

The Real Cost of Surveillance Capitalism: Digital Humanism in the United States and Europe



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Abstract Shoshana Zuboff's international best seller, *The Age of Surveillance Capitalism: The Fight for a Human Future at the Frontier of Power*, has rightfully alarmed citizens of free societies about the uses and misuses of their personal data. Yet the concept of surveillance capitalism, from a global perspective, ultimately obscures more than it reveals. The real threat to liberal democracies is not capitalism but the growing inequalities that corporate surveillance in its unfettered form both reveals and exacerbates. By unclearly specifying the causal mechanisms of the very real negative costs she identifies, Zuboff creates the impression that capitalism itself is the culprit, when the real source of the problem is the absence of good governance.

Although often portrayed otherwise, surveillance in and of itself is neither inherently good nor evil. Legal surveillance for national security reasons is essential in protecting the homeland. Citizens' video surveillance built the case against the incendiary January 6 attackers of Congress, just as social media played a significant role in the organization of that siege. The same social media that fuels micro-targeted advertising also played a critical role in the Black Lives Matter movement's ability to change world public opinion on the importance of racial justice in a breathtakingly short period of time.

Big Tech did not create extremism and polarization in the United States and Europe, but unfettered data harvesting has certainly undermined human values. Shoshana Zuboff's international best-seller, *The Age of Surveillance Capitalism: The Fight for a Human Future at the Frontier of Power*, has rightfully alarmed citizens of free societies about the uses and misuses of their personal data. Ahead of the curve, Europe has already taken innovative steps with the General Data Protection Regulation (GDPR) and the Digital Services Act (DSA) to contain the negative repercussions of unregulated markets. Yet the concept of surveillance capitalism, from a global perspective, ultimately obscures more than it reveals. Capitalism is not

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the cause of surveillance, since the same insatiable drive for data exists in planned economies. China currently leads the world in AI applications, because it also leads the world in commercial and security espionage. The real threat to liberal democracies is not capitalism, as Zuboff's book title seems to imply, but the growing inequalities that corporate surveillance in its unregulated present form both reveals and exacerbates.

1 Zuboff's Argument

It is impossible to summarize the complicated argument of Zuboff's book easily. A lengthy January 29, 2021, opinion piece in the *New York Times* suggests that Zuboff's thinking has evolved since writing it. The adjective "epistemic" features prominently in this unusually lengthy essay (she uses it 36 times in her 5000 word piece), yet the word "epistemic" appears *not once* in her 702-page book.¹ Thus, this essay seems vital for understanding her current views, after decades of research, on some of the most important takeaways from her magnum opus (Zuboff 2019, 2021).

In the *New York Times* piece, Zuboff argues that the world is currently experiencing both "epistemic chaos" and an "epistemic coup." The Big Tech companies have executed a silent epistemic coup, Zuboff warns, to which we must pay close attention if we are to sustain democracy. "In an information civilization, societies are defined by questions of knowledge—how it is distributed, the authority that governs its distribution and the power that protects that authority," Zuboff writes. "Who knows? Who decides who knows? Who decides who decides who knows? Surveillance capitalists now hold the answers to each question, though we never elected them to govern. This is the essence of the epistemic coup" (Zuboff 2021).

Zuboff's epistemic coup proceeds in four stages. The first is the "appropriation of epistemic rights." The second involves a rise in epistemic inequality, "The difference between what I can know and what can be known about me." The third and present stage is one of "epistemic chaos" that is the result of prior coordinated manipulation; this is the stage where there is disagreement about the truth that cannot be bridged. The fourth is epistemic dominance, effectively the institutionalization of computational government by "private surveillance capital." The epistemic chaos reflected in the January 6 siege of the capital, according to Zuboff, was a warning shot (Zuboff 2021).

Who or what is driving this sequential epistemic nightmare? Presumably the appropriators are private surveillance capitalists, and the implication is that Zuboff is mounting a Marxist argument, as she seems to be pointing a finger squarely at capitalism itself. She also sees the CIA and NSA—i.e., government—as part of surveillance capitalism. Is this the deep state as the executive committee of the bourgeoisie? While Marx references feature prominently in Zuboff's book, they are

¹These epistemic rights are apparently self-evident, since they are never defined.

not mentioned in the *New York Times* essay, suggesting that capitalism itself isn't the problem. But if the capitalist profit motive is not the problem, what is? What does any of this have to do with epistemology? Big data in and of itself is not knowledge. The interpretation of data produces knowledge rather than mere noise. Who are these knowledge creators? Is Zuboff one of them?

2 What the Metaphor of Surveillance Capitalism Obfuscates

Zuboff's concepts of surveillance capitalism and a related epistemic coup pose obstacles to understanding, for at least four reasons. First, coups, which involve the military, have clear objectives in mind. They involve an intention to seize power. The military has not sanctioned Facebook and Google's rising power. Yes, Facebook knows more about us than we know about ourselves and each other, and they cut off the communications of Donald Trump just as the military will close down airports and all communications in the aftermath of a coup. But not only is the military not involved in any of this, there is nothing to stop Donald Trump or any one of us, to communicate by alternative means. Trump can still send a mass email, and we can still delete and block, or simply migrate to another platform. Facebook and Twitter appear to have total information dominance only when we allow them to do so. We are choosing to allow companies to commodify our personal data and use us in this way.

