

# **Between The Fetishism Of Commodities And The Capitalism Of Surveillance: Perspectives On Market Control**

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## **Abstract**

*In the current study, Marx's concept of commodity fetishism, critiquing capitalist production, remains relevant. Capital accumulation now centers on digital information, leading to surveillance capitalism. This evolution exploits principles of commodity fetishism, influencing individuals psychologically. Liquid modernity, emphasizing digital exposure and materialism, facilitates this shift. The informational revolution shapes society, converging with commodity fetishism and liquid modernity to birth surveillance capitalism. This model, driven by big data, controls and manipulates the market. This article explores the potential social control and implications of surveillance capitalism in contemporary society, using a deductive method and analyzing bibliographic sources.*

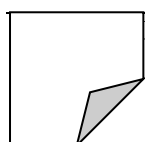
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## **I. Initial Considerations**

The present society is characterized by avid and unrestrained consumerism, where possession has never determined one's essence as it does currently. The ostentation resulting from consumerism finds, in the virtual world, a showcase ready for the display of new products and services, whether by those who produce, market, or those who flaunt their consumption habits.

Digital search services and social networks, programmed by bots, algorithms, and even artificial intelligence, seem to have the ability to read the minds of consumers, offering products and services assertively, without the perception that they are being induced to make a purchase, leading to an endless cycle of consumption and ostentation.

The mystical relationship highlighted by Marx through the commodity fetishism makes complete sense in these times, where individuals seem to spare no effort to satisfy their desires for certain products.

Consumerism, as a prominent characteristic of a liberal economy, found in the informational society the perfect scenario for its dissemination, the symbiosis between products, consumers, and their use, and digital dissemination means has never aroused the desire for possession as it does now.

Algorithmic programming based on big data can, in addition to connecting people to products, act through psychological induction in the persuasion process of purchase. High consumption has its advantages, allowing producers and sellers without physical structures to promote and sell their products exclusively through digital channels.

However, although high consumption has its economic and social advantages, benefiting the entire production chain and promoting greater circulation of money in the economy, questions about data manipulation capable of promoting social direction and control are necessary.

Therefore, the first section addresses the relationship between economic development and consumerism, which rises almost as a divine figure in contemporary society, it is the fetish of consumption and alienation of the individual highlighted by Marx, inevitable to the capitalist model, which is responsible for the need for the consumption of goods to satisfy desires.

This analysis is important, as in the second section, we observe the informational society, consumption habits, and liquid modernity, an expression coined by Bauman to describe the current society, as a catalyzing model of developed and applied consumerism in digital media, noting that this reality is only possible through data modulation that reveals social characteristics, from a new surveillance model.

In the third section, it is possible to relate consumerism from the informational society, surveillance capitalism as a model of social control, and its social and legal impacts. Still, in the third section, we present surveillance capitalism as a lever for consumption and the need for regulation on the subject.

The objective and theme are revealed through the discussion of commodity fetishism, in comparison with the current market model resulting from the informational society called surveillance capitalism, involving the interdisciplinary relationship between law, economics, and technology. The aim was to bring to the discussion the possibility of social control promoted by surveillance capitalism and its consequences for current society. To achieve the intended goal, a deductive method was used, focusing on research and analysis based on bibliographic sources.

### **The Commodity Fetish and Economic Development**

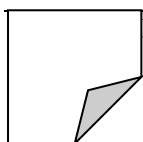
Contemporary society is shaped by the desire for consumption, where the possession of goods comes to define one's being. In an endless cycle, consumption transforms into consumerism, affecting social relations that unfold into legal and social impacts, as will be further discussed.

When examining the capitalist production model, Marxist thought posits that the commodity is merely a means, with profit being the crucial factor. The capitalist purchases labor power and means of production, increasing the demand for more commodities and greater profit. In this context, Araújo (1988, p. 54) observes: "In other words, capitalism emerges when everything becomes a commodity, including labor power."

