, 2001:143; Greenwald, 2014:168; Zuboff, 2019). Within the paradigm of self-determined meaning and self-proclaimed ‘alternative-less’ technological progression, surveillance powers are declared to be a logical development and the “necessary response to forces beyond control: technological requirements, digital proliferation, autonomous market dynamics and security imperatives” (Zuboff, 2014a).

In this whole account there is obviously a correlation between the alleged autonomy of technological automatisms and the diverting of attention from human agency.<sup>151</sup> The conscious and subconscious efforts to obfuscate human involvement and muddle the role of human accountability are an inherent characteristic of this deterministic approach. If technology is seen in isolation, removed from its social context and detached from its concrete consequences in the lives of ‘real people’, human problems can be viewed primarily in terms of their technical ‘resolvability’, nourishing the dream of technological perfection (Ellul, 1962:414). Lyon (2001:24; 2007:118) points to the Western world’s wide-spread belief in technology’s intrinsic capacity to provide solutions to all sorts of technical, social and political problems – an attitude which often prompts an uncritical enthusiasm for new technologies *par excellence*.

The inevitability and autonomy claims of technology and its surveillance offspring, however, meet with considerable resistance (Ellul, 1962:399, 410; Lyon, 2001:27, 124; Lanier, 2014:157; Huber, 2015a; Zuboff, 2015:75; Zuboff, 2019:221ff.). Long before the dominance of the digital, Ellul already decidedly refutes the optimistic notion that the effective use of technology is “the magic fix to all human problems” (1962:412), pointing to the fundamental ambiguity of all technical progress. While technology undoubtedly resolves pressing issues it also raises new ones and “the pernicious effects are often inseparable from the favourable effects” (Ellul, 1962:412).<sup>152</sup> Since technology is the result of human inventiveness, it

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<sup>151</sup> When Eric Schmidt, the then-CEO of Google was asked about privacy in an 2009 interview, he kept the wording of his answer intentionally vague – attributing the capturing of digital information on users’ search interests not to a conscious human decision of programming technology, but portraying it as a self-initiated machine action: “The reality is that search engines including Google do retain this information for some time...” (quoted in Zuboff, 2015:75).

<sup>152</sup> This fundamental ambiguity undoubtedly applies to *all* scientific progress in general and explains the many ethical conflicts associated with it. Examples could be the use of different energy forms, genetic

participates in the multifaceted character that is the hallmark of all human activity – with the consequences of containing many variables and producing unforeseeable results. Neither the future in general nor the future of technology is pre-determined in only *one* way; it is basically open and there are always many possible options. It is humans with their values and interests, their aims and priorities who develop technology and determine, how it is put to use (Lyon, 2001:141; Zuboff, 2014c; Zuboff, 2019:62, 331-332). Technology thus never operates on its own accord, and it is “never social destiny” (Lyon 2001:124).

Neglecting the interconnectedness of technology and the social world leads to an inadequate account of both because “technological developments and social processes mutually shape and influence each other” (Lyon, 2001:149). Lyon gathers that “surveillance processes... do not arise in a political-economic vacuum” (2001:124), nor are they “self-financing” (2001:148) or “self-driven” (2003:37). They are the result of conscious economic and political decisions, initiated, determined and realized by ‘real people’, who represent the “nation state, large corporations or bureaucratic organizations” (Lyon, 2001:124). In this vein, codes and pre-set criteria of specification – in other words, the principles, that determine the purpose and form of a specific algorithm – as well as the analytical tools for interpreting the results of these algorithmic calculations – are by definition never neutral or objective, but strategic and purpose-driven (Lyon, 2001:26, 124; Lyon, 2007:94; Lipartito, 2010:23; Bauman *et al.*, 2014:125). Any categorization and any interpretation relies on certain assumptions about the world and humans and in some way or another reflects the experiences, attitudes, priorities and biases of “those designing and implementing the surveillance systems” (Lyon, 2001:158; see also Stoddart, 2008:365, 374). Therefore, Nissenbaum can say that “computer systems embody values” (2001:120).

For the time being, we can record that the deterministic tendency and the ‘autonomy claim’ of technology are not new phenomena; basically, they have been present ever since the industrial revolution and increased automation. In the age of digitalization, however, they acquire a new urgency. This has to do with our dependency and the fact that the ‘embeddedness’ of technology in contemporary life increasingly develops into an abstract concept that takes on a life of its own in our perception. And if it is true, then, that technological realities create new social realities – with technological procedures facilitating or constraining social activities – then by the same token social requirements and human values must actively determine the course of technology. In a globalized society, we must maintain confidence in

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research, medical and pharmaceutical progress. Cf Huber (2013) *Ethik. Die Grundfragen unseres Lebens*.

our own capacity to shape the future and to handle the tools of technology based on our reflected decisions.

### **2.2.6 The priority of the digital image over embodied people: the pitfalls of digital abstraction**

As recorded previously, processes like data extraction and assemblage, cross-referencing, categorization, and analysis aim at establishing multi-purpose databanks and at creating digital profiles of individuals and groups, either for crime prevention or control of population groups or for the lucrative business of selling relevant information to advertisers and other clients. To accomplish this, millions of personal data fragments generated within the lives of 'real people' are 'distilled' from their original circumstances and reassembled into new data combinations within new contexts (Lyon, 2001:92). This placing and re-grouping in different categories transforms the respective data bits into something distinctly different in a process of 'digital abstraction'. For individuals, on the other hand, it is precisely the place that data fragments – consisting in communication, information, reflection, action and behaviour – hold within the concrete whole of their daily lives which gives these details weight and makes them meaningful. Hence separating information bits from their immediate context not only results in somehow divorcing people from their personal realities, but it also implies that the subjective meaning that individuals attach to these data gets lost, respectively, it is rendered irrelevant (Lyon, 2001: 92; Zuboff, 2015:79; Zuboff, 2019:360, 376-377, 397).

Detached from their original *Sitz im Leben*, new meaning is attributed to them by way of the classificatory and interpretational power of algorithms and data analysts, who neither know about the personal value that these data fragments carry nor have any relationship to the persons who are the data-sources. The "data images" (Lyon, 2001:26) emerging of individuals within these changed data sets can constitute 'additional selves' in the form of 'simulated identities', of which the actual data subjects are completely unaware (Lyon, 2001:115-116).<sup>153</sup> Since 'digital abstraction' may put emphasis on other areas than the original 'data subject' would, it does by no means guarantee a more accurate, more complete or more 'neutral' image of personal circumstances. On the contrary, digital data processing must inevitably lead to distortions, shifts and a changed perception of data content – a kind of 'data concentrate' which is not to be confounded with 'data objectivity'.<sup>154</sup> Lipartito rightly points out that "by

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<sup>153</sup> Lyon (2003:31) explains: "In the assemblage, surveillance works by abstracting bodies from places and splitting them into flows to be reassembled as virtual data-doubles."

<sup>154</sup> In a world where any data elements are always filtered through the lens of either an individual subject or an algorithmic calculation created by a human observer with a determined purpose, the concept of 'data objectivity' does not make much sense. 'Objectivity' probably describes a very narrow circuit of facts such as name, heritage, place of birth, education, location, exterior events, etc.. But even mere



imposing a... grid or classification scheme... surveillance calls attention to some things by ignoring others” (2010:32); in other words, some things are ‘magnified’ while other details are side-lined. But this emphasis may not at all correspond to the individuals’ self-perception. This increases the potential for misinterpretations and “it does not produce transparency... as a clear window on reality” (ibid.).

The business strategy of turning data bits extracted from real people into profitable assets (Zuboff, 2015:79, 81; Zuboff, 2019:97, 281, 338) requires no reciprocal exchange nor any genuine relationship. Accordingly, companies like Google are “formally indifferent to what its users say or do” (Zuboff, 2015:79) and “radically distant from” (ibid.:86) “the populations that comprise... its data sources and its ultimate targets” (ibid.:76). This corresponds to the disembedding from the social, which has already been identified as one of the defining characteristics of digital monitoring. The lack of interest in the data subjects is also mirrored in the fact that the material content of the data is of no concern, since the main priority for companies with this business model is quantity, not quality. As long as people produce new data that can be captured and commodified, it does not matter whether the data content is untrue, offensive or even violent – the main goal is for the data to keep flowing by keeping people in the loop and making sure they are glued to the surveillance platforms (Zuboff, 2015:79; Hughes, 2019; Zuboff, 2019:512; Bouie, 2020; Swisher, 2020b).

“Subjectivities of individual lives or... individual users’ meanings” (Zuboff, 2015:79), in other words our individual stories, personal values or feelings, mental states or sensitivities are of no interest to the companies, unless they translate into conduct that can be measured and turned into profit. This focus on behaviour in combination with the priority of prediction reinforces the processes of digital abstraction. Lipartito (2010:28) reminds us that identifying and evaluating people by their place in the respective grid includes a predictive dimension, which permanently confirms their respective data image.<sup>155</sup> Assessing people not only on the basis of what they *have* done and do at present, but also on the basis of what they *might* do in the future amounts to being the supreme trap. There is no way to contest predictions in advance and it costs considerable energy to resist the power of self-fulfilling prophecies.<sup>156</sup>

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facts depend on a bigger picture, on context and interpretation to make sense and impart meaning, and almost instantly turn into something ‘larger’ or ‘different’, depending on who narrates or assesses them.

<sup>155</sup> The ‘prognosis-approach’ matches people up with certain profiles, assuming they will engage in similar behaviour, and, as Solove remarks not without irony, “it is quite difficult to refute actions that one has not yet done” (2007:766). Lyon (2003:81 and 2007:148-149) invokes the 2002 film *Minority Report* where a specialized police-unit arrests potential murderers before they commit the act on the basis of the visions of three so-called “precogs”, clairvoyants, who know what is going to happen in the future.

<sup>156</sup> For several years criminal justice systems in the USA and in Europe have been making use of algorithms which predict whether individuals with previous convictions are likely to commit a crime again or violate their parole conditions. Based on these computer results, prison sentences and parole

For Lyon (2007:69) “the focus on probabilities, simulations and extrapolations from data” is an “abstract mode of reasoning” which “deflects attention from the real-life embodied persons affected by it”.<sup>157</sup>

Computer-generated ‘data doubles’ and ‘digital identities’ ultimately seek to redefine us in that our position within the digital grid determines our standing in the eyes of the interpreting powers and how we are being dealt with consequently (Lyon, 2001:116, 119). In other words, the treatment we receive from insurance companies, the police, authorities, employers and commercial firms varies according to “how we are made up by surveillance systems” (Lyon, 2003:149).<sup>158</sup> Independently of how we think about ourselves or whether we feel that the respective digital assessment (which we can for the most part only speculate about anyway) is an accurate reflection of who we are, the specifications of digital surveillance are “being transposed back into the real world of everyday life” (Lyon, 2001:124), becoming super-imposed structures that act upon us.<sup>159</sup>

The ever-increasing relevance of ‘virtual reality’ indicates that physical reality may be pushed into the defensive. There is already a clear tendency of data images taking precedence over ‘real embodied selves’ – simply on the basis of the sheer amount of collected information bits and the claim to present ‘comprehensive reality’ and ‘incontestable neutral evidence’ untainted by ‘human subjectivities’. In this way the digital *persona* can become a potential threat to the

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conditions are amended, and prison sentences are attributed (Thadaney Israni, 2017; Metz and Satariano, 2020).

<sup>157</sup> Lyon also asks the legitimate question, whether the pervasive abstraction in current surveillance could be the reason why “in current ‘emergency situations’ that produce ‘states of exception’, the rule of law – which... has an obvious reference to actual bodies may be thought dispensable?” (2007:69-70). This brings us back to the aversion against legal regulation displayed by state and commercial surveillance operators and the issue of due process and civil liberties.

<sup>158</sup> This echoes ‘social sorting’ and the corresponding categories of ‘categorical suspicion’ and ‘categorical seduction’.

<sup>159</sup> A vivid example of this can be found in the British A-level grading debacle in 2020 (Castle, 2020; Satariano, 2020; Specia, 2020). Because of school closures due to the Covid-19-pandemic it was not possible for the students to sit their A-level-exams. To come to some sort of evaluation, the British government combined an assessment of the pupils’ teachers based on their previous performances with a prediction algorithm to determine individual students’ potential A-level exam scores. The result was that about 40 % of the grades were lower than expected, which meant that many could not get admitted to the universities they were hoping to attend. The grading system was perceived as extremely unfair because the algorithm, to counterbalance teachers’ possibly “overly optimistic judgements” (Castle, 2020), also gave considerable weight to the overall past performance of individual schools. This clearly favoured students from private schools in well-to-do areas with a better overall track record, while it punished “bright pupils from disadvantaged backgrounds” (Castle, 2020) in lower-performing school in socially difficult and/ or lower-income neighbourhoods. Hence students were not judged based on their individual performances but as part of a category to which they were assigned. Due to the huge outcry and protests, the British government eventually had to walk back and scrap the automated examination results. The whole episode not only demonstrated the “pitfalls of automating government” (Satariano, 2020), but was also a strong reminder that algorithms cannot be allowed to assess individual people by way of a generalized criterion.

real *persona* because the former is considered to be more reliable than the latter (Lyon, 2007:88).<sup>160</sup>

Summing up we can say: There are many reasons why the described forms of ‘digital abstraction’ with their features of individual and social decontextualization, a focus on behaviour and predictability and their claim to ‘objectivity’, must necessarily fail to grasp the intricacies of people’s personalities, the ongoing changes and contradictions in human life and the often complicated nature of human relationships. Digital assessments as a basis for judging and treating “embodied persons” (Lyon, 2007:193) cannot do justice to individuals as ‘whole persons’ and will at length only lead to the devaluation of ‘real people’.<sup>161</sup>

The priority of the digital image over the embodied human person also brings another issue to the forefront, which we have already encountered in the context of discussing power and secrecy: the handling of public accountability and personal responsibility. Both have undergone considerable shifts within the surveillance paradigm. In the dominant narrative, where technology is promoted as an end in itself, assuming its own laws with automation as the norm, it turns into the crucial agent and author of new developments. Accordingly, decisions that impact the everyday lives of people, are left to algorithmic calculations and responsibility for possible outcomes is transferred unto machines as abstract entities.<sup>162</sup> In this way, attention is diverted from human agency; human accountability can be circumnavigated, ‘desirably distorted’ and intentionally obscured. Hence, if people are unfairly denied credit finance based on an incomprehensible computer correlation, someone is wrongly accused of a crime because of defective face recognition or civilians are killed in a drone attack gone wrong, it is the ‘fault’ of ‘the system’, not the result of erroneous human decisions.

And indeed, due to the growing complexity of many technological processes in some areas of life, it becomes increasingly difficult to pinpoint human involvement, ‘dissect’ chains of responsibility and properly retrace authorship and accountability. This is the continuation of a trend that looms in the background of every system designed to oversee a huge amount of people, and it most certainly serves the vital interests of *all* surveillance operators. So, the

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<sup>160</sup> Lyon (2007:88) records that in the case of identity-theft, people frequently face a difficult, sometimes years-long struggle to re-establish their trustworthiness and to persuade banks, credit agencies and other entities, that they are not identical with their fraudulent digital alter ego: “The virtual life of the data-double is perceived as more real, for practical purposes, than the physical life of the victim, exhausted with trying to tell their side of the story.”

<sup>161</sup> Stoddart (2008:378) comments: “Each discrete item of data may be accurate and the aggregated and deeply mined, network of databases may ( in theory) be correct... but still be lacking in truthfulness in the sense that they fail to offer a complete picture.”

<sup>162</sup> In some US-federal states even the responsibility for prison sentences is delegated to a computer algorithm (Thadaneys Israni, 2017).

obscuring of responsibility is actively supported by the applied technology.<sup>163</sup> Correspondingly, as citizens in our dealings with state authorities and as consumers and clients of commercial firms, we frequently encounter a kind of elusive inscrutability and ‘inaccessability’: ‘Service’ is ‘anonymized’ as companies are ‘hiding’ behind call centres and impersonal e-mail-addresses, individual employees frequently cannot be identified, being protected by the anonymity of the apparatus. In every sector of the ‘service economy’, systems are rationalized, automated and streamlined, with the result that we are losing assigned customer consultants – conversation partners who knew us and our specific circumstances.<sup>164</sup> In case of questions or complaints we often have nobody whom we can address in an exchange that deserves the name ‘reciprocal’.

Responsibility becomes intangible or is passed on until it dissolves into meaninglessness. There is no counterpart, no interlocutor – nobody can be made liable and nobody is ready to take charge and to accept responsibility.<sup>165</sup> Zuboff (2014c) argues, however, that automation and machine intelligence do not reduce the significance of human presence, they actually raise the standard for human skills: “Complex systems increase the need for critical reasoning and strategic oversight in humans.”<sup>166</sup> This would imply that the intricacies of the digital age require more readiness to bear responsibility than ever – in a new and complex but nevertheless clear manner.

Within the spectrum of ‘accountability avoidance’ and ‘responsibility blurring’ there are also considerable efforts to encourage *us* as digital users and consumers to adopt a similar ‘responsibility-transfer-attitude’ by delegating more and more tasks to computer-enabled devices with the aim of creating more ‘behavioural data’. App-driven personal assistants, fitness-bands, smart houses with automated heating systems, self-regulated lighting, intelligent fridges, self-driving cars, or apps that continuously monitor the location of our children – all these tools are supposed to relieve us of the burden of everyday decisions. They enable us to let go of responsibility for execution and results by automating procedures that used to be the subject matter of dialogue, negotiation, trust, creativity and organizational skills.

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<sup>163</sup> Therefore, Hannah Arendt’s description of bureaucracy as “the rule of nobody” and a kind of “invisible hand” (both 1998:44.45) is such an adequate rendering of digital surveillance processes in general.

<sup>164</sup> This is now even the case in the banking, the financial and health sector which used to stand for highly personalized attention.

<sup>165</sup> Such a set-up is reminiscent of another aspect of Kafka’s vision in *The Trial* (Lyon, 2007:144): The feeling of being entrapped with no way out – helpless and powerless – unable to make sense of the goings-on around them with nowhere and nobody to turn to.

<sup>166</sup> Many computer experts and contemporary thinkers second this view: See Schipper (2014), Gabriel (2016) and Thier, 2016. Zuboff also attributes the crash on the property market in 2008 to precisely such “a lack of human oversight – the finely honed computer models... turned out to be divorced from reality” (2014c).

But these developments remain deeply ambivalent. Can human responsibility really be supplanted by automated procedures? And even if this was possible, would it be a desirable goal? In other words: Will reduced risks and shifted responsibility really be an act of liberation and will conveniences amount to a substantial gain in freedom? Shifting one kind of responsibility might just result in a different one because ultimately human responsibility cannot be disposed of.<sup>167</sup> Undoubtedly, conveniences create dependencies which are difficult to reverse. This is why the attempt to pass on responsibility to technological devices and their algorithms could curb our problem-solving skills and diminish the opportunities to discover new talents within ourselves and others – which would inevitably lead to intellectual, social and inter-personal impoverishment.

Apart from the growing relevance attributed to machines and the subsequent obscuring of human agency, other factors also accelerate the disappearance of responsibility. Since electronic communication facilitates contact between people who have never met ‘in the flesh’, digital proof of authenticity supplants personal contact and data turn into the new credentials (Lyon, 2001:15ff.; 2003:105; 2007:192ff.). Consequently, ‘embodied persons’ (Lyon, 2007:193) become in a certain way ‘invisible’ for one another. In combination with automated data classification, this ‘invisibility’ is especially prominent. Surveillance is operated ‘via remote control’ and its ‘subject-matter’ are no longer embodied persons but data (ibid.:192). The distance inherent in the technological processes therefore allows for detachment from the effects of one’s monitoring activity and removes the aspect of personal accountability. With technological mechanisms shielding their operators from any kind of personal engagement or ‘relationship investment’, moral considerations become increasingly obsolete. The lack of confrontation with others’ individual humanity ‘dilutes’ the consciousness of responsibility for others’ wellbeing and makes it less likely to encounter them with empathy, compassion and diligence. And this ‘disassociation’ also makes it much easier to entertain indifference, prejudices and injustice. Lyon (2007:183) reckons that “the possibilities for exploitation, abandonment and even violence, in other words forms of power abuse, are enhanced.”<sup>168</sup>

This variation of avoiding responsibility by making individuals ‘invisible’, becomes especially palpable in forms of categorical suspicion. Lyon concludes: “It is easier to place personal data in categories of criminal suspicion or consumer seduction or to ban at the border certain

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<sup>167</sup> The major discussion on the issue of responsibility in case of accidents with so-called ‘self-driving cars’ proves the point. See Stalinski (2015), Lincoln Kitman (2016), Vollmuth (2016), Griggs and Wakabayashi (2018) and Conger (2020).

<sup>168</sup> This is palpable on social media every day where people resort to invectives, slander, threats, and character assignation against complete strangers – merely on the basis of a few pieces of information about them. Since the slanderers can hide in the anonymity of the internet and not be held accountable in person for the pain they inflict on others, any inhibition seems to have fallen by the wayside.

categories of ethnic or national origin, when the bodies and especially the faces of the person represented are absent” (2007:193). Lyon also adds the example of modern warfare where “on a broader scale, it is also easier to ‘take out’ targets...when the faces of far distant victims are invisible” (ibid.). Modern weapons of mass destruction are in fact an extreme example of this ‘shifting’ of responsibility: Soldiers frequently no longer deal with real bodies and face-to-face-fighting, drones can be operated via ‘remote control’ and so to speak ‘anonymously’.<sup>169</sup> In this vein, mass destruction and mass surveillance share a parallel tendency: to reduce the individual human person to meaninglessness by making them disappear in an anonymous ‘mass’.

In summary we retain: The automated character of surveillance and the subsequent ‘disappearance’ of concrete individuals advances the avoiding of responsibility. Relinquishing responsibility, however, enhances categorization and nourishes categorical suspicion, contributing to further alienation from others as it tries to excuse the evasion of personal commitment. This is a dangerous pattern because it undermines the foundation of our humanity. Shunning responsibility de-humanizes others, but it also de-humanizes us. The consciousness of responsibility and the readiness to accept it, is an indispensable trait of humanness and essential for any relationship within a human community. No form of automated procedure can be an adequate substitute for such responsibility.

### **2.2.7 Getting to the heart of the matter: The surveillance paradigm’s inappropriate understanding of the human person**

Exploring the methods and consequences of digital surveillance has revealed that the main concerns about it are not technical in nature but have to do with the understanding of the human person that undergirds them. The fact that concepts of autonomy, issues of human dignity, and foundations of human community are being undermined shows that the notion of humanity that is expressed and continuously reinforced in the entire monitoring approach – in direct and in subtly hidden ways – is highly problematic on many levels. The end of this section will expose and summarize some key characteristics of this understanding. They will be taken up in the necessary confrontation with a Christian and Reformation-based anthropology.

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<sup>169</sup> This was of course true long before the war with drones. Ellul (1962:419) points out that a bomber pilot only needed to press a button to release a bomb, without having to confront himself with the consequences of his action.

The mechanisms of obtaining, analysing, and reusing data remain highly impenetrable, exposing data subjects to ongoing insecurity and potential power abuse. Despite continuing efforts to present dataveillance as a *quid pro quo* between ‘service providers’ and ‘clients’, it is ultimately not a transaction between equal partners, but for the most part a very one-sided process – rendered aptly in the term ‘data extraction’. The extent of secrecy, lack of accountability and the negligible efforts to secure consent from data subjects, combined with the reluctance to seek client participation or to engage in any meaningful dialogue on eye-level – in short, the absence of any genuine reciprocity – demonstrate that humans as data subjects are not taken seriously and certainly not treated on a par.

Surveillance operators make decisions without them and for them and create the conditions of use which the users have to accept; there is very little scope for influencing, modifying or objecting to such determinations from the side of the ‘clients’. However, data fragments in any form are always expressions of personal circumstances and individual interests, and as such remain ‘a human issue’ and not just ‘a technicality’. Therefore forms of consent, participation, and regulations, that would be appropriate in *any* human dealings and societal settings, cannot simply be dispensed with in the digital realm. A different approach, worthy of human dignity and of the core values of democratic societies, is needed.

In state-instituted surveillance conducted by the intelligence services, the observed data subject represents “a conditional form of existence whose rights are dependent upon its behaviour within digital networks” (Bauman *et al.*, 2014:129). Thus, a data subject’s status is defined by its position within the patterns of classification and by its usefulness for the specific goal of the surveillance operators – individual and universally valid human rights become relative. Personal background, motivations and further life context information, which are so crucial for understanding individuals and their respective place and function in the bigger framework of a community, are largely irrelevant; they only become matters of interest in case of a strong suspicion or an already committed criminal act. Since profiling aims at placing individuals into a viable category, misinterpretations remain a constant possibility.

Within the business logic of commercial data commodification individuals serve as ‘puzzle pieces’ and sources of information within an analysable data conglomerate. Hence the “facts and subjectivities of... individual lives” (Zuboff, 2015:79) become the ingredients of an anonymous data pool and are often not considered when making decisions that concern an entire group of people. The surveillance operators’ “structural indifference towards data subjects” (ibid.) as ‘real people’ in connection with their overall goal of categorization contributes to ‘overlooking individuals’ within their specific circumstances. In the process of being incorporated into digital records, individual life stories are ‘de-calibrated’ and de-contextualized, losing their context and their meaning. As a consequence, individuals are not

genuinely being acknowledged, seen, listened to, cared for, and appreciated. Unique experiences of suffering, guilt or achievements are not properly valued in their relevance for the whole of society.<sup>170</sup> But whenever individual stories disappear from people's 'inner screen' in favour of digital stereotyping or categorical suspicion – whether in business practices, police profiling or in public consciousness – societal bonds are undermined and the “danger of unfair treatment” (Lyon, 2003:159) looms large.

The commercial surveillance paradigm is based on a highly ambivalent view of human beings: a peculiar mixture of simultaneously overestimating and undervaluing them. On the one hand there is an enormous confidence in human abilities and their capacity to provide solutions to all of humanity's problems based on technological expertise – an optimism that stretches almost to the point of idolizing human beings and their creation: technology. On the other hand, there is also a deep pessimism about human competence and the ability to change and improve. Such a fundamental distrust leads to a tendency to hold humans in contempt for their lack of reliability and effectiveness, imperfect reasoning and faulty judgement as opposed to the seamless efficiency and 'objectivity' of machines which – irony of fate – have been created by these very same humans. This unsettling 'narrative' of the human person has numerous repercussions: Absence of empathy and lack of interest in individual persons and their experiences, a tendency to subvert human autonomy and ignore the need for privacy and a focus on bolstering control mechanisms and methods to influence human behaviour, thereby disempowering and patronizing individuals and turning them into objects for a purpose.

Within a world view that strongly questions human maturity (except for a visionary few) and doubts human ability for adequate discernment, we as humans are declared to be in a battle with machines and in competition with forms of artificial intelligence. They are set up to be our natural rivals whose precision and overall perfection we cannot match (Lanier, 2014:104; Zuboff, 2014c; Gabriel, 2016; Zuboff, 2019:378, 401, 411-414).<sup>171</sup> The implication is clear: Humans are a permanent risk to themselves and that is why they should rather leave important

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<sup>170</sup> Therefore, storytelling in the form of novels and films together with diligent, investigative and 'compassionate' journalism remain crucial in a complex world: People who take time to portray fellow humans, listening to their experiences and thus giving a face to seemingly abstract truths like war, homelessness and hunger make a valuable contribution to preserving our humanity. Our humanity and our wisdom time and again unfold in stories and experiences – a truth that the Bible and Jesus himself embody.

<sup>171</sup> Statements like this one by ex-Google-CEO Eric Schmidt reflect this attitude: “The race is between computers and people... In this fight it is very important that we find the things that humans are really good at” (Zuboff, 2014c).



decisions in terms of managing resources and organizing future economic developments to the ‘incorruptible objectivity’ and precision of machines.<sup>172</sup>

This view corresponds to the multiple efforts to persuade us to cede responsibility to efficient computerized gadgets which help us manage our lives. But the objection voiced in that context holds true here, too. As one of the pioneers of research into the impact of computers on the economy,<sup>173</sup> Zuboff passionately insists that in a technology-driven world human problem-solving skills, critical evaluation and prudent governance are more necessary than ever – “humans will always be needed to manage technology” (Zuboff, 2014c). Many others argue in a similar vein, pointing to human beings’ unique creative, social and emotional intelligence and interpretational ability as crucial requirements of modern life and current economies, which cannot be substituted by computer-based calculations (Schipper, 2014; Gabriel, 2016). Human attention and care are unique features which cannot simply be replaced by automated procedures. Thus, tendencies to downplay human involvement and to declare humans as obsolete are not only a poor reflection of reality, they also seriously undervalue the role of humans in a global economy and result in impoverished human relationships, thereby imperilling that very same economy (Zuboff, 2014c).<sup>174</sup>

The notion of human inefficiency in combination with the strong emphasis on behavioural modification obviously originate in the latent assumption that the majority of humans are not in a position to make their own informed decisions and cannot be trusted with managing their own lives with respect to health, family, work, social contacts, community and environment issues. Hence they need to be guided into a better future via assistance, nudging and coaching (Staun, 2014; Nienhaus, 2015; Obernhuber, 2016; Zuboff, 2019:343, 434ff.).<sup>175</sup>

This ‘management’ works by encouraging people to adopt predictable life patterns and by coaxing them into reasonable, calculable and system-conform behaviour with the help of systems of reward and punishment. These strongly rely on technical devices that direct human

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<sup>172</sup> “Humans are too messy and unpredictable... to play a central role in the future” Zuboff comments ironically (2014c).

<sup>173</sup> Zuboff’s (1988) study ‘*In the age of the smart machine*’ on the connections between technology and the world of labour anticipated later developments with impressive accuracy.

<sup>174</sup> With a view to the future Zuboff (2014c) declares: “In all areas of the economy there will be new ways to teach, learn and configure resources, but all of them will require people: teachers, facilitators, coaches, nurturers, coordinators, integrators, supportive communities, peers.” The 2020 Covid-19 crisis seems to prove her right: Despite the substantial help that digital means of learning and communication provided, they are obviously not ‘self-functioning’ but require consistent personal human investment of time and mental and spiritual resources to have a positive effect.

<sup>175</sup> The numerous ‘assistance systems’ created to supposedly help the modern and overwhelmed human being navigate the complexities of life, definitely have a patronizing component – apart from creating dependency.

action and support ‘desirable behaviour’.<sup>176</sup> Health apps or black boxes in cars that send data to insurance companies are used as incentives for more exercise or a safer driving style, connected to lower monthly premiums (Trop, 2013; Nienhaus, 2015; Obernhuber, 2016; Horne, 2019). It is only a question of time until the ‘voluntary devices’ will become the norm and the strategy will be reversed: Insurances will then effectively punish non-compliant clients by asking ‘risk supplements’ from those who refuse to participate in these kinds of ‘voluntary control measures’. The laudable effort of bringing about more sensible behaviour or provide more safety – based on the ‘caring argument’ – will inevitably become an instrument of control.

Looking at the described strategies, one cannot but fail to notice that there is a strong connotation with training animals that can be conditioned to adopt certain behaviour by stimuli or deterring measures. Hannah Arendt’s opposition to the behavioural sciences is based on her perception that they “aim to reduce man as a whole, in all his activities, to the level of a conditioned and behaving animal” (1998:45). She reckons that “modern theories of behaviourism... actually, are the best possible conceptualization of certain obvious trends in modern society” (1998:322).<sup>177</sup> Believing that there is some validity in Arendt’s analysis does not mean endorsing her negative assessment of the behavioural sciences as a whole. But caution should indeed be exercised as to how and by whom such insights into human beings’ malleability are being used and systematically exploited for economic gain.

Zuboff has Hannah Arendt’s analysis in the context of the world of labour in mind when she states that some of the effects of surveillance capitalism are “that human persons are reduced to a mere animal condition, bent to serve the new laws of capital imposed on all behavior through... a feed of ubiquitous fact-based real-time records of all things and creatures” (2015:82). Subsequently “in the visions of the classical theorists of behavioural psychology assuming ‘a vortex of stimuli’ responsible for all action... human autonomy is irrelevant and the lived experience of psychological self-determination a cruel illusion” (ibid.). Han’s assessment is similar: For him the digitally operated ‘psycho-politics’ fundamentally endangers free will because it tries to exploit knowledge from our unconscious (2014). He takes issue with Pentland’s remark that ‘Big Data are for the research into social behaviour what the microscope was for the scrutinizing of bacteria’ (Han, 2014 – tl CS) pointing out how

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<sup>176</sup> The countless apps supposed to support healthier and more reasonable behaviour such as drinking more water, doing more exercise, giving up smoking, etc. are all based on the same principle of subjecting oneself (voluntarily) to a control mechanism that tries to change behaviour. Whether these tools are really an enhancement of our personal autonomy or rather the well-disguised instrument of technological subversion, strongly depends on the way we as individuals handle them.

<sup>177</sup> These are trends greatly enlarged by the digital surveillance operators who rely on behavioural modification. See for instance Staun (2014) and Zuboff’s (2019) analysis of B.F. Skinner’s behaviourism as the basis of Alex Pentland’s approach of ‘social physics’ and ‘behavioural engineering’ in her book *The Age of Surveillance Capitalism*, pp. 361-75 and 416-474.

‘profoundly unsettling this analogy... actually is’ (ibid.– tl CS) because ‘it turns us into bacteria that can be directed and manipulated for the sake of dominion’ (ibid.– tl CS).

Predictability is of course the focus in this whole rationale of providing a determinable environment and nurturing calculable human action. The goal is streamlining and ‘normalizing’ human behaviour and making sure that people act more and more along certain mapped-out tracks. Why? Because such foreseeable behavioural patterns are vital for risk reduction and can more easily be translated into a profitable business strategy. Hence the ideal human being seems to be calculable, compatible and compliant, a creature whose (future) behaviour can be anticipated with a high level of probability. Martin Schulz (2014) calls this the ‘new human archetype’ or ‘transparent consumer citizen’ (tl CS).<sup>178</sup> What this means is that the rich variety of human capacities and behavioural variations are reduced to a manageable number of available options. ‘Otherness’, spontaneity and diverging from the mainstream are only tedious “friction” (Zuboff, 2019:241, 434) in this standardizing process and therefore not encouraged.

Despite considerable efforts, however, it is by no means certain that ‘total predictability’ in terms of human behaviour or future events is a realistic objective. The number of unknown factors continuously exceeds our imagination. But apart from that the question is: Is it a desirable goal? Do we really want to inhabit a world where everything can be planned and measured, predicted and controlled? Would life in a place where nothing out of the ordinary could happen anymore not be extremely un-stimulating? And do we really want a society where the need for trust and the promising possibilities for growing such trust are eliminated and contracts are replaced by control mechanisms? Where would the space for love and grace be, the space for spontaneous generosity and heartfelt passion, for selfless commitment and sacrifice?<sup>179</sup>

Within the surveillance paradigm risk management clearly plays a crucial role. Risk profiles are rapidly becoming the most wide-spread instruments of decision-making and “are applied to relationships, institutions and places” (Lyon, 2003:163), and – not least of all – people. Individual persons are gauged based on their risk-and-opportunity-potential from a

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<sup>178</sup> Martin Schulz, the President of the European Parliament from 2012 to 2017 paints a picture of the future that is already within technical grasp: ‘When the measurement of our eye movements or our pulse at seeing certain products is canalized in real time to a data storage of multinational corporations, then the new human is merely the sum of his reflexes and is being totally determined biologically. Ultimately such a development could lead to a situation where we are only being informed about those offers that seem to correspond to our supposed interests and other information is withheld from us on the basis of our data image. And then the next step – that we are only receiving political or cultural information that is in unison with our interests, respectively that we are being denied access to other information – is not far away. A new human being would be created: the totally determined being’ (Schulz, 2014 – tl CS).

<sup>179</sup> Reflections by Arendt (1998:243-244) and Zuboff (2015:81-84) insinuate similar questions.

commercial or political perspective. This exclusive focus on risk, however, creates other risks, among them 'oversimplification'. By "stripping down the complex actions of self-conscious embodied persons to their basic behavioral components" (Lyon, 2001:150) surveillance ignores the social context in which human behaviour unfolds as well as the inner meanings that people attribute to it in the context of their daily lives.

Oversimplification also leads to neglecting many other essential aspects of human reality such as human needs, fairness, trust and solidarity – apart from ignoring justice and human dignity. Hence it cannot but fail to grasp the whole complexity of people's personalities, emotional and mental states and their social relationships. Defining people based on categories and according to their 'usefulness' only turns them into objects. While falsely claiming 'objectivity', it cannot really do them justice. Lipartito therefore concludes that the "belief that ever more surveillance can overcome the incompleteness of information or the partiality of abstraction is a dangerous delusion... It will only shut us out of what Agre calls 'the radical strangeness and challenge of the real world'" (2010:35).<sup>180</sup>

The practices and side-effects of surveillance strongly promote the 'objectification' of human beings. Humans are no longer treasured as such, but their value is defined by their usefulness for the objectives of the main stake holders in the system. As part of a digital data collection, individuals become part of a calculation that measures their worth in terms of their potential for gain. In this way flesh-and-blood-people are essentially being reduced to their function of being providers of economically viable information – they become risk factors, cost factors, assets and commodities. This is how individuals are turned into objects for a purpose – which is logically linked to the parallel effort of encouraging them to equally endorse this frame of mind and turn themselves into commodities and objects for self-optimization.

There is an imminent danger that this "utilitarian calculus" (Lyon, 2001:150) in combination with risk profiling, will spill over into our general reasoning patterns and begin to include personal relationships. As a consequence individuals will make each other part of a calculation, starting to regard each other as asset or as risk factor for their status in society. Others then become objects for our own purposes while principles like generosity, fairness, acceptance and forgiveness drift into the background (Lyon, 2001:10; 2007:193). Lyon is right in rejecting such a utilitarian calculation as a dominant criterion for business dealings and interpersonal relationships, branding it as 'pseudo-morality' (2001:11).

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<sup>180</sup> Han similarly points out that "the mass of information produces no truth... and provides no light in the darkness" (2015:41). "More information... does not eliminate the fundamental absence of clarity of the whole" (Han, 2015:8). On the contrary, a huge quantity of information leads to more confusion and cripples clear judgement (Han, 2015:4, 8).

This brief overview demonstrated that most current surveillance forms tend to foster modes in which people are scrutinized in their life expressions without really being ‘seen’ and appreciated in a deeper sense, let alone being taken seriously in their uniqueness and with their needs. Such an approach will inevitably contribute to a narrow and reductionist view of the human person, with potentially detrimental consequences for individuals.

## **2.3 The dilemma of an adequate response to digital surveillance**

### **2.3.1 An amalgam of reasons for the lack of resistance against ubiquitous monitoring: an approximation**

As we have seen, the numerous concerns about data mining and digital observation revolve around their long-term impact on human interaction, social cohesion, power distribution within societies, and ultimately on the way of defining humanity as such. Despite its many worrisome aspects, however, digital monitoring has generated amazingly little public opposition so far. While the extent of state spying laid bare in the Snowden revelations in 2013 resulted in a public outcry and the ongoing disclosures about ‘self-legitimized’ data (ab)use, data leaks, hacking and security flaws lead to recurring frustration, these sentiments did not translate into a broad countermovement against surveillance schemes. The return to ‘business as usual’ always comes surprisingly quickly. Disillusionment, resignation, ‘cultural pessimism... and cynicism’ (Reichel, 2016b:105 – tl CS), occasionally interrupted by indignation, have become the default attitudes towards the reality of permanent monitoring.<sup>181</sup>

The topic seems to be on a permanent slow-cooker: Investigative journalists, computer experts, sociologists and researchers in the humanities keep the surveillance issue in public consciousness and continue to raise their concerns; there are increased efforts to establish and refine encryption, recurring attempts at ‘digital detox’ as well as appeals to boycott social media because of the increasing exasperation with their ‘anti-social’ and divisive character.<sup>182</sup> Some engage in organized resistance and litigation (Cook and Price, 2015; Fioretti and Prodhan, 2015; Travis and Arthur, 2017; Zuboff, 2019:486). Others join or support associations to protect privacy and civil liberties. There have been multiple efforts at introducing regulation and reining in the dominance of the main surveillance operating commercial firms in Europe and the United States.<sup>183</sup> A few computer whizzes have even

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<sup>181</sup> According to Hanna Reichel (2016b:105) this lack of protest against surveillance ‘might be the most telling evidence of its lasting impact’ (tl CS).

<sup>182</sup> See Streitfeld (2017), Neewitz (2019), Bouie (2020), Hsu and Kang (2020), Swisher (2020a, 2020b) and Warzel (2020).

<sup>183</sup> See Arthur and Travis (2014), Cook and Price (2015), Spiegel Online (2015b), Scott (2016) and Yun Chee (2016)

installed their own servers, and a minority of knowledgeable creative minds fight their own lonely guerrilla war against the surveillance giants (Zuboff, 2019:489ff.).

But these efforts do not represent monumental shifts. Mass resistance against mass surveillance simply never developed. Neither do we see a general uprising against surveillance methods nor coordinated protests or vocal opposition against data abuse; financially consequential boycotts, mass exodus from social media or a noticeable change in 'digital behaviour' did not happen.<sup>184</sup> Serious analysis and in-depth-critique of surveillance remain the playing field of a comparatively small amount of computer experts, civil rights defenders, political activists, philosophers and critical contemporary thinkers.

If we really want to advance in a meaningful cultural and ethical discourse about data monitoring and data handling in society, then it is important to gain a better understanding of the reasons that keep us from acting against the unhealthy 'side-effects' of surveillance. There is evidently a dilemma wherein personal, systemic and practical reasons are mixed in a huge and intricate knot. Some of our motives for the reluctance to confront surveillance have to do with our individual character, mood, specific circumstances, and respective priorities, whereas other reasons are of a more structural nature, referring to the technical feasibility and practical opportunities for protest. Other 'brake pads' for decisive action are linked to the current 'vibe' in society and the trends, attitudes and discussions dominant in public life, not least of all among them the underlying question whether we can really change anything and whether the issue is worth the energy.

All these different aspects are obviously enmeshed and the transitions between them are fluent, making it even more difficult to get a clear view of the issue at hand. Connected to this is our extreme digital dependency, our inner ambiguity, and our inextricable personal involvement in the whole topic, which makes it impossible for us to disavow our own role in surveillance and to take the position of 'neutral' outside observers. Another major reason for the absence of clear opposition against digital monitoring is the simple fact that there are many urgent global challenges that force us to take a stand – such as climate change, the distribution of resources, justice in economic processes, the fight against diseases, poverty, racism, violence, war, and the solving of ethnic conflicts, just to name a few.<sup>185</sup> Since our time and

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<sup>184</sup> In contrast to this, topics like climate change, opposition against nuclear energy, wind energy or environmental pollution, LGBT rights, the abortion issue, labour rights, civil rights, social justice brings thousands to the street.

<sup>185</sup> So, in a certain sense digital monitoring may seem to be a 'luxury problem'. Certainly, for someone who does not know what to eat tomorrow, there are more urgent matters. We must, however, not forget that the troubling aspects of ubiquitous monitoring and permanent data availability cannot be seen in isolation from other global problems. On the contrary, surveillance as constant data dissemination is frequently part of the bigger currents that contribute to those very problems: injustice, strife, violence, ethnic conflicts, persecution and polarization in societies.

our resources as individuals are limited, we need to choose our battles well. All this explains why an 'adequate response' to digital surveillance is not as easy and straightforward as one might wish for.<sup>186</sup>

In European countries, there is generally a more pronounced scepticism against data extraction and a greater urge to shield personal data from unwanted intrusion. But while this is reflected in more stringent legislation and data protection measures as well as prominent court battles against internet companies, there is no dramatically different trend to oppose monitoring. Lyon maintains that in an atmosphere where corporate and individual efficiency have become highly appreciated values, "social control issues associated with information technologies tend to be seen as marginal, or as temporary and fixable aberrations" (2001:138). Hence, if digital monitoring is not perceived as a very relevant issue in public perception, then resistance to surveillance also does not seem to fit into the current set of priorities.

### **2.3.2 Well-promoted benefits of data monitoring: conveniences, communication and the dream of enhanced individuality**

The initial overview leads us to the finer nuances of the surveillance-resistance-dilemma which begin with the obvious: the benefits which look and feel quite tangible. And indeed, we cannot imagine renouncing advantages like instant access to information, fast communication across the globe, entertainment and multiple other services. Conveniences as a strong incentive also explain why social media so far have lost none of their appeal despite their disputed data-harvesting methods and their polarizing effects on societies. Engaging with others via messenger services, game platforms, blogs, and chat forums, thereby sharing opinions, exchanging knowledge, experience and mutual interests remains highly alluring. So, for the sake of our own peace of mind "we assume that the benefits... are worth... having our personal data recorded, stored... cross-checked, traded, and exchanged in surveillance systems" (Lyon, 2003:152). In the greater scheme of things "the... unsocial aspects of surveillance" (Lyon, 2001:136) then appear to be merely the price we have to pay for all the incontestable conveniences.

In addition the attention received via self-exposure and self-marketing on the internet is important for many in search of recognition and meaning.<sup>187</sup> The prospect of having a

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<sup>186</sup> Nelkin (referred to by Lyon, 2001:137-138) maintains that especially in the United States topics that generate mass protests generally have more to do with "potential health risks", "impact on organized interest" and their "effect on moral and religious agendas". She names biotechnology, the rights of homosexuals and abortion as examples (ibid.).

<sup>187</sup> According to an international research group "for uncountable millions, scared by the spectre of loneliness and abandonment, the Internet offers an unprecedented chance of exit or salvation from anonymity, neglect and oblivion" (Bauman *et al.*, 2014:143). The research group concludes that after the Snowden revelations countless "internet users, engaged with abandon in 24/7 self-spying" (Bauman

potentially unlimited audience provides a sense of being important, maybe even the opportunity for fame and fortune.<sup>188</sup> For those who seek the spotlight for personal or business reasons – which are often overlapping – the exposure to ‘data spying’ with unknown implications is either an inevitable side-effect that just comes with the territory, or it is not perceived as a problem at all. Hence the *mélange* of individual needs, changed communication- and self-presentation patterns, combined with career-related pressures and yearning for acknowledgement may also account for the wide-spread ‘non-reaction’ to the woes of surveillance.

### **2.3.3 Familiarity, the habituation effect, the comprehension gap and expert take-overs**

Another important factor may be that surveillance *per se* is not an entirely new phenomenon. As inhabitants of a globally connected world, we have come to accept a fair amount of scrutiny and data exchange to safeguard security, a functioning administration and orderly participation in society. We put up with it because it is tied to specific comprehensible purposes and exempts nobody. In this vein other forms of monitoring, that are not ‘strictly necessary’, then obviously also profit from this basic societal consent and our compliance. We simply ‘file’ the increasing intrusion into our lives as an extended version of something that we are already familiar with – an intensified form of record-keeping, so to speak – preferring not to question its legitimacy out of convenience.<sup>189</sup>

Given the fact that we as ordinary internet users can neither penetrate the subtleties of data capturing and data applications nor comprehend the numerous cross connections in digital data transfer and data trade, it is difficult for us to say when and where exactly surveillance becomes intrusive or inappropriate – let alone when defiance would become a suitable response or what it would entail on a practical level. And since the intricate and potential long-term effects of surveillance on the economy and our personal lives remain a conundrum, we make ourselves believe that our lack of technical expertise does not allow us to make judgements. In this way we not only refrain from taking a stand but also postpone developing any kind of counterstrategy to the negative implications of monitoring.

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*et al.*, 2014:143) finally felt vindicated that they were important enough to be spied upon by different agencies.

<sup>188</sup> See the many “influencers” and the millions who create their own YouTube-channels and TikTok-videos and the fact that social media expressions ‘going viral’ are now all part of our official news cycle.

<sup>189</sup> Hence video cameras in public places or the fact that our travel destinations are stored by airlines, our shopping preferences recorded via client cards and our physical location registered by app providers via our smartphones, have become “domesticated, normal, unremarkable” (Bauman *et al.*, 2014:142).



This is part of surveillance's successful manoeuvres to outsmart us, making us doubt even our social competence, although we are all experts in social relationships on the basis of our mere humanity. Our situation can be understood in parallel to surveillance's action of 'colonizing previously unclaimed spaces' (Zuboff, 2014d; 2015:79). Surveillance actors claimed us and our data before we became aware and conscious of our own role in this set-up. In this 'rapid takeover', "new facts were constructed at high velocity and designed to be undetectable. Outside a narrow realm of experts, few people understood their meaning... Nothing in experience prepared people for these new practices and so there were few defensive barriers for protection" (Zuboff, 2015:85). Without quite knowing how and why, we have become participants in a game whose rules we do not understand – and now we must fight for our say in this game.<sup>190</sup>

### **2.3.4 Automated and 'impersonal' surveillance as an 'unreal threat'**

The very same automated mechanisms of digital surveillance that run the danger of 'missing' the real people behind the data by producing new abstract, condensed data identities, also obscure the potential for abuse, making it difficult for us to perceive digital surveillance as 'a personal issue'. There is simply no precedent for it in our experience.

When the full extent of the decades-long East German STASI spying on individuals came to light in the 90s after the German reunification, it caused deep rifts in society. The anger, indignation and disbelief about the level of pettiness, deviousness and blackmailing was unprecedented, and so was the shock and hurt about the breaches of trust committed by neighbours, work colleagues, friends and relatives.<sup>191</sup> One of the reasons for this was that the experienced monitoring felt deeply 'personal', directed against individuals by other commissioned individuals; the spies had names, stories and personal motivations, and the sense of betrayal was a very palpable one.

All this does not apply to digital surveillance. It feels very 'impersonal' in terms of motivation and targets since it operates in an anonymous framework in a highly automated fashion. Individual infringement seems for the most part negligible and most of us cannot feel its immediate effect. Potential long-term reverberations arising from the concentration of so much information about us in the hands of very few are still beyond our imagination.<sup>192</sup> The

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<sup>190</sup> Another acute analysis by Zuboff (2014b) reads like this: "We have become dependent on the Internet to enhance our lives, but the very tools we use threaten to remake society in ways that we do not understand and have not chosen."

<sup>191</sup> See Florian Henckel von Donnersmarck's 2006 film drama: '*Das Leben der anderen*'/ '*The lives of Others*' which is an impressive emotional and intellectual reckoning with the STASI surveillance.

<sup>192</sup> This tallies with our inability to really envision the future and properly provide for future scenarios. See the human inability of acting decisively in the face of clearly foreseeable future scenarios like the

possibilities of future data abuse seem too far away, too complex, and too theoretical as to make us change our digital behaviour in any substantial manner. In addition, we do not even know against whom we should direct our indignation and protest. Overall, the observation we are under, does not appear to be ‘real’ and the potential risks involved are highly ‘abstract’; any threats to our individual lives, civil liberties or democracy remain vague and intangible. The situation can be described as the reverse effect of ‘digital abstraction’: the whole idea of turning our experiences into commodifiable data bits seems so alien that we struggle to translate its effects back into the concrete reality of our everyday lives.

### **2.3.5 Inner ambiguity, indifference, resignation and inevitability**

Our mixed feelings about the whole digital medium and our insecurity about how to weigh the advantages and disadvantages of surveillance is at the root of our inability to take decisive action against its negative repercussions. Apart from our lack of understanding and our digital dependency a certain inertia probably also plays a role. It could challenge us on a moral level and require us to take a stance on behalf of others – looking the other way is the much more convenient option. An additional – not to be underestimated – element of our ambiguity is the longing to feel ‘safe’. Ever since 9/11 and the ensuing terrorist attacks in many countries, fear of sudden disaster has become a daily companion, often magnified by (social) media. The hope that ‘the bad guys’ can be discovered – preferably in advance – by monitoring internet activities has contributed to a much greater acceptance of digital scrutiny.<sup>193</sup>

So, with respect to others, we somehow reassure ourselves that whosoever happens to become a target of ‘specific attention’ by state-instituted monitoring, must be deserving it. The ‘good-people-bad-people-paradigm’ and the ‘I-have-nothing-to-hide-credo’ reliably ‘protect’ us from engaging in a more thorough analysis of the whole issue, ultimately preventing us from caring for others and developing real empathy for those who become surveillance’s victims. If we ourselves need not experience the painful consequences of a digital assessment gone awry, our tolerance for allegedly necessary privacy violations and the breaching of civil liberties goes a long way.<sup>194</sup> This pattern of ‘mental self-limitation’ keeps us from seeing the wider repercussions of surveillance for the whole of society.

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extinction of countless animal and plant species, global warming, climate change and all the implications thereof.

<sup>193</sup> This is what state-instituted surveillance banks on and profits from.

<sup>194</sup> The infringement only becomes palpable if we *ourselves* become the victims of identity theft, identity mix-ups or experience inexplicable exclusion from benefits, become the targets of digital distortions and categorical suspicion, in short, if we find ourselves at the wrong end of data abuse or inscrutable algorithmic decisions.

Richards (2013:1944) characterizes our ambivalent mindset towards digital monitoring in this way: “As a society, we are... of two minds about surveillance. On the one hand, it is creepy, Orwellian, and corrosive of civil liberties. On the other hand, it keeps us and our children safe. It makes our lives more convenient and gives us the benefit of a putatively free Internet.” Others describe the ambiguity as a kind of ‘underlying unease’ about the fact “that the ostensibly innocent metadata... do in fact have consequences. But it all seems so fluid, slippery, and hard to grasp” (Bauman *et al.*, 2014:140-141). Zuboff sums up our ‘tornness’ like this: “Powerful felt needs for effective life vie against the inclination to resist the surveillance project. This conflict produces a kind of psychic numbing that inures people to the realities of being tracked, parsed, mined, and modified – or disposes them to rationalize the situation in resigned cynicism” (2015:83-84).

Not least of all large-scale surveillance systems are operated by strong, well-funded institutions like the intelligence agencies or successful globally operating commercial internet companies with enormous resources and almost unlimited range and influence (Solnit, 2013; Taplin, 2017; Hughes, 2019; Hill, 2020).<sup>195</sup> Thus any envisaged resistance soon feels like a losing battle against giants that we cannot take on.<sup>196</sup> Zuboff concludes that the power-build-up of tech companies with their “data brokerage, data analytics, data mining, unimaginable cash flows, powerful network effects, state collaboration... and unprecedented concentrations of information... produced an overwhelming sense of inevitability” (2015:85).<sup>197</sup>

### **2.3.6 A lack of alternatives and the dependency trap**

Our core problem is that surveillance technology and digital communication are deeply engrained in our lifestyle. If we want to be part of modern society and current civilization, there is no way of escaping data tracking, data harvesting and data-based profiling. Surfing

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<sup>195</sup> There are many known instances of ‘special attention’ and harassment against anti-surveillance activists from the representatives of nation states. Few examples suffice: 1. The aftermath of the Snowden revelations revealed that the NSA also targeted a German student who ran a server for the TOR network which allows anonymous surfing in the Internet, scrutinizing all of the server’s users (Frankfurter Allgemeine Zeitung, 2014; Focus, 2014). 2. In an interview with the German Tagesschau-Team internet-activist Jacob Appelbaum talked about repeated detainment and intimidation through FBI agents (Feld, 2013). 3. The investigative journalist Glenn Greenwald recounts how after the Snowden revelations his partner David Miranda was detained for 9 hours by the British Intelligence Service GCHQ at Heathrow Airport under the Terrorism Act of 2000, had all of his electronic equipment confiscated and was threatened with arrest, etc. The aim was obviously to intimidate Greenwald (2014:242ff.).

<sup>196</sup> However, Max Schrems, the Austrian law student, tried – and took Facebook to court, with success. In this case David conquered Goliath. See Fioretti and Prodhan (2015).

<sup>197</sup> Technical counteraction remains an exception. Very few people have the technical and financial means to install their own servers and those who do, or try to preserve their anonymity on the internet, are per definition suspicious to state-instituted surveillance (Frankfurter Allgemeine Zeitung, 2014; Focus, 2014).

anonymously is made unattractive because it does not give full access to many services and requires specific technical expertise that many people do not have or are not prepared to bother with. Encryption is complicated and only works both ways; there are only “few meaningful options for privacy self-management” (Zuboff, 2015:83), which are not always pointed out clearly or which compel us to go through cumbersome procedures to apply them.<sup>198</sup> Many online services or applications do not even offer opt-out-possibilities or enhanced privacy settings – we are presented with default settings that we can neither modify nor disable. This means we either must accept the whole package with the terms and conditions predetermined by the system operators or we cannot use a particular service. So ‘consent’ in most cases is all but in name – ‘agreement’ is forced upon us by practical necessity.<sup>199</sup>

Although there is – in theory – competition and a free market, and nobody ‘has to’ choose a certain service provider, in practice things are rather different: Very few companies dominate the market in terms of operating systems, search functions, important apps, social media or use of messenger services, e-mail, cloud storage or other services (Hughes, 2019, Hill, 2020b etc.).<sup>200</sup> The need for technical gadgets to be compatible with one another actually narrows down choices considerably.<sup>201</sup> Not adapting to the main stream or refusing to participate in dominant developments is not just inconvenient – it effectively amounts to a kind of ‘self-punishment’ as we find ourselves cut off from services, contacts and important information, and with that from relevant parts of social life. Thus, the more people are on platforms like Facebook, Instagram or WhatsApp, the higher the pressure on others to join there too.<sup>202</sup> Moreover, for many businesses, especially smaller or very specialized ones, digital self-

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<sup>198</sup> Anybody who has ever read an entire ‘privacy policy statement’ by a service provider or gone through the lengthy procedure of enabling and disabling certain features in social media or even phone apps, knows this.

<sup>199</sup> At this stage it is virtually impossible to just scan even the most banal once-off information on sites that we will never use again, without agreeing to being followed around the Internet via cookies. This is as close to blackmailing as one can possibly imagine.

<sup>200</sup> In her *New York Times* article from 31-July-2020: ‘I tried to live without the tech giants. It was impossible’, Kashmir Hill gives a detailed account of her (temporal) technological experiment to cut ties with Apple, Amazon, Facebook, Microsoft and Google.

<sup>201</sup> Things move, so to speak, in an argumentative and practical circle: Why do most internet users use Google’s search machine? Because it is the best. And why is it the best? Because the fact that so many people use it, allows Google to collect a maximum of information on people’s interest and continually improve and refine its features accordingly – which means that even more people use it (Budras and Siedenbiedel, 2014; Zuboff, 2019:68). And why is Windows the dominating system on world-wide computers and Android dominant in the world of apps? Because people want to have user-friendly devices and the convenience of compatibility with others.

<sup>202</sup> There is a growing tendency to move (interest) groups like parents’ associations, sports clubs, choirs, cooking clubs, etc. or even church congregations’ or business information entirely to platforms like LinkedIn, Facebook or WhatsApp.

presentation and self-marketing on internet-platforms and social media is an absolute economic necessity.<sup>203</sup>

Our dependency on the services of the internet providers makes us vulnerable to all kinds of ‘commercial blackmailing’ and presents us with an insoluble dilemma: Advantages, services and conveniences can only be enjoyed at the price of giving up our data and digital privacy. As users we have no other choice than to accept the technology companies’ terms, because we simply have nowhere else to go. Zuboff contends that this arrangement – which is presented to us as a win-win-situation and *quid pro quo* (data for services) is nothing more than a well-managed exploitation scheme. Pretending to be ‘a deal’ between equal partners, it provides the surveillance operators with the much greater benefits in terms of information power, profits and strategic position on the market because users are forced to give away valuable information for nothing (Zuboff, 2015:83-84).<sup>204</sup> In her view, the combination of our dependency on a global digital infrastructure which is “essential for basic social participation” and the simultaneous exposure to permanent monitoring “turns ordinary life into the daily renewal of a 21<sup>st</sup> century Faustian pact” (2014b), a “... fundamentally illegitimate... choice, that 21<sup>st</sup> century individuals should not have to make” (2015:84).<sup>205</sup>

### **2.3.7 Summary and outlook: Dealing with the complex dynamics surrounding surveillance**

Quite obviously a mix of all the described inward and outward components, such as a sense of abstraction, a feeling of powerlessness, being overwhelmed, indifference, ambiguity and dependency constitute our sense of perplexity in the face of surveillance. The result is a kind of ‘paralysation’ which hinders clear positioning and decisive counteraction against the negative consequences of surveillance. We are increasingly aware that digital surveillance has serious social and political implications, but we still have no clear picture of them.

The growing ‘digital appropriation’ of the world leads to a reshuffling of individual and social values, technological developments, political power and economic objectives that is highly complex (Bauman *et al.*, 2014:124). We see that economic efficiency, wealth and security are becoming the dominant political values (ibid.:135) spilling over into the ‘private sphere’ as well. Cultural shifts occur as boundaries between formerly separate areas like private and professional life dissolve, changed modes of knowledge, communication and identity develop,

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<sup>203</sup> Many small businesses cannot afford to boycott Facebook or to confront Google because they are dependent on them for making themselves known (Hsu and Kang, 2020; Swisher, 2020a).

<sup>204</sup> Jaron Lanier’s grasp on the situation is similar: He is convinced that the actual value of our individual information and of our digital contributions are intentionally obfuscated (Lanier, 2014:XXI; Probst and Trotier, 2014).

<sup>205</sup> This shows the urgent need for a different internet and alternative forms of digital communication. See Lobo (2014), Hughes (2019), Neewitz (2019), Warzel (2020) and Zuboff (2021).

and new relationships between different stake holders are forming. The whole logic and practice of surveillance grows out of all these different dynamics and shapes them in turn. The fact that these shifts are at the same time global and deeply personal, makes it more difficult to get a grasp on them and to find an adequate answer to surveillance.

Contemporary researchers agree that up to now neither public institutions nor private individuals nor scholars or policy makers can figure out what this new web of interdependencies means for our future – we simply lack the mental models and tools to understand them and the categories to describe and evaluate them (Bauman *et al.*, 2014:124, 134; Zuboff, 2014b; Zuboff, 2019). According to Lyon we are only just beginning “to understand how the biographical profiles, population data and biometric information are emerging as dynamic sources of power in the mutating social and global environment” (2001:10), or what classification practices could mean for the lives of concrete individuals (2001:124). This ‘comprehension vacuum’ also entails that we strain to assess surveillance’s possible profound material, psychological, social and political damage (Zuboff, 2014d).

However, this situation is of course no excuse for not trying to better understand surveillance’s repercussions or for not acting on the things that are already clear to us at this point. Our position of ‘hanging in the balance’ should spur us on to do even more research and to seek a more comprehensive consultation with all those involved as creators, ‘recipients’ and observers of digital monitoring. We need to keep these questions in mind: How can we preserve our humanity in a world determined by the digital? And how can we retain the advantages of the internet without having to put up with all the disadvantages of digital surveillance?<sup>206</sup> As Christians the search for answers should motivate us to mobilize our own intellectual and spiritual resources to engage in reflection and action. Only the combined efforts of research on surveillance from the viewpoint of various disciplines such as sociology, psychology, theology, political sciences, statistics, economics, computer sciences (and many others) in combination with a genuine exchange between those different fields, can lead us to something like a deeper understanding of the long-term effects of surveillance on our society, our communities and our individual lives – and to possible remedies for its ills.

The following two chapters aspire to be a step in this direction, contributing to this important discussion. In exploring the understanding of the human person and the core notion of human freedom informed by the insights of the Reformation, they offer insights from a specifically Christian theological viewpoint which can be tested and referred to in dialogue and lived experience.

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<sup>206</sup> There are indeed many different people who think about this. See e.g., Hughes (2019), Lanier (2014), Lobo (2014), Neewitz (2019), Swisher (2020c) and Zuboff (2021). See also 5.4.5.

## Chapter 3

### Martin Luther: Christian Freedom as a Gift from God

#### 3.1 Luther's 'theological' anthropology as the foundation for his understanding of human freedom

##### 3.1.1 Human constitution, divine calling and existential dependency on a transcendent and justifying God

The struggle for human self-agency and the realization of individual and societal potential surfaces in infinite variations in the most varying personal and cultural circumstances in human history. So, when Martin Luther chose the topic of freedom as a *Leitmotiv* for his theology, he had his finger on the pulse of time. As a keen observer of human nature, as a scholar versed in philosophical argument, and not least as a theologian and preacher of the Gospel, Luther was well aware that any understanding of the human person implies a certain notion of human freedom – and vice versa. For him it was crucial that such a notion of freedom must be realistic, in other words, adequate to human beings and to theology's unique subject: God.

Since then, the modern understanding of freedom and Luther's understanding of freedom have had a complicated and somewhat ambivalent relationship. On the one hand, the Reformer's strong emphasis on individual judgement, personal faith, and human maturity combined with the responsible use of one's God-given rational capacity definitely paved the way to a modern notion of freedom that incorporates individual rights and acknowledges the independence of the individual. Such an understanding of freedom has become an indispensable part of a globalized world and the rationale of democratic societies.

On the other hand, there are serious differences between Luther and many post-Enlightenment thinkers in terms of the foundation, the purpose and the features of the respective understanding of freedom. While Luther appreciated the individual, his outlook was not an individualistic one, but always embedded in a community of faith. And while he did not underestimate the important role of reason, he never regarded human rational self-awareness as the foundation of human freedom. His essential source of intellectual and spiritual insight remained the human relationship with God, and his frame of reference for understanding the world was the divine presence.<sup>1</sup> Correspondingly, for Luther, any understanding of the human person and human freedom remained strictly based on the biblical revelation.

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<sup>1</sup> While Wolfgang Huber (2012:13-56) definitely counts the Reformation as belonging to the genealogy of a modern understanding of freedom, he also wants to draw a clear line between a Christian and a modern understanding of freedom. The latter for him is frequently characterized by notions of self-preservation, autonomy and a sense of entitlement. Oberdorfer (2014:102) sees some inconsistencies in this view and pleads for a more inclusive, that is, a less mutually exclusive, perspective.

Luther's understanding of the human condition and the perspective of the individual before God lead him to highlight our fundamental dependency on God's presence and saving grace. His considerations on Christian freedom represent a concentrated sum of his thought, encompassing central motives of theology (in the narrower sense of 'speaking about God'), christology, soteriology, anthropology and ethics, all at the same time.

Since Luther's considerations on human and divine freedom are closely connected to his faith-based anthropology, it is appropriate to consider some of the latter's essential aspects at the beginning. Latching on to philosophical and biblical tradition, Luther describes human beings in the *Disputatio de Homine* as part of the created, bodily and finite world, equipped with senses and the capacity to reason: "*Philosophia, sapientia humana, definit, hominem esse animal rationale, sensitivum, corporeum*" (Luther, 1536:664). The divine gift of reason distinguishes humans from their non-human fellow creatures, leading to a unique responsibility for their fellow humans and their entire co-creation.

Luther highly appreciates reason's potential for invention and creativity and its logic, observation, knowledge, discernment, capacity for recognizing interdependencies, making deductions and understanding the consequences of (many of) our actions (Joest, 1983:129ff.). In fact, *ratio's* importance for taking coherent and purposeful decisions and for acting responsibly and appropriately can hardly be underestimated. In no way does Luther contest the role of reason for illuminating and handling the many practical issues coming up in the context of human community, which can be subsumed under the realm of human 'free will'.

In the *Magnificat*, the Wittenberg Reformer adds to the traditionally uncontested human constitution of body and soul<sup>2</sup> the element of the 'spirit' (*Luther's Works*, LW 21:303; Joest, 1983:127). This describes the centre of the person, the place where the willpower, a person's driving forces, motivations, emotions and guidelines for action are located, the 'something' that determines the whole orientation and conduct of a person (Joest, 1983:129f; Joest, 1986:349).<sup>3</sup> It is also frequently identified with the heart (*cor*) and with the 'conscience' (Ebeling, 1971:321).<sup>4</sup> This person centre will become essential for understanding the human-divine connection and a freedom grounded in Christ.

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<sup>2</sup> While a notion of a human 'driving force' may be indisputable, in the *Disputatio de Homine* Luther concedes that "concerning the formal cause which they call soul, there... never will be agreement among the philosophers" (*Luther's Works*, LW 34:138). It is therefore the knowledge of God as the "efficient cause" (*ibid.*) of humans' humanness that makes theology superior to philosophy.

<sup>3</sup> In the *Magnificat* Luther (LW 21:303-304) uses the analogy of the temple to develop this triad: The "outer courtyard" corresponds to humans' exterior body and movement, the "holy" stands for the soul while the "holy of holies" consists in the spirit of a person as the inner sanctum which does not disclose itself easily to the outside observer.

<sup>4</sup> Luther's notion of "conscience" is quite different from our general notion of the 'conscience' as a kind of interior instance that judges what is good or what is evil (Ebeling, 1971:321).



However, all attempts to describe human beings' condition solely with respect to their physical and rational capacities remain, for Luther, woefully incomplete because they omit God as origin and goal, as "the efficient cause" (LW 34:138) of humanity. Luther is convinced that humans cannot be understood in their essence without referring to God, indeed, that humans cannot understand themselves. Only in the relationship with the living God, he claims, can humans truly discover who they are: "Nor is there any hope that man... can himself know what he is until he sees himself in his origin which is God" (LW 34:138).<sup>5</sup> Hence defining humans in a neutral 'god-less universe' without the transcendent dimension of human life neither does justice to humans nor to God. In this vein, anthropology and theology actually speak about the same topic: the guilty and lost human being in need of justification and the just and saving God granting this justification (Ebeling, 1981:239).<sup>6</sup>

The reference to God shapes humans' earthly calling and their eternal purpose. According to Luther "theology... defines... that man is a creature of God consisting of body and a living soul, made in the beginning after the image of God, without sin, so that he should procreate and rule over the created things and never die..." (LW 34:138).<sup>7</sup> The fact that humans are called to live in fellowship with God and in correspondence to him, means that they are to be partners with God in the care for creation. Only in actively shaping their existence and their environment in a physical, intellectual and spiritual manner, can humans experience the fullness of life and be a blessing unto themselves and others. The biblical notion of God and the promise of eternal life contained in creation clearly convey that human purpose transcends the visible and palpable of this world. Härle (2005:94) sums up the human calling in this way: Having been created in the image of God and being in a relationship with God constitutes human beings' deepest essence and dignity. Thus, it is their purpose – passing through disaster, adversity, suffering and evil – to grow towards love and towards God, whose deepest essence is love, to be eventually completed in God. So whatever and whoever human beings are, must be viewed through God's dealing with them – and God wants to deal with humans in eternity (Joest, 1986:352).<sup>8</sup>

But this divine vision for his human creatures has been seriously undermined by their falling into sin and their subsequent turning away from God (LW 34:138). Subject to the power of sin

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<sup>5</sup> The widely used word 'man' in the older translations of Luther's works mirrors Luther's use of the German word '*Mensch*' (Afrikaans: *mens*) or '*homo*' in the Latin versions – both words of course refer to both men and women, and respectively any gender identity or human being.

<sup>6</sup> Härle takes up this same thought by Luther when he formulates: 'It is the essence of God that he is a God who justifies, and it is the essence of human beings that they are in need of justification' (Härle 2005:79 – tl CS; similarly, also Jüngel 1981:113).

<sup>7</sup> This description clearly draws on Gen 1: 27-28 and Gen 2:17.

<sup>8</sup> Thus, it is only theology, keeping track of both finite man and an infinite God and their relationship, which can provide a full account of man's essence (Luther, LW 34:138).

and death<sup>9</sup> humans now pursue a selfish agenda (*homo incurvatus in se ipse*) trapping them in a situation from which they cannot escape by their own strength. Luther stresses that this 'anti-God-orientation' consumes our whole being, our rational capacities as well as our willpower (LW 25:266). Neither the natural light of reason nor the combined power of our person centre can overcome sin (LW 34:138-39). Driven by powers that oppose or ignore God, human beings are alienated from their calling and become unfree. From this self-induced predicament they can only be liberated by God himself: "But after the fall... man can be freed and given eternal life only through the Son of God, Jesus Christ if he believes in him" (LW 34:138). Hence for Luther there can be no doubt about human beings' complete existential dependency on God as creator, preserver and saviour.

Taking up Luther's reflections on human life within the framework of transcendence, Härle insists that our fundamental human condition is the 'givenness of our existence' within which we must position ourselves (2005:91-93). Speaking with Luther "we are to be men and not God" (LW 49:337). In a similar vein, Jüngel (1981:114,151-153) maintains that humans can neither constitute themselves by virtue of their activity nor preserve their existence by action. Before we even act, he says, we already 'are' – as those whom God addresses in his Word. By turning to us, God constitutes our being and our person; in other words, God's loving will establishes and safeguards our personhood. This is a theological interpretation of the act of creation: Humans being made in the image of God and being filled with life and soul<sup>10</sup> – and this act of 'calling into being' is renewed in every human being.

Subsequently, since we have not brought about our own existence, but have been called into being by the will of another – God – we cannot create our own purpose either.<sup>11</sup> We cannot thrive merely on perpetually referring to ourselves – that would only be an endless reconfiguration of the cycle of sin. In Luther's view we can only live according to our essence and calling if we draw on that which leads us beyond ourselves, namely, the grace and love of God. God remains our 'point of reference outside of ourselves' – he is the *extra nos* of our

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<sup>9</sup> Luther equates humans' subjection to the power of sin and death with being under the power of the devil as the personified evil – see e.g., Theses 22 and 25 in the *Disputatio de Homine* (LW 34:138f.) and the image of the beast of burden in *De Servo Arbitrio* (LW 33:65f.).

<sup>10</sup> See Gen 2:7 "Then the LORD God formed man from the dust of the ground, and breathed into his nostrils the breath of life; and the man became a living being" (Lutheran Study Bible/ New Revised Standard Version= LSB/ NRSV, 2009).

<sup>11</sup> Luther puts this in succinct terms in his explanation of the 1<sup>st</sup> Article of the Creed in the *Small Catechism*: "I believe in God, the Father Almighty, maker of heaven and earth. What does this mean? I believe that God has created me and all that exists; that he has given me and still sustains my body and soul, all my limbs and senses, my reason and all the faculties of my mind" (Martin Luther's Basic Theological Writings, MLBTW:477).

human existence and of our salvation.<sup>12</sup> For Luther there is no doubt about the fact that the purpose of human life is defined by our relationship to God, to others and to ourselves – which corresponds to the commandment to love God, our fellow humans and ourselves.

While this our inability to call ourselves into being first becomes evident at conception and birth, it remains an ongoing feature in our lives because Luther is convinced that our person centre, our 'innermost self' is not at our disposition – in other words, we are neither masters of our own heart nor can we determine the orientation of our willpower (Joest, 1983:129f. Bayer, 1999:35, 140). This is why our human' spirit, the centre of our humanity, our heart and conscience, are in constant need to be illuminated by the healing divine Word and the divine Spirit (Joest, 1983:130). The 'outside input' by God to give substance, meaning and future to our lives is essential and 'life-saving' in a comprehensive sense. Correspondingly, the divine 're-creation' or 're-constitution' is also in play when Luther speaks about the 'inner man' whom God tries to reach with his promises.

Since humans are not their own masters, they cannot become their own judges either. Humans cannot uphold or justify their own existence, explore their own heart, forgive their own guilt or free themselves from self-worry or fear of the future – God is the one who provides the foundation of life that humans cannot procure for themselves (Ebeling, 1971:321; Bayer, 1999:149). Acknowledging the givenness of life and recognizing that we cannot and need not create our own calling, but that it has already been given to us by God, will relieve us from the burden of our many futile attempts to give our life meaning purely by virtue of our own achievements.

Human beings' fundamental bond with their maker also throws the concept of 'justification' into sharp relief: For Luther it is relevant far beyond its soteriological context as a kind of underlying foundation of all his theological, anthropological and ethical reflections. DeJonge (2018:23) notes that "for Luther... justification is... an all-encompassing existential concern" and Danz (2013:94) emphasizes that justification is about the reevaluation of humans and about the 'fundamental, life-carrying certitude' (tl CS) that they cannot create for themselves.

According to Härle 'justification' highlights the dimension of transcendence and the human purpose referring to God's promise of the divine commission in the *imago Dei* (2005:105). If it is indeed at the core of human existence to be in need of righteousness and loving acceptance and at the heart of God to grant such righteousness and love without any merit, then

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<sup>12</sup> Härle maintains that since humans have not brought about their own life they can neither nurture themselves nor create their own purpose. They cannot exist on the basis of their own resources – in order to make sense of their existence they need to draw on the 'something' outside themselves from which they live. This 'something' for Luther is clearly the power and presence of the living God (2005: 93).

justification in Luther's understanding is not just a later 'emergency measure' linked to Christ but expresses moreover God's unconditional and preceding Yes to our human person (Ebeling, 1981:239; Härle, 2005:79, 81). And this divine act of entering into a relationship with us becomes most palpable in God's gracious turning to us in Christ.

Both the fact that our origin as humans is to be found *extra nos* and the experience of God's salvation in Jesus Christ safeguard that we are not to be identified completely with our actions. While we express ourselves through our deeds and cannot distance ourselves from them as if they did not belong to us, our actions are not our only defining feature. Works do not constitute the personhood, they only actualize it (Jüngel, 1981:125; Härle, 2005:94). Individuals – with all the intricacies of their person centres – are always deeper and more complex than their deeds. Luther's well-known example of the connection between the tree and its fruit in the *Freedom Treatise*<sup>13</sup> also underlines that: Even as good works will necessarily flow forth from the good person – that is someone who is justified by grace alone and knows he/she cannot save him/herself by own achievements – the external evidence of good fruit in themselves does not allow for conclusive deductions about a person's 'heart' in terms of their motivations, intentions and attitudes.<sup>14</sup>

The precedence of the person over works remains crucial to Luther's theological thinking<sup>15</sup> because it facilitates love and acceptance in the first place, and because it is the only way to do justice to the 'whole person'. Moreover, the distinction between a person and a person's works is indispensable because it is the basis for forgiveness – divine and human alike – and possibly the foundation for any enduring relationship at all.<sup>16</sup> Being justified by grace implies precisely that we are not forever defined by our actions and tied down by our sins. While God rejects our sin and fights evil, he does not reject us, the sinners and evildoers; his unequivocal No to our sin does not cancel out his unconditional Yes to our person. Hence justification by grace and by faith alone remains Luther's most accurate and most complete description of the fundamental human situation (Härle, 2005:IX).

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<sup>13</sup> See MLBTW:612f.

<sup>14</sup> "For the righteous do the same works as the unrighteous, but not from the same heart" (LW 25:256).

<sup>15</sup> See also :“God does not accept a person because of his works but the works because of the person, therefore the person before the works” (LW 25:256).

<sup>16</sup> Härle (2005:100) notes that saying Yes to a person can be compatible with saying No to the person's actions and that sometimes it is precisely the love for a person which requires this decisive No. This is a very important aspect of human relationships because without distinguishing between person and work there can be no remorse and no forgiveness, no new beginnings, no reconciliation, transformation or psychological processing of past traumata. We would for all times define ourselves and others by what we did or by what others did to us and could never break free from the consequences of our own or others' actions. The entire concept of distinguishing between a person and their work is crucial in the debate about digital monitoring's effect of attaching people permanently to the data about them and subsequently creating an 'inescapable definition' of them.

### 3.1.2 Free will, human freedom and divine freedom

Humans, in Luther's view, are not self-sufficient and they cannot exist in a framework of pure self-referentiality. They are always *coram Deo* and the relationship with God determines their existence. This perspective corresponds to the Reformer's insistence on the God *pro nobis* and his lack of interest in a hidden God who exists 'as such', that is, on his own accord, regardless of humans. Therefore, any statement about human capacities always at the same time conveys truth about God and the divine-human relationship. And it is precisely the latter where Luther's deepest interests lies and where he subsequently invests all of his theological energy.

The interdependence between God and human beings of course also comes to bear with respect to human freedom and human will which is an inherent part of human personhood. The fact that humans exist in a concrete context of time and space implies that the human will is determined by many internal and external factors and that there is no such thing as an independent or 'absolute' will (Martin Luther's Basic Theological Writings = MLBTW:186, Danz, 2013:99; Ebeling, 1981:252). Hence Ebeling rightly argues that the question of the 'freedom of the will' is actually the question of the 'power of the will' (1981:253).<sup>17</sup> As the power of self-determination the human will is never a 'clean slate' or in any way 'neutral' – that would be an empty abstraction – it is always already 'determined' by 'something'<sup>18</sup>, in other words, affections, passions and drives, and directed by subconscious and conscious goals and interests (Bayer, 1999:138-39; Danz, 2013:100; Hübner, 2012:70; Danz, 2013:100).<sup>19</sup>

Re-using a metaphor from medieval theological tradition, Luther describes the human will as placed between God and Satan like a beast of burden: "If God rides it, it wills and goes where God wills... If Satan rides it, it wills and goes where Satan wills; nor can it choose to run to either of the two riders or to seek him out, but the riders themselves contend for the possession and control of it" (LW 33:65-66). This image – flawed though it may be – echoes a fundamental human experience: that our 'person centre' is beyond our control. It is not within our power to 'determine' our innermost being; we 'do not own ourselves' – we are, so to speak, 'not at our own disposition.' In that crucial 'something' which qualifies our whole person, we are not the

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<sup>17</sup> In other words: Can the will act according to its direction, can it realize the goals by which it is determined? This of course is the very same question that is still very much at the centre of the contemporary debate on free will – see e.g. Bieri (2013:43).

<sup>18</sup> Peter Bieri, in his important work on free will, *Das Handwerk der Freiheit* (2013), emphatically agrees.

