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THE NEW GLOBAL PUBLIC: SURVEILLANCE AND THE RISKS TO THE CIVIL SPHERE

ABSTRACT
In Douglas Adams' The Hitchhikers Guide to the Galaxy (1984), a galactic civilization built a super computer to answer the meaning of life. The answer, when given, is famously "forty-two", a once both nonsense answer and one that has taken on great cache as a marker of insider nerd knowledge. Ask a computer to define the civil sphere, it would likely be able to define the binaries of hermeneutic code but it would be unable to explain why these things are meaningful to different groups. The context would escape it. This paper argues that the meaning making that results from the binary codes of the civil sphere are not compatible with a society compressed into numbers and in fact, the binaries of computer code distort meaning making into its opposite. The global nature of the public sphere through connected communications and smart devices inverts the civil sphere into making it (i.e. repressive) by enabling surveillance by anyone anywhere in the globe and therefore removing it from local context bound together by shared beliefs. To accommodate the impact of commercial surveillance enabled data collection on the civil sphere, the theory of the civil sphere must expand to consider the consequences of data collection and ordinalization through commercial surveillance – how are the binaries of the civil sphere transformed by the binaries of life reduced to data?

KEYWORDS
surveillance capitalism, civil sphere, privacy, data & society, democracy & technology, social media, cyber stalking, algorithms & society

The Civil Sphere vs the Ordinal Society

In Douglas Adams' The Hitchhikers Guide to the Galaxy (1984), a galactic civilization built a super computer to answer the meaning of life. The answer, when given, is famously "forty-two", a once both nonsense answer and one that has taken on great cache as a marker of nerd insider knowledge. The galactic civilization's attempt to build a supercomputer called Earth was an attempt to render the meaningless meaningful. The idea that a super computer with all the knowledge in the universe would give a number as an answer to the question of the meaning of life was meant to be silly and yet, how else would a computer attempt to calculate meaning if not in numbers? And the

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number itself is meaningless, unless embedded in a culture of meaning where it signals cultural knowledge of a favorite book. Ask a computer to define the civil sphere, it would likely be able to define the binaries of hermeneutic code but it would be unable to explain why these things are meaningful to different groups (Alexander 2008). The context would escape it.

Alexander argues that the civil sphere is a "network of understanding..." that is constituted by "distinctive symbolic codes" that demarcate the boundaries of who is "within and without." The binary codes focus on the boundaries between "pure and impure" which help illuminate whether status is deserved or undeserved, legitimate or illegitimate" (Alexander 2008:54). The rise of life by algorithm – a life where all meaning is compressed into data - is one of the central challenges facing the civil sphere. By the civil sphere, I use Alexander's conception of it as "a world of values and institutions that [generate] the capacity for social criticism and democratic integration at the same time" (Alexander 2008:4). The civil sphere fundamentally relies on solidarity, as sense of fellow feeling among members of a society but this solidarity is increasingly mediated by technology and data surveillance which inverts many of the binaries of that define the civil sphere.

These binaries should fit nicely into the society that is replicated in data – after all computer code is made up of 1s and 0s. And yet, I argue the meaning making that results from the binary codes of the civil sphere are not compatible with a society compressed into numbers and in fact, the binaries of computer code distort meaning making into its opposite. So, where a civil sphere requires rational decision making in order to produce perceptions of fairness and trust, decision making by algorithm produces unfairness through the removal of meaning and context and the complete removal of human interaction. The global nature of the public sphere through connected communications and smart devices inverts the civil sphere (i.e. making it repressive) by enabling surveillance by anyone anywhere in the globe and therefore removing it from local context bound together by shared beliefs. That is, that commercial data collection impedes meaningful social criticism by amplifying it globally and creating not accountability but fear of doxing, global stigmatization, and outrage that expands well beyond any useful social function. It impedes meaningful and purposeful democratic integration by transforming groups and algorithmic separation results indifferent conceptualizations of truth, which prevents people from functioning in meaningful groups. To accommodate the impact of commercial surveillance enabled data collection on the civil sphere, the theory of the civil sphere must expand to consider the consequences of data collection and ordinalization through commercial surveillance – how are the binaries of the civil sphere transformed by the binaries of life reduced to data?