From an economic perspective, we can identify characteristics of the commodity fetish that will contribute to understanding consumerism as a social phenomenon. According to Marx (2013), through the commodity fetish, the social characteristics of labor are abstracted from the individual, and the producer leads them to believe that subjective conditions of the production process are objective, intrinsically composing the value of the commodity.

Following this reasoning, the commodity fetish does not exist when only the use value is considered. Fetishism comes into existence only when exchange value is attributed to the commodity, as in this case, there is the assignment of different values and proportions, namely:

"The exchange value is a quantitative relationship for the exchange of values of different uses. Commodities only acquire value to the extent that they are expressions of the same social substance: human labor. Their value is, therefore, a social reality, capable of manifesting itself only in the social relation of the exchange of one commodity for another (CUNHA et al., 2014, p. 3)".



Thus, the commodity fetishism describes the peculiarities that a commodity acquires within the capitalist economic model, where the exploitation of labor relations in the commodity production process becomes obscured. Labor becomes irrelevant in the enchanted commodity, existing merely as value, and commodities take on a life of their own, as their origin becomes a mystery (KANGUSSU, 2015, p. 219).

Marx's idea aims to demystify the commodity fetish, revealing a world driven mad by objects that individuals themselves create and consume. Based on this reasoning, the commodity is controlled by its creator during the production process; however, it dominates the creator at the moment of commercialization (RUBIN, 1987, p. 35). At this juncture, the production stages lose their distinctive features, including all human effort, leaving only consumption.

The commodity fetish was how the society of producers added abstract information to the commodity's value, leading individuals to believe that this information was objectively based, effectively constituting the commodity's value.

In this phenomenon identified as a psychological manifestation, producers played an active role in interacting with individuals, aiming to establish the conviction that economic subjectivity was intrinsically linked to something objectively valuable, incorporated into the commodity and its value.

Therefore, it is possible to observe that the fetishism noted in Marxist thought directly impacts the commodity's value, facilitating the capitalist premise of accumulation, as the product's value needs to exceed the value of labor for the means of production to yield a return.

"I refer to this phenomenon as fetishism, which adheres to the products of labor as soon as they are produced as commodities, thus being inseparable from commodity production. The fetishistic nature of the commodity world, as the previous analysis has already demonstrated, arises from the distinctive social character of labor that produces commodities (MARX, 2013, p. 207)".

The analysis of capitalist thought considers, in addition to the commodity fetish, the alienation of the individual, as it distances them from themselves, their body, their spirit, and their friends (SILVA, 2005, p. 103).

Individual alienation becomes inevitable from the capitalist perspective, as to produce commodities, one must sell their labor power – a commodity – to acquire other commodities. It is evident that commodities take on a life of their own, as, devoid of human labor, they are merely things to be exchanged for other things. In this sense, Castro (2015, p. 178) emphasizes:

In this manner, the individual naturally substitutes the realm of human/social relations with a world of relationships among objects, things, and commodities. Put differently, one establishes connections between the money earned and the goods one intends to purchase, which, in the majority of cases, end up never reaching one's hands.

The intention of the present work is not to formulate an in-depth analysis of the commodity fetish, but rather to recognize it as a skillful tool in promoting consumption and economic activity, as well as its utilization in the creation of consumerism. If an individual chooses not to participate in this commodification, which facilitates the exchange of goods, that is, to consume, they cannot coexist in the market (SILVA, 2005, p. 103).

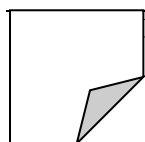
The capitalist economic model is characterized by accumulation, with the entire system oriented towards the possibility of accumulation (ARAÚJO, 1988, p. 70-71). It is from this model that the conditions of consumption gain strength, transforming into consumerism. The Marxist critique of the capitalist model pertains to improved conditions for the working class and the ownership of the means of production by the people. However, from this perspective, the primary aspect of capitalism is the exploitation of labor (HUBERMAN, 1936, p. 213-214).

