

Globalization, the Information Society and New Crimes : the Challenge for the XXI Century

*Emilio Viano**

Riassunto

Il presente articolo esamina in modo approfondito l'attuale fenomeno della globalizzazione e le sue tendenze evolutive nonché il suo impatto, positivo o negativo, che rappresenta la pietra angolare della corrente riorganizzazione dell'economia mondiale. Verranno altresì analizzati la natura e le conseguenze della globalizzazione dei servizi commerciali e finanziari, le operazioni e l'impatto delle multinazionali e la gerarchia dei paesi basata sulla loro importanza relativa nell'economia mondiale e le relative conseguenze.

Successivamente, nel testo viene effettuata la distinzione tra globalizzazione reale e virtuale, il suo impatto sulla crescita economica, le sue dinamiche inclusive ed esclusive e le conseguenze per gli attori economici, sia individuali che a livello di imprese.

L'articolo affronta poi la tematica della società dell'informazione, fenomeno che accompagna e facilita considerevolmente la globalizzazione grazie ai progressi drastici e significativi intervenuti nelle comunicazioni e nei trasporti. Viene anche esaminato l'aspetto dell'utilizzo di Internet e delle apparecchiature elettroniche per la sorveglianza di massa, per la raccolta di informazioni personali e dell'erosione sistematica della vita privata – Internet come “Panopticon”.

Infine, l'articolo analizza la vulnerabilità della società dell'informazione globale nei confronti della criminalità, in particolare di quella economica e dei furti di identità, ironicamente facilitati proprio dal carattere globale e intrinsecamente della società dell'informazione stessa. Anche il miglioramento generale delle condizioni finanziarie della maggior parte delle persone nel mondo, creando più ricchezza e benessere economico, ha delle conseguenze negative, talvolta criminose, e delle ripercussioni soprattutto sulle popolazioni autoctone o vulnerabili, sulla fauna e sulla flora. La maggior parte degli esempi relativi a queste tendenze criminose riguardano la tratta delle persone, il commercio illegale di specie minacciate, di organi umani e di prodotti animali, di antichità, di opere d'arte e le diverse tipologie di contraffazione.

In conclusione, esiste uno stretto e chiaro rapporto tra la globalizzazione, la società dell'informazione, il comportamento criminale e la capacità di una società di proteggersi efficacemente contro la pirateria e la violazione di leggi e trattati che governano numerosi ambiti della vita privata, le attività economiche e la proprietà intellettuale.

Résumé

Ce document examine en profondeur le phénomène actuel de la mondialisation et de ses tendances, son impact, positif ou négatif qui est la pierre angulaire de la restructuration actuelle de l'économie mondiale; la nature et les conséquences de la mondialisation des services commerciaux et financiers; les opérations et l'impact des multinationales; et la hiérarchie des pays en fonction de leur importance relative dans l'économie mondiale et ses conséquences.

Le document distingue ensuite entre la mondialisation réelle et virtuelle et son impact sur la croissance économique; ses dynamiques inclusives et exclusives et leurs conséquences pour les acteurs économiques, soit particuliers que entreprises.

Le document aborde ensuite la société de l'information, un phénomène qui accompagne et facilite considérablement la mondialisation grâce à des améliorations drastiques et significatives dans les communications et les transports. L'Internet et les appareils électroniques utilisés pour la surveillance massive, la collecte de renseignements personnels, et l'érosion systématique de la vie privée - l'Internet comme « Panopticon » - sont également examinés. Enfin, l'article analyse la vulnérabilité de la société de l'information globale à la criminalité, en particulier économique et aux crimes de vol d'identité, ironiquement facilitée notamment par son caractère global et interconnecté. Même l'amélioration globale des conditions financières de la plupart des personnes dans le monde, créant plus de richesse et de bien-être économique, a des conséquences négatives, et parfois criminelles, des répercussions impactant en particulier les populations autochtones ou vulnérables, la faune et la flore. La plupart des exemples de ces tendances criminelles sont la traite des personnes, des espèces menacées, des organes et produits des animaux, des antiquités, des œuvres artistiques et les différents types de contrefaçon.

En conclusion il ya un lien clair et étroit qui existe entre la mondialisation, la société de l'information, le comportement criminel et la capacité d'une société à se protéger efficacement contre le piratage et les violations des lois et des traités gouvernant plusieurs domaines de la vie privée et aussi bien les activités d'affaires que la propriété intellectuelle.

* Professore ordinario, American University and Washington College of Law, Washington, D.C.

Abstract

This paper examines in depth the current phenomenon of globalization and its trends; its impact, positive or negative which is the cornerstone of the current restructuring of the global economy; the nature and consequences of the globalization of trade and financial services; the operations and impact of the multinationals; and the hierarchy of countries based on their relative importance in the global economy, and its consequences.

