
SURVEILLANCE IN DIGITALIZED SOCIETY: THE CHINESE SOCIAL CREDIT SYSTEM FROM A EUROPEAN PERSPECTIVE

František Kasl*

Abstract: *The modern society is facing multiple new challenges brought by digitalisation, globalisation and personalisation. Public disorder and social tensions are increasingly suppressed by progressive surveillance and control mechanisms that utilize the ICT technology and digital footprint of an individual. For some time now, a heated discussion follows the planned introduction of Social Credit System in the People's Republic of China. Multitude of authors and journalists argue benefits or threats related to this project. The aim of this contribution is to provide sober-minded overview of this mechanism in its broader context and point out similarities and differences from approaches in the West. As a result, the contribution points out a set of specifics of the Chinese setting, which make similar mechanism unfeasible in European environment.*

Keywords: *social credit system; China; human rights; personal data protection*

INTRODUCTION

The modern society of the information age is facing incomparably more complex and dynamic challenges and threats than in the past. The technologies available today in almost all corners of the world bring new levels of extremes into the relationship between the state and the individual. On one hand the globalisation, digitalisation and personalisation brought unprecedented promotion of the potential role and influence of a single individual. Thanks to the Internet, mobile phones, online media and numerous further information and communication technologies are today the options of learning, acceptance and realisation of broadest possible spectrum of life philosophies and choices significantly more accessible than ever before. This can be seen as an undeniable benefit of the modern society, whether from the perspective of the participating individual or from the broader perspective of the human society as a whole. However, at the same time, this democratisation of self-development and realisation of individual's potential brings about also a darker reality, which complements the character of today's age and society. Never before was it easier from the position of an individual to cause harm. Whether we consider online trolls, promoters of fake news, violent extremists, assailants in schools, suicidal terrorists or hackers, nowadays world provides previously unimaginable informational, communicational and logistical connection for activity of any kind. These elements may have been present in the human society in the past; however, their new forms and intensity thanks to the ICT possibilities lead the policing bodies to constantly implement new tools for effective monitoring and control of the order in the society. These increasingly bring

* Ing. Mgr. František Kasl, Ph.D. student, Institute of Law and Technology, Faculty of Law, Masaryk University in Brno, Brno, Czech Republic. This contribution has been supported by the Grant Agency of Masaryk university through its project "Manipulative techniques of propaganda in the internet age" (MUNI/G/0872/2016).

about mass untargeted data collection, surveillance, profiling or restrictions to individual freedoms and rights.

The penetration of the modern society with digital technologies leads in this way to growing plausibility of the utopian scenarios of surveillance totality, transforming the entire public as well as private space into a form of a panopticon.¹ Due to these developments, the core values of democratic society expressed through inviolable limits of privacy and identity of an individual gain increasing importance.

Their basis is expressed through the set of individual fundamental rights common in principle to all human societies.² This creates the framework for balancing of public interest and individual rights. The intensity and scope of interference through mechanisms aimed at protection of the public order are thereby restrained by the limits of permissible interference with the inalienable rights and freedoms of the individuals.

However, beyond this general setting lies diversity of particular applications differing due to national, cultural or political context within distinct national jurisdictions. This caveat lies at the core of Chinese perspective on basic human rights. As aptly summarized by *Sceats and Breslin*: “China continues to view human rights in strongly aspirational rather than legal terms. It argues for priority to be placed on socio-economic rights and the right to development, and continues to insist that human rights should be implemented according to a country’s national conditions.”³ Following this interpretation leads to situations, where notwithstanding the common acceptance of fundamental values, local specifics provide for a specific instrument to be permissible under the law of one state, yet controversial or clearly inadmissible from the perspective of another. An example of such legal structure, which conjures polarized positions and opinions, is the social credit system currently developed in the People’s Republic of China.

The aim of this contribution is to provide a sober-minded overview of this mechanism in its broader context and point out similarities and differences from approaches in the West. As a result, the contribution points out a set of specifics of the Chinese setting, which make similar mechanism unfeasible in European environment. The article consists of three sections. Section 2 provides a broader contextual perspective on surveillance and control mechanisms currently employed in China as well as in other countries, in order to allow for the social credit system to be seen as a component of a broader structure. Section 3 offers closer look on the social credit system as such. This overview is then followed by discussion in Section 4 concerning the differences in values and contextual setting between Chinese and Western societies, which lead the author to conclusion that implementation of similar surveillance and control mechanism is unfeasible in our current legal, societal and market environment due to its vital differences as compared to nowadays China.