The contradiction between what Marxist thought desired and how the capitalist model unfolded is what enables the exploitation of consumption and the emergence of capitalism. The commodity fetish is a real illusion. Although there is polysemy in the way the term fetish is presented in Marxist literature, concerning the commodity, there is adherence to the presented theme. It is important to emphasize that if the commodity indeed comes to life, social relations under this perspective seem to disappear, with individuals dominated by objects and things, moving and living for them (CASTRO, 2015, p. 178).

Faced with the fetishism and alienation observed in Marxist thought and how capitalism developed, separating the individual from their means of production, one can only exist by commercializing their labor power as a commodity (COGGIOLA, 2018, p. 204).

Thus, from the analysis of the commodity fetish and alienation, capitalist consumerism develops. In the post-World War II period, especially in the 1950s and 1960s, the welfare state found a foundation for the implementation of social policies, and this structure was favorable to consumption, which, in increasing rhythm, propelled industrial growth. In this sense, Offe apud Fiori:

More than being directed towards the victims of the labor market and before aiming to transform labor perceived as a commodity into labor seen as the foundation of industrial citizenship right, the significance of social policies today becomes that of a tool for competitive industrial modernization (OFFE, 1993, apud FIORI, 1997, p. 131).



Among the aspects indicating the success of the welfare state, Fiori (1997, p. 134) highlights, among others, two elements that align with the idea of the commodity fetish, criticized by Marx but essential in the capitalist model of consumption. The first is directed towards unanimity regarding full employment and growth, and the second concerns the pace of constant growth, with indices never before observed in capitalism.

Thus, these two conditions allowed, until the end of the 1970s, the ideal scenario for the realization of the commodity fetish, the commodification of social relations, and ultimately the birth of consumerism – the substitution of having for being. From then on, this model would find space in the information society.

This scenario brings about social and legal repercussions, which in today's society may be imperceptible, much like the commodity fetish was imperceptible. However, criticizing the capitalist model solely for the objectification of the means of production and accumulation is not the most effective approach. Nevertheless, the capitalist consumption model needs to be analyzed from the perspective of social control, as subliminally, this system operates in the control and promotion of desires, guiding society according to its interests.

### **Consumer Habits and Liquid Modernity**

The critique of Marxist thought towards capitalism, focused on the commodity fetish, constitutes a critique of a society of producers allowing domination by the object, at the expense of the decharacterization of human labor. Nevertheless, it is through this web of social interactions that the economic development proposed by capitalism occurs, particularly from the consumerist perspective, serving as one of the engines of economic development.

The idea of defending the means of production and their sharing with the working class is of great relevance. However, from an economic perspective, capitalism dictated the pace of economic development, especially characterized by the rapid development of consumption relations in the post-war period.

In this regard, the use of the critical analysis established in the commodity fetish is exclusively related to what serves as the foundation for the development of consumerism and its social ramifications. In other words, it is not solely an economic issue but rather how capitalism shapes human relations in society (SILVA, 2013, p. 121).

Historically, the society of producers is marked by routines and patterns inherent to human behavior, thus characterizing the security demanded by the society of that time. In this sense, Bauman (2008, p. 43) emphasizes that "in the solid modern era of the society of producers, satisfaction seemed to reside, above all, in the promise of long-term security, not in the immediate enjoyment of pleasures."

Solid modernity, in addition to presenting a social model structured by control, was characterized by the evolution of industry, telecommunications, and transportation that scaled up towards a globalized world.

In the process of globalization, the transition from a solid society, characterized by security and national cohesion, to a new reality, termed by Bauman as "liquid modernity," is observed. Throughout this period of transformation, society experienced two major wars and the assimilation of an economic model prioritizing accumulation, leading to the replacement of previously established values.

Unlike the social context of the society of producers, in liquid modernity, reality emerges in a context of rapid change and without the capacity for permanence. In other words, references are altered so swiftly that it hinders the creation of a social reality that impacts or shapes a new way of life. That is to say:

In a liquid-modern society, individual achievements cannot solidify into permanent possessions because, in the blink of an eye, assets can transform into liabilities, and capabilities into incapacities (BAUMAN, 2007, p. 7).

