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SURVEILLANCE IN CAPITALISM VERSUS SURVEILLANCE CAPITALISM – ANALISIS OF CONTEMPORARY CONSTRAINTS OF CIVIL RIGHTS IN THE CONTEXT OF DATAISM AND POST-TRUTH

Abstract. The paper is devoted to the issue of surveillance in capitalism (surveillance capitalism), a phenomenon which has spread in that socio-economic system since the beginning of the 21st century. We attempt to point out the harmfulness of information technologies developing in the wrong direction, carrying the ideas of dataism and post-truth, which increasingly colonize human living space. It turns out that the information (traces) that people leave while operating on the Internet is a source of predicting human behavior in the future (behavioral futures markets). Thus, for the most developed Internet enterprises in the world, they become a motive for violating what seem to be basic political rights, mainly freedom, property and security. As a result, under the influence of the disinformation often present on the Internet, people's behavior may take the most socially undesirable forms, but desirable in the virtual world.

The considerations in the paper are primarily theoretical. The descriptive method was used with elements of the conceptual analysis of surveillance capitalism in the context of dataism and post-truth.

Keywords: capitalism, surveillance, dataism, post-truth, behavioral modifications, civil rights.

Introduction

The starting point for the considerations in the paper was surveillance capitalism. It is a form of capitalism defined by the American social psychologist, philosopher, and scholar – Shoshana Zuboff (2019). This term, given to the most developed socio-economic system in the world, shows its character that interferes with the life/freedom of citizens – one of the fundamental political (civil) rights. This results, as Zuboff points out, from the emergence of the non-existent in the nineteenth and twentieth centuries instruments aimed at dominating the thinking of society by influencing the human psyche and expropriating it from previously held broadly understood rights. This is done on the basis of violating the institutional equilibrium (Wilkin, Kargol-Wasiluk, Zalesko 2019) and deteriorating the quality of the institutional environment of capitalism by introducing behavioral modifications to the architecture of this system. It became possible as a result of the computerization and digitization of all aspects of life taking place in the world.

Property rights are one of the pillars of the institutional architecture of capitalism. They should be understood as socially sanctioned relationships among people. Their basic function is to ease or eliminate tensions that appear in various areas of coexistence of the society. It turns out that properly defined, protected and constantly strengthened property rights are the foundation for the process of economic welfare building (Zalesko 2013). Meanwhile, in the 21st century, and from the end of 2019 with the development of the pandemic resulting from the spread of the SARS-CoV-2 virus, but not only, there are situations of increasingly frequent failure to respect property rights (surveillance capitalism – including activities of international corporations) or manipulation of property rights (surveillance of capitalism [human units that make up this system] – including the activity of governments of some states). As a result of such activities, the phenomena of dataism and post-truth appeared. These are very dangerous for the functioning of the society due to the growing importance of manipulating human behavior. Its sources can be found in the ubiquitous Internet today. Timothy Berners-Lee – British physicist and programmer, co-creator of the WWW service, spoke in an interesting way about this knowledge carrier. In one of the interviews he stated that "The Internet is a reflection of society, so it reflects both its advantages and disadvantages. Whether the image of the society it creates on the Internet is constructive or destructive depends today largely on how the algorithms of social networks are written. There is software that is specifically written to obtain personal information. But

we also deal with the negative effects of algorithms created for a just cause. They are designed to support free expression of opinion, but in doing so, spread dander and anger" (Berners-Lee 2019, s. 7). These words express alarming opinion on the threats (limitations) brought by the Internet to the civil rights guaranteed in the Universal Declaration of Human Rights (*Universal...*).

The aim of the paper is to draw attention to the threats posed by surveillance capitalism in terms of limiting the civil rights of modern society (especially visible during the spread of the COVID-19 pandemic), in the 21st century. We attempt to point out the harmfulness of information technologies developing in the wrong direction, carrying the ideas of dataism and post-truth, which increasingly colonize human living space.

The essence of surveillance capitalism

Surveillance in the most succinct way can be defined as a set of activities aimed at monitoring the behavior of individuals or society. This process is most often associated with actions taken by the state in countries with undemocratic systems. It is often visible also in countries characterized by well-developed democracy. Here it appears in two forms: surveillance capitalism and surveillance/invigilation in capitalism. In both cases, the result of surveillance is a violation of broadly understood citizens' rights.