The paper then distinguishes between real and virtual globalization and its impact on economic growth; its inclusive and exclusive dynamics and their consequences for individual and corporate economic actors.

The paper then addresses the information society, a phenomenon that accompanies and significantly facilitates globalization through drastic and significant improvements in communications and transport. The Internet and electronic devices used for massive surveillance, the collection of personal information, and the systematic erosion of privacy - the Internet as Panopticon - are also examined.

Finally, the paper analyzes the vulnerability of the global information society to crime, especially economic and identity theft crimes, ironically facilitated especially by its global and inter-connected nature. Even the global improvement in the financial conditions of most people worldwide, creating more wealth and economic well being, has negative, and at times criminal, repercussions, impacting especially indigenous or vulnerable populations, fauna and flora. Most illustrative examples of these criminal trends are trafficking in people, endangered species, animal organs and products, antiquities, art and various types of counterfeiting.

In conclusion there is a clear and close connection between globalization, the information society, criminal behavior and a society's ability to effectively protect itself from piracy and the violations of a country's laws and treaties.

1. The Global Age.

Ours is a global age. The interaction among societies, cultures and economies has become so strong and so tight that has created a powerful and unbreakable interdependence and reciprocal influence. The term used to express the inter-relation of our social, cultural, political and economic worlds is "globalization." There is no question that we live and operate in a world where communication is instantaneous, sharing products and services routine, national borders are increasingly irrelevant or not operational anymore and where powerful multinational companies exercise enormous influence much more extensively than the national state itself. Time-honored concepts like nation, national independence and cultural identity are being weakened by economic dynamics that are well beyond the control of nation states, by a communications network that reaches and integrates the whole world and by the continuously growing immigration, which in turn introduces and eventually transplants new values, religions and norms.

Globalization has been defined has a large scale economic, technological, social and cultural process characterized by growing communication and interdependence among different countries of the world, unifying and consolidating markets, societies, and cultures by means of a series of social, political and economic transformations that give it a global character. This process began in the Western world and rapidly expanded to the rest of the world during the last couple of decades of the XX century, especially after the disappearance of the Soviet Union and its influence, and continues unabated in the XXI century. It is characterized by the evolution from a local economy to a world market economy where the modes of production and the movement of capitals are configured on a planetary scale. A few years ago, for example, during the so-called "banana war" between the United States, Honduras, Ecuador on one side and the European Union on the other, the economic troubles of banana producers in Central America blamed on the restrictions imposed by the European Union

that favored former French colonies lead to a trade war that eventually affected the livelihood of woolen manufacturers in Scotland, a world away from the banana plantations of Latin America.

Very important elements of this new economy are the multinationals and the free circulation of capitals along with the definitive establishment of a consuming society. Today's economies deeply depend on people "consuming", that is constantly buying "new and improved" products and engaging in conspicuous consumption.

1.1. Major Trends of a Globalized Society.

We can identify several trends that are specific to our globalized society¹:

(a) the spread of liberal democracy. The so-called "Arab Spring" has been interpreted as one of the latest manifestations of this trend.

(b) the dominance of market forces which often trump political decisions,

(c) the integration of the global economy so that its health does not depend any more only on the strength of some of its major members, like the United States and the European Union, but it is increasingly multi-polar. An economy as small as Greece can cause a major upheaval and threaten a currency like the Euro.

(d) the transformation of production systems and labor markets so that the educational and training level of the labor force is essential to survival and success,

(e) the speed of technological change and therefore the deepening divide between countries that are or are not technologically advanced and up to date,

(f) the revolution in the mass media, especially the internet and social media, that has major repercussions on the way we communicate, interact and acquire and exchange information,

(g) the overall improvement worldwide of the economic, health and food situation of most people accompanied, however, by a growing divide between the very wealthy and the poor and by significant changes in demographic trends,

(h) consumerism which generates deep changes in culture and the relationship of humans to their possessions,

(i) negative "side effects" that result in the victimization of large numbers of people (e.g. loss of employment and career; forced migration; trafficking in people; illegal commerce in animal parts, organs and products; environmental degradation; increasing social exclusion of minorities and indigenous people; fraudulent and exploitative financial operations and instruments like derivatives, and more).