In this new social model, individuals' relationship with commodities becomes characterized by fleeting choices and rapid disposal. What is possessed today will not be necessary tomorrow, giving rise to continuous needs and establishing a new accelerated cycle of consumption.

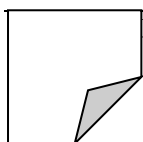
Numerous social and legal ramifications originate from this scenario, such as the heedless exploitation of natural resources, planned obsolescence, climate impacts, improper product disposal, pollution, and labor conditions akin to slavery – some of the features that shape this consumerist society.

With the increasing need for consumption, the lifespan of products is reduced, instigating consumers' unsettling urge to acquire new products, thus fueling the consumptive cycle (SANTIAGO; ANDRADE; 2016, p. 1176).

Liquid modernity arises from a reality without defined objectives or a terminal point; its characteristic is transience (BAUMAN, 2007, p. 88). This aspect guides the act of purchasing, and within this transient scenario that befalls society, consumerist relationships are affected, as emphasized by Bauman himself (2008, p. 45):

New needs demand new commodities, which in turn necessitate new needs and desires; the advent of consumerism heralds an era of "built-in obsolescence" for goods in the market and signifies a spectacular surge in the waste industry.

In the critique established through the commodity fetish, the discussion revolves around the commodification of the commodity, whereby it, as merely an object or thing for consumption, loses its



enchantment as soon as it is acquired. Thus, it falls upon producers to shape this consumer society and its individuals into a perpetual state of dissatisfaction, ensuring that the consumer's condition does not dissipate (BAUMAN, 2007, p. 106).

To bring about this condition, nothing is more effective than modifiable information or data capable of predisposing each individual towards products and novelties, thereby sustaining the model with the possibility of constant sales. With habits and consumption desires constantly stimulated, liquid modernity exploits the informational society, as it concentrates a significant amount of information, particularly of a digital nature, essential for the ongoing promotion and development of consumer habits in society.

Although briefly, it is important to delve into the subject, first to assess the impact of digital relationships on consumption habits, and secondly, to subsequently address the issue of surveillance capitalism. It is not the purpose here to debate the best characterization concerning nomenclature; for this study, both informational society and digital society are suitable to describe the advantageous and still relatively unexplored environment that technology provides for consumerism. Regardless of the form, digital media is crucial; in this sense, Santiago and Campello (2016, p. 123) emphasize that "once the image of goods, not the goods themselves, becomes possible for society as a whole, the signs of the culture of consumption are characterized."

This consumerist culture is made possible by cyber technologies, which enable the levels of communication and control necessary to maintain the attention of consumers who always crave the new, the latest release, making it possible to modulate trends, customs, preferences, and desires.

The data captured as a result of these cybernetic processes define new economic patterns, fostering an economy exclusively geared towards consumption. However, while previous patterns were based on forecasts for consumption strategies, in the informational society, these strategies occur in a personalized and individualized manner, thus yielding greater results. Silveira (2017, p. 15) discusses the matter as follows:

Informational societies are post-industrial societies with an economy heavily reliant on technologies that treat information as their primary product. Therefore, the significant values generated in this economy do not primarily originate from the production of material goods but rather from the production of immaterial goods that can be transmitted through digital networks. It is also noteworthy that informational societies are structured around cybernetic technologies, specifically communication and control technologies, which yield social consequences markedly distinct from analog technologies, typically associated with industrial contexts.

"The economic potential identified in the information society by capitalism lies precisely in the inexhaustible quantity of digital information, with the comparison being drawn that 'data is the new oil'" (2019)<sup>1</sup>. However, it is worth noting that data represents an infinite source of resources to be explored, given that every electronic and digital interaction, ranging from accessing a desired product and obtaining information about a travel destination, to conducting banking operations, is intricately linked to the individual, leaving traces with each new interaction and shaping the personality of each person (LEMOS, 2014, p. 739).