The Binaries of the Civil Sphere versus Data Binaries

The theory of the civil sphere can be understood through the binaries of discourse, where the civil sphere is represented on one side and the anti-civil

sphere is on the other. On the face of it, the binaries of the civil sphere should transform neatly into the binaries of computer code. The binaries of the civil sphere function at "three levels: motives, relations, and institutions" (Alexander 2008:56). These binaries define who is perceived as worthy or unworthy, who is trustworthy or untrustworthy and whether institutions support democratic civil ideals or erode them. On the face of it, these should transform neatly into computer code and be able to be studied objectively. But the distinction between the binaries of the civil sphere and the binaries of computer code are as fraught with challenges as the distinction between quantitative and qualitative research. The binary discourses of the civil sphere are corrupted at every level by algorithms, surveillance, and ordinalization by categorizing autonomous, active people into irrational, meaningless scores and numbers; corrupting social relations by disrupting groups into atomized individuals and networks; and corrupting rule regulated institutions into irrational automatons. The result is that the global nature of modern connected technology and mass communications have radically altered the discourses of the civil sphere. The mechanisms through which this perversion of the civil sphere has been accomplished is mass data collection of commercial surveillance and the subsequent ordinalization of individuals and society at a scale never before seen by humanity.

In the modern world, and arguably at the dawn of a new era demarcated by computers that can allegedly "think", an increasing number of elements of human society and everyday interaction are connected and surveilled by tiny supercomputers. Meaningful interactions are compressed into data. The civil sphere requires both a radical individualism and collectivism where the "private meets the public" (Alexander 2008:44) but the surveillance of private lives by commercial entities results in the transformation of both individuals and the public. The global, instantaneous communications of the internet should be compatible with supporting the "sustaining universalizing ties" which sustain identification with the civil sphere but the reality is that the corruption of the civil sphere has been made easier by the global nature of "the publics" that are no longer anchored in space and time. Phones record every element of daily life. Pharmacies record faces of everyone who enters their store and sell prescription data to whoever can pay for it (Germain 2023; Robertson 2023). Stores can figure out a pregnancy before a family can be informed (Hill 2012). It is not possible to walk down the street in most neighborhoods without at least one doorbell camera recording everyone who walks down the street as well as a particular way of moving (Budington 2020). Houses of worship use data to find people who may be going through a significant life event that might make them more susceptible to messages encouraging them to attend while prayer apps are selling people's most intimate thoughts (Baker-White 2022; Woollacott 2022). Cars report driving habits to insurance companies and can lock owners out of features if they fail to pay the monthly subscription (Hill 2024a; Mast 2022). People's faces have become fodder for multi-million dollar companies and make individuals instantly identifiable in public to anyone with a couple hundred dollars in smart glasses (Hill 2022; Mac, Haskins, and

Pequeno IV 2021; McDonald 2020). The risks from commercial DNA services are still being conceptualized and revealed (Mullin 2023). In the aftermath of 9/11, U.S. government's use of big data and surveillance tech used data profiles to target an unknown number of Americans and others who were swept up in the dragnet, banned from flying in some cases because of a name similar to someone else's (Jacobsen 2021b, 2021a; Tau 2024).

This paper serves as an attempt to theorize the impact of the large-scale surveillance and ordinalization – compression of life into numbers – on the theory of the civil sphere. This appears to be perfectly suited for an algorithmically sorted world but the reality is that the reduction of life to data fundamentally distorts the civil sphere. Additionally, the removal of any sense of a public from a particular space and time presents significant challenges to any theory of the civil sphere. When a local event can be influenced, understood and shaped by a global audience, how then is the civil sphere to adjust? The ubiquitous commercial surveillance collects terabytes of data on people's everyday interactions, rendering their lives visible in data but just as meaningless as the number forty-two. But meaninglessness does not remove vulnerability presented by the data collection.

Atomized Individuals – Lives Reduced to Numbers

Commercial entities' data collection practices influence the capacity to participate in the civil sphere by making individuals visible to anyone anywhere around the globe instantly. Despite their global reach and impact, many of these companies are large enough to fight off institutional restrictions or even restrictions based in time and space. The theory of the civil sphere must expand to consider the impact of commercial surveillance and data collection – the ordinalization of society - on the civil sphere. How are the binaries of the civil sphere impacted by the binaries of life reduced to data? What aspects of people's lives should be quantified and stored and by whom and which authorities/agencies should govern both the data collection itself and the subsequent uses of it?