Naturally, not all these processes occur at the same time and at the same rate in different parts of the world. There are marked differences in different regions of the earth. However, the dynamics and the overall direction are the same. New economic relations are being built not only globally, but also between different blocks of countries. New cultural, fashion, food and social trends are being introduced successfully as a result of or in response to increased contacts made possible by globalization. However, all these trends and changes, disrupting economies, ways of life, and established employment patterns, can also generate potentially explosive tensions in certain places and at certain times. Protest or

¹ United Nations Social Development (UNRISD), *States of Disarray. The social effects of globalization*, 1995.

violence can erupt in various forms not only in the smaller, weaker or developing societies but also in the more powerful and developed ones. The so-called Arab Spring; the “Occupy Wall Street” movement in the United States; the “indignados” in Spain; the 2011 riots in the United Kingdom that spread from London to other cities; the outbreaks of violence in the suburbs of Paris in 2005; the strong protests against austerity budgets in Greece, Italy, Spain, France, the U.K. and others, illustrate that. All over the planet, the violence of marginalization and impoverishment is compounded at times by cultural and ethnic conflict, whether of groups or individuals who feel discriminated against and lacking opportunities in their own society. The bloody uprisings in Syria, Yemen and Bahrain; the violence in Nigeria, Iraq, in areas with Kurdish populations discriminated and oppressed; the flash mobs that can quickly materialize, kill and destroy in India, dramatically illustrate the point.

1.2. Globalization: Positive or Negative?

The positive or negative evaluation of the phenomenon of globalization can vary depending on the ideology of the parties involved. Thus, globalization has awakened great enthusiasm in certain sectors while in others it has been received with great hostility and rejection – the Anti-Globalization movement that, at times, has spurred strong demonstrations in various cities in the world on the occasion of the annual meetings of the World Bank, the International Monetary Fund, the G-8, the G-20 and others. The massive display of police power, the practical paralysis of a major city, the severe restrictions and violations of human and constitutional rights that now routinely accompany these meetings are a sign of

the tension, disagreement and controversy that they generate worldwide. Thus, at times, these meetings are now held in secluded and remote areas with limited access and more easily to control, like the G-8 meeting held in 2012 at Camp David in the United States, a mountainous, isolated presidential retreat far from any city.

In any case, what has been called globalization is radically disrupting relations not only between countries but also between individuals and their own country or other social groups. An expression of the first is the formation of new economic blocs and the establishment of new hierarchies of wealth and power among nations. The emergence of the BRICS (Brazil, Russia, India, China and South Africa) and the perceived decline of the European Union and the United States are examples of this.

As to the second type of disruption, the process of globalization is disruptive for existing power, welfare and client structures because it challenges protectionism and the Welfare State that became the norm in many areas of the world after World War II. This was based on the notion that the State fulfills a double function to ensure a smooth and positive economy: first, by promoting the prosperity of the population and then by avoiding “rollercoaster” cycles of growth and recession. This disruption has important consequences when it comes to delinquency, drug and people trafficking and crime in general.

In the decades following World War II, multinational corporations came into existence and prospered, challenging the importance and function of the classic capitalist business enterprises that were behind the economic models and analyses of Adam Smith and Karl Marx when

they formulated their theories. The outbreaks of violence have been fueled not only by the interdependent culture and economy fostered by the expansion of communications or by ethnic and cultural tensions that open borders generate, but also by the growth of criminal networks, such as drug trafficking or smuggling of vehicles, transforming entire regions, regardless of borders, into their area of operation.

2. A globalized world.

Everyone is aware that the world economy is currently experiencing dramatic changes which are leading to a restructuring of the power hierarchy of nations and of the international division of labor as well as to creating acute socio-economic imbalances in many countries worldwide. In essence, this is a process of structural change in international economic relations, which has profound and unavoidable impacts within each nation and even regions. This process began in earnest since the end of World War II. The dramatic scientific and technological advances that took place since then have transformed and deepened the ties between countries. Globalization is not something new but presently it has reached a high level of development and is acquiring more distinct and complex dimensions than before.

2.2. What are the cornerstones of the current restructuring of the global economy?

First of all, there have been drastic changes in the importance and use of raw materials, which are progressively being replaced in great part by synthetic products. Well-known examples are natural versus synthetic rubber and fibers. The “boom and bust” history of cities like Manaus in

Brazil and Merida in Mexico are a testimony to this. Moreover there has been and there still is a continuous loss of importance of the labor factor in production, due to the rise of the automation and the robotization of industrial processes. As a consequence, this leads to unemployment for unskilled labor, and increases the demand for those with higher professional qualifications. Hence, the exponential growth of higher education. This too may change some day as work on artificial intelligence is rapidly advancing. In the United States, the development of software that is able to credibly grade college papers is reportedly progressing quite well. This will eventually threaten the jobs of countless graduate assistants, lecturers and professors.

2.3. Foreign trade and financial services.

In part as a consequence and in part as a cause, there has been an large increase of foreign trade and of the globalization of the financial system. The technological revolutions of the late twentieth century, and especially the introduction of the Internet, have played an impressive and essential role. Without the Internet and the electronic devices we use routinely today, the transformation of the ongoing global economy would not be possible.

The confluence of these elements outlines their mutual overlap and mutual cause-effect relationship. It has opened the way to the globalization of markets and production, that is, increased levels of foreign trade, the globalization of the financial system, the automation of industrial processes and the growing interdependence among nations. In other words, the world has been and still is being shaped as a single and large market; as a place where goods

can be produced, acquired and traded quickly, effectively, and profitably.

