

# Social Influence and the Normalization of Surveillance Capitalism: Legislation for the Next Generation

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■ **HUMAN PERSONALITIES, CHARACTERS,** and habits are socially instructed and learned, traditionally from others, but also with others [1]. Either way, social influence plays a fundamental role in human development [2], affecting individuals at any age and from any background [3]. According to Piaget's stages of cognitive development, in the preoperational stage, the primary sources of such influence are parents, teachers, and siblings, and in subsequent stages, both peers and socially constructed knowledge gatekeepers (i.e., schools and newspapers) become increasingly important. In the preoperational stage, infants demonstrate animism, that is, they tend to assign life and feeling to nonliving things. Consequently, they can believe that "The Internet" is a real person and, being equally unable to differentiate between advertising and other media content, believe what "it" is telling them.

Even as infants progress toward adolescence and the concrete operational stage, the impacts of this form of social influence have a significant and lasting effect on cognitive and social development and these effects can be both positive and negative. For instance, depending on the individual and their social network, influences from peers and family can either redirect the young individual away from negative trajectories [4] or can equally likely direct them toward hazardous habits and mindsets [5], [6].

In contrast with the traditional approach that describes social influence as a process of sources looking for targets to influence, social influence has two directions: there is also a process of targets looking for sources by whom to be influenced [7]. Thus, this second, less-well-recognized direction of social influence is an important mechanism for individuals to optimize knowledge processing and to learn from/with others, but the absence of doubt and discrimination in the young presents a vulnerability to a source determined to manipulate and control.

Throughout the history of education, social influence has played a significant formative role, but recent developments in information and communication technologies, and specifically in the fields of networks and communication, combined with advances in the understanding of psychology, neuroscience, and neurobiology, have considerably augmented the power of institutional social influencers. Furthermore, they bypassed, to some extent, the traditional (institutional) gatekeepers of such influence (i.e., schools, universities, newspapers, and so on). The extensive and uncontrollable use of social media and technology, especially by the young, then presents many hazards. For instance, children are growing up being conditioned to delegate to voice-activated virtual assistants the task of information processing, diminishing their critical thinking skills and reinforcing their belief in "it's true (the Internet told me)." Given that children will actively seek sources of influence, it is almost as if a

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generation of sheep are being programmed to seek out the wolves.

### Normalization of surveillance capitalism

This situation has created an opportunity for less scrupulous organizations to exploit their position within a knowledge hierarchy to use their social influence to normalize surveillance capitalism [8]. A knowledge hierarchy assumes a hierarchy in which “higher” elements have more information about a state or know the beliefs of “lower” elements [9]; surveillance capitalism is the description of an economic system that seeks to commodify personal data and exploit it for profit. It follows that the data aggregators know more than the aggregated—and indeed know more *about* the aggregated and perhaps know them better than they know themselves [10] (and, it is said, certain social media companies remember more about the teenage years of the current generation than the teenagers do themselves). This is even before considering that, as the aggregated, young people are necessarily in the process of learning and know less about the aggregators and their economic motives. The aggregators are, therefore, “higher” elements in a knowledge hierarchy than the aggregated.

In the context of a supposed “knowledge economy” powering the “digital transformation” to a “digital society,” by exploiting their “higher up” position in such a knowledge hierarchy through supplanting the traditional gatekeepers to knowledge, data aggregators such as BigTech companies can set expectations and impose standards. From a profit-oriented rather than public interest-oriented perspective, they could do so by focusing first on the easiest targets: impressionable young individuals who, on the one hand, do not have sufficient social and technological experience to be aware of what is being done to them, and, on the other hand, experience through peer-pressure a need to be part of a group or identify with a label. With such targets intentionally seeking out their sources, an opportunity is presented to make the exposure of personal data on the Internet the default, to control, direct, and monopolize attention [11], and also to manipulate the thoughts, beliefs, and actions of individuals. This way, the young have to deal with forces that are beyond their control, perhaps even their understanding; and unconsciously are directed toward forming thoughts and habits that are harmful to them—but

certainly profitable for those for whom the Matthew effect at the application level of the Internet synthesizes so conveniently with the target-seeking-source direction of social influence.

Therefore, those placed higher in the knowledge hierarchies not only have more knowledge, but also essentially have more power (since these concepts are interconnected [12]), which they have arrogated unto themselves. They can then direct youngsters, build expectations, and define what can be thought, developing in some sort of micro-Epistemes, or, in other words, temporal expertise, that impose standards and condition expectations. So, the privileged share only a part of their knowledge with the young, limiting the “window” [13] of what can be thought and expressed, and seek to direct them toward specific actions. And all of those actions can be commodified and normalized through surveillance capitalism and can have significant impacts in conjunction with young people’s ongoing social and cognitive development.