The ordinal society happens through surveillance and subsequent data collection. Critically, this surveillance is not largely done by people but rather machines. No empire ever in the world has had the ability to surveil people at this kind of scope and scale. The data collection that arises out of this surveillance is largely but not exclusively conducted by commercial entities that build their products to enable consistent data collection (Fourcade and Healy 2024). Put another way, there's nothing in the technology itself that requires the data collection and surveillance but because of the financial models, this is the primary motivation for developing this surveillance. While the civil sphere requires the surveillance of institutions and individuals to ensure accountability toward the ideals of the civil sphere, this ordinalization at scale fundamentally inverts these functions. The discourse of the civil sphere categorizes people and institutions as supportive of the civil sphere or against it – pure or polluted. To be identified with "polluted objects – the actors structures and processes

constituted by repressive discourse – is dangerous" (Alexander 2008:63). This danger locally is bad enough but when it scales globally, it is exponentially worse and, arguably more importantly, less able to be constrained by the rule of law or institutions of the civil sphere. An example of this is a man in Tennessee died from a heart attack after someone called in fake bomb threats to the local police because he owned a valuable social media handle (Burke 2021). While one of the men involved in the swatting – the calling of fake crises to police in order to provoke police response – was arrested and charged, the lack of the ability of the civil sphere to deal with cross jurisdictional threats via the internet remains a dangerous challenge to the public sphere.

Whereas the binary discourses of the civil sphere leverage rationality and impersonal institutions, the ordinalization from commercial surveillance results in something different. The ranking and scoring that follows from the ordinal society fundamentally chips away at a "community of equals" (Fourcade and Healy 2024:285). This ranking and hierarchy (really categorization or even passive sorting) then becomes a visible form of status and like all status, creates opportunities or barriers to access. For the civil sphere, this visible status should be a feature but instead, it acts in anti-civil sphere ways. The ordinalization of society results in people being ranked and sorted, their status no longer determined by in group membership or prestige but distant algorithms – once again flipping the binaries of the civil sphere on their head. Status is a fundamental aspect of every human society (Ridgeway and Markus 2022) and in the ordinal society, status is quantified and made visible and global. In the ordinal age, status, a state of prestige or honor (Weber 1958) has been reduced to follower counts and from being honored within a group to network ties. Trust in doctors, previously highly prestigious positions, has given way to trusting influencers on the internet for health advice in part because patients feel like they have been reduced to numbers, not people (Klein 2023; Maddox 2023; Perez 2019). This visible categorization, ranking and sorting, erases the visibility of social structure such as race, religion or gender, and pins the results on individual choice and action (Fourcade and Healy 2024). If people are only granted job interviews based on how well an application "fits" a job description, the serendipity of discovering a great future teammate may become a thing of the past (Dastin 2018; Rivera 2012). The ability to look a potential date up on the internet via search engines or social media can reveal more about someone than they might reveal on a first date and may put a stop to first dates entirely because some detail, a data point from a snapshot in time, means the first date never happens. The assortive mating that occurs through education is now even further stratified with more and more people only dating inside of specific income brackets because this information is now widely knowable (Brooks 2024; Packer 2021). The analog world with all of its messiness reduces beings to numbers, which are required in order to be made legible to a computer and subsequently enable the consequences of ranking and scoring by computer. The supposed rationality of ordinalization through data leads to irrational consequences for people's lives.

The Loss of Meaning Through Ordinalization

Hannah Arendt wrote that under totalitarian regimes, people become atomized and separated from one another through distrust, the ever-present fear that someone close to you might turn you in out of malice, jealousy, fear, or mere survival (Nisbet 1992). In other words, individuals become "dividual" (Ebeling 2022)– reduced from their membership in groups to a single atomized individual. This kind of individualization however is different than the individualization necessary for participation in the civil sphere. The civil sphere individualization traces the idea of the individual to the sacredness of the person (Joas 2013). The atomization Arendt describes fundamentally rejects the sacredness of the person and instead, reduces them from rights bearing individuals back to subjects.

Danielle Allen at Harvard wrote in a recent foreword to Arendt's *Human Condition* that Arendt worried that the language of science was being replaced by the language of math – she worried that people were being reduced to data points. Allen quotes Arendt saying:

> "a key feature of science that leads to depoliticization or a failure to engage in "thinking what we are doing" is science's reliance on math. Arendt writes that scientists move in a world where speech has lost its power. The sciences today have been forced to adopt a language of mathematical symbols which, though originally meant only as an abbreviation for spoken statements, now contains statements which can in no way be translated into speech" (Allen, quoting Arendt 2018:4).

In the age of big data and artificial intelligence (AI), information is scraped, stolen, and otherwise captured, encoded in data - 1 &0s but the meaning extracted from that is more than the sum of the parts. Big data is the aggregation of data from multiple sources. In the modern surveillance economy - an economy based on data extraction of everyday life – data labelers categorize elements of daily life in data and, in turn, transform that data into ranking and hierarchy that fundamentally rank and score the individuals that make up groups.