2.4. The Multinationals.

So globalization is a phenomenon that affects the international economic order, integrating the various nations, the alternative being economic stagnation and even atrophy. It is important to recognize that what is involved here is a process of globalization of the capitalist economy, whose key function is the international integration of the means and activities of production. Also, it is essential to realize that the global economy is not really governed by the mechanisms of free competition. It actually functions for the interests of large multinational corporations, whose scope is global but whose functioning is often supported by the government of their country of origin. Their tendency is to consider and relate to the governments of the countries that constitute their field of operations as subordinate. Good examples in the aircraft industry are Boeing for the United States and Airbus for the European Union.

3. A hierarchy of countries.

For sure, not all countries are equally important in the global economy, as there is a clear hierarchy among them. First are the countries at the center of the system, then the newly industrialized countries, followed by countries that are industrially backwards or stagnant and, finally, countries that are just beginning the process of industrialization. The most developed, key countries derive much of their power from providing those post-industrial services that make globalization possible and profitable. A stark example of this change is Canary Wharf in London. Today it is made of a collection of tall

modern buildings that house the headquarters in London of a variety of big corporations, banks and law firms, paying what are considered among the highest salaries and bonuses worldwide: Barclays and HSBC Holdings Plc (HSBA) of the U.K., Switzerland's Credit Suisse Group AG (CSGN) and the European operations of U.S.-based Citigroup Inc., JPMorgan Chase & Co., Morgan Stanley (MS) and Bank of America Corp. (BAC). Clifford Chance is a preeminent law firm located in this area. The 2012 Olympics are managed from offices in Canary Wharf as well. Years ago this was a port where tons of raw materials arrived from the colonies and expensive manufactured goods left for the colonies to provide abundant wealth for the U.K. ruling classes and royalty. Today and then, one could argue, the massive earnings of the ruling class came at the expense of the dock workers and of the people living today around Canary Wharf, in Tower Hamlet.² Many "developed" countries, however, have now realized the hard way that a manufacturing, industrial base is also essential to financial health and political stability. Thus, presently, so called post-industrial countries are actively trying to recoup industries that left for abroad along with thousands of jobs. Reaching a "post-industrial" status, once seen as a clear sign of progress, is now being reconsidered. Manufacturing jobs are again sought after and coveted.

² <http://www.bloomberg.com/news/2012-05-08/occupy-london-tour-shows-bankers-profiting-amid-poverty.html>

3.1. The Consequences of the Countries' Hierarchy.

This hierarchy among countries determines where each nation or group of nations stands in the global order. Those who are last are those whose importance in the global market is lower, which means that many countries are in that situation, forming the "periphery" of the worldwide capitalist system. Said periphery, of course, is in the process of re-articulation between its members and the core countries, due not only to changes in the international division of labor but also on the demands of the market, especially the commodities market, and the relationships between the protagonists of the global economic scenario: the United States, China, Japan and the European Union, especially Germany. For example, the rapid growth and increasing overall wealth of China is creating an insatiable demand for commodities like soybeans so that countries like Argentina and Brazil are earning vast sums of money through their agricultural exports. In Argentina 160 million hectares have been dedicated to growing soybeans versus 25,2 millions in France. Argentina is the 3rd largest exporter of soybeans after the United States (#1) and Brazil (#2). Transgenic soy represents 36% of Argentina's exports for a total value of 16 billion euros. Even the cost of land reflects this: \$7,000 a hectare for soybeans versus \$5,000 for a vineyard. Argentina is the 6th major exporter of corn in the world, 22 million tons a year. Wheat, sorghum, sunflower, chicken are among other important Argentina's exports. The increased awareness that we need to develop and use alternate fuels rather than oil-based ones for cars, trucks, airplanes and motors in general, has created a major demand for

"bio-fuels". Consequently sugar and corn producing countries are benefitting from exporting them in large quantities, like Brazil does for example. This in turn can exacerbate the challenges and problems faced by the poor and marginalized who now must deal with increased prices for staples like corn tortillas or must downgrade their diet to cheaper items like flour tortillas. The environmental impact and at times the displacement of indigenous populations are also among the high costs of this seemingly benign development.

The export of raw materials has helped some developing countries, especially in Latin America, to weather rather well the major economic crisis that has affected the U.S. and the European Union since 2008 and to advance financially. Their financial stability and newly found wealth in turn impact their standing on the relative hierarchy of countries. However, in general, the balance of trade of a large majority of peripheral countries is negative. Multinational corporations control 60 to 70 percent of exports of primary products of the peripheral countries and thus are in charge of matching supply to demand. Raw materials are exported while manufactured goods constitute the bulk of the supply for domestic consumption. Not that much has changed since colonialism was in full force, actually. Only some of the actors have been changing.