The exchange of information in the informational society transcends the intimacy and privacy of the individual as a consumer; new commercial practices have deviated from traditional advertising. In this new reality, information regarding product offerings and consumer identification, through the utilization of their data, enables more targeted commercial actions with greater financial returns (FERREIRA, 2008, p. 169).

Nevertheless, it is noteworthy that besides the corporate exploitation concerning the manner in which information is employed for the exploitation of consumerism in contemporary society, there is also the facilitation of the informational burden's sharing by the individuals themselves. Bauman (1998, p. 112) contends that, in this transcendental relationship between the individual and the product, the center of adoration constantly shifts, given that societies are constructed based on products with low durability and immediate obsolescence.

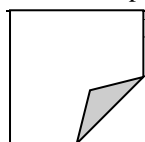
This exposure of private life and the cult of the object, the deliberate and spontaneous exhibition, is what allows control, a topic that will be discussed in the next section. However, it is this same exposure that enables the modulation of information favoring the consumerist scenario, as Han (2017, p. 108) imparts an important lesson on the subject:

The specificity of the digital panopticon lies primarily in the fact that its inhabitants actively and personally collaborate in its construction and maintenance, exposing and baring themselves, subjecting themselves to the panoptic market. In this sense, the society of control reaches its consummation where the subject of this society does not unveil themselves due to external coercion, but rather out of a self-generated necessity. Therefore, the fear of renouncing one's private and intimate sphere gives way to the need to expose oneself openly without any restraint.

It becomes evident that the divinity worshiped through the fetishism of commodities, facilitated by digital means, gains increased control over society and its individuals, as it possesses the capability to gather the

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<sup>1</sup> O CEO da Mastercard Ajay Banga, afirmou de forma comparativa que os dados são o novo petróleo, com uma ressalva, o petróleo é um recurso limitado e irá acabar um dia, os dados não.



necessary information to profile consumption patterns related to various products, their prices, and their consumers.

Similar to how the capitalist model influenced the society of producers, utilizing consumption as a tool for economic development, it also shaped the informational society according to its convictions and needs. Likewise, with the advent of the internet, networks, and digital media, the influence persists (PIMENTA; ALENCAR; 2018, p. 218).

The digital society exhibits a constant demand for information. Through the processes of collection, manipulation, sharing, or deletion of this information, assertive actions concerning social behavior are formulated, thereby influencing the persuasion and manipulation of each consumer.

### **The Informational Society and the Emergence of Surveillance Capitalism**

As previously emphasized in the concluding section of the preceding topic, contemporary society is characterized by the pervasive exposure of individual information. Nevertheless, in addition to companies expressing interest in these data, as they are immensely rich in content for discerning the consumption profile of each individual, it is precisely the individuals themselves who, in most instances, deliberately expose their data.

An illustrative manifestation of this reality is evident in the numerous consent agreements accompanying software, applications, and social media platforms that we unreservedly accept without scrutiny. In such cases, a contractual resemblance to adhesion contracts is discernible, as, otherwise, utilization of the tool would be unattainable. These conditions shed light predominantly on business ethics and constitutional principles, as in an informational society, data protection emanates from the right to privacy and the individual's right to intimate life, thereby necessitating the imperative of state protection (Goldschmidt & Reis, 2018, p. 179).

Data manipulation facilitates an intimate understanding of an individual by companies and enables them to influence the individual's decision-making. In this consumer-driven informational society, control is exerted through the manipulation of data derived from the technological environment, signifying that: "Modulation transforms individuals into a self-deformable mold that can be continuously modified according to market and social demands" (Monteiro, 2018, p. 113).

The advent of new technologies and the digitization process in recent decades bring to fruition the scenario described in George Orwell's literary work, "1984," wherein the concept of BIG BROTHER is articulated: "Big Brother is watching you."