The binary discourses of the civil sphere reveal why the process of ordinalization conflicts with the project of the civil sphere. The institutions of the civil sphere are supposed to be rule regulated, bound by law and impersonal (Alexander 2008:99). The data scientists and engineers who created the algorithm that categorize, rank and score people based on information tied to them violate these discourses through several important ways. First, the data is collected using the fiction of consent. On the face of it, people appear to consent to the collection of this data through accepting the terms of service (Zuboff 2019). The use of internet sites and apps, modern vehicles and other connected tech are governed by terms of service that nearly everyone blindly clicks on without reading are in no way meaningful consent but because it can, at least in theory, be withheld. This fiction of consent then creates the justification that the users participate in the surveillance which then sorts and scores them. The fictional consent has real consequences in practice. Under

the American Health Information Portability and Accountability Act (HIPAA), consent is not required for individual data to be shared with others. Put another way, there is no way to opt out of this health data transfer in the United States (Ebeling 2022). Additionally, data can exist about individuals without individuals knowledge, for example, when a neighbor's doorbell camera recording someone walking down the street. It is not possible to withhold consent from *someone else's* cell phone listening for the magic words that activate the service (Federal Trade Commission 2023; Stempel 2025).

This means that the data collection that should in theory support the civil sphere ends up eroding it. There are many places around the world where surveillance and data collection occur without meaningful consent. The United States Secret Service has asserted that location data did not require a warrant because users consented to be tracked (Office of the Inspector General 2023). Several American pharmacies have come under public scrutiny for sharing medical records without a warrant (Rubin 2023). The US automotive company General Motors asserted that people consented to having their cars collect data about them and they now face a class action lawsuit for deceptive practices that buried consent in a maze of screens (Hill 2024b). Walmart has used prescription information to discover the impact of Ozempic and other weight loss drugs on shopping habits (Robertson 2023). It is unlikely that that people knowingly consented to these uses of their data. Such data collection has been used to deny access to health insurance or raise insurance rates, or deny claims altogether (Kiviat 2019; Ross 2023). This data collection then erodes the relations of the civil sphere by appearing deceitful, suspicious, greedy, self-interested and calculating (Alexander 2008:58).

Being misidentified by an algorithm is not a matter of seeing irrelevant ads. Around the world, schools, health care companies, police, governments and more are using algorithmically driven decisions to impact people's every lives. People, reduced to data points, are having their lives impacted by algorithmically irrational driven decisions by schools, health care companies, police, governments, and more to about people's everyday lives (Brayne 2018; Brensinger 2021, 2023; Levy, Chasalow, and Riley 2021; Ruckenstein and Schüll 2017). In the Netherlands, thousands of people were incorrectly identified as committing benefits fraud by an algorithm. The algorithms assigned people with dual nationality or being low income as being high risk for committing fraud and resulted in thousands of children being removed from homes, suicides and other significant life disruptions. The consequences of being misidentified by an algorithm can be devastating - ask anyone who has been arrested and detained because the police used their own data against them, only to realize the data didn't identify the right person (Fischer 2024; Hill 2020; McDonald 2020). The impact of the mistake is not just the people erroneously targeted. The government of the Netherlands now paying the price in fines for the massive privacy law failure (Heikkila 2022).

This surveillance and subsequent ordinalization of people by companies and governments fundamentally erodes the social relations that the civil sphere

depends upon. One way this happens is by assuming the data – frequently collected by unaccountable commercial entities depicts an accurate, some might say rational, picture of someone's life and therefore the outcomes are fair, just, and thus deserved. The results of the data being misinterpreted can have devastating consequences. In the U.S. a woman was dropped by her insurance company because her insurance company used an algorithm to "determine" she was doctor shopping for opioids. She *did* have two different prescriptions at two different pharmacies but it was not for doctor shopping. One of the two prescriptions was for her elderly dog (Szalavitz 2021). The data scientists and engineers who developed the algorithm did not or could not conceive of any valid reason that someone might have two different prescriptions – they assumed the worst possible intention. The algorithm they developed and that the insurance company deployed did rank and scored this woman based on technically correct but ultimately inaccurate information. The missing context around why she might have had two prescriptions created the tragedy. The binaries of the civil sphere should have been able to create a rational, impersonal outcome and instead created an irrational outcome that eroded trust and created harm.