Thus, globalization can be considered the process of restructuring the international economic order. Its process means a reallocation of the place of peripheral countries in the world market. It has profound consequences and repercussions not only for their economy but also for other

important social problems like migration, drug and people trafficking, and other crimes.

4. Real and Virtual Globalization.

There are two types of globalization: real and virtual.

Real globalization reflects the changes in technology, the accumulation of capital, and the aptitude of national economies to generate competitive advantages. Real globalization is a long term process that did accelerate, starting with the spread of the Industrial Revolution in the 19th century. It gained more speed in the second half of the 20th century. However, the most spectacular manifestations of globalization are actually happening in the virtual sphere, that is, in the diffusion of information and images at the planetary level and in the financial markets. Never before did exist networks of transmission and processing of data in real time of the magnitude and with the low cost of today. Similarly, there was not in the past a financial market of the same scale in which a fast movement of capital predominates. The interdependence of economies, markets and countries is established and reinforced through the use of electronic transactions that move billions in seconds.

4.1. What does the Global Economy Mean?

The global economy means most of all the globalization of financial markets whose behavior determines the movement of capital, currencies, and credit and therefore the economy in all countries. Currency markets move trillions every day. No country can withstand an assaultive manipulation of its currency in the global markets. Very important for its possible repercussions on the criminal sphere is the market's ability to

develop and create complex and almost imaginary financial products like derivatives, new types of futures, options, etc. The potential for manipulation, corruption and dishonest dealings is very strong here, especially given the almost "invisibility" of these financial instruments. The recent financial crisis in the United States and elsewhere, starting in 2008, has vividly exposed this world of corruption and shady dealings. The deep financial crisis in Greece was reportedly rooted in these complex financial "make believe" swap complex transactions that helped "cook the books" of the country for a time while in reality the finances of the country were collapsing. Just as it happened with the American subprime crisis and the implosion of the American International Group {AIG}, financial derivatives were an essential element in the growth of Greek debt. Financial instruments generated by Goldman Sachs, JPMorgan Chase and several other U.S. banks gave apparent cover to politicians to conceal from the citizens, actually their shareholders, continued borrowing in Greece and elsewhere. Goldman Sachs and other U.S. financial institutions have been accused of orchestrating the Greek crisis by helping Greece ostensibly meet the deficit rules of the European Union while continuing to spend well beyond what it could realistically afford³.

4.2. Other Areas Encompassed by Globalization.

It is important to stress that what we call the globalization of the economy encompasses as well the enormous impact of international trade on economic growth, a major area of contention among countries; the considerable increase in foreign direct investment to the point that some

“developing” countries are now attempting to limit it; the globalization of the production and distribution of goods and services by multinational companies and their networks; the interconnection of markets for goods and services; the gradual establishment of a global market not only for specialized workers but also for workers in general with the consequent growth of the international migration of labor forced out from areas in economic crisis to those that provide a better chance of finding work and advancing.⁴ Patterns of “back and forth” migration in response to changing economic conditions are common today. Thus a few years ago many persons of European descent in Argentina or other Latin American countries migrated to Spain, Italy, Greece etc. trying to escape the economic crisis gripping their Latin American countries for more financial stability and a better job market. Now the trend has reversed itself with many of them returning to Latin America where the economic situation is more promising and prosperous than in Europe. The large growth of people in Latin America and elsewhere with a double passport, the second being most often a European Union one, signals how clearly people have perceived the swinging fortunes of the globalized economy and tried to edge their bet. The fact that some Europeans, especially young people in Greece, Ireland, Spain and Italy, may now be considering emigrating at least to other European Union countries, when it had been taken for granted for a number of years that Europe was now an importer and not any more an exporter of people, is telling.

³ <http://presscore.ca/2011/?p=3088>

⁴ Castells M., Globalización, Identidad y Estado en América Latina, www.gobernabilidad.cl/documentos/globalizacion.doc

5. Globalization: Inclusive and Exclusive.

Globalization, based as it is on exchange networks and communication flows, is at the same time inclusive and exclusive. It is inclusive of anything that supports achieving its main objective: economic profit, be it outright gain or increase in value. This is the fundamental variable for inclusion or exclusion in global networks. Every country, every enterprise, and everyone are affected by this dual possible outcome: being included or excluded. Global networks are constantly at work including certain cities, neighborhoods, regions, individuals and excluding others. We can anticipate that in certain parts of the world, especially in the developing world, like Africa, South Asia, and Latin America, large percentages of the population, business, and institutions are excluded from the global system, even though they may feel the impact of what happens elsewhere.

Even in a highly developed country like the United States or in an area like the European Union, there are populations that are excluded as a consequence of their low potential for generating profits and this may be the long term consequence of racism and sexism. Thus, social inclusion or social exclusion, mostly based on the promise and/or perception of profitability, are an integral part of the process of globalization where ruthless competition dictates a “take no prisoners” approach. There are entire areas in many American, European and other cities where 20 to 30% of the population is excluded from the benefits and gains of globalization, that is from advanced medical, diagnostic, surgical services to access to supermarkets, banking, shopping centers, schools, theaters, museums and the like.