¹ DRAPER, R. They Are Watching You and Everything Else on the Planet. *National Geographic*. 2018, Vol. 2018, No. 2, [2019-04-15]. Available at: <<https://www.nationalgeographic.com/magazine/2018/02/surveillance-watching-you/>>.

² Universal Declaration of Human Rights. In: *United Nations* [online]. 2015 [2019-04-15]. Available at: <<https://www.un.org/en/universal-declaration-human-rights/>>.

³ SCEATS, S., BRESLIN, S. *China and the international human rights system*. London: Chatham House, 2012, p. vii.

SURVEILLANCE AND CONTROL MECHANISMS

The concept of the social credit system entails in principle the intersection of the established solutions to acute state need with national cultural and social specifics following the modern transformation through ICT. The abovementioned need concerns the general social peace, the stability of the state structure and public safety. Every state employs in this regard certain form of policing apparatus. Its operations utilize a spectrum of procedures and instruments, which to a varying degree include surveillance of individuals and controlling measures, in particular in the public spaces. The level of interference of these policing methods into the privacy and freedoms of an individual in principle increases with the scale of the perceived threat and disorder. Nevertheless, abuse of these structures also permits systemic chilling effect, dissent suppression or discrimination.

The deeply invasive forms of surveillance, inspection or profiling are in the modern societies predominantly related to the perception of threat through terrorism. On the other hand, there are often to a degree simultaneously applied to combat other forms of radicalism, in particular expressions of extremist, revolutionary or separatist tendencies within the society. The Western societies adopted in reaction to such threats during the past two decades, either abruptly or gradually, a number of previously absent security and surveillance measures limiting the rights and freedoms of individuals, whether under a temporary state of emergency or through long-term transformation of routine processes and operations.⁴ Such measures included not just the expansion of surveillance activities of intelligence services and security agencies,⁵ but also the strengthened security measures at access points⁶ or mass suspension of rights and freedoms under emergency measures.⁷

If the security and surveillance measures are seen as reactionary to perceived threat, the threats and disruptive forces to the public safety and social stability in non-Western

⁴ LUBIN, A. A New Era of Mass Surveillance is Emerging Across Europe. In: *Just Security* [online]. 2017 [2019-04-15]. Available at: <<https://www.justsecurity.org/36098/era-mass-surveillance-emerging-europe/>>.

⁵ KYRIAKIDES, E. On Big Brother Watch v. U.K.: The Future of Surveillance at Two Europe-Wide Courts. In: *Just Security* [online]. 2018 [2019-04-15]. Available at: <<https://www.justsecurity.org/61042/big-brother-watch-v-u-k-future-surveillance-europe-wide-courts/>>; Global surveillance disclosures (2013–present). In: *Wikipedia* [online]. 2018 [2019-04-15]. Available at:

<[https://en.wikipedia.org/w/index.php?title=Global_surveillance_disclosures_\(2013%E2%80%93present\)&oldid=875081258](https://en.wikipedia.org/w/index.php?title=Global_surveillance_disclosures_(2013%E2%80%93present)&oldid=875081258)>.

⁶ ERGÜN, N., AÇIKEL, B. Y., TURHAN, U. The appropriateness of today's airport security measures in safeguarding airline passengers. *Security Journal*. 2017, Vol. 30, No. 1, pp. 89–105; GILLEN, D., MORRISON, W. G. Aviation security: Costing, pricing, finance and performance. *Journal of Air Transport Management*. 2015, Vol. 48, Special Issue on Aviation Security, pp. 1–12; STEWART, M. G., MUELLER, J. Cost-benefit analysis of airport security: Are airports too safe? *Journal of Air Transport Management*. 2014, Vol. 35, pp. 19–28.