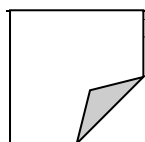
The divinity inherent in the informational society is akin to that which operated in the commodity fetish, albeit now it manifests as the fetish of information. These binary codes engender phantasmagorical responses as if electronic tools could intuitively comprehend our thoughts. The labor resulting from estimations ceases to exist, giving way to assertive information, a product of constant social monitoring. Han (2018, p. 130) expounds on the matter in the following manner:

The digital surveillance assumes the stead of the unreliable, inefficient, and perspectivist optics of Big Brother. It is efficient precisely because it is perspectivist. Biopolitics allows no subtle access to individuals' psyche. Psychopower, on the other hand, is poised to intervene in psychological processes.

The ability to manipulate and exert social control within the information society, when compared to the emergence of biopolitics as outlined by Foucault (1988, p. 31), is noteworthy. Foucault emphasized that sovereign power, exercised through death, allowed for the cold manipulation of life. However, the discipline established through this means has never disappeared; instead, through biopolitics, it operates in a more subtle manner employing techniques focused on shaping malleable individuals essential to power. Examples of these mechanisms persist in institutions such as schools and prisons, indirectly influencing social behaviors (MÉDICI, 2011, p. 59).

Within the information society, this manifestation of power unfolds through other, more subtle, and imperceptible control mechanisms, yet more potent than the death wielded by the sovereign or the traditional biopower devices of schools and prisons. Modern control mechanisms, such as social media, despite being subject to legal regulation, can function as tools of biopower. Campaigns, research, and statistics aimed at controlling human life, either encouraging or discouraging certain behaviors, whether for financial gain or the elimination of opposing thought forms, are widely disseminated and sponsored within this context (MACHADO; DIAS; FERRER; 2018, p. 39).

Cybernetic interactions through any informational device enable behavioral analysis that was previously not subject to observation or analysis. Similarly, interactions and operations that were not feasible before become possible with the emergence of new business models (CARIBÉ, 2019, p. 9). This behavioral analysis resulting from cybernetic interactions can be defined, from a practical perspective of the informational society, as follows: "Otherwise, it could be said that the fetishism of information takes center stage in the discussion, and we become authentic hyperconnected advertising figures, strengthening the industry and its brands through the explosion of social media" (PIMENTA; ALENCAR; 2018, p. 226).



### **The Emergence of Surveillance Capitalism**

This present informational reality, especially in the context of digital transformation, enables surveillance capitalism as a new form of deep and intentional data accumulation with significant consequences (ZUBOFF, 2018, p. 18). From this perspective, Zuboff (2018, p. 18) further emphasizes: "This new form of information capitalism seeks to predict and modify human behavior as a means of producing revenue and market control."

Surveillance capitalism adheres to the capitalist logic of accumulation and domination of the means of production. However, in this reality, accumulation occurs over data, used in the form of commodities, and the domination of the means of production is exclusively focused on the technological and cybernetic resources that facilitate the generation of this information.

In surveillance capitalism, big data technologies are essential, and the accumulation of information is prioritized with no data being disregarded, as all information and data are of interest. Human actions that create this information generate profit and allow the behavioral delineation of individuals, society, and the market (EVANGELISTA, 2017, p. 246).

Every step of the individual is crucial for surveillance capitalism, every action, verbal or non-verbal, whether it's a search on a search engine, an image captured by a camera or sensor, or even movement through a geolocation app. Ultimately, the individuals who generated this information will be the same ones receiving the systems built through this data (EVANGELISTA, 2017, p. 246).

With accumulation as one of the pillars of capitalism, this same characteristic is observed in surveillance capitalism. The critiques elaborated by Marx through the commodity fetishism can be directed against surveillance capitalism, as the means of production continue to produce data and information not only during the working period but at any moment. In this reality, the individual becomes more of an object than before.

