

# SURVEILLANCE CAPITALISM, TWO HORNS OF THE DILEMMA: DIGITAL LIBERTARIANISM AND DIGITAL AUTHORITARIANISM

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## 1. INTRODUCTION

In the article “Thomas Aquinas, Ronald Dworkin, and the Fourth Revolution: Law in the Age of Surveillance Capitalism,” I argued that Surveillance Capitalism – an emerging economic model highlighted by Shoshana Zuboff – operates at the level of social imaginary and emergent law. In this context, I compared the thought of Ronald Dworkin and Thomas Aquinas on the foundations of law and articulated three distinct foundations of moral and legal reasoning. First, moral and legal norms are grounded in ontological norms – or descriptive ought statements that effectively (though imperfectly) articulate the interactions of powers and possibilities in an inherently orderly cosmos. Second, they operate within the horizon of custom. I analyzed custom in terms of social imaginary and emergent law and recognized some tension between these concepts – we must balance the role of the community and the individual in understanding how custom comes about and influences human behavior. Third, I argued that moral and legal reasoning rely upon virtuous exemplars in their formation and that they aim at developing both individual and communal virtue in their application. Surveillance Capitalism presents a threat to these three foundations because it seeks to operate primarily within an economy of attention and only secondarily in an economy of action. By doing so, those who employ and benefit from Surveillance Capitalism hope to shape the customs that ground the rule of law. Finally, considering this I argued that law and policy approaches are insufficient as a sole or primary response to the challenges posed by Surveillance Capitalism. Law and policy do play a role in an effective response, but they must be developed in tandem with and in support of personal habits and communal virtues in both the general populace and in the data engineering and science community. To these areas of focus, we may add the development of technologies that actively protect both privacy and reasonable freedom.

## 2. Surveillance Capitalism and Digital Authoritarianism

In this short addendum to that article, I want to highlight the other horn of our contemporary social dilemma. The United States of America has sometimes been called the ‘wild west’ of technology policy (Leamer, 2023) and it is not uncommon to point to government corruption as a reason why technology policy should be limited (Lessig, 2015). This has most recently been applied to AI policy (Klar, 2023). As Shoshana Zuboff has pointed out, this kind of ultra-libertarian approach can provide fertile ground for the growth of Surveillance Capitalism (Zuboff, 2019b). On the opposite end of the spectrum from digital libertarianism is digital authoritarianism, and the methodologies used by digital authoritarians can often resemble or explicitly include the methodologies used by Surveillance Capitalism (Zuboff, 2019a; Enos, 2023). Alina Polyakova and Chris Meserole define digital authoritarianism generally as “the use of digital information technology by authoritarian regimes to surveil, repress, and manipulate domestic and foreign populations” and it relies heavily on surveillance, censorship, and social manipulation among other tools (Polyakova and Meserole, 2019; Enos, 2023). Purveyors of surveillance capitalism would certainly reject the claim that they ‘repress’ people and would further reject a comparison of Cambridge Analytica’s manipulation of Facebook to influence the 2016 United States presidential election to the use of surveillance technologies to control the Uyghur people by the People’s Democratic Republic of China. However, while I cannot make a thorough comparison here, I think that such a comparison would reveal not so much a different approach to social control as 1) distinct ends of that control (the accumulation of wealth vs. the assimilation of a populace) and 2) a difference in explicitness of the repression involved<sup>1</sup>

## 3. Two Horns of the Dilemma

The two horns of our current dilemma can thus be summed up in terms of digital libertarianism and digital authoritarianism. In both cases, the tendency arises to take authentic choice out of the hands of the people, either by subtly guiding them to desired choices through an array of putatively ‘free’ options or by forcefully imposing a single selected option upon them. Alison Adam highlights the history of technological oppression and notes that within this history it is difficult to effectively disassociate state and corporate power (Adam, 2022). It is tempting to oppose ‘Western’ corporate power with ‘Eastern’ state power in these examples. However, this opposition cannot support a deeper analysis. The cooperation of the Huawei corporation with the Chinese government (Brandao and Lee, 2021) and the fact that United States government is explicitly dependent upon expertise from the technology sector in developing government technology policies belie this too easy opposition. The claim that digital libertarianism and digital authoritarianism both take authentic choice out of the hands of the people should also lead us to ask what makes a choice authentic?