A number of interesting definitions of surveillance capitalism are presented in the book *The Age of Surveillance Capitalism. The Fight for a Human Future at the New Frontier of Power* written by S. Zuboff (2019). These are: "1. A new economic order that claims human experience as free raw material for hidden commercial practices of extraction, prediction, and sales; 2. A parasitic economic logic in which the production of goods and services is subordinated to a new global architecture of behavioral modification; 3. A rogue mutation of capitalism marked by concentrations of wealth, knowledge, and power unprecedented in human history; 4. The foundational framework of a surveillance economy; 5. As significant a threat to human nature in the twenty-first century as industrial capitalism was to the natural world in the nineteenth and twentieth; 6. The origin of a new instrumentarian power that asserts dominance over society and presents startling challenges to market democracy; 7. A movement that aims to impose a new collective order based on total certainty; 8. An expropriation of critical human rights that is best understood as a coup from above: an overthrow of the people's sovereignty" (Zuboff 2019).

After combining the eight terms of surveillance capitalism listed above, it turns out that they comprehensively demonstrate the possibilities of restricting the civil rights of the society. As the authoress rightly points out – surveillance capitalism functions and develops thanks to the "Internet of things", or "processing without borders". We are currently dealing with deliberate modification of human behavior on an unprecedented scale.

"Successively, as the imperatives of surveillance capitalism along with the material infrastructure of harvesting and realization begin to function as a coherent whole, there is the production of «behavior modification measures» in the 21st century. The purpose of this endeavor is not to impose standards of behavior such as submission or obedience, but rather to produce behaviors that reliably, definitively and without doubt lead to the desired financial results" (Zuboff 2019, p. 280). It is worth emphasizing that the phenomenon in question has particularly dangerous implications, as technological innovations are not used as instruments to facilitate positive change and social development. This is because surveillance technologies are driven by the capital imperative (technology is used to maximize profits) (Garrett 2022).

As highlighted in *Summary of Shoshana Zuboff's The Age of Surveillance Capitalism*, Swift Books (2020) we can observe a specific path from traditional capitalism (competitive/liberal) to surveillance capitalism:

1	"Capitalism was born and grew to be the dominant economic system in the world because it gave people that they wanted: goods and services that improved their lives.
2	Until relatively recently in human history, each life was predetermined by blood and geography, sex and kin, rank and religion. When the modern era started, human individuality started emerging, and life was no longer handed down from one generation to the next according to the traditions of village and clan.
3	Each life became something to be discovered rather than a certainty to be enacted. Even where the traditional world stayed the same, it can no longer be experienced as the only possible story.
4	Despite this, the new industrial society retained many of the old world's themes and patterns based on class, race, occupation, religion, ethnicity an sex, and the systems of corporations, workplaces, unions, churches, political parties, civic groups and schools.
5	This new world order and its bureaucratic logic of concentration, centralization, standardization, and administration still provided solid anchors, guidelines, and goals for each life. However, with the advance of technology and the internet, even that is being eradicated.

6	The old conception of the capitalism was that the owners of a company would share some of the profits with the employees, in the form of wages, and the rest with the stockholders, in the form of dividends.
7	The new conception gets rid of the pro-social principles of the twentieth-century corporation, and asserts the market's signal of value, the share price, as the basis for a new incentive structure.
8	In the last few years, the top one percent of the population have become richer and richer, while the bottom 99 percent have become poorer and poorer.
9	Individualization makes us all struggle to ensure an adequate life, while at each turn we are forced to the battle with an economy and with politics that use us as pawns. We are told our lives have unique value, but we are treated as invisible.
10	Companies try to deceive you into agreeing to their terms of service, which are written ambiguous ways that make you inadvertently agree to be practically spied on.
11	In the past, companies could not impose terms of service on customers because paper contracts were expensive to produce and distribute. Contemporary digital terms, in contrast, are weightless and easy to implement. They can be expanded, reproduced, distributed, and archived at no additional cost, which is why they're everywhere.
12	This new economy is a predatory one, in which your data is used against you, to make you buy things you don't need. You always lose, and they always win."

We have not yet learned all the dangers that arise from the development of surveillance capitalism, but we are concerned that they will imply more and more problems, not only of an economic nature.

Dataism versus surveillance capitalism

The vast majority of the literature covering the category of information technology focuses on problems related to the legal system, part of the social system, operating within the framework of new technologies or the type of practical activity that allows the use of new technical solutions (Szpringer [2020a; 2020b; 2022]; Dooley & Evans 2022). In addition, other approaches focus on social surveillance systems and their legal and administrative frameworks (Wilson 2021; Hassan 2008). Authors explaining the

relationship between new technologies and changes in oversight at a broader societal level tend to focus on the needs of bureaucracies, both public and private, to assess opportunities to improve the efficiency of their services and better control clients and the environment. This is a very limited view, covering only a small aspect of the problems presented.