⁷ ERLANGER, S., FREYTAGS-TAMURA, K. As France and Belgium Strengthen Security, a Classic Debate Arises. In: *The New York Times* [online]. 2018 [2019-04-15]. Available at: <<https://www.nytimes.com/2015/11/20/world/europe/as-france-and-belgium-strengthen-security-a-classic-debate-arises.html>>; MACASKILL, E. “Extreme surveillance” becomes UK law with barely a whimper. In: *The Guardian* [online]. 2016 [2019-04-15]. Available at: <<https://www.theguardian.com/world/2016/nov/19/extreme-surveillance-becomes-uk-law-with-barely-a-whimper>>; STAUDENMAIER, R. Changes to German police law spark fears of surveillance, racial profiling — what you need to know. In: *Deutsche Welle* [online]. 2018 [2019-04-15]. Available at:

<<https://www.dw.com/en/changes-to-german-police-law-spark-fears-of-surveillance-racial-profiling-what-you-need-to-know/a-44562008>>.

countries should not be overlooked or marginalized.⁸ The People's Republic of China represents in this regard a particularly tense environment. The complex history and territorial unity are entangled with a tradition of strongly intrusive surveillance and regulatory mechanisms, of which the discussed social credit system is merely the newest component. A sound example of a previous piece of this puzzle can be seen in the Chinese system of urban grid management as described by Wu.⁹ It established allocation of the urban population into “self-governing” communities and created a hierarchy of liability and supervisory structure ensuring the public order. However, this system should not be seen merely as a network of confidants and informants in an authoritarian country. The economic dynamics of China led to rapid urbanisation, which triggers immense challenges and myriad of localized problems. As seen on the example of Shanghai, the urban grid management established itself as a valuable system for effective local management of basic public services as well as functional framework for channelling of grievances and improving the local conditions in the abruptly expanding Chinese mega-cities.¹⁰ Furthermore, as exemplified by neighbourhood watch in the Netherlands, the establishment of local supervisory structures does not necessarily have to be connected with informants under a totalitarian regime.¹¹ As for another example, the tendency towards profiling and management through forced internal structures of the society is not just inherent to China, but takes hold also in another large and diverse society, India, despite its democratic tradition.¹²

Of the more worrying form of intrusive surveillance currently employed in China is the omnipresent system of cameras in public places with facial recognition capacity. Yet spread of surveillance cameras is not unique to China, despite its intensity.¹³ Furthermore, some sources indicate significant gap between proclaimed and actual features of the system.¹⁴

Constant observation may foster conditions for discriminatory surveillance. Fletcher describes the pitfalls related to random checks in the United States,¹⁵ but more concen-

⁸ MILLWARD, J. A. Violent separatism in Xinjiang: a critical assessment. In: *East-West Center (Washington, D.C.). Policy studies* [online]. 2004 [2019-04-15]. Available at:

<<http://scholarspace.manoa.hawaii.edu/handle/10125/3502>>; WAYNE, M. *China's War on Terrorism: Counter-Insurgency, Politics and Internal Security*. New York: Routledge, 2007.

⁹ WU, Q. Urban Grid Management and Police State in China: A Brief Overview. In: *China Change* [online]. 2013 [2019-04-15]. Available at: <<https://chinachange.org/2013/08/08/the-urban-grid-management-and-police-state-in-china-a-brief-overview/>>.

¹⁰ WANG, Y., JIN, Y., FAN, B. What has been Revealed by Urban Grid Data of Shanghai. In: *arXiv.org* [online]. 2018 [2019-04-15]. Available at: <<https://arxiv.org/ftp/arxiv/papers/1805/1805.08570.pdf>>.

¹¹ LUB, V. *Neighbourhood Watch in a Digital Age: Between Crime Control and Culture of Control*. Basingstoke: Palgrave Macmillan, 2017.

¹² BISWAS, S. A. India top court upholds world's largest biometric scheme. In: *BBC* [online]. 2018 [2019-04-15]. Available at: <<https://www.bbc.com/news/world-asia-india-44777787>>.

¹³ LEADERS. Does China's digital police state have echoes in the West? In: *The Economist* [online]. 2018 [2019-04-15]. Available at: <<https://www.economist.com/leaders/2018/05/31/does-chinas-digital-police-state-have-echoes-in-the-west>>.

¹⁴ JACOBS, H. China's “Big Brother” surveillance technology isn't nearly as all-seeing as the government wants you to think. In: *Business Insider* [online]. 2018 [2019-04-15]. Available at: <<https://www.businessinsider.com/china-facial-recognition-limitations-2018-7>>.