Even in major American or European cities, there are neighborhoods without banks, supermarkets, hospitals or a host of other services taken for granted in “better” parts of the city.⁵ This inclusion/exclusion has deep consequences on the life trajectory of millions and plays a key role in the availability or not of opportunities and consequent life choices that may result in drug trafficking, prostitution, property crimes, robbery, and other crimes with predictable results for those involved in them and society at large.

6. The Information Society.

Ours is also the age of instant, continuous, worldwide communications.

The nature of the internet, like that of globalization, can have both positive and negative qualities and consequences. It is quite paradoxical and even contradictory. On the one hand, it has been considered and described as the tool that provides an almost infinite capability for wide human interaction without borders and barriers and at any time of any day, a true and genuine open virtual market of ideas, information and transactions that can be shared instantly across the globe. The so-called Arab Spring, the “Occupy Wall Street” and the “Indignados” movement have demonstrably proven the strong and efficient ability of the internet to provide a worldwide platform for networking, organizing, cooperating, sharing information and plans, call for and coordinate mass events, and defy the establishment. During such heady days, the internet is described as an almost unstoppable mechanism for radical change, a powerful force forging unity of purpose, ideas and action, a

fantastic means of instant communications and organizing never before known or tested. Especially the connection between the internet, as the carrier, and the news, often live, being shared worldwide, has brought situations of abuse, exploitation, tyranny and enslavement to the attention of the entire world community, providing the impetus for political and social change and reform, or at least worldwide condemnation, revulsion and, at times, intervention.

The social media especially have realized the potential and the reality of the internet as the great connector of the entire world for the masses everywhere there is access. Almost a billion are members of Facebook, engage in instant chat with others who may be half the world away, share instantly photographs and comments or videos depicting a specific situation, and blanket the world with their thoughts, wishes, happiness, achievements and defeats.

6.1. Drastic Changes in Communications.

The very way in which we communicate, learn, get the news, see reality, relate to one another, find friendship, love, companionship, obtain advice and information has changed dramatically from that of the previous generation. It is constantly changing with new technological innovations and the never ending introduction of new and improved models of electronics like iPhones, iPads, and other intriguing devices. At the 2012 Las Vegas Consumer Electronics Show a panoply of dazzling new products were introduced from bigger, brighter, thinner televisions to Ultra Violet, the new “Play Anywhere” format on the home entertainment front; to the Ultrabook, a special, very thin type of laptop, to lots of mobile

⁵ *Ibidem.*

computing products such as smart phones and tablets. The seamless connection between all aspects of life, tasks, places, activities, and communications is astonishing, including many devices that impact every aspect of our daily lives, including smart washers and dryers that adjust to the type and load of clothes and even send a message to the owner's mobile device when clothes are washed and dried, to smart refrigerators that sense when daily food products, scanned when first put into the refrigerator, are almost finished or about to expire and send a list of what is needed to the purchaser or to the store. Electronics are now beginning to truly revolutionize how we drive vehicles as, for examples, increasingly cars will be able to communicate with each other and make decisions relative to speed, directions, and distance from other cars, even being able to override the driver's commands.

7. The Internet and Big Brother.

On the other hand, in sharp contrast, the internet can also be exactly the opposite: an implacable and super-efficient tool giving multiple parties the ability to conduct 24/7 surveillance of people, places, movements, communications and exchanges.⁶ It can help an authoritarian regime conduct around the clock surveillance to identify

⁶ Assange J., "Internet has Become a Surveillance Machine", *Agence France Presse*, November 28, 2011; Sonne P. (U.S. Secretary of State Hillary Clinton), "Criticizes Sale of Surveillance Tools to Some Countries", *Wall Street Journal*, December 8, 2011; York J., "Government Internet Surveillance Starts with Eyes Built in the West", *Electronic Frontier Foundation*, September 2, 2011, <https://www.eff.org/deeplinks/2011/09/government-internet-surveillance-starts-eyes-built>; Eaves D., "The Internet as Surveillance Tool", <http://eaves.ca/2010/01/20/the-internet-as-surveillance-tool/>, 20 January 2010.

and neutralize dissenters, challengers and reformers; it can pinpoint and lead the forces of repression to where the voices of change come from, for those people to be arrested, tortured, silenced, even killed; it can become an instrument of terror, the tool of the omniscient, omnipresent, omni-viewing "Big Brother". It can track the purchases of millions of consumers worldwide, producing vast information on lifestyle, eating and drinking habits, personal hygiene and sexual behaviors that can then be used against the citizen for employment, promotion, insurance, accidents investigations, criminal prosecution and, at times, extortion and blackmail. It is used as a marketing, advertising, news filtering and propaganda machine to diffuse certain approved messages, indoctrinate, and control the mind of an entire population; and much more.