Far more important and perhaps more interesting is to explain the development and use of commercial surveillance technologies, which also requires an assessment of the extent to which social control can be enforced or the direction of change in improving bureaucratic efficiency (See: Diamondis, Kotler 2021; Mitnick, Simon 2016; Biernacka 2009). The expansion of existing information systems and the development of newer surveillance systems are driven by various types of social change that reinforce the use of personal data and ignore privacy concerns. Moreover, the volatility of technology is influencing the reconstruction of the entire social system along with its system. This process is a long-term one, but it is technologies that are critical in terms of creating new conditions for society.

Information-based entrepreneurship exists in an economic arrangement where people and organizations benefit from the use or sale of information (See: Case 2017; Rid 2020). Such practices are useful because of many social changes over the past century: increasing mobility, institutional development and the growing importance of indirect social relationships. The social institutions that are being created are, in a way, a consequence of changes in the social surveillance system based on information technologies.

Entrepreneurial activities in the acquisition and use of information are also supported by the development of more cost-effective technologies for managing large databases. BigData-based technologies, on the other hand, are subject to changing external environmental factors, such as social mobility and IT improvements, but these cannot clearly explain the different ways and degree to which surveillance technology has been deployed in different sectors and even in different organizations within a single sector. The information-gathering model of entrepreneurship can therefore be useful in distinguishing between the institutional and environmental motivations of corporations moving toward surveillance, creating what is known as surveillance capitalism.

The development of surveillance capitalism has become very dynamic, with other parts of the economy lagging behind. Many economies and societies are following this direction, but due to the need for considerable technological advancement, it remains unattainable for them. Under the conditions of the new capitalism, different free digital services have emerged, but under the conditions of surveillance, the companies behind these services

consider society a "free commodity". This causes a reversal of processes, namely, in the situation of using technology and wanting to obtain information, users themselves become the object of "search". Using social media to communicate, it turned out that the Internet connection is also how social media uses people. Every human action is controlled and used to obtain information about them, which is contained in the enigmatic corporate privacy policy contained in each device's manual, which has in fact become a control policy.

At the time of their inception and expansion, various types of online platforms were seen as "bulletin boards". However, repeated crises and a broader understanding of how these tools work have shown that these platforms are not bulletin boards after all, but hyper-fast global bloodstreams into which anyone can introduce a dangerous virus that is immune to social "vaccines" without consequences. All the processes of using surveillance technologies and their consequences stem from the illusion that private property is indeed private. However, this is just a notion, based on the assumption that we can choose our degree of privacy through an individual calculation, in which some personal data is exchanged for valuable services. For example, when Delta Air Lines piloted a biometric data system at Atlanta's airport, the company reported that of the nearly 25,000 customers who traveled there each week, 98% opted for the process, noting that "the facial recognition option saves an average of two seconds for each customer at boarding, or nine minutes when boarding a wide-body aircraft" (Glusac 2021). In fact, the rapid development of facial recognition systems reveals the public consequences of this supposedly private choice. Surveillance corporations have claimed the right to collect our faces wherever we go and use them far more extensively than we think.

Private property is not private, because the effectiveness of private or public systems of surveillance and control depends in large part on ourselves when we give away – or have taken away – various types of information that remain in the private sphere. We are entering, as economies and communities, a third decade of change marked by a crude new form of social inequality, best understood as "cognitive inequality" (Zuboff 2020, p. 295).

Surveillance corporations are taking advantage of the growing inequality in the availability of knowledge, through which they have ever-increasing profits, but at the same time they are using this knowledge for widespread control and to influence the direction of social change, manipulating the economy, society and even everyday life without restraint.

Today, people have become targets of remote control, as surveillance capitalism has discovered that the most predictable data comes from intervening in human behavior to tune, harvest and modify actions toward commercial goals. The imperative, "the economy of action", has become an arena for intense experimentation (See: Zuboff 2020; Zygmuntowski 2020).