<sup>19</sup> Hübner (2012:96ff. and 131ff.) shows some interesting parallels between the 'new psychology of the Reformation movement' (tl – CS) with its more pronounced appreciation of affections (*Affekte*) and emotions and the current insights of neurobiology with respect to the 'determinedness' of human decisions.

drivers but moved and driven (Joest, 1983:132; Härle, 2005:93).<sup>20</sup> In this vein Luther's analysis of the human person seems to anticipate and parallel Freud's later insight that 'the ego is not master in its own house, the soul' (Freud, 1917:7 – tl CS).<sup>21</sup>

Since Luther sees every human life expression within the overall relationship with God, it is the range of human 'free will' that he contests. On the one hand the human possibility to choose a certain course of action is indisputable, based on the God-given capacity to reason and a long tradition of wisdom encapsulated in experience and natural law. On the other hand he firmly denies the possibility of a 'free will' with regards to God and the human ability to do good out of our own accord because of the fundamental sinfulness of human nature (MLBTW:178, 183, 613).<sup>22</sup> These two perspectives are complementary: they align with Luther's distinctions between the 'inner' and the 'outer man', spiritual and physical things and the different functions of the law.<sup>23</sup>

According to the Reformer, individuals enjoy freedom of choice and freedom of action with respect to everyday life and all the areas that reason can comprehend and laws can regulate.<sup>24</sup> They can decide how to conduct a business, how to manage the economy, how to attend to their physical needs or how to manage relationships between people or nations (Luther, LW 33:70; Joest, 1983:131; Leonhardt, 2015:137).<sup>25</sup> But this kind of 'free will' is a common trait of all humans, whether they are believers or not. It comes 'in a package' with the divine gift of life and refers to earthly matters, and "the realm of human control and *coram hominibus*" (Barth, 2012:233) only, in other words to "that which is beneath us" (LW 33:70).

With respect to "that which is above us" (LW 33:70), however, that is, before God and in terms of that which concerns our eternal salvation, we have absolutely no freedom of decision according to Luther's reasoning. Why? For one thing, because of God's foreknowledge and his sovereignty in reigning the world, which we can neither match nor question nor overrule, but secondly – and more importantly in the context of this discussion – because of our inability to turn to God and to his grace on the basis of our own efforts (LW 33:40, 264; MLBTW:619,

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<sup>20</sup> Joest (1983:132) comments: "*Gerade in dem, wo über Heil und Unheil seines Lebens, über Gewinnen oder Verfehlen seiner Bestimmung durch und für Gott entschieden wird, sieht Luther den Menschen seiner Selbstbestimmung entzogen.*"

<sup>21</sup> "*dass das Ich nicht Herr sei in seinem eigenen Hause*"

<sup>22</sup> Ebeling maintains that for Luther declaring human free will as invalid is a necessary comment about the 'true freedom', which is the freedom linked to Christ (1981:247).

<sup>23</sup> Cf. 3.2.3 and 3.3.3.

<sup>24</sup> These are all areas for which humans according to Luther do not 'need' God – the same areas where people have to find compromises that apply to all – regardless of their faith convictions.

<sup>25</sup> For Luther any mentally sane person who faces no specific exterior constraints thus has 'freedom' in the sense of a moral responsibility and in terms of a psychological range of possibilities (Ebeling, 1971:320).

623; Leonhardt, 2015:151). Since sin has corrupted every aspect of human nature – the reason, the willpower and even the most virtuous strivings of humanity – free will towards God, that is, the ability to turn to God out of our own accord, is a ‘non-possibility’ (MLBTW:178,183). Human free will in terms of spiritual things for Luther is a “*res de solo titulo*” (LW 31:40).

It is, of course, Luther’s soteriological concern that makes him insist on this point so strongly. He argues that assuming even a remainder of a ‘free will’ towards God within us would leave a loophole for possible human participation in our salvation. Even an infinitesimal chance to redeem ourselves by our own efforts would diminish, even nullify, the exclusive power of Christ’s sacrifice and God’s grace in saving us (MLBTW:213).<sup>26</sup> Therefore, the only way to properly honour God is by acknowledging the absolute necessity of Christ’s self-giving and our complete dependency on his mercy. For Luther, justification by grace alone and ‘free will’ (as he defines it) are mutually exclusive.<sup>27</sup>

The intricate connection between human beings and God as their creator naturally also encompasses any form of freedom. Human beings’ freedom is anchored in their *imago Dei* status and ultimately in God’s own sovereignty. With freedom being a quintessential part of our ‘humanness’ as creatures and of God’s ‘god-ness’ as creator, both human freedom and God’s freedom are closely linked. But because of the difference between creature and creator it is obvious that human and divine freedom can never be on par. They cannot be compared as two ‘entities’ of the same ‘species’ and much less can there be competition between humans and God as if freedom was a ‘limited resource’ contested between them. Such an approach would be an inappropriate way of thinking about God or humans in Luther’s eyes.

Absolute freedom to realize one’s own goals is not within human reach. This kind of freedom is unique to God: Only he has original, unconditional and infinite freedom because neither his will nor his sovereignty is pre-determined or hampered by anything outside himself (Ebeling, 1981:248, 253; Herms, 2000:29,44; Barth, 2012:248; Leonhardt, 2015:171). Freedom, moreover, is not merely one of God’s different ‘qualities’, it is his essence – God is the epitome of freedom (Ebeling, 1981:248,253; Herms, 2000:30). This is closely connected to Luther’s view that God is the ultimate origin and goal of all reality, in charge of the world we know but capable of transforming and transcending the reality we know (Nürnberg, 2005:15, 32).<sup>28</sup>

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<sup>26</sup> We must not forget that Luther’s uncompromising position and his radical rejection of Erasmus’ notion of a free will are prompted by his zeal to uphold the uniqueness of God’s saving action. When it comes to God’s grace there is no ‘middle road’ for Luther, only unconditional surrender to unconditional love,

<sup>27</sup> In *De Servo Arbitrio* Luther calls “free choice... the supreme enemy of righteousness and man’s salvation” claiming that pushing the power of free choice amounts to “waging a war against grace” (MLBTW:181).

<sup>28</sup> “God in his power makes possible whatever exists and happens, and God in his wisdom determines what reality should become” (Nürnberg, 2005:15). This perspective is very similar to Bonhoeffer’s thoughts on the all-determining reality (DBW 6:49, 53-54, 58).

According to Leonhardt (2015:134), the Middle Ages' notion of the 'exclusive efficacy' of God (*Alleinwirksamkeit Gottes*) which Luther incorporates into this theology, necessarily leads to a 'theological universal determinism' (tl CS).<sup>29</sup> Human freedom, on the other hand, is always secondary freedom, created, conditional and finite, derived from God's freedom and subject to the limitations and specific circumstances of human life (Herms, 2000:30). It can never stand on its own but is embedded in the sovereignty and all-determining reality of God's power which can never be entirely scrutinized by humans (Leonhardt, 2015:155, 172).

While the immensity of God's freedom may be overwhelming and awe-inspiring, it nevertheless represents neither a contrast nor a threat to human freedom. On the contrary, for Luther it is actually 'the condition of the possibility' (*die Bedingung der Möglichkeit*) of any human freedom at all, the guarantee that humans can act with any independence at all. God in his mercy creates the space within which humans can flourish and experience freedom, trusting in the gracious provision of their creator. Within the framework of God's sovereignty and within the boundaries that God has set for us, our freedom as humans is alive and real and a force to be reckoned with. Therefore, Luther encourages us to embrace our creaturely (conditional) freedom and make responsible use of it – heeding to God's will and entrusting ourselves to his overall guidance (Leonhardt, 2015:169-170). Indeed, not for one instant does the limited nature of our human freedom ever absolve us from responsibility for our actions. At no point are humans ever puppets on the string of God's whim; God's sovereignty does not nullify human autonomy – we are still fully accountable for the consequences of our decisions.

Thus, for Luther the issue is not how to 'protect' humans from the overwhelming power of God's freedom and omnipotence but how to place human freedom within the context of God's sovereign power as creator and redeemer while still preserving it as a genuine element of our humanity. This is possible because at the basis of all of Luther's thinking about the relationship between human and divine freedom lies his conviction that God's freedom is – albeit inscrutable – neither arbitrary nor self-sufficient. It is a freedom that is not only directed towards humans in a loving and healing way, but also capable of making room for human freedom without overpowering it. The Reformer's notion of divine freedom is determined by Christ and his sacrifice on the cross – for Luther the crucial image of God par excellence. God in his inscrutable sovereignty, undetermined by other influences, has chosen to make grace and

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<sup>29</sup> This perspective includes the assumption that from God's point of view all reality and future events are compelling and necessarily so because they are all present to him in the same way (Luther, LW 33:36ff; Leonhardt, 2015:134). Here Luther inevitably ventures a few steps into the realm of the 'God as such'. So, while God can transcend time and different perspectives, humans experience things as arbitrary and accidental and in a chronological order – because they do not have 'the whole picture'. According to Luther "man... remains... under the general omnipotence of God, who does, moves, and carries along all things in a necessary and infallible course" (LW 33:40).



love the guiding principle of his will and the contents of his freedom, and to be the *Deus pro nobis* in Jesus Christ.

The fact that Luther keeps his sight firmly on the *Deus pro nobis* while simultaneously insisting on the sovereignty of God, is a typical example of his dialectical thinking which allows him to incorporate and capture a complex theological and worldly reality. And the deepest reason for this lies, once more, in his christology and soteriology. God's unlimited freedom safeguards his unimpeded ability to save and to redeem the humans whom he has created and whom he loves in spite of their unworthiness. This is why Luther does not consider the absence of human free choice as a 'loss' or the determination of all reality by God as any sort of limitation to humans, but more as an assurance in the maze of human uncertainty and doubts. To him God's sovereignty is profoundly comforting and liberating because it frees us from the burden of having to 'carry ourselves' and having to bring about our own salvation (LW 33:289; Leonhardt, 2015:172).

In summary, we can say that accepting our finitude, our creatureliness and our dependency on God is for our own good – it protects us from the hubris of wanting to be in complete control of our lives and from the despair that comes when we discover that we fail at this attempt and that all our excessive self-demands with respect to our own purpose do not lead to the inner peace and the certitude we crave for. The 'freedom theme' is part of the 'bigger picture' of human purpose and the yearning for freedom is a constitutive element of our 'being'. If we are indeed grounded in God, then God and his divine freedom remain the essential subtext to human freedom. Joest concludes that we can only be truly free if we live in agreement with the purpose that God has given us for our lives (1983:134).

## **3.2 Christian freedom as undeserved grace and new existence**

### **3.2.1 The asymmetry of unconditional love: righteousness, grace, life and salvation**

As we have seen, Luther clearly distinguishes between a 'general human freedom' linked to the application of human reason and human judgement and the specific properties of a freedom anchored in Jesus Christ, namely, the liberty of a believer. While the two forms of freedom are by no means identical, they are nevertheless bound together in the individual person. Ringleben (1998:165) expresses this connection when he says that Christian freedom does not consist in a new independent 'state' detached from the familiar and physical reality of our lives, but that it circumscribes 'a new being in all that we already are and do' which means that 'freedom in a Lutheran sense is a specific way of dealing with necessity' (tl – CS).

The Reformer's insights into the unique character of Christian freedom were the fruit of his insights gained from his thorough study of Scripture – especially Paul's letters – coupled with

his personal journey of liberation and his astute observation of the human condition and the developments of his time. He speaks about ‘unfreedom’ for the sake of freedom, and his emphasis on the limitedness of human will aims at expounding what true freedom is: an unlimited source of power originating in God’s freedom.

Christian freedom encompasses the whole complexity of human reality – and that is why it can only be thought and be experienced in a ‘unity of contrasts’ (Ringleben, 1998:158 – tl CS), which Luther describes in the famous thesis of “the perfectly free lord of all” and “... the perfectly dutiful servant of all” (MLBTW:596). Christian freedom is not one of the ‘assets’ of the believer, but rather the quintessential ‘mode’ of Christian existence (Ringleben, 1998:157). Subsequently expounding the components of Christian freedom is a practical application of “what it means to be a Christian” (Barth, 2012:234).

The freedom of a Christian is obviously not a natural human quality or rooted in anything humans say or do. It can only come from *extra nos*, brought about by God’s initiative. Liberation from the bondage of sin and death is a gift that ‘happens’ to us solely in the person of Jesus Christ “without any merit on my part, out of pure, free mercy” (MLBTW:619). Since we cannot acquire this freedom through good works, we are entirely dependent on the saving grace of God (MLBTW:200, 596-599, 611, 619). There is nothing we as humans can do to earn this gift of to be worthy of it – it is based on God’s decision to be compassionate alone. And we cannot even labour to assume ‘the right attitude’ or actively prepare for the receiving of grace in any way. The gift of freedom granted to us is nothing but an expression of God’s unsolicited, anticipatory grace and his inexplicable, unconditional love.<sup>30</sup> God in his sovereign freedom chooses to love human beings who are sinners and turn away from him. He does not wait to be loved in return before he acts on his love. In this way he does not love the lovable but creates it by loving the unlovable: “The love of God does not find, but creates, that which is pleasing to it” (Luther, LW 31:41).<sup>31</sup>

God accepts us as unacceptable sinners into his fellowship, transforming and making us acceptable in the act of doing that (Nürnberg, 2005:3, 100, 122). Through giving the gift of freedom to those who are completely unworthy of it, God restores our worth and dignity. Luther’s amazement at such care resounds in these words from the *Treatise on Christian Liberty*: “Although I am an unworthy and condemned man, my God has given me in Christ all the riches of righteousness and salvation...” (MLBTW: 619).

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<sup>30</sup> Winfried Härle underlines the unconditional nature of the promise of God’s presence: “*Die Zusage der Nähe Gottes ist nicht an Vorbedingungen geknüpft, die der Mensch zu erbringen hätte, sondern sie geschieht bedingungslos*” (2005:89).

<sup>31</sup> “*Amor Dei non invenit sed creat suum diligibile. Die Liebe Gottes findet das ihr Liebenswertes nicht vor, sondern sie erschafft es*” (Luther, WA 1 365, 3-4 quoted in Jüngel, 1981:104).

Henriksen (2015:162,164), engaging with Derrida's thought on "gift" and Luther's emphasis on the *extra nos* of salvation, stresses that this gift of freedom is not part of a 'grace economy' or a 'deal' between God and men. On the contrary, it completely breaks down the boundaries of any such scheme, since it is given by God unconditionally – as a surprise, as a surplus, as an overflowing of infinite love and grace. "Grace is not, as a gift, part of an exchange; grace is not deserved, it is unmerited and therefore it cannot be annulled" (Henriksen, 2015:165).<sup>32</sup>

Since our own efforts could never guarantee our salvation, this fundamental dependence on God is for Luther *de facto* our greatest reassurance. God's trustworthiness and truthfulness alone are our 'guarantee' and safeguard our freedom: "But since... God has taken my salvation out of my hands into his, making it depend on his choice... and has promised to save me... by his grace and mercy, I am assured and certain... that he is faithful and will not lie to me" (LW 33:89). It is precisely the fact that Christian freedom is not dependent on any external circumstances or human efforts but only on God's will and decision to grant it, that guarantees its outer and inner independence.

Luther describes freedom as an inner reality of the soul that cannot be harmed or undone by external reality, however oppressive or unfavourable that may be: "It is evident that no external thing has any influence in producing Christian righteousness or freedom or in producing unrighteousness or servitude" (MLBTW:596-597). The one 'internal thing' that is necessary and can bring forth freedom is the promise of God in Jesus Christ, the gospel 'arriving' at its destination in the human person. It remains a continuous source of comfort that God is the giver and origin of true freedom because it means that nothing and nobody can render it invalid or wrest it from us. We are not the ones who need to sustain this freedom – God vouches for it and he upholds it.

The nature of the divine gift of freedom is being described by Luther with creative vigour in a variety of theological contexts – in scholarly debates like his *Disputations* or exegetical works like commentaries as well as in works with an educational focus like the *Catechisms* or in sermons and letters with a pastoral focus. In his *Treatise on Christian Liberty* the Reformer characterizes the freedom imparted to us in Christ as an endowment that encompasses the whole of our existence as "righteousness, grace, life and salvation" (MLBTW:597-598). For him, these terms are not only inseparable *from* faith but in fact frequently interchangeable *with* 'faith', which corresponds to his conviction that the giving and the receiving of the divine gift

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<sup>32</sup> Henriksen (2015:171) draws on the theological work of Kathryn Tanner and especially her book *Economy of Grace*. She holds that "the unconditional character of divine gift-giving is evident in God's creation of the world", the "total gift" which in itself can have no prerequisite in any human action (quoted in Henriksen, 2015:171). This unconditionality remains a *Leitmotiv* in all of God's dealings with humans and is made especially prominent in his self-giving and salvific action in Jesus Christ.

cannot be separated. Only conceding our utter dependence on God's grace and accepting it in complete trust will give us access to the riches God wants to bestow on us. God grants both the gift (freedom) and the ability to receive this gift in faith.

The reality of freedom is palpable in the Word of God which embodies God's blessings and communicates all of Christ's power to the believer – hence it can be used in parallel to 'Christ' or 'faith': "Only one thing is necessary for Christian life, righteousness and freedom. That one thing is the most holy Word of God, the gospel of Christ..." (MLBTW:597). God's Word is nothing short of God's presence himself because it is, just like God himself, "holy, true, righteous, free and... full of goodness" (MLBTW:601). Therefore, embracing the Word fills every human need and gives us access to the new reality of "life, truth, light, peace, righteousness, salvation, joy, liberty, wisdom, power, grace, glory and... every incalculable blessing" (MLBTW:597), as Luther writes enthusiastically. The Word itself has transformative power – it "creates what it says" (Nürnberg, 2005:51).<sup>33</sup>

Drawing on Paul's distinction between Law and Gospel and the Hebrew Bible's image of a just and righteous God, Luther places special emphasis on the aspect of righteousness and ties it to God's mercy in a new way. While "righteousness is willed by God and demanded by God's law" (Nürnberg, 2005:48), we as sinners are unable to fulfil this requirement by our own efforts. Therefore, God bridges the abyss by sending his son, who is able and willing to fulfil the law and its righteousness. And this *iustitia aliena*, Christ's own righteousness, is then ascribed to us as if it was ours. God credits it to us by grace as he allows us to share in Christ's own righteousness (Nürnberg, 2005:108,111). In his *Lectures on Romans* Luther says: "We are righteous solely by the imputation of God and not of ourselves or of our own works... Thus, our righteousness is not something in us or in our power" (LW 25:257).<sup>34</sup>

Just like the Word, these different features of Christian freedom and divine salvation are all aspects of God's innermost being, too – as laid down in the biblical witness: God is the epitome of freedom and righteousness, the origin, goal and force of life and at the same time the personified grace and compassion. This means that God's whole being and essence is in the gifts he gives to us (LW 21:324). Luther concludes that "in His grace and His regard of us He gives His very self... His heart, spirit, mind, and will" (LW 21:325).

Even these cursory considerations show that for Luther the gift-character of freedom dominates every aspect of Christian existence. And if Christian freedom in all its different

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<sup>33</sup> The epitome of this would be the example from the creation story in Gen 1:3: "Then God said, Let there be light; and there was light" (LSB/ NRSV, 2009). Nürnberg (2005:51, 100) points out that Luther frequently makes use of the performative language of the Bible, which does not merely describe what already exists but brings it into existence by proclaiming it to be real.

<sup>34</sup> This attribution of righteousness is one of the features of the 'happy exchange'. Cf. 3.2.2.

facets is an expression of God's 'character' and a consequence of God's gracious giving, then it is clear that it can at no stage ever become a human possession. Its very nature makes it immune against being exploited for human gain as it represents God himself; we cannot 'own' something that we have not created and that essentially belongs to someone else, namely God.<sup>35</sup> So, even if God's gift of freedom in Christ now belongs to our existence, we can nonetheless never isolate the gift from the giver and claim it for us, leaving God and Christ behind in the process. Just as we can "never catch hold of God, control him or make him part of our system of meaning" (Nürnberg, 2005:37), we also cannot 'govern' what he bestows on us.

At no point can this freedom ever become 'a free agent', independent of its origin in God himself – it is permanently bound to Christ and to our connection with him. Through grace God draws us into his fellowship and lets us partake in his divine sphere of freedom. This partaking is less about 'having' but more about 'being'. We can only ever 'have' freedom by remaining in the triune God.<sup>36</sup> The 'effectiveness' and reality of freedom are nourished by the ongoing relationship between us, the liberated, and Christ, the liberator. By reconciling us God creates an unbreakable bond between himself as the giver and those who receive his gift. It is a bond that is constantly recreated, as the gift of freedom unfolds in human lives and becomes part of our own experience.

While Luther can speak at great length about the benefits of the gift of freedom for the believer, he is also acutely aware that God's victory over sin and death aims at much more than our 'individual salvation'. God's action is ultimately about the universal liberation from bondage and freedom for the whole of creation. Correspondingly, the gift of salvation and life is not something that we as humans are supposed to keep for ourselves but it needs to be shared and made fruitful for our fellow creatures and fellow creation. The freedom granted in God's generous and unconditional self-giving must and will inspire generous (self)-giving on our part.<sup>37</sup>

### **3.2.2 Freedom as new identity in, with and through Christ: the 'happy exchange'**

God's gracious turning to us in his gift of 'life and salvation' gives a whole new foundation to our existence. Sharing the new life of Christ and partaking in God's freedom cannot but have a profound impact on our self-understanding. As we experience the forgiveness of sins and

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<sup>35</sup> Nürnberg (2005:37) reminds us that according to Luther "faith is trust in a promise and a promise refers to something outstanding, not something that we already possess."

<sup>36</sup> See Jn 15:5 where Jesus says: "I am the vine; you are the branches. Those who abide in me and I in them, bear much fruit, because apart from me you can do nothing" (LSB/ NRSV, 2009).

<sup>37</sup> This is dealt with in more detail in 3.3.2.

the liberation from the oppressive power of evil, the door to a new identity is opened for us – an identity that is no longer based on our own achievements or failures, but one that is redefined and shaped by grace and anchored in the person of Christ.

God's intervention makes it possible for us to overcome the limitations of our old self, which is enslaved by self-worry, sin and unhealthy dependencies. We are no longer permanently thrown back unto ourselves and condemned to eternal self-identification. Christ breaks the cycle and paves the way to freedom: We can put a distance between us and our old selves and venture to identify with another – with Christ, the one who was and is ready to stand in for us. Luther speaks about this transformation as the existential experience of leaving one's own self and escaping one's own cocoon of sinfulness to enter into the new existence of faith: *"Damit du aber aus dir und von dir, das heißt: aus deinem Verderben, herauskommen möchtest, deshalb setzt er dir seinen lieben Sohn Jesus Christus vor und lässt dir durch sein lebendiges tröstliches Wort sagen: Du sollst dich in ihn mit festem Glauben ergeben und frisch auf ihn vertrauen"* (Martin Luther *Ausgewählte Schriften*, MLAS, Vol 1:241).<sup>38</sup>

In Christ we are 'reconstituted' from outside ourselves – and we receive the gift of a new authentic self that is upheld by the healing and liberating presence of God in Christ. Jüngel and others argue that it is precisely the 'outside-perspective' of Christ that allows us to experience genuine freedom. Only by adopting something that is not 'our own' and letting it become a part of us, can we discover who we really are and truly come into our own (Jüngel, 1981:130; Ringleben, 1998:162; Härle, 2005:97; Slenczka, 2005:57-60). Our 'new being' as Christians is now determined by what Christ has done for us and by what he means to us – this is what the New Testament expression "in Christ" is all about.<sup>39</sup> In parallel to his understanding of freedom, Luther identifies this new identity first as an inner reality; he insists, however, that through the transforming grace of God which brings about the renewal of the 'inner person', the 'outer person' of the Christian must also conform to the spiritual reality of the inner person, so that both are in unison and in agreement with God's commandments (MLBTW:610-11).<sup>40</sup>

Our scope of action and our spiritual freedom are grounded in the close relationship with Christ which is made real in faith. Luther depicts this union in the strongest possible terms as a kind of 'fusion', interdependence and 'mutual absorption' (MLBTW:601,603-604) This 'oneness'

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<sup>38</sup> This passage could not to be found in the English version of the *Treatise on Christian Liberty*. Maybe this is due to the fact that the English version was translated from the Latin and Luther frequently created a Latin and a German version of his writings which were not always completely identical.

<sup>39</sup> See e.g., Rom 8:1; 16:7; 1 Cor 15:18; 2 Cor 5:15; Gal 3:28; Eph 2:10.

<sup>40</sup> See also 3.3.3.

with Christ is brought about by embracing the Word of God which is, next to Christ<sup>41</sup> the most authentic representation of God himself: “Since these promises of God are... full of goodness, the soul which clings to them with a firm faith will be so closely united with them and altogether absorbed by them that it... will be saturated and intoxicated by them... Just as the heated iron glows like fire because of the union of fire with it, so the Word imparts its qualities to the soul” (MLBTW:601).

In this context the image of marriage as an expression of utmost intimacy serves as an illustration for the intensity of the union between Christ and the ‘believing soul’. “Faith... unites the soul with Christ as a bride is united with her bridegroom... Christ and the soul become one flesh... it follows that everything they have they hold in common” (MLBTW:603). Hence ‘whatever can be said of one, can also be said about the other’ (Slenczka 2005:58 – tl CS). This ‘interchangeability’ and ‘merging in communion’ will become the anchor upon which Luther leans to tell the story of Christ’s self-relinquishment and to expound on the realization of Christian freedom in our human lives.

In Luther’s thinking the inseparable union between Christ and the believer is both the outcome of Christ’s liberating deed as well as its precondition. This is because Christ’s sacrifice can obviously only be ‘effective’ and gain existential meaning for us if there is a reciprocal identification between us and Christ. Latching on to the features of the marriage metaphor, Luther explains how genuine freedom can come from this bond: In a marital union the two partners share all aspects of life, the good and the bad ones, troubles, challenges as well as debts and possessions (MLBTW:603). Their unique alliance is expressed in their bodily union as well as in a spiritual way – by being one in spirit and participating in one another’s burdens. Continual exchange, standing in for one another, and joint responsibility sustain their unity.<sup>42</sup>

Applied to the fellowship between Christ and the believer this means that Christ puts himself in our position and identifies with us to such an extent that he burdens himself with our sins and failures as if he himself had committed them: “By the wedding ring of faith he shares in the sins, death and pains of hell which are his bride’s... He makes them his own and acts... as if he himself had sinned” (MLBTW:604). By becoming a sinner in our place Christ takes upon himself the consequences of our sinful human existence, experiencing condemnation and death by suffering on the cross for our sake and on our behalf.<sup>43</sup>

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<sup>41</sup> Christ, of course is also called ‘the Word’. Cf Jn 1:14.

<sup>42</sup> The New Testament also describes this exchange in a variety of metaphors – among them image of ‘clothing oneself with Jesus Christ’; see Rom 13:14; Gal 3:27; 1 Cor 15:54; Eph 4:24; Col 3:10.

<sup>43</sup> Härle says: ‘The unmerited death of the one takes the place of the merited death of all others as if they themselves had suffered it’ (2005:75 – tl CS). Cf. also 2 Cor 5:21; Rom 8:3; Heb 4:15

The claim to each other's goods that Luther considers as integral part of the marital union (MLBTW:603) becomes a life-saving exchange: Christ appropriates all the tokens of 'unfreedom', while he in turn bestows on us all the tokens of freedom. We experience liberation, enjoying the fruit of his sacrifice; we trade in sin for forgiveness, bondage for freedom, shame for glory, failure for victory, condemnation for righteousness, being lost for being found, evil for good, and death for eternal life.<sup>44</sup>

Jesus Christ, being one with God, the giver of life, is not himself entangled in the web of sinfulness, and that is why he can untangle it and unfasten its grip on us. As the one who is able to overcome sin and death, he can save us from evil and its consequences. And as the one, who is truly free, he can set *us* free. Thus, by identifying with our plight as a human being Jesus Christ can take our place, and by virtue of his divine authority he can overcome this very same human condition and grant us new life. While we are of course a party in the described 'trading of places', the initiative as well as the onus are wholly on God's side. This 'divine commerce' is altogether 'asymmetrical' in that Christ carries the entire load while we receive all the benefits of it.<sup>45</sup>

Luther calls this 'most amazing deal' an "*admirabile commercium*" (Pöhlmann, 1985:206) and describes it as "a most pleasing vision not only of communion but of a blessed struggle and victory and salvation and redemption" (MLBTW:603). In the German version of the text Luther speaks of the "*fröhlicher Wechsel und Streit*" (MLAS, Vol 1:246) which literally means 'joyful exchange and battle'.<sup>46</sup> This image accurately captures that Christ's saving action stands for both unconditional self-giving in the form of surrender as well as for successfully fighting and overcoming evil and death.<sup>47</sup> In this vein Christ's triumph in cross and resurrection is characterized by Luther as a "mighty duel" that was won by Christ because sin, death and hell were "swallowed up by him" (MLBTW:604).

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<sup>44</sup> Luther's deliberations on the 'happy exchange' culminate in the affirmation that "the believing soul by means of the pledge of its faith is free in Christ, its bridegroom, free from all sins, secure against death and hell, and is endowed with the eternal righteousness, life and salvation of Christ its bridegroom" (MLBTW:604).

<sup>45</sup> This basic asymmetry can never be annulled since we are the creatures and God is the creator.— Looking at love and freedom also proves the point: While God's love is unconditional and unlimited, all our best attempts to love cannot match his. And while God's freedom is infinite, ours is conditional and fragmented.

<sup>46</sup> One of the most famous Christmas hymns from the Lutheran tradition *Lobt Gott ihr Christen alle gleich* – by Nikolaus Herman, 1560 – applies the image of the 'happy exchange' to the child in the manger: "*Er wird ein Knecht und ich ein Herr; das mag ein Wechsel sein! Wie könnt es doch sein freundlicher, das herze Jesulein, das herze Jesulein!*" (*Evangelisches Gesangbuch*, 1994:70).

<sup>47</sup> This twofold understanding of Christ's saving act resonates in Luther's understanding of Christian freedom as both 'lordship' and 'servanthood'.



Even if this ‘happy exchange’ does not involve any initiative on our part, it nevertheless does not take place without our consent and ‘inner participation’. We are, after all, the ‘target’ of Christ’s loving deed and the salvation is *pro nobis*.<sup>48</sup> Our part in this is that we identify with Christ’s self-identification for our sake and ‘endorse’ it in faith with a grateful heart. By trusting in the power of Christ’s vicarious death and resurrection we make it our own and appropriate it into our lives. While ‘faith does not constitute the divine act of love and care, it receives and ratifies the happy exchange’ (Jüngel, 1981:138 – tl CS).<sup>49</sup> This response is a matter of course for Luther, who counts the joyful exchange among the “powers or benefits of faith” (MLBTW: 602-603), and in whose view the event of salvation and the responding faith are so intimately connected that they can at times become indistinguishable.<sup>50</sup>

It is important to be aware that this ‘happy exchange’ is not merely a ‘once off event’ but an ongoing process which encompasses many different aspects of our relationship with God and the reality of Christian freedom, such as righteousness, love, freedom or truth. It belongs to the features of God’s grace that there must be an ongoing transfer of life-enhancing qualities from him to us for the preservation and continuous renewal of our lives as Christians. Accordingly, Luther’s concept of the ‘happy exchange’ is intricately connected with his understanding of Christian freedom as simultaneous ‘lordship’ and ‘servanthood’ contained already in the opening theses of his *Treatise on Christian Liberty*: “A Christian is a perfectly free lord of all, subject to none. A Christian is a perfectly dutiful servant of all, subject to all” (MLBTW:596).

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<sup>48</sup> Dieter Korsch’s interpretation of Luther’s notion of the ‘happy exchange’ in the concept of the “opening of reciprocity” (1998:149) offers an interesting new perspective because his emphasis is not so much on Christ coming into *our* place but more on Christ inviting us into *his* place. Describing the unification with Christ as the foundation of our new ‘I’, Korsch sees our God-anchored certitude in the fact that Jesus Christ wants to become our very own by making us ‘his’. Jesus is not preoccupied with constant self-preservation but ready to die for our sake, thus giving up the wholeness of life for the sake of the unity with the Father. And this is precisely how he opens the place of his ‘I’, making room for others within his person. Because he does not insist on being exclusively himself, he can accommodate humanity; in this way he becomes our placeholder and representative (1998:146-147). His death becomes the place of the ‘happy exchange’ and the foundation for a life-changing deal for us.

<sup>49</sup> Jüngel contends that Luther also reflects this happy exchange theologically as an ‘event of truth’ respectively as a ‘mutual attribution of truthfulness between the believer and God’ (1981:131-132 – tl CS). By trusting in the power of Christ’s sacrifice, the believer honours God and confirms and recognizes God’s faithfulness and truth (MLBTW:602). God in turn ‘repays’ us by “considering us as truthful and righteous for the sake of our faith” (MLBTW:603). Luther emphasizes that this is not only an imputation ‘as if’, but that this faith in God’s truthfulness indeed *makes* us truthful and righteous, too: “When... God sees that we consider him truthful and by the faith of our heart pay him the great honour... due to him, he does us that great honour of considering us truthful and righteous for the sake of our faith” (ibid.). This is another example of the performative power of God’s Word and pronouncements.

<sup>50</sup> The frequency and the boldness with which Luther speaks about ‘faith’ in all of his writings is unsurpassed. See also 3.3.1.

For Luther these seemingly contradictory statements are complimentary,<sup>51</sup> capturing the very essence of Christian freedom as an inseparable unity of sovereignty and commitment. This is so because Jesus Christ – as the ultimate example of the lord, who willingly became a servant and of the servant, who nevertheless always remains lord – fills them with new life (MLBTW:618-619). If one and the same person is at the same time a lord and a servant, then this obviously implies a fresh understanding of both terms. The two notions no longer stand for fixed identities but enter into a dynamic relationship in which they interlock and reinterpret each other.<sup>52</sup> Luther, when describing ‘power’ in terms of his lordship-servanthood-paradigm, refers to divine sovereignty as well as rightful authority and the capacity to act effectively for the good. The latter is rendered well with the German word *Vollmacht*, the default notion for describing Jesus’ power in the synoptic gospels of Luther’s bible-translation.<sup>53</sup> Jesus’ power has all the means of authority and rights at his disposal but he uses them in such a way that they culminate in ultimate service to others: The power and authority to command becomes the power and authority to commit and even to suffer on behalf of others. By way of Jesus’ *Vollmacht* and divine authority, his sacrifice – perceived externally as an expression of powerlessness – becomes a powerful means of redemption, paving the way to genuine freedom for all those who are ready to embrace it.

Paul’s hymn of exhortation in Philippians 2 offers one of the most appropriate comments on Luther’s lordship-servanthood-paradigm. Christ is portrayed as someone who is not bent on self-preservation and clinging to his divine privileges as Lord, but who as a human brother is willing to give himself up and over for the sake of others. He is not afraid to renounce on what is rightly his because he knows that by doing that he will neither lose himself nor diminish his power. His unique connection with God the Father enables him to willingly submit himself to

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<sup>51</sup> According to Nürnberger (2005:27) Luther’s theological approach always takes into account that “life and faith are full of dialectics”. Nürnberger explains that “...a dialectic is not a paradox. It is a statement composed of two statements which seem to contradict each other, but which have to be said together to reflect the whole truth” (ibid.).

<sup>52</sup> Jüngel (1981:115-16) reminds us of the traditional connotations of these two terms in a feudal system – free independent person versus a subordinate – before pointing out how Luther, by making these terms into theological categories and attributing them to one and the same person, exceeded the limitedness of both notions and attributed a whole new value to them.

<sup>53</sup> In German the word ‘power’ is expressed by the words ‘*Macht*’ or ‘*Gewalt*’. They are ambivalent because they can denote the mere capacity to shape the course of events and the legitimate use of authority (in terms of *Gestaltungsmacht* and *Verantwortung*) as well as the illegitimate use of force – ‘*Gewalt*’ is also the German word for ‘violence’.

the limitations and humiliations of earthly life.<sup>54</sup> Being secure and '*geborgen*' in God<sup>55</sup> and knowing his calling as God's son and servant, gives him the inner freedom to renunciate his power and the ability to share this power with others without reserve. By virtue of his divine power he can save, and as the humiliated one he is exalted by God. By his life and death Jesus Christ redefines what it means to rule and to serve: Lordship and servanthood are henceforth qualified by *his* words, *his* attitude and *his* actions. This should guide Christians in their whole approach to earthly life and in their realization of Christian freedom.

To further illustrate the Christian notion of lordship and servanthood, Luther puts forward Christ's priestly and kingly functions: As the first-born and supreme priest, he intercedes for those entrusted to him and offers himself as a sacrifice on their behalf while he also teaches them "inwardly through the living instruction of his spirit" (MLBTW:606). Through faith these features of Christ's freedom also 'belong' to the believer. Thus, a Christian is a king, not in the sense of earthly power and 'physical' worldly authority but based on the spiritual authority afforded to him by the bond with Christ. "Christ made it possible for us, provided we believe in him, to be not only his brethren, co-heirs and fellow-kings, but also his fellow priests" (MLBTW:607).<sup>56</sup>

Again, Christ reigns by relinquishing his exclusive right to rule and remains Lord by serving those who are subject to him.<sup>57</sup> Being drawn into the lordship of Christ is the foundation for wholehearted commitment. Sharing Christ's rule and responsibility, we have at our disposition the powerful tool of spiritual liberty which enables us to put ourselves into the service of others and be subject to everyone. The freedom we enjoy in Christ – which will always remain dependency on him – saves us from the enslaving dependencies which keep us from serving others, so that we can develop our full potential as children of God. Ringleben (1998:164) maintains that in Luther's thinking, without 'the liberation through faith we remain servants of all things instead of enjoying the liberty in the fellowship of Christ and participating in God's

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<sup>54</sup> Phil 2: 5-11: "Let the same mind be in you that was in Christ Jesus, who, though he was in the form of God, did not regard equality with God as something to be exploited, but emptied himself, taking the form of a slave, being born in human likeness. And being found in human form, he humbled himself and became obedient to the point of death – even death on a cross. Therefore God also exalted him and gave him the name that is above every name, so that at the name of Jesus every knee should bend, in heaven and on earth and under the earth, and every tongue should confess that Jesus Christ is Lord, to the glory of God the father" (Lutheran Study Bible, LSB/ NRSV, 2009).

<sup>55</sup> The German words *geborgen* and *Geborgenheit*, carrying the connotations of 'being protected by', 'being safe with' and 'covered by someone who loves and accepts unconditionally', render this existential peace and 'being-one with oneself' best.

<sup>56</sup> Luther refers to 1 Pet 2:9 here: "But you a chosen people, a royal priesthood, a holy nation" (NIV, 2008).

<sup>57</sup> Jüngel (1981:142) points out that for Luther this sharing of the priestly rule and kingly command ultimately leads to the elimination of the difference between ruler and subjects, priests and laypeople.

overwhelming rule' (tl CS). Our bond with Christ is the healing connection<sup>58</sup> that becomes true freedom because it allows us to exit our fixation on ourselves and really reach out to others.<sup>59</sup>

While Luther expounds the necessity of selfless commitment with uncompromising clarity, he also speaks in the most glowing terms of the glory of the Christian's rule: "Every Christian is by faith so exalted above all things that by virtue of a spiritual power he is lord of all things without exception, so that nothing can do him any harm" (MLBTW:606).<sup>60</sup> However, this 'being above things' does not give Christians charge over their fellow-humans or sets them apart from them. Neither does it elevate them above their earthly circumstances or provide them with the upper hand in every situation. Being lords obviously also does not provide us with immunity against pain, humiliation or suffering – on the contrary: Christ's example shows that clearly. This "inestimable power and dominion" (MLBTW:607) is first and foremost a spiritual power which sets us free from the dependencies and limitations that our worldly life and our sinful condition impose on us, allowing us to embrace our divine calling.

In Christ we can live in the consciousness that death has lost its claim on us and that we are no longer at the mercy of human judgement but under the wings of a gracious God.<sup>61</sup> As lords we are enabled to judge spiritual things in the power of God's Holy Spirit imparted through Christ. Thus, to be 'exalted above all things' means having freedom from this world while still living in the middle of it. And it also enables us not to attribute ultimate meaning to the 'things of this world'.<sup>62</sup> There is no room for arrogance or feelings of superiority in this kind of lordship, because the spiritual independence that we enjoy, is rooted in our bond with the one who made himself everyone's servant out of love. Like him, we are supposed to be servants in this concrete life.

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<sup>58</sup> Leonhardt (2015:172) calls this dependency "*heilsames Versklavtsein*" – 'healing bondage' (tl CS).

<sup>59</sup> Luther maintains: "If we recognize the great and precious things which are given us... our hearts will be filled by the Holy Spirit with the love which makes us free, joyful, almighty workers and conquerors over all tribulations, servants of our neighbours, and yet lords of all" (MLBTW:619). Ringleben sums up Luther's stance like this: 'Christian life is therefore servanthood emanating from the surplus of lordship' (1998:166 – tl CS).

<sup>60</sup> Luther continues: "Who then can comprehend the lofty dignity of the Christian? By virtue of his royal power he rules over all things, death, life and sin and through his priestly glory is omnipotent with God because he does the things which God asks and desires" (MLBTW:607).

<sup>61</sup> This also leads to "freedom from moral pressure and pious deeds as well as freedom from ecclesial and civil ordinances" (Barth, 2012:234) as prerequisites for salvation according to human thinking.

<sup>62</sup> Cf Mt 6:20. See also Paul's exhortation in Rom 12:2: "Do not be conformed to this world but be transformed by the renewing of your minds" (LSB/ NRSV, 2009) and also his talk of 'having as if we had not' in 1 Cor 7: 29: "From now on... let even those who have...be as though they had none... and those who deal with the world as though they had no dealings with it. For the present form of this world is passing away" (LSB/ NRSV, 2009). These 'attitudes' will be crucial in confronting the dangers of digital surveillance.

The experience of being subject to others is probably one of the most immediate realities experienced by all humans. But for Christians service to others is not an expression of heteronomous constraints; it is a conscious choice and a freely adopted task. We serve God, our fellow humans and fellow creatures not because God holds us prisoners, but because he has freed us and lets us participate in his own healing and saving mission to the world (Nürnbergger, 2005:114).<sup>63</sup> Servanthood does not imply that we have to assume a self-demeaning attitude or cultivate self-contempt. Love for others that is expressed in self-sacrifice, is not automatically coupled to self-hatred. Quite the opposite is true: Self-sacrifice can only happen if one is conscious of one's worth. The awareness of being loved by God opens the door to a healthy, appropriate and realistic self-love which then facilitates the readiness for relinquishment and self-denial for the sake of others.

This is obvious in the example of Jesus: Knowing that he was loved and valued by God ultimately enabled him to let go of his life and to give up his union with the father instead of clinging to it like a possession (Phil 2:6b). It was Jesus' security in being one with God that ultimately gave him the strength to give himself away for others. Nürnbergger (2005:269) invokes this "New Testament dialectic between self-assertion and self-denial...at the individual or the collective level". Hence "when emptying himself, Jesus did not throw his life away, but gave himself as a person of infinite value" (ibid.). Following the example of Christ, we are called to be "subject to all" (MLBTW:616) and to serve others "sincerely and freely" (MLBTW:619), seeking their benefit without shunning loss and sacrifice.<sup>64</sup>

In summary, we can retain that the purpose of becoming a Lord is the ability to become a servant and the purpose of being a servant is faithfulness to Christ's call. The freedom in Christ and the participation in his rule liberate us from all other dependencies, making room for the independence and capacity to share ourselves and that which we have received – God's rich blessings: human talents, gifts or possessions. In the power of Christ's sacrificial spirit, we can now genuinely commit to others. Hence a Christian can only be a lord by being a servant and he can only be a servant because he is a lord. By committing to others, we assert our lordship;

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<sup>63</sup> Nürnbergger (2005:48) describes this as our calling "to be free *from* the world and responsible *for* the world", (italics CS) a description that strongly echoes Bonhoeffer's approach discussed in 4.1.4.. "Participating in God's freedom from the world and God's authority over the world" (Nürnbergger, 2005:48) and not any self-declared autonomy, is what makes us lords; and it is exactly that which truly enables us to take care of others and to embrace our responsibility for the world as servants for God's good cause. In this sense "believers are free from everybody and everything and at the same time servants of everybody and everything... because we share God's redemptive intention" (Nürnbergger, 2005:114).

<sup>64</sup> Luther spells out the nature and contents of this commitment in the last part of the *Treatise on Christian Liberty*, and in much more detail in other writings, such as the *Sermon on Good Works* or his *Catechisms* which expound the commandments.

and we can only realize our co-rule with Christ by serving others like he did.<sup>65</sup> In this vein lordship and servanthood are not only mutually dependent concepts, but they are also each other's *raison d'être* and most authentic expression. Both the dignity of 'being Lord' and 'being a servant' have unlimited range and 'glory' and they both claim the whole person. They are like two sides of the same coin.<sup>66</sup>

### 3.2.3 Christian freedom as justification – a multiple liberation

We have already encountered the notion of 'justification', both in the context of Luther's anthropology and as a vital element of the 'happy exchange' coupled with 'righteousness'. 'Justification by grace' and 'by faith' is at the heart of all of Luther's theological considerations, like a red thread through all his writings.<sup>67</sup> Closely connected to the terms 'righteousness, grace, life and salvation' which feature so prominently in the *Treatise on Christian Liberty*, it is the basis as well as the consequence of freedom in Christ.

As one of the key biblical images for salvation in Christ and God's gracious turning to the unacceptable sinner, 'justification' seems to express the gift of Christian freedom first and foremost with the help of categories from legal terminology. But from the very beginning it also transcends the juridical context and turns out to be an intensely 'personal notion' embedded in the whole context of the human-divine bond as a covenantal relationship of mutual trust and commitment. Forde is right in saying that 'justification' effectively contains "God's judgment on our human existence" (1984:461).<sup>68</sup>

The need to be justified addresses the situation of sinners before God. Latching on to Augustine, Luther describes the human inability not to sin as a compulsion which we cannot shake off (LW 25:263; LW 33:108, 116), characterizing our human situation as a persevering in misguided self-love that traps us entirely within ourselves, "a turning or incurving of the

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<sup>65</sup> "Die Herrschaft vollendet sich als Knechtschaft und der freie Knecht ist der wahre Herr" (Ringleben 1998:164).

<sup>66</sup> Ringleben (1998:159) summarizes Luther's stance like this: Christian freedom is realized by working and living through this seeming contradiction of being a lord and a servant at the same time. Because the believer is a Lord, too, his servanthood is not dependence on finite things, but genuine commitment. And because the believer is a servant while being a lord, his lordship is not lifeless isolated autarky and self-centeredness.

<sup>67</sup> It was the guiding light and the treasure that completely changed the course of Luther's life and henceforth determined all his theological, exegetical, pastoral and educational efforts. See 'Luther's *Reformatorsche Entdeckung*' by way of Ro 1:16-17, which the Reformer describes himself in the prologue to the first edition of his works in Latin in 1545 (MLAS, Vol 1:22-24). See also Härle (2005:1-19).

<sup>68</sup> Scripture leaves no doubt about the fact that God is the ultimate and rightful judge of all humans and the events in the universe. See for example Gen 18:25; Ps 75:7; Ps 96:13; Is 33:22; 1Thess 4:6 and Heb 4:12-13.

human being into itself" (LW 25:346; Barth, 2012:193).<sup>69</sup> This attitude of the *homo incurvatus in se ipse* denotes the fixation to relate to our self whatever we encounter, using all things for our own selfish purposes – combined with the inability to recognize God's gifts as gifts and turning to others with unselfish motives. "Our nature, by the corruption of the first sin, (being) so deeply curved in on itself that it not only bends the best gifts of God towards itself and enjoys them (as is plain in the work righteousness and hypocrites)... but it also fails to realize that it... seeks all things, even God, for its own sake" (LW 25:291 – parentheses LW). At the root of this sinful *incurvatio in se ipse* is our reluctance to let God be God.<sup>70</sup>

This our sinful and insatiable craving to be our own master, Lord and judge – wanting to be free out of our own power, self-made people and not dependent creatures – leads to a multitude of efforts to justify ourselves by our own actions, fused with self-righteousness and hubris. Condemned to constantly revolve around ourselves, we are unable to 'leave ourselves' and remain imprisoned within our own self-centredness. This selfishness and continuous self-worry alienates us not only from ourselves, but also from others and God and leads to distorted and broken relationships. Ultimately, this orientation of "being bent back into ourselves" (Nürnberg, 2005:47) as the concentration on our own needs and desires merely points to our deep-seated insecurities. And the resulting hunt for permanent self-confirmation and restless quest for recognition from God and others only betrays our many fears: Fear of failure, fear of meaningless and ultimately death.<sup>71</sup> Even seemingly modern autonomous humans are not free, because "they fear for their lives, of losing themselves; of missing out on all the luring possibilities; of being left behind" (Nürnberg, 2005:47).<sup>72</sup>

With respect to the law of God, the whole extent of our human predicament becomes obvious. Given originally as a guideline to promote justice and true life in community with others and our natural environment, the divine law is an expression of the creator's gracious will for his creation. Because God is a God of love and justice, there can be no real fellowship with him without true righteousness. But as sinners we permanently fall short of God's expectations and the law's rightful demands. It is impossible for us to restore the relationship with God and to obtain the righteousness that we so desperately need.

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<sup>69</sup> The paralysed woman from Luke's story in chapter 13 of his Gospel comes to mind as an illustration: Being bent over means not being able to see beyond one's own shoes and thus not being able to lift oneself up and turn to others...

<sup>70</sup> "Man is by nature unable to want God to be God. Indeed, he himself wants to be God, and does not want God to be God" (Luther, LW 31:10).

<sup>71</sup> Forde argues quite convincingly that the human denial of death is one of the main human driving forces. Since we "cannot bear our finitude our life project is the denial of death" (1984:463), expressed in countless endeavours to render ourselves 'immortal'.

<sup>72</sup> Nürnberg seems to have described FOMO – fear of missing out – years before it became a 'buzz word'.

So, the law, instead of leading us into life, ultimately becomes a curse for us. As the symbol of our disaster it exposes our depravity and accuses us, bringing home the deathly consequences of our sin.<sup>73</sup> Left to ourselves there would be no way out of this situation; the law's judgement would crush us and drive us either to despair or to cynicism. Once again, our complete dependency on God becomes evident. He himself must provide the righteousness that we lack and fulfil what the law demands. Just as we cannot forgive our own guilt and erase the consequences of our wrong-doings, we cannot justify our own existence or rid ourselves of our fears. Only God can dissolve our self-entanglement, take away our fears and deliver us from all our self-constructed prisons. We need him to come and 'straighten us up' – healing us from our 'bendedness' like Jesus did with the crippled woman.<sup>74</sup>

This redemption from the fatal consequences of our sinful self-orientation, our 'spiritual crookedness', happens in justification, a sovereign act by which God overrides the deadly threat of the law and grants us forgiveness. By separating us from our sin and recognizing us as his children yet again, he turns us into sisters and brothers of Jesus Christ, who can come into his presence as a renewed people – all this for Christ's sake. Hence 'justification' clearly continues and affirms the anticipatory divine 'acceptance' and the distinction between persons and their deeds discussed earlier.<sup>75</sup>

Furthermore, this manner of being justified also transcends its usual legal connotations as well as our dominant notions of it. Looking at our present day understanding, the terms 'justifying' and 'being justified' are largely reduced to self-justification: We justify our mistakes or omissions or we defend a new scientific theory by valid arguments (Härle, 2005:85). Successful justification thus has to do with proving one's innocence or the rightfulness of one's claim. We, or in the case of a lawsuit a lawyer on our behalf, justify our actions to show that we are in the right. God's notion of 'making righteous' and 'being right', however, turns all the usual concepts of human thinking on their head. Here justification is the contrary: God pronounces us righteous in spite of the fact that we are unrighteous. Justification is acquittal – not on the basis of innocence, but on the basis of a proven, but forgiven guilt (Härle,

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<sup>73</sup> See Paul's considerations in Rom 3:19, 20, 23 and Gal 3:10-13.

<sup>74</sup> The story in Lk 13, 10-13 indeed provides the appropriate dénouement to the '*incurvatio in se ipse*': "Now he was teaching in one of the synagogues on the sabbath. And just then there appeared a woman with a spirit that had crippled her for eighteen years. She was bent over and was quite unable to stand up straight. When Jesus saw her, he called her over and said, Woman, you are set free from your ailment. When he laid his hands on her, immediately she stood up straight and began praising God" (LSB/ NRSV, 2009)

<sup>75</sup> In the 'happy exchange' the divine grace embodied in Christ detaches us from our sin and its consequences – Jesus Christ takes both upon himself. This 'detachment', marking the end of an indelible identification of our 'doing' with our 'being', facilitates our 'reconstitution' in Christ. It is a key ingredient for any kind of forgiveness and renewal and also a precondition of vicarious representation.



2005:85). Instead of looking at our failures, God looks at Christ's faithfulness and attributes the Son's righteousness to us as if it were our very own (Luther, LW 31:297).

And this imputation of righteousness is not just a 'thought experiment' in God's mind or a temporary reprieve until we finally get our act together. It is genuine grace for real sinners by which God creates new reality. We are being placed into the space of freedom that is under the dominion of Jesus Christ. So, by declaring us 'just' for Christ's sake, God *makes* us just and acceptable before him.<sup>76</sup> Justification, Forde notes, inflicts death on the sinner, the old being under the law, that is 'the old Adam', while it means life and freedom for 'the new Adam' who is in Christ <sup>77</sup> (1984:401-402, 409).

Objections against this concept of vicarious representation and the abandonment of the legal scheme arise immediately – aptly put by some in an *advocatus diaboli*-fashion: "How can God proclaim a guilty person to be righteous on the grounds that another person is righteous?" (Nürnberger, 2005:123). In other words: How can a 'transfer of righteousness' become a 'valid transaction'? One answer could be: This divine judgement can indeed only take effect if there is such an intimate connection between us and Christ that we make Jesus' story our own and 'clothe ourselves with him' (Gal 3:27) accepting his righteousness as belonging to us. This brings us back to the issue of mutual identification taking place in 'the happy exchange'. Danz (2013:96) also asks whether God's acquittal of the unrighteous sinner does not undermine the concept of a just and righteous God. The answer would have to be Yes, unless we understand God's righteousness as something that he is willing to share, as something 'apart from the law' and as something that completely redefines who God himself is. And this is exactly what Luther, through the careful study of Scripture, and especially the letters of Paul, had discovered: The God who reveals himself conclusively in Jesus Christ, wants to be known as just and righteous by justifying the unrighteous. He realizes his divine righteousness not by insisting on his right towards us, but by relinquishing it and by sharing himself in Christ, thereby

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<sup>76</sup> See Rom 3: 23.24: "...since all have sinned and fall short of the glory of God; they are now justified by his grace as a gift through the redemption that is in Christ Jesus" (LSB/ NRSV, 2009). Or Eph 2:4-5: "But God, who is rich in mercy, out of the great love with which he loved us .....made us alive together with Christ – by grace you have been saved – and raised us up with him.."(LSB/ NRSV, 2009).

<sup>77</sup> In Forde's opinion, the justification practised by God must be seen "as an eschatological event" that "means death and newness of life, a break with the past and a new beginning" (1984:399). Hence "the divine judgment flowing from the death and resurrection of Jesus, the word of forgiveness and justification pronounced for his sake, *is* the doing of death and resurrection to us" (Forde, 1984:410).

giving us what we cannot achieve by our own works.<sup>78</sup> God's righteousness is the one by which he wants to bring about *our* righteousness (Nürnberg, 2005:108).<sup>79</sup>

Thus, God's righteousness as justifying grace cannot be explained within the parameters of the law based on merits and rightful claims – it can only be grasped by faith. The *Confessio Augustana* retains that we are justified by God *gratis... propter Christum per fidem* (*Bekennnisschriften*, 1986:56). In faith we agree with God's judgement about us and accept it as truth. We recognize ourselves as sinners and as "unworthy of his grace" (Forde, 1984:407); and yet at the same time, in accepting God's justifying grace, we can also see ourselves in a new light: as justified sinners who are loved and accepted (Danz 2013:97; Forde, 1984:431; Jüngel 1981:132). In his *Lectures on Romans*, Luther expounds this twofold perception: "For inasmuch as the saints are always aware of their sin and seek righteousness from God... for this very reason they are always also regarded as righteous by God. Thus, in their own sight... they are unrighteous but before God they are righteous because He reckons them so... they are sinners in fact but righteous in hope" (LW 25:258).

Law and Gospel are thus inextricably linked and to understand the one, the other is indispensable.<sup>80</sup> Correspondingly, we can only acknowledge the scope of our own depravity and bear God's rightful verdict about it inasmuch as we are redeemed by his grace. In clinging to the liberating word of the gospel, that assures us that the law will not have the last word over us, we can agree with the law's accusation – knowing and trusting that there is greater power in God's unconditional love and acceptance in the person of Jesus Christ.

When healing justification becomes part of our experience as brothers and sisters of Jesus, our 'unfree' existence is changed and many different kinds of 'freedoms' become possible. By virtue of God's gracious judgement on our lives we are liberated from a wealth of misconceptions and illusions about ourselves. We can come to a realistic self-assessment, in which we neither underestimate nor overestimate ourselves. Becoming conscious that we are fallible creatures, who are nevertheless loved by God, frees us from the human quest for 'self-salvation' by way of our own efforts. There is no more need to continuously prove to God and

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<sup>78</sup> In this vein Paul can say in Rom 10:4: "For Christ is the end of the law so that there may be righteousness for everyone who believes" (LSB/ NRSV, 2009). Christ as the one who fulfils the law perfectly is the goal of the law. But at the same time he is also the end of the law because in him and through him it becomes clear that the law as a path to salvation is no longer a valid option – only faith in his sacrifice will redeem.

<sup>79</sup> Forde (1984:408) maintains that "for Luther the most vital enemy of the righteousness of God is not so much 'the godless sinner' as the 'righteous' who are absorbed in... 'their own ideas of moral progress' and in the pursuit of virtue." Thus, God's decree of grace spells death to the "law, virtue and moral progress" (1984:409).

<sup>80</sup> Danz (2013:96) notes that the inner structure of Luther's understanding of justification is built on the distinction between law and gospel, the resulting differentiation between two kinds of righteousness and the distinction between the inner and outer man.

to others that we are deserving and worthy of recognition for our achievements. The eternal fear of being rejected and condemned, the fear of not being good enough, can make way for confidence inspired by trust in the divine promise of grace and forgiveness. Just as “sin is swallowed up by the righteousness of Christ” (MLBTW:609), fear can be conquered by the assurance of Christ’s saving love. The gospel of Christ takes away the essential restlessness and *Angst* that haunts all human beings and instead opens an inward and outward space of freedom.

In résumé, we can say that God’s gift of righteousness in Christ is effectively the basis for the new life in the freedom of a Christian. In justifying us God gives a new foundation to our identity, transforming us so that we can ‘be freely ourselves in him’ (Ringleben, 1998:163 – tl CS). Liberating us from the fear of losing ourselves and losing out, God takes away our self-imposed pressure to be the creators of our own freedom. We can experience that it is not a loss or an ‘insult’ that we are not in total control of our own lives, but in fact an existential relief – the removal of a weight that we could never carry anyway. To let God be our refuge and to let him guide us to become true servants, is the door to real freedom.

We retain: By way of justification God annihilates our bondage to sin and relieves us from the compulsion to revolve around ourselves constantly. We are now able to ‘straighten up’ and perceive those around us with empathy, attending to their needs for *their* sake and not for ours. God’s “undeserved acceptance into his fellowship not only restores our dignity” (Nürnberger, 2005:116) as individuals, it also paves the way to new community between him and us, and between us and our fellow-creation. God as the reliable partner in the bond, which has been broken by us time and again, transcends the notion of ‘legal contract’ and turns justification into a relational event that is tied to the realities of ‘fellowship, ‘covenant’, ‘partnership’ and ‘love’ (Härle, 2005:87).<sup>81</sup> God’s unmerited faithfulness restores the threatened and severed relationships that are the symptoms of sin, facilitating renewal and new beginnings. That is the signature of Christian freedom.

### **3.3 Christian freedom as task and commitment**

#### **3.3.1 The role of faith as human response, as key to freedom and as fulfilment of the first commandment**

In Luther’s whole theological thinking the connection between God and humans is so strong that God’s doing and our human reaction, his Word and our human response can at times virtually melt into one – just like the believer is “one cake with Christ” (LW 26:168). Luther speaks about faith as a power that permanently ‘oscillates’ between God and us. This is in

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<sup>81</sup> See also e.g. Eph 2:4-5; 1 Jn 4:9 and Mt 26:28; Heb 7:22.

concordance with his conviction that the giving and the receiving of the divine gift of freedom cannot possibly be separated and that grace invariably creates faith.<sup>82</sup> Faith as human trust is inseparable from that in which it trusts. It refers to a certain content, namely, God's saving grace towards the unworthy sinner in Christ, but it also stands for our human response to God's initiative with openness, gratitude and trust. Thus, in capturing a divine truth and a human reality alike, faith is always *fides quae* and *fides qua* at the same time.<sup>83</sup>

In Luther's view, the event of salvation in Christ and its 'arrival' and impact within our human lives are so interwoven that he can only speak about both 'happenings' in *one* breath, as *one* event, *one* movement and – frequently – with the same word. Subsequently 'faith' not only gives access to God's salvation; it is practically synonymous with it.<sup>84</sup> In this sense, "faith alone justifies" (MLBTW:599) and that is why "faith is the life, righteousness and salvation of a Christian: it saves him and makes him acceptable and bestows upon him all things, that are Christ's" (MLBTW:618). Hence faith is the embodiment of freedom in Christ and of all the blessings that such freedom in Christ imparts. And by the same token freedom is always an expression of faith. It is one and the same thing for Luther "to serve others and teach them the faith of Christ and the freedom of believers" (MLBTW:608).

Justification as an expression of divine love intent to build a new relationship with us cannot happen without our involvement. Even in his completely sovereign initiative God takes us seriously as his counterparts and partners in creation – that is why he wants to engage us, that is why he desires our 'agreement' to his acquittal, our Yes to his love, our trust in his promises; in short: Our response in faith. In that sense faith as 'consent of heart and mind' is 'necessary' for salvation – as an articulation of the bond between us and God, which is at the heart of all of Luther's theology and spiritual practice: "Through faith alone.... the soul is justified by the Word of God, sanctified, made true, peaceful and free, filled with every blessing and truly made a child of God" (MLBTW:601). Faith is the manner in which we appropriate God's gift in Christ so that it can become an inner and outer reality in our lives.<sup>85</sup>

At no stage, however, can faith ever become a condition for our justification because the 'effectiveness' of God's grace and love cannot possibly depend on our attitude towards it. In

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<sup>82</sup> This echoes the biblical notion of the compelling power of God's Word which always produces results. Cf. Is 55:10-11: "For as the rain and the snow come down from heaven, and do not return there until they have watered the earth, making it bring forth and sprout....so shall my word be that goes out from my mouth; it shall not return to me empty, but it shall accomplish that which I purpose and succeed in the thing for which I sent it" (LSB/ NRSV, 2009).

<sup>83</sup> Lutheran Orthodoxy defines *fides quae* as the insight that considers a certain message as true and valid and *fides qua* as the human attitude and expression of trust (Pöhlmann, 1985:84,87).

<sup>84</sup> Note again the 'interchangeability' of words like 'righteousness', 'grace', 'salvation', 'life' or 'freedom'.

<sup>85</sup> Härle (2005:75) calls faith that 'which binds us to the event of justification in a personal and individual sense' (tl CS).

view of the preceding considerations, there can be no doubt that faith – in spite of the fact that it is our human response to God’s grace – nevertheless always remains a gift from God (Härle, 2005:96; Nürnberger, 2005:52). Although faith belongs to us as a genuine realization of our humanness and we are involved in it with our personality, our experience, our emotions and our actions, we still can never ‘own’ it like a possession.<sup>86</sup> So, even as a part of us, faith never becomes a human achievement or a product of our own actions. God’s grace always precedes our reply; our receiving is always ‘triggered’ by his giving. Ultimately, it is God, who grants both the gift (of freedom, salvation, righteousness, grace and life) and the ability to receive this gift in faith. Luther never ceases to emphasize that faith is created and nourished by the Holy Spirit, calling it “a divine work in us which changes us and... kills the old Adam” (LW 35:370). So faith is both entirely divine and entirely human – an exclusive action of God and simultaneously an authentic self-expression of the believer. It is wholly God’s doing because he initiates the outpouring of grace and opens up a space of freedom into which we can enter. But at the same time faith is also ‘wholly ours’ because we are fully invested as the ones who trust and (re)act. It is *our* lives in which God’s presence makes itself felt and *our* thoughts and actions which give shape to our belief.

Through attributing to ‘faith’ such a prominent place in his soteriology, Luther actually turns it into an essential element in the understanding of the human person as such, and into a further confirmation of the indissoluble connection between human beings and God. It is a connection that needs to be re-created and affirmed in every single individual. Time and again, Luther impresses the importance of the *pro nobis* when he explains that faith means believing that God is willing and able not only to do great things ‘in general’, but actually for me and you (LW 21: 306).<sup>87</sup> In this ‘endeavour of trust’ no one can take our place – it requires our wholehearted readiness to say ‘I’ before God, our own confession and consciousness of Christ’s salvation *pro me*. Luther’s interpretation of the creed and his individual appropriation of the articles of faith confirm this.<sup>88</sup>

In encountering his Word, we encounter God himself; in believing God’s promises we believe in God himself. In this vein faith is trust in God’s trustworthiness or – as Jüngel puts it: ‘Faith

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<sup>86</sup> This is consistent with Luther’s anthropological view that we cannot ‘own’ ourselves respectively be in control of our innermost being and it also corresponds to his notion of freedom as a gift which can never become our ‘property’.

<sup>87</sup> “For no one will be saved by what God does to another, but only by what He does to you” (Luther, LW 21:318).

<sup>88</sup> See Luther’s *Small Catechism*: “I believe that God has created me with all that exists... I believe that Jesus Christ... is my LORD. He has redeemed me, a lost and condemned human being... I believe that... the Holy Spirit has called me through the gospel, enlightened me with his gifts, made me holy and kept me in the true faith” (Book of Concord, 2000:354-355).

relies on the reliability of God' (1981:138 – tl CS).<sup>89</sup> Hence, for Luther, faith is the only true fulfilment of the First Commandment because only by attributing to God all the truthfulness and goodness that is his very nature, we worship him in the appropriate way and give him the glory he deserves (MLBTW:605). Conscious that God alone justifies us and nothing we do, we must let go of self and of all wishes to control our situation, giving up on all our efforts to make ourselves acceptable in the eyes of God or others.

Yet this idea of entrusting ourselves to God in 'unconditional surrender' is a scary prospect: As humans we hate to give up control and regard it as weakness; we struggle to trust and we do not want to be at the mercy of anyone, not even a gracious God. That is why human nature so strongly opposes God's way of salvation.<sup>90</sup> Luther, however, insists that there is no other way – for our own sake and for those of others to whom we owe loving attention; it is precisely this 'giving ourselves over' and 'letting go' in the confidence that we are accepted by God which leads us into lasting freedom. The faith that justifies facilitates new self-insight and new insight into God. It sensitizes us for his calling and for his plans with us. As we begin to see ourselves and others through the eyes of a creative and gracious God, our self-image changes and all our relationships are placed into a whole new healing perspective (Jüngel, 1981:107, 130; Härle, 2005:105; Danz, 2013:97). Knowing that we are unreservedly accepted in spite of our unworthiness, gives us the inner freedom and the confidence (Greek: *parrhesia*) to enter into God's presence 'unashamedly' and to tell him everything.<sup>91</sup>

Trusting God encompasses our whole person, referring to our intellect and our emotions. It draws on the divine Word but also on the openness for the multi-fold presence of God in other human beings, events and living circumstances. In this sense faith is much more than an allegiance to certain facts of salvation but another word for our whole indivisible relationship with God. It describes the human state of 'knowing' – in a holistic intellectual, physical and spiritual sense – that God is a power to be reckoned with in every single moment of our lives. This 'mode of being' is rooted in a deep sense of security (*Geborgenheit*) and existential trust, which comes from being unconditionally loved and cared for. Luther characterizes this '*Urvertrauen*' towards God in this way: "When the soul firmly trust God's promises, it regards him as truthful and righteous... the soul consents to his will... it allows itself to be treated according to God's good pleasure, clinging to God's promises, it does not doubt that he who is true, just, and wise will do, dispose, and provide all things well" (MLBTW:602). Such

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<sup>89</sup> Accordingly, the New Testament word for faith *pistis* not only signifies 'trust' but also 'reliability', 'diligence', 'trustworthiness', 'truthfulness' and 'credibility' (Menge, 1984:556).

<sup>90</sup> See Paul's considerations on this in 1 Cor 1:18.19.25; Phil 2:5-11.

<sup>91</sup> This *parrhesia* (*vrymoedigheid*, *Freimütigkeit*) is described in Eph 3:12; Heb 4:16 and Heb 10:19 – and can be characterized as something like the trust and security (German: *Geborgenheit*) to approach someone without a feeling of shame or the fear of being judged or rejected.

unconditional trust would in fact be the only adequate answer to the unconditional love that we experience in Jesus Christ.

In this ‘*Urvertrauen*-faith’<sup>92</sup> we hold on to the assurance that a loving God has a good purpose for our lives – even if the experienced reality seems at times to point to the contrary.<sup>93</sup> While we will always be challenged by the ambiguity of the real world and “struggle against affliction, doubts and temptation” (Nürnberg, 2005:52), we still ‘know’ that God is unreservedly for us and that our bond with God cannot be destroyed no matter what happens.<sup>94</sup> “Faith is trust, based on existential assurance, not on objective certainty” (ibid.:37). Believing (in) God is the readiness to entrust ourselves to a promise “whose complete fulfilment we cannot yet see” (Nürnberg, 2005:42), but to still “let ourselves in for it, build on it and entrust our lives to it” (ibid:22). In the ever-changing circumstances of life, faith requires an ever-renewed decision to remain faithful to God and to never give up on Him, because he never gives up on us.

Our connection to God enables us to keep our eyes on him and not to be overwhelmed by the compelling power of reality. As it draws us into God’s mission and his vision for this world, faith transcends our human horizon and allows us to see beyond the immediate present. Nürnberg (2005:32) concludes that “faith is essential for a... fulfilled human life in the face of injustice, fate, suffering and death” because it “develops a vision when nobody can see a way out”. This visionary potential of faith is an important aspect for dealing with any adversity that threatens to dehumanize us – digital surveillance being among them – and also for developing alternative perspectives that convey hope.

It is obvious for Luther that faith as the inward awareness of God’s presence will have to become outward action; the empowerment that comes from being justified will find its way from us to others. Since “faith is living, daring confidence in God’s grace... this knowledge... makes men glad and bold and happy in dealing with God and with all creatures...” (LW 35:370-371). Engaging in actions for the benefit of others is the organic outcome of believing in a gracious God who desires fulfilled life for *all* his children (MLBTW:605, 612-13). God’s love calls forth our love for him and in this spirit, we are driven by the desire to please God and to do his will freely and generously (MLBTW:612-623). This leads us to others who are loved and considered by God in the same way as we ourselves are. Knowing that we are in ‘God’s

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<sup>92</sup> The psychological term ‘*Urvertrauen*’ has been defined as a sense of basic trust that – when we are still helpless infants – our needs will be met and we will be cared for unconditionally. Experiencing such care as helpless infants becomes an indispensable asset for us as adults because it is foundational to our ability to have confidence in ourselves and to our ability to entrust ourselves to others.

<sup>93</sup> Luther speaks about the “faith that appeals to God against God, to the God of love proclaimed in the gospel (*deus revelatus*) against the God of fateful experiences (*deus absconditus*)” (Ebeling, quoted in Nürnberg 2005:22) and he insists that in affliction and doubt we need to take refuge in the promises of the God who revealed himself unequivocally in Jesus Christ.

<sup>94</sup> See Rom 8:31-39.

good graces' we need not act to gain favour with him anymore or in order to look good in the eyes of the world, but we are free to act out of gratitude, passing on the goodness that we ourselves have experienced.

By way of justification we can now understand the commandments of God's law in their original intention – not as some sort of heteronomous pressure but as helpful guidelines for life in the freedom-space of Christ. This is certainly how Luther views them: As the embodiment of good works that a believer is empowered to accomplish. The readiness to seek and fulfil God's will and the corresponding obedience towards his commandments are the result of faith's natural impulse to honour God with words and deeds (MLBTW:619). Accordingly, Luther interprets the commandments not as a 'narrow checklist for holiness' but in a very comprehensive sense as any caring creative action that safeguards, strengthens, heals and supports our fellow-humans.<sup>95</sup>

If the essence of faith consists in fulfilling the First Commandment and if the latter is the basis of all the commandments, then every divine directive is actually the call to love, trust and honour God above all things. In his *Small Catechism* Luther therefore traces every action between people back to God, introducing every explanation of a commandment with the phrase "We should fear and love God" (MLBTW:476-479) so that we do... or do not do this... In this way every exhortation becomes a more precise explanation of what love is.<sup>96</sup> With the commitment to God being the foundation for the other concretions of love, Luther harbours no doubts that "he who fulfils the First Commandment has no difficulty in fulfilling all the rest" (MLBTW:605). Trusting God's goodness in faith both motivates and enables us to pass on this goodness and to be a blessing to our fellow humans.

The connection between faith and good works is further captured in the image of the tree and its fruit from Matthew 7:16-20,<sup>97</sup> which once again affirms the priority of faith: Only the orientation toward God 'makes' us good and only as good trees can we produce good fruit –

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<sup>95</sup> In all his explanations on the commandments Luther never defines them as boundaries and interdictions, but always as encouragement and as opportunities for the realization of Christian freedom, as *Handlungsspielräume*. God's recommendations for a wholesome life together are 'creative spaces' on behalf of others; spaces within which we can pursue to do whatever enhances, betters, promotes and protects other people's lives and well-being. See for example Luther's interpretation of the Fifth Commandment in the *Small Catechism*: "We should fear and love God, and we should not endanger our neighbor's life, nor cause him any harm, but help and befriend him in every necessity of life" (MLBTW:477). See also the interpretation of the Seventh Commandment in his *Treatise on Good Works*: Here "not stealing" becomes the contrary of stinginess and covetousness – namely generosity, trust in gracious provision and the absence of depressing worries (Luther, LW 44:107-110).

<sup>96</sup> 'Fear' here is to be understood in the sense of 'honour' and 'stand in awe' – echoing the German word '*Ehrfurcht*'. "*Wir sollen Gott fürchten und lieben*"... (Bekennnisschriften, 1986:507ff.).

<sup>97</sup> This image has a strong parallel to Paul's metaphor of the "fruit of the Spirit" in Gal 5:22. Quite probably Luther chose it intentionally, wanting to steer away from the contemporary theological connotations of the word 'works' as a human effort.



in other words, act in ways, that are truly beneficial to others, with a pure heart and an uncalculating attitude (MLBTW:612-13). Therefore “let him who wishes to do good works begin... with believing, which makes the person good, for nothing makes a man good except faith, or evil, except unbelief” (MLBTW:614). In Luther’s anthropological perspective, ‘faith’ in the goodness of a compassionate God is actually the prerequisite to be able to do anything genuinely good at all,<sup>98</sup> because it is not only a continual impetus for beneficial action for others but also a crucial expression of our newfound freedom in Christ.

### **3.3.2 Christian freedom as action for the benefit of others and as obedience to God<sup>99</sup>**

The exploration of Luther’s understanding of justification has led us to faith as the bridge that connects God and human beings, revealing strong interdependencies between faith and freedom, freedom and commitment, faith and love. The insoluble link between them is the broad foundation on which the Reformer bases his material ethics. The application of Christian freedom in the necessity and challenges of earthly life plays out in loving care for our fellow humans. The latter is nothing other than the adequate response to the love that we ourselves have experienced in Christ. Freedom as a goal in itself would amount to being the dead end of abstract self-affirmation. Freedom bound to Christ, however, is authentic as the lifelong process of affirming God’s grace, that is, in reaching out to others in genuine commitment. Serving others in the spirit of loving care is the most stringent application of Christian freedom as lordship and servanthood.

The structural identity between freedom and love (Ringleben, 1998:166) corresponds to the fact that faith and love are actually *one* movement. At the same time faith and freedom are also aligned in a unique way: Faith, the trusting connection with God, and the freedom that comes from being loved and accepted by him, both give us the ability, the liberty, and the authority to love.<sup>100</sup> The interdependence of faith and love can hardly be overstated: Faith as the manner of living in, with and for God, and love as the manner of living in, with and for others are inseparable. Correspondingly Luther formulates: “A Christian lives... in Christ

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<sup>98</sup> Bonhoeffer’s position is very similar. This becomes obvious in the way in which he defines ‘the good’: It is not some abstract meta-principle but it is anchored in God and to be sought in God’s will (DBW 6:31,39,252). What is good, can only be understood through and in God himself. See 4.3.1.

<sup>99</sup> What Luther describes as a Christian’s action for the benefit of others and on their behalf is nothing other than his concretions for ethical conduct. As has become clear from the previous section, a believer’s life is basically the practical unfolding of the First Commandment to love and honour God above all things – a view that strongly leans on the perspective in both parts of Scripture.

<sup>100</sup> Ebeling (1981:242) emphasizes the inseparable unity between freedom and love in similar terms as Ringleben: “*Die Freiheit, die der Christ durch den Glauben hat, ist gerade Freiheit zur Dienstbarkeit der Liebe. Und nur dann ist es Dienstbarkeit der Liebe, wenn es aus Freiheit geschieht.*” - ‘The freedom that the Christian has in faith, is precisely this freedom to serve in love. And only then is it commitment in love if it happens in freedom’ (tl CS).

through faith, in his neighbour through love. By faith he is caught up beyond himself into God. By love he descends beneath himself into his neighbor. Yet he always remains in God and in his love” (MLBTW:623).

Christians act out of thankfulness for the forgiveness and liberating kindness of God in Jesus Christ. The consciousness of being blessed fuels the desire to please God<sup>101</sup> and to fulfil his will, which is that humans live life in its fullness by experiencing goodness and doing good. Sharing the blessings, we have received from him with others subsequently not only leads us closer to God but closer to others, too. For Luther our gratefulness towards God and our graciousness towards others is one and the same act: “Why should I not therefore, freely, joyfully, with all my heart, and with an eager will do all things which I know are pleasing and acceptable to such a Father...? ...I will therefore do nothing in this life except what I see is necessary, profitable and salutary to my neighbour, since through faith I have an abundance of good things in Christ” (MLBTW:619).<sup>102</sup>

The movement of a faith that is active in love is also captured in the image of a kind of ‘overflow of grace’ from God through us to others. As believers we are supposed to be the channel and the ‘transit station’ through which the loving power of Christ and God’s blessings can reach others: “From Christ the good things... are flowing into us. From us they flow on to those who have need of them...” (MLBTW:623).<sup>103</sup> But in this ‘flow’ we ourselves are not ‘depleted’ and the sharing does not mean that we have less. On the contrary: As love and gratitude abound, more love and gratitude come into being and all involved are enriched. Love can afford to stop counting and to be lavish because its source is inexhaustible.<sup>104</sup>

Luther is convinced that in giving ourselves away, we actually come into our own because devotion to others is the way in which we “always remain in God and in his love” (MLBTW:623). The Reformer thinks, as Ringleben notes, in terms of a deep and theologically based solidarity of freedom (1998:166). The latter is authentic as one that belongs to all – therefore “the good things we have from God should flow from one to the other and be common to all”

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<sup>101</sup> Luther speaks of the wish to please God as motivation for good works several times in his *Treatise on Christian Liberty*: “He (the believer) must do such works freely only to please God” (MLBTW:612); “This he should do freely, having regard for nothing but divine approval” (MLBTW:618).

<sup>102</sup> Nürnberger (2005:116) notes that there is no room for an understanding of gratitude that is like “paying back a debt to God”. Since God has already paid all our debts, the direction is always from God downwards and gratitude is “a joyful acknowledgement of God’s gift.”

<sup>103</sup> A few pages earlier Luther says something similar: “From faith thus flow forth love and joy in the Lord, and from love a joyful, willing, and free mind that serves one’s neighbour willingly...” (MLBTW:619).

<sup>104</sup> The example of the woman with the expensive perfume oil whose love and devotion Jesus praises in Lk 7:36-50, illustrates that.

(MLBTW:623). Freedom gained in Christ is essentially ‘other-oriented’ – it is granted in order to be used, applied, given away, and passed on. And just like love, if it is shared, it multiplies. For Luther, the need to take care of others is an indispensable feature of earthly reality and our life as social beings because the Christian “cannot ever in this life be idle and without works toward his neighbours, for he will necessarily speak, deal with, and exchange views with men” (MLBTW:616-617). He unreservedly embraces the necessity of living with others and engaging with them. In his view, the purpose of our individual lives is to live in blessed community with others and to serve them to the best of our abilities, because “a man does not live for himself alone in this mortal body... but he lives also for all men on earth; rather, he lives only for others and not for himself” (MLBTW:616). We are therefore encouraged to actively embrace the fact that life unfolds in relationships, dependencies and necessities, which leads to the need to trust and to be trustworthy, and to the responsibility to help and support our neighbours and fellow-humans.<sup>105</sup>

For the Wittenberg theologian, this begins with the orientation of putting others first and the willingness to stand back for their sake. The needs and well-being of others – and not our own – are to be our priority as Christians: “Man... should be guided in all his works... and contemplate this one thing alone, that he may serve and benefit others in all that he does, considering nothing except the need and the advantage of his neighbour” (MLBTW:617). This includes respecting others and strengthening them in their good endeavours, protecting them from harm and defending them in the face of injustice. And it also entails caring and providing for their physical and spiritual needs.<sup>106</sup>

Devotion to the well-being of others can never be imposed, it must be characterized by voluntariness and a lightness of spirit, echoing the character of love as response to love experienced. It requires the ability to identify with the plight of our fellow-humans and to even carry their burdens. Loving commitment involves consideration, empathy, compassion and solidarity as well as kindness, tolerance and a forgiving attitude. Luther believes that “this is truly Christian life. Here faith is truly active through love [Gal 5:6], that is, it finds expression in

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<sup>105</sup> Luther’s own living arrangements in a huge household consisting of children, servants, students and frequent visitors, is testimony to his ‘communal experience’ and proof that his theology is always anchored in real life experience.