### Possible impacts on social and cognitive development

The normalization of surveillance capitalism [8] has some far-reaching implications, such as the disruption of mental health, the diminution of self-esteem, the pursuit of spurious esteem, the exploitation of influencers, the increase of distraction, decrease of attention, and the neglect of critical thinking.

In more detail, the continuous and uncontrollable exposure of the young to social media can have a particularly injurious effect on their mental health. Specifically, as reported by the Anxiety and Depression Association of America (ADAA) [14], young people own at least one account on a social media, feel the need to check them at least once every three hours, and suffer from a new form of mental disorder called social media anxiety disorder, or colloquially “fear of missing out.”

Additionally, surveillance capitalism and the exposure of everyday lives on social media have triggered the emergence of another form of surveillance, that of “body surveillance.” In more depth, this term refers to the monitoring of one’s body and the criticism of it. All these “fitspiration” accounts owned by the so-called influencers, who give tips about diets and forms of exercise, make people, especially the young, compare themselves with these ideals and feel like they are not good enough [15]. The pursuit

of social approval in the form of “likes” constrains freedom of action for fear of disapproving judgment, and if it becomes systematized as “social credit” can actually impose a limitation on human flourishing through blacklisting.

Moreover, young individuals are given a new career aspiration, to become an influencer on social media. This situation is not only damaging for the young as the intended targets, but also for the so-called influencers themselves, if they become little more than puppets of the machine, advertising other companies’ products and services. Although many influencers believe that they are part of the group of sources, affecting people and gaining popularity, in reality, they can inadvertently become one-person shopping channels or mouthpieces of propaganda. Their focus on gaining popularity and public approval on social media, presenting artificial lives, repeating lies, exaggerating, misleading, and occluding, is actually harmful to the public interest and collective well-being [16].

Furthermore, over-exposure to social media affects attention span, a phenomenon also known as the *goldfish effect* [17]. According to the National Centre for Biotechnology Information, the average human attention span has dropped from 12 seconds in 2000 to 8 seconds in 2013 (just 1 second below that of a goldfish). Due to the increased usage of the Internet and social media, the brain becomes accustomed to operating over shorter timescales, creating deficits in concentration for tasks demanding greater longevity.

Finally, once young people get habituated to online information channels only and delegate knowledge processing to online sources, they start to perceive voice-activated virtual assistants as modern “oracles” and believe unquestioningly and uncritically what these online sources claim, instead of evaluating incoming information. Formal operational thought, Piaget’s last stage of cognitive development, is constrained rather than freed from physical and perceptual constraints.

Those organizations taking advantage of the opportunities created by the combination of social influence and normalization of surveillance capitalism can also evade existing legislation for protection. By hiding the information regarding the potential uses of these data, surveillance capitalism repositions the young as a new role of the laborer, that of the “data laborer” [18], ignoring the standards against children’s economic exploitation.

The new economic model introduced by surveillance capitalism converts every single citizen into a potential target for monitoring and a producer of data. The data aggregators, that is, those that appropriate the personal data of individuals without any meaningful consent, have become the largest and most profitable companies in the world. In some sense, every single citizen—either unconsciously, carelessly, or for some, even willingly—implicitly consents to become a “slave” of the data harvesters, offering their data freely and uncontrollably.

However, this form of modern indentured servitude suppresses human flourishing [19]. Humans need to free-speak, free-think, and free-act to flourish, develop optimally, and achieve the best they can be as individuals and as a collective. This situation is particularly damaging for society, and especially for the next generation of young people. In European Union (EU) law, while General Data Protection Regulation (GDPR) does deal with data privacy matters and tries to protect children in the information society, it may be that more radical action needs to be taken.

Since companies proved themselves incapable of limiting their gains and respecting human rights, individual and collective actions are required. On the one hand, all children should be taught how surveillance of personal data and the exposure of their lives online presents hazards now, and in the future, personally and collectively, concretely, and abstractly. On the other hand, at the community level, new laws, legislation, and regulations need to be formed to protect personal data and especially that of the young individuals. There is plenty of legal and historical precedent for such intervention, as discussed next.

## Legislative perspective

### Brief (western) history of capitalism and children

Until the mid-1850s, child labor was a norm in European societies. In preindustrial Europe, children toiled on farms or occasionally as apprentices, and when the industrial revolution hit (working class), children followed their parents into factories and down coal mines. These practices were so normalized that when families found themselves in poor houses, it was an expectation that children would work too [20].