7.1. The Internet as Panopticon.

The Panopticon, conceived and designed by the 18th century philosopher Jeremy Bentham, was supposed to allow a government officer or a prison guard to observe (-opticon) all (pan-) prisoners in an institution without them being able to tell whether or not they were being watched.⁷ This was meant to create fear, insecurity, doubt, uneasiness and to control the masses simply with the possibility of the tyrant spying on them while they were going about their daily lives and intervene punitively to stamp out any perceived deviation, discontent or threat. The internet can be described as today's growing Panopticon, especially when paired with other electronic technology that can capture our whereabouts, activities, and location around the clock, if necessary or desired, and record and store

permanently the sequence of our everyday activities.⁸

This stark contrast in the nature and functioning of the internet often passes unperceived or unknown.⁹ Most people act and communicate using electronic devices as if they are in their own private world, totally insulated from the surrounding world of marketing, surveillance, tracking by means of cookies, law enforcement, listening in by intelligence agencies, and monitoring on the part of their employers.¹⁰ Especially when using social media, people act as if they have complete anonymity, as if they live, interact and communicate in their own little bubble world, while in actuality there is constant, persistent and aggressive monitoring 24/7.¹¹

8. The Globalized Information Society and Crime.

There is no question that the globalized society of today, electronically interconnected as it is, is highly vulnerable to crime. The financial crisis gripping the “developed” world, especially the European Union, vividly demonstrates how the interconnectedness of the financial markets, the complexity of financial instruments and

transactions that can be delivered and performed instantaneously on a worldwide scale, and most of all the opportunity to operate in a virtual world which is parallel to but no less real in its consequences as the “real” world subject to sensory verification, provide ample opportunity for fraud, corruption, “make believe”, deceit and concealment to flourish and operate for a time without being perceived or understood for what they truly are. Most of the public but even people in the investment field still today do not truly understand what “derivatives” are and do, even though billions of dollars do hang in the balance as the bank crisis that first gripped the United States and subsequently some European Union countries amply demonstrates. As it is typical of white collar crimes, these transgressions, well designed, calculated and no doubt intentional, are difficult to investigate, prosecute, and prevent. The demand for reform that is strong and loud when major scandals emerge is quickly controlled, eviscerated and muted through astute, well financed and efficiently orchestrated public relations and media campaigns and lobbying along with the passage of time and the return to apparent normality. Basically, the improvements in communications; the speed and convenience of travel; the instantaneity of electronic communications and operations; the introduction of unified currencies like the euro or the use of de facto universal currencies like the U.S. dollar; the disappearance or downgrading of borders as a checkpoint and an impediment to easy travel, commerce and exchanges; the growth of some languages, especially English and Spanish, as

⁷ <http://en.wikipedia.org/wiki/Panopticon>

⁸ For a discussion of Panopticism, see Katyal S., *The New Surveillance*, 54 Case Western L.R. 318 (2004).

⁹ “The Emergence of Cyber-Security as a Policy Driver”, *The American Journal of International Law*, 102, 3, July 2008, pp. 650 et ss.

¹⁰ The unique challenges of balancing communications, business, and economic advantages of the so-called Information Revolution with conservative cultures and/or religions are illustrated in Teitelbaum J., “Dueling for Da’wa: State v. Society on the Saudi Internet”, *Middle East Journal*, 56, 2, Spring 2002, pp. 222-230; Rodan G., “The Internet and Political Control in Singapore”, *Political Science Quarterly*, 113, 1, Spring 1998, pp. 63-89.

¹¹ Lessig L., “The Architecture of Privacy: Remaking Privacy in Cyberspace”, *Vand. J. Ent. L. & Prac.*, 56, 61, 1999.

universal working languages; the standardization of financial practices, contractual formats, and commercial law at worldwide levels; the increasing sharing of values, cultural tenets, fashion, music and food, favor positive, law abiding and constructive behavior on the part of individuals, businesses and governmental agencies just as they facilitate illegal, deviant and criminal behavior on the part of others. The massive changes in the size, location and technologies of manufacturing in the whole world and the consequent dislocation and loss of income and quality of life in some areas of the world and, on the other side, the sudden and strong demand for a labor force that may however not be paid a “living wage” may cause forced migrations, externally and internally, with all the concomitant patterns of deviance, criminality and illegalities. The fierce competition between countries and industries and the constant search for cheaper labor so as to cut costs while keeping profits as high as possible has spawned a whole “people trafficking” industry with all the abuses, exploitation, and mistreatment that it is well known for.