Even in places where algorithms are expected to work well—such as sports—there are significant shortcomings because of the meaning of the data does not reveal what people think it reveals. The New England Patriots (an American football team) quarterback Tom Brady offers a classic example. He was quantitatively the last-round draft pick to the New England Patriots. He was not a superstar during his early years in the NFL. But despite his numbers, his coach and team owner kept him and allowed him to grow for more than a decade. Today, Brady is recognized both qualitatively and quantitatively as one of the greatest quarterbacks of all time -but the data only retrospectively captures this. There was nothing in the data over 20 years ago that suggested his future greatness (Ruiz 2017). How many other greats are out there because the data never gave them a chance to get on the field? More importantly, what data captures the ability of a player to be good as part of a team. It is widely known in sports that some of the best players "are terrible on teams" (Schoenfield 2016). The data collection and ranking of sports players may not seem like a problem of the civil sphere but it is because the ranking and scoring of people may limit their ability to access the public based on hidden, secretive reasons developed by distant impersonal data scientists.

While the civil sphere binaries of discourse require impersonal, objective social relations, the data collected by commercial surveillance invert these binaries. The meaning of a data point is filtered the moment it is collected and that filtering is subjective (Ebeling 2022). Put another way, the problem of classification by algorithm is a problem of mistaking the meaning of the data. The problem of meaning of data also exists when there is a lack of data or missing data. When someone looks at a bookshelf, they can see the books that have been taken out because of the empty spot. A border collie can understand something it doesn't know; send a border collie into a room of 12 things and there is one thing it doesn't know the name for, it will figure out the new

thing (Carroll 2021). Algorithms cannot do this. The problem of missing data for the civil sphere is that people are being classified and removed from participation in modern life by data that is not even necessarily data about them but instead about people who *look like them.* This leads to the inversion of the civil sphere by making the decisions seem capricious, secretive or conspiratorial rather than open or straightforward because when missing data is used, it is actually capricious and opaque.

Groups Versus Networks

Context is required for understanding the social relations that bind people together. Where the binaries of civil sphere discourse require impersonality, the impersonality of people portrayed in networks creates irrational consequences. All groups are networks but not all networks are groups. Data collection enabled by commercial surveillance has accomplished what Arendt feared, reducing people bound with moral force to communities and groups to data points in networks. The civil sphere is made up fundamentally of groups. They are not constituted merely by networks even if a group can be viewed as networks of organizations and individuals. The ability to come together to engage in the civil sphere fundamentally involves the ability to come together into a group, bound together by solidarity. Groups are not networks and in fact, function completely differently at scale. Groups function better when they are smaller and optimized toward a common goal. Networks gain greater utility through size and connections. These are not the same thing. Groups require a "collective self-conscious" (Alexander 2008: 43) whereas networks look only at concrete ties. Network connections are not relationships – network connections can reveal if someone is connected to someone else but not what those feelings are that traverse that network tie. Hence the problems when Facebook recommends ex-spouses or partners as friend requests (Ridley 2015). Algorithms built by impersonal distant data scientists cannot know that network tie consists of potential animosity or danger.

The collapse of understandings of human behavior from groups to networks likewise has consequences for the theory of the civil sphere. A group can be visualized with a network diagram but it cannot articulate why people have come together in particular groups. In many ways, however, this depiction of groups into networks makes groups more fragile and thus erodes a critical feature of the civil sphere. Networks have no obligation of fellow feeling toward others in the network whereas groups are fundamentally anchored in a sense of fellow feeling. A network can reveal a group but it cannot constitute a group on its own. Consider the case of unions. A network analysis of unions would look at the leadership (individuals) and the rank-and-file members (individuals). Cell phone records or social media interaction could reveal who frequently interacts with who. It could reveal demographic details about the makeup of their general membership and about who has frequent connections with the leadership. A network map could be used to understand who

influences the leadership from the available data. A network view of union membership would also reveal that the leadership has frequent contact with the company leadership. But a network view of a union obscures the nature of what binds the members and leadership together: solidarity and shared interests, a declared belief that sticking together will result in better outcomes for all members. This belief could be quantified through surveys. But a Likert scale obscures the invisible fellow feeling that unions must constantly reinforce in order to avoid atomizing forces that seek to encourage individuals to turn in their membership card. So, while a network view cannot generally explain *why* a network cluster moves together, it *can* provide insights at the individual level of how to break up the network. There must be something binding the actors together for it to become a group.