¹⁵ FLETCHER, M. For Black Motorists, a Never-Ending Fear of Being Stopped. In: *National Geographic* [online]. 2018 [2019-04-15]. Available at: <<https://www.nationalgeographic.com/magazine/2018/04/the-stop-race-police-traffic/>>.

trated restrictive measures of territorially localized population fill headlines with regard to China. The measures taken towards the Uyghur minority in Chinese Xinjiang province are undoubtedly strongly controversial;¹⁶ however, there are other cases of comparable measures, for example the treatment of the Palestinian minority in Israel.¹⁷

SOCIAL CREDIT SYSTEM

The Chinese social credit system represents in the above described context merely another stage of a broader approach to surveillance. It takes advantage of the available user data profiles in the increasingly digitalized society and aims towards more effective combination of monitoring and punitive elements of the policing system.

The basis is presented in the *Planning Outline for the Construction of a Social Credit System (2014–2020)*¹⁸ and realized at the current initial stage through a set of public as well as private pilot projects with miscellaneous scope and success. The primary aim is to reinforce coordinated digital assurance of trust in the modern Chinese society throughout commercial transactions, public interactions, administrative procedures as well as crime prosecution.¹⁹

The struggle towards conclusive assessment of credibility in these areas is not a new challenge for China or other states. The dynamic changes in Chinese society put in flux the established trust relations and require new means for effective establishment of this core element of social coherence.²⁰ The massive scale of this challenge and technological solutions chosen to tackle it result in the most worrying aspect of the planned system. This is the interconnection of the predominantly independent reputation schemes of online apps and platforms; assessments of financial creditworthiness; digital identification of the citizen; political and social categorization; record of administrative offences; and criminal record. Similar databases and profiles are commonly created by multitude of commercial entities and public institutions in the Western countries. It is this concentration of individual trustworthiness profiling from various areas into an interconnected system managed by the state apparatus that is at the core of the concerns about disproportional interference with the fundamental rights of the individuals voiced by Western or Chinese critics of the project.

¹⁶ BUNIN, G. A. 'We're a people destroyed': why Uighur Muslims across China are living in fear. In: *The Guardian* [online]. 2018 [2019-04-15]. Available at: <<https://www.theguardian.com/news/2018/aug/07/why-uighur-muslims-across-china-are-living-in-fear>>.

¹⁷ BOOTH, W., TAHA, S. A Palestinian's commute through Checkpoint. In: *Washington Post* [online]. 2017 [2019-04-15]. Available at: <<https://www.washingtonpost.com/graphics/world/occupied/checkpoint/>>.

¹⁸ CHINESE STATE COUNCIL. Planning Outline for the Construction of a Social Credit System (2014–2020). In: *China Copyright and Media* [online]. 2014 [2019-04-15]. Available at: <<https://chinacopyrightandmedia.wordpress.com/2014/06/14/planning-outline-for-the-construction-of-a-social-credit-system-2014-2020/>>.

¹⁹ MAURTVEDT, M. *The Chinese Social Credit System: Surveillance and Social Manipulation: A Solution to "Moral Decay"?* Master Thesis University of Oslo. 2017, p. 17.

²⁰ KRIZ, A., KEATING, B. Business relationships in China: lessons about deep trust. *Asia Pacific Business Review*. 2010, Vol. 16, No. 3, pp. 299–318.

At this point in time, it is not clear, if the final implementation of the social credit system in the declared centrally interconnected form will indeed take hold. There are, however, already numerous sub-projects and trials, which are meant to make the future full-scale implementation possible. An example is the pilot project *Honest Shanghai*; software, which combines the face recognition through public security cameras with data available from administrative databases for construction of in-depth citizen profile and assessment.²¹

Another is the often-mentioned *Sesame credit*, introduced by Ant Financial, major affiliate of the Alibaba conglomerate. It provides for a rather specific take on trustworthiness. It aims to compensate the widespread lack of financial history or other traditional means for assessment of creditworthiness by many newly urbanized Chinese, which presents a hinderance to reliable establishment of trust in business relations with them. The unique aspect of the project in the structure of the social credit system is that it actually takes a form of three-digit score.²² The general concept of rating app users is similar to many other online platforms and marketplaces. However, in order to compensate for often lacking common pointers like payment history and purchase record, the *Sesame credit* score takes into account also various indirect solvency indicators derived from the complex dataset of user contacts on linked social media.²³