8.1. Consequences of Increased Prosperity.

The prosperity and abundance generated by development in most of the world and the consequent elevation of more people to higher economic levels then generates an increased demand for goods, services and luxuries that spawns illegality and crime. Among the products in high demand, due to increased wealth, one encounters exotic pets; certain types of food and drugs; traditional medicine that uses blood, bile, or other internal organs of animals from distant places; clothes and jewelry made with animals’

materials like tusks, fins, skins, shells, horns, and internal organs. Smuggled wildlife, antiquities and art are increasingly in demand all over the world. The United States, China, and the European Union are where one finds the highest demand. Demand is of course impacted by different beliefs, cultures and lifestyles. Especially in Asia specific animal organs, fluids and body parts are sought after because of a belief in their curative or spiritual worth and also to demonstrate wealth, the ability to afford them. Since they are generally illegal and their export/import forbidden under international treaties and national laws, their cost is high. For example there is a belief in some Asian countries that one will obtain the strength of a tiger by consuming tiger’s meat and/or by ingesting what is called “tiger wine”, made of tiger bones. The horns of a rhinoceros are believed to possess powerful curative powers for impotency and erectile dysfunction. Some internal organs and the bile of bears are supposed to have healing powers and thus there is a considerable, illegal trade in those items between the United States and some Asian countries. Even the flesh of human embryos is believed to have powerful curative properties. Embryos are cut up into pieces, the flesh dried, then ground into a powder from which pills are made. The pills are then smuggled into different Asian countries. Recently, this type of smuggling was discovered in South Korea, originating in China. The fact that more people now can afford to include shark fin soup in the menu of various types of celebrations, from promotions to a wedding, or when eating out, as a demonstration of wealth, has led to the capturing, mutilation and killing of millions of sharks worldwide. Better economic conditions have also

increased the demand and ability to purchase meat for human consumption. This has led, for example, to the hunting and killing of tens of thousands of primates in Africa where they are a delicacy. But “bush meat” is also exported, most often illegally, to other continents. Luxury items and tourist items are also made in various continents with illegally caught, killed or smuggled wild animals.

The counterfeiting industry has also exploded to fulfill the demand for “luxury” goods by people that cannot really afford the genuine items but are ready to purchase the closest copy. It goes without saying that the growing, processing and import/export of illegal drugs has exploded fueled by demand and made easier by globalization and electronic communications.

9. Conclusion.

Globalization and the advent of the “information society” are drastically changing the way in which we live, operate, communicate, trade, love, govern and obtain information. What is so novel in this is that, thanks to electronics, we are creating a parallel world where real but invisible and untouchable phenomena, events, even attacks and warfare, are taking place outside the realm of sensory perception. Thus, it is not just a question of old crimes metamorphosing into new forms through adaptation to new technologies, but new crimes on a massive, worldwide scale impacting us. Moreover, the ease of travel, communication, transfer of funds, transport of merchandise and of financial transactions, their invisibility and alternate reality, away from paper and ink, are playing a major role not only in positive activities but also in negative ones, meaning criminal ones,

that are exploding and flourishing, thanks to these technological advances. The improvements in the economic situation of billions of people on earth are also a root for increased deviance and criminality as more people can afford the luxurious, the forbidden, and the illegal. The demand for luxury goods and services has exploded and with it criminality in the form of trafficking in human beings, in exotic flora and fauna, in drugs, in counterfeit products and more. All of this represents a major challenge to today’s society as the power and authority of the national states is progressively weakened while alternate forms of regional or international forms of governing are difficult to introduce, nurture and administer as the crisis of the European Union at the end of the first decade of the XXI century amply demonstrates.

Bibliography.

- Assange J., “Internet has Become a Surveillance Machine”, *Agence France Presse*, November 28, 2011.
- Castells M., Globalización, Identidad y Estado en América Latina, www.gobernabilidad.cl/documentos/globalizacion.doc.
- Eaves D., “The Internet as Surveillance Tool”, <http://eaves.ca/2010/01/20/the-internet-as-surveillance-tool/>, 20 January 2010.
- Rodan G., “The Internet and Political Control in Singapore”, *Political Science Quarterly*, 113, 1, Spring 1998, pp. 63-89.
- Sonne P. (U.S. Secretary of State Hillary Clinton), “Criticizes Sale of Surveillance Tools to Some Countries”, *Wall Street Journal*, December 8, 2011.
- Teitelbaum J., “Dueling for Da’wa: State v. Society on the Saudi Internet”, *Middle East Journal*, 56, 2, Spring 2002, pp. 222-230.
- United Nations Social Development (UNRISD), *States of Disarray. The social effects of globalization*, 1995.
- York J., “Government Internet Surveillance Starts with Eyes Built in the West”,

Electronic Frontier Foundation, September 2,
2011,
[https://www EFF .org/deeplinks/2011/09/govern
ment-internet-surveillance-starts-eyes-built](https://www EFF .org/deeplinks/2011/09/government-internet-surveillance-starts-eyes-built).