Retreat from Voluntary Action

The fellow feeling that binds people to each other in the civil sphere happens through the process of meaning making, and the global nature of the surveillance economy is already having negative, lasting effects on people's lives. In an active civil sphere, people volunteer their time and energy to work toward a common goal. Surveillance, while being critical to restrain those occupying public offices, is now cheaply and easily available to anyone with access to a computer, removed from institutional oversight of journalism or regulatory institutions of the civil sphere. This creates an inversion of the communicative institutions meant to restrain the civil sphere into a tool that can erode it.

The U.S. election system is run largely by volunteers who are responsible for the foundational act of democracy: tallying the vote, which represents the will of the people. Trust in this system has eroded steadily over the last few years since at least the contested election of 2000. But the seeds of the modern discontent in the U.S. can be traced back to the 60s when the boomer generation attended college en masse and was subsequently educated in new ways of being and knowing. This new way of knowing resulted in mass movements demanding actions of its government: grant Black Americans access to the status of full citizenship, end the war in Vietnam, free women from the prison of biological determinism. As more of "them" became part of "we the people", the institutions of civil society sorted along educational and economic lines. So, the volunteers who made up the backbone of democracy also changed, and while "we" still trust "our" election officials, "we" don't trust "theirs" and in the new global surveillance society, who is known to who is no longer limited by the physics of space and time. This has fundamental consequences for the civil sphere.

If election volunteers engage in anti-civil sphere behaviors, the people in their, county or state could—in theory if not always in practice—voice their protest and engage in institutional processes to correct the process. The public records that reveal phone numbers and addresses, friends and network connections, family members and people's histories are now global. These public records, once bound in space and time to a local phone book or the county clerk's record of

deeds, are now global and no longer facilitate democracy in the same way and in fact may in fact undermine the democratic processes that the civil sphere depends upon. The fact that individuals can be isolated and targeted before any institutional process can be engaged results in harassment and sometimes death. While there is value in being able to mobilize protests and other corrective actions in support of the civil sphere, these processes have become distorted in the new global public. In the past, allegations of misconduct or anti-civil sphere actions might make the national news but both the actions and consequences were generally locally generated and resolved. Now, however, rumors and allegations can go global in an instant and people identified - correctly or not - are now subjected to their actions being defined by a global audience that is bound by neither law nor limited by physics. The consequences for individuals identified and targeted this way, however are deeply connected to the real world as seen in death threats, attempted assassinations, and swatting deaths.

The fellow feeling and trust engendered from face-to-face communication and required for the civil has been transformed by the global communication networks of the internet. The universal ties that bind over dispersed geography do not function the same way through the global mass communications of the internet. Information about the workings of government being available to the public is a necessary feature of the civil sphere - concealing information to protect people from harassment may have the unintended consequence of protection people from accountability as well.

Public Versus Global

What is the boundary of "public" and how should this be reconceptualized in an era of instant global communication? The public, once bound by space and time, has been theorized to have become something more but the consequences of the loss of grounding in space and time are potentially enormous (Alexander 2008). What is known or able to be known has been, until the internet, largely bound by space and time. Regular people have found themselves at the center of a global mob because they were made scapegoats for the allegation of having been engaged in the ultimate violation of the civil sphere: corruption of an election (Corasaniti and Bensinger 2024; Luscombe 2024). People's home addresses and phone numbers, once bound in space and time to a local phone book or telephone operator, are now available instantly via publicly searchable data bases but also data brokers on the internet. This enables a corruption of the civil sphere from virtually anywhere in the world. Does invasion of privacy only happen when it's a person doing the looking? Does this mean the privacy invasion does not happen because it's not being done by a person (Königs 2024)? The automation of decision making by a computer still results in private data being used by some other entity to shape outcomes for people. The second point is that there is usually a person doing the looking at some point in the process and these distant, invisible people decisions have the ability to shape the civil sphere in profound ways.

The visibility of networks through friend lists on social media works to *erode* trust rather than engendering it. The genius of Facebook and subsequently nearly all social media apps - was to call their data extraction "friending" and "sharing" and making these visible. In doing so they tapped into a fundamental aspect of human reciprocity and generosity (Fourcade and Healy 2024). So while news outlets can report on people on someone's "friend" list, it does not mean they are actually friends or that they have interacted in any meaningful way beyond being a data point in a contacts file (Mehrotra 2024). The implication of the tie's existence is enough to erode trust at speed and scale in ways never before possible in human history.