Second, there is a difference between voluntary and involuntary surveillance, between whether the citizen volunteers the information or has it hijacked by a company or government agency. From a foreigner's perspective, the NSA conducts involuntary surveillance when it exploits the Court's interpretation of the Fourth Amendment, which prohibits unreasonable searches and seizures, as not extending to foreigners. According to existing American constitutional interpretation, American citizens have the right to privacy; non-American citizens do not. Perhaps extending Fourth Amendment protections to Europeans is a promising change to consider, but the question that rightfully then arises is why Europeans should receive a privilege that non-Europeans do not. The status quo jurisprudence has the virtue of being non-discriminatory, as it applies to all non-citizens. In addition, consumers may volunteer their personal data to Facebook in exchange for using the platform, but that initial consent could in the future be ruled involuntary when Facebook sells the data to third parties or stands as a gatekeeper to the use of other apps requiring a Facebook login.

Third, rather than government and business being co-conspirators in surveillance capitalism, as Zuboff suggests, it is possible to find numerous instances where Big Tech and governments have been at loggerheads, both within the United States and especially when one extends one's gaze beyond American borders. Twitter and Facebook banning the former American president from their platforms is the most

recent example of the former. The myriad ways that the capitalist economies of continental Europe and the European Union have challenged the excesses of surveillance capitalism through national and EU legislation are evidence against a business-government conspiracy. If there has been an epistemic coup, as Zuboff argues, democratic governments are clearly not entirely on board.

Finally, surveillance capitalism suggests that there is something intrinsic to capitalism that is animating data collection, when this is not the case. While its economy certainly has some capitalist features, the Chinese Communist Party's interventions in economic life are incompatible with capitalism. Beijing's restructuring of Alibaba co-founder Jack Ma's corporate empire is a case in point (Zhong 2021). The China Brain Project, which involves the Chinese military, harvests data from Baidu that fuels China's controversial Social Credit System, designed to reward "pro-social" and punish "anti-social" behavior. China is also apparently interested in building expertise in American behavior modification, and Americans have willingly volunteered their personal data for Chinese use in exchange for using the popular app TikTok, which has been banned in India for national security reasons. It may not be the case, however, that securing American data to train algorithms to better manipulate or sell to Americans is necessary. A 2007 multinational study found that the OCEAN Big Five personality inventory, which was exploited so brilliantly by Cambridge Analytica to interfere in the 2016 US presidential election, is "robust across major areas of the world" (Schmitt et al. 2007).

In mischaracterizing the nature of the problem, therefore, Zuboff misses the real story. Coups are intentional, and if anything, technology companies don't want the political power that has inadvertently accrued to them through their monopoly of information. Mark Zuckerberg and other tech titans have repeatedly stated that they *want* appropriate government regulation but have been forced to do the best they can with self-regulation until government again assumes its proper role as overseer and promoter of the greater good. The inherent problems with self-regulation are obvious. But it is not difficult to see that government has been slow to come to terms with the dramatic transformation of democracy's public sphere through technological innovation.

To summarize, the Big Tech companies have not orchestrated a coup; they have myopically optimized for shareholder value at the expense of civic life. They have created products for other children that they do not want their own children to use (*The Social Dilemma* 2020). Further, these companies haven't cornered the market on knowledge, as the word epistemic suggests, but on data, and data can mislead just as easily as it can inform.

3 Open vs. Closed Societies: Consider China

By failing to specify the causal mechanisms of the very real negative costs she identifies, Zuboff creates the impression that capitalism itself is the cause for the problem, when the real source of the problem is the absence of good governance. Blaming capitalism itself is misplaced, because we are in the midst of a transformation that challenges our existing cognitive capacity, with or without AI. The move to the cloud, a market Amazon is betting heavily on, only exacerbates anti-democratic trends to which democratic governments have been slow to react—but are capable of doing so.

Zuboff's bottom line, however, does highlight a looming challenge to open societies and democracy: the accelerating competition between the United States and China for supremacy in AI applications and the potential implications that contest has for inalienable rights in a liberal democracy. The Chinese regime is an example of what the philosopher Elizabeth Anderson calls private government. Private government's distinguishing feature is that it does not recognize a protected public sphere free of sanction or elite oversight (Anderson 2017, p. 37). Private government is always authoritarian, since it does not value liberal notions of democratic accountability. "Private government," Anderson writes, "is government that has arbitrary, unaccountable power over those it governs" (Anderson 2017, p. 45). The ends of communist government, Anderson continues, are neither liberty nor equality but "utilitarian progress and the perfectibility of human beings under the force of private government" (Anderson 2017, p. 62).