<sup>106</sup> Two examples from the *Small Catechism* again show Luther’s overall approach: The 4<sup>th</sup> commandment is explained in this way: “We should fear and love God, and so we should not despise our parents and superior, nor provoke them to anger, but honor serve, obey, love, and esteem them” (MLBTW:477). The commentary on the 7<sup>th</sup> commandment sounds like this: “We are to fear and love God, so that we neither take our neighbors’ money or property nor acquire them by us in shoddy merchandise or crooked deals but instead help them to improve and protect their property and income” (Book of Concord, 2000:353).

works of the freest service, cheerfully and lovingly done, with which a man willingly serves another without hope of reward” (MLBTW:617).<sup>107</sup>

By virtue of their connection to Christ Christians have been liberated from ulterior motives like fear or gain and made independent from factors such as status or outward recognition. It is not exterior constraint or moral pressure that makes them want to do right by God and their fellow humans, but their new being in Christ. Subsequently Luther – closely following Paul’s reasoning in Galatians 5 – calls good works the “fruit of the Spirit” (MLBTW:610, 614). Fruit do not come about by forced-upon efforts, they grow naturally – just like a good tree cannot but produce good fruit because that is his innate purpose (MLBTW:613).

If we put ourselves on the line for our fellow humans as disciples of Christ, we follow the example of the Son who lived entirely for others. The Reformer refers to the ‘Christ hymn’ in Philippians 2:5-11 to make his point that “the Christian... ought in this liberty to empty himself, take upon himself the form of a servant... and to serve, help and in every way deal with his neighbor as he sees that God through Christ has dealt and still deals with him” (MLBTW:618).<sup>108</sup> Being Christians means becoming “Christ to one another” (ibid.:619). This commitment culminates in the willingness to self-sacrifice, in giving up one’s own rights and privileges, even one’s own life.<sup>109</sup> In Luther’s understanding we should stand in for our neighbours in the same way, in which Christ stood in for us, not only by identifying with them but by actually being ready ‘to cover for them’ and taking their place “so that I should lay before God my faith and my righteousness that they may cover and intercede for the sins of my neighbour which I take upon myself...”(MLBTW:623). In this way, the vicarious function of Christ and the liberating power of the happy exchange are extended even further – from being the foundation of our new existence in Christ to becoming an essential element in building new and lasting relationships with others.

If faithfulness to God and discipleship to Christ is indeed put into practice in the caring devotion to our fellow humans, then this implies an entirely new understanding of notions like ‘obedience’ and ‘submission’. Obeying God and submitting to his will becomes an act of

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<sup>107</sup> The combination of ‘freedom, joy, love and willingness’ is used by Luther five times within just a few pages in the ‘*Treatise on Christian Liberty*’: (MLBTW: 611, 617, 619/ 3 x). If added to the frequent uses of the words ‘free’ or ‘freely’ (ca. 17 times between p.612 and 629), ‘willingly’ (4 times ibid.: 617, 619, 620) and ‘love’ or ‘lovingly’ (ibid.:609, 611, 617, 619, 620, 621, 623, 624, 626) in some combination or on their own, then that is a clear indication of how strongly love and freedom are connected and how prominently this voluntary character of good works features in Luther’s thinking.

<sup>108</sup> Similarly, in MLBTW:619 “I will therefore give myself as a Christ to my neighbor, just as Christ offered himself to me” and on p.623: “Hence, as our heavenly Father has in Christ freely come to our aid, we also ought freely to help our neighbor through our body and its works.”

<sup>109</sup> The theme of vicarious representative action is very prominently taken up by Bonhoeffer later, not only with words but literally also ‘in the flesh’.

freedom. The divine commandment is no longer a duty, but a path willingly chosen to bring us into unison with the mission of Christ and our own calling as his sisters and brothers.<sup>110</sup> Consciously and voluntarily yielding to a just and merciful God does not hamper our freedom – on the contrary – it enlarges our range of possibilities to do good and to serve others with our actions. In the same way, in which our loving bond with God enables us to submit to him, we can then also submit to others – not because we have to, but because we want to, for the sake of our life together. Putting the needs of others before our own is not a weakness in Luther’s eyes, but actually strength because it is born out of the power that only genuine love conveys.<sup>111</sup> Christians can submit their “will to that of others in the freedom of love” (MLBTW:621).

This very freedom of love as the freedom of faith affords us with the sovereignty to be patient and tolerant, considerate and indulgent towards others; we are free to give in and to give others precedence in order to promote inclusion and fellowship, and to accommodate their weakness in faith. We can yield out of love in order to protect or enhance the lives of others. All this ‘subjection’ happens with the intention not to offend others and to uphold peace and unity in the community.<sup>112</sup> Obedience to the governing authorities likewise is rendered in the spirit of love (MLBTW:621). Nevertheless, the Reformer never advocates an uncritical obedience to humans at all costs (German: *Kadavergehorsam*). Love and the truthfulness of God’s command always remain the ultimate criterion (LW 45:111, 125).<sup>113</sup>

Obviously, the ability to not assert or impose one’s own will and instead subject it to that of others not only requires mental and spiritual strength but also control over our physical urges, desires and needs. Intensely aware of the fact that earthly life and interaction with others takes place within the context and confines of our physical reality, Luther is convinced that bodily restraint and physical self-control are essential for a meaningful use of Christian freedom.<sup>114</sup>

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<sup>110</sup> To remind us of Christ’s unlimited willingness to serve us, Luther once again evokes his obedience unto death from Paul’s hymn in Phil 2 (MLBTW:618).

<sup>111</sup> Even if this may put us into an outwardly inferior position and might be interpreted as weakness by worldly standards, this is exactly what Christian servanthood requires and it corresponds to God’s chosen path of salvation in Christ. Cf. 1 Cor 1:18.

<sup>112</sup> Luther refers to the example of the apostle Paul who yielded to the weakness of others because love commands not to offend (MLBTW: 620f.,624). But the readiness to yield is not unlimited – there is no giving in when the truth of the gospel is compromised. In that case, both Paul and Luther are unyielding.

<sup>113</sup> In Luther’s opinion obedience to the government can be asked of individuals even against their own personal conviction or in a case of doubt. However, the limits of obedience are reached when Christians are asked to act against the explicit commands of God and when their obedience would set a dangerous precedent for others. See also 3.4.

<sup>114</sup> There is no secretly harboured negative attitude towards the body, veiled asceticism or self-castigation on Luther’s part involved in this approach. Luther has left this aspect of his monastic experience behind. By all accounts – from what we know about his life and from his writings – Luther was a person who enjoyed bodily life and was very much aware of his own bodilyness. His call to be in

It is vital “to put the body under control and hold it in check” (MLBTW:611) for the sake of effectively supporting others and being of real benefit to them. Ruling the body is not a meritorious exercise as such but merely an indispensable ingredient to achieve the most important goal of Christian life: “A man... brings his body into subjection that he may the more sincerely and freely serve others” (MLBTW:616). Freedom in Christ builds on self-limitation and self-discipline and being in control of one’s own body is part of its range.<sup>115</sup>

### **3.3.3 Christian freedom as a lifelong struggle and daily renewal: *simul iustus et peccator*<sup>116</sup>**

Being aware that commitment to others is the most genuine form our Christian freedom can take, we must nevertheless resist the temptation to gauge the value, extent and authenticity of our freedom by our ability and exterior ‘success’ in applying this freedom. Not only would we make the trustworthiness of God’s salvation dependent on our human efforts, we would also misjudge the power of reality. The coming-into-being of divine freedom within our lives is not a once-and-for-all event but unfolds in an ongoing movement – a process that is not straightforward and linear, but fragmented and conditional – just as human lives on earth always are.

In this context it is necessary to examine more closely another essential distinction of the Wittenberg theologian. It has already been present as an underlying assumption for all of the Reformer’s considerations on Christian freedom and his anthropology at large. Luther identifies two ‘modes of being’ within one and the same person: “Man has a twofold nature, a spiritual and a bodily one. According to the spiritual nature which men refer to as the soul, he is called a spiritual, inner or new man. According to the bodily nature, which men refer to as flesh, he is called a carnal, outward, or old man” (MLBTW:596).<sup>117</sup> This is not a simple contrast between body and soul which is a longstanding motive in many considerations on human nature. It is the Gospel itself that reveals this fundamental tension and makes “this experience of human self-contradiction” (Jüngel, 1981:159) obvious since it addresses our inner selves

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control of the body is a consequence of his acute sense of reality and his obvious concern for other people.

<sup>115</sup> In this vein Luther defines those works as necessary, good and genuinely Christian which are done in the spirit of faith for the purpose of disciplining the body and/ or helping one’s neighbour (MLBTW:622).

<sup>116</sup> Luther describes the simultaneity of being righteous and a sinner many times in his writings, especially prominently in his *Lectures on Romans*. See for instance LW 25:258-259, 262-263,336.

<sup>117</sup> This distinction has intentionally not been introduced in more detail in the first section of this chapter (3.1.) because it requires the whole ‘background’ of Luther’s understanding of justification. It has its original *Sitz im Leben* precisely in Luther’s soteriological deliberations and not in any general reflection on the nature of humanity.

first and tries to reconstitute us as new people in Christ through faith.<sup>118</sup> For Luther there is no doubt about the priority of the inner person (Ringleben, 1998:161) because it is ‘the soul’ that must grasp the promises in Christ and ‘the inner man’ who is the subject of all of his considerations on the treasures of salvation.

The difference between soul and body and the different interests between the spirit and the flesh, however, lead to an antagonism between the two that can become a struggle for power. Luther asserts that while the ‘inner man’ aims to serve God ‘joyfully and willingly’, the ‘outer man’ seeks his own gratification and wants to serve the agenda of the world (MLBTW:611). Thus, the desires of the flesh are pitted against the desires of the Spirit as long as Christians live within the circumstances of this earthly life (MLBTW:596). United in one person, these two opposing natures are nevertheless interdependent: The body needs mental and spiritual guidance and the inner person needs the physical reality in order to put Christian freedom into visible practice because ‘while the *liberation to love* is an event that takes place in the inward person, the *expression of love* necessarily happens in actions of the outward person’ (Jüngel, 1981:147 – tl and italics CS).

The ongoing challenge and ultimate goal of Christian life is then to bring the ‘outer man’ into unison with the ‘inner man’ so that the whole person can become a disciple and free servant of Christ and fulfil the yearning of the soul to serve God and others with thoughts, emotions and actions.<sup>119</sup> This is why Luther, ever conscious of the power of physical urges and desires, stresses the danger that the body, if it is not reined in, will revolt against the salvation in Christ and hinder the inner person to pursue the course that God has set in Christ (MLBTW:610). Hence Christians must consistently exercise self-discipline, striving to rule their bodies and subjecting their physical impulses “to the Spirit so that it will obey and conform to the inner man and faith” (ibid).

Christians experience that the salvation in Christ opens up a new identity to them. The effect of divine justification begins to take our whole person – with body, soul, heart and mind – away from sin and evil, and from the error of pursuing virtue for the sake of our own glory (Forde, 1984:436). We abandon old ways, change happens, and “faith draws us into a process of transformation” (Barth, 2012:210). Works of love become a reality and we witness how God is at work in our individual lives and in the community of believers.

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<sup>118</sup> In accordance with this, Jüngel (1981:126) emphasizes that the distinction between lord and servant does not simply correspond to inner/ spiritual and outer/ physical realms. On the contrary: The ‘inner man’ is *both* lord and servant, in other words, ‘the inward person is the anthropological place where freedom and servanthood come to bear’ (Jüngel, 1981:128 – tl CS).

<sup>119</sup> Bonhoeffer takes this motive up in his *Ethics* when he expounds on our becoming ‘conform to Christ’ (DBW 6:324-325).

But while the 'new life' is a reality, the manacles of the 'old life' are never very far either. Experience shows that as long as we live, our faith is permanently under siege and our freedom in Christ endangered. We are embattled from the outside and from within through trials and temptations, assailed by doubts and weakness and challenged by suffering and deep disappointments. We suffer backlashes and failures and fall back into old patterns of unfreedom and our works of love remain fragmentary. Living in this world means steadily fighting sin within us and experiencing the ongoing battle between the Spirit and the flesh in our own person. It is "a constant struggle, in which the new life of Christ must overcome our sinful selves" (Nürnberg, 2005:51) or as Luther puts it, a permanent "being healed from sin" (LW 25:262).

This battle is part of our human existence of being continuously 'on the move' without ever being accomplished and 'finished'.<sup>120</sup> During our entire life on earth we remain God's 'work in progress' (Jüngel, 1981:114, 151), travelling towards righteousness (Ebeling, 1981:183). We hold the tokens of hope and freedom but we do not have 'the whole' yet.<sup>121</sup> Luther sums this unfinished journey up like this: "This life... is not godliness but the process of becoming godly, not health, but getting well, not being, but becoming.... We are not now what we shall be, but we are on the way. The process is not yet finished, but it is actively going on. This is not the goal but it is the right road" (LW 32:24).<sup>122</sup> The fragmented character of our human lives and our spiritual progress echo the 'uncompleted state' of the earth as God's creation as such. We live in the time between the 'already' and the 'not yet' (*Schon und Noch-Nicht*) or – as Bonhoeffer would put it, in 'the penultimate' (DBW 5:150f.). Even as the promise of our new creation and the ultimate salvation of the world is vouched for in the person of Christ, it is, as yet, not visibly fulfilled.<sup>123</sup>

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<sup>120</sup> The dynamics of 'unfinishedness' correspond to God's own being as a dynamic, moving God, who is not unchangeable and inflexible and 'finished' once and for all. Eberhard Jüngel expresses this truth in his ground-breaking book on the trinity with the title *Gottes Sein ist im Werden* – "God's being is in becoming".

<sup>121</sup> Obviously the 'incompleteness' and the sense of urgency inherent in this human search is not something altogether negative, but also the potential for newness and creativity. After all, incompleteness, movement, the contrary of stagnation and 'stationariness' are also trademarks of freedom. So as long as we live searching and reaching out, we remain "creatures of possibility" (Dalferth, 2016).

<sup>122</sup> The apostle Paul describes this 'fragmentedness' in 1 Cor 13: 9, 10, 12: "For we know only in part and we prophesy only; but when the complete comes, the partial will come to an end... For now we see in a mirror, dimly, but then we will see face to face. Now I know only in part; then I will know fully, even as I have been fully known" (LSB/ NRSV, 2009).

<sup>123</sup> Joest, (1986:482) emphasizes that we live in the hope of complete healing and salvation for the whole of creation in God's dimension of eternity and we act in the confidence that in the Eschaton the ambivalence between the new and the old 'man' will finally be overcome.



This continuous struggle between our old and our new selves and our experience of 'incompleteness', indeed the whole ambiguity and tentativeness of our Christian existence, is spelled out by Luther with the phrase that "a Christian is at the same time justified and a sinner – *simul iustus et peccator*" (Nürnberg, 2005:51, 202). While the term is an essential aspect of justification, expressing the simultaneousness of God's judgement and redemption, the emphasis here is on its relevance for any notion of progress and 'sanctification'. Luther's 'formula' does not mean that we are "partly righteous and partly sinful" (Barth, 2012:209), on the contrary, both expressions refer to the whole person, namely the inner and the outer person, describing "a simultaneity of total states" (Forde, 1984:407).<sup>124</sup> In and by ourselves, apart from Christ, through our own eyes, in as far as we see ourselves failing God's law and falling under his righteous judgement, we are sinners. But when we look at ourselves with the eyes of a merciful God, clinging to the promise of God's love and Christ's *iustitia aliena* imputed to us in spite of our total inability to do right by him, we are righteous.<sup>125</sup> This twofold perception of ourselves remains fundamentally true, no matter how much we grow in faith or how much progress we seem to make in good deeds.<sup>126</sup>

The Reformer's analysis of the believer as *simul iustus et peccator* is not to be misunderstood as an excuse to delay change and transformation – it is, however, a realistic take on our situation in the conflicting circumstances of earthly life. Joest (1986:484) is right when he insists that the term is not a dogmatic theory but reflects existential Christian experience, namely, that the whole process of (spiritual) growth is not steady but full of detours, obstacles and setbacks. Since we are always wholly on the line in all that we think and do, we cannot weigh spiritual progress against our recurring failures or offset our sins against our good works (Joest:484-485). We need to acknowledge that we remain sinners despite all our efforts.<sup>127</sup>

The gospel constantly calls us to genuine reversal from all our attempts to self-justification and self-powered virtue, affirming God's way of creating righteousness instead. By way of confessing our sins and asking for forgiveness, we continuously take refuge in God's love and put our trust in the power of his renewal. For Luther this is nothing other than recommitting to the bond with God and to the beginning of freedom that God has set in Christ, trusting in the

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<sup>124</sup> Luther's reasoning here is dialectical – similar to his description of the lordship and the servanthood of the Christian which are seemingly a contradiction, and yet both truthful and accurate descriptions of reality.

<sup>125</sup> This relates to the previously discussed fact (Cf. 3.2.3) that God's grace and justification make the whole extent and the reality of sin obvious hence "when we begin to believe God and his judgment, sin is unmasked simultaneously" (Forde, 1984:409).

<sup>126</sup> The limits of Luther's image of the tree that naturally and steadfastly produces good fruit, are also becoming obvious here.

<sup>127</sup> H.-M. Barth says we experience our path of faith as "constantly being thrown-back onto God" (2012:210).

ongoing impact of God's word and action. It is a daily reclaiming of our baptism with its promise of forgiveness and unconditional acceptance by God. "Baptism signifies that the old Adam in us... should be drowned by daily... repentance and be put to death, and that the new man should come forth daily and rise up, cleansed and righteous, to live forever in God's presence" (MLBTW:485).<sup>128</sup>

In conclusion, we can say that the simultaneous truth of *simul iustus* and *peccator* shows clearly that justification by faith does not provide 'an instant fix' for all our shortcomings and failures. The gift of freedom rarely leads to an immediate reversal of all of our old ways; our 'change of identity in Christ' needs time, patience and spiritual nourishment to become a palpable reality. The Spirit must take charge and defeat the power of sin. Righteousness, grace, joy, love, and the freedom of faith must gradually take up more space within our lives so that our actions are in unison with the will of God. In other words: Bodily and spiritual discipline must lead the 'outer person' to conform to the 'inner person'. Taking hold of the freedom granted to us in Christ and growing in faith is the endeavour of a lifetime, and not something that we can hope to complete in this present dimension. For Luther it is obvious how growth and 'spiritual progress' can come about: By our dwelling in the Word, spending time with God in prayer, meditation, listening and receiving and by worshipping and being in a reciprocal exchange within the community of believers (MLBTW:601; Ebeling, 1971:326; Barth, 2012:214).

### **3.4 The dynamics of Christian freedom in society – Luther's political ethics**

#### **3.4.1 Luther's two-kingdoms-teaching** <sup>129</sup>

In his *Treatise on Christian Liberty* Luther concentrates on the freedom of the individual Christian and the consequences of Christian commitment in the immediate community. The *Treatise on Temporal Authority* attempts to apply Christian ethics in the wider sphere of society, examining the position of the Christian individual as a member of a greater community, as well as defining the relationship between the individual and the governing authorities. Within

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<sup>128</sup> Joest (1986:486) points out that the perpetual penitence, the biblical *teschuba* and *metanoia*, albeit an exercise in humility, is not joyless and embarrassing humiliation, but stepping through an open door with joy and the inner freedom of the *parrhesia*.

<sup>129</sup> The term 'two kingdoms doctrine' is intentionally avoided because it evokes the wrong connotations, echoing a Luther-interpretation that was predominant in the early 20<sup>th</sup> century. In fact, Luther's two-kingdoms-approach never intended to be a closed system or a systematic method but a 'work in progress'. See also Jähnichen and Maaser (2017:84-85) and DeJonge (2017:83ff.). DeJonge points out that later interpreters frequently overlooked that 'two kingdoms' was part of Luther's overall theological approach and not an exclusive reference to the issue of social ethics: "Luther himself used the language of the two kingdoms broadly, referring both to the twofold way in which God relates to the world through preservation and redemption, and the twofold form of Christian existence that is oriented both to God and others" (2017:95).

this setting we also get a clearer view of Luther's understanding of worldly authority, and of the understanding of the nexus between Christian freedom and general freedom rights in society. These deliberations will be important as foundation for a Christian stance on government-instituted surveillance as well as for determining the role of the state in regulating surveillance in the framework of a society and its economy in general.

Luther distinguishes between two power spheres, which do not represent 'physical realms' but two kinds of 'rules': "The kingdom of God and the kingdom of the world" (LW 45:88, 111, 118). The former is eternal and indestructible, the latter is temporal and fragile. Since all humans share life on earth, all belong to the worldly kingdom, but only Christians belong to the divine kingdom (LW 45:88). The government as the bearer of the worldly kingdom and the church as the bearer of the spiritual kingdom are called to serve all people. Both are God's servants, commissioned to act on behalf of God and to fulfil his will in accountability to him (LW 45:99).

God is firmly in charge of both realms, even if his reign unfolds in two different manners. In the eternal kingdom, God rules inwardly through the Holy Spirit and his word of grace while the temporal kingdom requires the use of laws and external sanctions (LW 45:90-92). The gospel of freedom is the invitation to embrace the divine promise of unconditional grace. Correspondingly, the church as mediator of this promise can never resort to any means of coercion; it can only rely on the spiritual power of preaching and loving persuasion (LW 45:91; MLBTW:601). In the worldly kingdom, however, legal regulation is necessary to keep evil at bay, and the state is entitled to enforce compliance with the law with coercive means for the sake of all individuals – making use of "the power of the sword" (LW 45:90-92).<sup>130</sup> In this way the state participates in the divine task of reining in the worst consequences of sin.

The two different forms of regiments obviously have to do with their distinct functions. The eternal kingdom's focus is on the liberation of 'inward man', the salvation of the soul, an indestructible spiritual life, aiming at the purpose of facilitating loving relationships between individuals (MLBTW:597ff; LW 45:91-92). The kingdom of the world, on the other hand, is concerned with preserving the bodily human life of individuals and sustaining the community by way of regulating matters of life in community. The government's responsibility is to uphold external peace, order, and justice to facilitate the welfare of all in society.<sup>131</sup> To this end it must counteract chaos, provide protection from harm and fight abuse and injustice, thereby actively encouraging good deeds and restraining evil (LW 45:90-94). Both regiments are necessary

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<sup>130</sup> This stance later resonates in many political theories which assume a legitimate and proportionate use of force as an exclusive right of the state, respectively of the government.

<sup>131</sup> The ongoing Coronavirus crisis beginning in 2020 and the corresponding (restrictive) measures of many governments to protect the health and life of all inhabitants is a typical example of such a 'life-preserving effort' of the state which can be understood according to the principal notions of two-kingdoms-thinking.

and complement each other because human beings are created to have a physical as well as an inner life in *one* person.

Luther emphasizes that it is important not to mix the tasks and the tools of the two kingdoms. A worldly government must concentrate on its specific obligation and not try to fulfil the church's task. It must not, for instance, try to 'create faith', prescribe 'Christian behaviour' or command forgiving love to bring about the kingdom of God by exterior measures and secular laws (LW 45:92-93, 106-111).<sup>132</sup> This would necessarily fail because outward legislation can only govern outward behaviour, not an inner attitude. This is why government should have no say in matters of personal faith and conviction – that is simply not 'its territory' (LW 45:106-111). By the same token the church also must remain faithful to its task of passing on the gospel in order to change hearts and the corresponding conduct. But it must not try to impose its belief on everybody by force.

Christian freedom and the gospel of grace cannot by themselves rule the world and create a reality 'with liberty and justice for all'. Luther is convinced that general societal laws remain indispensable, simply because not everybody is a Christian and accepts the Word of God, and because Christians also fall back into sin and have to be kept in check with the help of the law (LW 45:92-93). The Reformer is very pragmatic in this respect: "If evil cannot be overcome through repentance and a new heart, then it must be kept in check through constraint and punishment" (Nürnberg, 2005:255). Of course, both Christians and Non-Christians alike must respect the law and adhere to it (LW 45:105, 110).

For Luther it is evident that the two kingdoms are neither opposed to one another nor determined by different values; they may have distinct tasks but they still refer to one joint reality. Both regiments spring from the same compassionate will of God, and in both spheres of power God's intention is ultimately the same: To fight sin, to oppose evil, to promote the good, to preserve and enhance bodily and spiritual life. Both manners of God's rule aspire to create a reality, in which evil is contained and where humans can experience protection, well-being and the flourishing of life in the fellowship with God in Christ.

Hence two-kingdoms-teaching as an expression of 'inward and outward rule' reflects on the level of society what Luther spells out with respect to the individual person in his distinction between 'the inward and the outward man'. The inward person experiences liberation by the word of the gospel and is governed by grace while the outward person, subject to bodily needs

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<sup>132</sup> This stance could trigger some interesting and controversial discussions with conservative Christians in the United States who have made it their mission to put their Christian beliefs into state law (see e.g., the stance on abortion, the recognition of homosexual partnerships etc.) but also with states whose legislation is based on religious laws, e.g., an interpretation of the Shariah.

and urges, needs to be reined in by constraint and physical discipline to correspond to this inner transformation in a visible exterior way (MLBTW:610ff.).<sup>133</sup>

Luther's distinction between the two regiments also represents an analogy to his twofold understanding of the law: In the context of the spiritual kingdom, the law points out God's rightful demands on us. It shows us God's holiness, righteousness and mercy. In this way, it makes us see the whole extent of our own unworthiness and sin. Hence by way of humiliating us, the law leads us to repentance and prepares us to receive the gift of God's unconditional grace with faith and gratefulness. That is the spiritual sense of the law, the *usus elencticus legis* (MLBTW:600; Joest, 1986:494, 600; Nürnberger, 2005:110, 249; DeJonge, 2018:26). With respect to the system of government the law has a different function, namely, to curb the worst consequences of evil by sanctioning wrongdoing and punishing the wrongdoers (Luther, LW 45:90, 103). This sin-restraining function of the law was characterized as the *usus politicus /usus civilis* of the law (Joest, 1986:494; Nürnberger, 2005:249; DeJonge, 2018:29).<sup>134</sup>

Drawing on Paul's call to obey governing authority in Romans 13<sup>135</sup>, Luther affirms that worldly authority with "the civil law and sword" (LW 45:85) has been instituted by God (LW 45:91). Its task to maintain a functioning society is fulfilled by way of societal rules, contracts, institutions, laws and jurisdiction, which must be protected and supported by the state and its inhabitants. In this sense, and for this purpose only, the government has been given power as "God's servant" (LW 45:99).<sup>136</sup> With respect to business, the economy, taxes, revenue, and legal matters like "body, property and honour" (LW 45:111), the government can act with legitimate authority<sup>137</sup> – an authority which needs to be recognized by Christians and Non-Christians alike (LW 45:105, 110-111). The scope of temporal authority is thus clearly defined and clearly limited to exterior earthly issues.

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<sup>133</sup> Nürnberger sums up: "in the inward sphere the righteousness of Christ, in the outward sphere social justice; in the inward sphere the new life of Christ, in the outward sphere physical life, peace and prosperity" (2005:258).

<sup>134</sup> In marked difference to Calvin, Luther does not make the case for a *tertius usus legis* – in other words for the renewed use of the law as a guideline for those who are free and born again in Christ. While Luther passionately argues for the ongoing value of the Ten Commandments in his *Catechisms* and other writings, he intentionally refrains from associating spontaneous deeds resulting from faith and love in Christ with 'following a law', but rather calls them 'fruit of the Spirit' (MLBTW: 610, 613).

<sup>135</sup> "Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God" (Rom 13:1, LSB/ NRSV, 2009)..

<sup>136</sup> Note the balance of power: God is the one in charge. He is the one with the power to distribute power. See also: "Man has authority from God... over what is on earth and belongs to the temporal earthly kingdom..." (Luther, LW 45:111). For Luther ultimately all human authority is 'borrowed authority', in other words, authority granted by God and never entitlement. And 'borrowed authority' can be reclaimed and taken away again.

<sup>137</sup> Those are exactly the areas where 'free will' applies – according to Luther's definition. This implies that a government does not have to be 'Christian' to be legitimate or to govern adequately.

The human soul and matters of faith and personal conviction, however, are solely under God's authority and worldly rule has no say here.<sup>138</sup> The governing authorities are not supposed to scrutinize people's inner attitude, accordingly they can neither assess spiritual matters or assume judgement over an individual conscience nor can they prescribe faith to anyone (LW 45:106-111).<sup>139</sup> Other than the spiritual government whose task it is "to produce righteous people under Christ" (LW 45:91) by virtue of the Spirit, it is the temporal government's function to safeguard that people – however reluctantly – comply with the law. Hence the government has a right to "restrain the... wicked so that... they are obliged to keep still and to maintain an outward peace" (LW 45:91).

The fact that Christians are 'citizens' of both the eternal and the worldly kingdom, determines their obligations in the bigger framework of a polity. It is self-evident for Luther that Christians would be interested in maintaining any public order that allows for the flourishing of individual lives and the welfare of society as a whole because this corresponds to God's will. Subsequently Christians should support the life-preserving efforts of worldly government by keeping the law and helping to enforce it: "Because the sword is... beneficial and necessary for the... world in order to preserve peace, punish sin, and restrain the wicked, the Christian submits most willingly to the rule of the sword, pays his taxes, honours those in authority, serves, helps, and does all he can to assist the governing authority, that it may continue to function..." (LW 45:94). On the basis of this divinely ordained 'positive function' of government set down in Scripture, Christians are not allowed to rebel against a legitimate government (LW 45:110; MLAS, Vol 4:109). In Luther's view, the positive attitude towards (a legitimate) government also converges with Christians' own calling as servants who seek what "is needful and useful for their neighbours" (LW 45:94).

It is, in fact, the same loving commitment to others that also leads Christians to participate in political processes and to assume responsibility in society. Luther insists that Christians should make themselves available for public office, if the need arises (LW 45:100,103), embodying the purpose of government "to combat evil and further the good" (Nürnberg, 2005:254). Fulfilling a public function is a service to the community, therefore, the motivation for taking such an office must never be motivated by a desire for power but only by the will to be useful

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<sup>138</sup> The 'inward attitude' should only become a matter of interest to the state if it turns into an 'outward action' that harms and endangers others. This would apply to extreme ideological views – a very topical issue in current times.

<sup>139</sup> This statement is closely connected to Luther's argument that no exterior thing can control the soul or invalidate the (inward) freedom of a Christian (MLBTW:597). Clearly the 'power of the sword' has no authority over the realm of the soul, and spiritual power ultimately belongs to the eternal kingdom whose bearer is the church.

to others. Office bearers should act in the best interest of the people and not out of a sense of entitlement, self-interest or a thirst for recognition and glory (LW 45:95-96, 101, 103, 120).

All of Luther's considerations on Christians in the role of supportive and compliant citizens or public office bearers are, of course, based on the assumption that a government does not act arbitrarily and in a dictatorial manner, but is aware of its serving role for the purposes of a sovereign God, and of its accountability before this God. If, however, rulers abuse their power and the governing authorities systematically promote injustice and evil by acting against God's commandments and forcing others to do the same, they clearly forfeit their divine commission and their God-given authority. In that case Christians' obligation to conform ends and disobedience and non-violent resistance are not only allowed but in fact called for (LW 45:112, 125). Here Luther invokes Acts 5:29: "We must obey God rather than any human authority" (LSB/ NRSV, 2009). Subservience to governing authority is thus never absolute. In case of conflict, the obedience to God always takes precedence because this is where a Christian's ultimate allegiance lies (LW 45:111, 125).

Because God's goal – to preserve and enhance life – is the same in both kingdoms, Christian action everywhere must be guided by the same principle: love (MLBTW:610-623; LW 45:118). Whether it is in the private sphere of the smaller community-context of family and friends or in the public framework of society, the unselfish dedication to the life and well-being of others must guide a Christian's ethical decisions. Luther does not have a different standard for Christians as citizens of the 'worldly' realm or as believers in the 'eternal' kingdom. The command to love may not always lead to the exact same results in the various contexts, but it applies equally to the peasant as well as to the Christian ruler, to the official as well as to the parent (LW 45:98, 118).

Love as the ongoing commitment to the welfare of others continually requires us to ask: What is the most beneficial to our fellow humans in this particular situation? How can we protect them from evil, help them in their tasks and enhance their life-chances? Luther describes love as the selfless attitude that always puts the other person first: "Works... done in love... are directed wholeheartedly toward the benefit, honour and salvation of others, and not toward the pleasure, benefit, honour, comfort and salvation of self" (LW 45:118). In the spiritual kingdom, it is the Word of God and his commandments that embody this love, in the temporal kingdom, Luther argues, the state can draw on natural law and the Golden Rule innate in human reason to enact this love (LW 45:128).

However, based on his distinction between the worldly and the spiritual kingdom, the Reformer introduces an additional differentiation here. As far as our own person and interests are concerned, we must follow Jesus' teaching on the Sermon of the Mount and turn the other cheek. This means we must be prepared to passively suffer evil and injustice and refrain from

seeking revenge, even if that includes renouncing on rightful claims or seeking compensation in court (LW 45:96, 103; MLAS, Vol 4:112-118).<sup>140</sup> But as far as our fellow humans are concerned, Luther says, Christian love knows no tolerance towards wrongdoing. On behalf of others we must all – irrespective of our role or standing in society – unequivocally reject evil, actively fight it, and prevent it with the help of the full force of the law, standing in for the rights and well-being of others and seeking justice, protection and help on their behalf (LW 45:96,101-103).<sup>141</sup>

For Luther, this ‘double practice’ is an attempt to bring both kingdoms into harmony with one another in one and the same person: “At one and the same time you satisfy God’s kingdom inwardly and the kingdom of the world outwardly. You suffer evil and injustice, and yet at the same time you punish evil and injustice; you do not resist evil, and yet, at the same time, you resist it. In the one case, you consider yourself and what is yours; in the other, you consider your neighbour and what is his. In what concerns you and yours, you govern yourself by the gospel and suffer injustice towards yourself as a true Christian; in what concerns the person or property of others, you govern yourself according to love and tolerate no injustice toward your neighbor” (LW 45:96). The effort to subdue evil for the sake of others can come at the price of suffering and self-sacrifice, of course. Luther’s overall ethical approach tries to put into practice what Jesus himself did: Endure evil, exercise love, and do good (Nürnbergger 2005: 253, 269).

### 3.4.2 The reception and interpretation of Luther’s political ethics

The presentation of Luther’s two-kingdoms-thinking would be incomplete without at least taking into account some of its *Wirkungsgeschichte*, precisely because Luther’s vilification or glorification has massively influenced the way in which two-kingdoms-thinking is perceived in the present. Moreover, ignoring two-kingdoms-thinking’s post-Lutheran trajectory would obstruct the path to understanding its original intentions and its potential in today’s world. A look at two kingdoms’ theological and political impact and a short assessment from a contemporary perspective is therefore warranted.

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<sup>140</sup> Luther probably draws on Paul’s thoughts on avoiding court battles between Christians in 1 Cor 6:4-7 here. The readiness to relinquish rightful claims and forego retaliation also applies to a ruler or person in public office. Luther argues that a ruler must not strike back or start a war if this puts too many innocent lives in danger: “A prince must take care... to inflict punishment without injury to others” (LW 45:123). “Let this be the rule: Where wrong cannot be punished without greater wrong, there let him waive his rights...” (LW 45:124).

<sup>141</sup> Nürnbergger (2005:255) comments that since for Luther “love is not a soppy sentimental feeling but the determination to promote the salvation and well-being of one’s neighbour”, it can at times also be very determinate and ‘harsh’ in its response to evil.



The views expounded by Luther certainly triggered controversy among his contemporaries and later generations alike and a multitude of divergent interpretations ensued. Nürnberger (2005:244) gathers that Luther as one of the most influential figures in the history of Christian political ethics was also one of the most “thoroughly misunderstood and abused by followers and opponents alike.” There are multiple and often related reasons for this.

Some of the misrepresentations can be attributed to the unwillingness or inability to engage with Luther’s differentiated and experiential theological approach. The Reformer’s conclusions on ethics in society were contextual and quite complex, and any efforts to understand them definitely require taking the historical circumstances into account. But Luther’s considerations were frequently removed from their original *Sitz im Leben*, subsequently simplified and/or used selectively to endorse the agenda of the respective interpreters, all of whom considered themselves as the authentic interpreters of his original aspirations. This ‘method’ often resulted in the Reformer’s thoughts becoming a ‘quasi-dogma’ or the epitome of the reviled counter position, instead of being an impulse for renewed intellectual probing and discussion. What also contributed to the distortion of Luther’s position was the fact that negative outcomes of the reception of his thoughts were projected back into his person and attributed to him directly, as if these developments had been intended by him. And last but not least, Luther’s own inconsistencies, ambiguities, loose ends, and lack of clarity – an inevitable element of every thinking human being under the conditions of contingency – also played a role.

For a critical appraisal of Luther’s teaching, Nürnberger proposes to distinguish between misunderstandings of Luther’s position by supporters and adversaries, weaknesses inherent in the Reformer’s political-ethical thinking, and questions arising from the fact that social organization and political principles have undergone fundamental changes in the last 500 years (2005:268). This seems a way forward to at least partly disentangle the web of Luther-perceptions and do justice to the Reformer.

In order to understand some of the later misapprehensions of Luther’s thought, it is vital to remember one of the hallmarks of his theological approach: Luther’s reliance on practical experience combined with a thinking that is based on making distinctions – between God and human beings, divine freedom and human freedom, law and gospel, ‘inward man’ and ‘outward man’, lordship and servanthood, person and deed, works of the law and fruit of faith, the kingdom of God and the kingdom of the world – just to name a few. These differentiations are a reflection of the complexity of this world and the many contradictory facets of life which permanently challenge the believer and require constant ‘mental and spiritual fine-tuning’.

Distinctions become the red thread woven through Luther’s thought, allowing him to find his way through the maze of an intricate spiritual and physical reality. Jüngel (1981:93, 117) reminds us that the opposite notions allow us to grasp contrasting and yet simultaneous truths

and that in most cases the contrasts serve to bring out the fundamental unity between them. Nürnberger (2005:269) argues convincingly that whenever Luther makes distinctions “he thinks dialectically, not dualistically. He also thinks existentially, not speculatively... describing the inescapable tension between two aspects of the same process within the life of a believer.” Luther’s dialectical approach, however, was not always understood by those who weighed in from a later perspective. Thinkers like Herbert Marcuse, who could not do anything with Luther’s Christ-centeredness and his radical emphasis on God’s sovereignty, faulted him for making inner freedom a priority, accusing him of effectively denying the relevance of exterior freedom *per se* (Jüngel, 1981:119; Hübner, 2012:71). The Reformer’s distinction between person and deed – which is so essential for any notion of grace, forgiveness and justification – was equated with a double morale. And the characterization of freedom as a spiritual reality independent of exterior circumstances was seen as a sign of passivity and unwillingness on Luther’s part to fight for positive changes and concrete freedom rights in society. In combination with the Reformer’s call to obedience towards the government and his strong reservations towards insurrections, this was interpreted as proof for his indifference toward people’s plight of unfreedom in society (Jüngel, 1981:119; Barth, 2012:246; Hübner, 2012:58, 71).

But that which was regarded as an unforgivable lack of activism by the one side, was welcomed by others as a justification for not getting politically involved. In that context Luther’s teaching on the two kingdoms was understood as an encouragement to process the worldly and the divine realms as separate realities and “as a call to concentrate on the spiritual dimension of salvation and...accept the legitimacy of the status quo” (Nürnberger, 2005:8) in society. This attitude more often than not resulted in tacit agreement *with* or even candid support *for* repressive political systems – which is exactly what Marcuse and other critics accused Luther himself of.

At the end of the day, none of the two interpretations really reflect Luther’s true intentions. Neither the charge of political indifference and passivity nor the exclusive emphasis on inwardness can hold up – all of Luther’s pronounced considerations on the importance of commitment for the well-being of others and his comments on the political situation of his time are proof to the contrary.<sup>142</sup> Luther’s analytical propensity and his down-to-earth approach

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<sup>142</sup> In writings like the *Freedom of a Christian, the Small and the Large Catechism* and the *Sermon on Good Works*, Luther thoroughly expounds the practical application of Christian freedom in concrete commitment for the neighbour and the concrete implications of the Ten Commandments. And in essays, letters and treatises like *On Worldly Authority (1523)*, *Admonition to Peace/ Reply to the Twelve Articles of the Peasants in Swabia (1525)*; *Against the robbing and murdering hordes of peasants (1525)* he expresses his concerns for the well-being of the people in the conflicts of his times in no uncertain terms.

made him keenly aware of the conflicting realities of his time. As a pastor of souls, he was also much too (com)passionate to blank out the obvious power imbalance and suffering in the society of his time – even if he did not draw all the conclusions that we as 21<sup>st</sup>-century-people might have wanted him to draw.

While both the described misapprehensions come to opposite conclusions, they have something in common: Both regard Luther's approach as an attempt to divide reality into different parts, failing to understand their fundamental unity. However, a diligent reading of the Reformer's writings cannot possibly lead to the conclusion that he sees our inner and our outer realities as two independent entities. On the contrary: Precisely because the different kingdoms, as well as the 'different freedoms'<sup>143</sup> within them, are inseparable, their relationship with one another needs to be examined in such detail. Both stand for simultaneous truths – in the same way as the inward and the outward aspect of humanity exist in one and the same person. But they are clearly not the same thing; and their respective tasks cannot be fused. Neither kingdom and neither freedom notion can do the work of the other, both have to fulfil their distinct calling and each one is indispensable in their own way (Luther, LW 45:91-92, 106, 110-111).<sup>144</sup>

Luther wanted to ensure that there was no confusion between the two spheres of divine power and that their bearers, church and government, did not interfere with one another's specific task. This is why he carefully defined them on their own distinct terms. While he was convinced that the two different notions belonged together, it was also evident to him that the truth and validity of the one cannot be measured by the extent or visibility of the other. The relationship between both kingdoms is not one of causal interdependence. This implies that the absence of freedom rights does not annul the claim of freedom in Christ nor does the existence of general freedom rights in a society actually prove the reality of a spiritual kingdom.<sup>145</sup> Conversely, the experience of Christian freedom as such is not a concurrent guarantee for freedom rights in a society – they still have to be fought for on the basis of faith and love. In real life the freedom of a Christian does not always result in a emancipated life with individual freedom rights. The example of Christ himself and many others in his wake is proof of that,

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<sup>143</sup> That is, the freedom of the will to manage one's earthly life and the freedom grounded in Christ

<sup>144</sup> As we saw before, the distinctions allow each part to fulfil its function and to contribute to 'the whole' of reality. This means for example: Just as the Church cannot propose the laws of the land, the governing authorities are not called to preach the gospel. Both must be free to fulfil their respective mission: the church must not be hindered in preaching the gospel and taking care of the spiritual needs of people; the governing authorities must provide the laws of the land and watch over compliance, protecting, and preserving the life of all. The state is not supposed to bring about the kingdom of God by exterior means, as much as the Gospel cannot force outward obedience by imposing spiritual power (LW 45:90-93, 110-114).

<sup>145</sup> In this vein, Ebeling insists that political freedom and the freedom of the believer must not be played off against one another (1971:328).

but this does not invalidate the truth of the gospel promise (MLBTW:606-607).<sup>146</sup> Hence, there is a lot to be said for not watering down Luther's distinctions – precisely to safeguard the integrity and independence of both parts of the one reality.

Luther's distinction between the two power spheres and his differentiation between a Christian's attitude with respect to himself and to others led many to believe that he advocated a different ethical approach in the private and in the public sphere – as Nürnberger (2005:251) puts it, “an ethic of self-denial and loving kindness for our private lives and an ethic of harshness and law in public life.”<sup>147</sup> But this is not an accurate rendition of the Reformer's position. Luther was very much aware of the intricate connection between individual behaviour in the ‘private realm’ and political necessity in the ‘public sphere’. And his ethical thinking does not create one category for appropriate behaviour in the individual sphere and another for actions in the public context of a community. As much as there is no different set of rules for the peasant or the prince, a Christian is not a different person as a teacher, parent or office bearer.

In Luther's view, all Christian commitment should be reigned by the same principle – love – which seeks the best for the other and is ultimately empowered by the self-giving love of Christ. From his perspective there is no conflict of interests and certainly no dualistic ethic or contrasting moral norms. The allegation of a double standard also ignores that for Luther it is the same God who rules in every sphere of existence – the spiritual and the physical dimension as well as the ‘private’ and ‘public’ aspect of life. A God, who in Jesus Christ has made unequivocally clear that it is his aim to liberate from evil and to protect, preserve and nurture spiritual and physical life in both kingdoms (Nürnberger, 2005:117). For Luther, there is no doubt: Since there is no ambiguity in God and his intentions, there can be no split in those who follow his Word.<sup>148</sup> Christians, however, must learn to deal with the simultaneity of their different roles and the tension-filled reality that this reflects (Jähnichen and Maaser, 2017:90).

The widespread assumption that Luther was uncritically submissive to authority is also based on a somewhat one-sided interpretation of his utterances. Luther's call to obey authority was never intended to advocate blind compliance or “slavish obedience” (Nürnberger, 2005:264) towards an unjust regime. The respect for the rule of law and the submission to the governing

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<sup>146</sup> See the example of Dietrich Bonhoeffer whose experience of Christian freedom was not diminished by oppressive exterior circumstances.

<sup>147</sup> Here again we can see the overlapping between the ‘passivity-accusers’ and the ‘political passivity advocates’. For the former this was an unacceptable double morale while for the latter it offered a legitimate solution to escape the dilemmas of ethical ambiguities in the private and public sphere.

<sup>148</sup> Nürnberger (2005:251) points out that “Luther wrote *On Worldly Authority* in 1523 specifically to overcome this kind of dualism. In this Treatise he developed his teaching that God's exercises his redemptive authority in two ways: one internal, the other external.”

authorities was for him not ‘a virtue’ independent of the specific circumstances; it referred strictly to backing the task of limiting evil and protecting the well-being of all. The support for the God-given task of government does not allow for indifference and it does not exempt Christians from the responsibility to diligently examine their reality and to scrutinize the motives and the actions of the governing authorities. In the case of abuse of governmental power, Christians are therefore bound to call out injustices, denounce unlawful practices and resist governmental orders. The refusal of obedience towards an oppressive government and unjust laws is an integral part of a Christian’s faithfulness to God (LW 45:110-112,125). In this vein uncritical acceptance of authority, quietism and subserviency are definitely not the only, and much less the compelling conclusions to be drawn from Luther’s stance. Nürnberger rightly contends that these attributes should never have become a typical, or even worse, a dominant feature of Lutheranism (2005:244).<sup>149</sup>

Within the bigger picture of historical developments, however, this other, critical aspect of Luther’s thought was frequently overlooked or intentionally ignored. One of the reasons for this could be that – because of practical necessity and the situation of the protestant princes being pitted against a Roman-Catholic emperor – the Reformation was largely carried out ‘from above’: Nürnberger notes that “for practical reasons and against Luther’s own intentions, the Protestant churches in Germany found themselves under the direct control of the princes” (2005:244). In this environment Luther’s call to obedience towards authority and his recurrence to Romans 13 then served to “legitimate the autocracy of the princes” (ibid.), and the Reformer was henceforth perceived as ‘a lackey of the princes’. The described perception of Luther’s uncritical support for existing authority persisted and was later adapted as the default Lutheran position, overshadowing the less prominent traits of Luther’s thought.<sup>150</sup>

Misunderstandings, misinterpretations, and distortions notwithstanding, there are some serious impasses in Luther’s political ethics. These weaknesses not only fostered some of the ensuing misconceptions, they also show the limits of his perspective. While Luther’s distinctions no doubt capture much of the complexity of experienced reality, the Reformer did not always succeed in demonstrating the close connection and correspondence between

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<sup>149</sup> Michael DeJonge in his two books *Bonhoeffer’s Reception of Luther* (2017) and *Bonhoeffer on Resistance* (2018) thoroughly re-examines Luther’s stance on government resistance on the basis of his writings. His convincing conclusion is that there is a solid basis for resistance in Luther’s own two-kingdoms-approach which was continually undervalued in later interpretation – a basis which Bonhoeffer clearly recognized and appropriated for his own reasoning on resistance.

<sup>150</sup> Nürnberger (2005:244) concludes that the 16<sup>th</sup> century situation of the churches’ dependency on well-meaning authorities – together with other factors such as “the fragmentation of the Empire into independent princedoms or the Thirty Years War” contributed to the fact that “Germany remained under an absolutist political order for a... long time and could not build up a liberal democratic tradition.”

contrasting notions. So even if the 'general accusation' of a dualistic approach is not justified, the risk of a 'split Christian behaviour' cannot be entirely dismissed.

Trying to differentiate between what a Christian is supposed to endure in love with respect to himself/herself and the necessity to fight evil forcefully on behalf of others, may sound convincing in theory, but can it hold water in practice? Nürnberger (2005:269) rightly argues that in reality self-interest and genuine concern for others are neither always in contrast with each other nor can they always be so clearly separated.<sup>151</sup> In fact they can even be very close at times. Furthermore, experience teaches that not all self-interest is 'selfish'. Self-love, as incorporated in the double commandment to love, also allows for a legitimate defence of one's own dignity – especially as an example to others who must not internalize that it is a Christian's lot to be disrespected by others. The latter would be at odds with the divine intention to preserve and enhance fulfilled life (Nürnberger 2005:270).

We also need to ask: What kind of conflicts can arise between Christians, if one believer wants to intercede on behalf of another Christian who is – according to Luther – bound to endure evil? And how does the individual Christian's decision to endure evil for his own sake or to fight it for the sake of another impact others – Christians and Non-Christians alike? How could they even distinguish the different motives by just looking at the exterior behaviour? And moreover, how would possible ethical conflicts play out in the whole of a community? These intricate questions were not addressed by Luther in a satisfactory manner. Nürnberger concludes that ultimately "the formula 'endure evil' (done to yourself) and 'do good' (including resistance to evil done to others) is simplistic" (2005:269 – parentheses Nürnberger). More context is required.

A similar problem arises with the requirement of love as the central criterion for action. While Luther's reasoning is profound, the difficulty lies, as usual, in the detail. It could just be that the form that love takes in a concrete case – whether a Christian acts as a parent or in his/her capacity as an office-bearer or with respect to him/ herself or on behalf of another – turns out to be so different that it becomes almost impossible to trace it to the same foundation. If, for instance, love is expressed in care and kindness, while it is also the motive for striking down a violent resurrection with the help of force, it becomes difficult for anyone but God, who scrutinizes the heart, to identify the tenderness and the harshness as the same thing, namely as 'love'. And does Luther's intrepid characterization of these opposing notions within Christians not contain the very real danger that they will be torn apart by the tension? All of the Reformer's boldness in naming the extent of life's ambiguities and tensions inherent in

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<sup>151</sup> Accordingly, he also doubts that pure altruism devoid of self-interest is even biblical, pointing to the "New Testament's dialectic between self-assertion and self-denial" which is also characteristic for Jesus himself (Nürnberger, 2005:269). This of course corresponds to 'lordship' and 'servanthood'.

human reality did not save him from underestimating the peril of stretching the different parts so much that they could eventually break apart.

It seems that the effort to introduce a differentiation between the private *persona* of an individual Christian and the public *persona* of a Christian office-bearer is necessarily doomed, leading to the threat of a schizophrenic attitude which in turn undermines the Christian cause. While it is certainly true that the constraints pertaining to certain roles and functions and the requirements of love can lead Christians to different ethical decisions in varying situations, there is no easy solution for the dilemma of appearing to be ethically ambiguous. And it remains a permanent struggle to escape the danger of dogmatization ('this is the only possible way to act'), on the one hand, and the trap of ethical paralysation ('I would rather not act than do the wrong thing') on the other hand.

Of course, the Reformer was aware that individual Christian freedom leads to social responsibility because the individual forms part of a community. But it looks as if Luther never really grasped the full consequences, including the 'revolutionary potential' of spiritual freedom, in the context of society. He could not see how the dynamics of an inner liberation would inevitably reach out into the wider environment, leading to a more intense probing for justice and equality in society with the possibility of new laws, changed orders, and previously unknown institutions.<sup>152</sup> Not only did Luther fail to realize that his plea for inner freedom would organically result in the demand for enhanced 'exterior' freedom rights, he also did not understand the inverse effect: the extent to which such freedom rights actually create a framework supportive of the experience of spiritual freedom.

These weaknesses confirm that "the distinction between the 'outer' and the 'inner' realms... is difficult to maintain in practice" (Nürnberg, 2005:270). 'Mind over matter' only goes so far because "social and mental structures tend to be interdependent and to reinforce each other" and "personal spirituality is directly linked with communal behaviour" (ibid.). Luther obviously undervalued the impact of exterior circumstances on a person's inner disposition and he overvalued our human ability to insulate ourselves from external influences.<sup>153</sup> This may have

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<sup>152</sup> This lack of understanding was part of his conflict with the peasants who traced their rightful struggle for more rights and for liberation from crippling societal structures and undignified dependencies back to the liberation and justification pronounced in the gospel of Christ.

<sup>153</sup> During the last five centuries the 'public space' influencing the individual has not only changed completely but also widened continuously. As a consequence, exterior circumstances and all sorts of pressure from propaganda and mass media to social and peer pressure "all have immense power over the perceptions and attitudes of individuals" (Nürnberg 2005:270). Today's individuals are permanently exposed to an extensive amount of conflicting truths and scores of information, from which they cannot distance themselves easily. This makes it much more difficult to keep the spiritual priority and maintain an inner balance.

been one of the reasons why his genuine concern for the well-being of individuals did not also translate into a more pronounced commitment for change on a societal level.

Luther was very focused on the individual person's place in the community, but not so much on the features of the overall community as such. Struggling to understand the bigger picture of interdependence between 'private' individual efforts to put freedom into practice and the 'public' communal efforts to institutionalize freedom rights within a political process, he lacked the overview that would have allowed him to comprehend how superordinate structures shape individual lives, perpetuating inequality and hindering freedom. Accordingly, he did not really comprehend that the realization of freedom rights for all could not be accomplished by the engagement of individual Christians alone, but that this required joint political action on the level of government and jurisdiction with obvious ramifications for political structures and societal orders.<sup>154</sup>

In short: Even if Luther's notion of commitment contained all the ingredients of social responsibility, he did not realize the range of implications of freedom on a collective level. Being focussed on prioritizing inner freedom, he was not sufficiently aware that the renewal of the 'inner person' must necessarily go hand in hand with social transformation in the framework of a society. Nürnberger (2005:270) maintains that although "Luther wrote abundantly about social responsibility, he did not sufficiently clarify the link between eschatology and political ethics". This leads the South African theologian to the conclusion that the "otherworldly view of the kingdom of God... in Protestantism" (ibid.) must make way for a vision in which the divine purpose of a fulfilled and dignified life is held out as a goal toward which concrete political reform can work.<sup>155</sup>

As a child of the outgoing Middle Ages at the threshold to modernity, Luther remained committed to the societal orders he was familiar with. Structures like family, profession, social ranks, societal roles or institutions were a given which had to serve the overarching divine purpose of preserving life (Barth, 2012:247). Luther clearly saw their imperfections and aimed at improving and reforming them from within,<sup>156</sup> but he obviously could not yet conceive

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<sup>154</sup> H.-M. Barth sums up that "Luther was not clearly aware of the... social element always implied in the topic of freedom: his preaching was for individual peasants or princes, individual maidservants or noblewomen, but his goal was not the liberation of 'the peasant', 'the woman' or 'the proletariat'" (2012:244).

<sup>155</sup> Accordingly, Nürnberger (2005:270) concludes: "While it is true that social institutions must contain evil and maintain order, their *predominant* role is to open up avenues for greater justice, equality of dignity, social and economic development, ecological sustainability, improvement of the quality of life, and greater fulfilment. It is illogical to maintain that personal transformation is possible, while social transformation is not" (italics Nürnberger ).

<sup>156</sup> For instance, the system of the princes having all the power over the peasants, the inequalities of income and status pervading the society of his time and the entire 'stratification' of society.



community forms and societal institutions that were decidedly different from the hierarchical-patriarchal-feudal patterns that he knew (Nürnberg, 2005:273). He was first and foremost focused on the Christian's role to be a stabilizing force in society (ibid.:257). The possibility that the divine goal of promoting and preserving life might also be served by 'undermining' the traditional order, indeed, that it might necessitate the overhauling of existing structures and the remodelling of political institutions with Christians as active agents of change, was beyond his grasp.

Luther did not question the established social conventions of his time or political authority in any significant way. This may have had to do with his view of the different tasks of the two kingdoms according to which he regarded such challenging or the developing of new visions for the future of society as outside of his task as a theologian, respectively of the church's 'territory' and competency. It might have also had to do with an understandable desire for stability and peace. The whole idea of remaking or overthrowing existing orders was certainly alien to him.<sup>157</sup> While Luther did not shy away from criticizing exploitative and unjust behaviour of individual rulers or people in positions of power from a theological perspective,<sup>158</sup> he was less confrontational when it came to naming abuse inherent in the organizational form of contemporary society as such. The particular circumstance that the Reformation movement depended on the protection of the governing authorities may have contributed to this 'structural blindness' and to the lack of political courage.

Subsequently Luther – in spite of his indisputable passion for justice and his earnest theological quest for human dignity – did not manage to turn the church in his wake into a beacon of freedom in society. The church that proclaimed the supreme power of Christian freedom, did not become a leading force against oppression and injustice nor did it turn into an advocate for the poor and marginalized (Nürnberg 2005:272, 274; Barth 2012:245; Hübner 2012:68).

In conclusion we can say: Precisely because of Luther's outsized influence on theological and societal developments in his time and in his aftermath, his historically understandable, but from a later perspective fateful hesitation to take a stronger stand against the governing authorities and unjust structures, had far reaching consequences. Combined with his obvious lack of imagination in addressing issues of inequality, unfreedom, and power imbalance on a

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<sup>157</sup> Luther's fear of the negative consequences of rebellions (bloodshed, loss of lives, chaos and anarchy) which is so obvious in his stance during the Peasants' War probably played a huge role – possibly combined with his deep insight into the sinfulness of human nature which quelled his optimism as to the success of new human-made-orders.

<sup>158</sup> See e.g., LW 45:119ff. where Luther sets out how a Christian ruler is to live, and his severe castigations of the rulers' conduct in the treatises that deal with the peasants' insurrection and their demands. Cf MLAS, Vol 4:102-109, 117, 127-130 and LW 45:118-120, 126f.

more structural level, it contributed to a tendency to uncritically preserve passed-on structures and to an emphasis on obedience towards authority within the Lutheran tradition. For centuries an attitude of internalization of faith without active engagement in society, in combination with a spirit of submissiveness to state authority, was characteristic for Lutheran churches in Europe. And “the traditional picture of Luther’s ethics... became that of conservatism, uncritical acceptance of state authoritarianism and even ideological legitimation of totalitarian regimes, such as that of Hitler in Germany” (Nürnberg, 2005:254). These outcomes certainly did not correspond to Luther’s own intentions but he contributed to them by his penchant for sustaining the *status quo* and his lack of vision in terms of a wider political perspective.

From a contemporary perspective it is obvious that Luther’s lack of a systemic approach was holding him back: He definitely did not realize the extent to which freedom as a crucial element of human life requires institutions and a policy of protected human rights anchored in state governance. His lack of interest in societal structures as such kept him from perceiving their crucial impact in the lives and for the well-being of individuals and their essential role for the enhancement of freedom in a community (Nürnberg, 2005:273; Hübner, 2012:68; Jähnichen and Maaser, 2017:204). Subsequently he neglected the need to alter or substitute traditional structures with new ones, and he certainly did not embrace the idea of a political system that required joint political action by *all* role players in society within a non-hierarchical form of government.

More interested in restoring a good order within the framework he knew, he did not consider his own approach as in any way innovative in the sense of a politically changed society. Luther experienced the polity to a large extent as congruent with the church and he considered it logical that the governing authorities and the state saw themselves as God’s servant and as accountable to God. A multicultural and secular society where a new base for governmental authority – acceptable to believers and non-believers alike – would have to be found, was not yet on his inner horizon.

So, even though Luther – by virtue of his profound understanding of the human person and his strong empowerment of the individual and mature believer – made a large contribution to the later developments of enlightenment and the whole idea of modern participatory societies that value justice and equality, and rely on educated, mature and ‘unpatronized citizens’, he could not possibly envisage a globalized world with individual citizens in nation states. There is consensus among contemporary Luther scholars that the concept of a democratic society with democratic institutions, political participation and constitutional freedom rights for all was as yet not within his reach (Nürnberg, 2005:270, 276; Barth, 2012:245; Hübner, 2012:69).<sup>159</sup>

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<sup>159</sup> And can we fault him for that?

It is probably safe to say that in a certain way Luther became the victim of his own strength of reasoning as much as a casualty of the limits of his own perspective.

However, Luther's obvious shortcomings must not keep us from reflecting carefully, how his many valid considerations can be adapted and made relevant in our present situation and within our current theological and political climate. As far as the teaching on the two kingdoms is concerned, the ongoing challenge will be how to uphold the distinctions between the different notions without losing their fundamental unity, or conversely how to keep them together without losing their distinctive features. We cannot reproach Luther for not foreseeing all the consequences and subsequent interpretations of his insights, and much less for not already presenting solutions to problems that developed in his wake. Nor can we hold him accountable for our own unwillingness or inability to draw more convincing practical consequences from his understanding of Christian freedom.

Neither Luther's call for intellectual independence and rational maturity, nor his encouragement to bold engagement for others in our immediate environment and in society is obsolete. It still leads to an understanding of freedom in which the individual is capable of claiming and standing in for appropriate rights and a more just society while at the same time serving God – precisely as a self-determined being and as a believer. Luther's message of the sovereignty of freedom as loving commitment remains a powerful one and it is our ongoing task to probe how we can apply it and bring it to bear in our specific political and social context today.

## Chapter 4

### Dietrich Bonhoeffer: Christian Freedom as Responsibility in Conformation to Christ

#### 4.1 The framework of human freedom

##### 4.1.1 The role of freedom in Bonhoeffer's work and life

At first glance 'freedom' may not be the obvious lens under which to look at Bonhoeffer's theology – other topics like 'sociality' or 'responsibility' seem to suggest themselves. However, Bonhoeffer's affinity with the theology of Luther, who brought the matter of freedom to such prominence, leads us to pursue the freedom threads in Bonhoeffer's theology as well. Whether it is Bonhoeffer's dealing with Barth's understanding of revelation in *Act and Being*, his notion of creaturely freedom in *Creation and Fall*, his profound expounding of the connection between freedom and responsibility in *Ethics* or his personal spirituality expressed in the poetry in *Letters and Papers from Prison*, the topic of freedom appears in many different ways. Exploring it allows us to delve into the rich complexity of Bonhoeffer's theology and to bind together its many different perspectives. Ann Nickson, who engaged in the laudable enterprise of studying Bonhoeffer's understanding of freedom throughout his whole oeuvre<sup>1</sup> rightly argues that "freedom's... central place within Bonhoeffer's understanding of creation and redemption... means that other motifs continually engage with and are enlivened by their reference to it" (2002:8).<sup>2</sup>

The profound influence of Martin Luther on Bonhoeffer's theological thought and his spirituality remains crucial. Bonhoeffer takes Luther's existential questions about genuine freedom, meaning, personal salvation, and justification into the 20<sup>th</sup> century, tying them to the notions of community and the wider framework of Christian action in society. And by expounding the ethical responsibility of a divinely given freedom or by applying two-kingdoms-thinking in his own circumstances, he develops the Reformer's key concepts further while also asserting their ongoing relevance.

As a theological thinker and through his personal conduct as a Christian, Bonhoeffer undoubtedly attests to the power of Christian freedom that Luther so vehemently defended. Luther's contention that no external circumstances such as "poor health or imprisonment or

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<sup>1</sup> See Ann Nickson's 2002 book *Bonhoeffer on Freedom. Courageously grasping reality*.

<sup>2</sup> Nickson is convinced "that the theme of freedom illuminates the relationship between doctrine and ethics, faith and discipleship, Christ and reality, which is absolutely fundamental to Bonhoeffer's life and theology" (2002:8-9). If we follow this assessment, we discover another fundamental parallel with Luther, whose theology so often poignantly connects dogmatic and ethical themes to the point that they become indistinguishable

hunger or thirst or any other external misfortune can harm the soul” (Martin Luther’s Basic Theological Writings = MLBTW:597) or endanger the freedom of a Christian, so that “the cross and death itself are compelled to serve the Christian...” (MLBTW:607) is certainly true if one looks at Bonhoeffer’s life story.

Even before his imprisonment in 1943, Bonhoeffer had already been living in a situation of severely curtailed inner and outer freedom with multiple restrictions on movement and publication, forcing him and his like-minded friends, colleagues and family members to permanently operate in secrecy. So not only did Bonhoeffer’s own experience of ‘unfreedom’ contribute to making freedom a prominent, if somewhat hidden undercurrent of his theology, but the particular challenges of having to navigate life in a totalitarian state give his reflections on a responsibly lived Christian freedom a specific depth and urgency – both of which are needed in view of the dominant position of digital monitoring technology with its ‘totalizing perspective’ and the looming threat of dehumanization.

#### **4.1.2 The reality of the world and God’s reconciliation-reality in Christ**

To understand the role of human freedom in Bonhoeffer’s thinking, it is useful to take a look at his notion of reality first, not only because this makes for some intense reflections on the two essential points of reference in Bonhoeffer’s theological framework – God (in Christ) and the world respectively humanity in their relationship with one another – but also because the ‘topic’ of reality takes us straight into the heart of Bonhoeffer’s approach in general.

Bonhoeffer shares Luther’s basic assumption that one cannot say anything of substance about the world without taking God into account nor anything valid about God without reference to the world. This is because a world without God is not anchored anywhere while the idea of a God with no ties to the created world is an abstract concept of no consequence for human life whatsoever (Dietrich Bonhoeffer Werke =DBW 6:32-33, 39, 54, 222, 253). There can be no appropriate view of the world without God since God as the origin of everything defines and embodies what reality actually is – indeed he *is* reality itself (DBW 6:32, 33, 39). Bonhoeffer makes that very clear: ‘Reality is not built on principles but rests in the living and creative God’ (DBW 6:68 – tl CS). As the ‘Alpha and the Omega, God is the first and the last reality’ (DBW 6:33 – tl CS), and also ‘the ultimate reality beyond and in all that exists’ (DBW 6:68 – tl CS). Hence all other ‘realities’ such as our egos and worldly truths are imbedded in the God-reality (DBW 6:32). Consequently, human reality cannot be genuinely understood without the reality of God which pervades and supports it. The existing world has no inherent reality of its own – it only has true existence by virtue of the ongoing reality of God (DBW 6:39, 40, 43-44, 266). Therefore, human or worldly reality can never become ‘a quality’ independent of the creator

of reality.<sup>3</sup> So God is not only the source and foundation of all that exists, in other words, that which can be seen, touched or experienced in real life, he also upholds the world's existence and legitimacy by his will and divine existence. This implies that God is also the one who ultimately gives meaning, value and direction to human experience, and to all that humans perceive as 'reality'. He is the life, the ultimate power and indestructible truth in 'things' and events – and as such he is the ultimate criterion for that which can be called 'real' and 'good' (DBW 6:32-37, 40, 47-49, 252).<sup>4</sup>

Bonhoeffer is quick to point out, however, that God as the epitome of reality is not a mere idea or an abstraction himself. God's reality has a concrete form and a distinct content. God has become incarnate in the person of Jesus Christ who enters the 'created reality' of this world and truly becomes a part of it (DBW 6:39, 44, 87, 149). In him as the "God-man" (DBW 6:69) God and humanity have truly become one (DBW 6:68, 146). This 'unification' is the reconciliation between the sinful creation and the holy creator: In Christ, God the creator reveals himself as the reconciler and saviour (DBW 6:69, 89, 133, 150, 152, 406). Christ in his own body, with his whole person, unites the seemingly irreconcilable opposite realities of God and the world by partaking in earthly reality and overcoming it at the same time (DBW 6:40, 44, 48, 52). This happens in such a way that God incorporates the world into his divine reality without denying the world its own specific character and being. By sending the Son as the embodiment of his own innermost reality, God establishes a new world in the middle of the old world, a new reality that simultaneously embraces, surpasses and transforms human reality.

The entire worldly reality in all its ambiguity, contrasts and contradictions is taken up and borne in the self-giving of the son, who represents both God's Yes as the affirmation of life, growth, goodness and flourishing as well as God's No as the negation of all that hinders and destroys life. Jesus Christ is thus God's 'personified judgement' on the suffering and death caused by human sin, and at the same time God's unconditional grace in his love, acceptance and justification (DBW 6:44, 77-78, 140, 149-50, 222, 250, 261). By virtue of his 'interference' God saves the world from the false realities it keeps deceiving itself with, reasserting his original divine right to be "the ultimate reality in all that exists" (DBW 6:222). Hence Jesus Christ as the 'epitome of reconciliation' is also the embodiment of reality. He is the precondition to understand the structure of reality *per se* and the gauge for that which can really claim to be

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<sup>3</sup> This is an interesting parallel to Luther's understanding of (Christian) freedom which can never become 'independent' of the one who has granted it in the first place, but always remains bound to Christ as its contents and source.

<sup>4</sup> Bonhoeffer's frequent parallel use respectively identification of the terms 'life', 'world', 'reality' and 'the good' (DBW 6:35, 37, 39, 245, 248-52 etc.) refers. It resonates Luther's interchangeable use of the terms 'righteousness', 'grace', 'life', 'salvation' and 'faith'.

'reality' at all (DBW 6:223, 229-230 etc.). Bonhoeffer condenses this in the formula that Jesus Christ "is the real one, the origin, essence and goal of all that is real, and for that reason He is Himself the Lord and the Law of the real" (Bonhoeffer, 1995 = Ethics:226).<sup>5</sup>

Bonhoeffer never ceases to emphasize the fact that – from the perspective of God – God has reconciled the world to himself in Christ (DBW 6:49, 52, 61, 227, 237, 262, 265, 320, 404) or – looking from the perspective of the world – that in Christ the world has been loved and accepted, judged, redeemed and reconciled to God – irrevocably and for good (DBW 6:46, 48-49.51-54, 60, 87, 223, 227, 263, 266). This, for him, is the ultimate truth that Christians must reckon with and that must henceforth guide all Christian thought, attitude and action. If Christ is the One in whom the reality of God and the reality of the world have converged (DBW 6:39, 47-48, 68) in 'an insoluble, tension-filled unity' (DBW 6:251 – tl CS), then this reconciliation leads to a new relationship between God and the world: A 'oneness' and 'interlockedness' that cannot be broken up again. By virtue of Christ's being in the world and his deed of salvation the reality of God and the reality of the world are now inseparable. This changes the way in which God and the world must be viewed: It now belongs to the fundamental concept of the world that it has been accepted and reconciled by God in Christ, and it is an inherent part of God's 'divine identity' that he must be sought, experienced, and understood in worldly reality, in the shape of history, in the human being Jesus Christ (DBW 6:40, 44, 69, 253).<sup>6</sup>

Furthermore the 'oneness' of God and humanity also means that reality cannot be split up into different realms or spheres: There is only the one Christ-reality (DBW 6:40, 43-48). By embracing the world and giving himself for it, Christ has claimed the world entirely – it now belongs wholly to him, whether it is aware of it or not (DBW 6:51, 54). Subsequently any compartmentalisation of the world into areas like 'sacred' or 'profane', 'natural' and 'supernatural' with respective autonomous laws is misleading and inappropriate (DBW 6:44, 51, 404, 406).<sup>7</sup>

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<sup>5</sup> Apart from calling Christ the epitome of all that is good (DBW 6:39 etc.) Bonhoeffer also applies the dictum of Christ being 'the origin, essence and goal' to creation, ethical reflection and life in general. Hence Christ is of 'the origin, essence and goal of all that is created' (DBW 6:406 – tl CS), of 'responsible life and responsible action' (DBW 6:258, 269 – tl CS) and of 'life as such' (DBW 6:250 – tl CS) – another unmistakable indication of Bonhoeffer's Christ-centred approach.

<sup>6</sup> Another concise Bonhoeffer-remark from 'Christ the Center' corroborates this: "God in timeless eternity is not God, Jesus limited by time is not Jesus... God reveals himself as the God-man, present in time and space as man and forever present as God" (quoted in Kelly, 1984:40). This 'perspective of necessity' recalls Luther's understanding of a humanity that is in existential need of divine forgiveness and justification and his notion of God's identity as the God who justifies, the God *pro nobis*.

<sup>7</sup> Bonhoeffer further qualifies this statement by adding that this unity between God and the world does not mean that both are now identical – they are still distinguishable. In reference to Luther's two-kingdoms-teaching he adds that 'the worldly' and 'the Christian' cannot become independent of each other but testify to their shared existence in the Christ-reality in a 'polemical unity' (DBW 6:45 – tl

The precedence of God's reconciliation-reality in Christ also shapes Bonhoeffer's understanding of ethical action. Being 'realistic' for Bonhoeffer means embracing as true and valid that God has indeed redeemed the world and reconciled it to himself and furthermore giving this reality priority before all other 'realities' – letting it continually shape our attitude and our actions towards this world and others during this earthly life (DBW 6:48, 55, 223, 228). 'Acting in accordance with reality' is then nothing other than engaging with others in a way that is consistent with this reconciliation-reality in Christ (DBW 6:223, 227-228, 262-63). That Bonhoeffer characterizes 'the contents of Christian Ethics' as 'the realization of the revelational reality of God in Christ among his creatures' (DBW 6:34 – tl CS) implies: Our participation *in* and co-realization *of* God's ultimate reconciliation-reality in Christ consists in our efforts to encounter our fellow humans and their needs in such a way that God's saving action becomes visible, tangible and credible for them, encouraging them to trust in this ultimate reality.

#### **4.1.3 God's self-revelation, God's freedom and God's person**

This brief overview has already shown how closely Bonhoeffer's notion of reality corresponds to his understanding of revelation – in fact his reflections on God's reconciliation-reality in Christ are practically tantamount to an exposition on the nature of divine revelation. This is not surprising, given Bonhoeffer's penchant for the concrete and historically contingent and his view that God incarnate in Christ is the origin and the central contents of both reality and revelation. For Bonhoeffer the manifestation of God's reality 'in the middle of the real world' (DBW 6:39 – tl CS) is identical with his self-revelation. And the human acknowledgement of God as this ultimate reality is the act of embracing God's self-witness: 'To believe God as the ultimate reality is the Yes in faith to his self-testimony, his revelation' (DBW 6:32 – tl CS).

Bonhoeffer's notion of reality has led us directly to his concept of revelation which is, in turn, inseparable from an understanding of divine freedom, simply because self-disclosure without a choice to do so is not possible. Clearly infused with his christocentric approach Bonhoeffer develops his understanding of both revelation and of divine freedom on the basis of interpreting Genesis 1-3, in conversation with Karl Barth's position and the Lutheran tradition.

A look at Barth's position is therefore warranted. Barth's primary concern is to safeguard the unique sovereignty of God and to protect God from becoming an object that can be manipulated by human efforts (Lawrence, 2010:58; DeJonge, 2012:37).<sup>8</sup> Hence his insistence on the independent 'subject-nature' of God and his emphasis on the contingency of revelation

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CS=DBWE 6:60). This already makes obvious that Bonhoeffer does not share the quasi dualistic separation of the worldly and the spiritual kingdom that became so dominant among some Luther-Interpreters in the early 20<sup>th</sup> century.

<sup>8</sup> This is a concern he shares with Luther.



and its exclusive origin *extra nos* in the inscrutable freedom of God (DBW 2:79; DeJonge, 2012:12, 37-39, 43). In Barth's view, God's self-revelation in Jesus Christ and his acting in history in his divine Word does not extinguish the patent distinction between the divine and the human sphere or in any way touch on his sovereignty as divine being. This is because God does not really and wholly become part of concrete time and history (Lawrence, 2010: 59; DeJonge, 2012:75); there is still a part of God's divinity that is not accessible to humans and only belongs to himself.

Bonhoeffer concedes that, given the fact that God 'is at the beginning and the beginning is freedom per se' (DBW 3:25 – tl CS), divine freedom is indeed a category all of its own and never some 'mega-version' of any humanly imagined limitless freedom (Nickson, 2002:53). Since 'we as humans can only think freedom in terms of... one thing among others but never as the *one* thing that really comes *before* all other things' (DBW 3:25 – tl and italics CS), God as the origin and the epitome of freedom is beyond our human understanding and disposal. Nevertheless, for Bonhoeffer, divine sovereignty is strongly qualified by God's will to make himself known to human beings and to overcome the rift between himself and humanity in a unique 'christ-like' way.

So, while he fully understands Barth's concerns and agrees with him on the character of revelation as an event anchored solely in God's free initiative of grace, Bonhoeffer strongly disagrees with the Swiss theologian's underlying assumptions and the 'solutions' he provides to deal with these concerns. According to Bonhoeffer, Barth's "formalistic-actualistic understanding of the freedom and contingency of God in revelation" (Dietrich Bonhoeffer Works English = DBWE 2:90) is inadequate and shows how his whole approach ultimately remains in the domain of the formal and abstract (DBW 2:76-81). It disregards the reality of the world – the very world that God has redeemed in Christ – and does not do justice to the "biblical testimony of God as creator and redeemer of the creation" (Lawrence, 2010:59). For Bonhoeffer as an ardent proponent of the concrete, real and this-worldly (DBW 6:33, 39, 54, 125, 220, 222, 245, 251-253, 373, 382 etc.) such a stance must remain unsatisfactory.

Bonhoeffer himself aims for an approach that is substantial and concrete. Based on the witness of Jesus Christ he wants to make a strong case for the unique freedom of God in revelation while at the same time taking seriously the reality of the created world and the form of the divine revelation as a genuine immersion into this created world. He is convinced that God can be truly known by virtue of his revelation without becoming an object that is incorporated into the human mind in terms of the "subject-object-paradigm intrinsic to the epistemological approach" (Nickson, 2002:38). God's 'being' can be accessed and his self-

revelation can be 'grasped' if we understand that God is a living person, says Bonhoeffer (DBWE 1:34.48.55; DBWE 2:122, 125, 151).<sup>9</sup>

A person is neither a subject nor an object, it is the "third option" (DeJonge, 2012:71) beyond both of them. To be a person means to be free to encounter others in existence and to reveal oneself to them without overwhelming the personhood of the respective other or losing one's own distinct personhood (Nickson, 2002:35). A person, in being unique and 'once-off', is "the unity of act and being as the unity of willed encounter and historical continuity" (DeJonge, 2012:73).<sup>10</sup> In this vein God is the "divine You" (DBWE 1:55) who encounters us as the 'wholly other' and who ultimately facilitates our human personhood (ibid.).

So, if God is a person, Bonhoeffer argues, then God and his self-revelation cannot be split up as two different features – they convey one and the same truth: God's devotion towards his creation in loving care and 'anticipatory' grace. Hence God is not only *in* his revelation, he *is* his (self)-revelation. That is because "God and revelation... are both person" (DeJonge, 2012:75). This implies that "God's freedom is not the freedom of a subject *beyond* history but of a person *in* history" (DeJonge, 2012:75 – italics DeJonge). De Jonge concludes that in Bonhoeffer's approach "incarnation is a movement in which God so fully enters history that in Christ transcendence and historical existence unite" (2012:144).

It is obvious, then, that Bonhoeffer sets himself apart from Barth's "subject theology" (Lawrence, 2010:87). Even as he acknowledges that "God is never in the world in any other way than as one who is utterly beyond it" (DBWE 3:41), Bonhoeffer also insists that "God is in the world *in the word*" (DBWE 3:41 – italics Bonhoeffer). Both, God's being 'in the world' and his being 'beyond it', obviously belong together. 'Transcendence' for Bonhoeffer does not indicate 'distance' a metaphysical concept referring to a distant God who is beyond reach for humans; it is "entirely this-worldly" (Kelly, 1984:51), a term connected to the notion of personhood and to relationships (Lawrence, 2010:20).<sup>11</sup>

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<sup>9</sup> The person-notion for God is prominent in both *Sanctorum Communio* and in *Act and Being*. Few examples will suffice: "The being-of-revelation is 'person'... the revealed person of God and the personal community that is founded on God's person" (DBWE 1:122). In the original German: "*Offenbarungs-Sein .... ist 'Person', Gottes offenbarte Person und Persongemeinschaft, die durch sie begründet ist*" (DBW 2:119) Similarly: "*Gottes Sein ist Personsein*" (DBW 2:152).

<sup>10</sup> Nickson makes a similar point referring to one of Bonhoeffer's seminar papers where he argues that "personality exists in 'onceness' because of its freedom. The only place where onceness might occur is history. Therefore the self-revelation of God must take place in history, only so is the freedom of his personality guarded" (2002:36-37 referring to DBW 10:429 – tl Nickson).

<sup>11</sup> Ann Nickson (2002:55), referring to Bonhoeffer's deliberations in *Creation and Fall*, says that for Bonhoeffer "God, in his use of the word as the agent of creation, remains transcendent of his world, and yet that transcendence is never remoteness, but a paradoxical unity of transcendence and immanence."