In surveillance capitalism, power and control become imperceptible but highly effective. There are conveniences and connectivity, people can engage in activities without leaving their homes; and distances are shortened. Individuals can speak, express themselves, like, dislike, criticize, and cancel from the comfort of their homes. For surveillance capitalism, facilitated by big data, these emotions are cold and strictly binary, but in the hands of those who own the means of production in this current model, they signify control and power. Addressing this issue, Han (2018, p. 10) asserts that "we are nowadays intoxicated by digital media, without being able to fully assess the consequences of this intoxication."

Unlike other moments in the capitalist system, surveillance capitalism allows for a high level of personalization, both individually and collectively, generating intimate knowledge, something unthinkable in any other model. Through big data<sup>2</sup> and Algorithms<sup>3</sup> "It becomes possible to induce behaviors and create needs that the individual was unaware of (FERREIRA, 2019, p. 166). The social control observed in the surveillance capitalism raises issues related to freedom and privacy, necessitating an analysis regarding the potential need for more profound regulation on the matter, even though the current model leads to economic and social growth.

### **Capitalism of Surveillance and the Need for Market Regulation**

The digitization of society has, among its characteristics, a very close relationship with the erosion of privacy. As new technologies emerge, the curtain that protects private life opens a bit more, and individuals have more data revealed.

In the surveillance capitalism paradigm, individuals know increasingly less about the state, which, in turn, knows less about the informational market but knows everything about the individual. In other words, we live in a state of disproportionate forces. This scenario is exacerbated when we realize that the only way for the state to access or obtain data it deems necessary but is not under its purview is by resorting to the judiciary (CARIBÉ, 2018, p. 6).

State action regarding regulation on this matter is necessary; in fact, many countries have established regulatory instruments to promote data protection. However, the issue from this perspective is controversial, as data capture often occurs through the actions of the individuals themselves.

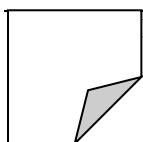
A practical example of how the issue of voluntary exposure can be controversial is found when studying the regulation of facial recognition technology. In San Francisco, California, a law has come into effect<sup>4</sup> prohibiting the utilization of technology, development, as well as any tool utilizing facial recognition is justified by asserting that such technology jeopardizes individual rights and civil liberties. In stark contrast, in China, there

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<sup>2</sup> Big data são dados gerados considerando volume, velocidade e variedade, que não podem ser administrados pelos meios tradicionais de manipulação e tratamento, já que se referem à colossal quantidade de dados.

<sup>3</sup> Linguagem programável para acessar uma determinada informação em uma grande quantidade de dados.

<sup>4</sup> CITY AND COUNTY OF SAN FRANCISCO. BOARD OF SUPERVISORS, 2019



is no regulation or prohibition regarding the use of facial recognition technology. Not only is the technology widely accepted, but its usage is actively encouraged among the citizens, including as a means of payment.

Regarding the collection, sharing, storage, and manipulation of personal data, the Brazilian legislator enacted Law No. 13,709 of 2018, known as the General Data Protection Law – LGPD. However, the debate surrounding the surveillance capitalism extends beyond the protection of personal data, encompassing artificial intelligence, big data, algorithm programming, the Internet of Things, facial recognition, and other technologies that are far from being subject to legal regulation. In this context, it is noteworthy that:

The development of digital communication technologies at the end of the 20th century, and their ongoing process of massification, has intensified a significant debate on civic participation in contemporary liberal democracies (RABELO; VIEGAS; VIEGAS, 2012, p. 232).

Companies operating within the surveillance capitalism may operate free from regulation? Through big data, we can observe that it is possible to intimately know the individual and influence their behavior, which is why data protection becomes a prominent theme, representing a necessity inherent to contemporary societies where information and the digital realm gain political, economic, and social significance (GEDIEL; CORRÊA; 2008, p. 142).