It is in the space between a network and a group that the ability to destroy a group appears. The data that reveals information about individuals can reveal who might be willing to leave the union for a better paying nonunion job. It may enable some status polluting information to be discovered and shared that makes a fellow member persona non grata. It may identify old grievances suggesting that the leadership is self-dealing and can be activated to turn the members against the leadership. If infighting results in less effective leadership assuming the helm, the idea that binds the union together - that they are stronger together - becomes less compelling, particularly if they are unable to win concessions from the company. If the *belief* in the union is eroded, even it notionally still exists as a network, it may cease to function as a group. Commercial surveillance enables this in new invasive and invisible ways. One may be a member of a network through no meaningful individual action but this network may have negative consequences for the ability to join different groups.

Sociologist Erving Goffman's insights on spoiled identities is critical here (Goffman 1986). In the summer of 2020, Fort Hood (now Fort Cavazos) rose to national prominence when a young Hispanic female soldier went missing and was later found to have been murdered by a fellow Soldier. Social media initially focused on the search efforts, then erupted about the prevalence of sexual assault across the Army when the story was linked in social media to the #MeToo movement (Murray 2020). Despite the Army-wide crime narrative, Army leadership remained focused on examples at Fort Hood. It launched several investigations against 14 leaders and the nation moved on. In the aftermath of the investigations, several of the relieved leaders were cleared or found in violation of only small unrelated infractions, but these discoveries went without notice or public correction. At least two career officers have found themselves with very truncated employment options as civilians because a Google name search by a potential employer associates them with headlines related to a national scandal, not the actual situation. One of the commanders relieved at Fort Hood, was not for actions related to the murder or command climate, but for inadequate public affairs (Murray 2020). The headlines forever associated with his name paint a picture of a commander who tolerated sexual assault—in direct contravention to the findings of the Fort Hood Independent Review Common that cited him by name as the one person in their five year review that was effecting positive change (Department of the Army 2020).

This then represents a global consequence of spoiled identities. One of Goffman's critical insights related to the management of spoiled identities is the ability, arguably the necessity, of being able to conceal a stigmatized identity from others. The global nature of surveillance and reputational harm means that these things may no longer be possible. What then are people subjected to globally available stigmatizing events to do, particularly if the spoiled identity arises out of misunderstanding of the facts? Any theory of the civil sphere that fails to account for the processes of reconstruction of spoiled identities will be insufficient in the continually digitally connected world.

The Necessity of Unranked Lives for the Survival of the Civil Sphere

The binaries of the civil sphere are being inverted by the surveillance of everyday lives and the collapse of humanity into irrational data. And yet, we cannot over-theorize how well these algorithms work at suppressing human creativity. While surveillance can be a mechanism of control, these systems still require someone to enact their will in the world (Zhang 2023). In every regime, power has always been broken by the creativity and capacity of those who could imagine something different. Orwell highlighted this very insight in *1984* "Who controls the past,' ran the Party slogan, 'controls the future: who controls the present controls the past'" (Orwell 1949:44). But as algorithmic sorting and knowing becomes more ubiquitous, the consequences for the civil sphere become greater, particularly as access to the civil sphere becomes mediated by these algorithms. In this way, data provides ammunition that comes from mining private lives in ways that erode participation in public life (Dawson and Matthew 2024).

Influence and control over the narratives of the civil sphere has long been a fruitful area of research and concern but the theory which has supported this must evolve to encompass the impacts of the global surveillance and mass communications. Totalitarian regimes seek to limit what can be known—this is of course the desire of every authoritarian. In a world where people – particularly young people - increasingly get their information from algorithmically sorted ecosystems, to control the code, in theory, is to control the narratives that people consume (Dawson 2023). The Chinese Communist Party attempts to erase Tiananmen Square from collective knowledge by censoring terms related to it on the internet and social media they control. Every June, people around the world share the anniversary of the massacre to prevent its erasure from the common knowledge of the internet. But what if those people simply stop the effort at commemorating and memorializing because the risks to themselves become too great. Automated social control at a scale is rapidly approaching the point where it no longer requires the action of individuals to enforce. A perceived infraction can become real the instant it becomes quantified in data and there are precious few humans to appeal to in the age of automated customer service bots.