For Anderson, the only way to preserve and protect both equality and freedom is to make government a public affair, accountable to the governed. The transition from monarchy to liberal democracy, in this view, involved gradually replacing private government with public government. Public government utilizes the rule of law and substantive constitutional rights to advance and protect the liberties and interests of the governed rather than the governors (Anderson 2017, pp. 65–66).

Government is private in China, in contrast, because the Chinese leadership rejects the very idea that the Party's encroachment on individual rights can be inappropriate or undesirable. Speaking at the Kennedy School in February 2020, former FBI director James Comey identified this difference as the place where negotiations with China over technology transfer typically break down. The Chinese don't understand the American distinction between technology for private uses and for public uses (the latter being the potential regulable space, from an American perspective) (Comey 2020). The same refusal to distinguish between the private and public realms underlies China's one child policy and the government's current efforts to encourage Chinese single women to marry and have children. Since the very idea of a right to privacy presupposes a public-private distinction, privacy in China is easily sacrificed at the altar of national security and societal goals. Thus, there is a values alignment problem for AI applications in open societies that does not exist in China (Lanier and Weyl 2020; Stanger 2021).

The Chinese embrace of an automated world powered by statistical machine learning is at odds with the very idea of public and individual rights-based government, where all are to be equal before the law. In other words, the West cannot do what China is doing with AI without compromising core liberal democratic values. At his first Town Hall, President Biden suggested that both he and Xi understand the significance of this values gap: “The central principle of Xi Jinping is that there must be a united, tightly controlled China. And he uses his rationale for the things he does based on that. I point out to him, no American president can be sustained as a president if he doesn’t reflect the values of the United States. And so the idea I’m not going to speak out against what he’s doing in Hong Kong, what he’s doing with the Uyghurs in western mountains of China, and Taiwan, trying to end the One-China policy by making it forceful, I said—by the way, he said he gets it” (Biden 2021).

4 What Open Societies Need to Do to Remain So

It is certainly true that the people cannot govern themselves if unable to distinguish fact from fiction. Because of the possibility of illiberal democracy (Trump is exhibit A), we should not just be interested in democracy but in the *quality* of democracy. There is a real link between liberal democracy and education, the ability to distinguish truth from lies, to respect science and free inquiry. The problem is the exploitation of personal data to change behavior, not big data itself, which can be deployed for both positive and negative ends (Guszcza et al. 2014).

The real cost of the cluster of trends in motion that Zuboff calls surveillance capitalism is increasing knowledge inequality that destabilizes liberal democracy. These growing power gaps exist at both the national and global levels. They exist between the people and elites, between the most powerful tech companies and the governments who seek to regulate them, and between the companies and their product, which is you. With the GDPR and the DSA, Europe provides a laboratory for promoting greater equality in a transformed global economy. In thinking about the future of Section 230 of the 1996 Communications Decency Act, America would do well to review the European data already in hand.

Silicon Valley’s disproportionate power is not imperial, because it is not wielded via Washington; rather, Silicon Valley has recently silenced a US president. Both Europe and the United States have a shared interest in educating citizens to vote with their feet so as to level the playing field in those countries where Big Tech’s impact is oversized and stifles indigenous innovation. Third-party markets in personal data can be regulated. With the new Biden administration at the helm, there is a serious opportunity for European-American collaboration on AI innovation to check rising digital authoritarianism. There has to be room for greater collaboration on products that can be customized to meet different local needs. The current American lawsuit against Facebook that charges them with illegally buying up their rivals (Instagram and WhatsApp) is also something to watch. Forty US states have filed the lawsuit, and the successful antitrust case against Microsoft in the 1990s was also a product of

extensive involvement of states' attorneys general in the litigation process (Kang and Isaac 2020).

Reducing social inequality premised on knowledge inequality in the face of accelerating technological change is a shared challenge. Our most pressing problems have global dimensions, which provide fertile ground for cooperation rather than confrontation.² For the United States, personal data ownership, the right to be forgotten, liberal education, and insisting on greater transparency in algorithmic judgments are promising places to start (Lanier 2014; Post 2018). Both Europe and the United States need to reimagine rights-based democratic government, in which every human being is worthy of education, work, and health, for the global information age. As the March 2020 Final Report of the US National Security Commission on Artificial Intelligence writes, "We want the United States and its allies to exist in a world with a diverse set of choices in digital infrastructure, e-commerce, and social media that will not be vulnerable to authoritarian coercion and that support free speech, individual rights, privacy, and tolerance for differing views" (Schmidt et al. 2021, p. 28). This is a formidable educational and political undertaking, one best tackled collaboratively with other open societies, but it is essential if we are to build a shared future that promotes the human flourishing of all, not just knowledge elites.

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²Zuboff wrote another *New York Times* opinion piece that ran on January 24, 2021. It identified epistemic inequality as the social and political harm of greatest concern. Five days later, she published her second piece, analyzed above, targeting an epistemic coup. Taken together, the two pieces suggest very different policy remedies. See <https://www.nytimes.com/2020/01/24/opinion/sunday/surveillance-capitalism.html>.

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