It would be pertinent to consider the conflict brought about by the free market, namely, could the digital environment provided by surveillance capitalism be the space where the actions of individuals in this society occur freely? Addressing this matter, Rossignoli and Almeida (2018, p. 226-227) state that:

One can assert the understanding that the State, as a mechanism of propulsion and coercion, should not interfere in market activities, unless it is to prevent manifestations detrimental to the development of the market economy.

It is evident that data is essential for the current economy, including for the State in the exercise of its activities; therefore, there is no need to criticize the intention to establish regulatory instruments. This informational content, referred to as big data, holds high strategic potential across all areas of society. However, the appropriateness of technology usage must be discussed, and it is the legislator's responsibility to stipulate that "laws should ensure that the right people use the right data for the right purposes" (SIEGHART, 1979, p. 76, cited in BENNETT, 2001, p. 6).

In this sense, the need for instruments regulating the subject becomes apparent. In their absence, the constitutional text becomes of fundamental importance in the process of individual protection through the dignity of the human person, serving as the balance point for the market. As Baião and Gonçalves (2014, p. 2) assert:

The informative infrastructure is an indispensable component of societal organization. However, alongside the access to data facilitated by various technologies, without compromising freedom, it becomes necessary to enable citizen control, thus achieving the desirable balance that prioritizes the dignity of the human person.

An economy that centers around surveillance. It entails the continual observation of individuals' behavior, with their personal information serving as the raw material to be exploited for wealth generation. Furthermore, there exists a retailing of personal data:

An economy whose core revolves around surveillance. It entails the continuous observation of individuals' behavior as the driving force, with their personal information serving as the raw material to be exploited for wealth generation. Moreover, there exists a retail aspect to personal data.

However, the subject still lacks further discussion and in-depth research, to avoid excessive freedom for companies that use information and data to explore the market, violating legal principles and norms, and to prevent the state from positioning itself as the holder of information to which the citizen has not granted responsibility.

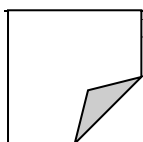
The current debate should consider surveillance capitalism as a psychosocial event, facilitated by the exposure of data that allows for the exponential increase in sales, as well as the modulation of behaviors and social actions. Nevertheless, it is evident that the subject still lacks socio-legal maturity.

## **II. Final Considerations**

In the face of the analysis undertaken regarding the commodity fetish and its ramifications in contemporaneity, it becomes evident that this concept, forged by Marx as a critique of the capitalist system, maintains its relevance, even though it has evolved and manifested distinctly in the digital era.

The commodity fetish, by incorporating subjective elements into the value of objects, distorts objective aspects, facilitating capitalist accumulation. This phenomenon, extending to the workforce, leads individuals to alienation and decharacterization, establishing a complex relationship between production and subjectivity.

The transition from solid modernity to liquid modernity reveals a deepening of the commodity fetish, where consumption transforms into consumerism, and the commodification of relationships becomes more pronounced. In this scenario, the informational society, driven by digitization, culminates in the emergence of





surveillance capitalism, a new economic model based on the manipulation and control of information, notably through big data.

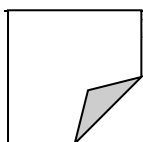
Surveillance capitalism, employing tools that shape behaviors, transcends the market, reaching broader spheres of society. Liquid modernity, in turn, fosters constant exposure in the digital realm, blurring boundaries between privacy and public exposure. The individual, in their pursuit of self-display, contributes to the formation of vast databases, which surveillance capitalism utilizes to direct and control the market imperceptibly.

This social control, derived from the use of big data, extends beyond the market, infiltrating the political and governmental spheres. The lack of effective regulation in this context reveals the pressing need for balanced normative instruments capable of preserving the technological development inherent in surveillance capitalism while simultaneously protecting individual and collective rights.

In the face of this panorama, continuous reflection on the ethical, social, and political implications of surveillance capitalism is crucial, aiming to reconcile the use of these technologies with the preservation of the fundamental values of society. The adoption of responsible regulations becomes imperative to mitigate potential abuses and ensure that technological development aligns with democratic principles and human rights.

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