The generations that grew up before the internet began shaping what can be known are members of the hinge generation. Those who remember the people who survived the identification and murder deemed enemies of the Nazi state or the Soviet era and the gulags where millions were disappeared are critical to shaping the future of the civil sphere. They also remember a time before computers were ubiquitous surveillance devices. The generation that remembers watching Tiananmen Square on the evening news may be the last to have widespread access to non- algorithmically sorted news and information and thus the non-algorithmically influenced collective memory necessary for the civil sphere. Information has always been controlled by gatekeepers such as publishers deciding what to print, radio deciding what to broadcast or libraries deciding what books to keep on the shelves. But the ordinal society shaped by algorithms removes the ability to know what information is available and what information might be missing. The internet was once believed to be forever but now, the internet is rotting as links stop working and information, once stored on paper or archival tapes, is vanishing (Zittrain 2021). Newspaper archives are being bought and removed from online (Farhi 2022). The collective ways of knowing are becoming both increasingly fragile but also more dangerous as they become digitized.

There is reason for hope. The surveillance economy requires submission to the belief in its inevitability and its omniscience. Additionally, the tech companies that conduct this surveillance and ordinalization are leveraging the institutions of the civil sphere – in this case American governance - in order to push back on other institutions – such as European data laws - that seek to regulate them (Green 2025). As of this writing, 38 states in America have passed some form of privacy legislation. Illinois stands alone in limiting biometric data collection without explicit consent. A New Jersey law firm recently won a court case that argued privacy was a national security concern and thus superseded data broker arguments that privacy laws restricted their First Amendment. New Jersey stands as a national leader because of Daniel's Law, a law passed to remove judge's information from public data brokers because a federal judge's son was murdered by a man who got her information from a data broker (Toutant 2024). The European Union has been significantly more aggressive in restraining what data can be collected and how it can be used. This then appears to explain why US tech companies threw their support behind President Trump in the 2024 election – in order to secure support from the US state to push back on the EU's attempts to protect the civil sphere (Green 2025).

The civil sphere is a project that can never be completed (Alexander 2008) – but it can be stopped. The ways of knowing each other, via shared knowledge and values, is changing for the younger generations. While historians love it when people say things are unprecedented, very few things ever are. Case in point, the level of control a few have over the many has never been seen before in this way. In Huxley's *Brave New World*, people were sorted into their lots in life and largely satisfied. There was no need to censor information because

people simply refused to seek it out. While concerns about the younger generation go back since there was a younger generation, the new technology shaping our society and our civil spheres is profound and unless we are deliberate about engineering it to preserve the civil sphere, we may find it eroded and that few, if any, are left who actually care.

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Džesika Doson

Nova globalna javnost: Nadzor i rizici po građansku sferu

Apstrakt

U knjizi Daglasa Adamsa „Autostoperski vodič kroz galaksiju" (1984), galaktička civilizacija je stvorila superkompjuter da bi dobila odgovor na pitanje o smislu života. Odgovor, kada ga ponudi, glasio je čuveno „četrdeset dva", što je istovremeno besmislen odgovor i odgovor koji je stekao veliki značaj kao znak poznavanja insajderske štreberske kulture. Kada bi se kompjuteru postavilo pitanje da definiše građansku sferu, verovatno bi mogao da definiše binarne opozicije e hermeneutičkog koda, ali ne bi mogao da objasni zašto su te stvari značajne za različite grupe. Kontekst bi mu izmakao. Kada bi se kompjuter upitao da definiše građansku sferu, on bi verovatno bio sposoban da definiše binarne opozicije hermeneutičkog koda, ali ne bi bio sposoban da objasni zašto su ovi kodovi važni za različite grupe. Kontekst mu izmiče. Ovaj rad tvrd da je proces stvaranja značenja koji proizilazi iz binarnog koda građanske sfere, nije kompatibilan sa društvom koje je svedeno na brojeve, te da zapravo binarni kodovi kompjuterskog sistema zapravo izokreću značenja građanskog koda u njegove suprotnosti. Globalna priroda javne sfere kroz povezanu komunikaciju i pametne uređaje potpuno preokreće građansku sferu čineći je represivnom, omogućavajući nadzor bilo koga, bilo gde na svetu, i na taj način je odvaja od lokalnog konteksta u kojem se ljudi povezani zajedničkim verovanjima. Kako bi se prilagodila uticaju prikupljanja podataka omogućenog komercijalnim nadzorom na građanske sferu, teorija građanske sfere mora se proširiti kako bi uzela u obzir uticaj prikupljanja podataka i ordinalizacije kroz komercijalni nadzor – kako binarni kodovi civilne sfere bivaju pogođeni binarnim kodovima života svedenog na podatke?

Ključne reči: kapitalistički nadzor, građanska sfera, privatnost, podaci i društvo, demokratija i tehnologija, društvene mreže, sajber proganjanje, algoritmi i društvo