## 4. Putative Choice vs. Authentic Choice

Let us consider the act of choosing a healthcare plan in the US. One is presented with an array of options that have a bewildering and often difficult to understand array of coverages for various potential medical situations ranging from very likely preventative care to very unlikely crisis situations. Further, these options are often presented in an arcane format that is sensible to experts in healthcare coverage, but meaningless to the novice who is making the choice. If one can build sufficient expertise in the relevant topics then one can sort meaningfully through the options and apply a variety of principles (economic principles, risk assessment, etc.) to determine the plan that is best suited to one’s own life. However, generally medical plans are chosen at most once a year, and most people are not economists or experts in either healthcare coverage or risk assessment. Given this, the opportunity to choose a medical plan is a putative choice because the individual is the one selecting the plan, but it is not an authentic choice because the individual does not have the capacity to make a meaningfully informed decision. The individual does not have the capacity to make a meaningfully informed decision because she cannot practically predict or imagine how the options presented will actually affect her, and thus she cannot meaningfully compare them and select one as most appropriate. A meaningful choice requires 1) the ability to select from an array of options, 2) an understanding and ability to practically assess the impact of said options on one’s life, 3) the capacity to compare the options on offer according to some methodology, and 4) assurance that one’s selection

will be honored. In the example above, 1 and 4 are in place, but 2 and 3 are not. This is often the case in digital libertarianism for several reasons. First, in digital libertarianism options proliferate and the sheer volume of options may be overwhelming. Second, in many cases the options are presented in terms that are not easily understandable to the layperson – healthcare is a good example here. Third, some options are simply not understandable outside of a certain expertise or experience – for instance, deciding between specific medical procedures requires one to imagine what life will be like in each instance, but this is often impossible without the input of those who have either undergone the procedures in question or who have significant experience with those who have. This list is not intended to be exhaustive, but it illustrates important reasons why individuals most commonly choose a preselected default when asked to make important decisions (Thaler and Sunstein, 2021). In digital authoritarianism, requirements 2 and 3 may well be in place, but requirements 1 and 4 are not.

## 5. Conclusions

My goal in this brief commentary has been twofold, 1) to highlight the similarities between surveillance capitalism and digital authoritarianism and 2) to highlight the two horns of the current dilemma: digital libertarianism, which enables the rise of surveillance capitalism, and digital authoritarianism. There are a variety of strategies for addressing the challenges to authentic choice raised above. I do not have space here to provide further discussion of them. However, one approach that is significant given my previous argument is the active encouragement of expertise among the general populace. A public that is 1) capable of understanding the options presented to them, 2) capable of imaginatively applying those options to their lives, and 3) able to effectively compare the options on offer will, in turn, be more capable of 4) resisting digital manipulation. These are essential elements of developing a populace that is resistant to surveillance capitalism. Finally, with the deployment of Chat-GPT, GPT-4, and Bard along with a number of other generative AI models in the past six months generative AI has become significant across multiple fields. In many fields, there is a push to integrate large language models into other programs and devices. While there may be a great deal of promise in large language models such as GPT-4 or Bard, it is equally likely that they will perpetuate the already existing assumption that it the best path forward is to make things *easier* for the consumer/user. In some cases, this is a laudible endeavor, and integrations that create access to information and training could be helpful in developing a manipulation resistant populace. However, the promise of democratization of data should not be conflated with a democratization of knowledge or expertise. As in the above example, the user may have access to all of the relevant data concerning her options for medical coverage but be unable to effectively correlate that data to lived experience in a way that allows her to make a meaningfully informed decision. It is tempting to suggest that generative AI may provide a solution here as well. Couldn't an AI model not only collect and provide access to the relevant information, but generate plausible use experiences that might help the user to predict likely outcomes? First, there are acknowledged challenges of generative AI models that should give us caution. For instance, they make claims that are, upon further analysis, initially plausible but not true. Further, crafting meaningful prompts that will generate useful answers is a difficult art to master in and of itself. Second, these concerns presume that using AI to predict likely answers is a helpful solution. However, I want to emphasize a deeper concern: such as use of generative AI models does not actually improve the capacity of the populace to avoid manipulation. In fact, it trains them to trust the answers they are given *rather than* learning to develop the capacity to actually understand the decision they are being asked to make.