With its cognitive dominance, surveillance capitalism has provided behavioral data that has shown the extent of the threats. These are mainly methods of behavioral microtargeting and behavioral modification (Zuboff 2020, p. 298). Surveillance capitalism's lack of accountability for the content on its platforms has given it the ability to very strongly influence the internal behavior of society. It's not just that cognitive inequality creates opportunities for corporations to influence people's behavior, but more importantly that inequality understood in this way defines the state of our societies, normalizing information warfare as a permanent feature of everyday reality. This is done through the actions of the same corporations on which we depend for effective participation in society.

Surveillance corporations have extensive knowledge, technology and scientists, giving them the ability to both acquire and create social life. All privacy is therefore most dependent on them, leaving society with few means of defense against increasing intrusion. Unless there is greater regulatory interference in the operation of surveillance corporations, there will be a dramatic change in the nature and functioning of society. This undermines elementary human agency and action by individuals, reducing autonomy and depriving society of a number of rights. Cognitive inequality and injustice are fundamentally incompatible with the aspirations of a democratic state. Surveillance capitalism operates largely in the invisible realm, making it impossible to determine what knowledge and data it acquires. Corporations have enormous resources to have more and more information and data, but they don't make it public, creating inequality in access to knowledge. Their knowledge about us is not for us. Instead, our futures are sold for the profits of others (Zuboff 2020, p. 313).

The scope of the impact of information surveillance capitalism does not concern the most important development issues of today's world (such as energy, climate or poverty). Instead, the actions of large capital entities with knowledge and computing power can be observed, leading to the specific science and economics of human profit predictions. The second form of influence is conveying the message that the success of leading corporate surveillance companies fully reflects the real value that the data they acquire brings to people. People, however, are not always able to understand the nature of the irregularities of surveillance capitalism, and often treat it as an an-

tidote to a malfunctioning market. However, market restrictions are at the same time increasing the domination of surveillance corporations. Instead of a strict alignment of supply and demand, people use services because they have no comparable alternatives and are unaware of the hidden operations of surveillance capitalism and their consequences. Well-functioning privacy and antitrust laws are essential to curbing surveillance, but neither will be fully adequate to meet the new challenges of reversing cognitive inequality. They must be expanded to include limits on surveillance and broader rights to information regarding the meaning of cognitive activities, and be subject to democratic governance. Such rights would break the chains of data acquisition, protecting the boundaries of human action before it is exploited by corporations that process and use data. The decision to turn any aspect of one's life and actions into data must belong to individuals by virtue of their rights to function in a democratic society. This means, for example, that companies cannot claim the right to scan faces, nor use this as a free element for analysis, nor own and sell any computing products that come from this scanning. It is imperative that the conditions for the acquisition and use of information and knowledge be protected in order to preserve privacy, but also social cohesion and living conditions. Without this, the possibilities for the free development of societies will be very limited.

Post-truth as mnipulation of surveillance capitalism

As J. Wilkin notes, "the concept of post-truth can be treated (...) as a symbol of broader processes and transformations taking place, at least for the past two decades, in various areas of life, and especially in politics. However, it is such a widespread and important phenomenon that it deserves a separate analysis, both in terms of its origins, conditions, scope of influence and the effects it generates. These are effects that devastate public life in particular, but not only" (Wilkin 2020, p. 67). Moreover, it should be noted that the phenomenon in question is, as it were, a by-product of the massive development of manipulative capitalism.

The author of *Practical Logic with Elements of Manipulation* notes that "today almost entire societies are able to live in post-truth" (Łukowski 2021, p. 352). He defines the phenomenon in question as a mental state in which a person recognizes as true not those pieces of information that conform to the facts, but those that are desired by him, the content of which he likes because it conforms to his emotions. The concept of post-truth is vague, multifaceted and ambiguous (Ibidem). Oxford Dictionaries chose "post-truth"

as the word of the year for 2016, following the controversial Brexit referendum in the UK and the US presidential election (Wang 2016). In dictionary terms, post-truth refers to or denotes circumstances in which objective facts are less influential in shaping public opinion than appeals to emotions and personal beliefs[1].

It is therefore a sad conundrum that multitudes of adherents are acquiring pseudo-scientific and even absurd views. "Unfortunately, the problem of post-truth is not limited to the online activity of "haunted" individuals. It can even be assumed that this is a less dangerous method of generating post-truth. The incomparably greater impact, because it affects much larger communities, is still exerted by large media corporations. How strongly the words of J. Wilkin resonate: post-truth is not only the proliferation and tolerance of lies in various areas of political, social and – unfortunately – academic life. It is also the progressive weakening of the power and importance of arguments, facts, science, in favor of emotions, suspicions, illusions and "alluring lies" (Wilkin 2020, p. 75).