In all of this, God's freedom over against the world and humanity and his choice to reveal himself in the way he chooses out of his sovereign initiative is never in question. But God's freedom is substantial freedom (DBW 2:85; DBW 3:59) in that God himself determines the content of his freedom; he himself is the criterion for what freedom means and not some already existing predetermined abstract category of 'absolute freedom' (Nickson, 2002:30). In the concrete historical person of Jesus Christ God has fully immersed himself into human reality and human experience right up unto death. In doing that, God has not held back a part of himself in an inaccessible divine sphere, he has invested his whole being. In the human being Jesus Christ God has given himself to be known as divine person; he has disclosed his innermost self and makes himself approachable for humans. Jesus Christ is the equivalent of God's genuine self-giving, his concrete self-revelation in act and being, his real being *pro nobis*.<sup>12</sup>

DeJonge (2012:75, 94) is right to point out that Bonhoeffer, in terms of his overall understanding of revelation and incarnation, follows the Lutheran line of thought: Not only does he clearly affirm the Lutheran *Logos totus in carne est* as opposed to the *Logos totus in carne est et totus extra* of Barth's Reformed tradition, he also rejects the *finitum incapax infiniti* in favour of the *finitum est capax infiniti*. Bonhoeffer's person-concept of God and Christ also strongly relies on Lutheran theology (DeJonge, 2012:11-12, 94ff., 106, 114-115, 145), latching on to the Lutheran emphasis that "the person of Christ is the fact of revelation" (DeJonge, 2012:96). For Bonhoeffer, God's self-revelation and his freedom are both anchored in the person of Christ. The nature of God's freedom already becomes apparent in creation: The creator chooses not to be 'self-sufficient' and keep his freedom to himself like a priceless possession. Directing his divine freedom towards humanity and his creation, he gives it the form of a bond of love, a bond which is continued and confirmed in the preservation of the creation, and then of course, embodied, most strikingly, in God's self-giving in the person of Christ (DBW 3:59, 129-30). So, the 'glory' and the sovereignty and the 'reality' of divine freedom is not to be found in God's ability to be independent of humanity, but precisely in his ability and in his willingness to bind himself to humanity: "*Das gerade erweist sich als Gottes Freiheit, dass er sich an den Menschen bindet*" (DBW 2:109).

God can make himself weak and vulnerable, he can make himself available to his creation, use his freedom for the sake of humankind and serve human beings with it – all that without losing himself – and that is actually his strength, that is wherein the true power of his freedom

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<sup>12</sup> For Bonhoeffer the self-revelation of God in Christ is an ongoing process because Christ, who lived as a concrete person on earth, continues to live on in history as the resurrected Lord by virtue of the ongoing proclamation of the Gospel and his presence in the sacraments (DBW 6:59, 400ff.). This is also implied by Bonhoeffer's well-known formulation of "Christ existing as church-community" / "*Christus als Gemeinde existierend*" (DBWE 1:141 or DBW 2:108).

lies.<sup>13</sup> Such a “Christ-shaped freedom” (Nickson, 2002:58) as a freedom of self-giving and ‘self-sharing’ is to become the prototype of human freedom. Of course, this implies constraint and self-limitation for the sake of the other, and it is part of God’s sovereignty and his divine love that he can freely accept self-relinquishment. In parallel to Luther, one could describe Bonhoeffer’s stance like this: God’s freedom is essentially ‘freedom as commitment for humanity’ or ‘freedom as the ability and power to serve’ or, as Nickson (2002 60) puts it, “the radical freedom of risk taking love”. This is consistent with the primacy of the *Deus pro nobis* which Luther and Bonhoeffer share.

In *Act and Being* Bonhoeffer gives a succinct summary of his own position which is worth citing in full: ‘Revelation is not so much concerned with the question of God’s freedom’ as such’, beyond its ‘graspability’ for us... in other words with a divine freedom as aseity, in which God remains eternally within his own self, but rather with the fact that God reaches out and steps outside of himself; revelation speaks moreover of God’s *given* word, of the covenant to which God has bound himself. Revelation’s contents are God’s sovereign freedom which finds its strongest confirmation precisely in God’s choice of having bound himself freely to historical human beings and in decision to give himself at the disposal of humanity. God is not free *from* humanity, but he is free *for* humanity (italics CS). Christ is the word of God’s freedom. God *is* present...‘haveable’, palpable in his word (with)in the church. Here a substantial understanding of freedom counters a formal one’ (DBW 2:85 – tl CS).

The fact that God has given his freedom the form of commitment to his creation and that he has bound himself to his creation in a bond of love, does, however, not diminish his divine freedom *from* creation in any way. Bonhoeffer again emphasizes the uniqueness of God’s freedom by insisting that ‘the connection between creator and creation is characterized by nothing but freedom’ (DBW 3:31 – tl CS). Thus, the world is neither the ‘effect’ of any ‘cause’ within God nor is there any necessity within God that compels him to bring the creation into being (ibid.). For Bonhoeffer *creatio ex nihilo* is precisely this: “Between Creator and creature there is simply nothing (*das Nichts*)” (DBWE 3:32). It is solely by virtue of God’s sovereign decision and his divine will which is subject to nothing and nobody that the world has come into being (DBW 3:32, 38).<sup>14</sup>

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<sup>13</sup> We could say that Bonhoeffer’s interpretation is a systematical-theological exegesis of Philippians 2:5-11 or of Paul’s considerations in 1 Corinthians 1 on God’s wisdom and power as being experienced in the lowliness, foolishness and alleged weakness of this world. And of course, it bears strong similarities to Luther’s approach.

<sup>14</sup> For Bonhoeffer (DBW 3:33-34) God’s freedom in the original creation corresponds to his power to create new life out of death. In this vein he can parallel the *creatio ex nihilo* at the beginning with the act of recreating that happens in the resurrection of Christ. In this he follows the exegetical approach of the apostle Paul and the letters in his wake, for whom the power of resurrection is in itself ‘new creation’ (Rom 6:3-8; 2 Cor 5:17; Eph 2:4; Col 2:12).

However, God bridges this ‘nothing’ between himself and his creation by addressing his creation in his word. In this way he establishes a continuity and a genuine relationship between himself and his work (DBW 3:38). While the divine word and the divine commandments maintain the connection between creator and creatures, they also constitute God’s claim to the world, affirming his continued presence *in* and concern *for* the created world (DBW 3:38-40). In all this God, the creator, remains completely free towards his creation. At any given moment God’s ties to creation and his freedom for humanity remain his own will and choice. Bonhoeffer underlines that ‘God speaks, which means, he creates in complete freedom’ (DBW 3:38 – tl CS), with his word being the expression of his sovereignty (DBW 3:40). The creation continues to be at the creator’s free disposal; God is not bound by what he has created, instead he binds the creation to himself (DBW 3:38, 54).

#### **4.1.4 The threefold form of creaturely freedom: For God, from creation and for others**

After looking at the ‘framework’ of divine freedom and its implications for the relationship between God and humanity, we can now turn our attention to the nature of freedom in humans as creatures willed by God. While God’s freedom is ‘uncreated’, unlimited and absolute, human beings are creatures of time and space, hence their freedom can only ever be conditional and relative. But that is part of their unique humanity. According to Bonhoeffer human beings as God’s work do not contain some ‘divine essence’; they are thus neither identical with the creator nor some ‘lesser copy’ or some kind of ‘divine extension’. Humans have their own integrity and distinct features, and that is precisely what makes up their specific creaturely freedom (DBW 3:37). As the embodiment of God’s free, unconditioned command, creation is different by design, something apart from the creator which – even though it points back to Him - *is* not Him (DBW 3:38, 54, 56).<sup>15</sup> God has chosen to give creation its own form and existence before him and as creator he loves his creation in its own unique being (DBW 3:37, 56). Humanity is God’s genuine counterpart (*Gegenüber*) but all the same it is wholly God’s; it belongs to God as ‘the other’ of his own divine ‘otherness’ (DBW 3:37). Bonhoeffer insists on this respective ‘independence in interdependence’ because it safeguards both creation’s specific dignity as well as God’s unique freedom. The sovereignty which God displays by ‘letting’ his creation be different from him, is essentially the basis for any genuine freedom at all.<sup>16</sup>

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<sup>15</sup> The fact that Bonhoeffer – despite his positive valuation of worldly reality and his strong emphasis on God’s real presence in the world – firmly upholds the distinction between the human and the divine, shows that there is a distinct affinity with Barth’s as well as with Luther’s theological perspective.

<sup>16</sup> Nickson (2002:33) reinforces Bonhoeffer’s argument, too, by stating: “It is because God is not humanity writ large, but because he is creator and lord, that human beings are free to become fully themselves”.

For Bonhoeffer it is evident that freedom is as much an element of humans' creatureliness as creatureliness is a feature of human freedom (DBW 3:60). Granted and upheld by a gracious God, both are an expression of human uniqueness, crucial for any understanding of the human condition as a whole. Human freedom springs from divine freedom, of course, and yet it is something in its own right. Bonhoeffer notes that 'created freedom is freedom in the Holy Spirit, but as created freedom it is still humans' (very) own freedom' (DBW 3:60 – tl CS).<sup>17</sup>

Obviously this (creaturely) freedom never exists independently from God, it remains bound to the One who created it, just as the creation as a whole is never autonomous from its creator (DBW 3:33, 38, 54, 56-57).<sup>18</sup> So while God as creator gives his creation its own being and nature and empowers it to exist over against himself in freedom, he also ties his creation to himself in order to shield this creaturely freedom. God wants his creation to flourish and to live out its creaturely potential within the boundaries he has set, and that is why he addresses humans with his word and command (DBW 3:80-81).

Bonhoeffer (DBW 3:75, 79-81, 92) illustrates this with the help of the creation story. In his interpretation, Adam as personified humanity encounters God as the centre of his life and as his 'ultimate Other'. In 'getting to know' God and receiving his word Adam is also confronted with his boundary – a 'knowledge' that is both a reminder of his existence as a creature and a pointer to his unique creaturely freedom. This is so because the limit that God has set in his command and that he represents in his divine person, is not meant to be a limitation of human

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<sup>17</sup> "Geschaffene **Freiheit** ist Freiheit im heiligen Geist, aber als **geschaffene** Freiheit ist sie Freiheit des **Menschen selbst**." (DBW 3:60 – emphasis Bonhoeffer). The mentioning of the 'Holy Spirit' leads Nickson (2002:60, 62) to the assumption that Bonhoeffer understands human freedom as a 'participation' in the divine freedom. While I share her assessment that human freedom is rooted in divine freedom, I think that the term 'participation' fits better with Luther's view than with Bonhoeffer's. Luther, in expounding the lordship of Christ and 'the conquering aspect' of Christian freedom, clearly attributes this to a participation in the divine freedom and to being in fellowship with the sin-defeating resurrected Christ. Cf. 3.1.2. and 3.2.2. While Bonhoeffer would agree that God's freedom 'is' ours in the sense that our freedom takes all its legitimation and empowerment from God's, his dominant image to describe the relationship between divine and human freedom is 'analogy'. Bonhoeffer uses the term 'participation' (*Teilnehmen/ Teilbekommen/ Teilhaben*) very pointedly in the context of his ethical considerations: as a partaking in the (reconciliation) reality of God in the sense of realizing ethical responsibility (DBW 6:35, 38, 40).

<sup>18</sup> While this reminds us strongly of Luther's way of describing the newly granted freedom in Christ, it also shows that there are some interesting differences in accentuation between Luther and Bonhoeffer. The former – because of his emphasis on human sin and his efforts to show the limited range of freedom of the human being after the fall – does not dwell much on 'original human freedom'. He devotes a lot more attention to the freedom in Christ which he then characterizes in a similar way as Bonhoeffer describes creaturely freedom: As a divine gift that binds the creature to the creator but nevertheless 'belongs' to human beings as empowerment and sign of uniqueness. Bonhoeffer, on the other hand attributes many of the characteristics that Luther identifies for Christian freedom already to the creaturely freedom of the beginning. It is obvious that for him there is an element of continuity, because the liberation through Christ's salvation is a restoration of God's original intention. For Luther, on the other hand, 'the newness' of freedom in Christ is paramount while the continuity between 'freedom in Christ' and 'original creaturely freedom' is less pronounced.

freedom but actually its facilitation.<sup>19</sup> Bonhoeffer frequently emphasizes that the boundary, namely, God and his word, is grace (DBW 3:81, 92, 96, 99, 115) which both empowers as well as upholds freedom; it is ‘the reason for creatureliness and freedom as such’ (DBW 3:81 – tl CS). So, Adam in his humanity ‘lives from’ the divine boundary in the middle of his earthly existence (DBW 3:78, 81). God, in being Adam’s ‘counterpart’, effectively creates the ‘space of grace’ within which humans are able to realize their God-given freedom.<sup>20</sup>

So, by drawing humans close to him and calling them to obedience towards his word – an expression of his divine will – God strives to preserve human freedom and to protect humans from themselves and their own self-abuse. What shelters Adam’s humanity is precisely the fact that he is not the centre himself, but that he is rooted in the unity with the creator (DBW 3:78, 81). His creaturely freedom is preserved in his acknowledgement of the divine boundary and in his unbroken obedience to God (DBW 3:55, 79, 81, 101, 105).<sup>21</sup> It is such a life and such a humanity – a life lived in acceptance of the given bodiliness and limitedness and a humanity lived in community with the creator with the readiness to realize creaturely freedom, a humanity that is not split within itself, but aware of its ties *with* and dependence *on* others, the earth and God – which actually constitutes human beings’ existence as creatures in the image of the creator (DBW 3:58, 104-05).

As a red thread in Bonhoeffer’s considerations on human freedom from *Creation and Fall* right to his *Ethics*, we can retain that there can be no freedom ‘*per se*’ as an innate human ability or possession at the free disposal of the individual (DBW 3:58). Freedom is not an end in itself but given for the sake of others, granted in order to facilitate a fulfilled life and a loving fellowship between all inhabitants of the earth. And it can only be lived and experienced in the context of human community and concrete earthly life.<sup>22</sup> Hence creaturely freedom, as orientation away from the self towards ‘the outer world’, has a threefold direction: It is freedom *for* God, freedom *from* creation, and freedom *for* others (DBW 3:58-63). That is what *imago Dei* is all about (DBW 3:63).

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<sup>19</sup> In the context of God’s limitation of human freedom Nickson (2002:33) notes that “divine and human freedom should not be viewed in competitive terms as if the price of God’s freedom were humanity’s bondage. Instead, God’s freedom as epitomized in Christ operates as the catalyst and sustainer of human freedom”. This echoes Luther’s view on the interrelatedness of divine and human freedom.

<sup>20</sup> This is in complete accord with Luther’s view who describes the divine commandments as a form of applied freedom respectively as a space within which freedom can be truly realized. Cf. 3.3.1. and 3.3.2.

<sup>21</sup> Bonhoeffer later takes up the same motive in his description of a responsible Christian life. There he speaks about the command – which is nothing less than the authentic expression of God’s will and God’s person – being in the centre and in the fullness of life as permission to act in freedom and authenticity. The command enables freedom and sets free for genuine life (DBW 6: 384).

<sup>22</sup> This, of course, strongly resonates with Luther’s description of ‘Christian freedom’.

It is important to note that the three facets of freedom belong together; they sustain and enable each other – and if one aspect is neglected, the equilibrium is disturbed (DBW 3:62-63). Hence a freedom for God that fails to take the fellow creatures into account side-lines those whom God has loved and brought into being as gift and sustenance for our humanity. A freedom from the earth that is not at the same time service for God and others, lacks its frame of reference as well as its purpose, and can only end in domination *of* or being dominated *by* that which has been entrusted to us. And a freedom for others without God loses its foundation and its ultimate example – God as the image of self-giving love.<sup>23</sup>

Freedom 'for God' implies that creation cannot exist otherwise than in living before the One who called it into being and rules over it (DBW 3:42). By receiving its existence from God and fulfilling it according to its purpose, the creation expresses its inherent freedom, praising and glorifying its creator, and proclaiming his closeness, Bonhoeffer maintains (DBW 3:37, 53-54, 58, 63). Hence it is only in 'being there for the sake of God' and serving him, that creation can be truly free. Creaturely freedom is an expression of being connected to the creator – and honouring this connection by trusting God's word and heeding his command is what preserves the scope of this freedom (DBW 3:101, 110).

The foundation for this 'God-orientedness' of human freedom is God's own freedom: By bringing creation into being as his counterpart, God glorifies himself and he wants to recognize himself in the process of creating a work that honours him (DBW 3:53-54). From this Bonhoeffer concludes that 'the freedom of the creator proves itself in that he allows us be free for him – that, however, means nothing else than that the creator creates his image on earth' (DBW 3:59 – tl CS).

With respect to the relationship with the earth and co-creation, creaturely freedom consists in being free *from* the created world. Humans must not idolize creation nor let themselves be ruled by the things of the inhabited world but assume their role of being rulers and lords of the earth because that is the task that God has laid upon them (Gen 1:27-28; DBW 3:61-63). In this vein Bonhoeffer can literally equate freedom with ruling when he speaks about the 'freedom of ruling' (*Freiheit des Herrschens*) (DBW 3:62).<sup>24</sup> However, since humans receive the commission and the empowerment to rule from their creator, this rule can never become arbitrary power at their disposal, it is always linked to accountability before God. By being in charge of the creation humans serve God by fulfilling his commission and their own calling.

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<sup>23</sup> This interdependence is in complete alignment with the commandment to love God, the neighbour and oneself which Jesus names in Mk 12: 28-31. And it also reflects the congruity between 'freedom' and 'love' in the New Testament.

<sup>24</sup> This echoes Luther's notion of simultaneous lordship and servanthood.



The described human ‘independence’ from creation in the sense of being placed ‘above it’ and not dictated by it, is what actually makes it possible to truly take care of the earth. It corresponds to God’s own freedom over against his creation. Humans, by acting in analogy to God, are called to bring their creaturely freedom to fruition – for their own and for the earth’s sake. Subsequently, the human rule as the exercising of power always implies the taking on of responsibility for all creatures concerned by this rule. So, the realization of human freedom as the dominion over the earth consists in caring for the created world and in being stewards of the earth – and this means shaping the earth, appropriating it, making it their own (DBW 3:62). At the same time humans must be aware that they themselves belong to the created world in a relationship of dependency since the earth is their livelihood, sustaining and nourishing them. So “the freedom to rule includes being bound to the creatures that are ruled” (DBWE 3: 66). Bonhoeffer is convinced that humans actually strengthen their bond with their co-creation if they comply with God’s command to rule the earth responsibly (DBW 3:62).

While human freedom towards the created world is to be free *from* it, humans’ freedom with respect to their fellow humans is to be free *for* them (DBW 3:61). This view concurs with Bonhoeffer’s (biblically inspired) appreciation for tangible and physical life and his positive view of human companionship – an outlook that he shares with Luther. This stance latches on to the Reformer’s ‘freedom as commitment’ and it corresponds to God’s own freedom as loving attention to humanity. The continuous perspective of ‘the other person’ as a hallmark of any given individual creaturely freedom also once more emphasizes its essence as a divine gift. God has bestowed freedom on individuals with the aim of entrusting human beings to one another in responsibility as a permanent feature of their humanity.<sup>25</sup> In spite of this bestowal the creaturely freedom referring to others can of course never be an inherent human quality. It only comes into being and is maintained by engaging with others, hence it always remains something altogether dynamic, a freedom that actually only exists in forms of mutual commitment. That is why Bonhoeffer describes this freedom as ‘a relationship between two persons’ respectively even calls it ‘an event which happens to me through the other’ (DBW 3:59 – tl CS ). ‘Thus, to be free means to be free for the other because the other has bound me to himself. I am only free in being in a relationship with the other’ (ibid.– tl CS).

Just like Luther, Bonhoeffer views freedom and mutual dependency between human beings as *one* movement and as an indispensable asset of humanness. Ultimately, the freedom inherent in the experience of human community is condensed in the ongoing challenge and

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<sup>25</sup> This corresponds to Luther’s view that freedom given in Christ is not a possession, a claim or a right of the individual Christian, but a divine gift to be used and shared in the context of human community. For Bonhoeffer this same ‘gift-character’ and ‘other-orientedness’ already belongs to ‘original’ creaturely freedom.

blessing experienced in the giving and receiving within human relationships. It always involves the need and the ability to live in bonds of responsibility and to respond appropriately to the claim that the existence of the other makes upon us (DBWE 1:49; DBW 6:256). In other words, the human condition of being a creature with created freedom consists precisely in being “over-against-one-another, with-one-another and in dependence-upon-one-another” (DBWE 3:64). This is the essence of the human being as *imago Dei*.

Creaturely freedom, as stated before, is supposed to mirror divine freedom. In the same way in which God has chosen to be for humanity in the person of Jesus Christ, human beings are also called to live for others and stand in for their fellow human beings (DBW 3:58-61; DBW 6:256, 258, 289). God’s love and willingness to give himself for humanity, his being *pro nobis* is the model for a human existence of self-giving, reciprocal love and genuine care for others. Bonhoeffer maintains that it is this likeness of ‘being for others’ in a relationship of freedom and love, and not any kind of ‘substantial similarity’ between creator and creatures which constitutes the *imago Dei* of Gen 1:6-27. Thus, the analogy between humans and God is not an *analogia entis*, but an *analogia relationis* (DBW 3:60-61). The latter – in parallel to freedom and creatureliness – is by no means a human capacity or structure of human existence, it is instituted by God and in every moment bound to Him. God as the epitome of freedom continues to maintain this analogy of relationship as a *iustitia passiva* (DBW 3:61).<sup>26</sup>

#### **4.1.5 The concept of ‘person’ and its relevance for human freedom and human relationships**

The close nexus between creatureliness and freedom leads to another essential feature of humanness, which has already ‘secretly’ underpinned all considerations on humanity so far: the notion of personhood. If God as the counterpart of human beings and ‘ultimate other You’ is a person, then this naturally implies the ‘person-being’ of humans, too. Personhood expresses the “irreducible, independent integrity” (Green, 1999a:30) of the individual human being, and it is given as a divine gift in combination with creatureliness and freedom. In keeping with Bonhoeffer’s emphasis on the concrete there can be no abstract or *a priori*-concept of person, only one that is thoroughly anchored in the material reality of human life. Hence the term ‘person’ describes a human being, whole with own body and soul, brought forth and

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<sup>26</sup> Bonhoeffer clearly refers to Luther’s use of the term here. While Luther uses the notion of ‘*iustitia passiva*’ in connection with the freedom given by virtue of Christ’s salvation and justification of humans, Bonhoeffer already places it in the context of the creaturely freedom given ‘at the beginning’. This is meant to underline the fact that humans are not creators but receivers of this freedom, which is owed solely to God’s sovereign and preceding initiative. This is yet another indication that Bonhoeffer applies many of the Lutheran descriptions of freedom in Christ to his notion of creaturely freedom which for him is of course ultimately rooted in Christ (DBW 3:59, etc.).

willed by God the creator<sup>27</sup> as a unique individual with self-consciousness, an active mind, a distinct character and independent will that exists in a specific time and history (DBWE 1:48-55).

However, while Bonhoeffer certainly appreciates individuality and delights in peoples' unique potential, his concept of personhood – in obvious correspondence to his understanding of creaturely freedom – is inherently social, respectively relational (Green, 1999a:45; Nickson, 2002:33; Lawrence, 2010:14). Humans never exist in isolation, but always find themselves already living in a web of social relations (DBWE 1:50-51; DBW 6:219-20); the connection to others is built into our humanity, we are essentially social beings.<sup>28</sup> According to Bonhoeffer, we cannot even speak about ourselves as individuals '*per se*', let alone 'define' ourselves without others. The existence of others determines our identity, in other words, the company and interaction with fellow humans makes us into who we are as individual persons. Personhood, just like creaturely freedom, arises from the network of relations and it is upheld by engaging with others in a social-ethical way (DBWE 1:50). And just as the validity of individual freedom is preserved in the context of community, the 'reality' of any individual person is safeguarded by the reality of other individual persons.<sup>29</sup> Bonhoeffer concludes: "For the individual to exist others must necessarily be there" (DBWE 1:51). The paradigm is thus not '*cogito, ergo sum*' but 'I relate ethically to others, ergo sum'"(Green, 1999a:30).

In social relations we come up against the individuality and 'otherness' of others in any given moment of time: In mind and body we are confronted with their unique personality, with their distinct thought processes and actions and a will that is different from ours (DBWE 1:45-47, 51). In this encounter we experience others as a genuine barrier – the other person represents a boundary that I can neither remove nor overcome (DBWE 1:45-50).<sup>30</sup> We are not only faced with their particular character, but also challenged by their specific needs and claims. Others,

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<sup>27</sup> For Bonhoeffer the bodily nature of human life is part of the whole package of humanity – it expresses the mutual dependency and the necessity to be oriented to others and in this way confirms human beings' creaturely bond with others and the earth (DBW 3:71-74; DBW 6:179-181). This is also similar to Luther. Cf 3.3.2.

<sup>28</sup> Green (1999a:36ff.) points out that for Bonhoeffer the notion of person is also fundamental for his understanding of corporate life: "A social community – family, people, nation, church... is considered as a 'collective person' (*Kollektivperson*)" (ibid.:37). For Bonhoeffer there is a close link between the understanding of person, the notion of community and the concept of God (DBWE 1:34).

<sup>29</sup> Hannah Arendt (1998:244), Bonhoeffer's contemporary (both were born in 1906), later comes to a similar conclusion in a different context in her 1958 book *The Human Condition*, when she speaks about "the price human beings pay for freedom; and the impossibility of remaining unique masters of what they do... is the price they pay for plurality and reality, for the joy of inhabiting together with others a world whose reality is guaranteed for each by the presence of all."

<sup>30</sup> In *Creation and Fall* (DBW 3:92-93; DBWE 3:98-99), Bonhoeffer explains these dynamics by referring to the 'prototype' of human relationships, Adam and Eve: Adam experiences Eve as his 'limit' but also as his partner and helper whom he is called to love, and it is this love which makes it easier for Adam to bear the limit.

by their mere existence, thus have an ethical claim on us to which we must respond (DBWE 1:49.54-55). This claim is “overwhelming” (DBWE 1:49) and “absolute” (DBWE 1:54) in that it is unavoidable by virtue of our humanity (as social beings) and in that it addresses every one of us as a whole person (DBWE 1:48, 54).

So, if the presence of the other places me into a situation where I am forced to make an ethical decision (DBWE 1:48, 52) then my answer to the claim and my engagement *with* others and *for* others constitutes my ethical responsibility (DBWE 1:48-49). Bonhoeffer contends that in terms of an ethical context, which is always present in human relations, it is crucial that we acknowledge others as “ethical barriers” (DBWE 1:53). Why? Firstly, because this recognition contributes to preserving others’ freedom and individual integrity (Bonhoeffer, 1987:31; Nickson, 2002:37f) and secondly, because it is a precondition for being able to act on behalf of others at all. For Bonhoeffer, there is no doubt that the awareness of ourselves as ethical persons arises only in experiencing others as a genuine barrier (DBWE 1:47, 49).

The Berlin theologian frequently describes the ‘ethical confrontation’ between different persons as an encounter between the ‘I’ and the ‘You’. In his approach, the “I-You-relationship is the Christian basic-relation” (DBWE 1:52) which characterizes not only the bond between humans but also the one between humans and God (DBWE 1:52-53). The divine You is the quintessential image for the other human You (DBWE 1:55), and “the way to the other person’s You is the same as the way to the divine You, either through acknowledgement or rejection” (DBWE 1:55). If we now apply Bonhoeffer’s notion of personhood as originating in a God who freely makes himself known to humans (DBW 2:109, 124) to the interaction between humans, this would suggest that in Bonhoeffer’s perception we cannot really know others and be known by them unless we reveal ourselves to one another. Yet in revealing ourselves to one another we already ‘personify’ an ethical claim to one another.<sup>31</sup>

It is obvious how the notion of the other person as ‘genuine barrier’ and as a ‘real You’ is fundamental to Bonhoeffer’s understanding of person as he aims to establish an alternative to the Cartesian epistemological approach that reduces the other person to an object that I can ‘know’ by incorporating him or her into my ‘mental universe’. If the other is truly a limit to my knowing mind and an independent You, then he or she always remains a subject with his/her own dignity and cannot be ‘knowingly absorbed’ by my thought process and/or manipulated by me (Nickson, 2002:21, 38, 44). Thus, the other You cannot be known as an ‘object’, it can only be ‘believed’ and recognized (DBWE 1:53; DBW 2:124; DBWE 2:126).

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<sup>31</sup> This deep human truth is also contained in the biblical description of the (sexual) union between Adam and Eve as the human archetypes in Gen 4:1 with the Hebrew word *עד* which also carries the meanings of ‘perceiving, becoming aware of, internalizing, getting to know, recognizing, revealing, self-revealing, becoming known’ (Gesenius, 1962:286-87 – tl CS).

The notions of I and You furthermore confirm the truth of the creation of our specific personal identity in the context of social relationships. My “ I comes into being only in relation to a You” (DBWE 1:54) and the other person only becomes a ‘You’ to me by setting a boundary to me (DBWE 1:51). In confronting each other, we become ‘I’s’ for ourselves and ‘You’s’ for one another. So, it is not only *being* a person which requires the presence of others, but also *becoming* and *staying* a person which involves the existence of other independent ‘You’s’. We grow to be ourselves by virtue of others and – to borrow a phrase from Eberhard Jüngel – our ‘being a person’ is in ‘becoming a person’.<sup>32</sup> Thus for Bonhoeffer these interdependencies are one more way to express his dynamic and radically social understanding of personhood where “the real person grows out of the concrete situation” (DBWE 1:49). Personhood is an ongoing process, an “ever renewed coming-into-being” (DBWE 1:57) which is essentially shaped by the continual ethical demand of other ‘You’s’. Through the concrete challenge of the boundary that the other person represents, the individual “is re-created again and again in the perpetual flux of life” (DBWE 1:48) and “becomes a person ever and again through the other in the ‘moment’”(DBWE 1:55-56).<sup>33</sup>

Bonhoeffer further qualifies this assessment by pointing out that things are not as simple as “one human being the creator of the ethical person of the other” (DBWE 1:54). Human relationships are ultimately anchored in God and he, as the creator, is the one who establishes the uniqueness of persons and upholds the ‘otherness’ of the other (DBWE 1:55). It is his divine presence and activity in the Holy Spirit which, in joining the concrete other, makes him or her into a ‘You’ which then in turn makes me into an ‘I’ (DBWE 1:54-55). Therefore, the ethical claim that the other person has on me, is alive and real by virtue of God’s continuing ‘interference’.<sup>34</sup> Accordingly, since “the divine You creates the human You” (DBWE 1:55), every human You is an image of the divine You. In this way, Bonhoeffer makes the *imago Dei* reality of each individual a vital part of every encounter between human beings. The reality of God is reflected in the other whom we face.

In summary we can record: As human beings we are created by a gracious creator who is our divine You and equips us with creaturely freedom to be used for our own benefit and for that of those around us. Created as indivisible whole persons with individual wills and distinct personalities, unique and willed as such by God, we are destined to live in the companionship

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<sup>32</sup> This refers to Eberhard Jüngel’s 1965 book *Gottes Sein ist im Werden* which was published in English in 2001 under the title *God’s being is in becoming*, Grand Rapids, Michigan, Eerdmans.

<sup>33</sup> This description of personhood has strong parallels with the characterization of creaturely freedom as an ‘event’ and a ‘relationship’, in short, as something that comes into being and becomes concrete in the ever-renewed encounter with others. Cf 4.1.3.

<sup>34</sup> We could call this a variation of God’s *creatio continua*. It is another element in Bonhoeffer’s overall description of freedom as something that is continually nourished and facilitated by God’s initiative.

with others and within the community of the whole creation (DBW 6:38). In fact, it defines our creatureliness and God-given freedom that our lives are inextricably connected with the lives of others and that we are bound to them in relationships of mutual dependency (DBW 6:219-220, 256). Others, by virtue of their personhood, represent an insurmountable barrier for us, which is supposed to shape our own identity and sharpen our sense of responsibility. In accordance with God's character as our ultimate Other, we are called to respect the boundary of the other person, viewing it as an opportunity for exercising ethical responsibility. By virtue of encountering others and interacting with them, we are therefore placed into a situation of ethical responsibility – an essential feature of our humanity and of earthly reality (DBW 6: 253, 287). In correspondence to God's will and his own self-revelation as the one who is free for us, our relationships with others are supposed to be shaped by loving, self-giving and unreserved care. Evidently all of these deliberations on the nature of creaturely freedom, the aspects of identity, interdependency and boundaries, the dignity of personhood and respect for the otherness and subject-character of our fellow humans as well as the resulting ethical responsibility, are of considerable importance in confronting a practice that frequently levels out individual personhood and routinely ignores barriers, while it draws on a strongly self-serving notion of freedom.

## **4.2 Creaturely freedom – lost through sin and recaptured in the salvation in Jesus Christ**

### **4.2.1 The mechanisms and consequences of human sin as a four-fold alienation: From God, others, the earth and one's own humanity**

If Bonhoeffer is right with his assumption that creaturely freedom is indeed the basis for our humanity, then we also need to understand how and why this freedom is perpetually endangered. To this end we need to remember that Bonhoeffer's reflections on creaturely freedom obviously do not describe 'an ideal state' that once existed at some imaginary beginning. They rather speak about the human vocation and the original purpose the creator had in mind for his creatures.<sup>35</sup> As things stand, we always find ourselves in a reality already inextinguishably marked by human sin. That sin came into the world at all, is both inexcusable and incomprehensible, Bonhoeffer maintains, pointing out that the Bible provides no explanation at all (DBW 3:96-98, 111-12). Therefore, the creature's turning against the creator can neither be a variation of creatureliness nor an undesired side-effect of creaturely freedom, but it can only have arisen from an abuse of this freedom (DBW 3:101).<sup>36</sup> The fall is the

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<sup>35</sup> Bonhoeffer shares this intention with the biblical creation stories.

<sup>36</sup> In *Sanctorum Communio* Bonhoeffer notes: "Sin is unfathomable, inexcusable defiance of God, arising from free will. One can trace the psychological motivation right down to the deed, but the deed itself is completely new, born of freedom and psychologically inexplicable" (DBWE 1:117).

perversion of all of God's good intentions, which can be characterized as disobedience and "rebellion, the creature's stepping outside the creature's only possible attitude" (DBWE 3:120). As such it is entirely human beings' own doing and they alone bear the guilt that ensues (DBW 3:97-98, 111). From a human point of view, this uprising against the divine calling is irreversible and without remedy (DBW 2:111).<sup>37</sup>

The comprehensive character and the universality of sin cannot be denied. For Bonhoeffer sin "involves the whole human person" (DeJonge, 2012:37), it is always acting and being in one (DBW 2:143-46). There is no way in which I can distance myself from my sin and somehow 'retreat' into another part of myself: I as a whole person am responsible. Thus sin leaves no single area of earthly life untouched, its corruption takes hold of every aspect of the human existence (DBW 2:145). Sinful humans are in opposition to God's will for themselves and creation, in a state of denial of the truth and the reality that God has established in his initial bond between himself and human beings. Bonhoeffer puts it concisely: 'To be in Adam means to be in untruth, in culpable perversion of the will' (DBW 2:136 – tl CS). Adam, that is obvious in all of Bonhoeffer's reflections – and here he follows the biblical and the Lutheran tradition – is the representative of fallen humanity, the "collective person" of all of humankind (DBWE 1:121; DBWE 2:120). Every person is in Adam and Adam is in every person (DBWE 1:115-116, 121; DBWE 2:146). Bonhoeffer gathers: "I am I and humanity in one. In my fall from God, humanity fell... I find myself already in the humanity of Adam" (DBWE 2:146) and "with each sin all humanity falls" (DBWE 1:115).

Moreover, the 'all-inclusive' character of sin not only refers to the whole of humankind but also to the sinful action itself. In other words: With every single individual sinful deed the whole context of human sinfulness is present. Sin is always personal and corporate at the same time. Even if it involves individual decisions and actions, implying personal guilt and responsibility, sin always remains universal in character (DBWE 1:108ff.). For Bonhoeffer, it is part of this 'corporate effect' of sin that every single sin not only has a palpable effect on those immediately concerned by it but also repercussions for the whole human community; by virtue of being tied together all humans now participate in each other's guilt (DBWE 1:109, 112; DBW 2:145; DBW 3:111-12). Humans are inevitably "bound together in *status corruptionis*" (DBWE 1:109). Just as no one can withdraw from the humanity of Adam, no one can exempt him/herself from the community of sinners and escape the web of sin in which every single human being is entangled (DBWE 1:109-110, 115-116; DBW 2:145).

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<sup>37</sup> It can only be remedied by God's salvific intervention in the new Adam, Jesus Christ (DBWE 1:137-138, 146-147).

Sin turns out to be the rupture with God the creator and simultaneously the loss of genuine humanity. Latching on to the biblical narrative in Genesis, Bonhoeffer describes the fall of humanity in Adam as an event with dramatic ramifications for human freedom and the whole of human existence. The transgression of the boundary that has been given by God (DBW 3:105, 107, 110, 115, 119) means that Adam ignores God's word and trespasses on the command. But in doing that, he refuses to acknowledge his creator and rejects God himself. In striving to rid himself of the limits of knowledge and freedom, Adam 'steps over' his 'most significant Other' whose grace is the limit and the centre of human existence (DBW 3:81, 85, 92, 110, 115). By installing himself in the place of God, Adam as the representative of humanity demonstrates that he now wants to be in the middle himself, as "the arbiter and agent of his own possibilities" (Nickson, 2002:70). He wants to be his own judge of good and evil, in possession of his own 'God-like knowledge'. Not content with his God-given created freedom, Adam, (alias humanity), wants to establish its own self-made, boundless freedom (DBW 3:110). Instead of being free *for* God, humans desire to be free *from* God. They no longer want to be creatures, they crave to be creators, Adam wants to be like God – *sicut Deus* (DBW 3:108).

But in attempting to become like God, Adam denounces the original bond between creature and creator and cuts himself off from the source of life – effectively relinquishing the foundation of his own humanity and giving up his creaturely safety (*Geborgenheit*) (DBW 3:105, 115, 119; DBW 6:302-04). Ignoring the boundary is tantamount to losing the space of freedom given by God's gracious will. Hence with God Adam not only loses his shelter, but also the anchor and guarantor of his creaturely freedom (DBW 3:107, 112-113). As a further consequence of forfeiting the God-given freedom in favour of his self-made version of self-agency, Adam splits up freedom and creatureliness and *de facto* destroys their original unity (DBW 3:110), revoking his existence as *imago Dei* (DBW 3:104-05). So in turning against God and wanting to be the origin of good and evil themselves, humans have 'wrested themselves away from their own creatureliness' (DBW 3:107 – tl CS) foregoing the genuine life available in and through God (DBW 6:304). Bonhoeffer can even go as far as to say, that humans have destroyed their creatureliness as such (DBW 3:112). In losing God, humans have ultimately lost themselves, too. Sin, then, is nothing less than an act of self-undermining one's own humanity, even worse, an act of self-destruction.

The falling-out with the creator and the subsequent break with one's own creatureliness and original human calling also precipitates the destruction of the community with the fellow creatures. After all, the specific bond with the neighbour is an inherent part of this original creaturely freedom. Thus, a botched humanity and a forfeited God-given freedom cannot but cause a profound division between human beings – testimony to the "divisive power of sin"



(DBW 1:61).<sup>38</sup> The transgression of the divine boundary leads to the breaching of the boundary encountered in the other person, too (DBW 3:110). This is because these two boundaries are closely connected and also because in both instances humanity is driven by the same selfish desire to be in the centre. Within the sinful dynamic of permanent self-seeking the other is no longer respected in his/ her uniqueness and experienced as a gift of grace with a rightful claim towards me but he or she now becomes a curse, an adversary, the embodiment of estrangement and separateness (DBW 3:93, 115). Fellow humans are seen as a liability on my path to self-assertion, a restriction to my freedom, an obstacle to my self-realization that must be overcome – whether by denying their rights or by fighting and defeating them (Nickson, 2002:70; Green, 1999b:121).

In this manner relationships become determined by demanding instead of giving and by the will to dominate instead of the willingness to love (DBW 2:108). Lawrence (2010:87) points out that as we refuse to act on behalf of others and standing in for one another, neglect, rejection, contempt and power struggles ensue.<sup>39</sup> Human sinfulness is indeed the “destruction of human sociality” (Lawrence, 2010:19) because in sin we seek to control others by imposing our will upon them (DBW 1:86). In this approach, others become part of the world of objects and instead of being ends in themselves they become ‘ends for our ends’, mere instruments for reaching our purposes (DBW 2:136).<sup>40</sup> For Bonhoeffer, this is clearly a perversion of God’s intended creatureliness and in sharp contrast to our divine calling to be joined to others in bonds of love. And it also contradicts God’s will to uphold individual persons in their own dignity. Ultimately, if we hold fast to a notion of humanity in which human beings depend on others to become themselves and to evolve as persons, sin’s undermining of the creaturely affiliation with others must inevitably lead to an incomplete, somewhat ‘amputated’ self.

Since all areas of human life are connected and the dynamics of sin pervade all of them, the latter cannot remain without impact on the human relationship with the earthly environment either. In this vein Bonhoeffer puts his finger on yet another consequence of the loss of creaturely freedom: human beings’ estrangement from the earth that is entrusted to them and on which they depend (DBW 3:62-63). In the spirit of refusing accountability before God and rejecting him as their maker, humans no longer acknowledge the world as God’s creation,

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<sup>38</sup> Bonhoeffer illustrates this in *Creation and Fall* by referring to the fracturing of the original unity between Adam and Eve in the creation story (DBW 3:114ff.).

<sup>39</sup> This is the exact counter-image to the responsible life born from the experienced liberation in Christ which Bonhoeffer sketches in his *Ethics*.

<sup>40</sup> Bonhoeffer points out that the mechanism of instrumentalizing and objectifying others also plays out on a corporate level, because sin perverts the original function of societies and communities so that they, in turn, also become means of exploitation of the one through the other (DBW 1:118).

Bonhoeffer says. Accordingly, they are not prepared to accept the dominion over the earth as a gift and commission from a gracious creator and act in obedience to him (DBW 3:63). Instead of being a faithful response to God's call, ruling the earth is now about conquering and the wielding of power, a power that humans seize and grab from God (ibid.). But such a usurped, inappropriate kind of rule must ultimately fail because it undermines its own foundation. It is precisely because humans do not rule properly – in the sense of caring, curing, introducing order and taking responsibility for the earth in willing service to the creator – but merely seek to dominate their fellow-creation and bend nature to their will, that they lose the connection to the earth to which they belong (DBWE 3:66f.). Bonhoeffer's analysis is scathing: "... because we no longer rule, we lose the ground [*Boden*] so that the earth no longer remains *our* earth, and we become estranged from the earth... There is no 'being-free-from' without a 'being-free-for'. There is no dominion without serving God; in losing the one, humankind necessarily loses the other. Without God, without their brothers and sisters, humans lose the earth" (DBWE 3:67).

The implications of this 'non-rule' are that humans let themselves be ruled by their own earth-based inventions instead of managing them: "We do not rule; instead we are ruled. The thing, the world rules humankind; humankind is a prisoner, a slave, of the world, and its dominion is an illusion. Technology is the power with which the earth seizes hold of humankind and masters it" (DBWE 3:67). Bonhoeffer's reference to technology in this context is an example of how a human means of shaping earthly life can turn into a force that subdues humans instead of being governed by them. Hence the dominion of technology becomes an image for the self-induced enslavement that comes with sin.<sup>41</sup> Reflecting on the impact of modernity in Western culture in his *Ethics* (DBW 6:103ff.) Bonhoeffer concludes: 'The master of the machine becomes its slave; the machine becomes the enemy of humankind. The creature (the machine) turns against its creator (the human being) – a bizarre repetition of the fall!' (DBW 6:112 – tl and insertions in brackets CS).<sup>42</sup> Thus in relinquishing their divine calling to rule the earth responsibly, humans have severed themselves from the resources that nourish them while simultaneously making themselves into slaves of their earthly assets. For

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<sup>41</sup> Technology, in Bonhoeffer's understanding, is not some 'foreign power' that 'ambushes' unsuspecting humankind. On the contrary, technology is part of the earthly possibilities and springs from human ability itself; it is an instrument given to shape earthly life in a responsible manner, an expression of human creativeness to be used for the well-being of humankind. Far from being a luddite, Bonhoeffer, however, contends that in Western culture technology has become the image of humans' violent subjection of nature, an end in itself, 'whose symbol is the machine, the epitomized violation and exploitation of nature' (DBW 6:106-107 – tl CS). This is the kind of power (of technology) that he warns about and that he characterizes as a variation of human sin. We will return to these considerations in the context of evaluating digital surveillance in the light of a Christian understanding of freedom.

<sup>42</sup> Bonhoeffer makes this statement in the context of his observations on the interdependence between technology, mass movement, and nationalism as Western heritage (DBW 6:111ff.).

Bonhoeffer, this humanly created paradox is further evidence of the fact that the human desire for ‘absolute freedom’, in other words the quest for a freedom without limitations, ultimately always leads to its exact opposite: the most profound bondage (DBW 6:112).

As a further accompanying symptom of humanity’s self-inflicted enslavement and distorted relationship with the created world, the Berlin theologian identifies a misguided notion of human autonomy, which is the result of long-term process of the self-liberation of reason, the discovery of the empirical sciences in the aftermath of the French Revolution and the Enlightenment (DBW 6:112-113). While Bonhoeffer affirms the positive effects of these developments, such as the value of reason, the importance of human self-agency, human maturity and the liberation from authoritarian structures and insists that there is no going back behind them (DBW 6:106ff.; DBW 8:11, 530ff.), he also contends that they have brought forth a form of human self-understanding which is content with being grounded in nothing other than itself and subsequently blind for anything *extra nos*. The alleged human independence as ‘emancipation from God’ is a freedom notion gone awry, amounting to godlessness (DBW 6:113, 118-19; DBW 8:476-77, 650). It is, as Lawrence (2010:77) puts it, “an inappropriate autonomy of the world... in which God is no longer honoured or worshipped... but denied and despised”.<sup>43</sup> In this vein, Bonhoeffer – very much in keeping with his other considerations on sin – concludes: ‘The liberation of humankind as an absolute ideal, results in the self-destruction of humankind’ (DBW 6:113 – tl CS).

In order to characterize humans’ self-induced self-entrapment and the recurring self-seeking dynamics of sin, Bonhoeffer frequently refers to Luther’s *dictum* of the *cor curvum in se* from his Lectures on Romans (DBW 2:39, 52, 74, 83, 136). The ‘heart turned inwards towards itself’ describes the focus of complete self-orientation and introversion which leaves no more room for the others and their needs. Constantly revolving around its own centre, the I concentrates only on itself and its own advancement. As an expression of misguided self-love and an ongoing quest for more ‘life’, all mental efforts and practical actions are directed at promoting the interests of the I – which includes using the others for the I’s self-aggrandisement.<sup>44</sup>

In casting aside the divine promise and ripping themselves from the fellowship with God, their neighbours and the earth, humans have catapulted themselves into utter isolation and loneliness (DBW 2:136). As its own judge, creator, lord and origin, humanity is now completely

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<sup>43</sup> In the true spirit of Bonhoeffer, we could say: It is ‘an autonomy inappropriate to the subject matter’ because it does not reflect God’s reconciliation-reality (DBW 6:221-223, 261-263).

<sup>44</sup> In the original typescript version of *Sanctorum Communio*, one of Bonhoeffer’s descriptions of this self-orientation is: “Sin enters with the will that in principle affirms as valuable only itself, and not the other, and that acknowledges the other only on its own terms” (DBWE 1:118).

thrown back unto itself, forced to live in its own 'dead ego world' (DBW 3:132 – tl CS), condemned to be the sole interpreter of his self-dominated universe (Green, 1999a:92). No longer able to draw on the divine centre and cut off from their fellow humans, humans now have to rely entirely on their own 'I-resources', only to discover that this is impossible (DBW 2:136). The existence under the dominion of sin is one of 'self-glorifying aloneness' (DBW 2:137 – tl CS). This self-inflicted isolation is the result of the all-encompassing selfishness at the root of the transgression. And it is at the same time the continuous 'fuel' for the self-centredness that governs sin. In other words: Sinful human beings' 'aloneness' nourishes their selfishness and the selfishness in turn enhances their isolation – the epitome of a vicious circle.

Summing up, we can record: In correspondence with his description of the *imago Dei*-existence of human beings to be realized in the relationship with God, others and the earth, Bonhoeffer portrays sin as the rupture of these bonds and subsequently as the loss of creaturely freedom. The scope of the human fall seizes the whole created world because of humans' role in it (DBW 3:112). Sin, Bonhoeffer points out, takes the form of a manifold transgression of the divine boundary with the effect of taking humanity out of creaturely shelter and community into creaturely exile and lasting isolation. This is because sin perverts the whole human perspective: Sinners no longer accept commands, they want to command themselves. They refuse to receive, they take and they seize. They no longer want to serve but to dominate. In their perception, obedience is seen as humiliating and dependence is regarded as weakness whereas 'absolute independence' appears as the culmination of human power and self-management.

A look at the consequences of sinful behaviour, however, clearly reveals that the self-chosen separation from God, the alienation from others and from the earth has not afforded humans the desired 'plus' in freedom and self-agency, but has left them with a much 'diminished humanness'. The self-instituted freedom installed in the place of the God-given creaturely freedom has ultimately turned out to be fragmented and flawed, with a penchant for creating new dependencies and for painfully widening the (existential) gap between human beings. And the newly acquired knowledge of good and evil has been gained for the price of turning against God – so it is ultimately knowledge 'against God' (DBW 3:103, 105; DBW 6:302, 304), which only deepens the human division from the creator who was supposed to be the stronghold of one's own humanity. So instead of being a liberation, the human quest for autarky has landed humans in the self-inflicted servitude to the world of things.

For Bonhoeffer then, 'emancipation from God' can never be a path to genuine freedom but rather the certainty of human 'regression' and evidence of 'dehumanization'. Human beings are forever torn within themselves, no longer really belonging anywhere, trapped in a life that

is ‘now division, estrangement from God, other human beings, the things in the world and themselves’ (DBW 6:304 – tl CS).<sup>45</sup> In losing God and alienating the other person human beings have lost themselves, too. The price for being ‘god-less’ – in the sense of being ‘free from God’ – is not glorious liberation but loneliness and ‘existential homelessness’ in an incomprehensible universe.

For the digital surveillance paradigm, the whole topic of (self)liberation and expanding one’s freedom-space is central to the promotion of its benefits. However, some of data monitoring’s consequences amount to the exact contrary, namely, isolation and estrangement from self and others. In light of this, the preceding reflections on the nature of creaturely freedom and its loss will play an important role for confronting the negative repercussions of digital surveillance.

#### **4.2.2 The vicarious self-giving of Jesus Christ: God’s unconditional love, righteous judgement, justification and reconciliation**

Bonhoeffer’s portrayal of divine salvation latches on to his considerations on God’s self-revelation and the reconciliation with the world in the person of Jesus Christ as the most fundamental reality (DBW 6:222). Jesus’ self-sacrifice on the cross is the culmination of God’s journey of becoming human for the sake of his creation and the realization of God’s will to redeem humankind. Because of the human ‘breakup’ with God and the ensuing self-enslavement in sin, God’s saving initiative in Christ needs to take the shape of a deliverance and a unification with the divine origin. The loss of creaturely freedom can only be reversed by embracing a ‘new’ kind of freedom which is rooted in Christ and nourished by the ongoing connection with him.

The most profound motive for the redemption is ‘the miracle of divine compassion’ (DBW 6:52 – tl CS), a compassion that neither shuns ugly reality nor suffering and reaches out even into the abyss of godlessness (DBW 6:69-70). God does not merely cherish some idealized version of humanity: he loves and accepts real humans in their entirety, with all their depravity and imperfection (DBW 6:70-71, 74, 82, 86-87, 237, 341). God’s orientation towards humankind which is already present in creation, also directs his initiative to preserve his creatures and to breathe new life into them through the Son. Such divine love remains an unfathomable mystery for humans and it cannot be scrutinized or explained in any way – it is based exclusively on God’s choice and initiative (DBW 6:70, 78, 276, 339). It is a gift that

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<sup>45</sup> “*Sein Leben (= das Leben des Menschen) ist nun Entzweiung mit Gott, mit den Menschen, mit den Dingen, mit sich selbst*” (DBW 6:304 – insertion CS).

humans can only receive passively, something that ‘happens’ to them as an event that changes their lives (DBW 6:339).<sup>46</sup>

Referring to 1 John, Bonhoeffer underlines that love is not just a form of action or dedication, but that God himself is the origin and personification of love in Jesus Christ (DBW 6:337-338). God is, so to speak, his own gift to us. Jesus’ words and deeds spell out what love actually is and by looking at his life and death, we can understand the essence of love: God becoming a human being out of love for his creatures (DBW 6:148, 265, 337), sealing this love at the cross in the death of the Son and his subsequent resurrection (DBWE 1:154; DBW 6:60, 243, 256-266, 337-38). Since God is in Christ, and Christ is one with God as the ‘God-man’ (*Gottmensch*) (DBW 6:69 – tl CS), God is always fully invested in this ‘redemptive action’. The shameful death of Jesus is also the ultimate proof of God’s own sacrificial love. The goal and ‘the content’ of divine love remains ‘reconciliation’ as the overcoming of the human separation from God, fellow-humans, our own selves and the world (DBW 6:52, 60, 265, 339, 404).

While the cross is the expression of God’s boundless mercy for the undeserving sinner, it also represents God’s unequivocal rejection of sin and his condemnation of fallen humanity. In this sense Bonhoeffer can literally identify the suffering and dying of Jesus in the flesh with the implementation of God’s death sentence on the life-denying power of sin (DBW 6:149). In the crucifixion of Jesus, God pronounces his verdict on the world that has turned away from him and in rejecting Jesus God rejects the whole of humanity (*ibid.*). At the same time God’s love and his judgement – respectively God’s mercy and Jesus’ cross – are not in conflict with each other, they are intricately connected, Bonhoeffer maintains. This is because the deepest reason for God’s judgement, is not revenge or retaliation but love. God judges human beings not in spite of his love but *because* of his love for them (DBW 6:262, 267).

God does not want to leave humans in their predicament; he intends to sustain them and enable them to live before him as his creatures (DBW 6:75, 77). Subsequently his loving compassion must then necessarily lead him to judgement since God as the epitome of love cannot allow the ‘lovelessness’ of human sin to have the last word over the whole of creation. As the giver of life and guarantor of righteousness God cannot just overlook that which cripples and extinguishes true life and mocks justice. He must deal with it once for all: Sin must be defeated; human guilt must be wiped out and its harmful consequences disabled. God’s judgement is an inherent consequence of his love: “In God’s love human beings encounter the holy judgment of God according to the eternal commandments of divine righteousness” (DBWE 6:232).

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<sup>46</sup> Bonhoeffer obviously speaks about ‘love’ in the same way as about ‘freedom’ – as ‘an event’ that encounters human beings ‘from the outside’ (DBW 3:59).

Judgement and the corresponding restoration of righteousness are indeed necessary for accomplishing reconciliation and justification (DBW 6:75, 77) – for God’s sake as well as for humans’ sake. As far as human beings are concerned, God’s righteous judgement is the basis for forgiveness. By judging them, God takes human beings seriously in their guilt, overcomes it, and provides genuine cleansing as a clear break with the past (DBWE 1:155-56; DBW 6:135, 141, 337). In overcoming the human rebellion and brokenness, God re-establishes genuine community with himself and between humans, facilitating a new beginning as the fruit of righteous judgement. Hence to be justified means to participate in Christ’s victory over sin and death in receiving the new liberated life that God has established in Christ (DBW 6:125, 133).

In agreement with Luther, Bonhoeffer (DBW 6:137-139, 142) describes God’s restitution of human righteousness as a sovereign divine activity springing from pure grace anchored in God’s free choice and initiative alone. In Christ, God grants forgiveness to sinful human beings by imparting the righteousness that is Christ’s unto humans as *iustitia aliena*, a gift that human cannot seek actively, but only receive passively and with gratitude. For Bonhoeffer, Christ as the centre of salvation embodies both the *iustitia passiva* as well as the *iustitia activa* of divine justification. By virtue of stressing the cross as ultimate manifestation of God’s love *and* as evidence of the final divine judgement, the Berlin theologian makes a strong case for the intricate connection of both facets of righteousness.

Bonhoeffer emphasizes how Jesus’ selfless love and his wish to be near his fellow humans leads him into the fellowship of sinners and into the community of guilt. As a sinless person he chooses to ‘own’ our sin and to make our case his cause, becoming a sinner in our place before a righteous God (DBW 6:232ff., 275ff; DBWE 1:155f.). Redemption means that the guilt of humankind has fallen upon Jesus, pushing him into disgrace and death on our behalf (DBW 6:74; DBW 8:534). But Jesus accepts the divine verdict and bears the burden of human wrongdoing in his own body (DBW 6:71, 127, 133, 233, 275). As the ‘God-man’, he is willing to stand in for the divine reconciliation with his own life and person, taking the consequences of the judgement and the punishment for sin upon himself. This is what “vicarious representative action” (DBWE 1:155) in its most consequential form is all about (DBW 6:258, 289).<sup>47</sup>

Jesus Christ acts as a human being before God but in his person God himself acts. This is why Bonhoeffer can speak alternately of Christ or God himself: As creator-saviour God declares himself guilty of human sin in the Son and performs his own judgement upon himself, enduring the deadly weight of human rebellion and godlessness (DBWE 1:155-56; DBW 6:70,

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<sup>47</sup> In terms of content, this is exactly what Luther describes with the metaphor of the ‘happy exchange’.

75, 127, 262). By virtue of bearing his own righteous condemnation for sin and suffering the pain of his own rejection, God fulfils his own righteousness and completely turns it on its head at the same time. The fact that God gave himself for the sake of human redemption binds God's righteous ruling and God's love into one inseparable whole. Thus, divine grace is 'costly grace' (DBW 6:141) and winning back human freedom comes at a high price – it cost God his Son and ultimately his own divine sovereignty. However, since God is the origin of life and the ultimate judge, he overcomes his own condemnation, and Jesus, having gone through the divine judgement, is raised to new life. In the middle of the old world the resurrection is the sign of the new world, Bonhoeffer points out, the harbinger of God's indestructible future (DBW 6:78-79, 149-150). Jesus' resurrection, Bonhoeffer argues (DBW 6:71, 79, 150, 250), confirms God's Yes and No in the cross. Both were never meant to be the destruction of fallen humanity but – through the purification of the divine judgement – its eventual recreation.

Hence, we can retain: According to Bonhoeffer's God had to say No to human rebellion against him to pave the way for his ultimate Yes to humanity in Jesus Christ. So, at its core the damning rejection in God's judgement is an act of grace to save humans from the deadly consequences of their own sins and bring back genuine 'liberated humanity'. It is the verdict of one who compassionately suffers with the accused and bears his pain (DBW 6:71). The cross as God's No in repudiation and God's Yes in reconciliation – that is, as the 'incarnation of justification' – expresses God's final judgement on the world and all its penultimate reality, such as sin, rebellion against God, human fear, decisions, actions and all human attempts at self-justification (DBW 6:140, 150). Nothing can surpass the grace epitomized in the person of Jesus: God's compassion with lost humanity and his justification of the undeserving sinner in the self-giving of the Son is his ultimate word (*ibid.*).<sup>48</sup>

Faith is then the adequate human response to God's Yes and No of justifying righteousness, because receiving divine righteousness as the fruit of Christ's self-sacrifice needs to be appropriated in the reality of human life. In agreement with Luther, Bonhoeffer regards our human answer to God's salvific action as an integral part of the whole justification process.<sup>49</sup> Accordingly, there can be no forgiveness without a genuine confession of our sins and no reconciliation without exposure to the divine judgement (DBW 6:75, 77, 127). Coming to terms with our own sinfulness begins with abandoning all our attempts at self-justification and the

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<sup>48</sup> This thought brings Bonhoeffer's notion of the reconciliation between God and humanity in Jesus Christ as being the most fundamental reality (DBW 6:222), that is, his 'first word', full circle. It also echoes Bonhoeffer's assertion that God's love and reconciliation in Christ is the central message of the New Testament and the epitome of the Gospel as such (DBW 6:52). The message of Jesus Christ as the saviour of humankind is the crucial message at the beginning, in the middle and at the end for a world that has turned away from God's love.

<sup>49</sup> Kelly (1984:54) maintains that "according to Bonhoeffer, faith... is an integral part of being fully human... self-understanding and freedom... are impossible without it".



calculated minimizing of our guilt and with admitting that we have forfeited our true humanity. We need to recognize our status as sinners before God and others and become aware of our individual guilt as *pars pro toto* (DBWE 1:115-16; DBW 6:125-128, 233).<sup>50</sup> Christ himself makes this attitude of repentance possible by persistently reaching out to us in grace and preserving the community with us (DBW 6:125-26).

Realizing our own sinfulness and dependence on God's mercy and simultaneously experiencing the power of the divine compassion leads us to an appropriate understanding of God's judgement and his divine righteousness. We become willing to be judged by a holy, righteous and loving God; we submit to his divine sentence, both in its No – as clear condemnation and rejection of our human sin – as well as in its Yes – as unconditional love and acceptance in Jesus Christ (DBW 6:77, 125). It is indeed only in acknowledging that God is right in his judgement towards us and by surrendering to it completely, that we can be justified and 'right' before him (DBW 6:82, 140, 150). Our wholehearted embracing of the cross as God's way of redemption and our readiness to accept it as a gift corresponds to Christ's own unconditional self-giving and willingness to take the burden of the divine judgement upon himself. As recipients of God's grace, we can welcome the divine verdict on our lives as the truth that liberates, heals and renews us (DBW 6:82, 125, 127, 140, 150).<sup>51</sup> Bonhoeffer insists that only trusting God's compassionate love and entrusting ourselves to the power of Christ's life, death and resurrection, will put our life on a new foundation of freedom (DBW 6:138-39).

As we have seen, justification, as God's ultimate word to humankind, is not ambiguous – but it still comes to us in a dialectical form. The cross is both curse and forgiveness, judgement and acquittal, punishment and grace, a death sentence and the assurance of new life – but the former only always for the sake of the latter. This echoes Luther's characterization of the happy exchange. Similarly, to Luther, for whom 'righteousness, grace, life and salvation' all describe *one* divine truth, Bonhoeffer also uses the terms 'cross', 'love', 'judgement', 'grace', 'forgiveness', 'reconciliation', 'justification', 'liberation' and 'renewal' virtually interchangeably since they are all part of the same ultimate reality: God's will to save humankind. Justification grounds human life on a foundation *extra nos* (DBW 6:138; DBW 2:81, 124) which is none other than the God-man Jesus Christ himself. It is – in parallel to 'love' and 'freedom' – a gift and an 'event' which happens to humans undeservedly as the encounter with the person of

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<sup>50</sup> In accordance with his assumptions about ultimate reality and the 'connectedness' between God and humans, Bonhoeffer (DBW 6:140, 150, 222, 233) points out that whoever tries to evade the responsibility of guilt by excluding himself from the community of sinners, cuts himself off from the mystery of redemption in Jesus Christ and from its healing benefit in divine justification – and ultimately also from reality as such.

<sup>51</sup> These thoughts are the equivalent of Luther's insight into the *simul iustus et peccator*. Cf. 3.3.3.

Christ who recalibrates and transforms us (DBW 6:125, 137-39).<sup>52</sup> The fact that Christ took our place and suffered the affliction of sin provides *us* with all the benefits that spring from God's reconciliatory action, Bonhoeffer concludes (DBW 6:70, 77, 127, 133; DBWE 1:155-56).<sup>53</sup> For the human being entangled in sin, justification is existential liberation: It eliminates the deathly power of sin in our lives and offers us forgiveness and renewal. Forgiveness implies the removal of the burden of past guilt and it results in the freedom of no longer being continually determined by it (DBW 6:134-136, 141). And renewal is made possible by the transforming power of Christ's loving commitment to us.

In bringing us back into the healing fellowship with God and granting us his very own righteousness, Christ, the 'crucified reconciler' (DBW 6:40 – tl CS), restores the lost unity with our divine origin. And by liberating us from the usurped knowledge of good and evil, Christ also overcomes the alienation and the self-seeking mode of the *cor curvum in se* (DBW 6:316, 319-321). We are set free for a new existence in which we accept ourselves and live with others in a relationship of love, a life in service to God and to our fellow humans (DBW 6:133, 137, 388). Our self-imprisonment in sinful isolation is over, and we can experience the genuine peace and real reconciliation of the children of God in faith (DBW 6:75, 78, 82, 125, 138). Obviously, such deliverance and attribution of liberty can only come from the giver of life himself: God. Humans cannot place themselves back into the truth they have forfeited (DBW 2:73-74).

The grace which empowers Christ's self-giving, rebuilds human beings as individuals and the love of Christ's vicarious representative action reconstructs the loving community between God and human beings, and among them (DBWE 1:157; DBW 6:138). In Bonhoeffer's view, God's gracious judgement is at the heart of God's redemptive action, but it is also the key notion for comprehending who we are as creatures of such a justifying and righteous God.<sup>54</sup> To be redeemed and recreated by Christ's sacrifice is being liberated for our own true humanity. Justification is the event that leads us there, that is 'into the freedom of our own life' (DBW 6:256 – tl CS) – the same freedom that is exclusively anchored in Christ and that

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<sup>52</sup> DeJonge (2012:127, 146; 2017:40-41) notes that it is – among other things – precisely Bonhoeffer's insistence on the personal presence of Christ at the heart of justification, which brings him into stark contrast to Karl Holl's teaching on this issue. While Bonhoeffer embraces his theological teacher's emphasis on the role of justification as the *articulus stantis et cadentis ecclesiae*, he strongly disagrees with Holl's assessment of Luther's notion of conscience and his subsequent incorporation into the understanding of justification (DeJonge, 2012:119-128). In Bonhoeffer's view, 'conscience' is not an appropriate term to understand justification because it amounts to a form of self-judgement and self-justification by which human beings try to evade God's judgement (DBWE 2:138; DeJonge, 2012:121, 123).

<sup>53</sup> Once again, this echoes Luther's interpretation of the 'happy exchange'.

<sup>54</sup> This latches on to Luther's notion of justification as an essential element of humanness and human self-understanding.

Bonhoeffer describes as the bond of love and as the hallmark of responsibility in the exposition of this ethics (DBW 6:137, 256ff.).

#### 4.2.3 Jesus Christ as the path to true humanity

For Bonhoeffer it is clear: God's countermeasure against forfeited humanity and a lost creaturely freedom is their reinstatement in the person of Jesus Christ. Jesus is the one who defines what 'humanness' is all about – an existence that is not simply the affirmation of what we believe to be familiar with but also its deepest questioning; a humanity that is ready to be judged and condemned, to die and to be raised to new life by a gracious God (DBW 6:80, 125, 133, 149, 262). The Son bears the divine No and Yes to humanity in our place and on behalf of all of us – and in this way he becomes our *alter ego*, the human being par excellence. Because he 'is' us, that which happened to him happened to all of us for the sake of our salvation (DBW 6:71, 72, 75, 78, 80, 133). Our existence as justified believers is anchored in Him who bore the judgement on Adam and who is at the same time the 'counter-Adam' who has retrieved our creaturely freedom (DBWE 1:137-138, 146-147).

By virtue of his self-giving and his willingness to live as this new human being Christ has restored the foundation of *our* humanity and made it possible for us to become 'real human beings' before God, true to our origins in the Creator and to the bond with our co-creation. In Bonhoeffer's thinking, 'being before God' is equivalent to 'existing rightfully' – as a justified person – in God's presence. Such a life vis-à-vis our Creator is only possible in the 'healed humanity' that springs from the bond with Jesus Christ (DBW 6:75, 81-82). As the origin, essence and goal of *all* life, Christ is also the focal point of our existence, inseparable from us (DBW 6:250).<sup>55</sup> Precisely as the gift of life from *extra nos*, he is also *our* very own authentic life. In receiving Christ's life, we receive and rediscover our own.<sup>56</sup>

The 'new humanity' of Christ is then nothing other than the recovered power of the original freedom that God wanted to endow every human being with. As the advocate of God before human beings Christ is the personification of God's own freedom for humanity and as the representative of human beings before God he is the one who truly and fully realizes the human freedom to live for God and for others (DBW 6:255, 404; DBW 8:37, 558). Knowing only God as his centre and renouncing on his own knowledge of good and evil, Jesus is one with God and at peace with himself. This, and the fact that he acts exclusively out of the will

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<sup>55</sup> See also DBW 6:252, 262, 278, 311, 315, 321

<sup>56</sup> The motives of *extra nos* and of the gift have already appeared repeatedly in connection with reflections on 'divine love' 'freedom', and 'justification', which suggests that all these terms ultimately transport the same truth for Bonhoeffer, referring to Luther's emphasis on the gift-character of salvation.

of God, is what gives him the freedom from self(ishness) and the 'inner space' for unwavering and selfless commitment to others (DBW 6:313-315, 321; DBW 8:558; Kelly, 1984:37).<sup>57</sup>

Jesus as the 'man for others' (DBW 8:559 – tl CS) gives of himself unreservedly; his entire life is directed towards putting others first in serving their needs and pursuing their well-being in love. This includes the readiness to endure disadvantages and personal loss for others' sake and the willingness for sacrifice. In his voluntary death on the cross,<sup>58</sup> Christ's unique dedication and his whole existence as a 'being for us' becomes most palpable – it is both the apogee of his freedom as a freedom for others and the clearest example of vicarious representation (DBWE 1:155-56; DBW 6:230, 258; DBW 8:558; Kelly, 1984:40, 51; Lawrence, 2010:22, 33). Christ's way of life then, is for Bonhoeffer the most appropriate application of the God-given freedom, and ultimately the only manner of 'being for others' and 'being before God'. In his person, Christ shows that all genuine human life is essentially vicarious representative action (DBW 8:558; DBWE 1:146; DBW 6:230.257). And that is why he is the epitome of an authentic and responsible human being before God and becomes the model for *our* own true humanity (DBW 6:230,257-58).<sup>59</sup>

The fact that Jesus Christ lived as a human being, confirms that God is 'in charge' of our humanness and that he gives meaning and direction to our human existence. By taking on human nature God not only shows his love and acceptance of humanity and confirms that he is unreservedly 'for us' (DBW 6:70, 222, 253, 262); in the person of Jesus he also attests to both the value and the limits of human life (DBW 8:573). Hence, we have no reason and no right to either despise or idolize human beings – whether it be ourselves or others (DBW 6:74, 81-82). Since God wills us to be human, Bonhoeffer argues, we should not try to leave our humanity behind or surpass it by becoming 'super-human', but we should embrace it and 'fulfil' it in the bond with Christ. The very same God who became a real human being wants us to become 'real human beings' too – in the image of Christ (DBW 6:70, 74, 81-82).

On the basis of this view it becomes clear why for Bonhoeffer 'becoming a Christian' is essentially the same as 'becoming a human being' and why his vision of the 'Christian life' is tantamount to his idea of 'real humanity' (DBW 6:70ff, 137; DBW 8:535, 541-42).<sup>60</sup> Christians,

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<sup>57</sup> In his poem 'The Friend' (DBW 8:589) Bonhoeffer describes friendship – as a specific variation of this 'other-orientedness' – as the gateway to greater freedom and genuine humanity.

<sup>58</sup> Bonhoeffer (DBW 8:34) emphasizes that while Christ did not actively seek suffering, he also did not try to avoid it and approached it in freedom when his mission required it.

<sup>59</sup> Once more it becomes obvious how deeply Bonhoeffer's christology is woven into his ethics.

<sup>60</sup> This view tallies with Bonhoeffer's experience that Non-Christians are often more convincing in their humanity than self-professed Christians. The fact that those who are not Christians can display this genuine humanity as well, is to Bonhoeffer proof that it ultimately – unbeknown to them – comes from the humanity of Christ. These experiences also lead to his considerations on 'non-religious Christianity' (DBW 8:404ff., 537, 557ff.).

then, are not first of all certain types of 'religious personalities' (DBW 8:535, 541), but people who accept that their humanity is anchored in the humanity of Jesus Christ and who put their hope in the power of God's 'reconciliation-reality' and his 'ultimate word'. With his ethical considerations in mind, Bonhoeffer characterizes this process of 'humanization' as 'conformation' to Christ (DBW 6:78, 81-83, 125). The initiative for this is entirely God's: It is not us who conform to Christ through our own efforts but Christ himself re-forms us in his image. As we are 'being drawn into the person of Christ' (DBW 6:80 – tl CS), Christ makes himself room within us by 're-creating' and shaping our person after him (DBW 6:81). Hence: 'To be a Christian ... means to be human... the person that Christ creates within us' (DBW 8:535 – tl CS). Conformation to Christ does not require us to give up our individuality. In becoming part of him, we are not forced into something alien to our nature, nor do we turn into a mere copy or imitation of Christ – but we actually come into our own (DBW 6:83). In appropriating Christ's story, we retrieve our own story and in 'clothing ourselves' with his humanity we gain our very own humanity.<sup>61</sup>

Within the described context of 'justification' and 'reconciliation', it is evident that this 're-formation' leads through cross and judgement. In order to be 'in Christ' and 'through Christ', the crucified and risen Lord, we need to identify with him and his mission, sharing what he went through on our behalf and making it our own. Bonhoeffer is convinced that ultimately only the person who is prepared to be judged and 'to die' with Christ, will experience the renewing power of Christ's resurrection – and in this way become a genuine human being (DBW 6:78, 82, 125, 150). Embracing the humanity of Jesus is the route to transformation into the form of Christ. And that not only leads to freedom from the 'old humanity' but is also an expression of faith (DBW 8:558).<sup>62</sup>

Becoming a 'real human being' by virtue of conforming to Christ also puts our relationship with the world on a new basis, implying a new form of 'worldliness', that is firmly tied to Christ. For Bonhoeffer 'being involved in the world' and 'being a Christian' are not in conflict or mutually exclusive but closely entangled. Since divine and worldly reality have been reconciled in Jesus Christ and God has chosen to become a concrete part of the human-earthly reality (DBW 6:34, 40, 43, 61, 252), the place of Christians is right in the middle of the real world, not in any kind

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<sup>61</sup> The corresponding verses in the New Testament would be Rom 13:14; Gal 3:27; Eph 4:24; Col 3:10.

<sup>62</sup> Bonhoeffer's notion of 'conformation to Christ' (*Gleichgestaltung*) is a typical example of the inextricable link between dogmatic and ethical issues which is a hallmark of his entire theological approach; every 'theological truth' (e.g., God's incarnation, Jesus' crucifixion and resurrection etc.) has an immediate corresponding application in human life, a direct transforming impact on human beings. So, whenever Bonhoeffer expounds 'dogmatic' issues, he always simultaneously speaks about ethics... This might be another echo of Luther's thinking, who, whenever he speaks about God, always says something substantial about humans – and vice versa.

of reserved space 'beyond it' (DBW 6:40).<sup>63</sup> Jesus himself was a thoroughly 'this-worldly' person, completely immersed in the concrete and complex reality of earthly life and devoted to the people around him. Subsequently, Christians, as those who belong to him, also need to fully embrace life in this world with all its different tasks, questions, challenges and perplexities (DBW 8:500, 542). For Bonhoeffer, it is clear that this engagement with the world cannot possibly be a superficial search for earthly pleasure and advantages nor can it be the obsession with comfort, or the adaptation to that which is most convenient. Even less can it signify losing oneself in busy preoccupation and becoming completely absorbed by the intricacies of earthly life while ignoring God (DBW 8:541; DBW 6:404).<sup>64</sup>

What Bonhoeffer contemplates is 'a profound this-worldliness' (DBW 8:541 – tl CS) which is sober, alert and mindful of the pitfalls of this world, an attitude characterized by self-discipline and the constant awareness of Christ's death and resurrection. This is because the world in which Christians live, is a 'godless' world which overlooks, rejects or opposes God and his command, but it is also one that has already been accepted, borne, and lovingly reconciled by God (DBW 8:535, 537; DBW 6:40, 405). God's approach to the world determines *our* approach to it: If we profess to love God we cannot but also care deeply for the world he loved. As those who adhere to the Son, we cannot give up on the world that he gave his life for. Subsequently our attention will be directed to others and the focus of our life will not be on ourselves but on the needs, worries, questions, sins and fears of others (DBW 8:535-36). Bonhoeffer calls this practiced worldliness '*metanoia*', the daily turning around and 'refocusing' on the priority of Jesus (DBW 8:535). By caring for the world, we honour God's own love for his creation and follow in Christ's footsteps.<sup>65</sup> Hence a focus on others can never be in competition with our faithfulness to God: it is its natural consequence.

While conforming to the bearer of our true humanity certainly includes compassionate love for the world and its inhabitants, it decidedly excludes an uncritical acceptance of the godless ways of the world. Christians completely side with God for the sake of the world's salvation; and in this way, they can indeed leave behind the futile attempts to idolize the world and instead concentrate on sharpening the critical tools of the gospel, namely the consciousness of God's Yes and his No, his judgement and his reconciliatory love towards the world (DBW

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<sup>63</sup> This corresponds to Luther's insight that withdrawing from the world into a monastery to be an especially virtuous Christian is the wrong way, and to his appreciation for the ordinary vocations of humans as a service for God.

<sup>64</sup> Bonhoeffer's descriptions bring the misguided world-orientedness to mind that Jesus portrays in the *Sermon on the Mount* as attachment to "treasures on earth, where moth and rust consume" (Mt 6:19; LSB/ NRSV, 2009) and "the cares of the world and the lure of wealth" in the *Parable of the Sower* (Mt 13:22, LSB/ NRSV, 2009).

<sup>65</sup> This form of worldliness rooted in Jesus corresponds to Luther's view of 'freedom as commitment' and echoes Bonhoeffer's own notion of a 'responsible life'.

6:258, 267, 405). True to his Christ-centred approach, Bonhoeffer insists that without reference to Christ there can actually be no genuinely ‘worldly life’, only a distorted version of it. Genuine concern for the world is not possible on the basis of some kind of worldly autonomy (*Eigengesetzlichkeit*) but only ‘in, with and under the proclamation of the crucified Christ’ (DBW 6:404 – tl CS). Only ‘the cross of Christ as... God’s reconciliation with the world... is the liberation for a life before God... in true worldliness’ (ibid. – tl CS). And as such it leads to the realization of our very own creaturely freedom regained in Christ.

The ‘critical compassion’ to which we are called in Christ entails that we can in no way – neither externally nor internally – withdraw from the world, avoid its pain and its sinfulness and escape into some kind of ‘Christian safe heaven’ (DBW 6:40, 47; DBW 8:500-501, 515, 535). Christians must take the world seriously and participate in it, just like their Lord himself did. In other words, “Christians... have to drink the cup of earthly life to the last drop” (DBWE 8:448). There is no doubt for Bonhoeffer that submitting to the whole of earthly reality and leading a ‘this-worldly life’ includes the experience of humiliation, weakness and defeat. The whole-hearted involvement in the world is epitomized in the readiness to participate in the suffering of God in this world (DBW 8:515, 535, 537, 542). Thus disciples of Jesus are to share God’s pain about the godlessness of the world and take on Christ’s suffering and powerlessness in this earthly life in solidarity with all those who suffer.<sup>66</sup> This is how they become one with him as the source of their freedom and salvation: “*Christen stehen bei Gott in Seinen Leiden*” (DBW 8:515).

Summarizing, we can retain that ‘Christian worldliness’ according to Bonhoeffer is full participation in the person of Christ and unreserved partaking in the world’s woes and needs at the same time. We become Christians and indeed ‘real humans’ by being part of the given worldly reality and committing ourselves to others while at the same time being in unequivocal allegiance to Christ and obeying God’s commandments. In this vein our worldliness does not separate us from Christ and our ‘being in Christ’ does not cut us off from the world. Belonging entirely to Christ we stand at the same time wholly in the world (DBW 6:48). Living in the shelter of God’s presence and knowing that this present world is not the ultimate but the penultimate (DBW 6:137-42) allows us to engage with the world freely without becoming addicted to it. Being an active part of this world does not oblige us to internalize the world’s mindset or have it dictate our life patterns – our first allegiance is to Christ.<sup>67</sup> Bonhoeffer’s

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<sup>66</sup> Lawrence (2010:118) points out that this ‘being for others’ connected to the experience of powerlessness cannot but yield suffering.

<sup>67</sup> Bonhoeffer frequently refers to the motives of ‘transformation’, ‘renewal’ and ‘seeking the will of God’ in connection with the notion ‘conformation to Christ’ and in the context of developing his ethical thoughts in general (DBW 6:81, 297, 323, 324).

notion of 'worldliness' is thus the attempt to describe the appropriate balance between genuine involvement with the world and the unbroken obedience to God – and in this way it accurately captures the ongoing challenge of Christian life and of all ethical considerations.

### **4.3 Christian Freedom as responsible life – Bonhoeffer's ethical approach**

#### **4.3.1 A new basis for Christian Ethics: God's reconciliation-reality in Christ as key to the good**

Bonhoeffer's ethical approach is the logical continuation of his understanding of the reality of the world as incorporated in the revelational reality of God and of his notion of humanity – both of which he develops on the basis of the creation story and the gospel of the salvation and justification in Jesus Christ. His focus on Christ as the epitome of life and the embodiment of genuine humanity in combination with his rejection of the abstract in favour of the concrete and real then lead him to an evaluation of ethical content and 'method' that is markedly different from other ethical approaches. The latter, with their hitherto emphasis on "balanced reason, single-minded principles, conscience, autonomous freedom or private virtuousness" (Rasmussen, 1999:214) have – in his view – all completely failed at providing a moral rationale for the future. Therefore, Bonhoeffer's stance is that ethical reflection needs a new basis.