A similar project was launched by the second major entity in Chinese digital market, *Tencent*, at the beginning of the year 2018.²⁴ It is significant mainly because it utilizes the massive reach of the *Tencent* apps *WeChat* and *QQ*. These are uniquely influential in the Chinese society in comparison to any platform popular in the West, as they are deeply intertwined with the lives of more than half a billion of the city-dwelling Chinese.²⁵

DISCUSSION

The above presented context should set a platform for discussion of the social credit system concept from a European perspective, no matter how hypothetic this approach unavoidably is. After all, the main argument promoted through this contribution is that the surveillance systems in China largely reflect through their framework, goals and limits the specifics of Chinese legal, social and cultural environment. Considering them without this context from a European setting must thereby lead to strongly misleading conclusions.

²¹ MAURTVEDT, M. *The Chinese Social Credit System: Surveillance and Social Manipulation: A Solution to "Moral Decay"?*, p. 23.

²² MING, C. China social credit system: Ant Financial's Sesame Credit and others give scores that go beyond FICO. In: *CNBC* [online]. 2017 [2019-04-15]. Available at: <<https://www.cnbc.com/2017/03/16/china-social-credit-system-ant-financials-sesame-credit-and-others-give-scores-that-go-beyond-fico.html>>.

²³ HODSON, H. Big brother is rating you (if you're Chinese). *New Scientist*. 2015, Vol. 228, No. 3043, pp. 22–23.

²⁴ NIEWENHUIS, L. Tencent launches a social credit system similar to Alibaba's. In: *SupChina* [online]. 2018 [2019-04-15]. Available at: <<https://supchina.com/2018/01/31/tencent-launches-social-credit-system-similar-alibaba/>>.

²⁵ HEATH, A. An app you've probably never heard of is the most important social network in China. In: *Business Insider* [online]. 2015 [2019-04-15]. Available at: <<https://www.businessinsider.com/what-is-wechat-2015-10>>.

First of all, if we look at the core values in Chinese society, we find a rather foreign tradition with regards to accent on human rights, in particular on protection of privacy and personality rights, when seen from the European perspective. This fundamental difference in social structure and values is closely linked to the broader differences in historical development of the Chinese and Western societies, best exemplified by the diverging process of birth of the respective consumer society. Whereas the growth of the Western societies followed multitude of steps, which gradually strengthened the role of individual and protected his unique personality, the Chinese society reached today's state through processes dominated by collective and communal values. As described by *Trentmann*, the basis of the modern Western society is to be found in the tradition of citizenship as warranting the individual a set of fundamental rights. China on the other hand underwent a delayed and accelerated modernisation of the society only in the second half of the 20th century, when this still predominantly rural, community-based society rapidly became increasingly urbanized. Chinese society is lacking a comparable strong tradition of individual political rights that emerged in the West in the period after the French revolution. The understanding of the role of a citizen as a member of the society is thereby conceptually different. "*Citizenship meant duties, not rights. In exchange for protection and some social support, a citizen had a duty to support the state. This made for a political habitat fundamentally different from that in the liberal West, where citizen-consumers linked a demand for individual rights to one for social welfare.*"²⁶

Here lay the key reasons behind nowadays accepting attitude of modern Chinese society towards surveillance in a form of the social credit system, which seems from our European perspective as strongly in conflict with the basic pillars of the modern civilizational values. After all, it is questionable, to what degree can the accent on human rights be seen as an intrinsic value of the Chinese society and not just an artificial import of the current Chinese normative structure. The positions taken by China in the United Nations with regard to human rights indicate that these are interpreted as device for protection of Chinese interests in the international community during the age of globalisation, rather than genuine element of the Chinese culture and tradition.²⁷ The issue here is decidedly more complex than can be presented in this short contribution. *Angle* underlines that there were historically distinctive concepts of human rights in China and that "*there have been both continuities and changes in the way that rights have been conceptualized over the course of China's rich and distinctive rights discourse.*"²⁸ The perplexed historical situation regarding Chinese adherence to fundamental human rights standards and the reaction of global community is well described by *Cohen* in her still relevant paper.²⁹

²⁶ TRENTMANN, F. *Empire of Things*. London: Penguin Books, 2017, p. 356.