We are witnessing what can be called the alienation of information. As its recipient and user, we do not know where it comes from, its value, reliability and purpose. We have no influence on its circulation, collection and use – now and in the future. An important side of this alienation was pointed out by Edward Snowden: "We are the first people in the history of the world affected by the problem of data immortality; we are the first to face the truth that information about us can exist forever. This is why we have a special responsibility. We must ensure that data about our past is not used against us or our children" (Snowden 2019, p. 423; Wilkin 2020, p. 76).

Economists are particularly vulnerable to the temptation not only to commercialize their knowledge, which is not necessarily reprehensible, but to use that knowledge for sometimes morally questionable purposes. This was illustrated brilliantly by two prominent professors, winners of the A. Nobel Prize in Economics: G.A. Akerlof and R.J. Shiller (2017) in a book: *To Catch a Sucker. The Economics of Manipulation and Deception.* They write: "Because our weakness is that we don't know exactly what we really need, and because this weakness can be deliberately generated, sustained and reinforced, manufacturers eagerly seize every opportunity to fool us into buying something new, with an eye to their profit. They track us down, get us, and exploit us. They catch us like a helpless fish" (Akerlof, Shiller 2017, p. xxiii, Wilkin 2020, s. 78).

It is impossible to pass by books that take up the topic of post-truth, regardless of the context of the research conducted in recent years. There are a number of studies devoted to "post-truth". And so, starting with the

latest: Kjetil Rommetveit is the editor of the book (and also the author of the included text of the same title) *Post-Truth Imaginations: New Starting Points for Critique of Politics and Technoscience* (2021/2022). As the authors of the referenced study present, the genealogy of "post-truth" dates back to 1992. In light of S. Tesich's research, it is necessary to look at this phenomenon through the prism of famous events, such as the Watergate affair, and even earlier, such as the invasion of Vietnam, or Iran. The cited author argues that with the outbreak of the Gulf War, the American public no longer "wanted to know the truth about the war". He put it in the following words: "In a very fundamental way, we, as a free people, have freely decided that we want to live in some post-truth world". Steve Fuller is in turn the author of a book with the telling title, *A Player's Guide to the Post-Truth Condition: The Name of the Game* (2020) and notes that: "A good general of the academic estblishment's reluctatnce – if not outright failure – to acknowledge the post-truth condition is that we academics continue to give students the false impression that knowledge of enduring value is best backed by academically credible sources, which can then be dutifully transferred through the appropriate channels to enlighten the masses, who in turn apply that knowledge to the betterment of society." It also emphasizes that: "It is misleading to think about "post-truth" as entailing a disregard for truth. Zauważa bowiem, że nawet w czasach platońskich używano definicji wiedzy rozumianej jako: "justified true belief" (Ibidem).

Anna Visvizi, Miltiadis D. Lytras (the last one) as editors of *Politics and Technology in the Post-Truth Era* (2019) notice in turn, considering the relationship between technological advances and post-truth and the impact they have on contemporary politics and society:

Figure 1

Politics and ICT: key issues and spheres of influence



A. Visvizi, M. D. Lytras (ed.) (2019), p. 25

To sum up, when we look closely at the phenomenon of post-truth, we find that it is a product of today's civilization, focused on rapid access to information (often unverified). Instead, it has been made possible by the intensified development of surveillance capitalism. And one more thing, it is significant that the Internet, as a "public space" but also as an instrument of propaganda, has become a place to control our behavior, which violates a number of fundamental civil rights.

Conclusion

Surveillance under capitalism is a disturbing phenomenon. Its effect is increasingly apparent manipulation of human behavior as a result of the spread of ideas of dataism and post-truth. Their impact on the psyche of people is an implication of the inappropriate development of information technologies. They should serve their users to acquire, select and process information in a direction that improves the quality of life. In reality, however, there is often a misinterpretation of the acquired data. Misinformation then builds up, which is used against society. Nowadays, as Eliot Higgins wrote, one should "...present facts and views in such a way that all can see them" (Higgis 2021, p. 16–17). Untrue information should therefore be verified, publicized and eliminated from public life, since its existence has a significant impact on restricting basic political rights (primarily personal freedom and security). On the other hand, it should be noted that the capitalism of surveillance has contributed to the spread of dataism and post-truth as a result of the inability to stop the overwhelming flood of information (often with an unverified source of origin).

NOTE

[1] post-truth adjective – Definition, pictures, pronunciation and usage notes / Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com.

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