After identifying the human quest for distinguishing between good and evil and the wish to 'be good' and to 'do good' as the main concern of all ethics, Bonhoeffer notes that this very 'question of the good' is frequently answered by the introduction of certain general norms accompanied by a 'meta-notion' of a 'good as such' (DBW 6:68, 218-19, 246-248, 252, 260, 267, 376). He strongly opposes such a notion of 'the good' as an 'absolute standard' which can then be applied to the respective reality. Apart from being convinced that humans do not have such a criterion at their disposition because good and bad never reveal themselves in their 'pure form' but are always hidden under the ambiguity of visible reality, Bonhoeffer maintains that such a 'good' would ultimately be detached from concrete reality (DBW 6:218, 245f., 248, 252).

The good, Bonhoeffer counters, is not a theoretical criterion for evaluating life or some standard for measuring the accordance between a preconceived ideal and concrete reality; it is not an 'abstraction of life' (DBW 6:252 – tl CS), the good is part of life and reality itself (DBW 6:37, 252). Hence what is good can never be decided from the outset but only by engaging with real life; it must always be discovered anew with reference to the changing circumstances of given reality and to the bonds between people, things, institutions and powers (DBW 6:245-46). For this reason, ethics, which always deals with the needs, claims and challenges of real people in specific situations in a specific time and place, can never just become 'a system' of



eternally valid rules or unquestionable principles. On that account all ethical approaches that focus on the motivation (*Gesinnungsethik*) or the consequences of our actions (*Erfolgsethik*) are fraught with the danger of remaining in the realm of abstraction, Bonhoeffer contends (DBW 6:36-37, 218). It is simply not in our human power to completely understand or scrutinize all the intricacies of possible human motives. Nor is it possible for us to gain a complete overview, let alone control of all the ramifications of our individual or communal actions (DBW 6:36-37, 218).

Moreover, Bonhoeffer holds, that aside from the lack of concretion and our limited human understanding, any ethics operating with an *a priori* definition of 'the good' and a set of 'universal principles' grounded in human reason, judgement and experience, also tends to disproportionately focus on the personal goodness and self-justifying virtue of the individual while losing sight of the communal character of human life and the importance of serving others (DBW 6:31, 60). Such a priority on the 'self', however, is entirely inappropriate for Christians who have been justified by grace and liberated for a new life – a life that should revolve around obedience to God and his commandments (DBW 6:382-84). The most pressing concern of a Christian cannot be 'one's own good' but the good that God desires, namely, the will of God (DBW 6:31, 301ff., 324ff.). Hence the questions: 'How do I become a good person?' or 'How do I do something good?' must be substituted by asking: 'What is the will of God and how can I fulfil it?' (DBW 6:31).

This brings us to the third crucial problem that Bonhoeffer sees in connection with the described ethical approaches: In defining 'the good' solely with reference to themselves, humans remain within their own limited perspective and completely disregard the framework that encompasses all of human reality: the ultimate reality established by God in the truth of his reconciliation with the world in Jesus Christ (DBW 6:32-33). Therefore an 'ethics of usefulness' is equally flawed: In its seemingly greater closeness to reality, it is ignorant of a divine horizon *extra nos* and *de facto* only surrenders to the given reality (DBW 6:38-39, 261). In this reasoning the good is – in manifold variations – always that which turns out to be most useful and practical in the contingent present. But in Bonhoeffer's eyes that eventually destroys the unity of the good.<sup>68</sup>

By way of demarcation Bonhoeffer lays out the guidelines for his own ethical approach: He wants to preserve the integrity of the good without making it into an abstract principle. It is his intention to locate the good within the whole diversity of human reality without trapping it within

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<sup>68</sup> If 'the good' is categorized as 'the most useful, that immediately begs the question: 'Good' or 'useful' from whose perspective? 'Usefulness' can dispense itself from any inner value and just become a formal criterion. This is a crucial aspect for the critique of digital surveillance from a Christian perspective.

the limited perspective of human reasoning. However, the fact that ‘the good’ can only be understood through grappling with a differentiated and ever-changing reality does not make it into something arbitrary for Bonhoeffer, though. Indeed, even if ethics is anchored in concrete reality this does not imply that it is geared mainly towards human self-realization or that it must draw on human self-perception and earthly reality alone. Bonhoeffer is adamant that the good cannot be grasped without taking into account the greater reality of God’s presence and his salvation and that human goodness without reference to the divine goodness is meaningless (DBW 6:33, 222). Obviously, questions like the foundation of human ethics and their connection to an underlying worldview as well as the whole complex of the usefulness and legitimacy of human actions will have to be considered for understanding our Christian foundation and in dealing with digital surveillance. This is where Bonhoeffer’s thoughts can make a valuable contribution.

With the intention of bringing back ethical considerations to their only valid foundation – God’s reconciliatory action in Christ – Bonhoeffer (DBW 6:301ff.) argues that the search for the good and the goal of ethical reflection must go into an entirely different direction. Instead of developing criteria according to which they can define potential actions as ‘good’ or ‘bad’ ‘useful’ or ‘useless’, etc., humans must rather ‘unlearn’ and abandon such knowledge of good and evil. Why? Because such a human-centred exploration does not represent progress in human development, but is actually the hallmark of human sin and alienation from God, testimony to the fact that humans no longer know themselves as defined by their origin – God – but instead by their own possibilities.

Christians, on the other hand, as judged, justified and reconciled people, have been reunited with God as their true source of life, truth and reality. Hence, they once again ‘know’ him as their beginning and as the epitome of all goodness and therefore also as the One who holds the only valid criterion for good and evil (DBW 6:31-39, 315-322). Aware that God’s reality – as his final word on humankind in Jesus Christ – and his will are the origin of the good and the fountain of all potential human goodness (DBW 6:31,39), Christians are enabled to entrust themselves to the divinely provided knowledge and to seek the good where it can be encountered: in the son Jesus Christ. Bonhoeffer holds that Jesus Christ is the one in whom ‘the good’ becomes tangible because in him, God, as ultimate reality, has revealed himself concretely in the flesh and become part of the human world (DBW 6:33, 35, 37, 39). In Christ ‘the good’ and ‘the real’ are intricately connected; the Son is the incarnation of God’s unsurpassable will for the good in the middle of human reality (DBW 6:33, 35, 37). In this vein Christ as the embodiment of ‘the good’ guarantees the unity and the concreteness of the good, that is, its ‘recognizability’ in all the complexity of worldly and human reality (DBW 6:37, 39).

Accordingly, human knowledge of ‘the good’ must be grounded in Christ alone and learned always with reference to him.

For those orientated towards Christ ethical action then grows out of the restored unity with God (DBW 6:252). In faithfulness towards the biblical word and the person of Christ, the quest for the good becomes the search for the will of God (DBW 6:31, 60, 322) and the wish to conform to Christ who perfectly fulfilled the divine will (DBW 6:315-21).<sup>69</sup> Wanting to ‘be good’ then is legitimate only as the longing for that which is real in God (DBW 6:31), Bonhoeffer insists. In listening to God’s will and commandment, we share God’s goodness and his movement towards the good. Accordingly, he rejects an ethics that isolates the good from the ultimate good, God himself, and he sharply criticizes those who seek to avoid incurring guilt and shame in ethical action because their main concern is to appear as ‘good’ in the eyes of the world (DBW 6:233, 276, 289).

So, if the origin and contents of Christian ethics are in fact determined by the ‘reconciliation-reality’ in Jesus Christ, Christians must concentrate on how they can become part of this divine reality and contribute to God’s own mission. Since Christ is the centre of both, participating in God’s reality and fulfilling his will is the same thing for Bonhoeffer. So, for Bonhoeffer the focus of all our individual and communal ethical reflections and actions must be on ‘the realization of the revelational reality of God in Christ among his creatures’ (DBW 6: 34 – tl CS). We actively promote the Christ-reality in as far as our words and deeds invite others to embrace this reality and to trust God as the ultimate good (DBW 6:31f.).

#### **4.3.2 The parameters of human responsibility with respect to God, fellow humans, the world of things and ourselves**

In Bonhoeffer’s approach we have so far encountered various ways of portraying the orientation towards others that springs from a justified life in Jesus Christ. Ethical action is characterized alternatively as the fulfilling of creaturely freedom and as the living out of the new humanity in Christ, as dedication to the world and its inhabitants in a spirit of true worldliness and simultaneous faithfulness to Christ, or as pursuing the good in doing God’s will respectively as partaking in God’s ultimate reconciliation-reality in Jesus Christ. All of these descriptions really express the same truth from different angles. At the core of all of them is responsibility – a key notion for Bonhoeffer’s anthropology and his entire ethical concept (DBW 6:220ff., 256ff.). For him being a Christian and living as a real human being is the quintessence of a responsible life.

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<sup>69</sup> Lawrence (2010:67) summarizes Bonhoeffer’s position as follows: “The good is not an abstract concept or a construction of human intellect or morals. To be good is to be conformed to the image of Jesus Christ”. And: “The good and the real can never be separated... both are defined solely by the revelation of Jesus Christ, the one who is the good and the real” (2010:68).

As human beings, Bonhoeffer maintains, we are called to live in community with others and with God. By virtue of our 'being for others' we have to acknowledge the ethical claims that others have upon us and respond to them in an adequate manner.<sup>70</sup> These bonds elicit the need for dedication to the well-being of others – thus they place us into the situation of responsibility (DBW 6:220f., 256, 260). So, at any stage, responsibility is an essential feature of our life as persons and creatures before God (DBW 6:222, 256ff.). Since it arises from the encounter between human beings *per se*, it is independent of the specific form of the respective relationships (DBW 6:220, 287). Hence every single human life, no matter how 'powerless' or constrained it may be, and every single human confrontation, no matter how 'small', unimportant' or 'unequal' it may seem, involves responsibility on all sides. Responsibility cannot be eliminated by invoking situations of human subordination or the necessity for obedience, nor can it be avoided by pointing to the alleged insignificance of our tasks (DBW 6: 287, 289).<sup>71</sup>

Responsibility unfolds both as commitment and as accountability – *before* God and *for* God as well as *for* others, *with* them and *before* them and also *before* and *for* us (DBW 6:255, 257). All these connections are inseparable because as creatures we can neither act in isolation from God the creator nor can we act independently of our fellow humans. The comprehensive character of responsibility also means that we always stand in for God and for the cause of Christ before our fellow humans while we are at the same time their advocates before Christ (DBW 6:255). In this light, Bonhoeffer regards our obligation towards ourselves as a variation of the one towards all humankind (DBW 6:255, 257), noting: "Responsibility for myself is in fact responsibility for human beings as such, that is, for humanity" (DBWE 6:258). This understanding of responsibility obviously echoes Bonhoeffer's considerations on the essential 'wholeness' of human freedom.<sup>72</sup> Accordingly the loss of one of the dimensions of responsibility inevitably leads to the loss of responsibility as a whole.

In parallel to creaturely freedom as freedom from the earth and from worldly things Bonhoeffer maintains that we are also responsible for the objects and causes, that make up our world. This 'responsibility for the world of things' (DBW 6:269 – tl CS) is qualified by Bonhoeffer as 'a relationship appropriate to the subject matter' ((DBW 6:269 – tl CS). It entails that neither the 'object' in question nor the 'person' involved can be seen independently from one another and that their connection must be 'appropriate' (DBW 6:270). Ethical action can become

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<sup>70</sup> We already encountered this thought in the discussion about personhood. See DBWE (1:49, 54-55 and 4.1.4).

<sup>71</sup> This notion of responsibility is of course crucial for any understanding of personal accountability in a court of law. This is why soldiers who participate in crimes of war, cannot automatically absolve themselves of personal responsibility by pointing to the constraint to follow orders from superiors.

<sup>72</sup> Cf 4.1.3.

‘appropriate to the subject matter’ if it keeps in mind that all things and causes are ultimately orientated towards God respectively Christ and human beings – in other words, they are means to realize God’s ultimate reconciliatory purpose and supposed to serve humans and the bonds between them (DBW 6:259, 270). It is only in this way that ‘the world of things gains its full freedom and depth’ (DBW 6:260 – tl CS). If ‘things’ are made into ends themselves – instead of serving God and humans – their function is perverted and they are not taken seriously in their own right (DBW 6:259-60, 270). Such ‘inappropriate dealings’ in combination with ignoring each thing’s “intrinsic law” (*Wesensgesetz*) (DBWE 6:271) also heighten the danger of turning things and values into idols and making them the actual rulers of human beings (DBW 6:259). Therefore, only the right balance between things and persons will safeguard the creaturely freedom of humans.<sup>73</sup>

While our responsibility certainly refers to our entire life and our whole person, encompassing all the various aspects and relationships within our human existence, it is nevertheless neither infinite nor absolute, Bonhoeffer states (DBW 6:267). It remains the domain of mortal and historical beings who invariably already find themselves in conditions which they have not actively created (DBW 6:266f.). Thus, human responsibility is always concrete and limited (ibid.). It refers first of all to our immediate environment as our sphere of influence and to the concrete neighbour who has been entrusted to our care in the changing circumstances of everyday life (DBW 6:220). Bonhoeffer’s stance is that we are responsible for doing what is necessary and appropriate in a particular moment at a particular time (DBW 6:220, 267).<sup>74</sup> Our responsibility further revolves around the times and places that concern us and the tasks and challenges where we have any expertise and experience (DBW 6:88, 289). In the same way, in which ‘the good’ cannot be established from the outset, the concrete form of a responsible action also cannot be specified beforehand, because responsible conduct grows out of the given situation (DBW 6:260).

In addition, Bonhoeffer (DBW 6:268f) reminds us that, apart from the limitations of our creatureliness, other people, as well as God himself, also represent boundaries to our individual responsibility. This is because our fellow humans likewise bear responsibility and if we respect them as persons, we take that into account and encourage them in their respective tasks instead of overriding them. God, on the other hand, is the origin of our responsibility and

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<sup>73</sup> This line of thought is obviously highly relevant for dealing with some of the ‘side effects’ of digital surveillance.

<sup>74</sup> But Bonhoeffer (DBW 6:294-96) also stresses that the commandment to love our neighbour is not a recommendation to limit ourselves or an excuse to only take care of those who are closest in terms of location, profession or family. The neighbour can at times also be unknown and far away – responsibility is thus not limited in the sense of a narrow-minded withdrawal from the wider world around us. We are responsible for our immediate environment, but also for the world at large.

its final destination. As humans we are not in a position to pronounce a final verdict on all the aspects of our own actions and therefore always need to entrust ourselves to the judgement of the divine Creator (DBW 6:285, 328f.).

However, Bonhoeffer is convinced that this inability to ultimately judge our actions does not amount to a 'limitation' or a loss of freedom. On the contrary, it is comfort and refuge, because it means that we need not carry the weight of our responsibility on our own, but that we can count on the support of the One who carries us, in this life and beyond it.<sup>75</sup> Since our human responsibility is ultimately anchored in the responsibility that Jesus Christ took for us when he stood in for us at the cross, all *our* responsible action is sheltered in him as the epitome of life and responsibility. So, our freedom, our joy, and our confidence in doing anything good always draw on the power of Christ's advocacy (DBW 6:269).

As part of a responsible conduct that is aware of its limits and its concrete context, Bonhoeffer also emphasizes the importance of acting "in accordance with reality" (DBWE 6:257/ DBW 6:256, 262).<sup>76</sup> This does not just mean submitting to the bare facts or choosing the seemingly most advantageous way of action. Nor is it the opposite, a protest against worldly reality as a matter of principle. 'Action in accordance with reality' unites sobriety with hope; it registers the particulars of worldly reality attentively but its source of hope and inspiration is the fact that the whole of reality is rooted in Jesus Christ and has been judged and accepted in him (DBW 6:262, 263, 266). The reality that Christ has created by his deed of salvation, is for Bonhoeffer the only genuine basis for responsible human action at all. Hence 'action in accordance with reality' has a natural affinity to the previously discussed action that is 'appropriate to the subject matter' (DBW 6:269 – tl CS) and both are equivalent to 'action in accordance with Christ' (DBW 6:256 – tl CS) as the origin, essence and goal of all reality (DBW 6:223, 228, 230, 262-63).

#### **4.3.3 Freedom, responsibility and love as key components of a responsible life**

Within Bonhoeffer's understanding of the structures that facilitate appropriate human ethical action, we rediscover all the key motives of his theology: All of them are being reaffirmed and relocated within the bigger framework of responsibility. The notion of freedom plays an especially important role in correspondence to responsibility. Being free as a Christian and living responsibly becomes palpable in recognizing the needs of others and acting accordingly – both are human features given for the sake of serving others. Responsibility and freedom

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<sup>75</sup> This thought has clear ties to the concept of justification and it strongly resonates Luther's conviction that we must not and need not justify ourselves before God or carry the foundation of our own being and purpose. Cf. 3.1.1, 3.1.2 and 3.2.3.

<sup>76</sup> See also DBW 6:221-223; DBW 6: 260-262.

are two dimensions of the same reality. This is why Bonhoeffer can say that ‘responsibility presupposes freedom in substance and freedom can only exist in the exercising of responsibility’ (DBW 6:283 – tl CS).

He asserts this connection when he describes the overall structure of responsible life in the following way: ‘The structure of responsible life is determined by life’s bond to fellow human beings and to God on the one hand and by the freedom of one’s own life on the other hand. And it is precisely this bond with others and with God which places us into the freedom of our own lives’ (DBW 6:256 – tl CS).<sup>77</sup> The term ‘place into’ suggests that Bonhoeffer understands freedom as ‘a space’ in which we can move, live and act.<sup>78</sup> Since freedom cannot be exercised without assuming responsibility, Bonhoeffer concludes: ‘Without this bond and without this freedom there is no responsibility’ (DBW 6:256 – tl CS). By the same token Bonhoeffer could also say: ‘Without this bond and without this responsibility there can be no freedom’. If we relinquish our responsibility, we also give up our freedom and vice versa: freedom and responsibility are inseparable.<sup>79</sup>

In Bonhoeffer’s perspective the focus on others’ well-being enables us to let go of ourselves. True freedom and real responsibility are to be found precisely in embracing relinquishment and self-limitation. Thus, the bond with God and with the neighbour is not in any way restrictive but empowering; it is the only attachment that really lets us come into our own because it allows us to truly love and to be genuinely free at the same time. Consequently, it is the only bond that is ‘totally liberating’ (DBW 6:284 – tl CS).<sup>80</sup>

Freedom as part of responsibility becomes manifest in the attribution of our own life and our actions to ourselves which take shape in the ‘venture of concrete decision’ (DBW 6:256, 283, 327 – tl CS). Bonhoeffer’s frequent use of the words “*Wagnis*” (venture, risk) and “*wagen*” (to dare) (DBW 6:227, 246, 256, 274, 285, 288) clearly points to his understanding of this liberty: The creaturely requirement to act in a concrete situation within the given bonds to God and others obviously always involves risks because we can neither foresee the exact impact of our deeds nor safeguard that they will succeed in conveying and realizing our original

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<sup>77</sup> This statement would also fit seamlessly into *Creation and Fall* because it describes the human condition of being bound to God and to others as the creaturely freedom given ‘in the beginning’. The close connection shows that in Bonhoeffer’s understanding the realization of responsible life based on the newly gained freedom in Christ is nothing other than a ‘reinstatement’ of God’s original will for humans.

<sup>78</sup> A thought that echoes Luther’s way of placing human freedom within the framework of divine freedom Cf. 3.1.4.

<sup>79</sup> If all this could be expressed in a diagram, then freedom and responsibility could be two distinct colours which nevertheless overlap and together constitute the scope within which human life unfolds, enveloping a person’s existence as an individual and as part of any form of human community.

<sup>80</sup> This is the exact parallel to Luther’s notion of freedom as servanthood and commitment.

intention. This 'riskiness' simply belongs to the whole 'package' of living as a human being where we are on an ongoing path to maturity and constantly being exposed to the unpredictability of human and worldly reality. It is clear to Bonhoeffer that responsibility is tantamount to investing one's entire person and "thus means to risk one's life in its wholeness, aware that one's activity is a matter of life and death" (DBWE 6:255). Hence ethical freedom consists exactly in the courage to make concrete choices and to act upon them (DBW 6:65, 274, 285, 288), despite the risks involved.

Bonhoeffer emphatically calls our action 'necessary' and 'free' at the same time since we are bound to act by virtue of our newly regained freedom (DBW 6:283, 285, 386).<sup>81</sup> Nothing but concrete action itself is the 'fabric' of free responsibility and freedom only becomes palpable in our concrete acting (DBW 8:22, 571).<sup>82</sup> Such action inevitably includes bearing the consequences of one's deeds. Responsible freedom and love freely given comes with all the risks that dealings in human reality inevitably incorporate: being wrong, being misunderstood, becoming guilty or having one's reputation tarnished (DBW 6:233, 240, 275ff.; DBW 8:22, 571). Accordingly, those who act in such free responsibility cannot appeal to certain laws or to the constraint of having to obey orders to justify their actions. Nor can they rely on the support of other people or certain conditions or principles (DBW 6:220-21, 273, 283-85; DBW 8:22). When it comes to concrete ethical decisions, we are on our own and act at our own risk and our deeds can only be ascribed to us alone – and that is a crucial part of our freedom (DBW 6:65, 256, 283-85). In connection with the motive of 'self-attribution', Bonhoeffer (DBW 6:286, 288) underlines that freedom anchored in Christ has imagination, it asks about the meaning of an action and it dares to act, enabling us to make use of our own creative potential and to experience authentic self-agency. In this way it places us before our creator and lets us create the good ourselves in freedom (DBW 6:288), while it is simultaneously aware of our accountability before God and our utter dependence upon him.

This freedom likewise entails that we must forego any sort of self-justification and any in-advance knowledge of good and evil (DBW 6:222, 227, 268, 283, 285, 289, 334-35) and accept that we can only find out what is truly good in the very 'event' of going ahead with the ethical action itself (DBW 6:65, 227, 246). The concrete historical situation will never be so crystal clear and unambiguous as to allow for an infallible prior assessment. However, as liberated and justified people in Jesus Christ we are not left to our own devices: we stand as

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<sup>81</sup> This recalls Ringleben's remark that 'freedom in a Lutheran sense is a specific way of dealing with necessity' (1998:165 – tl CS).

<sup>82</sup> In his poem '*Stationen auf dem Weg zur Freiheit*' (DBW 8:570-71) Bonhoeffer writes: "*..allein in der Tat ist die Freiheit*". Hannah Arendt also links freedom to action when she speaks about the "human ability to act – to start new and unprecedented processes whose outcome remain uncertain and unpredictable" (1998:231-232) as a way of reaffirming the necessity and the paradox of freedom.



creatures before God, accountable to him, and at the same time sheltered by his love *for* us, his reconciliation *with* us and his responsibility *for* us. Our freedom is rooted in Christ and we act in faith, sustained by the assurance of God's promises and the authority of his commandments (DBW 8:571). Therefore, our final justification only lies in God himself (DBW 6:285, 289). This means that we can (and must) ultimately commit all our deeds to God and entrust ourselves completely to his righteous judgement, taking comfort in his forgiving and healing grace (DBW 6:226, 268, 274, 285, 328-329; DBW 8:571).

According to Bonhoeffer Christians experience and enact their freedom by virtue of the bonds to God and to others. These bonds – and subsequently also the contents of both freedom and responsibility – can be characterized with one word: love. So, if we substitute the notion of 'bonds' in Bonhoeffer's description of the structure of responsible life (DBW 6:256) with the word 'love', then love is the foundation that imparts and upholds the freedom to act responsibly. Consequently, a life within the coordinates of responsibility, freedom and love is then – in Bonhoeffer's eyes – equivalent to regaining genuine humanity in Jesus Christ (DBW 6:231-32).

Of course – and that is a direct recourse to creaturely freedom and simultaneously echoes Luther's approach – the source of our human and limited love is not to be found in ourselves, but in God's anticipatory, unconditional, and unlimited love for the world and human beings manifested in Jesus Christ. God's loving triumph over the alienation that humans have created in the fall (DBW 6:240, 338-40) has created a new reality, a reality that redefines our presence and future, and that is henceforth formative for anything we do as followers of Christ (DBW 6:232, 240). So, for Bonhoeffer any loving human interaction begins with the acceptance of this divine love. Only in embracing and trusting God's reconciliation and being willing to be re-shaped by it can we start to pass this reality on to others in practical action. A life in accordance with the reconciliation-reality established by God must necessarily result in a life of loving responsibility (DBW 6:231).

In this sense, the creaturely bonds with God and others are nothing other than the ever-renewed call to welcome the divine love and to reciprocate it with human love and commitment to others who are equally loved by God. Our human love, Bonhoeffer (DBW 6:339) argues, rests exclusively on the fact that we have been loved and accepted by God in Christ and it is valid and real only in as far as it participates in this divine love. So just like human freedom or human responsibility, our love can never become independent from God; it always remains anchored in the love that God is and that he gives.<sup>83</sup> And since God has loved and accepted

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<sup>83</sup> This thought corresponds to Luther's notion of human loving action as 'the overflow' of God' loving action. Cf. MLBTW:619 and 3.3.2.

real people and the real world our love also cannot just target an idea(l) of humanity, it must also be directed at real human beings in all their weaknesses and fallibility (DBW 6:86, 231, 237).

Love is primarily God's choice and his election, Bonhoeffer insists (DBW 6:339). It is not a human quality, but only genuinely understood as 'relationship', as 'a real belonging-together and a being-with-one-another as human beings' (DBW 6:240 – tl CS).<sup>84</sup> This is another analogy with freedom (DBW 6:240; DBW 3:58ff.). Love, just like freedom, 'happens' in voluntary personal commitment and it liberates us from the prison of self-centredness. It signifies overcoming the limitations of the *homo incurvatus in se ipse* in favour of the unlimited possibilities of God. Love grasps the full potential that 'being for others' entails.<sup>85</sup> If it is true that living and growing in love is the same thing as living and growing in responsibility or realizing one's creaturely freedom, then this also means that there is a constant need to 'recalibrate' ourselves to the will of God in order to find out what free responsibility in daily reality means (DBW 6:325), simply because life and growth are by their very nature never 'fixed' once and for all but an ongoing story.

#### **4.3.4 Obedience, vicarious representation and suffering as concretions of love, freedom and responsibility**

In correspondence to Luther, Bonhoeffer also places 'obedience' – as part of the 'new' Christ-oriented attitude – within the threesome of love, freedom and responsibility. Christian obedience is neither blind nor uncritical, nor does it refrain from questioning and trying to understand. It is not forced upon, but given willingly in response to God's reconciliatory love and as an 'application' of the gift of justification in Christ. Lawrence (2010:83-83) maintains that all those who are obedient have surely internalized the costliness of grace, having made a conscious decision to subordinate their own wishes and actions to the word, the will and the commandments of God. Thus, obedience is neither in contrast to responsibility nor incompatible with freedom but rather a realization of both (DBW 6:287-288, 384ff.). In Bonhoeffer's view, Jesus Christ is the most valid 'proof' of this truth because he is the one 'who stands before God as the obedient one and as the free one', simultaneously 'fulfilling the will of the father in obedience'... and 'affirming it in freedom out of his own insight, with open eyes and a joyful heart' (DBW 6:288 – tl CS). In this regard freedom and obedience complete

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<sup>84</sup> " 'Liebe' gibt es auch nicht als menschliche Eigenschaft, sondern als ein reales Zueinandergehören, Miteinandersein des Menschen mit dem Menschen und mit der Welt aufgrund der Liebe Gottes zu mir und zu ihnen" (DBW 6:240).

<sup>85</sup> With reference to Bonhoeffer's considerations in *Sanctorum Communio* Green (1999a:58) notes: "Christian existence is unrestrictedly surrendering (*Hingabe*) to the other. The other in the I-You-relationship is now seen not as a claim, but as a gift. Others, further, are loved for their own sakes... and in this love of the human companions one serves the will of God".

and nourish each other since obedience without freedom would be equal to slavery while a freedom lived without obedience would amount to arbitrariness (DBW 6:288).<sup>86</sup>

Looking at the example of the Son but also at the people of Israel who were led into freedom to live a life of freedom in obedience towards God (DBW 6:288: DBW 8:500), Bonhoeffer gathers that obedience can only be rendered in faith and that faithfulness to the creaturely calling given by God in the bonds of love is the goal of God's liberation and of any genuinely responsible human existence. Like Luther, Bonhoeffer claims that genuine trust in God's love and heeding to his commandments belong together (DBW 6:89, 360, 381ff.). Following Christ means being true to what he said and what he embodied; thus, obedience is a hallmark of discipleship and a sign of a whole-hearted attachment to Christ (DeJonge, 2017:229-230; Kelly, 1984:44.63).

However, in a world that rejects the truth of the divine reconciliation, our faithfulness towards God and his Word not only demands discipline and self-control, but also leads to rejection, self-sacrifice and even to suffering (Letters and Papers from Prison = LPP:370-71). Bonhoeffer confirms more than once that for a Christian, suffering can become a necessary form and consequence of obedience and as such also the price for taking responsibility (DBW 6:121, 240, 251, 344). A disciple of Christ must definitely be prepared for pain – whether physical or mental. During the last phase of his earthly life Bonhoeffer discovered intensely – in the flesh and in the Spirit – how obedience, discipline, and faithfulness via the path of suffering lead to the ultimate freedom in Christ (DBW 8:34-35, 570-71; LPP:370-71).<sup>87</sup>

Obedience is, of course, closely related to another indispensable 'ingredient' of responsible life named by Bonhoeffer: "vicarious representative action" (DBWE 6:257/ DBW 6:256, 289). He reckons that 'the concrete responsible action of love' (DBW 6:231 – tl CS) becomes most tangible in standing in the place of another. In other words, 'being for others' always turns into some form of deputyship (DBW 6:237, 266). Ethical action that becomes '*Stellvertretung*', is the most concentrated form of loving obedience and responsible freedom. Since no one lives as an isolated individual, but always in relationships with others, everyone always incorporates the selves of several other people, Bonhoeffer points out (DBW 6:257). The different roles and tasks that humans have in the context of a community (e.g. as parents, teachers, instructors or leaders) suggest that 'being there' for others in terms of protecting, providing, interceding or fighting for them is an integral part of any human life (DBW 6:257, 293, 379). We 'interfere'

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<sup>86</sup> This corresponds to Luther's stance on the relationship between freedom and commitment and is another echo of the lord-servant-paradigm.

<sup>87</sup> Surely the experience of having to pay a price for taking responsibility and standing up for others and for one's convictions is something that has at all times been an acutely felt part of human reality and of any ethical action – and that could also be a basis for a dialogue on ethical questions between Christians and people with other worldviews.

and participate in the life of others through sharing their needs or carrying their burdens with them. So just as no one can escape responsibility, nobody can exempt him/ herself from becoming an advocate for others – simply because our lives are so intricately interwoven with those of others (DBW 6:25, 287).<sup>88</sup>

Of course, we have already encountered the concept of '*Stellvertretung*' in connection with Jesus, whose self-sacrifice on the cross most authentically embodies what 'covering' for others means. All *our* concerns for the well-being of others and all our concrete deeds for them – in acting on behalf of others and for their benefit as well as in making their cause our own and standing in their place, bearing their burdens (DBW 6:219, 255-57) – ultimately draw on Jesus' self-giving and his willingness to assume responsibility for us with his whole person, even unto death. He is the point of departure for all *our* attempts at vicarious action.

'Being for others' encompasses our whole existence and it does not end at a certain 'bearable limit'. With reference to Jesus's example and the ever-present 'accompanying risks' of the newly regained creaturely freedom, Bonhoeffer therefore especially emphasizes that such deputyship requires the readiness to become guilty on others' behalf and to suffer innocently for their sake (DBW 6:256, 275, 289). Real responsibility and genuine love for the brother or the sister inevitably involves being drawn into their world and 'carrying' them, and that includes becoming entangled in their sin and bearing the weight of their guilt (DBW 6:233-234, 283). Bonhoeffer reckons that whoever tries to withdraw from the community of human guilt to avoid discomfort and pain, does not act in selfless love for the other because our responsibility for others ranks higher than our individual 'blamelessness', reputation or 'good conscience' (DBW 6:233, 276ff.; DBW 8:22). Those on the other hand who – in acting responsibly – do not try to shift the blame unto someone else but attribute it to themselves and stand up for it, act in the awareness of 'being forced' into this freedom. At the same time, they know that they are totally dependent on God's grace in all their 'free actions' (DBW 6:283, 285, 386).<sup>89</sup>

In summary, we can retain that responsible action which puts others first in every way, is always inspired by Jesus' example. In accordance with this Bonhoeffer thinks that martyrdom

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<sup>88</sup> Luther summarizes the fundamental human condition of '*Stellvertretung*' as the obligation of 'becoming a Christ to one another' (MLBTW:619).

<sup>89</sup> Kelly (1984:82-83) and Lawrence (2010:30ff., 89) both point out that the notion of 'vicarious representation' also became the theological rationale for Bonhoeffer's readiness to participate in the conspiracy against Hitler. As Bonhoeffer found himself in a situation where an ethics of free responsibility demanded the extraordinary step of having to resort to tyrannicide, the case in point became a question of 'ultima ratio'. Violence, however, was an extreme measure, not to be made into a principle. "Bonhoeffer had decided to enter into that 'fellowship of guilt' by freely accepting the personal shame of 'treachery' " (Kelly, 1984:82). Anything else would have been treason against humankind as such and against those most oppressed by the Nazi regime. Hence Kelly concludes that "Bonhoeffer's decision to join the conspirators... was an effort on his part to conform to the example of Jesus" (1984:83).

and suffering for the sake of Christ and others are neither to be sought out nor are they to be avoided at all costs. But if the need arises in a particular situation, then our life as obedient followers of Christ of course includes the willingness to submit to suffering (DBW 8:34). That is part and parcel of standing in for others with one's whole person and it testifies to how costly the divine grace become flesh actually is. 'Suffering' remains a recurring motive in all of Bonhoeffer's theology – he perceives it as a poignant form of Christian love and responsibility in connection with obedience and '*Stellvertretung*'. This not only has to do with the truth that Christ's suffering is the basis and 'contents' of our salvation and that he becomes the personification of our new humanity, but also with the fact that Bonhoeffer's own experience in a situation with very specific ethical challenges made this aspect of reality much more urgent for him.

#### **4.3.5 The divine commandment as God's claim and as human freedom space**

In order to live a responsible life, the material contents and the guidance offered by the divine commandment play a central role for Bonhoeffer. It leads to 'the good' that God wants to happen and that he is himself; it is God's will in the flesh, and this is why it is revealed in Jesus Christ (DBW 6:381, 383, 384), the 'other incarnation' of God's saving intention towards humankind. Bonhoeffer calls the commandment "the sole authorization for ethical discourse" (DBWE 6:378) and 'the only possible subject matter of a Christian ethics' (DBW 6:381 – tl CS). Encompassing human life in its totality, the commandment is not only concerned with the 'forbidden boundaries', it is located in the centre and in the fullness of life (DBW 6:381, 384); it is the way in which a merciful and holy God realizes his 'complete and concrete claim' on humans (DBW 6:381, 392), a claim which in Bonhoeffer's view does not leave room for interpretation but only for obedience or disobedience (DBW 6:382, 384).<sup>90</sup>

Bonhoeffer is quick to note that the commandment is always concrete and close to reality, referring to a specific time and place (DBW 6:381, 382). Nevertheless, its content is not based on human circumstances or necessities, but on a proclamation 'from above', receiving its legitimation exclusively from God himself (DBW 6:392). God's command is permission and command at the same time which marks it as truly divine (DBW 6:386): Only God can command something that actually cannot be commanded. The 'commanded and granted

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<sup>90</sup> This view is not without difficulties and lacks practical context. While in many cases the interpretation of the commandment may be straightforward, in many other cases applying the commandments (e.g. honouring the parents, not stealing, not killing) in our increasingly complicated world is highly contested. In a setting that is shaped by many indirect relationships, conflicting interests, multiple connections and powers, the original 'straightforwardness' of the commandments becomes frequently obscured and their meaning more muddled. If the commandments were so easy to put into practice, why would Christians then so often struggle with the task or disagree so fundamentally about their practical application?

freedom' unlocked in the commandments remains permanently anchored in God (DBW 6:386) – just as the gift of creaturely freedom can never be separated from the bond with God.

In agreement with Luther, Bonhoeffer strongly emphasizes the positive potential of the commandment to shape and affirm the life that we have been given in all its different areas and relationships (DBW 6:389). He characterizes God's commanding word as a constitutive feature of true freedom which – instead of interrupting, hindering, intimidating, controlling or questioning us – actually liberates, encourages and grants confidence, making possible the appropriate flow of life. This is because the commandment is not just a collection of rules or prohibitions, but empowerment to live as a human being before God and with others in this world (DBW 6:378, 384-89). God's instruction opens a space in which we can decide, move, live and act – a place of shelter and of clarity, where we can 'be' without constantly questioning and doubting ourselves and our decisions (DBW 6:384-89).<sup>91</sup> In this God-given space of freedom, Bonhoeffer maintains, we can find liberation from the 'fragmentedness' of life with its uncertainties and inner conflicts, experiencing guidance and a unity of direction together with steadfastness and security, arising from the authority of God's word and his presence (DBW 6:384-86).

The divine commandments want to convince and win us over by their actual content, he states (DBW 6:385), and because they come from the one who loves us in a unique way, they have power to liberate us from the tormenting anxiety surrounding ethical decision-making and inspire in us the certainty that we are personally led and guided in our actions (DBW 6:384-386, 389). God's word helps us to overcome the paralysis of not being able to act appropriately because we are eternally questioning our own motives, mistrusting our own judgement or dreading the consequences of our actions. It leads us beyond ourselves into the presence of the only one who facilitates genuine freedom and to whom we can entrust ourselves with undiminished hope.

#### **4.3.6 Examining the will of God and making a concrete ethical decision**

At this point it is appropriate to look at the way in which Bonhoeffer applies his insights to the concrete process of ethical decision-making. The ensuing overview takes up some of the previously discussed specifics of ethical responsibility while it also leads us back to Bonhoeffer's initial assessment of the good and to the core question of what makes an ethical approach into a 'Christian ethics'.

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<sup>91</sup> This brings to minds Paul's words about God in Acts 17:28: "For 'in him we live and move and have our being' "(LSB/ NRSV, 2009).

As Bonhoeffer already sets out in his considerations on the appropriate shape of Christian ethics as such, 'the good', that is, the responsible thing to do in a specific situation, is not a given *a priori*, but needs to be re-discovered yet again in the course of real life on the basis of careful examination. Since Christian ethical efforts focus on the specific good that is to be found in God himself, loving obedience and free responsibility must primarily aim at identifying, understanding and realizing the will of God (DBW 6:31, 301-303, 324-329). Once again, Jesus is our role model for this endeavour, the Berlin theologian (DBW 6:13ff.) declares: The fact that Jesus Christ does not live out of his own knowledge of good and evil, and that his unity with God is unbroken, gives him the unique inward and outward freedom to be 'single-mindedly' oriented towards the word and the will of the Father in all his striving and acting. He is not torn between conflicting alternatives, but simply focused on the one essential thing: that which is good in God's eyes and responsible in concrete life.

By virtue of Christ's reconciliation, Bonhoeffer (DBW 6:315, 321) reminds us, we have also been brought back into the healing unity with God, and therefore this path of freedom and simplicity of action has also been reopened for us. The space that had been occupied by our self-orientated search for the good, has now been claimed by Christ's presence in us – he has made room within us for God and his will (DBW 6:327-28). Hence our 'old knowledge' of good and evil has been overcome by the only knowledge that is really essential: the certainty of having Jesus Christ as our saviour and reconciler near us, and the need to follow his example in obeying the Father (DBW 6:319, 321). By the power of Christ in our lives we can finally follow our original calling and are genuinely free to take on the task at hand: to earnestly seek to apply God's word to our everyday life and to concentrate our attention on fulfilling the *one* will of God in a particular situation (DBW 6:31, 61, 321, 325).

Bonhoeffer maintains that while we need not doubt the gift of the re-created community with God that Christ has given to us, it is nevertheless necessary to ask how we can be preserved in this new life every day (DBW 6:326). Since our earthly existence is an ongoing flow of changes and challenges, we need to continuously affirm our relationship with God in Christ and dedicate ourselves to the good that is God's intention. The conformation to the person of Christ and the inner transformation of the mind as described in Rom 12:2 (DBW 6: 324-25) is a process of daily renewal which unfolds in the perpetual exercise of attaching ourselves to God's word and command.<sup>92</sup>

At the same time seeking what God wants us to do, must be combined with thorough self-examination (DBW 6:322, 327-329). The latter has nothing to do with unhealthy 'navel-gazing'

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<sup>92</sup> This corresponds to Luther's notion of the 'Old Adam' who must be daily drowned in the power of the baptismal promise and renewal. Cf. MLBTW:485 and 3.3.3.

but is guided by the confidence that Christ indeed lives and acts within us. The aim of looking closely at our own thoughts and actions is to have a deeper experience and certainty of his presence within us – for our own good and for the good of those around us. For Bonhoeffer the will of God has a compelling quality. He is convinced that an unambiguous focus on Christ and his manner of fulfilling God’s will, will pave the way for integrity of action and a liberating simplicity (*Einfalt*) (DBW 6:321, 237).<sup>93</sup> Accordingly he reckons that those who are completely drawn into this divine will, act without questioning: their doing has become “*fraglos*” (DBW 6:320).

This, however, does not mean that the will of God is always obvious or easy to find. It can be hidden among many possibilities and needs to be pondered upon with diligence (DBW 6:323-324). In the context of all of Bonhoeffer’s other ethical considerations, we can certainly assume that responsibility and freedom, love and obedience are crucial criteria for determining what the respective contents of this ‘divine good’ is. Bonhoeffer has no doubts that an intellectual and spiritually-minded search for God’s will eventually leads to the ability to come to an informed and responsible ethical decision. And he encourages us to entrust ourselves wholly to God in this undertaking: ‘God will certainly reveal his will to those who ask him in humility. And after all the serious examining there will also be the freedom for a real decision and with it the confidence that... God himself realizes his will through this process of examining his will’ (DBW 6:326-327 – tl CS).

The Berlin theologian underlines his thoughts on the importance of examining God’s will by declaring that ‘the only appropriate conduct of human beings before God is the doing of His will’ (DBW 6:329 – tl CS). In this way, he not only makes a fundamental statement about the relationship between human beings and their creator, but he also characterizes the fulfilling of God’s will as an expression of true humanity and as the application of genuine ethical responsibility. It appears that Bonhoeffer’s entire approach to searching and finding the will of God exemplifies the whole complex procedure of coming to an ethical decision as such. To the specific factors involved in ethical decision-making we now turn our attention.

As we have seen, Christians dare take ethical decisions in faith and in the space of freedom obtained in Christ – with all the risks that this involves (DBW 6:220). While Bonhoeffer would certainly not deny the relevance of ‘best practice’ or previous experience, he insists that since we have no ‘absolute ethical principle’ at our disposition, we still need to look at each case separately to determine what that specific situation demands from us. The reality that we are facing, is never just the ‘setting’ for applying pre-determined norms, it actually shapes our

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<sup>93</sup> It is Christ’s unity with God (*Einheit*) which leads him to this simplicity (*Einfalt*). Cf. DBW 6:237, 321-329.



choices and our concrete actions (DBW 6:220, 260). So, to find out what God wants us to do in a specific situation, the whole 'toolbox' of human abilities must be brought into play, Bonhoeffer argues, such as an honest heart, an astute mind and a sharpened reason, a look at previous experience as well as current insights – in combination with thorough reflection, open eyes, a healthy sense of realism and a sober spirit (DBW 6:237, 324, 326).

Free responsibility requires us first to try to understand the circumstances at hand, carefully observing, weighing, and evaluating all the relevant factors before we decide and act. This also includes reflecting on what is actually within our power to do and how meaningful such action would be. Christians must take the present and the future into account; they must examine their own motives and their own heart as well as ponder the immediate or long-term consequences, the impact on others, the prospects and the value of their envisaged actions – all this with the proviso of our fragmented human understanding (DBW 6:220, 260, 267, 284).

The aim of human ethical efforts is not to realize 'an absolute good' (DBW 6:260 – tl CS) but that which is called for and responsible in the concrete circumstances of life. It is part of our responsibility, Bonhoeffer says, to act in awareness of our own limitations and to be humble and honest enough to see that we might be forced to opt for the lesser of two evils, namely, that we might have to choose between something 'relatively better' or 'relatively worse' in the awareness that the 'absolute good' can be the very worst' (DBW 260 – tl CS). Our ethical constraints, however, do not at any stage eliminate the 'wholeness'-character' of our responsibility. Within the confines of a finite world our responsibility still remains at all times our *whole* answer to God's salvation in Jesus Christ (DBW 6:254, 294). We are never just 'partly responsible', our entire person is always at stake. This 'wholeness' also refers to the scope of the concrete ethical action itself: Within the limits given by history and circumstances our responsibility extends to all the different aspects of our deeds: the motive and goal as well as its contents and its potential implications (DBW 6:267).

In summary we can record: Since it is not in our human power to understand the whole range of the impact of our deeds, we can only make our best and most diligent attempt at it. This means that we always act in awareness of our final accountability to our creator and must leave 'the good' to the One who is 'the ultimate good', to God himself (DBW 6: 227, 246, 288).<sup>94</sup> After responsibly weighing all the different relevant aspects in the light of God's

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<sup>94</sup> Bonhoeffer points out that we cannot really know whether and in how far our human action realizes the good or serves God's intentions in history, since God uses good and bad to reach his goal. We remain exposed to the ambivalence of history. This does not imply that good and evil are the same thing, but it means that no one can justify himself in his own goodness, because God alone does the good (DBW 6:226-227, 246, 288).

salvation in Jesus Christ, we must still take the leap of faith and act in one way or another, Bonhoeffer observes (DBW 6:256, 268, 284, 327). That is precisely what is meant by ethical freedom and “the venture of concrete decision” (DBWE 6:257/ DBW 6:256 – tl CS) discussed previously. Once the decision has been made and the deed is done, we can do nothing more than place ourselves completely into the hands of God and surrender our thoughts and our actions to his righteous judgement and his infinite mercy and wisdom. With no definite knowledge of good and evil and unable to accomplish a final evaluation of our actions, we must relinquish any sort of self-justification and commend our lives completely to the ultimate judge who is also our creator and saviour (DBW 6:220, 224, 268, 274, 285, 288-289, 328-329, 333; DBW 8:571).<sup>95</sup>

In sketching the Christian’s path to an ethical decision, Bonhoeffer once again affirms the fundamental human situation before God as the relationship of the creature in accountability before the Creator: We are tied to God in a bond of love that has been initiated and is maintained by him in Christ, and we are truly free precisely because we are completely at the mercy of this God who has chosen acceptance and reconciliation above rejection and condemnation.<sup>96</sup>

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<sup>95</sup> The fact that the motives of ‘human surrender’ and ‘the complete human dependency on the divine grace’ appear so frequently and prominently in different contexts of Bonhoeffer’s *Ethics* clearly shows how absolutely central these thoughts are to his theology and his spirituality. In connection with the stress on the ‘non-possibility of any self-justification’ it actually epitomizes the heart of what justification by faith and grace is all about – the same matter that Luther so aptly characterizes as the human inability to be justified by good works.

<sup>96</sup> We can assume that not every single ethical decision in daily life requires such an elaborate process of deliberation as described by Bonhoeffer, because very often we either base our actions on proven and tested practice or we act spontaneously in view of an obvious need before our eyes. Bonhoeffer is of course aware of this and his frequent references to the unambiguous demands of the divine commandments affirm his trust in God’s fundamental ‘clarity’. Pondering on the way forward, in his view, surely must not lead to paralysation and keep us from acting at all – here the venture of free decision and the courage to act mentioned before come into play. Bonhoeffer’s considerations, however, certainly come to bear in the face of challenging and conflicting situations and ethical *dilemmata* – which seem to multiply in the complex world of today and have long arrived at the proverbial doorstep of every single inhabitant of this world, independently of their role or influence. While for a Christian the search for the will of God remains the ultimate priority in every human interaction and ethical decision, the basic process of ethical decision-making with the help of the ‘human toolbox’ described by Bonhoeffer is probably – in one way or another – in the background of many every-day ethical decisions, even if the different steps are covered ‘at an accelerated pace’. There is good reason to believe that Bonhoeffer’s pragmatic and reality-infused ethical approach could certainly help to promote a dialogue between Christians and Non-Christians on difficult ethical issues.

## 4.4 Living responsible freedom in the context of society

### 4.4.1 Bonhoeffer's reliance on two-kingdoms-thinking and his concept of the mandates

In parallel to the previous chapter we now need to look at the way in which Bonhoeffer views the role of Christian ethics in the whole of society and how he incorporates Lutheran thinking. This will help us to better understand our own role as Christians in view of pressing ethical issues regarding the whole community. And it will further clarify the rationale, the legitimacy and the scope of a Christian ethical stance on current digital surveillance.

Bonhoeffer's ethical deliberations unfold against the background of an authoritarian state, a society shaken by war and insecurity, and a church that is deeply divided about its own role with regards to the community and the state. They are embedded in a thorough reflection on the cultural and intellectual environment of his time – and with it the horizon of society and the different roles that individuals hold in it, are continually present.<sup>97</sup> The various sections in *Ethics* and the position papers *Personal and Real Ethos* and *State and Church* clearly show that Bonhoeffer had no intention of discarding or replacing two-kingdoms-thinking.<sup>98</sup> On the contrary, he embraced it and believed in its ongoing relevance. This is why he integrated all of the basic traits of Luther's approach into his own ethical vision for the social life of the

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<sup>97</sup> As Bonhoeffer invokes the different roles of individuals as teachers, doctors or parents in various ethical contexts, their societal responsibility is immediately palpable.

<sup>98</sup> In his 2017 book *Bonhoeffer's Reception of Luther* and his 2018 book *Bonhoeffer on Resistance*, Michael DeJonge states that Bonhoeffer was a two-kingdoms-thinker through and through, extensively drawing on Luther's understanding of the two kingdoms throughout his entire theological development. DeJonge corroborates this claim by tracing and assessing all of Bonhoeffer's thoughts on the topic throughout all of his theological writings. His thorough analysis then leads him to the realization, that a large part of the contemporary American evaluation of Bonhoeffer's two-kingdoms-theology is not based on Luther's own writings, but on later, distorted versions of Luther's teaching, some of which strongly resemble the post-Lutheran 'doctrine of the two kingdoms' that Bonhoeffer himself so clearly refutes. Based on these "caricatures" (DeJonge, 2017:77) which are seen as valid representations of Lutheran two-kingdoms-teaching, the said non-Lutheran contemporary American theologians then contend that Bonhoeffer's distanced himself from "the traditional Lutheran two kingdoms doctrine" (DBWE 6:10 Cf. Green's Introduction to *Ethics* (DBWE 6:2) and that it was Bonhoeffer's intention to substitute it with a different thought model (DeJonge, 2017:77-101). DeJonge strongly disputes this assumption, arguing that the arguments put forward in favour of this stance do not hold water. The principal reason for this is that the said interpretations in no way really engage with authentic two-kingdoms-thinking, but instead misrepresent or misunderstand it. DeJonge observes: "There is no scholarly engagement with Luther or the Lutheran tradition to provide an account of the two kingdoms. No Lutheran thinker is even mentioned as a proponent... of the kind of two-kingdoms thinking that Bonhoeffer purportedly rejects... Nor... is there any account of what Bonhoeffer himself understood Lutheran two-kingdoms thinking to be. Green, Rasmussen, and Hauerwas all... argue that Bonhoeffer abandoned two-kingdoms thinking, but they do not find it necessary either to cite scholarly accounts of two-kingdoms thinking or to provide their own" (DeJonge, 2017:81). Without getting into further details I can only confirm DeJonge's observations in the strongest terms. The evidence is overwhelming: A diligent reading of both Luther's and Bonhoeffer's position on the issue clearly reveals that Bonhoeffer considered two-kingdoms-thinking as normative and heavily leaned on it in his own theological approach – which completely aligns with his overall 'closeness' to Luther's theology and worldview.

community, while simultaneously expanding, appropriating and applying two-kingdoms-thinking to his particular context. Consequently, Bonhoeffer also sought to liberate two-kingdoms-thinking from the multiple layers of misunderstandings and distortions in order to unlock its valid intentions and its true potential. An overview over Bonhoeffer's 'social ethics' will show this in more clarity.

For the purpose of structuring, directing, and enhancing responsible life within the different areas of human community Bonhoeffer introduces the notion of the 'mandates'<sup>99</sup> which he names as marriage and family, work and culture, church and also government (DBW 6:54, 383, 392).<sup>100</sup> He insists that they do not represent 'natural orders' (DBW 6:55 – tl CS) inherent in the original creation; nor are they an outgrowth of history or the product of earthly power claims (DBW 6:392-94). The mandates are based on the revelation in Christ and on Scripture (DBW 6:392),<sup>101</sup> expressing God's relationship *with* the world and his will *for* the world. They are commissioned by God for the purpose of sustaining earthly life and restraining sin in a fallen creation (DBW 6:51, 152, 158, 392-93). However, their 'divine character' does not lie "in their actual givenness in this or that concrete form" (DBWE 6:69)<sup>102</sup>, but only in their orientation

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<sup>99</sup> Bonhoeffer speaks about the mandates in the final section of *Christ, Reality and the Good*, in the essay *The Concrete Commandment and the Divine Mandate* and already in the position papers *Personal and Real Ethos* and *State and Church*. It is quite probable that he was planning to expound further on them at a later stage.

<sup>100</sup> Here he obviously draws on Luther's orders of "the church, the government and the household (which included family life, economic life and education)" (DeJonge, 2018:38 – parentheses DeJonge). Bonhoeffer's understanding of these ordering structures is the result of a longer thought process in which he wanted to renew and reclaim the meaning of the orders while trying to avoid the misunderstandings and distortions associated with them (DeJonge, 2018:131-32; similarly, also Lawrence:72). Bonhoeffer clearly sets the mandates apart from 'orders of creation', arguing that we cannot directly deduct God's will from the actual state of the creation, because it is a fallen creation (DeJonge, 2018:31-32, 43). 'Orders' can be too easily seen as a divine endorsement of existing human constructions (DeJonge, 2018:44) or "as independent means of revelation... to justify human ideologies" (Lawrence, 2010:72). Bonhoeffer, aware of these ambiguous connotations, eventually discards the terms 'orders', 'estates' and 'offices' altogether (DBW 6:393, 55, 60). 'For lack of a better word' (DBW 6:393 – tl CS), he settles on 'mandates' because this term renders for him best the divine warrant involved. Bonhoeffer holds on to the notion of 'preservation', however, because the mandates indeed express God's will to preserve his creation from falling into complete chaos because of sin (DeJonge, 2018:43). This preservation-task of the mandates obviously corresponds to the preservation task of political authorities which is also part of the two-kingdoms-thinking.

<sup>101</sup> Interestingly enough, the foundation of the mandates is described in direct parallel to the Lutheran notion of the sacraments: as of divine origin and based on God's command, instituted and affirmed by Christ in the New Testament, and as given for the purpose of asserting the divine promise and strengthening the believers' faith (See Book of Concord, 2000:46, 359, 457, 467). While the sacraments serve to build up the congregation 'from the inside', the mandates' function is to build up and structure society.

<sup>102</sup> This statement offers an opening for applying Bonhoeffer's thought to today's world and imagining new forms of mandates in a contemporary setting: e.g. How could the mandate of marriage and family be re-imagined respectively transformed in a world with 'legalized' homosexual partnerships and multiple variations of family constellations...? Bonhoeffer's reference to Luther's notion of 'new decalogues' (DBW 6:288 – tl CS) also comes to mind in this context.

towards Christ as their origin, essence and goal (DBW 6:56-57, 406). Speaking for God, the mandates affirm God's authority over this world, asserting Christ's rule and his rightful claim to the world and to humans (DBW 6:392, 406). Hence, they not only address all humans, whether Christians or not, they also refer to all aspects of human life and target the whole human person before God (DBW 6:55, 392).

God, in laying claim to earthly domains, confers authority unto earthly institutions, instances and persons, such as parents, the representatives of governmental authority or of the church, who act as placeholders for the divine cause (DBW 6:393-94), Bonhoeffer argues. Hence the mandates obviously involve 'certain sociological relationships of authority' (DBW 6:375 – tl CS). But these are not simply identical with earthly power relations in as far as they can only be exercised properly in accountability towards God and in recognition of his ultimate authority (DBW 6:395). In Bonhoeffer's understanding the divine origin of the mandates sets clear boundaries for human claims of authority and protects all involved from abuse.

The theological terminology clearly shows that Bonhoeffer views the mandates as a particular form of commandment (DBW 6:392-397).<sup>103</sup> Within the mandates, he contends, humans are fully liberated and empowered to live in this world according to God's will and 'to freely and naturally affirm the self-evident life in the church, in marriage and family, in work and in the state' (DBW 6:385 – tl CS). In parallel to the decalogue, the mandates are forms of life which aim at giving our ethical actions a unity, simplicity, and a clarity that is free from conflicts, 'tornness' or indecision (DBW 6:60, 384-388).

The fact that all the mandates have their legitimation in Christ, sets each of them free to fulfil their distinct God-given purpose and to function according to their own nature and *Wesensgesetz* (DBW 6:406, 270-272).<sup>104</sup> Each of the mandates enjoys "relative autonomy" (DBWE 6:357) – not to be confused with "*Eigengesetzlichkeit*" (DBW 6:364, 406). The appropriate relationship between them is mutual respect and interdependence in terms of acting alongside each other and interacting, supporting, and completing one another, and at the same time limiting each other in this way (DBW 6:383-384, 397, 406). Thus, none of the different divine commissions can make themselves into 'absolutes', trying to determine the contents and form of the other mandates.<sup>105</sup> Such 'meddling' would only undermine their own basis and God's overall objective. Their corporate reference to Christ means that only as an

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<sup>103</sup> This means that the characterization of the mandates and that of the commandment/s strongly resemble each other. Cf DBW 6:381-390, 392-397. Both of them do not originate in 'nature' or in earthly claims but in divine claims. As such they are spaces of freedom, signs of grace and structures of responsibility to live creaturely freedom, echoing the liberating bond to God and others.

<sup>104</sup> The meaning of '*Wesensgesetz*' can be circumscribed as 'the specific logic pertaining to a certain area of life' (*Bereichslogik*) (Jähnichen and Maaser, 2017:83, 89 – tl CS)

<sup>105</sup> This aspect will become especially important with respect to the mandate of government.

*ensemble* and “in their being-with-one-another (*Miteinander*), for-one-another (*Füreinander*) and over-against-one-another (*Gegeneinander*)” (DBWE 6:393) they can truly represent the will of God in Jesus Christ (DBW 6:383-384, 397, 406). The relationship among the mandates thus mirrors the way in which Bonhoeffer describes the encounter between persons as a combination of community (being with) and dedication (being for), connected to respect for the boundary of the others (over against).

#### **4.4.2 The mandates of church and government and their relationship with one another <sup>106</sup>**

Bonhoeffer devotes special attention to the mandates of ‘church’ and ‘government’, portraying them in close reference to Luther’s line of thought. He fully acknowledges the sovereign rule of God with the *one* aim to protect, facilitate, and enhance creaturely life realized in the two-fold way of the spiritual and the worldly sphere with the church and the government as their ‘bearers’. Bonhoeffer furthermore underpins two-kingdoms-thinking by connecting his concepts of the ‘penultimate’ and ‘the ultimate’ to the notions of ‘preservation’ and ‘redemption’ (DBW 6:137-162), linking them to the two mandates of church and government. The ‘penultimate’ represents that which Luther called ‘the temporal kingdom’, that is, the worldly reality of human and creaturely life, which is in need of protection and governance by virtue of a good order that facilitates, preserves and enhances life, peace and justice (DBW 6:151, 156). This is the preservation task given to the government by God. The ‘ultimate’ on the other hand stands for the foundation of Luther’s ‘spiritual kingdom’: the truth of the justification of the sinner *sola gratia* and the reconciliation of the world with God by way of the Son’s sacrifice on the cross. To make this ultimate will of God known to the world is the task of the church (DBW 6:139-142).

As the faithful witness of God’s incarnation and reconciliation in Christ, the church is supposed to give testimony of Jesus Christ as saviour and lord of all (Ethics:328,352; DBW 6:399f., 406f.), calling everyone into the community with him (Ethics:345, 352, 358; DBW 6:53-55, 59, 402-404). This “office of guardianship” includes “calling sin by its name and warning men against it” (Ethics:345). In other words: ‘The church acknowledges and proclaims God’s love for the world in Jesus Christ as the law and as the gospel’ (DBW 6:359 – tl CS). Since the word of God by its nature does not operate with force, the church’s tools for fulfilling its

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<sup>106</sup> For the following two sections I have drawn extensively on Neville Horton Smith’s 1955 translation of Bonhoeffer’s *Ethics* (in the subsequent edition from 1995) and the position paper *State and Church* which is contained in it, while DBW 6/ DBWE 6 do not include it. The decision was an easy one, firstly because of the elegance of Horton Smith’s translation and, secondly, because the position paper clearly belongs in the proximity of *Ethics*, having been written in the same time period and dealing with many overlapping issues.

commission cannot be coercive; they consist in the word, the spirit and prayer (DBW 6:102; DBWE 11:332). The church itself, even though it is the agent of the global reign of Christ, does not claim to rule over the world; it is there to serve the world, knowing that it is not an end in itself but an instrument for the fulfilment of God's will, created by God's word for the sake of the world's salvation as the church for others (DBW 6:406-409). In this way the church corresponds to its Lord who was himself the person who was 'wholly for others and for the world' and not for himself (DBW 6:408-409). The church-community is part of the one world-reality rooted in Christ, and it acts within it, but what sets it apart is the fact that it has already embraced God's promise of ultimate salvation in faith (DBW 6:54) in the knowledge that the 'penultimate' is oriented versus the 'ultimate' and that preservation happens for the sake of redemption (DBW 6:140, 150-161, 166).

The government, on the other hand, has been commissioned by God to provide order, an "outward justice" (Ethics:335) and security by reigning in on the negative effects of sin in society (Ethics:327, 330ff., 342). It must actively sanction and discourage bad behaviour in "punishing the wicked" (ibid.:335) and it must advance good behaviour and protect the righteous through "praising the good" (ibid.) and "educating for goodness" (ibid.). To this end the government has been vested with legitimate worldly power in the form of "judicial authority" (ibid.:330) or the "power of the sword" (ibid.:335; DBW 6:59, 102) to establish and enforce laws including the state monopoly of the legitimate use of force (Ethics:339, 343; DBW 6:58-59). This, according to Bonhoeffer, is linked to the specific overview function of the government's mandate: it is supposed to administer, oversee and protect that which has been created, helping the other mandates fulfil their respective purposes (Ethics:339, 343; DBW 6:58-59).

If the government carries out this task appropriately, it fulfils God's will, acting with his authority, in deputyship for him and as his servant (Ethics:327, 330, 335, 342). In this capacity it is entitled to demand obedience to the law from both Christians and Non-Christians (ibid.:342). In fact, in complying with the law Christians affirm their support for God's will to protect life, to enable peace and to promote goodness.<sup>107</sup> To fulfil its God-given mandate, the government need not be Christian itself, Bonhoeffer states; it can remain "religiously neutral", (ibid.:343) as long as it attends to its task of sustaining life and protecting those who work for the good, and as long as it does not actively oppose God's will and respects the faith of its inhabitants, allowing room for the "practice of religion" (ibid.).<sup>108</sup> Bonhoeffer is convinced that

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<sup>107</sup> In line with Luther, Bonhoeffer argues that the church will back all the appropriate measures of the state in this respect – that is part of the "political responsibility" (Ethics:344) of the church together with the obligation to clearly point out sin and evil in society.

<sup>108</sup> It is likely that Bonhoeffer primarily thinks of the Christian Church/es here, because a 'multi-religious' or overwhelmingly 'non-church-affiliated' society was not yet a reality in the Germany of Bonhoeffer's

governmental authority serves Christ, whether it is aware of it or not, and whether it does so willingly or involuntarily (Ethics:332-337, 341; DBW 6:102), simply because Christ is the sovereign and centre of all earthly reality.

The divine origin of the institution of government not only defines its specific task and constitutes its particular dignity, it is also the ‘fire wall’ against abuse of authority (Ethics:335). This is because the state – just like the church – is not an end in itself but merely an instrument in God’s overall plan to uphold life and to ultimately redeem the whole of creation (DBW 6:59). The state’s authority refers strictly to its clearly defined mandate and the government’s “coercive power” (Ethics:330) is neither arbitrary nor absolute. It is always ‘borrowed power’, “penultimate authority” (DeJonge, 2018:148) in acknowledgement of its accountability towards God as the highest authority (Ethics:333; DBW 6:395). Christians can and must therefore hold the state accountable to its task, calling out power abuse and the transgressing of boundaries (Ethics:337-346; DBW 6:403; DBWE 12:365).

The state must never seek to control the other mandates by making itself their originator and determining the activities within these areas, Bonhoeffer contends (Ethics:329, 337-340; DBW 6:59).<sup>109</sup> This is because by exceeding its own sphere of competence the government would not only encroach on the other mandates, endangering *their* commissions, but it would also undermine its own. If the state becomes “the executor of all the vital and cultural activities of man” (Ethics:329) claiming the right to interfere in all areas of life,<sup>110</sup> it misuses its God-given authority, scorning its divine commission and perverting its mandate. In this case, the state stops to function as an order of preservation and turns on the people for which it is responsible.<sup>111</sup> So in the extraordinary case of the state becoming actively antagonistic against the gospel and God, in combination with opposing and threatening the church, preventing it from carrying out its task and trying to force Christians to break the divine commandment, the church is no longer bound to obey and may consider forms of resistance against the state (Ethics:337-339, 342-343).<sup>112</sup> If the government sets itself in God’s place as the ultimate

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time. His basic requirements of allowing room for all kinds of different expressions of faith and spirituality – as long as they operate within the confines of state law – are, however, applicable in many societal configurations.

<sup>109</sup> “Government has no right to make claims on the totality of life” (DBWE 6:72-Annotations).

<sup>110</sup> This is a clear reference to the regime of the Third Reich, which tried to bring every area of human life and of society under its control, making use of oppressive and discriminating laws in the context of its overall policy of ‘forced synchronization’ (*Gleichschaltung*).

<sup>111</sup> At this point it has become abundantly clear that there is extensive agreement between Luther and Bonhoeffer’s position regarding the whole question of divine authority and the tasks and relationship between church and government. This overlapping will remain a dominant motive in Bonhoeffer’s thinking and cannot be easily dismissed by Bonhoeffer scholars.

<sup>112</sup> DeJonge, who has thoroughly examined the attitude on resistance to the state in the whole corpus of Bonhoeffer’s writings, maintains that for Bonhoeffer the church’s manner of resistance must always be consistent with its character and its task. Correspondingly, the “church resists through its



authority, the Christian duty to submission ends, and disobedience and defiance are clearly called for. Christians' ultimate allegiance is always to God (DeJonge, 2018:150, 155).<sup>113</sup> So even although Bonhoeffer's situation was completely different from Luther's and even if the forms of disobedience may vary considerably, it is obvious that Bonhoeffer here clearly follows Luther's approach: Resistance against the state is not only compatible with two-kingdoms-thinking, it can actually be deduced from it as a logical consequence if the state oversteps its mandate.

#### 4.4.3 Bonhoeffer's notion of an authentic two-kingdoms-approach

In view of the preceding deliberations on the role of the mandates and the special relationship between the church and the state, we can now understand how Bonhoeffer, who considered himself "as firmly rooted in Lutheran tradition" (DeJonge, 2018:36), positioned himself with regard to certain post-Lutheran interpretations of two-kingdoms-thinking, particularly the ones that he considered as misunderstandings of the Reformer's position and as incompatible with his own understanding of the relationship between the world and God. He clearly distanced himself from the position of the so-called 'Pseudo-Lutheranism' (DBW 6:41, 290, 292 – tl CS), also labelled 'the compromise position' (DBW 6:45, 147 – tl CS) and from the stance of the so-called 'Enthusiasts' (*Schwärmertum*) (DBW 6:41, 118 – tl CS) or the 'radical position' (DBW 6:41, 118, 229, 263 – tl CS).

In the first account, reality is split into two spheres, one being worldly, profane, natural and rational, the other Christian, sacred, supernatural and revelational (DBW 6:42, 44). The two kingdoms are interpreted as opposing and competing autonomous entities. God only rules in the spiritual realm by the love of the gospel, while the worldly realm follows its "own rules and norms derived from natural law or the orders of creation" (DeJonge, 2018:41). On the basis of his understanding of reality and revelation,<sup>114</sup> Bonhoeffer strictly rejects such thinking as static and legalistic, contradicting biblical as well as Reformation thought and ignoring the true nature

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proclamation" and also "through its existence as community" (2018:134). It does so "by way of its discipleship character... by being the very body of Christ... for others" (2018:134). DeJonge sums up Bonhoeffer's approach like this: "The church resists not in the manner of a humanitarian organization nor in the manner of an individual exercising his or her vocation but as the church, that is, out of its self-understanding in terms of the word of Christ and the body of Christ" (2018:136). He identifies this reasoning as one of the main differences between Bonhoeffer and our dominant current notion of resistance against the state, which frequently equates the church to any other 'humanitarian organization'. This assessment is very plausible, especially since we today live in a world with a huge diversity of churches, who do not speak with *one* voice.

<sup>113</sup> This echoes Luther's reasoning (Cf. 3.4.1). The described disobedience and resistance can take different forms. In his books *Bonhoeffer's Reception of Luther* (2017) and *Bonhoeffer on Resistance*, (2018), DeJonge lays out in great detail the possibilities of resistance against an oppressive state that Bonhoeffer considered and applied.

<sup>114</sup> Cf. 4.1.2.

of reality (DBW 6:41-46, 104). Reality is neither divided into different ‘compartments’ nor into mutually exclusive spheres because Jesus Christ, in embracing all of reality, has united all the opposites in his person and reconciled the world with God (DBW 6:43-44, 48, 53, 59, 60, 236). Accordingly, this finite world, the penultimate, has its own value and dignity as creation loved and reconciled by God, who will eventually bring about ‘the ultimate’. By virtue of God’s reconciliatory will, the penultimate and the ultimate cannot be separated (DBW 6:151ff.). Given that the world does not exist in itself and for itself (*an und für sich*) but has its true essence and being in Christ, it can neither belong to an opposing power like the devil nor can it stand on its own as an independent entity (DBW 6:44, 51).

But Pseudo-Lutheranism, Bonhoeffer contends, propagates the autonomy of earthly orders *per se*, alongside or in independence of the law of Christ (DBW 6:41, 290, 292). The underlying reliance on natural law arguments is not acceptable to Bonhoeffer because in his view a fallen creation cannot be the criterion for ethical guidance; that place is taken by Christ and his ultimate word of justification (DeJonge, 2018:32-33). Since Christ has already claimed the world entirely by virtue of his saving sacrifice, he is the sovereign Lord of all that is (DBW 6:51, 404-406) and the “Lord of all government and Head of the church” (Ethics:333, 346). The commandment of Christ rules every aspect of worldly life and there can be no earthly area exempt from accountability to him (DBW 6:402, 405). Accordingly, the world cannot claim to have autonomous laws that render it independent of God or that are beyond the scope of divine authority (DBW 6:364).<sup>115</sup> Bonhoeffer concludes: ‘There is no *Eigengesetzlichkeit* before God, but the law of the God, who revealed himself in Jesus Christ, is the law of all earthly orders’ (DBW 6:364 – tl CS).

‘The worldly’ and ‘the Christian’ are not antagonist principles (DBW 6:43, 236-37), they are ruled by the same God who commissioned both preservation and redemption. Therefore, there can be no ‘worldliness’ outside the authority of Christ and no Christianity unconcerned by the world; both are interwoven. For Bonhoeffer, a dichotomous understanding of the two kingdoms ultimately endangers God’s twofold project and undermines the government as well as the church. A church which accepts such separate realms as a given, not only denies the validity of salvation and Christ’s rule over the whole world, but it also leaves the world to its own devices and withholds from it the saving message of Christ’s love and the healing community that God has already granted it, and that it so desperately needs (DBW 6:46).

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<sup>115</sup> Cf. Theses 1 and 2 of the Barmen Theological Declaration: “Jesus Christ, as he is attested for us in Holy Scripture, is the one Word of God which we have to hear and which we have to trust and obey in life and death... We reject the false doctrine, as though there were areas of our life in which we would not belong to Jesus Christ, but to others lords....” (1934).

The ‘worldly sphere’ on the other hand can use the implied dualism to claim to have the only legitimate say in ‘worldly matters’ and relegate the gospel message and any Christian practice to ‘the Christian sphere’ as its only rightful place (DBW 6:236). The result is the ‘privatization of Christian ethics’ (DBW 6:229 – tl CS). Such a limitation only plays into the hands of those Christians who use this perceived autonomy as a pretext for withdrawing from responsibility for the world (Kelly, 1984:47, 165).<sup>116</sup>

Bonhoeffer likewise repudiates the so-called enthusiastic Christian approaches, whose prototype he encounters in the radical reformation movement of the 16<sup>th</sup> century and their successors in North America (DBW 6:116-18; DBWE 15:452-53; DeJonge, 2018:34; DeJonge, 2017: 122). These harbour the notion that the Christian church must establish the kingdom of God here on earth by making Christian principles into state laws and imposing a Christian worldview on society (DBW 6:117-118; DBWE 15:452-53).<sup>117</sup> Bonhoeffer rejects this position as inappropriate because of its insufficient distinction between the church’s and the government’s mandate (DBW 6:117-118; Ethics:342). Such a notion of “gospel-derived political programs” (DeJonge, 2018:35) mixes their tasks and in this way ignores the factual difference between the two kingdoms. Subsequently, the church is either usurped for a political goal and completely absorbed by the world, disappearing as a distinct entity, or the government is taken over for the spiritual ends of the church, with the state becoming the servant of the church (DBW 6:118; DBWE 15:452). But in Bonhoeffer’s view, “ethical and programmatic pronouncements” (DeJonge, 2017:123) are not the gospel and “radical political change” (DeJonge, 2018:35) is not the same as salvation. If the proclamation of the gospel is reduced to moralizing, it takes away its edge and the message of unconditional grace is in danger of becoming the law (DBW 6:145; DeJonge, 2017:123). The church, however, must remain the guardian of the proper distinction between the law and the gospel (DBW 6:359; DeJonge, 2017:91, 161, 164).

The ‘enthusiastic approach’ disqualifies itself for Bonhoeffer because it confuses preservation and redemption and sets the church and the state up as competitors instead of understanding them as collaborators for the good of all. Moreover, in their eagerness to promote ‘redemption’ as their first priority, the Enthusiasts bypass the existing world, not showing enough love for the penultimate and subsequently neglecting the task of preservation (DBW 6:144-47). From

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<sup>116</sup> See the parallel discussion in 3.4.2.: Indifference towards the world was precisely the accusation put forward against Luther in retrospect by some of his later interpreters and adversaries, who in turn were influenced by the way in which the two-kingdoms-teaching was (mis)understood by some of Luther’s followers.

<sup>117</sup> The parallels to many of today’s developments in countries with an influential self-professed ‘evangelical Christianity’ with distinct conservative political leanings, such as in the United States, are striking.

Bonhoeffer's perspective, the task of political life is not to create an 'ideal world', such as the kingdom of God, but 'a livable world', in which "a relative standard of justice" (DeJonge, 2018:34) is kept which "restrains the most chaotic effects of sin in society" (ibid.) and affords a certain level of protection and well-being for all.<sup>118</sup>

In summary, it can be said that for Bonhoeffer neither a rigid separation and the assumption of autonomous spheres on the one hand, nor a lack of differentiation in the improper 'fusing' of the two kingdoms and the mixing of the mandates of church and government on the other hand, can hold up. The first approach paved the way to the sanctification of the world and to the justification of all things natural that eventually led to a skewed notion of *Eigengesetzlichkeit* (DBW 6:104). And the second approach with its elimination of the difference between the two kingdoms obfuscated and undermined the distinct and complementary tasks of the church and government, making the church into an "agent of the universal formation of the world" (DBWE 15:453). Either way the church loses its proper place and the opportunity to adequately pass on God's word of reconciliation. The critical potential of the gospel as a power from *extra nos*, as a corrective for worldly efforts and a boundary for earthly authority – a vital asset of a properly understood two-kingdoms-thinking – is neutralized. Thus, for the Berlin theologian, neither the 'Pseudo-Lutheran' nor the 'Enthusiast' position give two-kingdoms-thinking its rightful place: While the former overemphasizes the distinction between the two kingdoms to the point of creating a rift between them, the latter obliterates the disparity beyond recognition. Both alternatives sever complementary elements by making them into absolutes (DBW 6:145, 149). And both see a divide between the penultimate and the ultimate as well as between preservation and redemption, that never existed from God's perspective, and that has long been resolved and overcome in Jesus Christ (DBW 6:144-45, 148). None of the two approaches do justice to the relationship between God and the world because they do not fully grasp the extent of God's unconditional love for the world.

Bonhoeffer is convinced that an authentic two-kingdoms-thinking understands both the interdependence and close relationship between the two 'realms' as well as their clear distinction. This relationship is also reflected in the 'dialectical unity' between law and gospel, preservation and redemption, the penultimate and the ultimate and can be characterized as a "differentiation in unity" (DeJonge, 2018:41. See also ibid.:40, 53-55; DeJonge, 2017:104).<sup>119</sup>

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<sup>118</sup> In a world full of strife which is "not yet fully redeemed" (DeJonge, 2018:34) and populated by people of all kinds of worldviews, such a 'relative standard of justice' is no mean feat – and the human responsibility involved in it is neither to be diminished nor to be underestimated. Ultimate justice and complete salvation, on the other hand, do not come about by human intervention, they are God's gift (DBW 6:159; MLBTW:619; LW 33:89; DeJonge, 2018:34).

<sup>119</sup> DeJonge also speaks of a "complex web of networked relationships" (2018:39). This to me is a very plausible way of expressing the interconnectedness and interdependence of all areas of life of which

The worldly and the spiritual kingdom are not identical but they are inseparable; accordingly their respective characteristics must neither be mixed nor be torn apart (DBW 6:102). Both kingdoms can only be their authentic selves by being in a dynamic relationship with one another, in which their unity does not annul the differences, and their distinction does not eliminate their belonging together. Bonhoeffer maintains that Luther understood the two kingdoms concept as a “polemical unity” (DBWE 6:60/ DBW 6:45), in the sense that they are constantly forced to affirm their own specific character while simultaneously continuing to engage with each other. Thus, Bonhoeffer interprets Luther’s two-kingdoms-thinking as that which it is: Not a timeless ‘doctrine’, but a dynamic thought model that seeks to make sense of “God’s action in the world and the world’s relationship to God” (DeJonge, 2017:137), describing it in such a way that it does justice to both the world’s uniqueness and to God’s sovereignty. Christians are not supposed to avoid, deny or dissolve this dynamic tension, but to bear it and to shape it in the spirit of Christ’s reconciliation.

#### 4.5 Epilogue: Bonhoeffer and Luther

After looking at both Luther’s and Bonhoeffer’s theological approaches with the specific lens of ‘freedom’, there can be no doubt that Luther is omnipresent in Bonhoeffer’s thinking. Not only is there a high degree of concordance between the two theologians in terms of concrete contents but also in terms of their approach to different themes. Even when Bonhoeffer does not explicitly refer to the Reformer or uses different terminology to make his case, Luther’s theological priorities and his typical thought patterns of, for example, thinking in a ‘unity of contrasts’ (Ringleben, 1998:158) are always palpable. DeJonge is right when he says that “Bonhoeffer constantly operates within Lutheran theological frameworks while feeling free to introduce novel vocabulary” (DeJonge, 2017:138).<sup>120</sup>

Bonhoeffer not only shares Luther’s belief in unique unconditional divine freedom and sovereignty, but also the subsequent understanding of reality as one undivided whole under God’s rule. Both Luther and Bonhoeffer see human beings and God connected in an

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we are intensely aware today. In that vein a dualistic approach, like the one represented in the ‘Pseudo-Lutheran’ position, seems especially out of touch with reality.

<sup>120</sup> In his 2017 book *Bonhoeffer’s Reception of Luther* Michael DeJonge maintains that Bonhoeffer – throughout his entire theological writing and thinking – was in constant conversation with Luther and that the Reformer was the single most prominent influence on the formation of Bonhoeffer’s own theological approach (2017:1). Accordingly “Bonhoeffer understood his own thinking as Lutheran and self-consciously developed it as such” (ibid.:7). DeJonge backs up his stance with countless concrete examples. He summarizes: “Bonhoeffer’s positive relationship to Luther and Lutheranism” is “a hermeneutic key” (ibid.:6) which allows us to understand Bonhoeffer’s texts within their “proper interpretive framework” (ibid.). “It sheds light on his thinking, lends it coherence and makes sense of otherwise difficult interpretive problems” (ibid.:7). My own discoveries in studying both theologians – documented also by way of the multitude of references to Luther in this chapter – fully confirm this view.

indissoluble bond that determines who each of them essentially is. God is the loving creator and saviour but also the judge of our lives. Human beings are his creatures, living before him in need of redemption and justification. The entire theological probing and searching of both men revolves around permeating this human-divine relationship. Rejecting a speculative-theological approach in favour of the concrete self-revelation of God as the *Deus pro nobis* in Christ, they share a similar 'theological anthropology' respectively 'anthropological theology'.

Both Luther and Bonhoeffer combine their penchant for the palpable with a huge emphasis on an appropriate understanding of justification by grace and on Christ as the saviour and reconciler of humankind. In other words, *theologia crucis* is coupled with Christian realism and a christocentric outlook. Christ's loving self-sacrifice on the cross and his role as the proponent of a genuine humanity is put into sharp relief throughout all the different theological themes – whether the subject at hand is creation, the understanding of human sin, the sacraments, the church community or discipleship, or whether the concern is christological dogma, justification, individual responsibility or social ethics in the context of community. Christ remains the focal point for all of Bonhoeffer's and Luther's theological and ethical considerations.