²⁷ PICCONE, T. China's long game on human rights at the United Nations. In: *Brookings* [online]. 2018 [2019-04-15]. Available at: <<https://www.brookings.edu/research/chinas-long-game-on-human-rights-at-the-united-nations/>>; China hails human rights progress amid calls to close detention camps. In: *UN News* [online]. 2018 [2019-04-15]. Available at: <<https://news.un.org/en/story/2018/11/1025061>>.

²⁸ ANGLE, S. C. *Human Rights in Chinese Thought: A Cross-Cultural Inquiry*. Cambridge: Cambridge University Press, 2002, p. 250.

²⁹ COHEN, R. People's Republic of China: The Human Rights Exception. *Human Rights Quarterly*. 1987, Vol. 9, No. 4, pp. 65–77.

Nevertheless, the above described indicates that the Chinese social credit system strongly reflects the distinctly obliged standing of the citizen towards the state. China as such represents incomparably larger, more complex and potentially more volatile society than any in the West. The ensured protection of the citizens through maintained social peace and functional, robust and stable state apparatus providing safe and foreseeable social and business environment is naturally a pungent priority of the Chinese government. We need to further take into consideration the still-continuing unprecedented growth and transformation of the Chinese economy in the last few decades, with massive improvement of living standards of large part of human population on one hand,³⁰ but unavoidable concurrent social shocks and dynamic transformations coming along with it on the other. This fluid state of the society unleashes social currents and movements, which dynamic and diversity is difficult to comprehend from the comparatively solidified European perspective.³¹ The view that the Chinese social credit system in responding to an urgent need in the Chinese society is further validated by the broad public support for its implementation, as detected by *Kostka* in her recent public opinion study.³²

Further specific aspect of the current Chinese society that should not be omitted when identifying the enablers of the social credit system is the distinct development and concentration on the Chinese technology markets. The dominance of companies like *Tencent*³³ or *Alibaba*³⁴ in Chinese markets with apps and digital services cannot be truly compared with the situation in the West. The possibility of in-depth profiling and digital surveillance further enables the widespread tendency of the majority of urban Chinese to use the mobile phones and the respective apps for much broader spectrum of activities and needs than possible anywhere else. Here then lays one of the critical components permitting the factual establishment of a social credit system in China. In comparison, the greater market fragmentation and lower penetration of commercial as well as public digital services in current Western societies serves as an effective technological barrier to comparable surveillance mechanisms.

Nevertheless, even here is certain form of rating and surveillance unavoidably linked with the growing social connectivity through the ICT. The upcoming dominance of digital interaction over interpersonal contact increases the need for conclusive and reliable sys-

³⁰ LIN, J. Y. China's Miracle Demystified. In: *AfricaCan End Poverty* [online]. 2010 [2019-04-15]. Available at: <<http://blogs.worldbank.org/africacan/china-s-miracle-demystified>>.

³¹ FAIRBANK, J. K., GOLDMAN, M. *China: A New History, Second Enlarged Edition*. Cambridge, Mass: Belknap Press: An Imprint of Harvard University Press, 2006.

³² KOSTKA, G. China's social credit systems and public opinion: Explaining high levels of approval. In: *New Media & Society* [online]. 2019 [2019-04-15]. Available at: <[doi:10.1177/1461444819826402](https://doi.org/10.1177/1461444819826402)>; MINTER, A. Why Big Brother Doesn't Bother Most Chinese. In: *Bloomberg Opinions* [online]. 2019 [2019-04-15]. Available at: <<https://www.bloomberg.com/opinion/articles/2019-01-24/why-china-s-social-credit-systems-are-surprisingly-popular>>.

³³ WANG, Y. Tencent On Top In China – But How Does It Compare With World's Tech Titans? In: *Forbes* [online]. 2017 [2019-04-15]. Available at: <<https://www.forbes.com/sites/ywang/2017/05/23/tencent-on-top-in-china-but-how-does-it-compare-with-worlds-tech-titans/>>.