In some cases, we should depend on outside experts, and here the first set of concerns should give us cautious optimism about the possibility of using large language models to aid in human decision making. However, if our goal is to develop a manipulation resistant populace, then enabling and encouraging the *development* of intellectual and moral virtues and sufficient expertise in relevant areas should be our first avenue of response.

## References

- [1]. Adam, Alison. (2022). "Postcolonialism and Technologies of Identification." Pages 211 to 230 in the *Oxford Handbook of the Philosophy of Technology*. Edited by Shannon Vallor. Oxford: Oxford University Press.
- [2]. Enos, Olivia. (2023). "Centralizing Power and the Heavy Hand of the Regime: The International Challenges of Technology and Human Rights." Pages 263 to 293 in *The Digital Public Square: Christian Ethics in a Technological Society*.
- [3]. Edited by Jason Thacker. Brentwood, TN: B&H Academic.
- [4]. Klar, Rebecca. (2023). "AI 'Wild West' Raises National Security Concerns." *The Hill*. Irving, TX: Nexstar Media. [Online]: <https://thehill.com/policy/technology/3888433-ai-wild-west-raises-national-security-concerns/>.
- [5]. Leamer, Nathan. (2023). "The Wild West of Tech Policy: A Convergence of Optimism and Pessimism in the United States," Pages 43 to 72 in *The Digital Public Square: Christian Ethics in a Technological Society*. Edited by Jason Thacker. Brentwood, TN: B&H Academic.
- [6]. Lee, Doowan and Brandao, Shannon. (2021). "Huawei is Bad for Business." *Foreign Policy*. [Online]: <https://foreignpolicy.com/2021/04/30/huawei-china-business-risk/>.
- [7]. Lessig, Larry. (2015). "Deja'vu All Over Again: Thinking Through Law and Code, Again." Presentation at Coalition of Automated Legal Applications Workshop. Sydney: Coala Workshops. [Online]: <https://www.youtube.com/watch?v=pcYJT1bhYF0>.
- [8]. News Release. (2019). "China's Algorithms of Repression." Human Rights Watch. [Online]: <https://www.hrw.org/report/2019/05/01/chinas-algorithms-repression/reverse-engineering-xinjiang-police-mass>.

- [9]. Polyakova, Alina and Meserole, Chris. (2019). “Exporting Digital Authoritarianism: The Russian and Chinese Options.” In *Democracy and Disorder: The Struggle for Influence in the New Geopolitics*. Washington, DC: Brookings Institute. [Online]: [https://www.brookings.edu/wp-content/uploads/2019/08/FP\\_20190827\\_digital\\_authoritarianism\\_polyakova\\_meserole.pdf](https://www.brookings.edu/wp-content/uploads/2019/08/FP_20190827_digital_authoritarianism_polyakova_meserole.pdf)
- [10]. Thaler, Richard and Sunstein, Cass. (2021). *Nudge: The Final Edition*. New York, NY: Penguin.
- [11]. Zuboff, Shoshana. 2019a. *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*. New York: Public Affairs.
- [12]. Zuboff, Soshana. 2019b. *Surveillance Capitalism and Democracy*. Lecture at the Alexander von Humbolt Institute for Internet and Society. Available online: <https://www.youtube.com/watch?v=fJ0josfRzp4> (accessed on 9 August 2022).

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<sup>i</sup>See Shoshona Zuboff’s discussion of Cambridge Analytica and the Human Rights Watch report for a discussion of the IJOP app employed by Chinese authorities (News Release, 2019).