Embedded within divine freedom, they both view a human freedom in connection with the concept of person as key components for understanding the essence of human beings and their relationship with their creator. Both insist on human beings' complete dependency on God and Christ for coming into their own – granted and renewed – freedom. This freedom is in essence 'other-oriented' in conformation to Christ; it is commitment and dedication to others, it is alive and real in active love, genuine responsibility and consistent obedience.

There are also strong parallels in both theologians' genuine appreciation of the existing world and their pragmatic and proactive take on practical matters of life and ethics. This is connected to their conviction that only the full affirmation of the worldly and bodily existence and the 'this-worldliness' of Christian faith can support an authentic proclamation of the gospel and its claim on human beings and moreover do justice to God's love for human beings and his will to save them. Both are serious about authentic discipleship, the need for vicarious action on behalf of others, the inevitability of suffering, and the need for obedience to the commandments which they regard as spaces for the realization of Christian freedom. Luther and Bonhoeffer are likewise in agreement in terms of social ethics: they both support a two-kingdoms-thinking within one reality under God's rule and they share a similar assessment of Christians' role in society and the role of government.

Where Bonhoeffer diverges from Luther, it is not due to any fundamental theological disagreement, but rather owed to a different emphasis originating in their dissimilar intellectual, societal and cultural environment. One could for example argue that while 'love' is central for both of them, Luther has a stronger overall focus on 'faith' while Bonhoeffer is more concerned

with 'responsibility', or that Luther concentrates more on strengthening the individual Christian, while Bonhoeffer argues predominantly from the standpoint of community. But these variations do not represent substantial conflicts in the sense of being mutually exclusive. They do not call their basic unison into question, they are rather different 'accents' made necessary by Bonhoeffer and Luther's different theological battlegrounds (*Frontstellungen*) and particular living circumstances. There are, after all, more than 400 years between the two theologians' lifetime.

In Luther's epoch the predominance of Christianity in the Occident was not really contested and the polity tallied to a large degree with the faith community;<sup>121</sup> the hierarchical structures of society or governmental authority were not yet fundamentally questioned. In this situation it was Luther's primary concern to bring the liberating potential of the gospel to bear, freeing and empowering the individual believer to embrace a mature faith against a patronizing and controlling church that had become unfaithful to its core message. Bonhoeffer on the other hand, operates in a post-Enlightenment era where – after the French Revolution, Kant and the discovery of the new world – individual emancipation had since made considerable progress. Religious affiliation and the predominance of Christianity were no longer a given. The cracks in the occidental unity had become glaringly obvious in an environment that was shaped by the human, economic and political catastrophe and insufficiently processed trauma of two worldwide wars – one in the recent past and one daily reality. Mature, emancipated reason that had long held sway, had obviously failed in preventing the regression of falling back into naked nationalisms and armed conflict.<sup>122</sup> In a community that was under intense pressure from an oppressive political system to give up solidarity and to seek the easiest way out, Bonhoeffer saw it as his urgent task to remind the church of its role in the proclamation of the gospel and to rekindle a sense of community, reinforcing relationships of trust, compassion and solidarity.

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<sup>121</sup> But of course, there was the threat of 'the Turks', in other words the approaching power of Islam from the Ottoman Empire, and there were grievances and hardship which increasingly stirred opposition and pushback against the traditional order of the empire and the hierarchical pillars of the principedoms – palpable in the Peasants' Wars.

<sup>122</sup> Much like in the present, it seems...

## Chapter 5

# Christian Freedom as an Antidote to the Surveillance Paradigm

### 5.1 Christian realism and hope against the worldview of the digital surveillance paradigm

#### 5.1.1 Introductory Remarks: Taking stock and the intention of this chapter

The exploration which has taken us from digital surveillance as a dominant phenomenon of economic reality and contemporary culture to a Christian understanding of freedom and the human person as part of a 'God-related worldview', has now brought us to the point where both of these realities must come face to face directly.

An initial overview over the defining features and purposes of ubiquitous monitoring organically lead to the discovery of a great number of worrisome aspects about this practice and its implications. The first critical analysis of surveillance in this thesis was not yet conducted from an exclusively Christian viewpoint but incorporated various general, cultural, humanitarian and sociological aspects. But even at that stage it was obvious that the identified problematic aspects of online monitoring pointed to an underlying worldview that presented a serious challenge, if not a fundamental contrast to an understanding of the world and the human person based on the theological tradition of the Reformation.

The immersion into the freedom-centred aspects of Luther and Bonhoeffer's theology in the subsequent two chapters served to lay the groundwork for an evaluation of the surveillance paradigm from a Christian perspective. Exploring both theologians as champions of Christian freedom and proponents of the divine-human interconnectedness not only showed the ongoing relevance of their theological approach in today's world, but it also provided the necessary material basis to criticize and refute the surveillance paradigm's ideological foundations and to propose ethical alternatives.

The task of this chapter is therefore to take up the previously raised concerns about surveillance and respond to them from the perspective of a Christ-centred understanding of freedom and the human person. The goal is to affirm the reality of faith as a countervision to the destructive tendencies of the surveillance reality and to point to the resulting ethical consequences as an alternative way of living and acting in this present digitally dominated world.



### 5.1.2 The reality of divine creation and redemption versus the self-referential focus of digital surveillance

Christian faith takes its point of departure in the inner certitude that the universe and all of earthly reality are not a (by-)product of coincidence but the result of a purposeful act of a loving and benevolent God whose will and power are unmatched. Humans have been created in the image of God and are called into a relationship with him, with their fellow humans and the whole creation (Luther's Works = LW 34:138; Dietrich Bonhoeffer Werke = DBW 3:37, 58, 60, 104-105; DBW 6:256; Dietrich Bonhoeffer Works English = DBWE 3:64). This entails responsibility for themselves and others and accountability before the creator.

In the person of Jesus Christ God makes himself known to us, claiming the world and humanity for himself by accepting, loving, saving, judging, and reconciling it (DBW 6:227, 262, 266). For Christians this truth – that God is our creator, our judge and our redeemer and we are his fallen but beloved creatures – determines any adequate human self-understanding as well as any realistic assessment of the world, its life and phenomena (LW 34:138; DBW 6:68). Being loved, forgiven and called to live a fulfilled life in the fellowship with others is what defines us and what gives true meaning to our temporal existence (DBW 6:38, 256).

The surveillance paradigm, however, shows no signs of drawing on any resources that go beyond the technically feasible. Moving entirely within the closed circle of human reasoning, it lacks any framework of meaning beyond human self-consciousness and human achievement. Its automated monitoring mechanisms and its underlying objectives – and in this regard there is no difference between state and commercial surveillance – are exclusively directed *at* and determined *by* human interests and goals. Confidence in the human capacity to solve problems via surveillance-centred technology is unlimited and any notion of God as a transcendent power and point of reference *extra nos* is notably absent.

Surveillance is thus one of the typical occurrences of the modern world which Bonhoeffer has characterized as no longer in need of God as a “working hypothesis” in order to function (DBW 8:478, 500, 534). It is a system so self-sufficient that any recourse to a divine presence has become redundant. Indeed, within a worldview that operates entirely within a self-referential structure of humanity, the idea of a loving God who is in a relationship with humans as their counterpart and creator, or as their saviour and divine authority, who demands accountability, simply makes no sense. With God being irrelevant for its ideological rationale as well as for its practical procedures, surveillance turns out to be deeply and inherently ‘god-less’.

This, of course, does not imply that every single computer programmer or data expert involved in monitoring activities is an atheist, a blasphemer or tone-deaf to the spiritual aspects of life. But it means that the structural set-up of digital scrutiny with its underlying drive towards totality and its business imperatives focusing on technical effectiveness, control and maximized profit

in combination with its neglect of social aspects leaves no room for a divine presence, who might question this focus or interfere with it.<sup>1</sup>

From a Christian perspective, such a limitation to an exclusively human frame of reference can neither do justice to the created world nor to humans themselves. It completely overlooks the fact, that the underlying basis of human existence is always already a 'given' in a wider reality. Within this framework humans have to contend with the limits and joys of creaturely freedom as those who bear responsibility for themselves and their fellow creation (LW 34:138; MLBTW:617, 619, 623; DBW 3:60-61, 79-81; DBW 6:256, 283).

For Luther and Bonhoeffer, disregarding God's loving presence and human beings' existential relationship with him as well as dismissing humans' own role and responsibility in creation amounts to nothing less than a rebellion against the basic truth of life and the divinely given calling. In their understanding, a worldview that declares itself independent of God, denying the ultimate foundation of worldly reality in the revelational reality of God (DBW 6:45-46, 236) cannot but result in an inadequate view of reality as such.

### **5.1.3 A consequence of 'godlessness': Not taking human sinfulness into account**

Hence wherever there is no faith in a God as the merciful saviour and lover of humankind who is also humanity's judge, there can be no accurate perception of the human condition either. If humans are not viewed as part of a creation that is loved, redeemed, and upheld by a gracious God, namely, as beings, who are in need of forgiveness, grace and salvation from *extra nos*, there is evidently no real grasp of the dimension and implications of human depravity. This explains many of surveillance's other misapprehensions of the human person. And in fact, the surveillance paradigm does not seriously reckon with human sinfulness at all: No reflection on human evil is ever probed in any depth – faith in the possibility of human self-salvation and the eventual triumph of continuous self-improvement reigns supreme. This is evident in the unshakable belief that most human problems can be resolved via the right kind of technology. Hence, according to Han (2014), believing that the knowledge generated by

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<sup>1</sup> Through studying his writings and methods Zuboff (2019:376-397) has unmistakably identified B.F. Skinner, a radical behavioural psychologist in Harvard up to the 70ies as one of the intellectual fathers of surveillance capitalism's aspirations towards behavioural modification, personified in Alex Pentland and others. Convinced that human behaviour can be studied and measured like that of any other species, Skinner maintained that 'free will' and 'human freedom' were but 'substitute terms' for masking our lack of knowledge about the determining factors for our behaviour and that they will eventually be superfluous once this knowledge is accessible through further research. Hence "any action regarded as an expression of free will is simply one for which the 'vortex of stimuli' that produced it cannot yet be adequately specified" (Zuboff, 2019:368). Correspondingly 'God' is a similar 'substitute word' for things that cannot yet be explained: "God is a VI – a variable interval of behavioural reinforcement plucked from the vortex" (ibid.). Zuboff, who was a student at Harvard when Skinner was still active there, devotes a whole chapter to the intellectual background of "Big Other and the rise of instrumentarian power" (2019:376) in her 2019 book *The Age of Surveillance Capitalism*.

ever improved data processing and data application will make our society better, is ‘a conviction of grandiose naïveté’ (tl CS). A Christian approach can understand this ‘naïve optimism’ as part of an attitude that cannot really imagine the extent to which humans are capable of perverting every good and useful thing into something evil and dehumanizing.

To a certain degree human fallibility with all its destructive potential is of course perceived within the surveillance paradigm. But this does not prompt any sort of serious self-reckoning about the basis of our humanity or about the consequences for the use of technology. Nor does it lead to any reflection on an accountability beyond the human horizon. The ‘cure’ to human ‘imperfection’ remains strictly within the human realm itself: It is seen in ever increasing efforts to accomplish human self-perfection by computational means and in augmenting ever more sophisticated behavioural direction by way of implementing and ‘perfecting’ Artificial Intelligence.

A ‘solution’ to human shortcomings involving a relationship with a divine being that would include human accountability and divine forgiveness seems to be a non-possibility in a self-relational framework where humans have only their own wits to turn to and no other choice than pulling themselves out of trouble by their own bootstraps. Christians, on the other hand, know that this is not a viable option, because humans are simply incapable of shaking off their own sin and saving themselves from their own basic predicament (MLBTW:619; LW 33:89; DBW 2:136; DBW 6:52, 113, 304).

#### **5.1.4 Another consequence of ‘godlessness’: Dispensing with moral considerations and ethical responsibility**

Another consequence of the surveillance paradigm’s ‘God-stripped’ approach to reality has been the tendency to take leave of moral considerations altogether. This is connected to the already well-documented neglect of the social aspects of monitoring and the surveillance drivers’ business policy to block out deeper questions of human existence in general. By barricading themselves behind technical intricacies, they declare such reflections as outside their area of competency, *de facto* withdrawing from responsibility.

The technological procedures in themselves encourage this approach: Where the managing of human data is handed over to intelligent machines and decisions about important issues in human life are left to algorithmic calculations, human authorship as well as human physical and social reality including individual needs inevitably disappear from outward view and inner consciousness. Subsequently in-depth deliberations on how humans should act responsibly, with respect to one another, become increasingly irrelevant.

Given the fact that the big technology companies deal with highly sensitive personality issues and handle the most intimate details of human relationships, such a position is seriously

irresponsible in its short-sightedness. Treating the effects of digital exposure of flesh-and-blood people as a mere technicality is cynical, and it also ultimately destroys the very basis of surveillance's success, the treasure of human connection and mutual trust.

From a Christian vantage point, however, this outcome is not really surprising. Indifference to real people obviously abets indifference towards a God who loves and redeems real people. In an intellectual environment that neither foresees a place for God nor really has a concept of human sinfulness – the latter being the consequence of the first, of course – the ensuing misapprehension of reality leads to a void in terms of responsibility and orientation. There is no longer a guiding compass for developing and examining moral values and no anchor to moor them. The absence of God as an authority of accountability makes it a lot easier to dismiss ethical responsibility.

For the platforms whose core business model consists in generating and exploiting as much information as possible from as many people as possible, any contents – however irrelevant, degrading, untruthful or inflammatory – is 'good', because it keeps people engaged with the digital medium as such, reinforcing their dependence on it – which then again results in them producing more commodifiable content (Zuboff, 2014d; Zuboff, 2015:79; Streitfeld, 2017; Hughes, 2019; Neewitz, 2019; Bouie, 2020; Swisher, 2020a and 2020c; Warzel 2020; Isaac, 2021b; Kang, 2021b und 2021d).<sup>2</sup> This utilitarian *modus operandi* towards people and their data in the surveillance business has therefore rightly been characterized as "pseudo-morality" (Lyon, 2001:11), or described as inherently "agnostic" (Constantiou and Kallinikos, 2015:44)<sup>3</sup> or shaped by "moral nihilism" (Zuboff, 2019:225).

Evidently the dominant orientation towards revenue in combination with the previously discussed indifference to digital users as 'data sources' (Zuboff, 2015:76, 79, 86)<sup>4</sup> is the reason for the persistent reluctance or half-hearted efforts to engage in any form of sustainable, comprehensible and consistent content moderation, in the form of red-flagging,

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<sup>2</sup> Therefore the respective algorithms in social media platforms are designed to continuously feed people's interests, biases and prejudices and providing 'more of the same' material so that people feel affirmed in their ways and remain glued to and dependent on the medium. The most recent revelations from Facebook whistle-blower Frances Haugen have confirmed that there is no real interest to change the algorithmic orientation because this would undermine the core of the platform's business model (Isaac, 2021b; Kang, 2021b).

<sup>3</sup> "Agnostic" in the sense of being unwilling to commit to a certain opinion and assume the responsibility for its consequences.

<sup>4</sup> Wolfgang Huber, in describing the decisive features of the neo-liberal approach in the economy strongly driven by Milton Friedman, points out the close connection between 'the self-referentiality of the economic process' (2013:157– tl CS) and the main focus on profits. Concentration on revenue inevitably contributes to losing sight of real human beings – both *foci* are not automatically incompatible yet require a conscious effort to *make* them compatible.

filtering, blocking or deleting inflammatory or obviously untruthful digital posts. Among the most avid data collectors, the business policy has generally been to maintain a kind of 'neutral position' and withhold any moral judgement about purported content. For years their main representatives portrayed themselves as avid defenders of free opinion, opting for a 'hands-off-approach', claiming 'algorithmic objectivity' and praising the virtues of having a platform open to all (Streitfeld, 2017; Hughes, 2019; Swisher, 2020a Conger and Isaac, 2021; Hill and Wakabayashi, 2021; Kang, 2021b and 2021d).<sup>5</sup> In correspondence to this, the internet companies have for a long time presented themselves as mere utilities and 'service providers for human exchange' while declaring the repercussions of harmful contents as beyond their scope of responsibility.

But with world-wide internet use and contents production growing exponentially, this non-committal stance of alleged neutrality has become ever more untenable and no longer credible. There is ample proof that in the case of Facebook, for instance, the "engagement-based ranking system" (Kang, 2021b) at the basis of algorithms not only allows but actively encourages the spreading of "false, divisive and agitating content" (ibid.).<sup>6</sup> Under the guise of 'inviolable personal freedoms' and the quasi-sanctification of 'free speech' (especially in the United States), every variation of human depravity has had free reign on the internet: violent threats and actions, hate speech and inflammatory rhetoric, fake news, slander and smear campaigns as well as anti-democratic positions, the spreading of lies, misinformation and conspiracy theories. In short, the exploitation and degradation of individuals in every area of their existence (commercially, physically, psychologically, sexually, etc.) was and is digitally amplified.

Due to a lack of more extensive legal oversight by the governing authorities and due to the technology companies' non-interference, respectively their failing efforts at 'self-regulation', these negative effects of digital activity have been allowed to go on unchecked for years. But things have now reached a point where the many detrimental and at times deadly consequences of unfettered and unfiltered online content – spurred on by surveillance

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<sup>5</sup> Facebook CEO Mark Zuckerberg, wanting to "give people a voice" (Swisher, 2020a) has until recently been unwilling to exercise any kind of overview over digitally spread material, pointing out that it was not the company's role to be "arbiters of truth" (Swisher, 2020a). The conversation between Kara Swisher and Mark Zuckerberg in a Podcast interview in 2018 highlights the pitfalls of this rather problematic position, demonstrated through the example of Holocaust denials on Facebook.

<sup>6</sup> An internal study at Facebook comes to the conclusion: "We also have compelling evidence that our core product mechanics, such as virality, recommendations, and optimizing for engagement, are a significant part of why these types of speech flourish on the platform"..... the mechanics of our platform are not neutral" (Isaac, 2021b). "The Like button, the Share button, the News Feed" (ibid) essentially form the technical infrastructure of the platform itself. Hence "the crux of the problem... is the infrastructure itself" (ibid). It seems to be a classical case of the spirits that have been summoned but can now not be contained anymore.

capitalism's insatiable appetite for commodifiable data – can no longer be overlooked.<sup>7</sup> Claiming the right to 'neutrality' and refusing to take a stand is a pretext for cowardice and non-action in this situation, and not acting turns out to be extremely harmful. Being indifferent to the pain inflicted on millions of individuals and ignoring the destructive impact on whole societies has become tantamount to condoning evil on a grand scale.

With the well-being of individuals, the political connections between countries, the peace between different cultures and the social cohesion of entire societies at stake, there is a growing consensus among the different forces in society that the social costs of an unregulated and unsafe internet are simply too high. Companies need to adopt better self-regulatory policies and exercise digital content moderation while legal oversight from the state's side must also be prioritized and adapted to the needs of the situation (Lyon, 2001, 2003, 2007; Zuboff, 2015, 2019; Fu Yun Chee, 2016; Hughes, 2019; Isaac and Conger, 2021; Schwartmann, 2021).<sup>8</sup>

There is a renewed awareness of the importance of trust for human relationships and of the crucial role of moral guidelines to protect human lives, livelihoods and dignity (Lyon, 2001:4-5, 10-11; Lyon, 2003:10, 43, 61; Lipartito, 2010:23; Lanier, 2014:186; Han, 2015:47-48; Huber, 2015a:5-7; Neewitz, 2019; Zuboff, 2019). The necessity of a discourse about ethical values rightfully includes every area of human life, – so digital technology, which has become such a prominent part of our everyday reality, is no exception.

For Christians, it is an integral feature of our humanity that we have been called to serve each other in bonds of responsibility which God has entrusted to us (DBW 3:59, 60; DBW 6:220ff., 256ff., Huber, 2015a:7; MLBTW:596, 616-619, 623). Hence any dealings between humans permanently require ethical decisions – with the risk of making mistakes and failing, and the necessity to bear the consequences. This obligation applies in any context, no matter how complicated or indirect the connections to others may seem. Thus, delegating economic activity to computers does not absolve the humans who establish these procedures from having to deal with their effect on real people. Living and acting as a human being means carrying responsibility – it cannot be denied, minimized, passed on or abdicated. Anybody,

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<sup>7</sup> The repercussions range from the loss of trust in publicly available information as a consequence of an explosion of fake news, conspiracy theories, efforts of political influencing and electoral interference, right to the subsequent undermining of democratic institutions and the destruction of individual lives (in the form of severe psychological damage or even suicide) as a result of online-shaming, digital mobbing, revenge-porn, stalking and threats. The damaging consequences also extend to political and religious radicalization, including the instigation of ethnic and religious violence, murder and war (Cohen, 2017; Bouie, 2020; Hill and Wakabayashi, 2021; Isaac, 2021b; Kang, 2021b and 2021d; Mohan, 2021).

<sup>8</sup> See also 2.2.2. and 5.4.5.

regardless of their personal beliefs or role in the complex set-up of our current reality, has to face up to that.

### 5.1.5 Christ' s healing claim to the world against the autonomy claims and idolization of technology

Where humans determine their own destiny in the absence of God, leaving technology to charter its own course, all sorts of reality parameters become distorted. Technology is then quickly hailed as the panacea for every human calamity. Lyon's unapologetic verdict hits the nail on the head: "Of course, technology derailed from its role as a servant of proper human purposes is likely to take on the appearance of savior.... Once eyes are averted from a savior worthy of that name then almost anything or anyone, it seems, will substitute" (2003:167).

Since technology always reflects human talent and inventiveness, the road from quasi-deifying humans to attributing god-like properties to humanly-created technology is but a short one. If humans no longer accept their role as creatures and "if man no longer recognizes his vocation as God's collaborator" (Ellul, 1962:407), technology acquires an almost "sacred quality" (ibid.:410). In laying out the structure of responsible life Bonhoeffer (DBW 6:259) draws attention to the idolization of things and values originating in the destructive obsession which sacrifices humans to idols. Thus, believing that the excellence of technology or of digital surveillance as one of its subsections can save us, is yet another variation of worshipping the Golden Calf, because all technological procedures are ultimately nothing other than the product of human minds and hands.

Further proof of human beings' self-inflicted alienation from the earth and their refusal to recognize the world as God's creation is the insistence on technology's *modus operandi* – in our case exemplified by digital surveillance – as an automated system that is exempt from outside evaluation. This entails the claim that technology has a unique position entitling it to establish and follow autonomous laws (*Eigengesetzlichkeit*), which cannot be challenged (DBW 6:104, 263, 364). Of course none of this is acceptable for Christian faith because, firstly, there is not a single worldly area outside the parameters of divine authority,<sup>9</sup> secondly, no worldly cause or subject matter is exempt from God's ultimate judgement; and thirdly, humans remain bound to the earth and no human being is ever cleared from accountability before the creator (LW 45:90-94, 99; DBW 6:43, 53, 75ff., 40, 149, 231, 266, 402, 405).

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<sup>9</sup> Cf. also the Barmen Theological Declaration from 1934: "Jesus Christ, as he is attested to us in Holy Scripture, is the one Word of God which we have to hear and which we have to trust and obey in life and death... As Jesus Christ is God's assurance of the forgiveness of all our sins, so, in the same way... he is also God's mighty claim upon our whole life... We reject the false doctrine, as though there were areas of our life in which we would not belong to Jesus Christ, but to other lords..."

Both Luther and Bonhoeffer insist that Christ is the sovereign Lord of all that is, who has laid claim to the world by virtue of his saving sacrifice (MLBTW:606, 619; DBW 6:51, 404-06). Christ's commandment is the foundation for every facet of worldly life and the crucial criterion for every human action (MLBTW:76-79; DBW 6:402, 405). This is tied to the fact that the world at any given moment is God's world and all of its reality is incorporated into the ultimate reality that God created and upholds in Jesus Christ (DBW 6:43, 53, 266).<sup>10</sup> While God attributes to each worldly area its own intrinsic laws (*Wesensgesetz*) (DBW 6:270-272), this never calls his sovereignty and the world's fundamental accountability towards him into question.<sup>11</sup>

So, if the world is indeed Christ's and only comes into its own genuine freedom by being oriented towards him, it can only lose itself if by declaring itself independent of God, Bonhoeffer concludes (DBW 6:405). Hence the rejection of God is the epitome of sin because it keeps generating new sin all the time. This is a thought that we already encounter in Bonhoeffer's understanding of the consequences of sin, especially in *Sanctorum Communio* but also in *Creation and Fall*: Cutting ties with God inevitably has repercussions for the relationship with other humans (DBW 1:61 and DBW 3:108, 110). Hence Bonhoeffer warns that a world that tries to elude the authority of Christ, will ultimately become completely addicted to its own self, putting itself in God's place (DBW 6:405) with the consequence that it will fall prey to arbitrariness and to the severing of all bonds (DBW 6:46-47). The dehumanizing elements of surveillance processes and their underlying mindset are evidence of the accuracy of these observations.

Given that technology and its various offspring is not self-sufficient but always intricately connected to all other facets of human reality, it can never become an end in itself or a means that only serves the inscrutable objectives of a selected few. It must always remain an instrument for the benefit of humankind as a whole. The divine confirmation of humans' intrinsic 'value' in the salvation work in Jesus Christ means that the only legitimate goal of technological efforts can be the well-being of human beings. Only humans and their bonds with one another can be ends in themselves, never anything human-made. In Bonhoeffer's view all the world's subject matters, objects, causes and effects must always be orientated towards God and human beings in their origin, essence and goal (DBW 6:260, 270).<sup>12</sup> This approach corresponds to "action in accordance with reality" (DBW 6:221, 260), representing

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<sup>10</sup> This is clearly a 'counter-truth' to the surveillance operators' claim to totality, which Brian Chen captured in a *New York Times* article with the ironic title 'It's Google's world, we just live in it' (Chen, 2020).

<sup>11</sup> Simultaneously Bonhoeffer says that 'the concrete form of the divine law in economy, state etc. must be discerned and identified by those who are responsible in economy and state' (DBW 6:364 – tl CS).

<sup>12</sup> This orientation corresponds to the conviction that Jesus Christ, in whom all things and all responsible action are embedded, is the "origin, essence and goal of all reality" (DBW 6:250, 262, 269, etc.).



an appropriate relationship between a responsible person and the ‘world of things’ (DBW 6:269) or the respective subject matter. Precisely because for Bonhoeffer ‘reality’ and ‘appropriateness’ cannot be separated, an ‘appropriate’ understanding of reality as God’s reality leads to an appropriate valuation of ‘things’ with respect to human beings – in other words, an understanding that is suitable and beneficial, and does justice to human beings as well as to things themselves.<sup>13</sup>

If the fundamental orientation towards Christ is ignored, it will promote a perversion of life that consists in the dominance of things over people (DBW 6:259). Applying Bonhoeffer’s analysis makes obvious that the relationship between the subject matter ‘technology of surveillance’ and ‘humans as persons’ is inappropriate because surveillance has declared itself autonomous toward humans, having become a power-tool of control and manipulation. But wherever technology rules over human affairs and human beings, instead of serving and uplifting them, the destructive distortion of the God-given reality has already begun.

A realistic and adequate data management in a Christian sense would be one that is directed at the care *for* and at the protection *of* human beings, being beneficial for as many people as possible rather than just boosting the power of a few. In this way, technology with surveillance properties would respect the humanity and the dignity of humans as God’s creatures.

#### **5.1.6 The power of Christ crucified as the invalidation of success as the ultimate criterion**

The glorification of technology is closely connected to the worshipping of success as the highest good, which is such a striking feature of contemporary culture. In terms of surveillance capitalism, ‘success’ then would be interpreted as the proof of its own effectiveness: the highest profit, the biggest market share, the greatest popularity, the most stringent power to shape future developments and the unsurpassed ability to dominate key sectors of the economy.<sup>14</sup> Bonhoeffer, lucid beyond his time and already sensitised to the many versions of human self-deception (DBW 6:75-77), sharply castigates such a utilitarian approach. Idol-worshipping success, he points out, always happens at the expense of one’s own and others’ humanity because it justifies all the means, including every form of injustice and evil. Before the irresistible reward of success moral considerations become moot. People become ‘blind for right and wrong, truth and lie, decency and mean-spiritedness’ (DBW 6:76 – tl CS) and

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<sup>13</sup> It is Jesus who expressed this basic direction of ‘things’ (including rules or rituals) towards humankind by saying that “the Sabbath was made for man, not man for the Sabbath” (Mk 2:27, NIV 2008).

<sup>14</sup> Huber speaks of a “society in which competition and profit, suspicion and selfishness are the dominant motives” and notes the spilling over of “the laws of the market” into individual self-understanding which becomes ever more strongly “determined by self-assertion and profit-seeking” (2015a:7-8).

‘the ethical and intellectual capacity of judgement grows dull before the splendour of success and before the desire to somehow share in it’ (DBW 6:76 – tl CS). It is not difficult to see how this uncompromising hunt for the ultimate prize is playing out in the business imperatives of surveillance-based technology firms with their structural indifference and strategic a-morality. Those for whom success is the measure and justification of all things, fail to understand the true nature of reality, denying the necessity of God’s ultimate judgement in Christ, Bonhoeffer argues (DBW 6:77). The figure of the crucified saviour Jesus Christ invalidates such success-oriented thinking (DBW 6:75, 77), because in him God establishes a different standard, namely, the standard of love and of grace which sanctifies that which is weak and unsuccessful in the eyes of the world: ‘pain, lowliness, failure, poverty, loneliness and despair’ (DBW 6:77-78 – tl CS).<sup>15</sup> Simultaneously, as the risen Christ overcomes all that is deadly, “the suffering God affirms human powers and responsible use of them as creaturely powers in a precarious ‘world-come-of-age’” (Rasmussen, 1999:213).

Bonhoeffer contends that it is only God’s deed of overcoming adversity and reconciling the irreconcilable that ultimately copes with the world, wiping out the destructive power of human sin. A humanity steeped in the botched autonomy that discards God, simply lacks ‘the power of the soul’ (DBW 8:557– tl CS) to manage all the world’s challenges. Therefore humans – for their own good – cannot but accept the power of a gracious divine judgement and surrender to divine love (DBW 6:77-78). Bonhoeffer’s critical cultural analysis may indeed be the uncovering of digital monitoring’s Achilles’ heel since it is precisely this ‘autonomous world’ that it latches onto – without having a wider horizon or any correcting perspective, let alone a supporting power to fall back on.

### **5.1.7 The obsession with omni-perception as a hallmark of sin**

In a system that makes no room for transcendence and a human-divine relationship, humans follow their own “measure of morality... as if God, or any other transcendent moral authority, did not exist” (Rasmussen, 1999:213-214). With humans becoming the centre of their own universe, a striving for total command over their own lives and the world they live in, is the logical consequence. Key to that is comprehensive knowledge which then brings us back to one of the most important characteristics of digital surveillance: the drive to know everything about everybody at all times, and not only in real time and in hindsight but thanks to simulation preferably also in advance (Lyon, 2001:103, 149; Lyon, 2007:60; Bauman *et al.*, 2014:123). Lyon, who is convinced that this “compulsion... to capture all within the range of vision”

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<sup>15</sup> Byung-Chul Han (2015:1ff.) comes to a similar assessment when he observes that the society of positivity and of transparency which seeks to streamline, equalize, control and calculate all societal structures, cannot deal with negative feelings and cannot “handle suffering and pain” (ibid.:5).

(2001:124) cannot be explained by “the rise of risk management and the... technical capacities of new surveillance technologies alone” (ibid.), attributes it to “a cultural vision, the dream of perfect knowledge” (2001:113) which “has psychological and religious dimensions” (ibid.).

This assessment closely tallies with a Christian interpretation and once again points us directly to the ramifications of a worldview without God: Humans have no choice but to create their own securities. To conquer the ever-present fear of an unknown future and the nagging feeling of uncertainty, they make every possible effort to remain in charge. Obtaining unlimited freedom and accumulating as much knowledge as possible is seemingly one way to reach this God-like viewpoint of superiority. It is hardly a coincidence that leading experts in the field of reality mining and behavioural control resort to the term “God’s eye view” (Zuboff, 2014b; Zuboff, 2019:418 quoting Pentland) to describe the envisaged objective of gaining omnipresence.

From a biblical perspective, this insatiable greed for the knowledge that promises dominion, is nothing other than a contemporary version of Gen 3:4’s original aspiration to “be like God, knowing good and evil” (LSB/ NRSV, 2009) which Bonhoeffer clearly identifies as a transgression of the God-given boundary (DBW 3:105ff., 115, 119). The unquenchable thirst to know and understand more is doubtlessly a constant source of human creativity. But if unaccompanied by humility and an awareness of human limits, in other words as the embodiment of wanting to be *sicut Deus* (DBW 3:108), it is also the reason for countless evils and immense human suffering because it stops at nothing and accepts no boundaries. Not acknowledging a divine presence remains at the root of all calamities: By refusing to accept the reality and power of God and setting themselves up as the rulers of creation, humans distort their own role in it, inflating their own abilities and becoming their own judges.<sup>16</sup>

The desire to be like God – while simultaneously denying him – is the underlying motivation for the human fixation on absolute control and gapless insights. This urge towards totality combined with a self-serving agenda then results in a reckless assertion of power and ego at the expense of others. And the absence of love and care leads to the ignoring of the unique human dignity that consists in being made in the image of God. The outcome is the exploitation and objectification of others for personal gain and self-defined ‘higher goals’, and ultimately the destruction of human bonds and personal trust. The “terrible godlessness in human presumptions of god-likeness” (Rasmussen, 1999:213, quoting J.B. Elshtain) exacts a high price.

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<sup>16</sup> Cf. 4.2.1.

Hence within the procedures and effects of digital surveillance, all the typical dynamics of human sin – the reluctance to trust God and others, the inability to honour a given boundary, the refusal to accept one’s own creatureliness and the human arrogance towards God and all creation – are patently visible. Within this overall picture, the dream of perfect knowledge and unrestrained freedom is one of sin’s most persistent expressions. Ellul and Lyon – who are not merely sociologists but also Christian believers – therefore call it what it is: “modernist hubris” (Lyon, 2001:113) and “idolatry” (Lyon, 2001:24).

In terms of Christian faith, this human power grab is nothing but a ‘copying mechanism’ for dealing with the ever present human insecurities. But humans are not God – they are part of creation with a fragmentary freedom and a finite reason (LW 33:70; LW 34:138-139; DBW 3:56; Huber, 2013:179). Hence it is inherently impossible for them to obtain an epistemological viewpoint outside themselves which would allow them to have the total overview over everything. Humans can neither assume absolute power nor claim the right to ‘perfect knowledge’ – that is simply not part of their God-given condition. Striving for ubiquitous control, then, is not only inappropriate but also a non-acknowledgement of God’s reconciliation-reality in Jesus Christ. And dominating others by leveraging information about them goes at the expense of human community, contradicting humanity’s inherent calling, and God’s will to see human lives flourish in bonds of love and commitment.

Following Luther and Bonhoeffer’s reasoning, denouncing God and his divine authority is ultimately just a futile attempt to shake off the framework of human existence. Humans always remain bound to God by way of their creatureliness and their fundamental dependence on God’s sovereign and preserving grace (LW 33:40, 264; MLBTW:178, 183, 200, 596ff., 611, 619; DBW 3:38, 54, 57; DBW 6:256). In this vein a clear distinction between human and divine power is essential for a sober and realistic approach to the world and one’s own self-consciousness (Huber, 2013:179-180).

### **5.1.8 The God of unconditional love against the ‘surveyor-God’ of the surveillance paradigm**

On the one hand, the surveillance paradigm, as we have seen, has no concept of God as creator, saviour or living counterpart of human beings, and subsequently neither of God as a ‘sounding board’ or presence of accountability for any moral considerations. On the other hand, an ‘idea of God’ is nevertheless invoked in the recurring metaphor of the “God’s eye view” (Zuboff, 2019:418, 422), which refers to the comprehensive overview over human behaviour facilitated by dataveillance in combination with ubiquitous sensors. It is a notion of

God as the great master of surveillance, an all-seeing, all-controlling power.<sup>17</sup> The term ‘God’ becomes a placeholder to describe a certain function – a function that in surveillance capitalism has been taken over by the ubiquitous presence of the data-absorbing “Big Other” (Zuboff, 2015:81-83). ‘Big Other’ is obviously chosen in parallel to the term of “Big Brother” but it also turns out to be in a striking contrast to Luther and Bonhoeffer’s understanding of God as our ultimate and ‘most significant Other’ whom we encounter as our “divine You” (DBWE 1:55). While ‘Big Other’ is impersonal, inscrutable and overpowering, God as our true Other, is personal, knowable and inviting, as the one who has made himself known as the power of love, healing and salvation – and of course in the human person of Jesus Christ.

Hence referring to God as the great ‘surveyor’ of humankind is profoundly inappropriate; it merely reinforces limited and therefore distorted notions of God. Theologically speaking, it is nothing less than a misuse of his name. The God of the “God’s eye view” of surveillance has nothing in common with the God proclaimed in the New Testament and the Hebrew Bible. Both leave no doubt that God’s omnipotence, omnipresence, omniscience, and his right to judge humankind is inseparable from his loving compassion for sinful humankind. The way in which God chose to reveal himself to us – as a loving father and saviour in Christ – defines who he is and not human ideas of a superior ‘controlling instance’. The power of unconditional love undeniably challenges the power of unlimited surveillance.

The so-called ‘surveillance psalm’ Psalm 139 makes that very clear. While the Psalm paints God as the one from whom no human being can hide,<sup>18</sup> and who completely knows human thoughts and actions even before they have been expressed or carried out,<sup>19</sup> this notion of God as overwhelming and unavoidable is at no stage perceived as a threat or as an attempt at power abuse. The human ‘nakedness’ before God is simply acknowledged as part of the creaturely condition which the psalmist affirms and rejoices in.<sup>20</sup> God’s omnipresence inspires awe, amazement and gratitude and the psalmist marvels at this intense connection with his creator; he does not fear God’s scrutiny of his life, instead he welcomes it as liberating. In fact,

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<sup>17</sup> Stoddart (2011:170) and Lyon (2014:21, 25) suspect that this notion already originated in Bentham’s idea that the panopticon could represent God’s inescapable gaze and that “Bentham couched his plans in the context of a kind of ‘secular omniscience’” (Lyon, 2014:26), even referring explicitly to Psalm 139.

<sup>18</sup> Cf. Ps 139:7-8: “Where can I go from your spirit? Or where can I flee from your presence? If I ascend to heaven, you are there; if I make my bed in Sheol, you are there” (LSB/ NRSV, 2009).

<sup>19</sup> Cf. Ps 139:1-4: “O Lord, you have searched me and known me. You know when I sit down and when I rise up; you discern my thoughts from far away. You search out my path and my lying down, and are acquainted with all my ways. Even before a word is on my tongue, o LORD, you know it completely” (LSB/ NRSV, 2009).

<sup>20</sup> Subsequently there can be no such thing as ‘privacy’ before God. ‘Privacy’ can only refer to the relationship between humans, but it is unsuitable to describe any aspect of the human-divine relationship.

he even invites God to examine his heart, soul and actions as a way of making him a better person.<sup>21</sup>

The reason for this is that the ‘divine probing’ unfolds within a relationship of trust between the psalmist and God. There is neither exploitation nor manipulative control involved in God’s looking *at* us and knowing *about* us; God’s scrutiny is not merely a collection of ‘facts’ nor is it the decontextualized and impersonal knowledge of a distanced observer. It is the complete opposite of the “distant and detached gaze” (Zuboff, 2019:418) and the “radically indifferent... fundamentally asocial mode of knowledge” (ibid.:505), championed by the “high priests” (ibid.) of the surveillance paradigm.

Instead, God always ‘knows’ humans as the loving creator and forgiving redeemer, who is passionately involved in human lives and who wants his creatures to come to their full potential. His knowledge of us remains constantly embedded in our mutual bond and it is at no time ever separated from his merciful love for us; it is the knowledge of trust and intimacy which is personal and ‘whole’ in that it encompasses the entire human person, a knowledge that comes with commitment, care and genuine concern.<sup>22</sup> For Christians, this divine commitment is personified in God’s self-giving in Jesus Christ.

Perfect knowledge is indeed part of the supreme nature of God’s divine being but for the speaker of the psalm to be intimately known by God is reassurance of being loved, a source of security, protection and profound comfort. To be sure, the biblical notion of God’s righteousness never allows for glossing over individual failures and human-induced evil. Divine scrutiny involves a judgement on human sin which can only amount to a condemnation of human lovelessness. But this verdict is a judgement of love which is not intent on destruction, but aims at facilitating cleansing, forgiveness and renewal.<sup>23</sup>

Luther expresses this path from death to life in the image of the ‘happy exchange’ whereby Christ takes upon himself God’s judgement on sin to save us from its deadly consequences

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<sup>21</sup> Cf. Psalm 139:23-24: “Search me, o God, and know my heart; test me and know my thoughts. See if there is any wicked way in me, and lead me in the way everlasting” (LSB/ NRSV, 2009).

<sup>22</sup> In biblical terminology God’s knowledge of humans is closely bound to his grace and his attention to us. God’s gaze and his readiness to turn his face towards us symbolizes his profound care and compassionate love for his creatures. To the believer it is the guarantee for continued existence. This means: If God stops looking out *for* us and *at* us it is tantamount to rejection and forfeited life. Cf. Num 6:25; Ps 51:13; Ps 69:18; Ps 104:29; Is 54:8; Ez 36:9; Ez 39:29; Lk 15:20.

<sup>23</sup> Judgement in order to restore justice and righteousness is the deeper meaning of the image of God’s wrath in the Bible. See Ex 32:11; Num 32:10.13; Ps 27:9; 30:5; 77:9; Isaiah 12:1.25; Is 54:8; Jer 4:4.8; 7:20. 32:37; Ez 9:8; Hos 11:8-9; Mi 7:9.18; John 3:36; Eph 5:6; Col 3:6; 1Thess 5:9 etc.. God’s wrath reflects the extent of his disappointment about humans’ sin and their contempt for the life-giving divine commandments; hence it is always born out of the depth of God’s love and his suffering about the human lack of love. God’s wrath always simultaneously contains the longing to recede and to turn into compassion again. The divine ‘anger’ ultimately aims at making whole what has been destroyed and at reconciling what has been torn apart by human sin. God’s wrath is always the other side of his love.

and provide us with indestructible life in him (MLBTW:603f.). Bonhoeffer captures the two-fold movement between divine verdict and divine salvation with the image of God's unreserved affirmation of human personhood and his unequivocal rejection of human sin (DBW 6:77-78, 149-150, 222, 250) which express the inseparable connection between judgement and reconciliation.

Since God is our creator and our saviour, there is, of course, a 'power gap' between him and us. As his creatures we are not on an equal footing; we are utterly exposed to him and completely at his mercy. With God knowing us like no other human being, we cannot hide anything from him. But for Christians, who know that God's mercy upholds the world, this truth is not intimidating but reason for eternal hope. There is no need for us to hide ourselves or anything about ourselves from God<sup>24</sup> because we have been freed by grace. God's perfect knowledge of us does not limit our human freedom, on the contrary, it protects our human dignity, providing us with the room to grow and to flourish. God's creatorship and our creatureliness allow for reciprocity precisely because their foundation is not the will to triumph but loving dedication.

## **5.2 A Reformation-based theological understanding of the human person as a counterweight to the anthropological notion of the surveillance paradigm**

### **5.2.1 The gift-character of human life and the central role of justification by grace**

One of the most consequential implications of the absence of God and the corresponding inadequate view of worldly reality is a distorted notion of the human person. Ignoring the reality of divine reconciliation and the role of humans as sinful and unacceptable, and yet beloved, redeemed, and empowered creatures of a merciful God, brings the surveillance paradigm into sharp contrast with a Reformation-based faith. This plays out on multiple levels.

From a Christian vantage point it is evident that human beings' physical and finite existence and their groundedness in certain conditions of time and space means that they are neither self-created nor self-sufficient. The frame of reference, within which human lives unfold, transcends our own understanding and defies human control. It is rooted in a divine dimension that is not at human disposition: it is simply a given. As creatures willed by God and made in his image we are meant to live in a relationship with him; therefore we are never otherwise than *before* God, *with* him and *through* him. It is this 'god-relatedness', not talents or achievements nor attributions by others, which constitutes humans' 'inmost being' and their inviolable dignity. A dignity that – because it cannot be 'produced', determined nor eliminated

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<sup>24</sup> In marked difference to Adam and Eve after the fall – Cf. Gen 3:8.

by humans – must unreservedly be recognized as a foundation of humanity by all humans (Härle, 2005:94, 101-102).<sup>25</sup>

For both Luther and Bonhoeffer, the human origin in God is the starting point for all their theological, anthropological and ethical reflections. Convinced that humans as ‘earthlings’ have been equipped with practical, rational and spiritual abilities and creaturely freedom, and that their relationship to the earth and their co-creation is one of mutual dependency, the two theologians also maintain that our human calling is closely connected to our divine beginning and the *extra nos* of our existence (LW 33:70, MLBTW:477; DBW 3:60, 62). Thus, the purpose of human life is determined by our bond with God and with others and by our subsequent responsibility towards God, others and ourselves (MLBTW:596, 619, 623; DBW 6:256).<sup>26</sup>

A Reformation-based theology captures this fundamental human condition of creaturely dependency and the non-availability of life, this state of being ‘grounded in God’, with the concept of ‘justification by grace’.<sup>27</sup> Both Luther and Bonhoeffer embrace ‘justification’ as a central notion of their theological anthropology, Luther by expounding unconditional divine grace and Christ-related freedom, and Bonhoeffer by basing his entire understanding of reality and the corresponding ethical implications on the divine realization of redemption in Christ – in whom humanity has been loved, accepted, judged and saved by God (DBW 6:46ff., 60, 222, 253, 262, 266, etc.). Being justified is the liberating event that discloses the meaning of life and provides the key to understanding our own true humanity (LW 34:138; DBW 6:137). Receiving this gift of new life from God requires recognizing our relationship with God, our sinfulness, and our existential dependency on him – together with acknowledging our need to be forgiven, liberated and justified. Since justification is unlocked in God’s verdict about sin, embracing God’s liberating judgement will also sharpen our sense of discernment. It will enable us to recognize the features of sin in ourselves, in others and in technological procedures, to name them and to turn away from them, not in self-righteousness but in humility and clarity.

In contrast to that the mindset, methods, and implications of digital surveillance have a strong tendency to cast humans as independent creators, who can exist and manage their lives and the world without any divine connection. When humans become their own origin and remain

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<sup>25</sup> That is why Härle (2005:102) rightfully notes that the crucial criterion for the human quality of a constitution and a society is how it treats its weakest members respectively those, who need the most protection, such as children, the elderly, the sick, the dying and those who are handicapped.

<sup>26</sup> Härle, as an expert on Luther’s thought world, sums up the human calling in this way: ‘Because God is the origin, every human is destined – passing through disaster, adversity, suffering and evil – to grow towards love and toward God (Eph 4:15) and to be completed in him’ (2005:94 – tl CS).

<sup>27</sup> See Barth, 2012:195; Forde, 1984:395-468; Danz, 2013:94; Härle, 2005:70, 89, 94; Jüngel, 1981:132.



their only point of reference, the human *ratio* acquires disproportionate importance for safeguarding the meaningfulness of human life. As a consequence, life becomes an undertaking that can be tackled according to a technically sophisticated plan whose success depends on human abilities. This explains the unshakeable belief in the capability to restructure human connections and to overcome (self-)destructive behaviour by way of technological solutions.

Luther and Bonhoeffer unequivocally outline the impasse that humans create for themselves when they succumb to faith in self-sufficiency and disregard the divine purpose for their lives – either by being indifferent to it or by claiming it as their own achievement (Härle, 2005:95). The fundamental abyss of sin and existential dependency on God cannot be overcome by human rational capacities.<sup>28</sup> Being a child of God and understanding the role of justification by grace for the ultimate meaning of our lives therefore involves comprehending that life is indeed a gift from *extra nos* that requires our readiness to receive and to cherish it. Huber rightly sees this appreciation for one's own life as a necessary precondition for valuing other people's lives and for protecting their dignity – since their lives also have the same divine origin (2015a:7).

### **5.2.2 Justification by grace versus the self-justification-mode fostered by digital surveillance**

The globally connected world we live in, worships success in many forms: academic performance, technological brilliance, economic shrewdness, financial wealth, the ability to attract popularity and attention. Almost every area of life is geared towards achievement and effectiveness, infused in a constant mode of evaluation and drive toward self-optimization.<sup>29</sup> This sets off a permanent race for acceptance and a need for perpetual self-justification, fostering a pervasive spirit of judgementalism and a constant obsession with scrutiny. The internet, with its instantly available information, and digital surveillance, with its mission of collecting, tracking, assessing and disclosing a maximum of information on individuals, underpin those tendencies and greatly exacerbate them. Virtually anybody can be thrust into a worldwide digital spotlight in a matter of minutes – the web facilitates the exposure of

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<sup>28</sup> A sober comment by Joest 500 years after Luther's birth pinpoints the basic dilemma of the impossibility of human self-salvation: 'The optimistic trust in the emancipatory power of human reason is not warranted by actual factual historical experience. Even if human rationality transcends its limits all the time, it does not seem to generate a human self-liberation that makes life more humane' (1983:136 – tl CS).

<sup>29</sup> The widespread fixation with (digitally) evaluating everything and everyone – from the performance of university teachers, the details of organized travel, the quality of cultural events or accommodation up to the service of any ordinary shop by way of apps, blogs and surveys, is but another symptom of this phenomenon.

personal information in a previously unimaginable measure and with it the exposure to world-wide judgement.

What unites all kinds of different people – whether it is the shop-owner in a run-down neighbourhood who is classified as a credit risk, a bright student at a low-performing school who is overlooked, a criminal offender who is ‘automatically’ suspected of not adhering to his parole conditions, the asylum-seeker who happens to come from a country with highly active radical Islamic terrorists, ordinary consumers trying to navigate the treacherous paths of the digital or the high profile ‘influencers’ and public *personae* who need to cure their public image – is the pressure to be perceived as acceptable and the necessity to constantly justify themselves in the face of omnipresent digital scrutiny. The fear of not being ‘good enough’ and the anxiety of not being able to live up to the expectations of others, whether it is approval by an inscrutable state apparatus, eligibility for commercial advantages or profitable attention from fans and ‘followers’, is a constant companion. Since the yoke of the indelible digital records cannot be shaken off, it fuels ever new attempts at self-censorship, self-improvement, and self-justification which are testimony of our current culture’s imprint on the human soul.

A Reformation-oriented theology distinguishes this need for continuous self-affirmation as a symptom of our fears of being condemned and rejected by others, of failing instead of succeeding and – worst of all – of being ultimately irrelevant. If Forde (1984:463) is right with his assumption that due to our ultimate terror of death our life project consists in continuously trying to refute our finitude, then this would account all our frantic efforts at proving our ‘relevance’ in the eyes of ‘the judging powers’. Thus, the enterprise of ‘self-salvation’ by works, which Luther so aptly identified, is once again on full display – driven and magnified by digital monitoring’s data record keeping and the implications thereof.<sup>30</sup>

Faith in a merciful God offers a clear alternative to this endless struggle of self-validation by way of achievements. The foundation and the purpose of our existence have already been given to us. And there is no reason for us to be determined by our fear of rejection by others any longer. We are invited to entrust our lives to the One who loves us unconditionally and accepts us, despite all our unacceptable shortcomings and failures. Through justification by grace God puts an end to the cycle of incessant self-justification. In Christ, God welcomes us into his fellowship based on pure grace and no merits, giving our lives value, dignity and meaning. Since we have been set free by God’s loving forgiveness and his righteous judgement, we need not labour to make ourselves acceptable – God has made us worthy by his unreserved Yes to our person. That is exactly the contrary of all the messages that are

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<sup>30</sup> While Luther names as existential question of his time ‘How can I be acceptable in the eyes of a righteous God?’, the existential question of our present time is rather: ‘How can I be acceptable/ likeable/ successful in the eyes of the ever-present judgement of the digital world?’

constantly being hammered into us in a meritocratic society, but it is the only path to genuine and lasting freedom.

Trusting in the power of God's acceptance and salvation, and not in our own abilities, will then also change our approach to self-optimization. While Luther advocated self-discipline and bodily control for the benefit of our commitment to others (MLBTW:611), it can never become a valid way to gain acceptance in the eyes of the watching world. Divine justification and acceptance are freely given – and so is life as such. God's grace frees us from the notion that life is a project to be carved out on the basis of our human abilities (Huber, 2015a:7), or a programme to be completed with the aim of highest efficiency. Just like freedom, life remains a gift that we have been given to fill with love and responsibility. A gift, whose 'success' and meaning does not depend on our efforts alone, but on the generosity and care experienced in human relationships, and on the trust given and received in the loving community with God, our fellow humans and our co-creation.

### **5.2.3 God's judgement of love against the inescapable judgement of data permanence**

Any form of surveillance, whether state-instituted or commercially driven, feeds on the totality and continuity of information about individuals and groups and the conclusions that can be drawn from these data with respect to profiling, connecting and classifying. By way of collecting, processing and administering these data, control over them is removed from the original owners – they now 'belong' to the data harvesting entities and can be used for their purposes – retrospective corrections, changes and deletions are practically impossible (Huber, 2013:97, 129; Zuboff, 2014d; Zuboff, 2019:97, 247ff., 281, 338; Hill and Wakabayashi, 2021).

In an age of worldwide digital connectivity, however, people inevitably form opinions about others based on available digital information. Surveillance operators now have the invaluable advantage of being able to decisively shape this pool of digitally available detail. They can direct the flow of information and prioritize digital content via algorithms that introduce classifications, facilitate the targeted presentation of data, and determine the preselection of information via search machines, 'individualized newsfeeds' and profiling mechanisms. The content selection and the specific context in which information or personal details are presented, ultimately influence how contents is evaluated, including how individuals figure in categorizations and how they are perceived in the digital public eye.

Since any available information on us is basically irreversible and always retrievable in some way, this means that it can forever be attached to our person, even if it has long ceased to be relevant for our lives today. Thus, there is no escaping "the trail of information" (Solove, quoted

by Doyle, 2011:108) that has been created about us. In a set-up where all sort of information on individual human lives can be summoned into the presence with a few mouse-clicks, all the details remain on the same scale of 'simultaneousness'. Individual valuation by the original data subjects is meaningless because the digital medium does not accommodate retracing and profound understanding; repentance and forgiveness do not fit into this calculation – radical changes or turnarounds are just 'friction' within a business rationale that feeds on comprehensive information, a continuous timeline and aims at predictability. Accordingly, neither overcoming adversity nor individually experienced renewal are really acknowledged.

The digital record, established and continually upheld by digital surveillance, identifies us indefinitely with our failures and achievements, with our previous behaviour, experiences and life circumstances. In practice this means that in the eyes of those who absorb digitally available information about us, we are determined by the image that this information conveys. As 'context-less' digital versions of ourselves, we remain lifelong (digital) hostages of the totality of our experiences (and shortcomings). As real people, we are forever perceived through the lens of our past; it becomes impossible to shake off the burdens and defining features of former times.<sup>31</sup> Since digitally documented data are magnified by way of distribution, and the emphasis on details can be shifted according to algorithmic criteria that do not reflect our own perception, they speak louder than we as embodied persons can. The 'eternal' data record becomes 'a sentence for life'.<sup>32</sup>

In addition, due to digital monitoring's focus on predictions and simulation methods, risk assessments and assumptions about our probable actions and behaviours are transferred even into the still unknown future. In this way the judgement calls on individuals amplify the already dehumanizing aspects of these procedures even further. Defining people based on potential actions not yet done, confirms prejudices and pre-conceived opinions ('once a weak pupil, always a weak pupil, once a criminal, always a criminal...'), denying them the possibility

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<sup>31</sup> A former porn actress is forever referred to as such, even though she has long been an active politician, a former crime victim is forever a victim, even though she has long taken back her life and become a successful entrepreneur, a lawyer who was once bankrupt, is forever measured by his past although he has long paid back his debts and lead a financially sound life. See also Zuboff (2019:57ff.). There are countless examples of people whose career has been derailed and whose reputation irretrievably damaged by digitally dug-up information on things they said or did years ago. Past failures or misfortunes, even if they have long overcome them, or words and attitudes from the past, even if they have long distanced themselves from them, seem to hold them like a prison, thanks to the endless repetition and availability of 'old information' on the world wide web. A typical current example is the story of the young journalist Alexi Mc Cammond who had been chosen to be the new editor of *Teen Vogue* at the beginning of 2021. Because of offensive tweets made as a teenager at the age of 17, she was rejected by the staff and ultimately could never take the job. Those were tweets for which she had long apologized and whose contents she had since clearly invalidated through her subsequent journalistic engagement as an adult (see Robertson, 2021a and 2021b).

<sup>32</sup> This is one of the reasons for the importance of the European Court's decision in 2014 about the "Right to be forgotten" (Hill and Wakabayashi, 2021).

to turn around their lives. All-encompassing monitoring denies us the right to a self-chosen tomorrow and suffocates genuine freedom because the openness of the future is crucial for any kind of 'free action'. Thus the 'sentence for life' becomes the epitome of inescapable judgement which encompasses past, present and future.

God, though his gracious intervention in Christ, unequivocally counteracts such a judgement pattern. Although he knows us through and through, God does not typecast us for the future or tie us irreversibly to our past. His evaluation is not intent on categorizing but on healing, and his judgement does not aim at perpetual confirmation of well-known facts or endlessly repeated prejudices but at newness of life. Other than the algorithmic calculations, God does not define us by our actions and behaviour, but he re-defines us by his forgiving love in Jesus Christ. In this 're-definition' our past sins and failures are not cast aside or denied but fully considered and justly condemned. But sin and failure can be left behind by way of forgiveness – and thus extinguished in their relevance for the presence and the future, so that we can begin anew with a clean slate (DBWE 1:155-156; DBW 6:135, 141, 337). In justifying us by grace, God purifies, liberates and renews us – in his No to human sin and his Yes to the human person.

Luther clearly saw that this distinction between a person and their deeds and the precedence of the person over works is at the heart of justification (LW 25:256; MLBTW:614). In the 'happy exchange', God blots out the irreversible identification between us and our deeds (MLBTW:603). Christ comes into *our* place and identifies with us, making it possible for us to be in *his* place and partake in *his* freedom. With Christ taking the consequences of our sins upon himself, we are unburdened, set free from our self-created bondage to identify with him and his victory over evil. Bonhoeffer confirms this, too: God's righteousness and his compassion makes him reject sin and evil, but it also makes him uphold sinners and grant them a future as human beings. The judgement remains a judgement of love and of grace because its goal is not to destroy and to cripple but to build up and to enable (DBW 6:222, 258, 262 etc.). We are liberated to become a new person, set on the path of genuine freedom and released into the possibilities of tomorrow. God does not pre-empt our future, he gives us one by way of his overcoming grace and his healing love.

#### **5.2.4 A Christ-related understanding of the human person instead of under- or overvaluing human beings**

Related to the relentless judgementalism and the permanent preoccupation with evaluation is another expression of the skewed anthropology that we have already encountered: the curious mix of simultaneously idolizing and despising human beings and their abilities.<sup>33</sup> On the one

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<sup>33</sup> Cf. 2.2.7.

hand, humans, in comparison with machines, are seen as woefully inadequate and unreliable and subsequently not mature enough to participate in important decisions about their lives. But on the other hand, select human beings are hero-worshipped in combination with the tendency to subordinate everything, including the co-creation, to the ingenious spirit of human inventiveness and human desires.

These two perspectives are obviously the result of a reality assessment with no reference to transcendence, turning out to be another characteristic of humanity's deep ambiguity. As such the overrating and the undervaluing of humans always seem to come in a package – a fact that Bonhoeffer (DBW 6:72-73) points out with great clarity. While the veneration of human abilities does not understand the gravity and extent of human sin, treating humans with contempt shows that there is no real grasp of the dimensions of God's compassionate love.<sup>34</sup>

For Bonhoeffer, neither scorning nor deifying human beings is called for because in the incarnation and crucifixion of Jesus Christ God has revealed his compassion for undeserving sinners and his will to heal their broken humanity. The unmatched commitment to the creatures he called into being (DBW 6:72-73) shows that God does not merely appreciate those who have excelled at self-optimization but that he loves humans as they are, in all their inadequacy and failures (DBW 6:70-75, 82, 237). In becoming a human being himself and bearing his own verdict in the person of the son, God not only validates humanity, he also establishes how to regain access to genuine humanity.<sup>35</sup>

Christ is the One, in whom God reinstates the *imago Dei*, his counter-vision to a sinful and self-referential humanity.<sup>36</sup> Showing us how we can become real human beings before God again, Jesus is our orientation for humanness as such (DBW 6:83-85). This is why Luther so emphatically speaks about our union with Christ (MLBTW:603, 619), while Bonhoeffer characterizes the process of our becoming human as 'conformation to Christ' (DBW 6:78, 81ff., 125) and frequently invokes Christ as the origin, essence and goal of our life (DBW 6:250, 252, 321). God's affirmation of humanity and the truth of his reconciliation-reality become flesh in Christ, culminating in the crucifixion as the epitome of God's gracious verdict

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<sup>34</sup> Hans-Martin Barth (2012:193) notes that Luther in his time also attributes this ambivalence to the human self-referentiality that renders blind for the nature of sin and for the healing love of God alike, throwing humans into devastating loneliness: "On the one hand people are subject to the temptation to overestimate themselves when they feel strong and capable. On the other hand, when something goes wrong, they fall into depression. So, they find themselves thrown back and forth between excessive self-esteem (*praesumptio*) and depressive despair (*desperatio*)." This sounds like a fitting description of many humans' current state of mind and is testimony to human 'lostness' without the gracious intervention of God.

<sup>35</sup> Bonhoeffer even goes so far as to say that 'the message of God's becoming human, attacks an era at the centre where both among bad people as well as good people the contempt for humanity or idolization of humanity is regarded as the height of all wisdom' (DBW 6:72 – tl CS).

<sup>36</sup> See 4.2.3.

on humanity. In the cross, both God's love for his creatures and his righteous judgement on their sins merge into one. God tears himself apart in Christ to be both: the unequivocal No to lovelessness and the unsurpassed Yes of grace. By incorporating both the tangible curse of sin and the triumph over it through the unfathomable depth of love, God himself bears the ambivalence that humans cannot overcome.

From his perspective as the only one who is entitled and able to assess humanity in its entirety, God as the creator, judge and saviour can therefore provide clarity about what is at the core of humanity. And from a human perspective Christ, the son, embodies this new human being who is ready to accept "God's judgement on every human pretention" (Kelly, 1984:45), embracing the restored peace that is revealed in it. Both God's rejection of sin as well as his unconditional acceptance of sinners are ultimately grace, liberation and empowerment, directing us towards a humanity that honours the reality of the divine reconciliation.

Luther and Bonhoeffer's ongoing appreciation for the human person therefore derives not from human-made worthiness but from their high regard for the sovereignty, faithfulness and compassion of God (MLBTW:602; LW 33:89; DBW 6:71-74, 140, 150). Through Christ we can understand who we are as humans: creatures gone astray but recuperated, sinners but justified, drawn into the orbit of divine love, accepted, judged, and reconciled, lords and servants in the footsteps of the crucified and risen one.

Gaining a realistic understanding of ourselves then also helps us to find an appropriate approach to others. Knowing that human beings remain in sinful opposition to God and believing in the righteousness of divine judgement, we cannot idolize them. But neither can we despise others or write them off, no matter how often others may have disappointed us. If God has become part of the world, accepting, and bearing it in spite of its sinfulness and if he graciously justified human beings, even though they are undeserving of his grace, we cannot give up on the world. We cannot reject those whom Christ loved and was prepared to die for (DBW 6:73-74).<sup>37</sup> Our commitment to others is anchored in God's commitment to humanity and we have no right to see others and ourselves in any other way than through the eyes of God. That is at the core of Luther and Bonhoeffer's anthropology and ethics.

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<sup>37</sup> *"Die Menschwerdung Gottes macht die Menschenverachtung unmöglich"* (DBW 6:72). This also refers to the relationship with ourselves: No matter how often we have been disappointed by ourselves, we cannot despise ourselves to the point of self-hatred and we cannot give up on ourselves, knowing that God has loved us so much that he gave his own life for us in his Son.

### 5.2.5 Losing the human subject via objectification

Another pervasive undercurrent within digital monitoring's inability to see humans in a realistic and therefore appropriate light, is encapsulated in its objectification processes. Objectification denotes the process of turning other creatures, in this case other human beings, into objects for determinate purposes. This happens by overwhelming, incorporating, and subduing them in many forms, some obvious, and others so subtle that they are barely noticeable. Stripping others of their status as sovereign subjects is a way of de-humanizing them and ourselves. As humans we are not meant to be things or assets, but creatures in relationship with God and each other. Hence objectification can be discerned as one of the classical hallmarks of sin: It epitomizes the human tendency to relate everything to the self and to subjugate everything and everyone to our self-interest.<sup>38</sup> As sinful beings we resort to these mechanisms all the time – without always being aware of it.

Digital surveillance, however, has made objectification the basis of its business rationale, perfecting it in multiple modes of operation. Within its system human beings are reduced to being mere procurers of data, objects to enhance goals like a better functioning society, greater public safety, or increased profit. In this capacity individuals can be used, directed, manipulated, and controlled by way of digital tracking and influencing.<sup>39</sup> The dominant emphasis on risk management in digital monitoring turns individuals into factors of a utilitarian calculation whose worth depends on their usefulness for the surveillance drivers' respective purposes. Humans become means to an end. Bonhoeffer describes a world where human beings are made into 'a thing, a commodity, a machine' (DBW 6:158 – tl CS) as one that no longer differentiates between good and bad orders, and therefore augments the 'general sinfulness' by becoming self-destructive. In the following we will look at different forms of digital objectification and the response of Christian faith.

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<sup>38</sup> Cf. 4.2.1. H-M. Barth describes this in Luther's words: "Human beings turn "everything" toward themselves, seeking "in all creatures" what seems to them "useful and profitable" (2012:193, quoting Luther WA 40/2,325,7-8).

<sup>39</sup> Ellul pinpoints the fundamental problem decades before the wide-spread use of computers by stating that "when Technique displays any interest in man, it does so by converting him into a material object" (1962:401). He sees a fundamental abyss between the quantitative approach of technique and the qualitative viewpoint of human development. While much of his analysis is certainly accurate, Ellul's terminology suggests that he seems to have resigned himself to the fact that technology is an autonomous force – instead of contesting this assumption, like Bonhoeffer does.



### 5.2.6 The boundary of the other person as an obstacle to behavioural modification

One of the dehumanizing methods of objectification is the systematic effort to direct, channel and control human behaviour by tracking and assessing it, combined with creating incentives for desirable behaviour or retributions for undesirable conduct.<sup>40</sup> Behavioural modification schemes are used for commercial purposes as well as for ‘society-steering’ by governments or other entities and are frequently motivated by referring to a ‘higher good’.<sup>41</sup> The principal objection to this approach remains that these processes rarely involve reciprocity in terms of a societal dialogue that involves all participants on eye-level. Instead, steering measures are usually carried out on the basis of unilateral decisions by some with (frequently self-appointed) authority, claiming to know the best way forward because of superior data control capacity.<sup>42</sup> This is not an appropriate situation in a post-Enlightenment world where societies call themselves democratic, profess to acknowledge individual freedoms and draw on their citizens’ capacity to use their own reason and judgement in combination with relying on these very same citizens’ active engagement for society’s values.

As Christians we must critically question the method, the legitimacy, and the envisaged objectives. Who has the right to determine what this ‘higher good’ ideally is?<sup>43</sup> And who really benefits from the envisaged behavioural changes? And does this ‘higher good’ justify neglecting other relevant criteria – like for instance self-initiative, compassion or tolerance – that are important in human interaction? Bonhoeffer rightly reminds us that ‘usefulness’ as such can never be the only valid criterion for actions because without a moral frame of reference it remains a void notion (DBW 6:76).

It is self-evident that the practice of nudging and coaching can easily become a pattern of patronizing and manipulation, which cannot accommodate whatever does not fit into its predictability scheme: emergency situations, changes of heart or an improbable range of personal interests.<sup>44</sup> In addition, the attempts at influencing behaviour combined with systems

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<sup>40</sup> Cf. 2.1.4; 2.2.1 and 2.2.7.

<sup>41</sup> Such as improved public safety, better health or preventing hazardous driving.

<sup>42</sup> Zuboff vividly describes these emerging trends and their ideological origin in her 2015 Essay ‘Big Other’, and in her 2019 book *The Age of Surveillance Capitalism*, p.370ff. and p.420ff.

<sup>43</sup> Isaiah Berlin (1958:34ff), speaking in the aftermath of two world wars and various totalitarian regimes (Nazi-Germany, Stalin’s Soviet Union...), is highly critical of the legitimacy of compulsion and imposing one’s will upon others in society for the sake of education and leading them into a better future: “Humanity is the raw material upon which I impose my creative will; even though men suffer and die in the process, they are lifted by it to a height to which they could never have risen without my coercive... violation of their lives. This is the argument used by every dictator... who seeks some moral... justification for his conduct. I must do for men... what they cannot do for themselves, and I cannot ask their permission or consent, because they are in no condition to know what is best for them” (ibid.:35).

<sup>44</sup> Such as for example a driver speeding because of a medical emergency of a passenger, a spontaneous decision to abandon an original plan and help a stranger or a consumer rejecting

of rewards and punishments, exacerbate the afore mentioned wide-spread trend towards 'self-optimization' and the corresponding need for permanent self-justification. There is a patent link between behavioural modification schemes, the previously described judgemental mentality and the tendency to under- or overestimate human beings.

Luther would possibly have considered such strategies for managing human behaviour as disguised attempts at self-salvation by human works. And Bonhoeffer, who is already critical of psychology and all generalizing methods to 'organize' humans (DBW 6:140, 159, 315, 322) would most probably regard behaviourism as another effort to fix by human ability that which can only be 'fixed' by surrender to God's gracious judgement (DBW 6:159). Both would assess the 'judging pattern' inherent in behavioural modification as inappropriate because God alone is the true judge of human conduct. Judging is viewed by Bonhoeffer "as the source of all these psychologically observable phenomena" (DBWE 6:315) of a sinful humanity, which has severed itself from its origin in God, thereby renouncing the divine right to judge (DBW 6:318).

To overcome a pattern where few become the 'behavioural judges' and potential manipulators of many through technological means, Bonhoeffer's understanding of the other person as a genuine boundary is an appropriate 'cure'. Recurring on the creation story, he insists that God created humans in his image as distinct subjects, equipped with reason, a free will and creaturely freedom (DBWE 1:45-51, 55; DBW 3:92f.). In this our specific creatureliness we relate to one another and are mutually dependent on each other. But as concrete and dissimilar 'You's', our will, actions, and reasoning may also come into conflict with one another. So while our uniqueness, namely, our 'otherness' facilitates our bonds with one another, in this very 'otherness' we also remain a barrier for one another – a barrier that we need to respect and not demolish by imposing our own will on others or 'using' them in whatever way.

Trying to get humans to adopt a certain behaviour together with the readiness to manipulate them, reduces people to their exterior behaviour and treats them as if they could be programmed (like machines) to react to certain stimuli. It also completely ignores the specific exterior circumstances and the inner motivations leading to a particular behaviour. Thus, from a Christian standpoint, conditioning humans shows a rigid approach to a dynamic reality and a blatant disregard for the sovereignty and dignity of individuals *per se*.<sup>45</sup> Educating people about the consequences of their actions and trying to convince them of beneficial conduct must always aim at strengthening self-agency and not at removing it. Accordingly, desirable

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suggested options because of an unusual range of greatly different interests. See also Zuboff (2019:215ff.).

<sup>45</sup> Isaiah Berlin, in his afore mentioned lecture 'Two concepts of liberty' arrives at a similar conclusion: "All forms of tampering with human beings, getting at them, shaping them against their will to your own pattern, all thought control and conditioning, is, therefore, a denial of that in men which makes them men and their values ultimate" (1958:22f.).

behavioural changes by individuals and within a society at large must never be realized via pressure and control mechanisms by commercial or state entities. They must always rely on honesty, authentic dialogue and clear communication combined with mutual agreements, personal responsibility and voluntary self-obligation.<sup>46</sup> The aim cannot be to create dependencies and to disempower but always to liberate and empower human beings to make informed and mature decisions for the good of all. This is how the divine will and human autonomy is honoured.

### **5.2.7 Whole personhood, bodily life and the commitment in concrete relationships against the ‘defragmenting mode’ of digital abstraction**

Surveillance’s proclivity towards digital abstraction is another path to objectification. Once the data are separated from their ‘living source’, the motivations, struggles, developments and feelings behind them are no longer perceptible. The actual people with their concrete bodily existence and their whole personhood disappear behind the data fragments, becoming phantom entities. Computational analysis creates a digitally mediated new reality which overrides the no longer palpable physical reality. In this process algorithms’ informative value always rests on very few narrowly defined criteria and the data bits’ place within previously defined categories. Thus, filtering data from their real-life context and reassembling them in data categories imposed from the outside, will ultimately neither make the harvested information more ‘authentic’ nor more meaningful because the computer-based ‘disembodied’ conclusions are unable to grasp the nuances, subtleties and contradictions of human reality. This is innate in the process of profiling or categorization: Because whether individuals’ details and life facts are dissected without reference to their real-life circumstances or whether people’s information is extracted, anonymized, and incorporated into a database, either way actual people become ultimately irrelevant. Both as de-fragmented entities or as parts of a conglomerate individual humanity is reduced to meaninglessness and the integrity of the whole person can no longer be safeguarded.

Essentially, a digital rendition can never claim to know a person better than in real life, and it can never be a substitute for first-hand-experience because ‘knowing’ can only unfold within (real life) relationships. Knowing someone requires time, emotional involvement and genuine interest in the other person, openness and the willingness to personal exposure, in short, a

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<sup>46</sup> The ability and obligation of the state to establish laws to protect the rights and the well-being of all inhabitants, ensuring a peaceful living-together in a community remains unaffected. And so does the state’s right to instate special temporary restrictions and to impose general rules for the sake of the health, lives and livelihoods of all of its inhabitants. Cf. Luther’s two-kingdoms-teaching in 3.4.1. Regulations, orders and exceptional decrees must be communicated and explained in an appropriate manner in a democratic state. But the state can also expect a reasonable degree of personal responsibility and sense of community by its inhabitants.

personal investment of love and anticipatory trust – commitments, that the automated and control-focused systems of digital surveillance are inherently unable to make.

If we as internet users expose every minor controversy from school or neighbourhood experiences and its participants on social media in search for digital gratification, approval and ‘digital allies’, we contribute to aggravating and normalizing digital abstraction. The reason for this is that its effects – the shifting of emphasis, the loss of a subjective perspective, the relevance of context and the distortion through interpretation – multiply and snowball in the context of digital dissemination: Predictably hundred-thousands of digital users without any knowledge of the particular circumstances or possibly relevant nuances weigh in to make value judgements about people whom they have never met and know nothing about. In this way we become the bearers and proponents of our own self-fabricated objectification of others, incorporating the mechanisms of digital surveillance into our own thought world and behaviour.

In this light it is not surprising that Bonhoeffer’s penchant for the concrete and real is closely connected to his rejection of the abstract. In his view principles, norms or ideas which operate on a meta-level with no direct ties to concrete examples from life, ultimately always remain empty shells. They hinder closeness and fail to recognize the real requirements of worldly situations and the concrete needs of actual people (DBW 6:218-219, 246, 261, 373). In Bonhoeffer’s view, God himself relativizes the power of abstractions because he is the ultimate reality and the ‘ultimate concretion’ in Christ, in other words the crucial criterion for what concrete reality actually is (DBW 6:32, 39, 68).<sup>47</sup> As creator and saviour, he gives precedence to embodied life by choosing to call it into being and acting within it – with Christ as the epitome of his love for real human beings and of his divine commitment to the whole of creation (DBW 6:54). This is the reason why ethics, in Bonhoeffer’s view, must always be embedded in particular life circumstances and why the divine commandments always constitute a comprehensive and concrete claim (DBW 6:245, 373, 381).

When concrete people become invisible through automated procedures, this enhances growing emotional detachment, the loss of empathy, the avoiding of accountability and the broader vanishing of moral considerations – on the side of the (human) practitioners of surveillance as well as in public perception. In correspondence to this, Bonhoeffer notes that ethical approaches which focus exclusively on the outcome, respectively ‘success’ of our actions, have a tendency to remain in the domain of abstraction (DBW 6:36-37, 218). If he is right with his observation, this could indeed explain the intricate connection between the focus

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<sup>47</sup> See also 4.1.2 and 4.3.1.

on classificatory and commercial success and the emphasis on digital abstraction that is so dominant for the surveillance paradigm.

The eclipsing of tangible reality together with the oversimplification innate in digital abstraction furthermore heightens the danger of overlooking the importance of human attachments for people's self-understanding. The social nature of our human condition, however, actually makes it impossible to underestimate the role of other human beings: We are profoundly influenced by our bonds and interactions with others; their words and deeds, their 'otherness' and their demands on us shape our identity and form part of our subjective reality (DBWE 1:48-57).<sup>48</sup> While digital monitoring is certainly able to track existing connections between people, it is unable to give evidence of their specific relevance in the lives of people or to comprehend the entire complexity of the dynamics playing out in social relationships. Adequately interpreting the role of relationships and understanding their meaning for determinate individuals, necessitates their own voice, respectively a personal viewpoint – a perspective which the automated procedures of surveillance cannot provide.

Christian faith, drawing on the empowerment that lies in the divine-human relationship, has a profoundly different vision of human personhood. It knows that personhood is always and inherently relational and that "human beings are indivisible wholes, not only as individuals in both their person and work, but also as members of the human and created community to which they belong" (DBWE 6:53). This implies that within the confines of this world any knowledge of others can of course never be 'total'; it will always be partial because the insurmountable otherness of the other remains. But based on love and commitment we can at least hope that the knowledge acquired in real life will be sufficient to capture 'the essence' of the other. And we can be confident that respect and tolerance will turn the lifelong discovery of 'the other' into a fruitful journey and an ongoing wonderment about the mysteries of terrestrial life and human relationships.

Both Luther and Bonhoeffer's theological anthropology is firmly anchored in the physical world that we inhabit. Latching on to the biblical notion of earthly life, both have a strong appreciation for palpable reality and bodily human presence, valuing the need to engage with actual people in personal relationships. For Bonhoeffer 'bodily life is... means to an end as well as an end in itself' (DBW 6:179 – tl CS) and for Luther it is only logical that "a man does not live for himself alone in this mortal body" (MLBTW:616). Creaturely freedom as well as the limitations of physical life include our connection with others and our dependency on the earth and our co-creation (MLBTW:477, 611, 616; DBW 3:58, 61-62, 71-74, 104-105). The physical, intellectual and spiritual needs of bodily life, and the divine calling to live in community,

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<sup>48</sup> Cf. 4.1.4.

naturally leads to responsibility for self and others – which Bonhoeffer names as one of the essential features of our God-given humanity (DBW 6:219-220, 255-256). Interacting with others constantly reminds us of the inherent ethical claim that they embody (DBWE 1:49, 54-55; DBW 6:256), and of the corresponding need to invest ourselves in bonds with others in a constructive and appropriate way.

Assuming responsibility and affirming the ties that shape human life then involves prioritizing the care for the well-being of others in an attitude of solidarity and readiness for sacrifice. Luther and Bonhoeffer put a strong emphasis on the obligation to act for the good of others by way of providing, supporting and protecting them in their needs and standing in for them – which involves the willingness to carry their burdens and to even take their sins upon ourselves (MLBTW:616-617, 623; LW 45:96, 101ff.; DBW 3:58ff.; DBW 6:233-234, 255-259, 275, 289). Such a commitment to others inevitably includes accepting others in their otherness and in their (possibly perplexing) complexity and the courage not to avoid their pain but to suffer with them (DBW 8:500, 535-537, 542).

While Luther summarizes the Christian affirmation of physical reality and the commitment to real people in his notion of servanthood, Bonhoeffer captures them in his concept of ‘freedom for others’ and the ethics of responsibility that grows out of it. At the heart of both approaches is the vicarious representative action (*Stellvertretung*) that Jesus exemplifies. Correspondingly both theologians’ unequivocal confirmation of earthly life with all its relational aspects has its origin not only in the divine calling and the given creatureliness of the human condition, but also in God’s affirmation of this creatureliness in his own incarnation in the Son. Jesus, in completely adopting earthly reality, becomes genuinely involved in the lives of concrete and fallible people with all their struggles, questions, doubts, grievances and joys (DBW 8:515, 535, 542).

In the same spirit Christians must be ready to immerse themselves wholly into the reality of this world that God created and reconciled in Jesus Christ, participating in their fellow humans’ lives with interest, understanding and compassion. This is the essence of Luther’s notion of “becoming a Christ to one another” (MLBTW:619) and Bonhoeffer’s talk of participating in Christ’s ‘genuine worldliness’ (DBW 6:404 – tl CS). Only through devoting themselves to others, Christians will be able to overcome the de-humanization that is at the core of objectification and of sin. And overcoming de-humanization is ultimately nothing other than a continuous process of ‘humanization’ (of self and others) as the regaining and preserving of our divinely granted humanity. Hence Bonhoeffer names as one of the essential ethical

criteria, whether our actions help others to be genuine human beings before God (DBW 6:86).<sup>49</sup>

These reminders of Luther and Bonhoeffer's position show why the Christian concept of humanity is in such marked contrast to the detachment and remote judgement enhanced by digital monitoring. The implications of a humanity that originates in God cannot be reconciled with the systematic avoiding of responsibility, the practised distancing via a digital filter and not least of all with the abstract conclusions that characterize the surveillance approach.