³⁴ YU, E. Alibaba to Overshadow Chinese Competition with 58.2% Market Share. In: *RetailTechNews* [online]. 2018 [2019-04-15]. Available at: <<https://www.retailtechnews.com/2018/07/19/weekly-focus-alibaba-to-overshadow-chinese-competition-with-58-2-market-share/>>.

tem for establishment of trustworthiness of the interacting individuals, whether in contact with the public authorities, or among themselves. As suggested above, a large portion of the basic databases and assessment measures centrally linked through the social credit system are nowadays common occurrence for us as well, being it the credit rating or evidence of criminal integrity. The boom of social networks, shared economy platforms and online marketplaces brought along additional assessment and profiling measures, which help to form and verify our virtual identity and distinguish individuals from bots or pretenders. The expected expansion of the internet of things in public spaces as well as in our homes³⁵ then inevitably leads to further growth of the infosphere,³⁶ greater omnipresence of profiling³⁷ and in consequence stronger tendencies of the state policing apparatus to tap into these data sources while managing the public order and reducing the tensions in the society.

Even so, the fundamental differences in the values and structure of the Western societies in comparison to China indicate that any such surveillance mechanisms shall be established only with adequate checks and balances permitting sufficient democratic control. These differences were identified above in three major areas. Firstly, the long tradition of human rights values and individual political rights in the West provides strong legal frameworks for protection of privacy and personal data of individuals, restricting the permissible intrusions by surveillance mechanisms, whether commercial or established by state. This is further strengthened by the role and capacities of courts to perform checks and restraint on legislative and executive powers. This leads to the second difference, indicated by a comparably low power concentration in the West as seen from political as well as economic perspectives. Due to the institutional division and political competition, the state apparatus is interweaved with multitude of regulatory and bureaucratic checks and balances that prevent connection of sectoral surveillance or control mechanisms into one comparable to the Chinese model of social credit system. Furthermore, the markets with respective services and technologies are significantly more independent from the state influence and the dominance of major market players is considerably fragmented, either as a consequence of market forces or through requirements set by the regulatory framework of competition law. The final difference can be seen in the dynamics of the society, which is comparatively lower in the West, leaving the citizens stronger entrenched in their social, political and economic roles. This stability, in connection with democratic form of government, allows for better organisation of the citizens in voicing their opinions. The population sets the goals and limits for the expansion of state power through political competition as well as other more of less direct influences on the state politics. As pointed out above, it is not that the Chinese citizens would have the social credit system forced upon them despite resistance. Due to the inherent insecurities of the highly dynamic and

³⁵ COLUMBUS, L. 2018 Roundup Of Internet Of Things Forecasts And Market Estimates. In: *Forbes* [online]. 2018 [2019-04-15]. Available at: <<https://www.forbes.com/sites/louiscolombus/2018/12/13/2018-roundup-of-internet-of-things-forecasts-and-market-estimates/>>.

³⁶ FLORIDI, L. *Information. A Very Short Introduction*. Oxford: Oxford University Press, 2010. p. 14.

³⁷ COSTA, L. *Virtuality and Capabilities in a World of Ambient Intelligence. New Challenges to Privacy and Data Protection*. Cham: Springer International Publishing, 2016.

complex social, legal and market environments in China, surveillance and control mechanisms, such as social credit system, are generally accepted as suitable and beneficial. This stance is, however, unlikely to be expected from citizens in Europe or Northern America, which is likely the most reassuring check that prevents development of comparable social credit system.

CONCLUSIONS

The protection of public order and combating of illegal activities in the modern society leads to some degree unavoidably to activation of surveillance and profiling mechanisms based on analysis of digital footprint and identity of an individual in the pursuit of trustworthiness assessment. The Chinese social credit system represents in this sense from the European perspective an extreme approach. It is built on disproportionate merger of the available information from the data retention and from omnipresent surveillance. This presents a mechanism susceptible to misuse for discrimination or chilling effect with impact outside of the focal point of such system. Nevertheless, if the cultural, social and technological specifics of China are taken into consideration, they indicate that the social credit system is a unique response to a unique set of challenges, which is misleading to be judged from the European setting. Despite comparable tendencies towards increasingly interfering surveillance mechanisms in the West, the measures of democratic control and rule of law built on the fundamentals of human rights values intrinsic for the fabric of our society should provide an effective barrier in the form of adequate checks and balances to any such system.