Change came slowly. Taking the United Kingdom as an example, growing ill-ease with the economic exploitation of children was spreading across the middle class [21], with progressive Factory Acts that slowly began to rein in the practice. In 1802, the Factory Act limited children to working 12 hours a day [22], and in 1833, this was reduced again (at least in cotton mills) to 8 hours for 9–11-year-olds, and the under eight year olds were carved out of the mills completely [22].

This change was not fast, nor has it been universal. Seventy years later in the United States, the 1900 census records that one in five children were still employed in full-time occupations [23], and in some low-income countries, child labor persists today. In 2017, half of the children in Mali, Chad, and Guinea-Bissau were working [24].

Despite these uneven dynamics, the arc of human moral development has bent toward the end of child labor and exploitation. A long and proud tradition of antichild labor advocacy has emerged: from the National Child Labour Committee in the United States to UNICEF and the International Labour Organization (ILO) globally. Global advocates have been cementing a new norm against children's economic exploitation—while their ambition has not been perfectly achieved—they have established a global consensus that children should not labor in Goal 8.7 of the Global Sustainable Development Goals. Goal 8.7 sets a global ambition to end child labor in all its forms by 2025. It is now widely accepted that any economic system that expects children to contribute as if they were adults violates children's rights.

#### Contemporary and future surveillance capitalism and children

Against this global consensus, we would argue that the rise and normalization of surveillance capitalism have effectively and disturbingly repositioned children as “data laborers” [18]. Children's personal data are routinely extracted and commodified; by the time a child turns 13, advertisers hold an estimated 72 million data points about them [25], and surveillance advertising to children is said to be a billion-dollar industry [25]. Violating the norms established under industrial capitalism, in this new economic model, children are once again being treated as if they were adults: out of the coal mines, and into the data mines.

Just as the Factory Acts reflected the advocacy and growing ill-ease with this, we are starting to see campaigners and advocates pushing back and new laws and regulations being proposed to rein in these practices.

The United Kingdom has led the way with the passage of the Age Appropriate Design Code. The Code regulates the use of children's data and insists that children's data can only be used in ways that are consistent with their “best interests” [26], and not in any ways that could harm them. Companies that collect and use young people's data now need to actively think about children's welfare and wellbeing in their business practices and potentially prioritize children's best interests over their own commercial interests.

While the law has only been in force for a short time, it has already begun to protect children from the unfettered business model of surveillance capitalism. Google has announced that it will no longer allow microtargeting of the under-18s [27], and Facebook too has announced a curtailed microtargeting practice [28]. TikTok and YouTube have announced that they have made children's profiles private by default [29], enhancing their right to privacy in the first instance.

Change may again be long and slow, but there is hope that children will (again) be carved out of this new business model progressively and globally. France [30], Sweden [31], The Netherlands [32], and Ireland [33] have all passed similar guidance. Australia [34], California [35], and the United States [36] also have drafted legislation on the books that reference children's best interests in digital contexts. There are early signs that this is a global trend.

We are not suggesting that the experiences of growing up as a child in a Victorian cotton mill, or as a farmhand in contemporary Mali are the same as growing up under a Surveillance Economy. But what we are suggesting is that we need, once again, to affirm our global belief that children should not be treated as if they were adults in any economic system, or commodities simply to be exploited. Moreover, as nicotine is an addictive substance, and potentially injurious to health, marketing nicotine-containing products and explicitly targeting young people is regulated in most jurisdictions around the world. Since social media can also be (made) addictive and that addiction can be harmful, there is precedent for regulating social media and data collection from the young.

It may be shocking now to think that it once needed Factory Acts to protect children from industrial capitalists and that protections limiting working hours to only 12 hours a day, or carving out only those under 9 years old were ever required. It is to be hoped that it is equally shocking to think that contemporary democracies around the world need to—even if they are currently beginning to—be passing laws that tell surveillance capitalists that they cannot exploit children’s data in ways that harm their rights.

**IN SUMMARY, THIS** article has brought together several strands of social influence, cognitive development, surveillance capitalism, and (legislation for) children’s/human rights. It is important to reaffirm that the disposal of personal data should not necessarily be accepted or taken for granted and that data miners should not be allowed to audit and direct the lives of data minors. Therefore, we need to develop the appropriate social processes and mechanisms to protect ourselves, foster prosocial social activity, preserve human dignity, promote human flourishing, and educate and encourage individuals to exchange opinions and thoughts, even those that are conflicting [37], and not be fearful of regulation. Although the combination of bidirectional social influence and the normalization of surveillance capitalism has created the conditions for a modern form of indentured servitude, the end state is not deterministically inevitable. With introspection, education, and legislation, the beneficial role of social influence can be diverted from an instrument of human manipulation to an instrument for social protection. ■

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