### **5.2.8 God-given dignity and human subject status over digital objectification and utilitarian calculations**

Surveillance rationale functions by making human beings into elements of a computer-based calculation and assigning them – respectively the data bits from their lives – to a certain category. The Cartesian epistemological approach which 'knows' others by incorporating them as objects into the categories of one's own thought world (Nickson, 2002:21) and making them conform to one's own vision of them (DBWE 1:54) looms large in the background. Bonhoeffer's soteriology and his concept of personhood, on the other hand, strive to be an alternative by bringing the subject-status of every human being to the fore again. In this understanding of humanity, the distinct identity of the individual in its wholeness and in its connectedness to others in bonds of responsibility is preserved. The creaturely freedom and *imago Dei* status of every human, in combination with the barrier that every individual presents to the other, guarantees human beings' uniqueness and inviolable dignity. This establishes our freedom towards any attempts to categorize and to objectify us, as Huber (2013:119) – in obvious reference to Bonhoeffer – rightly states.

As humans we are always more than the sum of our data and more than risk factors, and certainly never just products, assets, or instruments in someone else's programme. Using humans is not only inappropriate because it shows disregard for them as persons, but it also distorts their role in the whole of creation and disrespects the ties that bind us to one another in love and responsibility. In addition, it also shows contempt for God as the creator and saviour himself. Therefore, individuals cannot simply be 'captured' by classification or be regarded as ingredients of a cost-benefits-equation. Furnished with the gift of life and a distinct calling for their lives on earth, humans can never become an object for the purposes of others (who are creatures, too). The features of divinely given humanity are not at human disposition. In terms of digital surveillance this means that humans must always remain data subjects.

As sovereign creatures and recipients of divine grace, human beings can only be recognized and accepted in their own right. Acknowledging others as distinct from us and not trying to

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<sup>49</sup> Cf. 4.2.3.

turn them into means for our causes, grants them the creaturely autonomy that is rightfully theirs. And in accepting others we also recognize God as the one who provides individual integrity and upholds human personhood. As human beings we are infinitely valuable because God loves us unconditionally, sacrificing himself for us in Christ. Since God himself safeguards our humanity, we are never just means to an end, but always ends in ourselves – this is what God's love reassures us of.

### **5.3 A Reformation-based theological notion of freedom as an alternative to the freedom notions of digital surveillance**

#### **5.3.1 Divinely anchored freedom against the self-referential freedom idea promoted by the surveillance paradigm**

Human freedom is, of course, strictly speaking, part of the whole complex of the understanding of the human person. However, given its prominence in this study and its relevance for the human self-image and the mutual perception of our humanity, it deserves its own reflection in this final assessment. Moreover, freedom's importance for the (self)-marketing of digital monitoring on the one hand and its dominant role for a Christian notion of human reality and the relationship with God and others on the other hand necessitates an evaluation of its particular place within this complex web of personal and economic aspects.

As an idea, feeling, attitude and experience, freedom is at the heart of notions like personhood, identity, self-consciousness, authorship, individuality, relationships and community and its essential elements correspond to the constituents of humanness as such. Subsequently surveillance's inappropriate concepts about the human person will inevitably reverberate in its respective assumptions about freedom. An understanding of the human person as a self-sufficient, independent being, with no need for any 'divine input' or accountability towards a just God, naturally cradles the idea of freedom as a sort of innate, uncreated reality that is anchored in human beings themselves. Leaving human beings in control of their own destiny, it allows them to pursue their dream of action with no limits. This is the 'subtext' to be gathered from the bold endeavours of limitless data extraction of digital surveillance enterprises but also from the visions of new and infinite possibilities of human self-agency that are painted before our eyes as the benefit of universal data scrutiny. Such a representation of freedom as 'autarky' not only tends to see God as a potential 'danger' to human freedom, but it also requires the absolutization of human reason for the purposes of humans' self-liberation (DBW 6:105, 112).<sup>50</sup>

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<sup>50</sup> Isaiah Berlin's train of thought is similar to Bonhoeffer when he points out that in the aftermath of Kant reason has taken the place of God (1958:36) and "the authority of reason... is identified with individual freedom, on the assumption that only rational ends can be the 'true' objects of a 'free' man's 'real'



Presented overwhelmingly as a desirable state of self-serving rights and entitlements, this kind of freedom inevitably contains a strongly individualistic component. It is regarded as a territory that needs to be defended against others in an act of permanent self-assertion, feeding on competition and delimitation from others. Freedom, we are made to believe, is a possession we need to secure by the force of our own actions, warding off intrusion and the many attempts at 'expropriation'. This is ironic in view of the relentless efforts by the digital surveillance machinery to limit our choices and expropriate our freedom rights while monopolizing their own.<sup>51</sup> And even more so in the light of the relentless attempts to get us to outsource our self-agency to the 'infallible' overview and advantages of computer calculations.

From a Christian perspective an 'unanchored freedom' is an inaccurate description of the scope of human choices and actions that does not help achieve the goal of human growth, authentic maturity and flourishing. Freedom as a meaningful human reality can never be a free-floating axiom; it is grounded in divine freedom and it remains the freedom of creatures in a created world, who exist in a certain frame of reference. Freedom has a contingent, limited and conditional character. Since it is given to humans by their creator, it cannot exist on its own terms without God, as Luther and Bonhoeffer both know (MLBTW:477; DBW 3:33ff., 54ff.).<sup>52</sup>

Accordingly, as much as they cannot model and uphold their own humanity, humans cannot create, preserve or ensure their own freedom. Hence human 'liberation from God' is not genuine freedom but merely a misunderstanding of liberty – it cannot provide the meaning and fulfilment that humans crave because God alone is the original 'owner', giver and guarantor of all freedom (MLBTW:477, 596-597, 619; LW 33:89; DBW 3:37, 58-63; DBW 6:113. 118-19). In the context of his analysis of the creation-account, Bonhoeffer describes the human attempts at distorting the God-given freedom and at evading the divinely given offer for human life as hallmarks of human sin (DBW 3:107f.; DBW 6:304).<sup>53</sup> Furthermore, apart from not being a realistic human option, the idea of a boundless and bond-less freedom without God does not lead to more human self-agency but ultimately to greater self-enslavement and to more

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nature" (1958:38). Berlin sees this development critically because of its insufficient realism and the unclear definition of 'reason' (1958:38-39).

<sup>51</sup> For Zuboff this is epitomized in the methodological approach of surveillance capitalism. Surveillance capitalists demand "freedom from any sort of constraint" (2019:495) for their endeavours while denying delimitation rights to their data objects. Moreover they "claim the freedom to order knowledge, and then they leverage that knowledge advantage in order to protect and expand their freedom" (2019:498).

<sup>52</sup> See also 3.1.4 and 4.1.4.

<sup>53</sup> Cf. 4.2.1. Nickson reminds us of Bonhoeffer's argument that "the fall... arose out of a wrong use of freedom" (DBWE 3:104) and interprets it as "a grasping at uncreated freedom, a Promethean or Nietzschean assertion of the right to freedom without bounds", an act, through which "humanity rejects the complementarity of freedom and constraint and severs the connection between creatureliness and freedom" (2002:70).

dependencies (DBW 2:32-39; DBW 6:112). Bonhoeffer is convinced that where human thinking perseveres within itself, free from a transcendent horizon, it becomes entrapped in itself and cannot reach beyond itself.<sup>54</sup> In this self-referentiality humans then become slaves of their own inventions in the ‘orbit of things’ (DBW 6:269 – tl CS). With regard to technological control mechanisms and subtle dependency-creation we can see this unfold in ‘real time’.

In the world of digital monitoring, freedom is an asset that can be tweaked and used for the sake of more profit, more influence and more power. In this process surveillance expertly exploits human beings’ quest for authenticity and true meaning. The idea of a realization of ‘absolute human freedom’ belongs to this whole package of commodifying and objectifying the human person. And it is promoted as part of turning our life into a distinct, successful and recognized ‘project’. Surveillance’s fundamental problem is that it overvalues certain aspects of human life – such as convenience, individual choice, predictability and safety – at the expense of other values like spontaneity, creativity, generosity, care, solidarity, self-limitation, trust and community. In making the above aspects into the priority criteria for what freedom is, freedom is ultimately perverted beyond recognizability.

It is not entirely clear whether this ‘re-modelling’ of freedom is a self-deception or an intentional deception of others or possibly both.<sup>55</sup> What is obvious, though, is that a concept of freedom that is not grounded in anything other than human self-understanding, will eventually hit a dead end. There are strong indications that the freedom visions of surveillance are trying to fill the inner void of present-day humans, taking the place of what Luther so aptly called “righteousness, grace, life and salvation” (MLBTW:597-98). In a Christian understanding freedom is never the goal *per se*, but a means to an end. And this ‘end’ is a just, dignified and fulfilled life for individuals and communities. Correspondingly, freedom can never be a *carte blanche* for the self-centred purposes of a few, for instance in the form of a maximally successful business practice, at the cost of others. Freedom is never exclusive but always inclusive, a blessing given to all individually to be shared for the benefit of all. In biblical terms, freedom is an entrusted loan whose ‘interest’ consists in growing love. Distributed generously, it is not diminished but increases, becoming ever more meaningful and enriching for many.<sup>56</sup> Hence Luther describes freedom as commitment in service to others and Bonhoeffer calls it ‘freedom for others’.

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<sup>54</sup> Nickson (2002:23) points out “that Bonhoeffer takes up Luther’s definition of sin... but reinterprets it in the context of... the autonomous ego which constructs its own world, only to find itself imprisoned within it.”

<sup>55</sup> Listening to some of the technology visionaries, one cannot but wonder whether they really believe their own utopian visions or just use them to sell their ideas of the future to the public. See Schmidt and Cohen (2013), Ingraham (2013), Roose (2021c), Swisher (2021a).

<sup>56</sup> See Mt 25:14-30 (The Parable of the Talents); Gal 5:6, 13; 1.Thess 3:12; 2.Thess 1:3.

### **5.3.2 A Christian response to the ‘convenience-freedom’ of a calculable life: Affirming physical reality, growing in creativity and overcoming adversity**

After re-establishing some of the parameters of freedom crucial for Christians, we now need to look critically and in more detail at some of the dominant ideas of freedom that are projected within the digital surveillance paradigm. One of the foremost aspects in the current cultural environment is the focus on ‘convenience’ which is presented to us as the great gain in freedom. In this vein, we are constantly encouraged to make use of ubiquitous networking and to trust the benefits of permanent data gathering. We are told that the precision and reliability of digitally connected objects (‘internet of things’), digital assistants, apps for self-optimization and the procedures of behavioural modification will make our lives more comfortable, more effective, more manageable and more secure. Tracking, measuring and controlling via the digital seems to offer a solution to every possible risk, inconvenience or complex task in the first place.<sup>57</sup>

All these digital developments are presented to us as a simplification of our demanding lives. Being able to unload cumbersome organizational tasks unto devices and making use of tools for self-improvement and self-organization are hailed as a major increase in self-agency which will allow us to gain better control over our lives. The whole idea of delegating personal responsibility is (literally) sold to us as the epitome of a great liberation which will enable us to devote more time, energy and resources to other, more important and fulfilling things.<sup>58</sup> The underlying connotation is: More pleasure equals less ‘everydayness’; more ‘smoothness’ is less complexity; more predictability means less risk; more convenience comes with less responsibility; and the sum of all of it amounts to ‘more freedom’.

As Christians we need to challenge such a narrative of freedom because it obviously operates under a misconstrued idea of reality and ‘genuine life’. Digital surveillance’s knack for abstraction and the emphasis on a disembodied notion of the human person clearly comes to bear here. The familiar tendency to attribute less value to bodily life and the undercurrent of contempt for the mundane tasks and ‘banalities’ of analogue life drives the wish to find a way

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<sup>57</sup> At this point it is not an exaggeration to say that there seems to be an app for everything under the sun: From keeping tabs on the location of our children, measuring our fluid input, the amount of our daily steps and managing our menstrual cycle, right up to monitoring our dating lives or tracking our cars or the planes in the sky above our heads. There is a tendency to believe that every possible human problem can be solved by an app. This is of course an illusion because every app needs human input and collaboration and only works as well as its human user. The failure of many national Corona-tracking apps in recent times is proof of that.

<sup>58</sup> Han in his sobering assessment of the current “transparency society” and Harvard economist emerita Zuboff in her critical analysis of surveillance capitalism view such a notion of freedom as trickery, because it is in reality a form of control in the guise of infinite possibilities (Han, 2014; Han, 2015:49; Zuboff, 2019).

to rise above them. In this vision of reality 'rising above the ordinary' is the true freedom.<sup>59</sup> A biblically oriented faith which draws firmly on the experience of earthly human reality has a different outlook. Freedom unfolds precisely within all the circumstances, daily necessities, limitations, and challenges of a finite life given to us by our creator.

Correspondingly, the meaning of Bonhoeffer's 'freedom from the earth' is completely different from the envisioned independence of earthly necessities aspired in the surveillance paradigm. Since we are earthly creatures, Bonhoeffer insists, our dependency *on* and connection *with* the earth and our co-creation cannot be eliminated, it is a given (DBW 3:62-63). Incorporating the dimension of care for all that has been entrusted to us therefore involves an appreciation for the potential of material things, human creativity, tasks related to physical life and other people as our bodily companions on the journey of life. Consequently, 'freedom from the earth' as the capacity to be 'independent' of nature and 'the world of things' is not an instrument for human self-affirmation, but an asset to be used for protecting this very creation. And it is at the same time a shield from unhealthy and undignified dependencies which could stand in the way between us and God, and between us and others.<sup>60</sup>

The surveillance paradigm's desire to move beyond the ordinary features of everyday life not only draws on the notion that we could somehow be our own programmer at the switchboard of life; it is also fuelled by the concept that freedom should in essence be a life without hurdles or hassles and a maximum of comforts and advantages. As we will continue to see, this amounts to a rather anaemic version of freedom that is bent on securing predictability while considerably narrowing the space for spontaneity, newness, change and growth.

Christians, however, who believe in the value and joys of earthly life, know that the space for the unexpected is crucial for our self-understanding: Dealing with different choices, reversing course, learning new things, re-evaluating and growing in experience is what authorship and self-agency is all about. And organizing our lives and mastering our own challenges is not only a burden, but also what makes us feel alive and conscious of our own possibilities. It is what we experience as 'empowerment' to shape our environment and to charter the course of our own lives. Solving problems and overcoming adversity, combined with the talent for improvisation and the ability to deal with unprecedented situations, all this is the stuff of human creativity and of human freedom which we cannot afford to unlearn.

The 'convenience-freedom' tries to insinuate that all obstacles are expendable or that they can be removed by technological perfection. But eliminating adversity from one's experience not

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<sup>59</sup> It is not difficult to see that the Platonic tradition, with its disdain for the physical world and bodily needs somehow looms in the background.

<sup>60</sup> Ellul takes up Bonhoeffer's concern like this: "Man qua free is subject to constraints and determination which his vocation to be free must make him combat and rise clear of" (1962:409-410).

only means disavowing essential elements of human experience, it also leads to shutting out the reality of pain and suffering, one's own and those of others. This then results in the inability to mourn and to process grief as well as in a lack of understanding and compassion – and not least of all in becoming blind for the existential truth of mutual dependency. In the long term, such a notion of freedom is not only a costly illusion and denial of reality, but also very self-centred in its focus on a 'comfortable life'.

In this way, it is incompatible with the Christian conviction that commitment and sacrifice essentially belong to genuine freedom and to our self-understanding. For Christians there can be no doubt that growing in love and faith through setbacks and resistance, overcoming difficulties, and building up resilience happens also through accepting pain and suffering. The whole 'package' of diverging experiences is part of the array of human freedom possibilities and is thus integral to God's plan with our lives.<sup>61</sup> Openness for the moment to make room for the encounter with God and with others is a vital element of our liberation in Christ and indispensable for a reality determined by a gracious creator and saviour.

Thus, the goal of our existence cannot be to somehow transcend the prosaic terms of earthly life via a digitally devised organizational coup, but to mature within these conditions. The challenge of (Christian) life and Christ-oriented freedom consists precisely in embracing our given life as the space within which we make use of our God-given possibilities. Freedom is not realized in a carefully cured meta-sphere but precisely in the middle of the messy, fragmented, physical and imperfect worldly reality. True liberty, then, is not a case of 'mind over matter', but of engaging with the matter in full presence of the mind.

### **5.3.3 A Christian response to the 'convenience-freedom' of digital dependencies: Welcoming divine empowerment and restoring self-agency**

The depiction of liberty as a maximum of convenience is closely related to its portrayal as the great release from burdensome responsibility. On a deeper level the search for an 'easier life' has far-reaching consequences, though. Handing over decision power in exchange for relief from tedious obligations can become tantamount to self-objectification and giving up our subject-status.<sup>62</sup> Entrusting the management of important areas of our lives to digital devices will inevitably result in more uniformity without guaranteeing greater independence. It is much

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<sup>61</sup> See for instance Rom 12:21; 1 Cor 15:58; 2 Cor 4:8ff; Eph 2:10; 4:15; Phil 1:6; Col 1:10; 1Thess 3:12; 2Thess 1:3; 1 John 5:2-5

<sup>62</sup> Cf. 2.2.7.

more likely that we lose any distance towards these gadgets, eventually becoming so dependent on them that we cannot manage our lives without them.<sup>63</sup>

In the context of our 'achievement society', self-optimization tools, for instance, can *de facto* become 'disempowerment tools', influencing our self-perception and causing a lack of self-acceptance at the worst.<sup>64</sup> Adapting our behaviour to the desired objectives of behavioural modification devices does not necessarily foster our self-agency but rather enhances an immaturity that we seemed to have overcome in a post-Enlightenment era. Dependency on digital appliances in exchange for more convenience can ultimately become veiled bondage, a 'substitute freedom' in a golden cage, fuelled by the pressure to function as effectively as machines and by our own ambivalent attitude towards freedom. The surveillance paradigm would like to make us believe that our voluntary unburdening of responsibility is an act of self-empowerment while it is anything but. Han describes the result of this manoeuvre as the self-exploitation of the "achievement-subject" (2015:48) within the "transparency" and "achievement society" which is all the more effective because it labours under the assumption of freedom (ibid.). In reality, he says, the digitally promoted freedom is pure control and direction that only poses as freedom (Han, 2014). In turning ourselves into 'quantifiable, measurable and controllable objects' (ibid. – tl CS), we have suspended our freedom because 'objects ...are not free' (ibid. – tl CS).

Bonhoeffer, years earlier, and still far away from any knowledge about the effects of the digital, comes to a similar assessment when he draws his conclusions from sinful humans' autonomy gone wrong and explains what 'freedom from the earth' really stands for. He maintains that humans, in turning away from God, exchange their God-given freedom for their own self-forged version of freedom, which amounts to being ruled in the place of ruling. This 'non-rule' then brings about the exact contrary of what God intended: The supposed masters of the earth end up becoming slaves of the earth and of the world of objects. While harbouring the illusion of being in charge, they actually let themselves be controlled by their own earth-related inventions (DBW 3:62-63; DBW 6:112). In the context of digital monitoring, this means that the human-made freedom turns out to be nothing other than an automated, dependency-inducing control mechanism.

Ellul develops a related thought when he lays out that modern 'technique' operates under the mistaken premise that it can engender freedom (1962:402). While he does not deny

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<sup>63</sup> The almost complete dependency on our smartphones and the digital in general for the entire sector of administration, business, finances, healthcare, travel, transport and many other areas of worldly reality, including our most personal sphere, already speaks volumes.

<sup>64</sup> The gadgets that monitor our driving, our conversations, our body functions, or our 'health conduct' can make us feel like a failure if we do not live up to our own expectations and those of the technical device.

technology's many benefits towards the well-being of humans, he also points out that it inevitably reintroduces new constraints and limitations (ibid.). According to his perspective, "the operation of technique... is the contrary of freedom, an operation of determinism and necessity... an ensemble of rational and efficient practices... an order and a... process... into which freedom, unorthodoxy, and the sphere of the gratuitous and spontaneous cannot penetrate" (ibid.). Accordingly, the comforts and conveniences of technology are characterized by him as "happiness", which is not to be confounded with true freedom (1962:398, 401). "Man's... natural inertia is leading him to accept a condition of slavery and to pay for his technological happiness with his freedom..." (Ellul, 1962:410).<sup>65</sup>

Christian faith in the tradition of the Reformation cherishes the fact that our freedom in Christ is not only a call into a new kind of existence but also the liberation from a law that claims it can bring about salvation by strict adherence to it (Rom 3:20-21; 8:1; Gal 4:5; 5:1). Therefore, it makes little sense that we subject ourselves to a 'new law' in the form of digital supervision – that is not God's idea of 'the glorious freedom of his children' (Rom 8:21, NIV, 2008). Surveillance's failure to provide us with lasting liberty brings us back to the substance of a freedom that goes deeper than the surface of happiness, range of choices and action. True freedom is not a 'function' of life or a 'quality add-on' to it; it is fulfilled life itself. As such it cannot come from within us and it cannot be generated by the genius of *ratio* or technology. It is a gift from God as the origin of freedom itself, as the only one who can enable us to be fully and authentically human.<sup>66</sup> Our freedom as Christians is anchored in God's unconditional love and healing verdict, which does not depend on other determining factors like ratings, market success, business imperatives, efficiency or 'usefulness'.

By experiencing that our liberty lies in Christ alone, we are released from enslaving attachments. Here Luther's assertion of freedom as an 'inner consciousness' (MLBTW:596-597) becomes once more relevant. Our liberating bond with God cannot be 'cancelled' by surveillance's attempts to manipulate our behaviour or to take over our lives. The truth of divine justification and freedom in Christ helps us overcome the reality that surveillance is trying to create. God's freedom is a true liberation to be ourselves as God's children: invigorating

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<sup>65</sup> Ellul describes the inherent self-deception of humans in terms of freedom and the human inability to put an appropriate distance between themselves and 'things' like this: "Man must stop pretending he is completely free with respect to the use of techniques like automobiles, television sets... when the plain fact is that he is totally enslaved to them... As long as man does not learn to use technical objects in the right way, he must remain their slave..."(1962:411). If we substitute 'automobiles and television sets' with 'smart phones and computer screens' we are right in the middle of the current situation.

<sup>66</sup> Cf. DBW 6:86 and 4.2.3.

empowerment instead of debilitating dependency.<sup>67</sup> In freeing us from our false belief in the self-saving powers through the perfect works of technology, God also counteracts the illusory notion of freedom that keeps us from discovering its true nature in the presence of Christ. God does not enslave, patronize, nudge or tune us. He loves us and cares for us, and this is why he wants to strengthen our initiative, sharpen our senses for the world around us, and empower us to make our own judgement on the basis of our connection to him. In the salvation in Jesus Christ, God also restores our reasoning capacity which has been perverted by sin. And in this way God renews his commitment to our freedom, leading us to responsible action, inspired by love.<sup>68</sup>

The freedom that lies in being bound to God will then also give us the necessary space, distance, tolerance, and peace to engage with the things of the world without becoming enthralled by them. Accordingly, Ellul gathers that humans must “assume a certain detachment and independence” (1962:411) with respect to technology, making use of technological goods “without becoming unduly attached to them... able to... submit them to factors that are... spiritual, instead of being determined by technical factors” (ibid.). The apostle Paul describes this spiritual freedom aptly when he speaks about the criteria for making appropriate ethical decisions: “Everything is permissible for me – but not everything is beneficial. Everything is permissible for me, but I will not be mastered by anything” (1Cor 6:12, NIV, 2008).<sup>69</sup> In Paul’s letter to the Romans, this freedom is characterized as the ability to “no longer conform to the pattern of this world, but to be transformed by the renewing of your mind” (Rom 12:2, NIV, 2008). This is in essence what Bonhoeffer describes by “conformation to Christ” (DBW 6:81ff.).

The experience of divine empowerment and the renewed sovereignty in handling the products of our own human creativity corresponds to what Bonhoeffer describes as the ‘freedom from the world’ (DBW 3:61ff. – tl CS). The latter involves actively taking care of the planet and using its resources in a responsible manner, including the assets that we ourselves create, for instance in the form of technology. In fact, taking care and taking charge is what ‘ruling’ is all about for Bonhoeffer (DBW 3:62-63). In our specific context this implies that we must not let ourselves be ruled by digital surveillance mechanisms and their consequences but that we

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<sup>67</sup> This reflects God’s intention from the beginning of creation which is reaffirmed in Christ. For this purpose, namely, to be ourselves as God’s children, we have been given *ratio*, free will and creaturely freedom.

<sup>68</sup> See also Gal 5:13; Eph 4:1,15; 5:8-10; Phil 1:9f; 1Thess 5:21; 2Thess 1:3; 1John 4:1

<sup>69</sup> Similarly, 1 Cor 10:23b “Everything is permissible for me – but not everything is constructive” (NIV, 2008).



must remain their masters – taking up what Luther captures in the concept of ‘lordship’ of Christian freedom.

The understanding of Christian freedom as lordship through the bond with Christ is in sharp contrast to the ‘sovereignty-idea’ of digital monitoring. The notion that leaving self-agency to machines affords us a huge surplus of freedom, is both unrealistic and self-contradictory. It is not in the nature of computers to carry responsibility because their ‘self-agency is limited to their humanly programmed action radius. Human beings, on the other hand, cannot discard responsibility since it is essential to their human condition. If self-agency and self-attribution are avoided, freedom is being crippled and no longer ‘whole’.

Therefore, assuming responsibility for the nature and the consequences of our actions – whether we act from our own initiative or are nudged by technological means – is imperative. In fact, responsibility remains a permanent affirmation of this freedom, even when we err or fail (DBW 6:275, 282, 289). Denying, circumnavigating or offloading it, just amounts to a feeble attempt to deceive ourselves and others. It would be an act of regression in the face of our divine calling to mature and to grow, and as such it would also be a denial of our core humanity. Giving us responsibility and holding us accountable is part of God’s ‘freedom-equipment’ for us. Hence embracing this responsibility is part of our self-empowerment while imposing responsibility and requiring accountability is part of empowering others. Bonhoeffer reminds us that responsibility is always shared, a ‘burden’ to be shouldered together, in the fellowship of a community (DBW 6:256).<sup>70</sup> This is why it is likewise part of our humanity to encourage others to take their own responsibility seriously (DBW 6:268f.).

#### **5.3.4 A Christian countervision to the ‘security-freedom’ of a ‘risk-free’ future: Embracing trust and accepting uncertainty**

Within the surveillance efforts of state-instituted monitoring in the service of ‘national security’, we encounter the same emphasis on control, predictability and risk minimization, which guides the schemes to promote the ‘convenience-freedom’. Only this time the central value is ‘safety’ and ‘physical inviolability’. Given the obvious unpredictability of life and the contradictory character of human conduct<sup>71</sup>, this begs the question: Why this obsession with risk

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<sup>70</sup> If responsibility is never absolute but always shared, this also implies that there are no exclusive claims to knowledge and power either – it belongs to all and must include the participation of all.

<sup>71</sup> The fixation on risk and the obsession with controlling the future is accompanied by deeply contradictory or irrational traits in human nature. Among these are an uneven assessment of different risks which results in the mix of an extreme risk aversion against improbable events on the one hand, and a complete disregard for very real risks on the other. This leads to people fearing a 1: 1000000 rare side effect of vaccines while concurrently putting all their financial assets into one form of investment instead of diversifying their risks. There is also the phenomenon of non-action against better knowledge. Combined with the human removal of reality it leads to cases like individuals neglecting protection during sex and running the risk of falling pregnant or contracting a sexually transmitted disease, or to people procrastinating to properly order their affairs in time before their death and often leaving the

containment and eliminating uncertainty? What kind of self-understanding is behind all these efforts to make everything calculable, secure and controllable?

From a Christian perspective there can be only one explanation: fear. It is the fundamental *Angst* of humans who know about their own inability to be the master of their own destiny and desperately try to overcome their own finitude by remaining in charge at all costs. This anxiety is crystallized in the fundamental fear of being at the mercy of an unknown future, exposed to events, circumstances, and other people beyond our control. It is a fear that is in close analogy to the dread of being condemned and rejected by others, leading to the self-justification efforts and the attempts at controlling one's own digital image discussed earlier.

But reining in our fear with a maximum of digital monitoring to create our own 'security-freedom' cannot really work, firstly, because it is not in our human power to root out uncertainty and secondly, because such a 'freedom' would ultimately only be a glorified form of control. A culture that shuns every risk trying to anticipate every possible outcome and a society that replaces trust with supervision, cannot apprehend genuine freedom.<sup>72</sup> The basic problem of the 'unknowability' of the future, and with it, human uncertainty, cannot be resolved, neither from the perspective of technological feasibility nor from a spiritual viewpoint,<sup>73</sup> simply because there is no way for us to foresee, influence, and command all the possible factors that determine what lies ahead for us.

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family in disarray. This behaviour is closely related to yet another variation: 'over-action' and simultaneous 'inertia' in the light of the future. On the one hand we work tirelessly to make the future calculable and measurable, trying to foresee all eventualities and steer future behaviour with the help of technology. On the other hand, we permanently remove the possibly damaging consequences of our present actions for our future from our consciousness and are unwilling to change our behaviour or to subject ourselves to any self-limitation. The result is a kind of 'paralysation' which persists even when future developments are self-evident based on plain common sense or due to clear scientific evidence. An obvious example on a global level is climate change: While there is ample proof for global warming and its correlation with our carbon dioxide emissions, this fact has still not led to a concerted, universal and drastic change in behaviour and supporting policies, because the protection of vested interests that we know and profit from in the present trumps the protection of potential future interests that we cannot grasp yet.

<sup>72</sup> In one of his Tegel expositions, Bonhoeffer (DBW 8:557) characterizes human beings' attempts to protect themselves from risks by way of insurance as a way of dominating nature. He contends that by trying to shield themselves from the various risks of life, humans create for themselves new threats in the form of their own 'technical organizations'. These are threats, that they are now unable to contain because 'the power of the soul is lacking' (ibid. – tl CS). This 'lack of soul-power' is due to the fact that humankind, together with its 'coming of age', has left God behind and is now thrown back entirely upon itself: "*Der Mensch wird wieder auf sich selbst verwiesen. Mit allem ist er fertig geworden, nur nicht mit sich selbst! Gegen alles kann er sich versichern, nur nicht gegen den Menschen*" (DBW 8:557).

<sup>73</sup> Hannah Arendt (1998:236-237) notes that "the remedy for unpredictability, for the chaotic uncertainty of the future, is contained in the faculty to make and keep promises." This is an interesting parallel to biblical thinking where 'promises' and 'bonds' between God and humans, and between humans are a frequent feature.

Lipartito's question about the appropriate quantity of data for a determinate purpose "How do we know when we know enough?" (2010:31) also pinpoints the more profound basic human dilemma of 'ascertaining certainty'. The core issue is: What degree of certainty will ultimately be sufficient for us to feel secure? Martin Luther addresses this existential question from a spiritual angle: 'How many good works would be enough to obtain certainty about God's grace and our salvation from condemnation?' He shows that there is no satisfactory answer – simply because the whole approach is inappropriate from the outset. As we constantly depend on divine grace, we could not even handle the infinitesimal margin of uncertainty.

The same insight applies with regard to the 'security-freedom' and the 'digital-recognition-freedom'. No matter how many safety checks or online scrutiny, no matter what we do to 'secure our security', there is always a remaining risk, and we will never feel completely protected. And no matter how many followers, clicks and online recognition, it still does not make us feel safe and loved enough. The reason for this is that the hunger for shelter cannot be satisfied by digital perfection and the thirst for recognition cannot be quenched by technical safeguards.

Just as the assurance of salvation and the liberation that lies in it, cannot be achieved by human efforts but only by accepting and trusting the justifying love of God, the 'freedom-feeling' of security does not hinge on a maximum of sophisticated surveillance measures, it develops as an outgrowth of reciprocal care, support and trust within a human community.<sup>74</sup> Feeling safe, protected, loved and recognized requires the experience of healthy self-confidence, stable bonds and a caring environment. Hence the whole ambition of establishing an obstacle- and risk-free world of 'guaranteed security' by technological means as a haven of unsurpassed freedom is an unrealistic undertaking of human hubris. It is the secular parallel to achieving God's approval and eternal life by a maximum of laudable actions. A freedom that is 'inward and outward', Luther knew, is not the result of maximum control; it is built on a maximum of trust: Trust in God and other humans.<sup>75</sup>

Despite our need to feel safe we need to accept the fact that the human condition is one of permanent uncertainty. But this contains the promise of freedom. Human life is not a computer programme with calculable outcomes, nor is freedom as part of this very life: It just 'happens' in the bonds with God and others that enrich our lives. The absence of complete predictability with respect to nature, worldly circumstances and other people is tantamount to the potential for a fulfilled life. Risk as the 'open-endedness' of any action is constitutive for freedom.

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<sup>74</sup> Cf. 2.2.3 and 2.2.4. Ellul notes that freedom in a society cannot be brought about by technological finesse but by other values like tolerance and respect (1962:401-403).

<sup>75</sup> This is the freedom that is inward 'certainty' as '*certitudo*'. Cf. 3.1.2; 3.1.3 and 3.3.1.

For Bonhoeffer, this is especially palpable in the context of concrete ethical decisions, which always involve the courage to take the leap in one direction or another; in acting, we commit ourselves without knowing with certainty which consequences our actions are going to have. This readiness to engage without always having a safety net underneath, is part of the necessary human 'self-investment' into worldly reality and the bonds with others. Bonhoeffer captures this with the use of the words *wagen* (dare) and *Wagnis* (venture, risk) (DBW 6:246, 256, 274, 285).<sup>76</sup> The daring enterprise of freedom then also includes the risks to be wrong and to become guilty (DBW 6:233, 256, 275, 283, 289) which in Bonhoeffer's judgement are inevitable 'side effects' of sin that we have to reckon with. All the risks involved in living out one's God-given freedom affirm the need to act 'in accordance with reality' and to assume genuine responsibility for self and others (DBW 6:289).

If freedom, risk and uncertainty are inseparable, then one cannot have the one without the other. Like everything valuable and unique in this world freedom is not one-dimensional but complex and ambiguous. Wherever humans act and interact, there is risk and unpredictability; both remain indispensable elements of freedom's power to reshape reality and to trigger new action. It is the presence of risk that makes leeway for the unexpected and the incalculable, for love, friendship and exuberance, for grace and generosity, for what Ellul calls "the sphere of the gratuitous" (1962:402).<sup>77</sup> God's own freedom, in which our human freedom is sheltered, makes that plain: To save us, God was ready to risk everything, even delivering his beloved son into the hands of humans. And Christ, the son himself, was ready to accept the risk of a gruelling death. As God continues to expose his message of salvation to our potential rejection, we can see that the freedom of his love never shuns risks.

It is certainly not a coincidence that the fear of an unforeseeable tomorrow which drives surveillance efforts, is coupled with an inability or unwillingness to trust – in other people or in the provision of a merciful God. Within a 'control paradigm' that relies on predictive algorithms

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<sup>76</sup> While Luther does not specifically mention 'risks', his focus on faith as trust, his accurate assessment of the different aspects of human sin, his emphasis on deputyship for others, together with his whole notion of freedom as commitment and his intense awareness of others as 'constituents' of freedom space suggests that he was very much aware of the concept of '*Wagnis*'.

<sup>77</sup> Zuboff finds in the ambiguity of uncertainty the prerequisite for experiencing any kind of freedom at all: "Paradoxically, the certainty of uncertainty is both an enduring source of anxiety and one of our most fruitful facts. It produced the universal need for social trust and cohesion, systems of social organization, familial bonding and legitimate authority, the contract as formal recognition of reciprocal rights and obligations, and the theory and practice of what we call 'free will'. When we eliminate uncertainty, we forfeit the human replenishment that attaches to the challenge of asserting predictability in the face of an always-unknown-future in favour of the blankness of perpetual compliance with someone else's plan" (2016). This is a clever summary of the underlying agenda of digital surveillance and a realistic assessment of the human situation and potential for freedom. But Christians would have to add God's instrumental role for the existence of this freedom, for the necessity of trust and for the foundation of any earthly bonds.

trust is not a viable factor because it is not a calculable entity – it inevitably involves uncertainty, a space for “not-knowing” (Han, 2015:47).<sup>78</sup> A notion of freedom, however, which accepts uncertainty and risk as part of its essence, knows that mutual trust is an indispensable prerequisite of individual personhood and human community. Life cannot function without constantly anticipating a measure of good will and without ‘in-advance-assumptions’ about circumstances and other human beings. Christians, of course, cannot claim a monopoly to ‘trust’, but due to Christian faith’s emphasis on relationships – between humans and God, humans and their fellow-humans, humans and their fellow-creatures – they are especially aware of its crucial power.

Luther taught us that trust in God’s saving grace in Christ is at the heart of faith and the basis for any unselfish commitment to our fellow-humans. If it is true that only embracing God’s loving acceptance can be the basis of any authentic freedom, this means that we need to let go of the notion of striving for constant control. And this ‘letting-go’ would also preclude a fixation on risk management via digital monitoring mechanisms. Bonhoeffer latches on to Luther’s stance when he establishes the need to entrust ourselves to God’s gracious judgement as the foundation and goal of any ethical action (DBW 6:224, 268, 283, 288f., 328-329; DBW 8:571). Giving ourselves over to him becomes inner certainty (*certitudo*) about God’s mercy when we fail in our efforts to do ‘the right thing’ and incur guilt (DBW 6:233, 275ff., 289).<sup>79</sup> In fact, for Bonhoeffer, only the consciousness of being sheltered in God’s righteous verdict mitigates the dread of unpredictability, making the risks of ethical action ‘going wrong’ bearable. The knowledge of being loved and forgiven drives out the fear of being condemned. Genuine freedom cannot thrive in the grip of fear, it requires the breathing space for trust and love to grow.<sup>80</sup>

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<sup>78</sup> Han (2015:47ff.) castigates a society that demands total transparency as one that eliminates every room for trust. “Transparency dismantles trust” (ibid.:47) and it undermines community. “The society of transparency is a society of mistrust and suspicion” (ibid.) which “obeys the logic of the society of achievement (*Leistungsgesellschaft*) entirely” (ibid.) As a consequence, “total control destroys the freedom of action... It is not possible simply to replace trust, which makes way for free spheres of action, with control” (ibid.).

<sup>79</sup> Luther, in a letter to Melancthon, written from the Wartburg in response to urgent questions about how to deal with certain Catholic practices, invokes the same thought as Bonhoeffer: That we need to accept that we will remain sinners in this earthly life, no matter how hard we try to follow God’s commandment. Since we cannot hope to be blameless, this insight must draw us even closer to God’s boundless mercy where we need to take refuge. So, as we sin, we must trust God’s justifying forgiveness to be stronger than our sin and throw ourselves into his arms. Luther writes: “If you are a preacher of mercy, do not preach an imaginary but the true mercy. If the mercy is true, you must therefore bear the true, not an imaginary sin. God does not save those who are only imaginary sinners. Be a sinner, and let your sins be strong [or sin boldly], but let your trust in Christ be stronger, and rejoice in Christ who is the victor over sin, death, and the world”(1521).

<sup>80</sup> Cf. 1 John 4:16-18: “God is love, and those who abide in love, abide in God, and God abides in them. Love has been perfected among us in this; that we may have boldness on the day of judgment... There is no fear in love, but perfect love casts out fear” (LSB/NRSV, 2009).

In summary we can retain: The freedom of a Christian obviously participates in the lack of certainty that pertains to all human freedom. But its 'safety', alias 'certitude', consists precisely in knowing that we can lean into the dependency on a loving God. We are not captives of some unfathomable fate; we are sheltered and we are free because we are at the mercy of the God who has chosen us in Christ, valuing each one of us as his unique and beloved creatures. Luther as well as Bonhoeffer emphasize that the nature of Christian freedom as trust in God and commitment to our fellow-creation reflects the inherent connection between our loving bond with God and our loving relationship with others. The God in whom we put our faith is the one who calls us to take care of the earth and of one another by trusting, protecting and supporting one another and our fellow-creation.

### **5.3.5 Christian freedom with and for others: Living reciprocity, accepting 'otherness' and respecting boundaries**

The importance of trust once more affirmed the essential role of relationships for a genuine experience of freedom. Freedom anchored in Christ draws us towards others because only in acting in fellowship with others and for the benefit of others can we experience self-agency and become ourselves as free subjects in our own right. Both Luther and Bonhoeffer's social orientation of personhood thus leads to a corresponding notion of freedom as 'other-orientedness' and commitment. This kind of freedom is built on fellowship, reciprocal care, respect, mutual understanding, empathy and forgiveness. It is a sphere in which we recognize each other as boundary and as enrichment.<sup>81</sup>

Dieter Korsch, in reflecting on Luther's understanding of freedom as 'the sum' of Christian life, describes this other-orientedness of freedom as 'the opening of reciprocity' (*Gegenseitigkeit*) (1998:149, 151 – tl CS). Reciprocity's connotation is a 'widening of perspective', 'exchange', 'interdependency' and 'togetherness'. For Korsch it encompasses the willingness to share God's gifts and the acceptance of the ongoing differences between us as well as the readiness to sympathize with others' plight (1998:151, 153). 'Reciprocity' becomes concrete in 'taking the purposes of others into consideration' (Korsch, 1998:151 – tl CS) and in acting in a spirit of servanthood for the sake of their well-being. This includes 'the overcoming of one's own self-preservation' as 'the most natural thing' to do (ibid.:153 – tl CS) *ibid.*, if the needs of the

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<sup>81</sup> Hannah Arendt (1998:244) expresses the mystery of freedom with rare poignancy: "Man's inability to rely upon himself or to have complete faith in himself... is the price human beings pay for freedom; and the impossibility of remaining unique masters of what they do, of knowing its consequences and relying upon the future, is the price they pay for plurality and reality, for the joy of inhabiting together with others a world whose reality is guaranteed for each by the presence of all." Bonhoeffer would probably have agreed with this analysis wholeheartedly, as it touches on all the essential elements of his own worldview. But he would have insisted on the presence of God and his saving grace as the foundation of all this (worldly) reality.

other require it.<sup>82</sup> This is in clear contrast to the pattern of ‘using others for my purposes’ which dominates the utilitarian approach of the surveillance paradigm.<sup>83</sup>

The classification that happens in surveillance’s profiling and its utilitarian risk assessments ignores humans’ subject-status. Objectifying others is not only dehumanizing because objects do not have self-agency,<sup>84</sup> it also amounts to a deprivation of freedom: Being defined by the categories of others robs individuals of the opportunity to define themselves. In Bonhoeffer’s assessment, this is equal to imposing our own image upon others instead of accepting that God has already created them in his image and destined them to belong to Christ. In refusing others the freedom that is theirs, we override their otherness and disrespect their boundaries, trying to manipulate, control and claim them for us and our own purposes (Bonhoeffer, 1987:31, 86; DBWE 5:101).<sup>85</sup> This is an accurate description of what digital surveillance has apparently perfected by technological means.

Conceding that the freedom of the other goes against our self-importance, Bonhoeffer insists that as Christians we must nevertheless put up with it because only as ‘burdens’ – that is, as challenges and as self-directed subjects – others can really become our brothers and sisters instead of just being objects dominated by us (Bonhoeffer, 1987:85). By respecting others’ personhood and their boundaries we embrace the ‘spiritual love’ (Bonhoeffer, 1987:29-34 – tl CS) which releases others into their own freedom granted in Christ: “In their freedom from me, other people want to be loved for who they are, as those for whom Christ became a human being, died, and rose again... As Christ has long since acted decisively... before I could begin to act, I must allow them the freedom to be Christ’s” (DBWE 5:44).<sup>86</sup> Christ’s freedom claim refers to the presence and the future alike. So, in the analogue and in the digital realm we need to grant others the space to interpret their own lives and to search their own meaning. Valuing the subject-status of others precludes us from ‘framing’ them in our categories and from pre-empting their future ‘being’ and conduct. Releasing others into their Christ-related

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<sup>82</sup> Korsch further maintains that reciprocity is of course anchored in God – who opened it to us in his own self-sacrifice in Christ (1998:147, 156). In giving ourselves to others, we act in the spirit of God’s self-giving in Christ.

<sup>83</sup> The whole set-up of digital surveillance with its one-sided power usurpation, absence of real contracts and equality, lack of authentic mutual engagement and unilateral data exploitation imperatives is the systematic invalidation of ‘reciprocity’. Cf. 2.2.1; 2.2.2 and 2.2.7.

<sup>84</sup> Cf. 5.1.7; 5.2.5 and 5.2.8.

<sup>85</sup> Bonhoeffer addresses this issue of ‘overwhelming others’ in various contexts: With respect to personhood, in the context of his description of sin and with respect to his vision of a genuine community. Cf. 4.1.4 and 4.2.1.

<sup>86</sup> Ann Nickson summarizes Bonhoeffer’s thought like this: “To be free for others, means to respect... their formation in the image of Christ... It does not seek to manipulate, even for what might seem to be their best interests but frees them to be fully themselves in Christ” (2002:105-106).

freedom and not making them into an object in our thought world emulates God's way of releasing us into the freedom of his reconciliation.

A notion of freedom lived in community with others naturally leads us to 'privacy' as an essential aspect of personhood and human self-understanding.<sup>87</sup> Luther's and Bonhoeffer's theological approach gives us some helpful cues about privacy's place within a Christian understanding of reality. Within the concept of 'privacy', the issue of reciprocal respect for the boundary of others converges with the notion of trust and the possibility of self-disclosure in the protected space of mutual bonds. There is a close link between 'privacy' and 'freedom' because both have to do with a shared space into which we invite or have been invited, where relationships of trust can develop and where we can enjoy physical, intellectual and spiritual liberty without being judged or censored. Stoddart (2011:26) is convinced that privacy should be viewed "as a gift – given to us by God and which we give and receive from others". This would be another parallel with freedom in Christ.<sup>88</sup>

The mechanisms of digital surveillance obviously break into this 'safe space'<sup>89</sup> all the time. The multiple facets of digital privacy violations are just very specific forms of subtly undermining or unashamedly overwhelming others' personhood and limiting their freedom. Bonhoeffer's notion of others as barrier, however, implies that others' sphere cannot simply be invaded or claimed. And others' subject-status does not allow us to objectify them; since their freedom has been given to them by God, we have no right to take it from them. Our connection with our fellow humans rather impels us to enhance and preserve their freedom – for their sake and for the sake of our community. This entails that we accept their decisions about the extent of self-disclosure or 'secrecy', too. In doing that, we honour our relationship and their boundaries as persons.

Apart from drawing attention to the values of trust, genuine relationships, and mutual esteem for others' 'otherness', Bonhoeffer also reflects about 'shame' and 'truth' in the context of human reality and shared responsibility.<sup>90</sup> 'Shame' for him becomes an expression of human pain about the alienation from God and fellow humans which originates in sin (DBW 6:304-308).<sup>91</sup> One of shame's consequences is that "human beings live between concealment and disclosure, between hiding and revealing themselves, between solitude and community"

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<sup>87</sup> See 2.2.3. While the term 'privacy' may be a modern one, the concept as such has been part of the human consciousness for a long time.

<sup>88</sup> Cf. 3.2 and 4 1.4.

<sup>89</sup> Zuboff repeatedly speaks of "sanctuary" (2019:478, 492, 522), a term that carries the powerful connotation of 'shelter', 'refuge' and 'protection' and, of course, also has a 'religious' association.

<sup>90</sup> See DBW 6:304ff. and DBW 16:919ff.: *Fragment eines Aufsatzes: Was heißt die Wahrheit sagen?*

<sup>91</sup> This, of course, goes back to Adam and Eve's reaction to God's calling them after the fall. Cf. Gen 3:6-9.



(DBWE 6:305). Although secrecy is frequently part of ‘shame’, it is neither illegitimate nor inappropriate as such; it just needs to be understood in its significance for a specific human relationship. Truth has a particular role in this: In accordance with his penchant for the concrete and real Bonhoeffer insists that truth – just like ‘the good’ – is not a general or ‘absolute’ principle, but a concept that always refers to a concrete context of responsibility (DBW 16:620-621). Truth does not override every other value; it honours the bonds, in which we live and love, remaining appropriate to reality and reflecting the living relationships between people (ibid.:622-623).

Applying this insight to the digital surveillance paradigm means that there is no valid justification for claiming total transparency or a right to continuous privacy invasions for contested purposes like commercial gain, streamlined behaviour or ‘absolute security’. On the contrary, the importance of bonds of trust between people more than vindicates ‘secrecy’ to protect intimacy from the selfish intrusion of others. For Bonhoeffer the freedom of others as persons and the corresponding need to shelter the intimate space of human relationships takes precedence.<sup>92</sup> It is important to note that the weight of words is shaped by their surroundings; words become meaningless, empty, and ‘untrue’ when their original ‘*Sitz im Leben*’ within human bonds is ignored (DBW 16:623). The context is crucial: “The word spoken in the family is different from the word spoken at the office or in public. The word born in the warmth of personal relationship, freezes in the cold air of public exposure” (DBWE 16:605).

What this means is that the intimacy and the context of meaning associated with the relationships involved, is degraded or even destroyed,<sup>93</sup> by being exposed to the gaze and judgement of all.<sup>94</sup> An abstract insisting on truthfulness at all costs,<sup>95</sup> Bonhoeffer says,

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<sup>92</sup> Bonhoeffer uses the example of a child who is asked before the class whether it is true that the father often comes home drunk. The child answers in the negative, which is formally a lie. Bonhoeffer argues that the child did not have a choice if it wanted to protect the intimate sphere of the family, because the question as such was inappropriate (DBW 16:625).

<sup>93</sup> Hannah Arendt also thinks that life-relevant matters such as love and intimacy must be shielded from the intrusion and judgement of others to retain their meaningfulness and their exclusive character (1998:51-52, 70-73). Correspondingly she also locates private property in the private sphere, viewing it as a necessary element of humanity, as “a privately owned place to hide in” (1998:71) and – in keeping with her observations on ‘private’ and ‘public’ – as a place to shelter intimacy.

<sup>94</sup> As we take note of the contents and the effects of ‘social media’, the truth of this statement is evident every day. It explains why so many of the ‘self-revelations’ on these platforms have such an insipid aftertaste – being devoid of the authenticity, the depth and the magic that attains to their content in its original setting. What we can deduct from Bonhoeffer is that ‘intimacy’ should be honoured and not be ‘reproduced’ in a public setting. Its worth lies precisely in the exquisite joy of being ‘in on the secret’, part of something special and unique, and its exclusiveness in a protected sphere. Bonhoeffer’s quote on the ‘frozen word’ accurately captures the dissatisfaction, the ‘inappropriateness’ and the deep sense of ‘hollowness’ that many now associate with social media platforms.

<sup>95</sup> Here Bonhoeffer attacks Kant’s famous example of insisting on absolute truthfulness even towards a murderer seeking to get a hold of my friend who has taken refuge in my house. Bonhoeffer says that such ‘unsurpassed self-righteousness thwarts responsible action’ (DBW 6:280 – tl CS). The refusal to lie to protect my friend and ‘the refusal to bear guilt out of love for my neighbour brings me into conflict

‘destroys the living truth between people, violates shame, desecrates the mystery, breaks the trust and betrays the community’ (DBW 16:623 – tl CS). This is an apt rendition of what happens when a digital surveillance culture makes ‘total transparency’ its central cause and ‘privacy’ is violated without regard for the consequences.

### **5.3.6 Christian freedom as a servant-autonomy – a summary and reckoning about current notions of freedom**

So far, we have encountered a variety of the surveillance paradigm’s underlying and openly promoted freedom notions. Confronting them with a Christian understanding of freedom has enabled us to see that many of them are confusing and inauthentic. They not only distort our perception of reality but also obscure our view of ourselves and others. At the end of this section it is appropriate to put forward an understanding of freedom which unites its orientation towards Christ with a concept of ‘human autonomy’ that fits into our current times.

Luther, living in a pre-Enlightenment world, does not yet frame his understanding of freedom in terms of ‘individual autonomy’, even if he already incorporates many of its characteristics into his thinking. Bonhoeffer draws on the post-Enlightenment “adulthood of humanity” (Feil, 1985:182) when dealing with themes like self-direction, *Mündigkeit* and self-attribution, joined to notions of personhood and identity. Accordingly, for Bonhoeffer, ‘person(hood) is embedded in freedom. Insight is won in freedom, only in freedom can the existence of human beings comprehend itself... Act, meaning and freedom belong together. Thus, the essence of the person is freedom, autonomy, the coming-to-themselves respectively the being-with-themselves’ (DBW 2:42 – tl CS).

In Luther’s thinking, our calling is “to be free from ourselves, in charge of ourselves and responsible for ourselves” (Nürnberg, 2005:47) which corresponds to Bonhoeffer’s concern “with an authentic human freedom in which human beings are fully themselves” (Nickson, 2002:165). Both Luther and Bonhoeffer are convinced that no form of authentic human self-direction is possible without God because humans as wholes are not grounded in themselves but in the One who called them into being. Keenly aware of the “deceptive promise of total human autonomy” (Nürnberg, 2005:47), they share the insight into humans’ failure to procure their own justification and to accomplish their own salvation, that is, our human inability to ‘produce’ our own freedom.<sup>96</sup> To experience any measure of real independence,

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with my responsibility which is grounded in reality’ (DBW 6:280-281 – tl CS) and which calls me to act appropriately.

<sup>96</sup> Luther, of course, has not experienced the full impact of secularism but he understands a lot about the intricacies of human sin and the desperation that ensues from failed human self-reliance. Bonhoeffer is convinced that a human autonomy which seeks to liberate itself from the bond with God to gain ‘absolute freedom’, must necessarily fail and turn into its contrary: complete bondage (DBW 6:112-113) and ultimately ‘self-destruction of humankind’ (DBW 6:113 – tl CS).

we need to be freed by God. Thus, any Christian understanding of autonomy is always bound to him. The freedom of a Christian requires and encourages human maturity while it also acknowledges our utter dependency on the love and gracious judgement of God in Christ. Therefore, the true nature of Christ-related freedom is empowerment, both as release from crippling bondage and as inspiration for meaningful action for the good of others. God fully supports our efforts to be ‘autonomous selves’ – as beings who are called into a conscious, caring and lifelong commitment to others.

As a consequence, our attachment to Christ allows us to shed enslaving dependencies which not only keep us from truly being ourselves but also from building trust and serving other people. These are features like the unhealthy fixation on ourselves and our self-image, the reliance on material things and addictive conveniences, the obsession with success and power to gain (self)-acceptance, the craving for digital recognition or the permanent fear of others’ judgement. There is no more need for us to permanently show ourselves worthy before the (digital) tribunal of the world; we are free because we are loved by God and justified by his grace. The bond with God gives us shelter and direction, granting us the power to be God’s children and to act with legitimate authority and confidence. In this way the healing dependency on God becomes the most profound expression of freedom.<sup>97</sup> In saving us, God does not diminish our unique personalities or curb our capacity to reason for ourselves – in marked contrast to the surveillance paradigm which tries to silently obliterate our independence while making us believe that it leads us into ultimate freedom. But God’s reassuring love enables us to see ourselves and the world in the light of his truth, namely through his eyes, as his sinful and beloved creatures whom he has accepted and reconciled with himself.

The self-love which results from embracing this divine love then is no longer selfish, but appropriate and healthy. It provides us with the independence to let go of ourselves, equipping us to reach out to others, lovingly serving them, and looking out for their well-being.<sup>98</sup> Making use of our individual freedom to elevate, protect and help others involves dedication, discipline, renunciation and self-sacrifice – all of which has nothing to do with self-contempt or self-hatred. After all, self-giving can only happen if one is conscious of one’s worth through the experience of being loved and valued – a truth that is epitomized in Luther’s lordship-

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<sup>97</sup> For this reason, Luther characterizes Christian freedom as the empowerment to be both “a free Lord of all” as well as “a dutiful servant of all” (MLBTW:596) which of course includes serving God. And Bonhoeffer describes the bond to God as an inherent structure of human life, which facilitates freedom in the first place (DBW 6:256, 284).

<sup>98</sup> Luther describes this twofold reality of ‘being sheltered’ and ‘being driven to move out’ in the correlation between love and faith as the material content of Christian freedom: “A Christian lives... in Christ through faith, in his neighbour through love” (MLBTW:623).

servanthood-paradigm. The haven of God's mercy enables us to put others' needs before our own; at the same time our ability to put ourselves into the service of others also confirms our 'lordship' in Christ. Luther's entire approach leaves no doubt that the 'servanthood' of the believer never ceases to be the choice of an 'autonomous' person who has been rendered free and sovereign by a loving God in Jesus Christ.<sup>99</sup> Correspondingly, human autonomy in the context of Christian faith can only imply a 'coming into our own' as people who belong to Christ, conforming to him and adopting his way of being a lord and a servant.

Härle, in reference to Luther, speaks of a "theonomy" (2005:93) which does not abolish freedom but facilitates it through limiting the claims of heteronomy (other people) and autonomy (own self) to allow for God's 're-creation' of the human being. Bonhoeffer coins the very similar term of "christonomy" (DBW 6:406) 'to overcome the contrast between heteronomy and autonomy in favour of a higher unity' (ibid. – tl CS). We are neither controlled by others nor self-directed without God: we are Christ's. For Bonhoeffer, this means that 'the unifying centre of human existence no longer consists in human autonomy but... that it is found beyond the own self in the person of Jesus Christ' (DBW 6:278 – tl CS).<sup>100</sup> Since Christ is our creator, reconciler and redeemer, Bonhoeffer states, his rule over us is not 'heteronomous' and his commandment does not impose a 'foreign law' on us (DBW 6:406). Doing God's will corresponds to our very own calling as 'people for others'. Being rooted in Jesus Christ as the origin, essence and goal, enables us to be transformed into our very own person in the image of Christ, following our own innate law (DBW 6:83, 262-263, 269-270, 406).

In conclusion, we can say that the authentic way to embrace our liberation in Christ is in a 'servant-autonomy' which gives new meaning to the contemporary notion of 'self-realization'.<sup>101</sup> Its emphasis is no longer on our ability to be independent of others but on its potential to bring us closer to others, creating fellowship and strengthening our bonds with one

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<sup>99</sup> Neidhart (1990:234) in his article on 'Heteronomie, Autonomie, Theonomie als Leitvorstellungen einer 'vita christiana' ' quotes Erich Fromm as an interesting parallel to a Christian notion of autonomy: 'Obeying my own reasoning or acting according to my own conviction is not an act of subjection but an act of affirmation. My conviction and my judgement are a part of me. If I follow them, then I am really myself' (tl – CS).

<sup>100</sup> The apostle Paul grounds his new 'self', and his newly won 'autonomy' as a person in his union with Christ: "For through the law I died to the law so that I might live to...it is no longer I who live but Christ who lives in me" (Gal 2:19-20a, LSB/ NRSV, 2009). In his reflections on ethics as confirmation to Christ Bonhoeffer (DBW 6:82) refers to a well-known hymn based on Phil 1:21 which contains a similar image: "*Christus der ist mein Leben*" / "For to me, living is Christ" (LSB/ NRSV, 2009).

<sup>101</sup> Hans-Martin Barth's assessment that "it would be anachronistic to impose on Luther's theology the problem of self-realization in its present ego-related form" because "Luther was not interested in the individual understood psychologically" (2012:215), is certainly accurate. And yet we can still reap the fruits of Luther's insights for a renewed view of the whole issue of 'self-realization' today.

another. For Luther and Bonhoeffer commitment and self-sacrifice are not in contrast to human autonomy but an integral part of it. Thus, for Christians, 'self-realization' can never be devoid of love and consideration for the needs of others because it is ultimately an expression of our new 'being' and creaturely freedom in Christ. Dedication to God, others, and our co-creation is the only sustainable form of 'self-realization' and the only 'autonomy' worthy of the name.

## **5.4 Ethical consequences of a Reformation-based theological approach for digital monitoring and digital interaction**

### **5.4.1 Ethical action within a web of different factors, constellations of responsibility and directions of impact**

How we interpret reality, understand ourselves and realize our scope of freedom is, of course, inseparable from what we do and how we interact with others. Hence the previous sections already contained multiple pointers to appropriate Christian action in view of digital monitoring and digital exchange. This final section now intends to explicitly focus on them. While it cannot be a detailed elaboration of a 'surveillance ethics', it nevertheless intends to be a practical theological implementation for a sustainable Christian conduct regarding the digital sphere. In this way it could possibly be a contribution to a roadmap for further discussions within the Christian church and between Christians and Non-Christians.

Ethical action referring to a digitally monitored reality unfolds within a dynamic web of 'soft' and 'hard' factors. There are human sensitivities, relationships and responsibilities on the one hand, and there are different entities, institutions and technological facts on the other hand. Identifying these different elements will not only allow us to better understand our own range of possibilities, but it will also help us sharpen our Christian perspective and preserve a sense of direction for our own action. Building upon this framework, Luther's and Bonhoeffer's essential ethical guidelines will then be distilled from their overall theological approach and combined with some contemporary criteria for appropriate moral conduct. Applied to the specific subject of digital interaction these criteria will lead to several concrete suggestions for (individual) Christians, including recommendations for attitudes with regard to the digital realm as well as practical Do's and Don'ts for navigating ubiquitous 'data availability'. The last subsection will extend the scope of Christian ethical action into the 'public sphere', looking at the wider ethical responsibility of society with its different institutions for reining in the negative effects of digital monitoring. Christians' relationship with the state and the latter's specific role in regulating the digital realm will also come into focus in this context. These considerations then naturally flow into a vision for a more appropriate form of surveillance and a different kind of digital culture as such.

One of the most important aspects for an effective Christian response to digital monitoring is the notion of responsibility. It unfolds on different levels: We are responsible towards ourselves, towards and before others and for our co-creation.<sup>102</sup> Huber (2015b:90) speaks of “individual, social and environmental responsibility” – which for Christians also contains our ultimate accountability before God (Härle, 2005:92; Huber, 2013:121). Given the ever-increasing technological capabilities with far-reaching consequences for our natural environment, our horizon of responsibility also extends to the future and the generations to come (Huber, 1993:576; Huber, 2013:119; Huber, 2015a:5; Jonas, 1984:IX.X.12ff.).<sup>103</sup>

Closely related to this is our global connection as inhabitants of the same planet. This interdependence engenders a new form of commitment towards those whom we may not know in the flesh, people who are only ‘virtually real’ to us or who may live on the other side of the globe, but for whom our actions or non-actions in the analogue and the digital world may nevertheless have palpable consequences.<sup>104</sup> Bonhoeffer already addresses this ‘extended responsibility’ when he says that neither love nor commitment can be strictly limited to those who are close to us in terms of place, relations or citizenship (DBW 6:297).

In addition, our action is not only directed at varying counterparts – individual people, companies, institutions – it also involves different spheres and configurations: Apart from our personal conduct as individuals in our immediate environment, we can also take our actions further into the public domain of society on a political-social-community level, as individuals or groups.<sup>105</sup> This then necessitates further reflections about the relationship between the private and the public setting, the different role players involved in it, and the relevance of an ethics in the public domain and on an institutional level.

Our ethical response will also depend on the different forms of digital monitoring itself, their respective origin, specific purposes and our own role in it. Accordingly, we will have to differentiate between action in view of state-instituted surveillance and our reaction to commercially driven data tracking and data storing while we remain aware of the entire digital ‘culture’ and our individual part in shaping it. All these frameworks of responsibility, areas, and forms of ethical action, together with the various spheres of surveillance are of course entangled with one another in an intricate network of reciprocal dependencies, connected by

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<sup>102</sup> Accordingly, the core of a theological ethics “is the self-transcendence of the human person in his or her relations of responsibility” (Huber, 2015a:7).

<sup>103</sup> Lyon speaks of the necessity to develop “technological citizenship” (2003:160).

<sup>104</sup> The dramatic consequences of global warming through increased carbon dioxide emissions or the pollution of the oceans for certain parts of the world are just two of many examples.

<sup>105</sup> Based on digital dissemination and permanent internet accessibility every ‘private action’, of course, can instantly become ‘public’ and the distinctions have lost some of their relevance.

the central force of us as human beings who act and are acted upon. All together they determine the shape and the scope of what we do or refrain from doing.

In reference to the 2<sup>nd</sup> chapter of this thesis, we are still aware of the many theoretical and practical obstacles to a coordinated and adequate response to surveillance's ills.<sup>106</sup> However, our insufficient insight into the complex dynamics and consequences of surveillance in combination with our undeniable dependency on the digital for daily life cannot be a justification for inaction. Christians can never make peace with indignity and dehumanizing practices. In his *Ethics* Bonhoeffer speaks of "certain economic or social attitudes and conditions" (DBWE 6:361) as a combined 'package' of 'states of the heart, life and the world' (DBW 6:154 – tl CS) that weigh so heavily on individuals and society that they hinder faith and the receiving of grace, leading to a deep unfreedom and destroying the essence of humanity (DBW 6:153, 363). Our assessment up to this point has shown enough reasons to argue that current digital surveillance culture and its effects can indeed represent such a 'heavy weight' and hindrance to a genuine God-willed humanity.

Bonhoeffer draws the conclusion that as Christians we need to confront and oppose any such destructive order that undermines humanity and obstructs the flow of liberating divine grace. In terms of digital monitoring, this means we cannot just resign ourselves to the status quo; we need to overcome the paralysation and the feeling of being overwhelmed by the enormity of the task. Protecting ourselves from a sense of resignation from the outset, we need to act on the things we have already grasped in a spirit of sober realism and hopeful perseverance. As we seek our way through complexity, it will be helpful to break down ethical action into smaller and comprehensible steps, without losing sight of the bigger picture.

There are three basic areas or directions of impact where our ethical action regarding surveillance can unfold. In the first place, we can help create and cultivate a general culture of kindness, acceptance, trust and love in the analogue world. Following Luther's precept to resist evil and foster the good, we can enhance an environment where individuals as well as communities can grow and flourish. The experience of acceptance, commitment and real bonds can be a cushion against negative experiences connected to the digital, a rescue net saving from despair, a force for good to make people feel sheltered and acknowledged. Furthermore, as role players in the digital sphere itself we need to act in the same spirit, bringing to bear Christian values for our 'digital behaviour'. Because we are conscious of our calling as God's creatures and advocates of his reconciliation, we have to denounce the abusive sides of surveillance and reject the mindset that undergirds them.

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<sup>106</sup> Cf. 2.3.

And, thirdly, we need to engage in active resistance against inappropriate monitoring by neither abetting it nor actively taking part in it. This opposition can take the form of practical countermeasures that try to heal or seek to undo the damage of monitoring and data exposure. And it can also consist in alternative action in the digital realm. In view of the fact that digital tracking and data collection as part of our modern lives are here to stay, it will not be enough to just fight its evils. The challenge for Christians and all those who want to ensure a dignified future for humankind, will be to create a different digital reality, one, where the focus is on the care, protection, and greatest possible benefit for as many humans as possible. In this sense our ethical action must help shape and enforce the positive aspects of digital communication and data availability, claiming it as a collective field of human interaction and human responsibility.

#### **5.4.2 Contextualizing Luther and Bonhoeffer's guidelines for ethical action**

The analysis of Luther's and Bonhoeffer's theological and anthropological approach has revealed that freedom, love, responsibility, and obedience make up its inner framework. Accordingly, they also become the overarching structures governing ethical action. Both theologians interpret ethical action as the most appropriate realization of the creaturely freedom reinstated in Christ's sacrificial self-giving. Since this freedom is given to be shared, it is always directed towards others: Liberated children of God use their scope of action to serve others and to enhance their well-being (MLBTW:617ff.; DBW 3:58-61; DBW 6:256, 258, 289). For Bonhoeffer, being a Christian and acting 'in conformation to Christ' (DBW 6:78, 81-83, 125) is the life-long exercise of putting into practice the new humanity exemplified in Jesus Christ (DBW 6:79, 219, 255-258); Luther integrates this concept into his understanding of Christian servanthood in emulation of Christ (MLBTW:618-619) describing it as the continuous challenge to "become a Christ to one another" (MLBTW:619). The most poignant expression of such loving responsibility for both theologians is "vicarious representative action" (DBWE 1:146) which encompasses every manner of standing in for others, shouldering their burdens and even taking their sins upon us for the sake of protecting them and ensuring their well-being (MLBTW:619, 623; DBW 6:320, 256-259, 289).

Acting for the best of others corresponds to God's will which has been revealed in his word and in the person of Christ: God wants a world in which justice reigns and righteousness is established, a reality where love abounds and all that is evil and deadly is overcome, so that true life can flourish in all its variety and beauty. This requires that human beings are saved from sin, evil and crippling dependency to lead meaningful lives as mature, responsible and liberated creatures in loving bonds with one another, their fellow creation and their creator and saviour. Ethical action then is nothing other than contributing to making his divine will a



palpable reality – for others and in fellowship with them (MLBTW:602, 610-611, 619; LW 45:99; DBW 6:320-321, 329, 364, 383-384, 406-408).

In parallel to biblical thought the Reformer and the Berlin theologian see the will of God as becoming comprehensible and concrete in the divine commandments (MLBTW:476ff.; 605, 610-611; DBW 6:287-288, 360, 381-384). Hence the sum of the commandments is the only imaginable content of a Christian ethics for Bonhoeffer (DBW 6:381), representing ‘the compassionate and holy God’s all-encompassing and tangible claim to human beings’ (DBW 6:381 – tl CS). Luther invokes the same truth in stressing the inseparable connection between a proper understanding of freedom as commitment – made possible by Christ’s deputyship and our new ‘status’ in him – and the faithful adherence to the commandments as the hallmark of discipleship of a servant-Lord (MLBTW:476ff.; 605, 610-611). Freedom in Christ as the gift of “righteousness, grace, life and salvation” (MLBTW:597) empowers Christians to bestow justice, compassion and life-giving help to others in turn.

Even if Bonhoeffer’s choice of metaphors is different, he nevertheless arrives at the same conclusion. His central lens is God’s love, acceptance, judgement and reconciliation in the person of Christ (DBW 6:46, 48-51, 222-223, 227, 263, 266). This ‘reconciliation-reality’ must determine our entire attitude: We need to see ourselves and others through the eyes of a compassionate and righteous God who has embraced real human beings in all their fallibility (DBW 6:86, 231, 237). Being mindful that we are beloved, but sinful children of God is the gauge for all appropriate ethical action because it makes way for compassion, understanding and forgiveness but also for a clear and uncompromising No to evil, injustice and dehumanization.<sup>107</sup> In this way our action corresponds to God’s Yes to the sinner and his No to sin.

Obviously neither Luther nor Bonhoeffer are situation ethicists – they unequivocally rely on established values, norms and reliable patterns of behaviour. And within this approach the decalogue and the threefold commandment to love God, yourself and your neighbour as concretions of freedom, love, responsibility and obedience serve as clear guidelines to them (MLBTW:616-623; DBW 6:287-288, 382ff.). But this does not spare us the effort to readjust them to the concrete situation. We need to constantly probe the meaning of being free, of loving, assuming responsibility and being obedient to God in new circumstances, and then

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<sup>107</sup> Since both theologians completely agree in this assessment of the human situation before God and the divine will to save, they also both emphasize the necessity to bring the gospel – as the proclamation of the justifying grace of Christ – and the law – as God’s condemnation of sin and evil – to bear as the twofold expression of God’s love for humanity (MLBTW:600, 616; DBW 6:359).

develop suitable action (DBW 6:220, 260, 267, 321, 325).<sup>108</sup> Both Nürnberger (2005:115) and Bonhoeffer (DBW 6:97, 288) subsequently refer back to Luther's emphasis on contextualizing the commandments and creating "new decalogues".

Hence Luther would prod us to ask: What is in my power to do for the benefit of others in a digital environment? How can I help them in difficulties, relieve their suffering, support them in their needs and protect them from harm and evil? How can I help others to live and to flourish as children of God and sisters and brothers of Jesus Christ? Bonhoeffer's ethical self-examination would take us into a similar direction: How can I through *my* actions help others to be 'real human beings before God' (DBW 6:86) – in other words human beings who are aware that they have been unreservedly accepted and loved by a gracious God who is also the judge of their lives? How can I through my words and deeds convey to others that God in Christ has called them into his healing presence to live freely, responsibly and lovingly? And how can I make others feel respected, loved and taken seriously, empowering them to be what God called them to be and making use of their freedom in a constructive way?<sup>109</sup>

So, with respect to the realm of the digital this means that we need to examine: What precisely is the will of the God who wants life to thrive in terms of our digital communication? What does love for our fellow humans require us to do in an environment where people are digitally denigrated and slandered daily? What form does our responsibility take when others experience patronizing, exploitation, injustice, exclusion, and categorical suspicion on the basis of abstract digital procedures? And taking direct cues from the commandments we can ask: What does it mean not to worship idols or to fall prey to false images in a world suffused in digital imagery? How do we avoid colluding with 'deadly behaviour' and speak the truth instead of bearing false witness in the digital realm? What does it mean not to succumb to envy and jealousy and not to take away what belongs to others in a framework of global connectedness? The answers to these questions seem simple at first glance and yet they are often fraught with difficulties when it comes to detail. But this cannot be a pretext for not trying to find an answer.

Luther as an unshakable believer in the enduring value of loving commitment despite human depravity draws on the depth of divine love as a fountain of strength. And Bonhoeffer reminds

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<sup>108</sup> Luther's considerations in his *Freedom Treatise*, his *Treatise on Good Works* and his *Catechisms* and Bonhoeffer's deliberations in his *Ethics* show this very clearly (MLBTW:595ff.; MLAS Vol 1:38-149; Book of Concord, 2000:345-480; DBW 6:220, 260, 267, 321, 325).

<sup>109</sup> Bonhoeffer repeatedly insists that ethical freedom consists in the courage to make concrete choices and to act upon them (DBW 6:65, 274, 285, 288; DBW 8:22, 571). This 'ethical flexibility' seems to latch on to the apostle Paul's criterion for the appropriate use of freedom in 1 Cor 6:12, 23. In saying that "everything is permissible" Paul does not advocate a license to sin at will, but challenges us to reflect on what precisely is appropriate in each situation and to ask what is actually beneficial and constructive for individuals and for a community as a whole.

us, what acting responsibly, in other words, in accordance with God's reconciliation-reality involves: considering both the limits and possibilities of the concrete situation on the one hand and the truth of human sinfulness and God's healing forgiveness on the other hand (DBW 6:221, 223, 260). In this way, their approach to ethical action combines pragmatic realism and faith in human empowerment (grounded *extra nos*) with love for human beings and an appreciation for human relationships *per se*, which makes it well suited to be combined with Nissenbaum's notion of "contextual integrity" (2011:33).<sup>110</sup>

This concept, first applied to the problem of privacy, is certainly also pertinent to many other issues arising in the wake of digital monitoring. 'Contextual integrity' assumes that every specific context of human interaction has certain purposes and relies on certain values, involving expectations and (sometimes unspoken) norms (Nissenbaum, 2011:33ff.). These determine the amount and nature of information that is shared, the degree of self-disclosure and intimacy as well as the way in which trust is conveyed and preserved.<sup>111</sup> Since online activities are deeply embedded in social life, many relationship structures from analogue life reappear in the digital realm – such as for example doctor–patient–confidentiality, dealing with one's bank or communication with friends – which suggests that similar norms, values, and expectations could or should apply (Nissenbaum, 2011:33, 37-39). Within the different communication contexts and life situations, some agreement on these values is vital to do justice to the specific purpose of the (communication) interaction and to the people involved. "The 'contextual integrity' is preserved when these informational norms are respected, it is violated when they are not" (Doyle, 2011:99).

Luther's and Bonhoeffer's theology adds the crucial perspective of the *extra nos* of faith and the relationship with God to this pragmatic, empathetic approach that is clearly oriented towards embodied reality. In terms of the 'appropriateness' of an ethical action Bonhoeffer moreover emphasizes that it is necessary to acknowledge the inner logic of things (*Wesensgesetz*) (DBW 6:270)<sup>112</sup> as well as all things' basic orientation towards God and the benefit of human beings (DBW 6:269). This is part of the human assumption of responsibility and an adequate response to the requirements of reality which will ultimately also honour the role of other humans. 'Contextual integrity' is similar to the two theologians' take on reality in that it unites the objectives of the situation with the need to preserve the integrity of the persons involved. If we now apply the ethical criteria of freedom, love, responsibility and obedience in

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<sup>110</sup> Cf. 2.2.3.

<sup>111</sup> This would imply, for example, that there are considerable differences between the group context of a classroom and our communication with our health insurance, or between the exchange with our tax authority and a meeting with close friends.

<sup>112</sup> Cf. 4.4.1.

combination with the principle of ‘contextual integrity’ to the ethical challenges posed by digital monitoring, we can – in full awareness of the intricate web of different levels, areas and forms of responsibility – conceive of a number of concrete ideas as to what we can do or refrain from doing as Christian participants in the realm of the digital.

### 5.4.3 Concretions for our individual ethical actions

#### *Respect, acceptance, forgiveness and a non-judgemental attitude*

Showing love towards others begins with encountering them with an open mind, conveying that we are willing to get to know them and to assume their best intentions. Such an ‘anticipatory acceptance’ refrains from quick judgement and a blanket rejection of others’ ‘otherness’ just because it may be unfamiliar.<sup>113</sup> This attitude is all the more important in a digital environment where every utterance is magnified disproportionately while there is at the same time a perceived distance from real people with their feelings and needs. Precisely because the awareness of the other person as a physical and concrete being tends to be diminished, there is a great danger that cruelty or indifference are exacerbated in the digital medium. The ongoing reference to and reminder of analogue life therefore remains an essential criterion.

We should never ‘hide’ behind digital ‘anonymity’ to discard basic human decency – which includes that we should never say things ‘digitally’ that we would not also have the courage to say to people’s faces. So, in case of conflicts and differences Christians must remain disciplined and respectful and any digital comments, whether on social media, blogs or in e-mails must remain appropriate to the cause and never become degrading. Denigrating, threatening, or attacking others online is not an option for Christians – we cannot in any way add to a climate of hate, contempt and slander<sup>114</sup> where others are disrespected and exposed to additional danger or aggressions<sup>115</sup> because this would be the exact opposite of our calling to protect others from harm.

In order to build lasting relationships, we need to cultivate trust instead of dwelling on suspicion and preconceived opinions. This includes the readiness to take another person’s perspective and to show empathy and compassion. Approaching others with the will to understand and to

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<sup>113</sup> God’s unconditional acceptance enables us to do this, as it overcomes our sinful ego’s tendency to incorporate and overwhelm others. Romans 15:7 pinpoints this attitude: “Accept one another, then, just as Christ accepted you” (NIV, 2008).

<sup>114</sup> The New Testament letters are very clear about that: “Get rid of all bitterness, rage and anger, brawling and slander, along with every form of malice” (Eph 4:31-NIV, 2008). See also Eph 4:25.29; Col 3:8.

<sup>115</sup> Every aggressive or hateful comment on the internet encourages others to add their voice and to feel justified in their aggression, and in this way evil is multiplied. Christians cannot be complicit in that.

connect does not mean naiveté nor does it preclude reasonable caution, but it is the basis of any sustainable human interaction. The ability to trust is threatened by the parallel world of data availability, digital perception, and communication because this digital reality claims to be able to verify others' trustworthiness via data assessment.<sup>116</sup> As Christians we must be careful not to fall prey to this assertion of 'totality' and remain aware that the informative value of data is always partial in nature. We need to remain vigilant that the digital's inherent tendencies of detachment and decontextualization do not predetermine our judgement and overshadow our encounters with flesh-and-blood people, keeping us from really getting to know them and opening ourselves in relationships of trust.

Taking God's reconciliation-reality seriously and fulfilling his will implies that we need to treat others like God did in terms of accepting, valuing, loving and empowering them. Wherever our deeds reflect God's own kindness and compassion, we contribute to others' self-acceptance and amplify God's liberating judgement. In this way we can help our fellow humans to be genuine human beings who entrust themselves to his divine presence. The justification by grace that we have experienced and that we know to be the truth in Christ, makes it impossible for us to adopt the judging and condemning spirit prevalent on the internet – instead we must fight and oppose it wherever we encounter it in ourselves and others. Categorical suspicion, (racial) bias, pre-emptive and exploitative classification are incompatible with the divine love and the gift of freedom in Christ. Christians cannot participate in schemes that determine people's worth by their place in a pre-determined category or judge them on the basis of origin.

Here, like before, we need to follow the example of Jesus who included instead of excluding (Stoddart, 2008:416) and thus created new community. In the same vein we cannot reject or pre-categorize others based on past actions, but we need to grant forgiveness and facilitate new beginnings. Our task is to encourage others in their efforts to change for the better, leaving destructive behaviour towards themselves and others behind (e.g., bad business practices, violence, self-harm or addiction). And where such reversal has already occurred, we need to acknowledge it without nailing others forever to their past – for the sake of the One who let himself be nailed to the cross to free us from the manacles of sin. Just like the path to the

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<sup>116</sup> One of the latest expressions of this trend are the multiple internet sites that brand themselves as 'truthfinders' which – for payment – do background research on individuals based on publicly available records. The whole rationale draws on an anticipatory assumption of suspicion about a person, which is then either 'cleared' or confirmed through the records. Karen Levy (2021), in an article discussing the pros and cons of such 'vetting' for potential partners offered by dating sites, warns about the trade-offs, concluding: "Introducing this level of data use into the intimate sphere seems at odds with how we typically learn about one another – gradually, and with the benefit of context."

future has been opened to us by God's forgiving love, we must likewise facilitate a future for others through our action in the digital and in the analogue realm.<sup>117</sup>

*Valuing other people and ourselves as 'whole persons' and 'digital subjects'*

The apostle Paul's advice to 'be transformed by the renewing of our minds in Christ' (Romans 12:2) is especially topical regarding the issue at hand. As Christians we cannot adopt the mindset of a utilitarian risk calculus which ranks people according to their usefulness for a determinate cause. Nor can we subscribe to digital abstraction which defragments and objectifies people, neglecting their personal situation and their needs while producing 'abridged versions' of them. The biblical perspective on reality, human life, and the make-up of human beings leaves no doubt that humans must be regarded in their entirety with their body, mind and soul and that our efforts for others' well-being must take all those aspects into account.

Our actions in the digital realm – whether they concern comments, exposure of data or unfair categorization – are not simulations like in a video game, they have palpable consequences in the 'embodied lives' of others. People to whom we only relate on the abstract level of the digital, still have real feelings, and our actions, however minor they may seem, can easily become part of a broader impact that is detrimental to them. Knowing that all our digital statements can be irreversibly tracked and collected, (ab)used and amplified, we need to take even greater care to respect others' personalities and to not inadvertently hurt or endanger them.

As Christians we must never lose sight of the physical reality of worldly life and the aim to do justice to other people. In this vein digital communication is a vehicle to enhance real-life relationships and not an end in itself.<sup>118</sup> Whether in the analogue or in the digital sphere, we need to learn to appreciate real people with their stories and life experiences. We need not digitally 'eternalize' every moment of our lives for it to be valuable.<sup>119</sup> As we listen to others' perspective and try to really get to know them, we will be more cognizant of the fact that any details available about others in digital form also reflect others' inner lives as part of their self-understanding and subjective 'meaning-making'. Such an awareness, joined by respect for the unique subject-status and the inviolable dignity of others, has multiple consequences.

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<sup>117</sup> Cf. 5.2.3.

<sup>118</sup> The Covid-10 pandemic's grip on the world since 2020 and all the restraints it has meant for life as we knew it, has brought home to all of us very clearly how valuable personal contact, the eye-to-eye encounter, the physical presence and a 'live' conversation with others is, and what a deep loss it is not to be able to enjoy the 'analogue sphere' as part of genuine life.

<sup>119</sup> Paradoxically, for many people presenting their lives via the digital seems to have become the proof of reality as such, following the motto: 'If it is not on Instagram or Facebook, it didn't really happen.'

Firstly, it will help us dispense with any phantasies of omni-perception and comprehensive control. Gaining leverage over our fellow humans by invading their sphere is not only inappropriate for people in a healed fellowship with God, but also counterproductive to sustaining relationships of trust. Keeping digital tabs on our partners and/ or children via apps or secretly reading their digital correspondence with others would be an example for such a control attempt.<sup>120</sup> We need to make peace with the fact that our knowledge of others will necessarily remain incomplete and entrust ourselves to the 'risky' process of creating and maintaining mutual trust which is much more valuable and exciting than 'knowing everything'.

Secondly, not trying to control others also means that we must bury any dreams of exercising power through exploiting people's data and privacy for personal gain, be it in the form of financial advantages or 'status elevation'. Using others for our purposes and making them into objects to create advantages for ourselves not only disregards our shared origin in God, but it is also contrary to the new humanity that we have been gifted with in the person of Jesus Christ. Accordingly, we need to deal with other people's personal information in the form of texts, videos or photos with utmost diligence – they are not our possession and nor are the 'subjects' behind them.

Thirdly, acknowledging others' space and boundary as independent persons also implies that we do not violate the trust others have placed in us in the context of a certain professional function or by virtue of our friendship. We need to recognize their right to determine the extent of their own self-disclosures and grant them leeway to keep their own secrets. As Christians we should therefore be circumspect as to what kind of data about others we share with whom and in which context, and strongly consider asking others' consent before doing so, simply because we cannot always know in advance what sort of ramifications this release of data could possibly have for them.<sup>121</sup> Responsibility for protecting others from harm and caring for their well-being definitely includes keeping their safety in mind and not making them vulnerable to commercial exploitation, stalkers or other bad actors.<sup>122</sup>

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<sup>120</sup> This is a good example for demonstrating the relevance of 'contextual integrity' because it begs the question: Would we secretly read our loved ones' letters, scrutinize their diaries or listen in to their phone calls? And what would it say about the nature of our relationship if we did?

<sup>121</sup> A 2016 study found out that many children and teenagers have considerable reservations about their parents' social media posts about them. They would like to have a say in it and have more control over their 'digital identities' (Dell'Antonia, 2016). This is another argument for the importance of 'consent'.

<sup>122</sup> The amount of people whose lives have been destroyed or who have taken their own lives because they were shamed, attacked and made to feel worthless through the comments of others on 'social media' is permanently increasing. Hiding in the 'anonymity' of the internet to threaten, slander, and humiliate others is certainly one of the vilest and most cowardly options possible in the repertoire of evil, simply because it objectifies others while completely dodging personal accountability for one's own acts.

Fourthly, this care may also include ourselves – as Christians we need to resist the temptation to expose our most intimate details to seek digital validation. There is no need for it because we have been ‘validated’ and justified in and through Jesus Christ. Subsequently self-protection and appropriate self-restraint are a legitimate attitude for people who are called to love themselves because they have been loved and accepted by a gracious God. Moreover, the same divinely inspired love may also lead us to hinder others from endangering and exposing themselves by careless over-sharing.<sup>123</sup>

Furthermore, the same caution and diligence in dealing with other people’s data is also appropriate in terms of professional and personal e-mail-communication or messaging. Just because these can easily be forwarded, it doesn’t mean that they should be, and much less without knowledge or prior consent of the sender. Once again, expectation horizons and contexts may vary and some agreement between the concerned parties on the norms involved might be necessary.<sup>124</sup> Naturally there are differences between official communication or business correspondence and e-mails that are the electronic equivalent of a personal letter.<sup>125</sup> But as a basic principle there should be no unreflected digital passing on of information, no matter how small or big the network. Latching on to fair information principles, data distribution should be confined as closely to the respective purposes and user groups as possible.<sup>126</sup>

Finally, a conscientious approach to other people’s data also involves responsibility for the safe-keeping of information stored under our auspices. In this regard, data-wielding organizations like state authorities, health insurances or commercial enterprises like airlines, banks or online services – and the individuals who work for them – have a special ethical obligation to exercise care and to invest in data security to protect critical personal information

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<sup>123</sup> Here, parents have a specific responsibility in protecting their children against the dangers of the internet by setting clear limits. While this protection could include technical restrictions, it primarily involves being available to listen to their woes and worries, and maintaining a trusting relationship. This will create the space in which to teach them to share their own and others’ data in a responsible manner.

<sup>124</sup> There are, of course interest groups (with a limited number) where data and information are exchanged freely – based on the contextual integrity of similar examples in ‘analogue life’ and dependent on a code of trust that the members of the group respect because they know each other personally or professionally.

<sup>125</sup> So, in terms of contextual integrity we might then have to provide more clarity about our mutual expectations. And we would then have to ask: (Under which circumstances ) would we share this message with someone else without the sender’s knowledge if this was a letter that was addressed to us in a closed envelope?

<sup>126</sup> In this vein exposing everybody’s e-mail-address in a mass e-mail to a huge number of people is just as inappropriate as answering individuals’ requests for the contact details of determinate people on a neighbourhood WhatsApp group by posting them for all to see instead of sending a private message. Such things are usually not the result of bad intentions but rather of a lack of care, simple thoughtlessness or ignorance. But these little incidents confirm the necessity of a greater awareness of consent and an increase of care in our digital dealings, because in the digital realm small mistakes can have huge repercussions and are almost impossible to undo.



from being hacked and abused. But on a smaller scale this also concerns all of us in our ‘private communication’: We should be meticulous in avoiding any action that jeopardizes others’ information, but instead keeping others’ data as secure as possible, just like we would preserve certain facts that we have been told in person.<sup>127</sup>

Not least of all, by making the necessary provisions for protecting our own data, we also shield those of others. Dealing responsibly with information that has been entrusted to us not only shows that we respect others as persons, but it also plays a part in making them feel more sheltered. It is one of the many ways of confirming to others that we are reliable friends, trustworthy colleagues and honest business partners – in the analogue and in the digital world.

*Preserving our own new-found freedom and upholding the freedom of others*

Freedom, of course, is a critical aspect of the integrity of the whole person. It is so-to-speak the brace that holds our ‘I’ together. Therefore, it also deserves to be in the focus of ethical action. As brothers and sisters of Jesus Christ our creaturely freedom has been restored and we have been gifted with the ability to be free lords and servants alike. There is thus no need for us to exchange this independence for the dependency on the many tools of digitally monitored life. Huber (2013:161-163) invokes Paul’s stance in 1 Cor 7 to ‘have as if one had not’ as a helpful aspect for a Christian ethos. It describes the attitude of being grateful for granted blessings while not being a slave to (possessing) ‘things’ or having a certain status. Ultimately, it is not ‘having’ that determines our identity, but ‘being in Christ’. As a consequence we need not shun responsibility. Nor do we need to fear risk and uncertainty as our enemy but welcome them as tokens of our God-given freedom potential.

Our liberation in the union with Christ can then also remind us not to confound real freedom with comforts and conveniences. Participating fully in the world does not mean that we have to follow every new digital trend, succumbing to the subtle pressures of ubiquitous device-linking and the underlying behavioural modification patterns. Insisting on our independence and self-attribution allows us to resist patronizing and equalizing, and to remain “the friction” as Zuboff (2019:520) puts it. In this way we defend our freedom space, cherish individuality and claim the right to ‘quirkiness’ for ourselves and others. Resisting ubiquitous predictability will help us connect with others and put our trust in the human ability to solve problems and to improvise instead of being completely helpless without digital devices.<sup>128</sup>

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<sup>127</sup> Luke 16:10 could apply: “Whoever can be trusted with very little can also be trusted with much, and whoever is dishonest with very little will also be dishonest with much” (NIV, 2008).

<sup>128</sup> Cf. 2.2.4. In a *New York Times* article ‘My phoneless 11-year-old was lost in Manhattan and survived’ Micaela Birmingham (2020) tells the story of her daughter navigating herself calmly through an emergency on the basis of correctly assessing social cues and asking for help where she could find it.

As Christians our first allegiance belongs to God and to other people and the goal of our life cannot be that it is as painless, easy and comfortable as possible, but rather how it can be as meaningful and constructive as possible. We should therefore examine very carefully in which way our own participation in the digital as a dominant facet of contemporary life hinders or fosters our Christian freedom and our ability to serve other people.<sup>129</sup> And we need to weigh the supposed short-term benefits of being digitally tracked against its long-term role in constructing a future that we might not want to be part of, or that we might not wish for our children. This ethical scrutiny may lead us to alternative behaviours.

While we may not be able to avoid a certain level of cooperation with state-instituted monitoring measures, we still have some leeway when it comes to commercially motivated surveillance. Even with the limited choices given to us because of the technology industry's monopolies and the "Faustian pact" (Zuboff, 2014b) that the dependency on the digital imposes on us, our power as citizens, consumers or clients is not irrelevant.<sup>130</sup> We can urge politicians and lawmakers to introduce more stringent legislation for data wielding companies with the surveillance capitalism business model.<sup>131</sup> We can put pressure on companies with abusive monitoring, tracking, and data gathering practices by limiting our exposure to them or refusing to use their services entirely.<sup>132</sup> We can boycott information providers with untenable privacy policies and look for alternatives.<sup>133</sup> Nobody forces us (as yet) to live in a universally

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<sup>129</sup> This ethical examination is of course suitable for *any* dominant aspect of our lives – precisely because "everything is permissible – but not everything is constructive" (1 Cor 10:23) and because as liberated people in Christ we must not subject ourselves to another yoke of slavery (Gal 5:1).

<sup>130</sup> The case of WhatsApp in 2021, when it announced its new 'no-opt-out privacy' to come into effect in Feb 2021, can serve as an example for the effect of consumer pressure: The subsequent exodus of millions of people from the app to other messenger services like Telegram or Signal was so significant that WhatsApp postponed their new settings for three months to use the time to better explain their move (Isaac, 2021a; Nicas *et al.*, 2021).

<sup>131</sup> After years of criticism the calls for limiting the technology giants' market power and safeguarding fairer competition have now led to numerous legal initiatives: In Oct 2020, the US Justice Department opened a case against Google for abusing its monopoly in the market for general search services and for online advertising (Kang *et al.*, 2020). The European Commission has brought several antitrust cases against Google in recent years, focused on its dominance in terms of its search engine, in the advertising business and through its Android mobile operating system (Kang *et al.*, 2021; Satariano, 2021). In June 2021, a bipartisan group of lawmakers in the US congress introduced a package of antitrust legislation aimed at reining in on the monopoly power of Amazon, Apple, Facebook and Google (Kang, 2021; Kang and Mc Cabe, 2021; Kang *et al.*, 2021). The European Commission has also targeted Facebook's unique position in the social media business in antitrust legislative efforts (Mussler, 2021).

<sup>132</sup> As far as 'social media' is concerned, the awareness of their negative social effects is at an all-time-high and for many people the idea of withdrawing from social media has become a lot more plausible (Weidermann, 2014; Hughes, 2019; Bouie, 2020; Swisher, 2020a and 2020c; Warzel, 2020). Apart from the 'anti-social' effects of these platforms this exodus also seems to reflect a growing insight that serious and differentiated societal debates cannot be carried out by piecemeal statements on Twitter, Instagram and Facebook etc. but need a different arena.

<sup>133</sup> There are in fact, alternatives to Google's search machine and browser (Chen, 2021) and there are also other messenger services than WhatsApp. The problem of social compatibility remains, of course.

linked 'Smart Home', to have a tracking device in our car or to divulge all our personal interests to a 'digital assistant'. We can decide which digital gadgets, apps, or other online services we make use of (or not). An additional way to reduce access to our data is the decision not to use consumer cards or not to participate in 'reward programmes', and to support brick-and-mortar stores instead of ordering online, or paying cash instead of leaving our digital traces via credit cards.

All this might mean that we must forego certain conveniences and possibly have a number of disadvantages compared to others. But this might be the price we have to pay to express our resistance to "the pattern of this world" (Rom 12:2, NIV, 2008). Much of this is also a matter of priorities: Thus, seemingly more cumbersome alternatives for obtaining information and organizing our lives could turn out to be an unexpected asset for our mental and spiritual well-being. In combination with digital self-limitation and occasional digital 'de-tox', they may just open us entirely new free spaces where we can sharpen our problem-solving abilities and devote attention, time and energy to other people and activities experienced in the Here and Now – without the trade-off of permanent digital control.

As we have seen, personal comforts and technologically created 'safety' do not uphold liberty. Trust, mutual respect, generosity, and a sense of community on the other hand do. This is why it is important to promote these values, in the analogue as well as in the digital sphere. Since freedom is one inseparable whole, we need to be aware that the undermining or nurturing of our own freedom and that of others is closely related. Hence taking our freedom in Christ seriously will in turn enable us to strengthen the freedom of others, too. Respecting other people as sovereign subjects and supporting their self-agency is the exact contrary of using or patronizing them. Our task is to support others' initiative and maturity, empowering them to make reflected and beneficial decisions in terms of their health, family, relationships, profession, and other areas of life. As Christians moving in the digital, we cannot impose our will on others, manipulating them or pushing them to behave in a way that is practical or profitable to us. Inviting, encouraging and persuading is what the spirit of the gospel demands us to do, if we want to contribute to spiritual renewal and a new kind of conduct.<sup>134</sup>

Apart from the liberty to make their own decisions, the freedom of others also concerns their privacy: Since disclosures about ourselves frequently involve others with whom we are connected, we inevitably drag others into the picture, too – and this quite literally when it comes to films or photos fed into the internet. Respecting their freedom therefore precludes using others as objects for our ends or making them into (involuntary) 'props' for our 'digital self-

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<sup>134</sup> This corresponds to Luther and Bonhoeffer's stance that the gospel of Jesus Christ cannot resort to any form of coercion or force to make itself heard but must convince through love Cf LW 45:91ff.; 106-111; DBW 6:102.

staging'.<sup>135</sup> We must withstand the alluring prospect to heighten our 'digital status' by violating others' privacy and transgressing into their space without their explicit permission. Our respect for them as persons and our care for their well-being requires us to protect their freedom and their 'secrets', including the space of intimacy that we share with them. In this context we need to remain conscious of the fact that freedom is also nourished by feeling safe and sheltered and by being able to trust the future in spite of enduring uncertainty. From a Christian perspective, one of the ways in which we can reduce others' dread of an unknown tomorrow, is by taking their need for reassurance and protection seriously and behaving in a way that inspires trust and confidence in a viable tomorrow, both in the virtual as well as in physical reality. Being dependable in personal dealings, keeping our promises, honouring contracts, and sticking to agreements is a crucial part of it.

*Standing in for others and defending them in compassion and solidarity*

According to Luther, love knows no tolerance towards wrongdoing happening to others – which means that we have to fight for the rights and well-being of others without reservation and seek justice and protection for them (LW 45:96). Applied to our specific issue this entails that as Christians we must name the negative ramifications of surveillance and help those who suffer from them, defending them from further abuse, reinstating their rights and recapturing their dignity. This is simply part of our Christian calling to come to the aid of those who are in need, standing up for any victims of injustice and standing in for those who are weak and oppressed. Stoddart (2008:375) speaks of solidarity that is grounded in our "shared humanity" as "persons created in God's image". For Luther and Bonhoeffer, the solidarity that grounds in our bond as human beings and in our union with Christ as the centre of our humanity, also involves carrying others' burdens and identifying with them to the point of suffering with them and being prepared to take their place (MLBTW:623; DBW 6:230, 256-257, 289).

But apart from that, it is also faithfulness to Jesus Christ who turned to the weak, the down-trodden and abused, restoring their humanity, and ultimately the humanity of all of us. Therefore, our ethical action as his disciples cannot follow a different path. So, whether people are targeted by the effects of categorical suspicion, racial profiling, social sorting, and unfair credit rating or become victims of digitally-based identity theft, exploitation or online shaming,

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<sup>135</sup> A lot of current social media posts are nothing other than self-presentations in desperate need for recognition where others are reduced to the role of decorative backdrops or pawns in a process of self-marketing. The growing tendency to expose incidents and altercations from our private environment, including the names and roles of the people involved, on social media also belongs into this toolbox of 'inappropriateness'. Through the lens of digital dissemination situations are distorted, irrelevant details magnified and relevant details overlooked while thousands of people with no detailed knowledge of the specific circumstances and context of the incident form judgements about people whom they do not know. This can have serious consequences for the safety, the freedom of movement and the freedom of expression of the people who were exposed without their consent.

they need our compassion, our support and our solidarity. We need to be alongside “those individuals who find their lives disrupted, their reputations ruined, their life-chances further limited by economic stigmatizing and on occasions their lives endangered” (Stoddart, 2008:375) by the effects of digital monitoring. This means we need to listen to their woes and share in their pain, trying to uplift and comfort them as persons. But we also must give a voice to those who have no lobby, insisting on their right to fair treatment in the public discourse in society, and supporting them in their battle for legal protection.

#### **5.4.4 Christians’ ethical stance towards surveillance in the public sphere and the role of government responsibility**

After reflecting on our radius of action as individual Christians, we now need to turn our attention to ethical action in the public sphere and on the level of governmental responsibility. In Luther’s conviction there can be no fundamental distinction between our behaviour in ‘private life’ and our conduct in ‘public life’ as members of a ‘*Gemeinwesen*’ (community, society, state) (MLBTW:610-623; LW 45:118). And the government as representing this *Gemeinwesen* must naturally have the best interests of all at heart. While both theologians agree that the love and forgiveness of the gospel cannot be commanded and imposed as law by the state (MLBTW:601; LW 45:91ff., 106ff.; DBW 6:102), this does not mean that public policy cannot be based on respect for human dignity, striving for justice and protecting the most vulnerable.

This brings us back to two-kingdoms-thinking according to which the state and its human representatives have the same task as Christians in their immediate environment, only on a bigger scale: to restrain evil and promote the good, acting in the spirit of love and care. Hence the state must preserve the bodily life, the welfare, and the livelihood of its inhabitants by protecting them from harm and upholding peace and order. It does this by fighting abuse, enforcing the law and providing justice, in combination with advancing good deeds and continually encouraging those who act for the benefit of others (LW 45:90-94, 110; Bonhoeffer, 1995, Ethics:330ff.). The authority of the state which becomes tangible in institutions and jurisdiction serves these goals. The different rules and laws that govern human life in community, epitomize the state’s oversight function over all the different sectors of society.<sup>136</sup> Hence, if the state takes its (God-given) commission seriously, then all its actions must be directed at these ‘caring purposes’. State-instituted surveillance is no exception.

In practice this means that a government can legitimately introduce digital surveillance measures and draw on digitally available records to protect citizens from threats, maintain

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<sup>136</sup> For instance, in terms of education, culture, economic activities, the health sector, labour relations, traffic, public transport, public safety etc.

their health and make provisions for their safety.<sup>137</sup> According to Luther and Bonhoeffer, it is Christians' duty to back the state's God-given mandate to preserve and enhance people's lives (LW 45:94; Ethics:335ff.). Christians can then support temporary state-instituted monitoring measures in as far as they correspond to their own commission to love, to support and to defend from evil. However, since any digital intervention of this kind on the part of the state is a serious encroachment on individuals' rights and their privacy, it must be clearly defined and stand on a solid legal foundation.<sup>138</sup> In other words, the breaching of the boundary of determinate individuals must be justifiable in view of the rights of the greater community. Nevertheless, the weighing of human concerns, such as individual freedom, the right to secrecy, human dignity, etc. against each other remains an ongoing ethical necessity.

Christians, out of the same love that draws them to commit to others, are not only encouraged but entitled to examine the motives of invasive state measures, holding the state to account as to whether the specific surveillance operations are proportionate – in terms of their concrete form and in terms of the envisaged goal. Such an examination takes into consideration that a government can exploit its authority to advance its own agenda. If alleged care is turned into a means of control by using data collections for other objectives not previously declared, government actions can cause more harm than they are supposed to prevent. So if state-instituted surveillance exacerbates injustice through enhancing categorical suspicion, bias and the systematic disadvantaging of certain groups on the basis of their ethnicity, religion or political convictions, the state's actions have clearly lost their legitimacy and become abusive.<sup>139</sup>

By acting to the detriment instead of for the benefit of those entrusted to its care, the state fails in its divine commission and despises the divine commandments (LW 45:112, 125). In this case, Christians need not hesitate to take sides because their obedience to God clearly takes precedence over their loyalty to the state. Their bond with Christ and with others calls them to oppose such power abuse with words and deeds, and to engage in active resistance.<sup>140</sup>

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<sup>137</sup> In the context of the SARS-Cov-2 pandemic 2020-2021, many states resorted to an increased collection of individuals' details in order to facilitate contact tracing of infected people and to provide digital vaccination certificates. If these digital monitoring and data collection measures remain strictly directed at their specific purpose of care and protection, they are a classical example of the state's task within a Lutheran two-kingdom-thinking. There is, however, always the danger of abuse and extending state authority for further undisclosed purposes under the guise of an 'emergency situation'.

<sup>138</sup> This implies that such measures are only justified if there is a case of reasonable suspicion or a strong indication of imminent danger and there are no other means to obtain viable information. Mass surveillance of random individuals does not fulfil these criteria.

<sup>139</sup> For a government to use its specific surveillance power to digitally spy on political opponents or journalists is clearly an illegitimate act of power abuse – according to Luther the state has no right to scrutinize people's attitude if they abide by the law (LW 45:106ff.).

<sup>140</sup> Cf. 3.4.1 and 4.4.2.

Christians then also need to point out to the state that its mandate is precisely the contrary of self-serving control but service to the people. This 'service' must mean providing fairness and justice and it also consists in defending, shielding and helping those who are targeted unjustly or threatened in their dignity, reputation and livelihood by way of an unregulated use of digitally obtained information.<sup>141</sup>

The governmental obligation to protect the people under its jurisdiction from harm and to enhance their well-being then of course also refers to the use of commercially motivated surveillance methods. If it is indeed the state's duty to exercise oversight over the different aspects of the economy and to create regulating guidelines for life in community for the sake of protecting its inhabitants, it cannot leave mighty technology companies to make their own rules and individuals without legal means against them.<sup>142</sup> With reference to its fundamental task – to avert damage from its inhabitants and to facilitate a dignified life – Christians can argue that the state also needs to examine whether business practices in the digital realm are appropriate and intervene to change them, if necessary. These efforts might encompass legislative pressure on companies to deal transparently and fairly with their customers in their contacts and contracts.<sup>143</sup> In this context one could argue that antitrust legislation is equally part of the state's overall obligation to provide care, protection and proper empowerment for its citizens. Christians should insist that the state must create and enforce adequate laws for the digital reality which safeguard fairness, equality and security. The government must champion legal regulation that guarantees people's right to privacy, protection for minors and other especially vulnerable people. And it must make sure that individuals are not singled out in unfair discrimination,<sup>144</sup> and that they are protected from harassment and damage to their reputation.<sup>145</sup>

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<sup>141</sup> This might be something that Christians and people of other convictions could agree on.

<sup>142</sup> The many advocates of stronger regulation for companies whose business model relies on data gathering and online advertising argue – probably unbeknown to them but quite in agreement with two-kingdoms-thinking – that since the state also regulates many other sectors of the economy such as pharmaceutical companies, the airline industry, the food industry, car manufacturers, health care providers, financial services, the stockmarket etc. in terms of safety, fairness and quality standards, there is no valid reason to make an exception for companies that trade in data and artificial intelligence (Cf. Schipper, 2014; Stalinski, 2015; Hughes, 2019; Swisher, 2020b; Appelbaum, 2021; Kang, 2021; Srinivasan, 2021; Schwartzmann, 2021; Zuboff, 2021).

<sup>143</sup> Adhering to fair information principles and restoring protocols of trust with their clients will in the long run be better for business for all those who draw on data management and therefore in their best interest.

<sup>144</sup> For instance, by being refused credit on the basis of their zip code or being refused equal chances on the housing market or in searching for a job on the basis of their skin colour, ethnicity or gender.

<sup>145</sup> In June 2021, 200 high-profile women signed an open letter asking companies like Facebook, Google, TikTok and Twitter to take urgent action against rampant online abuse against women on their social media platforms (Mohan, 2021). According to two-kingdoms-thinking, this is a case where the

#### 5.4.5 Summary and Outlook: A vision for a ‘different kind of surveillance’ and a dignified use of the digital

##### *Guidelines and concrete suggestions for an appropriate kind of digital surveillance*

Christians obviously cannot just ignore the dangers of digital monitoring and ubiquitous data availability. Based on their faith in a compassionate God and their calling to commitment for others, they must expose, criticize, resist, and counter the negative side effects of categorization, objectification and exploitation that have become so dominant in the procedures of data assessment and threaten to take over the entire digital sphere. However, the Christian ethical task is not just limited to ‘reacting’, it must also act constructively by supporting and ‘living’ an alternative (digital) reality. This alternative should be oriented towards analogue reality, honouring human dignity and strengthening healthy self-determination while also making room for human trust, reciprocity, and the growth of community.

“Contemporary surveillance”, as Lyon (2001:153) succinctly sums up, “has a bias towards control, suspicion, seduction and a utilitarian obsession with the statistical norm.” This bias has not served humanity well. Hence, if digital monitoring wants to retain any kind of legitimacy and practical value for human community, it must find its way back to an orientation towards (all) human beings. We need to leave behind both monitoring models that focus on the classification and marginalization of certain groups in society as well as surveillance methods that merely milk people for their personal details for profit and for the aim of controlling and influencing their behaviour.

Instead we need a (new) consensus about the fact that the overall purpose of data tracking and data assessment is to create real benefits that respond to concrete human needs and improve people’s lives. This implies that the forms and goals of monitoring must be transparent and comprehensible and as targeted and limited as possible. With Bonhoeffer we could say that surveillance must be ‘appropriate to the subject matter’ (DBW 6:269 – tl CS), an expression that always includes the orientation towards the human person. For Lyon, this means that in all surveillance applications the aspects of care and protection must always be of greater importance than control and categorization (Lyon, 2001:XI.153; 2003:166).<sup>146</sup>

Just like the economy at large, surveillance, wherever it is necessary and appropriate, must then prioritize the people that it is supposed to serve. In combination with ‘contextual integrity’ as a “means of evaluating the legitimate use of personal data” (Stoddart, 2008:370) this would

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state should intervene, forcing the companies to change their settings to block out content respectively block users.

<sup>146</sup> Care and profit are not incompatible, of course. Business and making money need not be exploitative per default.



mean that data monitoring, above all in its commercial form, must be part of an ‘economy for the human being’ (Huber, 2013:160 – tl CS)<sup>147</sup> which – similarly to science or other key areas of human life – requires ‘clear legal frameworks, institutionalized mechanisms of self-control and the readiness to permanent ethical self-examination’ (Huber 2013:180 – tl CS). Lyon’s vision for an appropriate and just surveillance is that it is shaped by an “ontology of peace rather than of violence” (2001:153) and inspired by the “power-refusing ethics of Jesus” (2001:XI). Such an approach would be deeply aware of the social character of humanness and the ‘embodied nature’ of human relationships; acceptance and not suspicion, trust and not exclusion, concern instead of control would be the priority together with social justice and fairness (Lyon, 2001:151-154; 2003:153).

On a practical level this means we need to create “alternative forms of surveillance that involve more human interaction, more attention to embodiment and trust” (Lyon, 2013:31). Data collecting and data assessment indeed has a lot of positive potential<sup>148</sup>, but algorithmic calculations must never be used as the sole determining factor to make far-reaching decisions about people’s lives.<sup>149</sup> They must always be combined with careful human judgement based on the encounters with real human beings that take other ‘context’ into account because ultimately doing justice to human beings always requires human involvement and not perfect automation. Human beings are not machines, and they cannot be treated according to automated criteria. In technological terms, this requires that surveillance technology must be refined in such a way that it does not become blind for the individual person but on the contrary enabled to see the person better in all their entirety.<sup>150</sup> And this inevitably involves the individual perspective of the data subject not turned into a data object. Monitoring’s overall strategic aims must not make individuals feel more isolated but it must instead contribute to making people feel more connected to each other.

This kind of surveillance of course then presupposes public accountability for all data-wielding entities, whether they are government institutions, influential societal organizations or

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<sup>147</sup> Huber invokes this term in reference to the Indian economist Amartya Sen. According to Huber (2013: 160-164), the Christian contribution to such an ‘economy for the human being’ encompasses the following basic components: 1.the self-commitment to the equal dignity of every human being, 2 the responsibility for the life circumstances of future generations (sustainability) which includes ecological responsibility, economic stability and social justice, 3. the attitude of ‘having as if one had not’, and 4. the preservation and renewal of trust.

<sup>148</sup> In terms of accident prevention and the overall health improvement of people in society the use of anonymized data could be an enormous asset. Many other useful fields of application suggest themselves.

<sup>149</sup> Like for instance determining the length of prison sentences, parole decisions, terrorist flagging and no-fly-lists, classification of people into certain groups, assessment about individuals’ academic performance or professional evaluation, etc..

<sup>150</sup> Cf. 5.2.7 and 5.2.8.

financially potent commercial enterprises. Such accountability must be traceable by way of legitimate control committees, data ombudspersons and watchdogs as indispensable elements of democratic governance. In this vein Christians can also support organizations that devote themselves to human rights, civil liberties, privacy and consumer protection.<sup>151</sup> Apart from insisting on transparency and democratic oversight, Christians can and should speak out against “unnecessary or unfair laws”<sup>152</sup> in public discourse and insist on “fair information principles” (Lyon, 2003:129) as the default practice.<sup>153</sup> It is easy to see that the adherence to such principles would go a long way to protect, enable and benefit data subjects and to bring data monitoring closer to being a genuine service for humankind.<sup>154</sup> At the same time Christians as citizens, consumers and clients can also put consumer pressure on lawmakers, public entities and any data-administering organizations to optimize encryption, data security and safeguard the anonymization of data that are used for the ‘public good’.

Developing and refining meaningful participation processes is another important step towards a more generally beneficial use of data collection and data analysis. This includes more transparency about the codes of specification used in data analysis so that people are in a position to discuss their legitimacy and relevance – and possibly support ameliorating these algorithms. There are many relevant fields of application (smoother administrative processes, obtaining better knowledge about people’s health and fitness level, assessing the educational and the recreational needs of a local community, security factors playing a role in travelling, etc.) where qualified input from members of society who define their concrete needs and provide their ideas, could be invaluable for more effective data use. According to David Lyon

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<sup>151</sup> There are several of them, especially in North America: American Civil Liberties Union (ACLU), Electronic Frontier Foundation (EFF) (Zuboff, 2019:165-167); Electronic Privacy Information Center (EPIC) (Lyon, 2003:133), the Global Internet Liberty Campaign (Lyon, 2003:133), Privacy International (PI) (Lyon, 2003:90, 133; Zuboff, 2019:143-144).

<sup>152</sup> These are laws and regulations that disadvantage certain groups, excluding them from benefits or diminishing their life chances.

<sup>153</sup> ‘Fair information principles’ encompass 1. The accountability of the entities that collect, store and assess data of individuals towards these individuals. 2. The transparency of the purposes of data collection and the respective data policy, 3. The consent of those whose data are collected. 4. The harvesting of personal information should be limited to the stated purposes 5. Personal data should not be disclosed to other parties without consent – in other words no more covert selling of consumer data to third parties. 6. Personal records should not be kept longer than necessary but when stored, they should be accurate, complete and up to date. 7. The data collecting entities are responsible for keeping individuals’ data safe from unauthorised access. 8. Data subjects should have access and the right to correct their personal information (Lyon, 2007:172, 177, 201). See also Cf. 2.2.2.

<sup>154</sup> It is equally easy to see that surveillance capitalism’s business model would no longer work under the conditions of ‘fair information principles’. So, to get closer to such a new digital reality lateral thinking and new ideas for fair and non-exploitative income-generation, in other words, other viable business models are highly desirable.

this could also encompass proposals for refining algorithms and suggestions as to the criteria that determine classification processes (Lyon, 2003:161, 165).<sup>155</sup>

Eric Stoddart emphasizes the importance of “the moral principle of subsidiarity” (2008:368) which “requires that the use to which my data is put is subject to accountability (in terms of my privacy as well as wider social concerns) at the simplest cluster which can most effectively protect its integrity” (2008:371 – parentheses Stoddart). Thus, personal data are not handled by some distant ‘unattainable entity’, but at a level that is as close to individuals as possible. Within this scheme individuals also have a human addressee within the ‘cluster’, in case they have queries or complaints or need to change or correct their details. In this manner, the processed information remains within reach of the individuals to whom it belongs (Stoddart, 2008:378).<sup>156</sup> Inviting people to give feedback, to make suggestions for improvements and to participate in decision processes that concern their own lives might not only lead to more accurate data assessment but also to more acceptance of targeted data gathering projects because it would give them ownership and convey empowerment. Accordingly, Lyon sees such involvement as an expression of democratic principles (2003:161).

For Christians any deliberations on influencing the way in which digital monitoring is handled and any efforts to bring about a different ‘digital culture’ will inevitably also include creating and supporting strong institutions and societal structures that foster connections between people. Interest groups, local initiatives, associations, and communities bring individuals together, strengthening mutual trust and thus cohesion in society at large (Huber, 1985:116, 119ff.; Lyon, 2001:134; 2003:36). This feature makes them especially suited to take on an issue like digital surveillance which concerns all individuals and groups within civil society.

#### *The quest for a different digital culture*

In the course of this study, it has become apparent that the state- or commercially driven digital surveillance that we are subjected to cannot be strictly separated from the way in which we as data subjects ourselves make use of the digital medium. As actors, participants, and beneficiaries we enhance the available data reservoir; we have access to others’ information, and we influence others’ monitoring activities through our own internet use. As we take part in

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<sup>155</sup> Lyon (2003:161) notes: “Who is actually accountable for surveillance systems, and what are the democratic processes that establish this? Who decides on the categories? Such matters may be worked out at very local levels via what are sometimes called ‘privacy audits’ in universities, firms, or government departments.”

<sup>156</sup> The subsidiarity principle obviously closely overlaps with ‘fair information principles’: Data stay exactly within the scope for which they are used and are not passed on to third parties; they are handled in a transparent manner and are accessible to the individuals to whom they pertain. So, the bank or the health insurance that keeps our details needs to keep them safe and needs to be able to be reached in case we as data bearers have concerns.

the digital realm, we shape others' reality and are impacted by them in turn, and as we are exposed to the web's trends, we become susceptible to the 'culture' that dominates it.

Therefore, it is all the more important that Christians do not appropriate the surveillance paradigm with its contempt for independent subjects, its classification schemes, utilitarian risk calculations, and similar 'success criteria' as the default model for their own actions in the digital realm – or which would be just as harmful – as the inevitable gauge for digital culture in general. It remains crucial that we retain the values that are supposed to guide our lives as God's children also for this specific area of our contemporary existence. Christians need to unite with others of good will to fight for responsible forms of monitoring and data usage that serve comprehensible purposes and yield a maximum benefit for as many people as possible. Given the interdependence of all things digital it is evident: If we need a different kind of surveillance for the sake of human dignity, then for the same reason we also need a different kind of internet and an alternative digital culture.

As things stand, the internet has been hijacked as a place for data exploitation by a few powerful agents who dictate the rules of the game (Lanier, 2014:49; Lobo, 2014; Hughes, 2019; Zuboff, 2019; Hill, 2020b; Appelbaum, 202; Zuboff, 2021). This is not something we can resign ourselves to: we need to wrest the digital sphere back from the hands of those who have captured it for their purposes and from the armada of bad actors in it, claiming it as a space that we all use, 'own' and enjoy together, a place where safe communication is possible and human dignity is valued (Zuboff, 2013; Lobo, 2014; Probst and Trotier, 2014; Zuboff, 2014a; Zuboff, 2014c; Newitz, 2019; Zuboff, 2019; Zuboff, 2021).<sup>157</sup>

The vision would be of a data gathering that is not determined by radical distance and indifference but instead creates room for 'radical care' and protected spaces. Judging by the fact that this topic has become part of mainstream public debate and legislation as well as an issue for sociological research, future society analysis, philosophical deliberations, and investigative journalism, there is a real chance that the wide-spread indifference and paralysation can turn into fruitful resistance and creative approaches. Looking at the ever-increasing amount of publications on the digital realm's different facets, there are evidently already many people who think about alternatives to the current digital experience. Christians have every reason to participate in this quest.

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<sup>157</sup> Internet blogger and net expert Sascha Lobo (2014) said after the Snowden revelations: 'The internet is broken. But the idea of digital connection is not' (tl CS). Annalee Newitz comes to a similar assessment in the aftermath of various hacking scandals and the toxic effect of social media 5 years later: "Social media is broken. It has poisoned the way we communicate with each other and undermined the democratic process" (2019).

The business model that fuels surveillance capitalism and social media has given the world many conveniences and has enriched several companies beyond any imagination. But its negative fallout has become increasingly hard to overlook and it remains doubtful whether it is a viable approach for the future that really improves the lives of human beings on a deeper level. The time for a fundamental overhaul of social media seems ripe. And the awareness grows that a more user-oriented 'democratic' version of the digital realm still offers plenty of room for human exchange, learning opportunities and alternative business ideas that are less exploitative, but still lucrative and more of a win-win deal for all involved.<sup>158</sup> Human creativity and the capacity to adapt to new circumstances gives reason for optimism in this respect.<sup>159</sup>

On a technological level, fundamental changes in the digital set-up are already possible.<sup>160</sup> But they all require the will to change power structures and to create different designs for users which reconfigure privacy, consent, content filters, the idea of access control, the tools of authentication, and, moreover, the speed of digital communication and the safety features (Newitz, 2019). In this 'other set-up' users have a lot more self-agency, responsibility and control; they need to actively curate their interests, take charge of their options and open or limit access to themselves (Newitz, 2019).<sup>161</sup> Such an approach draws on the conviction that humans need to hold on to responsibility instead of ceding governance to the calculations of machines and that the digital medium must be actively managed by human beings and not left to the discretion of algorithms. Related to this is the understanding that the digital sphere must be modelled after analogue, real life – and not vice versa (Newitz, 2019).<sup>162</sup> This is exactly what Nissenbaum's 'contextual integrity' is about and what Christian faith knows instinctively.

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<sup>158</sup> For example, involving transparent contracts where people pay for certain services but are not subjected to advertising and data harvesting.

<sup>159</sup> Whenever something is useful for a large amount of people there is opportunity and room for potential business ideas. Jaron Lanier suggests that there should be micro-payments every time someone makes a suggestion that turns out to be valuable for the networks, like for instance improving a translation (2014:4-5). Now, he says, people provide their expertise for free – "ordinary people turn out to be the uncompensated sources of the data that make networks valuable in the first place" (Lanier, 2014:XXI). Lanier (Probst and Trotier, 2014) and Zuboff (2014a; 2014b and 2019), and many others are convinced of the human power for innovation and its application potential in the internet.

<sup>160</sup> Annalee Newitz, in her 2019 *New York Times* article 'A better internet is waiting for us' goes on a quest to re-imagine a different digital reality. To this end she speaks "to experts in media history, tech designers, science fiction writers and activists for social justice", assembling their different ideas. In terms of the practical feasibility of technological changes she quotes the web designer Erika Hall as an example who says: "I absolutely believe that you can design interfaces that create more safe spaces to interact, in the same way we know how to design streets that are safer."

<sup>161</sup> "It would be up to you to curate what you want to see. Your online profiles would begin with everything and everyone blocked by default" (Newitz, 2019).

<sup>162</sup> Newitz once again cites Erika Hall: "After the social media age is over, we'll have the opportunity to rebuild our damaged public sphere by creating digital public places that imitate actual town halls, concert venues and pedestrian-friendly sidewalks... places where people can socialize or debate with a large community, but they can do it anonymously. If they want to, they can just be faces in the crowd, not data streams laded with personal information."

The creation of such an 'alternative digital reality' requires less calculation and prediction patterns, but more genuine human exchange joined by empathy and intuition which must then be incorporated in the computer categories.

As we have seen, Luther and Bonhoeffer's ethical approach comes to bear in multiple ways with respect to Christians' 'public' attitude and actions in terms of the digital sphere. In the Reformer's view, the Christian notion of community and commitment to others naturally leads to an individual obligation to constructively participate in the relevant processes in society and to engage in the public sphere for the improvement of life for all (LW 45:94, 100, 104). Precisely because digital monitoring and digital exchange, like any other form of human interaction or economic practice, is meant to enhance individual life chances and facilitate meaningful community, Christians need to make a serious effort to support a digital culture that is a positive force for all participants in digital exchange.

We cannot, of course, do away with the consequences of human sinfulness that pervade every single area of human life – that is God's work. But we can – through our personal conduct and through actions that help to build more human-oriented structures – contribute to a digital culture that is suffused with greater care and respect for human dignity. Leaning on the guidelines of freedom, love, responsibility, and obedience to God's life-giving commandments Christians can play a part in the realization of a digital sphere that fosters trust, connections and solidarity. This corresponds to the fundamental notion of empowerment and responsibility that is central to Christian freedom.

## Chapter 6

### Conclusion

#### 6.1 A summary of the arguments presented

This dissertation envisaged to be a critical evaluation of current digital surveillance practices and their ramifications from the vantage point of Christian freedom and a Christian notion of humanity. The objective was not only to expose the underlying mindset and the many dehumanizing effects of data gathering and data analysis in the lives of individuals and societies, but also to demonstrate that an understanding of the human person and of human freedom based on Reformation theology offers a powerful countervision with stringent ethical implications, to the concerning aspects of monitoring. To confront these two main themes with one another directly, it was necessary to get a clear grasp of both their respective rationale and defining features.

While surveillance's origins can be traced back to nation states' perceived needs for accurate record-keeping, tax information, military planning and economic oversight, the current practice of digitally collecting comprehensive information on whole populations, essentially developed in the wake of the 9/11 terror attacks in the USA. Increasingly sophisticated data tracking and data assessment properties together with access to previously unimaginable amounts of detail about individuals opened a whole new dimension for profiling, classifying, and creating categories for intelligence agencies and commercially oriented technology companies alike. The latter, shifting the focus from safety and administration to consumption and influencing human behaviour, soon superseded nation states in clout and range, becoming not only the most effective actors in terms of assembling and commodifying personal data, but also the gatekeepers of the internet as such. Their unique capacity to provide the entire digital infrastructure and to control the access *to* and flow *of* digitally available information brought a new and extremely successful business model to the fore: surveillance capitalism. Developed at great pace and under the radar of legal regulation, it operates by turning individuals' details into company assets, which can be utilized to offer services (e.g., advertising) to third parties for profit.

Compared to the crude and hierarchical mode of observation of previous times, the current surveillance methods, relying on automation and algorithmic assessment, seem unobtrusive and impersonal. But the panoptic emphasis promoted by Bentham and the disciplinary power aspect analysed by Foucault still reverberate in the surveillance drivers' monopoly position, their quest for unlimited data access and their efforts at behavioural modification. The large quantity of available data combined with the quality of data processing has equipped the

surveillance drivers with unmatched power to interpret these data and thus to exercise influence on individual lives and public opinion, reshaping economic and social realities. At the same time the obvious involvement of humans, the concentration on behaviour and the influence of pervasive data capturing and data availability on digital culture as such also throw the data subjects' own role and participation in the 'social orchestration' of surveillance into sharp relief, directing attention to additional forms of monitoring, such as self-surveillance or peer-surveillance.

The purposes of surveillance vary according to their specific context, moving between state interests like safeguarding security and national sovereignty as well as commercial interests like profitable advertising and selling products. However, one main concern motivates and unites them all: risk minimization. This emphasis on eliminating uncertainty to obtain the best possible outcome requires a maximum of predictability which then tends to diminish an orientation towards care and protection in favour of control mechanisms and patronizing direction.

The overview over the origin, rationale, theories, forms, and application fields of surveillance already raised many serious concerns, which were identified and analysed in the main part of the second chapter. The specific rights of the state and the market dominance of certain commercial surveillance actors have resulted in an unhealthy concentration of power, leading to rampant power abuse. The latter has been fostered by an absence of transparency, accountability and a tendency to avoid legal regulation wherever possible. Safety-motivated and incontestable state monitoring procedures and opaque commercial business practices, which include data gathering without consent and the tendency to 'colonize previously unclaimed territory' as new sources of commodifiable data, all form part of this pattern. These practices clearly undermine civil liberties and democratic values, illustrating the urgent need for better governance and public accountability for this area of state or economic monitoring activity.

The surveillance paradigm gives every indication that the norms governing analogue life are largely being ignored in the digital sphere. Comprehensive harvesting of personal details and meta-data all but eliminates a notion of privacy that involves cultivating intimacy, personal spaces, the right to 'secrecy' and the choice to open up to others in relationships of trust. This loss through 'digital invasion' changes human consciousness and human attitudes: Apart from inducing uncertainty, undercutting creative freedom, and encouraging self-censorship in individuals, it also leads to 'chilling effects' within human communities in general. Digitally enhanced categorical suspicion *against* and disadvantaging *of* entire groups of people threaten the bonds of trust and solidarity that are indispensable for the cohesion of society. In addition, despite surveillance's pretensions to unsurpassed effectivity, there is a growing



realization that it cannot possibly provide watertight solutions to safety problems by technical means alone. This is one more reason why any assertions about technology as a superior, inevitable, and autonomous entity cannot hold up – it is and always will be a product of human creativity which needs to be managed by human beings. Setting human agency aside moreover leads to prioritizing digital images over against the words and experiences of embodied people, unloading human responsibility on algorithms and losing the dimension of empathy, all of which ignores, misjudges and fails individuals instead of serving them. Neglecting the social dimension of human life and elevating risk containment to be the main criterion for every area of human action has far-reaching implications.

Examining the different aspects of digital monitoring in our global society reveals that its automated processes have contributed to a dehumanization of all participants. The whole approach of surveillance violates human dignity on many levels. Apart from not taking people seriously with their personalities and refusing them basic respect, the surveillance paradigm cultivates an ambivalent view of human beings in which they are simultaneously glorified for their technological capabilities and vilified for not being as effective as machines. The attempts at conditioning human behaviour with the help of control mechanisms that dish out rewards or punishments show a patronizing attitude that is inappropriate in a 'world come of age'. The permanent encouragement to behave in predictable ways suppresses individual creativity and discourages variance. The one-sided focus on risk leads to an oversimplification of complex human conduct; human beings are being evaluated according to a utilitarian calculus as risk factors or assets. In this way, they are made into objects that can be used and instrumentalized to fulfil others' purposes. Altogether these practices uncover a concept of the human person that is not compatible with a Christian notion of the human person as a creature who is loved and accepted by a gracious God.

With the negative consequences of digital monitoring and their obvious challenges to Christian faith set out before us, it now became equally important to be aware of our own conflicted attitude towards surveillance, lest a lack of inner clarity keep us from responding to these challenges in a decisive manner. Ambiguity, insecurity, confusion, and helplessness shape our mindset and our feelings. On the one hand we feel put off by surveillance's damaging effects and uneasy about the outsize influence of technology companies; on the other hand we cherish the conveniences that come with permanent data availability and feel that our own dependence on the digital makes any kind of resistance to systematic data reaping practically impossible. The computerized and seemingly impersonal nature of surveillance has contributed to a considerable habituation effect, rendering any potential threat abstract and 'unreal'. Our insufficient understanding of the technical intricacies of surveillance and our lack of alternatives to the digital has created a mix of indifference, resignation and paralysis.

After gaining essential insights into the workings and effects of digital monitoring, the next step was then to go back to the foundations of Christian faith and to explore its own intellectual and spiritual resources on freedom and humanity. For Luther as our first conversation partner the point of departure for any deliberations about humanity is always human beings' relationship with God. Humans are not grounded in themselves, they are creatures of a divine will, called to live in loving fellowship with God and their co-creation as collaborators in preserving the whole of creation. While Luther presupposed an innate human capacity to reason and to choose freely how to manage earthly affairs, he strictly denied a 'free will' with respect to God: Humans can neither liberate themselves from the deadly consequences of their own sinfulness nor make themselves acceptable in God's eyes through their own good works. They are existentially dependent on God's merciful initiative. True liberation and genuine freedom are a gift flowing out of God's unconditional love and Christ's self-sacrifice on the cross. It bestows forgiveness of sins, loving acceptance and the promise of a new existence; in short, 'righteousness, grace, life and salvation'.

For Luther this freedom, which can never become a human 'possession', is the basis of a renewed identity that is anchored in the person of Christ and in the believers' attachment to him. It is the fruit of a divine 'deal', a 'happy exchange' for our benefit: Christ comes into our place and gives us his own righteousness while he takes our human sins and failures upon himself and bears their consequences. Hence we receive freedom through his bondage and eternal life through his death. Trusting Christ's sacrifice for our sake and accepting God's verdict in faith – in other words justification by grace and by faith – marks the end of all human efforts at self-justification. As believers we share in Christ's resurrection victory over sin and death as well as in his unreserved self-giving for others. To be free in Christ thus means to be sovereign, independent, and solely under the judgement of God but also ready to serve others selflessly as Christ himself did – that is why Luther characterized this freedom as 'lordship' and 'servanthood' at the same time.

Luther's understanding of a Christian ethics developed organically out of his dynamic notion of Christian freedom, because for him freedom, faith, and love are basically one single movement from God to us and on to others. The newfound liberty in Christ must be shared with others for their benefit; the blessings received must flow through us on to others. Our faith as the grateful answer to God's loving compassion must turn into loving action that protects, heals and helps others. Freedom then necessarily takes the form of commitment to others and of solidarity with their plight. Experiencing Christ's mercy leads to becoming 'Christ to one another'. For Luther the obedience to the commandments and the willingness to serve others unselfishly are the natural consequence of Christians' trust in God and their wish to honour his divine will. Putting Christian freedom into practice, however, remains a lifelong struggle

against the forces that try to hold us back. Since even as liberated creatures we nevertheless remain sinners, freedom needs to be reaffirmed in daily spiritual renewal, as we continue to cling to God's promises in faith.

Luther's deliberations on the application of individual Christian freedom in the context of society were contained in his so-called two-kingdoms-thinking, a further example of his complementary-dialectical theological reasoning. This approach distinguished between a spiritual and a worldly rule of God realized in the sphere of the church and in the realm of worldly government. While the former relies on the power of the gospel and grace alone, the latter also makes use of the law to enforce worldly order. Both the church and government are God's servants and accountable to him. The government's task is basically the same as that of every individual Christian, only on a larger scale: to protect, to preserve and to enhance life, through fighting evil and promoting the good. Christians as 'inhabitants' of both 'kingdoms' owe obedience and support to the government if it is faithful to its divine commission. They are encouraged to participate in tasks of public governance in as far as they can follow the divine commandments in this role. Due to the fact that the government needs to cater to believers and non-believers, freedom can take different forms in the two spheres, but love must nevertheless remain the guiding principle in both. Luther sees a legitimate right to disobedience and non-violent resistance against the governing authorities in this set-up if the state abuses its position to interfere with the church's specific commission to preach the gospel or forces Christians to disobey God. Taking note of the predominant and most influential misinterpretations of Luther's two-kingdoms-thinking as well as being aware of the obvious weaknesses in his approach, facilitated a sober assessment of the valid aspects of his political ethics for present and future discussions.

Bonhoeffer's notion of freedom resembles that of Luther in many ways but due to the different challenges in his time it did not obtain such a prominent position within his theological *corpus*. It remained, however, embedded like a red thread in all his major theological and ethical themes. In parallel to Luther, Bonhoeffer insists that the world and God belong so closely together that they cannot be understood without reference to one another. God as the ultimate reality constitutes the framework for any form of human reality, becoming flesh in Jesus Christ. Christ as the one in whom the world and humanity have been accepted, loved, judged and reconciled with God, embodies the divine reconciliation-reality. Through creation, preservation and salvation God chose to make his own freedom into a freedom *for us*, giving it the form of love and binding himself to humanity in Christ.

Human freedom is creaturely freedom given by God with a view to be shared and used in concrete life. Being at the essence of our humanness, it is shaped in analogy to its divine counterpart as freedom *for* God and *for* others but also as freedom *from* creation. The latter

does not deny human dependency on the earth, but aims at protecting humans from being dominated by the elements of the inhabited world; humans themselves need to responsibly rule creation and care for it. This creaturely freedom in its threefold form has been lost in sin, leading to an estrangement from God, from others, from the earth, and ultimately to the loss of genuine humanity. It is only the vicarious self-giving of Jesus Christ and the justification of the undeserving sinner that can retrieve the original freedom and humanity envisaged by God. The cross is God's Yes and No to humanity at the same time: It stands for God's undeserved patience with us and his love and forgiveness for his creatures who cannot save themselves. But it also represents the divine judgement on human sin and on all attempts of human self-justification. And it is God's unequivocal rejection of evil. Jesus Christ bears God's verdict in our stead; he is the 'new human being' that we are supposed to conform to so that we can wholly come into our own. God's passion for the physical world and his love for real human beings implies that Christians – emulating Jesus Christ – need to be 'this-worldly' as well. They need to be immersed in the existing world with all its confusion and complexity and devoted to the human beings who populate it; and, at the same time, they need to be faithful to God without compromise. This is the only appropriate way for us to acknowledge and participate in God's reconciliation-reality.

In this manner, Bonhoeffer's anthropological and soteriological reflections lead him directly to his ethical approach. He clearly rejects an ethics of motivations, of usefulness or any ethics operating with an *a priori* definition of 'the good' because all of them are, in his view, too fraught with abstraction. Bonhoeffer instead opts for an ethics that anchors the criterion for 'the good' in God's will and his reconciliation in Christ while being firmly grounded in the concrete situation and taking all the relevant circumstances of reality into account. Appropriate ethical action grows out of the new humanity in Christ, and its hallmarks are freedom and responsibility, love and obedience to God's commandments. The parameters of human responsibility correspond to those of human freedom, referring to God, others, ourselves, and to the 'world of things', denoting the essential relationships that determine our lives. With freedom as the space in which responsibility unfolds and responsibility as the most authentic realization of freedom, both are closely intertwined and each other's *raison d'être*. The bonds of responsibility need to be governed by love. Taking their power from the experienced love of God in Christ, these ties of love can then become the basis for any action for the benefit of others. Standing in for others, bearing their burdens, and acting on their behalf in vicarious representative action comprises the essence of appropriate ethical action for Bonhoeffer. In his view, ethics requires a continuous search for the will of God, aided by the divine Word which provides clear guidance on how to make responsible use of freedom. Ultimately, even if ethical decisions are made after carefully examining all the relevant factors, they still involve

the risk of erring, becoming guilty, and tarnishing one's reputation – but that is simply part of taking human responsibility seriously. As Christians we can act with confidence, entrusting ourselves completely to the grace of God and to his righteous judgement.

In terms of living responsible freedom in the wider context of society, Bonhoeffer unreservedly appropriated Luther's two-kingdoms-thinking, agreeing with all its major aspects: the presumption of God's two-fold rule, the distinction between the different tasks and orientations of church and government, the state's servant-function and accountability towards God and the Christian's obligation to support a legitimate state, but also the Christian's right and obligation to resistance should the state abuse its power and neglect its divine commission. Bonhoeffer aimed to liberate Luther's reflections from the centuries-old layers of misunderstandings and distortions to uncover its original intentions. His own idea of the mandates as ordering structures for living responsible freedom in human community both relies on two-kingdoms and develops it further. This becomes especially evident in his description of the mandates of church and government and their relationship with each other.

Being aware of Bonhoeffer's diligent efforts to distance himself from certain (in his opinion) misguided interpretations of two-kingdoms-thinking turned out to be valuable: first of all because many of the same motives are still present in today's discourse (even if their proponents are not always aware of it), and secondly, because Bonhoeffer's deliberations contribute to paint a clearer picture of two-kingdoms-thinking and its usefulness for dealing with the issue of surveillance and possibly also others topics of general concern. Finally, a look back at the strong parallels in Luther's and Bonhoeffer's understanding of Christian freedom – in terms of contents as well as in the way in which they approach themes like the view of reality, the world, soteriology and ethics – shows how their essential concerns have continued to be topical right up to the present.

After looking at the global phenomenon of digital monitoring and the theological notion of Christian freedom respectively, the last chapter confronted the dominant thought patterns and procedures of surveillance and their worrisome implications directly with Luther's and Bonhoeffer's collected insights into the nature of a humanity and freedom grounded in Christ. One of the fundamental conclusions is that surveillance activities and business objectives obviously tend to build on a notion of reality that has no room for a divine presence or any transcendent point of reference. This human-centred and 'god-free' worldview logically results in a lack of awareness for human sinfulness which in turn leads to moral indifference and ignoring ethical responsibility for other people. Christian faith, however, understands the world as divine creation with human beings as sinful, but beloved creatures who are existentially dependent *on* and bound *to* a merciful and righteous God. This God entrusts them to one another and requires them to bear responsibility for themselves and others.

The self-referential focus of surveillance corresponds to the idolization of technology as an autonomous category exempt from human judgement. Against such claims Christian theology asserts Christ's sovereignty as Lord, saviour, and ultimate judge, insisting that earthly things need to serve human beings and not vice versa. Humans always remain ends in themselves and the crucified saviour has once and for all overturned a thinking that is exclusively oriented to 'success' as the highest value. Thus, surveillance's vision of 'data-totality' can be identified as another one of the countless human attempts to 'be like God, knowing good and evil', especially if it is described with terms like a 'God's eye view'. Against such an image of God as the supreme 'surveyor', biblical evidence portrays the omniscience and omni-perception of God as continuously embedded in his unconditional love and his will to save humans from their self-induced predicament.

Surveillance's notion of reality turned out to be formative for its understanding of human beings. The latter's many distortions and their repercussions are, on multiple levels, in contrast to the priorities of Christian faith. Christian anthropology rejects a notion of human self-sufficiency, anchoring human dignity in the creaturely calling and the relationship with God. Receiving life as a divine gift based on God's unconditional acceptance frees humans from the burden of having to create their own meaning. Moreover, justification by grace refutes the notion of life as a successful 'project' and makes the self-justification-efforts enhanced by constant data monitoring superfluous. Surveillance leans on irreversible data records which fasten people permanently to their past and anticipate their future, trapping them forever in digitally-fed judgement. God's judgement of grace does the opposite: In distinguishing between the person and their deeds, it facilitates freedom and a future, granting forgiveness and a new beginning. The surveillance paradigm – because of its missing connection to God – is unable to develop an adequate notion of humans and therefore either idolizes or disdains them. Christian faith's notion of humans is realistic because it is determined by the way in which a compassionate and righteous God sees his creatures: as deprived and in need of salvation and yet also as loved and reconciled through Christ, in whom the *imago Dei* status and true humanity have been restored.

An inadequate concept of humanity contributes to exacerbate other evils: objectification, abstraction, indifference, and disregard for humans' status as independent subjects. These are the results of systematically turning human beings into instruments for certain purposes and into figures of a utilitarian assessment by way of commodification, classification, control mechanisms, and attempts at 'programming' them through behavioural modification. From a Christian perspective, humans can never become means to an end; since they belong to God and are valued by him, they cannot be 'tweaked with' as if they were machines nor can they be 'directed' by other humans. They need to be respected in their uniqueness and dignity as

individual persons. For Bonhoeffer, accepting 'the other' as an unsurmountable boundary and as an ethical claim, forms part of acknowledging God in his sovereignty as supreme judge and as the giver of creaturely freedom. However, separating data from their sources in the lives of embodied people and processing them for other purposes apart from their original context, leads to a 'defragmenting mode' that makes concrete people invisible and ultimately irrelevant. This *modus operandi* ultimately not only threatens the integrity of the whole person as made up of body and soul, but it also accelerates the loss of empathy and the shunning of accountability. Such notions are contrary to a Christian approach which affirms concrete worldly reality and human creatureliness in all its variety of body, soul and spirit. And they are also at variance with an attitude that knows about the necessity of assuming responsibility and emphasizes the importance of human relationships, trust, and commitment for individual identity and community alike.

Luther and Bonhoeffer constantly point out the need to support, to serve and to value others, engaging with them in a caring, helpful and loving way. For both, investing ourselves in others is the only possible manner of responsibly living one's freedom and one's humanity and helping others to be genuine human beings before God. It is God's love and his endowment of freedom that gives human life immeasurable value and inviolable dignity. Therefore, all manners of neglecting humans' bodiliness and undervaluing their personhood, as well as all methods that turn humans into fragments and objects, are forms of dehumanization. Christians as recipients and as proponents of a humanity given by God, need to oppose such tendencies and fight to uphold the humanity that Christ stands for.

Freedom as an essential aspect of humanity then also becomes a particularly contested area between Christian faith and the surveillance paradigm. The latter uses the promise of freedom to make its case that comprehensive data tracking is necessary and beneficial, whereas the former views the reconciliation-freedom in Christ as the key to human self-understanding in the context of our relationship with God and others. Obviously, their respective ideas of freedom hugely differ. Within the thought system of digital monitoring 'freedom' is a humanly created reality with a strong individual focus, a project of unlimited possibilities, a mix of rights, entitlement, and self-agency in need of permanent self-affirmation. For Christian faith on the other hand, human freedom grounds in divine freedom, and it is given to individuals as a means to reach out to others and to be used for their benefit. It is not an end in itself but serves to facilitate a meaningful and fulfilled life for individuals and the community of which they are part.

Surveillance associates 'freedom' with values like convenience, reliability, predictability, risk minimization and safety. In this narrative monitoring contributes to enhance our consumer satisfaction, our comfort and our security. The omnipresent data harvesting from all sorts of

(smart) objects is a service meant to support the organization and simplification of our cumbersome physical reality. Delegating personal responsibility to the (seemingly) infallible algorithmic calculations of digital devices and relying on tools for self-improvement are promoted as liberation and epitome of self-agency. From a Christian viewpoint, a freedom that is secured by data dominance is superficial at best and delusional at worst. Apart from the fact that this notion seriously undervalues other crucial aspects of the experience of freedom, such as spontaneity, proactiveness, creativity, the ability to improvise, solve problems and to deal with adversity, it also fosters tendencies towards voluntary disempowerment because it is ultimately nothing other than control in disguise. God's liberation and justifying love make actions for the purpose of digital self-validation just as unnecessary as subjecting ourselves to new digital dependencies. A Christ-related freedom is not oriented towards an obstacle-free existence with a maximum of individual comforts, but instead strives to act in the middle of the given and challenging reality with a view to care for others' well-being and protection. Responsibility does not inhibit freedom; it actually facilitates it and it cannot be 'off-loaded' unto computers at any stage. Empowerment to act with dignity and authority does not come from within ourselves but from the God who has lovingly restored our humanity and who upholds our freedom through his faithfulness.

The dominant concern of state-instituted surveillance – safety in the sense of physical inviolability and public security – is characterized by the same emphasis on risk containment and the drive to provide reliable prognoses. The idea of freedom as safety is driven by the fear of an uncertain future and the hope that controlling all the possible risk factors can provide the reassurance that humans crave for. But the over-reliance on control mechanisms not only betrays the inability and unwillingness to trust: From a Christian vantage point, this striving for outward security also mirrors human beings' quest for inward shelter (*Geborgenheit*). Wanting to be safe and protected corresponds to the longing for acceptance and recognition that all humans share. This *certitudo*, however, cannot be created by technological means, it can only grow through bonds of trust, mutual concern, and the experience of genuine community. It is not within human power to eliminate uncertainty. Risks will always be part of real life and of any kind of authentic freedom – therefore trust remains essential. Luther and Bonhoeffer both emphasize that the ultimate shelter and freedom of Christians lies precisely in the reassurance that they can completely give themselves over to the mercy of a loving God.

The deceptive claims of the surveillance-freedom only affirm the truth of Christian freedom as an inclusive space where we act together with others and for them, a space that relies on reciprocity, respect, care and compassion, where the personhood and the boundaries of the other person are respected for the sake of their own freedom in Christ. The concept of 'privacy' as a prominent term in the debate about surveillance condenses this understanding in that it



emphasizes the need for the protection of individual persons' intimate sphere and their relationships from unwanted intrusion. Christian faith is convinced that only the bond with Christ facilitates true freedom because it makes room for a human autonomy and self-agency that is at the same time unreserved dedication to others. Anchored in God as the source of all freedom, this kind of 'servant-autonomy' liberates from all sorts of unhealthy enslavements and paves the way to our authentic selves and to others alike, so that it is – precisely in this way – genuine 'self-realization' as serving others.

The last part of the synthesis therefore focused on the ethical conclusions that Christians can draw from the insights hitherto gained for responding adequately to the negative impact of digital surveillance and on what we can infer for our own conduct in the analogue and in the digital sphere. Overcoming the resignation and the ethical paralysis stemming from feeling overwhelmed *by* and dependent *on* the digital firstly requires being aware of the many factors that determine our actions: our attitude and responsibilities, the difference between our immediate environment and the public sphere as well as the different forms of monitoring and institutions involved. Luther and Bonhoeffer's guidelines for Christian life – freedom, love, responsibility and obedience together with the divine commandments – continue to provide valuable orientation for appropriate conduct. Together with approaches like 'contextual integrity', they can be applied to concrete situations like for instance experienced injustice based on algorithmic classifications, the exclusion and disadvantaging of people because of their ethnicity, nationality, social status or religion contained in 'categorical suspicion', or the permanent judgement of individuals based solely on digitally available information about them. But our actions are not limited to being 'counter-reactions' to perceived ills alone: they also need to be constructive, setting different standards and creating an alternative reality.

As individuals we have many possibilities to convey acceptance, understanding, and a non-judgemental attitude that leaves space for forgiveness and second (and third and more) chances in the digital sphere. In the spirit of Christ, we cannot appropriate a mindset that turns people into abstractions, fragments or objects for further use. Knowing that their wholeness and dignity as created in the image of God is inviolable should keep us from imposing our will on them or manipulating them – let alone endangering and exploiting others. It should instead motivate us to protect, help, and appreciate others as whole persons and independent subjects. The ongoing reference to analogue life remains a crucial criterion throughout because it grounds us in concrete reality and helps to keep in mind that our 'digital conduct' always has an impact on flesh-and-blood people.

For Luther and Bonhoeffer, ethics is nothing other than the realization of Christian freedom in the relationship with others. Hence, we need to engage in continuing self-examination to make sure that our participation in the digital sphere enhances our ability to be free in commitment

and does not hinder it. This includes protecting others' freedom and encouraging them to make responsible use of it, empowering them in the process. Our ongoing responsibility for others' well-being not only involves consideration and support but also protecting their privacy and making them feel safe by being reliable and honest in our interactions. The latter can be our contribution to lessening the fear of an unknown tomorrow. Standing in for others with respect to the digital also means: Those who suffer from the damage inflicted by the 'side effects' of surveillance – such as unfair categorization, disadvantageous classification, identity theft or online abuse – need our support and our compassion as well as our active voice of solidarity for their rights and in their defence.

According to Luther and Bonhoeffer, Christian ethical action in the public sphere and on the level of government responsibility should be guided by the same loving concern for others as our 'private conduct'. Two-kingdoms-thinking becomes especially relevant here with respect to the form and function of digital monitoring. If it is the divine mandate of the government to protect its inhabitants from harm, safeguard justice, and facilitate a dignified life, then state-instituted monitoring must also serve these purposes. Christians need to hold the state to account whether its observation measures are appropriate. They need to point out (power) abuse (like e.g., overreach into the private sphere of individuals, categorical suspicion or unfair discrimination) and they can engage in (non-violent) resistance if the state forfeits its God-given task and subsequently its legitimacy. Since the state – based on its duty to restrain evil and promote the good – has an oversight function over the different sectors of society and the overall economic activities, it obviously also has an obligation to regulate commercial surveillance and its business models in such a way that their consequences do not disadvantage or disempower certain groups or endanger individuals' livelihoods, reputations, dignity and lives.

Christians must participate in the search for a new surveillance paradigm and the corresponding alternative forms of surveillance. Digital data harvesting and data assessment's focus must be on serving the needs of real human beings in a caring and protective manner. Features that facilitate more human interaction, foster mutual trust, and encourage active input from data subjects for developing algorithmic categories would make data processing more legitimate, appropriate and ultimately more effective. Accountability for data-handling entities, transparency about the purposes and processes of data harvesting and fair information principles would be a matter of course. This also requires strong democratic institutions and helpful community structures which Christians need to support.

A different digital surveillance goes hand in hand with a different digital culture which is shaped by all of us as digital users. On a technological level this entails that as Christians knowing about freedom, responsibility and empowerment, we can support changes in terms of design,

consent and access control which give people a more active role in curating their digital activity. On a spiritual level it means: In our personal conduct in the digital realm, we must clearly disassociate ourselves from the dominant culture-mix of indifference and judgementalism, classification schemes, objectification methods, and utilitarian risk calculations; we are free to be guided by the requirements of analogue life with embodied people and the obvious consequences of our faith in love, freedom, responsibility and obedience to God's commandments.

## **6.2 The need for consensus on certain values and Christian testimony**

In this dissertation, digital surveillance and the worldwide digital culture connected to it has been identified as one of the current issues of global relevance that require urgent human action because of their negative, humanly-made impact – a fact that puts it in the same league with topics like the fight against climate change, the preservation of the earth's resources, the prevention of wars and armed conflicts, the fight against injustice and poverty, the containment of dangerous diseases, etc. Just like all these other issues which concern everybody on this planet, digital monitoring turns out to be much more than a technical phenomenon but an influential part of reality with far-reaching social dimensions. Trying to understand it and dealing with its consequences raises a whole host of fundamental questions about our notion of identity, our understanding of humanity *per se*, the relevance of our relationships with others, the question of governance, the role of nation states, the face of power or the role of the economy for the self-understanding and functioning of whole societies – just to name a few.

These social dimensions and the palpable effects of our actions on earth, nature, and ourselves reveal that we as human beings of different faiths, world views and formations need to come together to find ways to deal with our self-produced problems – not only for the sake of a dignified human existence and forms of orderly communities henceforth, but in fact to safeguard humanity's physical and spiritual survival on this planet as such. The multiple challenges we face together compel us to seek common ground; we are forced into a dialogue that must lead to some form of consensus on a vision of the future that takes everybody along. We have no choice than to probe what kind of society we want to live in and what kind of world we want to pass on to those who come after us. The search for practical (and also technological) solutions inevitably has a 'spiritual' dimension and must simultaneously become a quest for basic values that connect us and for truths that we can agree on – as a foundation for ethical criteria that help us to act together for the benefit of humanity. We need to ask: What are the norms, values and expectations in the different contexts of our life that we share? Which are the truths that guide our action? What is the basis of our shared humanity? In the

age of fake news and multiple 'realities' this is, admittedly, an enormously difficult task but one which we can neither ignore nor afford to give up on.

If Christians reflect on sectors of human reality like for example, digital surveillance, they obviously do it from their specific perspective as believers – as has been demonstrated in this thesis. At the same time there can be no doubt that reflections about topics that regard all of humankind can never just be inner-Christian debates but should strive to contribute to a broader dialogue. This lies in the nature of things because from the very beginning Christians (and Jews) have been concerned for the whole of their respective societies and indeed for the whole of humankind, not only because they live in the middle of the created world and are part of it, but also because God is the creator and counterpart of *all* humanity. His divine commandments and the gospel of Jesus Christ are thus directed to all humans. Huber (2013:17) rightly insists that the Christian ethos never just caters for Christians alone, but always refers to the order of society as a whole and that it is one of Christianity's inherent tasks to engage with other (ethical) approaches. As Christians we need to participate in the search for a common foundation from which to act by sharing the notions that uphold us and the faith that anchors us – without imposing our views on others or patronizing them.

Luther and Bonhoeffer remain valuable contributors to a dialogue between Christians and those with other worldviews and/ or religious convictions because of their radical love and acceptance of the real world and real human beings and their unreserved readiness to engage with this (imperfect) worldly reality. It is their faith in the existential interdependency between God and humanity that makes them into advocates for this humanity. And it is their passion for a gracious God that leads them to deep compassion for a world in need of saving grace. Luther and Bonhoeffer cannot give up on the world because God never did. But while their engagement with the world is grounded in their trust in God, their theological approach never excludes non-believers; it always tries to include them by way of rational reasoning, striving to stay accessible and understandable to them.

Bonhoeffer takes seriously that the world has 'come of age' and that it no longer needs the God of power as a working hypothesis and stopgap for the questions and problems that humans seemingly cannot resolve on their own (DBW 8:476-477, 511, 532ff.). Before God "we have to live in the world *etsi deus non daretur*.... God himself compels us to recognize it. So, our coming of age leads us to a true recognition of our situation before God. God would have us know that we must live as men who manage our lives without him" (Letters and Papers from Prison=LPP:360). This is the basis that we share with non-believers. For Christians, however, taking leave of "the metaphysical God of power" (Lawrence, 2010:90) leads back to the shelter and truth of the true God; it drives us to rely on the God who has revealed himself as the helping and healing force in the suffering and the weakness of Jesus Christ (LPP:360f.).

This is the liberating God that we can ‘offer’ the world in the gospel message, the God who confronts us with his truths in the middle of life and in the middle of our abilities (LPP:346). This is the God in whom we are to put our trust and our hope because he does not disempower humans by way of his power but empowers them by his weakness.

Both Luther and Bonhoeffer are also aware that Christians live in a societal order that is not necessarily determined by the divine commandments. Since Christians and Non-Christians inhabit the same world and are part of the same society, they need to compromise, creating legal regulations that are binding and acceptable for all. Two-kingdoms-thinking clearly stipulates that the laws of the state must accommodate people of different convictions and that they must be followed by all, regardless of their personal beliefs or worldviews. This ‘compromise-approach’ leaves room for Luther’s conviction that “biblical law based on love and natural law based on reason agree because both can be traced back to the Golden Rule in Matthew 7:12” (Nürnberg, 2005:252) as well as for Bonhoeffer’s stance that the government’s task of protecting human life naturally leads it to the second table of the Decalogue (Ethics:336).

### **6.3 A shared experience of humanity as a basis for future dialogue**

In this vein we can ask: What could be the foundation for a consensus on action about pressing human concerns in multicultural and multireligious societies? Are there some truths about our human condition that we could agree on, based on our shared experience of humanity? Can people of different convictions find common values as a point of departure for further ethical dialogue?

Drawing on Luther and Bonhoeffer’s approach and on the summary of insights in this dissertation’s critical assessment of digital surveillance here are some suggestions:

- We are tied to one another by the fact that our earthly existence is a given one – as a reality that we were not able to choose but have been born into.
- This includes the experience that we are not self-sufficient; we cannot by our own power ‘create’ and uphold ourselves, we are dependent on others and forces other than ourselves to be able to live.
- The ‘givenness’ of human life indicates that there is an inherent dignity in every human being that is not at (human) disposition. From a Christian perspective this is the *imago Dei* status of every human being.
- It is part of this dignity that human beings all share a wish to be subjects (and not objects of others) with the capacity to make decisions and act out of their own will. We

want to have some self-agency to determine the course of our own lives – this is encapsulated in the longing for freedom

- Human life is finite and conditional and shaped by circumstances beyond our control; all humans experience this uncertainty about the factors that determine their future.
- With others, even if they have completely different worldviews, we also share an existential search for meaning and purpose, for a fulfilled life that we can call our own.
- Our nature as social beings means that we are dependent on others – we need their anticipatory acceptance and their ongoing recognition and love. To trust others and to be trusted by others is one of the crucial aspects of humanness. Trust, fellowship and genuine community are a *conditio sine qua non* because they shape our ‘innermost being’. Luther and Bonhoeffer characterize our social dependency as commitment and loving bonds which are at the same time ethical claims.
- Our human ability to reason, to decide, to act, and to make an impact on our environment means that we have responsibility: for ourselves, for others who are entrusted to us as well as for the world, and the environment in which we live. This responsibility is part of our human essence and cannot be denied, ‘passed on’ or ignored.
- As ‘earthlings’ with bodily needs we are connected to all living things on earth and dependent on earth’s natural resources; we need animals, plants and nature in order to survive and it is our natural task to manage and use the world wisely, preserving and protecting its riches – for the sake of the world’s dignity, but also for the sake of our own survival. Luther and Bonhoeffer describe this as our ‘creatureliness’ and the surrounding world as our co-creation.
- The undeniable uncertainty of life, our dependence on ‘things’ and on others and the fact that we always live our lives in the company of other people require us to create structures which facilitate reliability and uphold community, strengthening our bonds with others. This is where social norms and laws come in, and where strong institutions as stabilizing factors in society turn out to be indispensable. The destructive consequences of a breakdown of mutual trust and the inability to continue a conversation with others in case of disagreements are apparent in many current societal settings; this creates situations of extreme instability that ultimately serve nobody and can therefore not be in anybody’s interest.
- The aspect of community leads us to the role of nation states and the basic function of government. Even without God in the equation we need to determine a common denominator for the tasks of government and the way in which government

accountability can be assured. Luther and Bonhoeffer's notion of government as commissioned to hold evil at bay and promote the good by preserving the lives and livelihoods of its inhabitants, protecting them from harm, and fighting abuse and injustice, could indeed be a non-contentious goal for people of different convictions.

A shared notion of our human vulnerability and dignity and some basic agreement about key values for human community will obviously also benefit any cooperation between Christians and persons with other religious or secular convictions with respect to digital surveillance and digital culture – both to fight its negative consequences for individuals and the social climate in society as well as to create different, more beneficial forms of monitoring and digital communication. As people of different faiths, we need to determine the future role of human beings in an increasingly automated and computer-dependent world. As we take the necessary steps to manage the growing capacity to store, process, assess and use data in a way that is beneficial to the majority of humanity, we must make sure that the role of human responsibility is never obscured. We need to have safeguards to limit the potential for power abuse with digital surveillance in the hands of government and other entities.

And we need to examine carefully: Do we want our children and grandchildren to live in a world where digitally extracted 'selves' override embodied people, where commercially directed behaviour control is the norm and the last remnants of privacy are sacrificed on the altar of 'total transparency'? Do we want unlimited data flow, or do we opt for self-limitation for our own good? Do we want societies of control that are dominated by mistrust and suspicion or rather societies that have room for mutual trust and solidarity, where people form bonds and support each other, enjoying intimacy and closeness in protected spaces? How can we ensure the priority of analogue life, bodiliness and the importance of compassion and empathy with others' sufferings? And which notion of freedom will best serve to accommodate our individual needs and incorporate the focus on those around us? At the core of all these deliberations is really the question of what kind of humanity we want to cultivate with the help of the digital and what course we want to set for a digital culture of the future.

#### **6.4 Possible future research**

The exploration undertaken in this study has led to many related aspects that deserve further discussion and (interdisciplinary) research from theologians, sociologists, philosophers, computer scientists, and economists alike. In this vein, the interdependence between digital surveillance 'from the outside' (the surveillance operators) and surveillance 'from the inside', namely, the users themselves (e.g., in the form of widely practiced peer-surveillance and self-surveillance on social media), remains a topic of ongoing relevance. This in turn begs further reflections on the complicated relationship between the longing for 'privacy' and the

simultaneous urge for 'self-exposure', and the nexus between a feeling of insecurity and vulnerability and the unquenchable thirst for continual (public) approval and recognition. The almost irrational fear of 'secrecy' and the ensuing requirement of complete 'openness' also need to be explored further. The self-contradictory traits in human world-perception and self-understanding become especially palpable in the disproportionate evaluation of risks that come to bear in the digital realm; this is another area worthy of further study. The complex and ever-changing connection between the individual and community and its implications for the digital also deserve closer scrutiny, just like the reverse-effect of digital communication and permanent data availability on our notion of personhood, freedom, friendship and community. The differences and the parallels between our analogue and our digital lives in combination with the reciprocal suffusion of both realities needs urgent attention, especially in connection with the development of norms that can be accepted by different people. This is closely related to the question how trust can be established in the digital realm between individuals who perhaps have never met 'in the flesh'. And finally, the whole issue of the relevance of institutions in the digital age and creative ideas on how new institutions of trust can be established, remains an important matter for further analysis and deliberation.



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