

Essay

The Third Wave of Systemic Colonisation – Platform Capitalism and the Human Rights Crisis of Memory and the Public Sphere

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Abstract

This article offers a critical diagnosis of platform capitalism as a contemporary form of Systemic Colonisation of the Lifeworld, drawing on *Habermas's* theory of communicative action and his genealogy of the public sphere. It argues that we are witnessing a *Third Wave of Systemic Colonisation*, characterised by the algorithmic platformisation of social life, the extraction of data as an economic and epistemic resource, and the structural undermining of human rights. Unlike previous waves driven by money and administrative power, this new wave operates directly on language, the communicative infrastructure of Lifeworld, and over memory, specifically through the deployment of Large Language Models (LLMs) that automate and de-subjectivise human interaction. The article traces the evolution from *The Structural Transformation of the Public Sphere* to *The Theory of Communicative Action*, establishing the normative importance of communicative rationality for democratic legitimacy. It diagnoses how digital platforms intensify systemic logic, reshaping deliberation, socialisation, and collective memory. Drawing on contemporary critical theory, I analyse the epistemic injustices and pathological deformations of recognition under digital capitalism. Case studies illustrate the insufficiency of fragmented state responses to a transnational phenomenon. Finally, the article argues that the third wave of colonisation must be understood as a human rights crisis, requiring new normative and legal frameworks within international human rights law.

Keywords

Habermas, platform capitalism, platform capitalism, systemic colonisation, public sphere, epistemic justice, collective memory, algorithmic accountability

I. Introduction: A New Phase of Systemic Domination

1. The Digital Transformation of the Lifeworld

The digital transformation of society has fundamentally altered the conditions under which democratic will-formation and the protection of human rights take place. Social interactions, political deliberation, and even the formation of collective identity are increasingly mediated by digital platforms whose operational logic is not primarily communicative, but strategic and economic. This article argues that this transformation represents a new and qualitatively distinct phase of what *Jürgen Habermas*¹ terms as the “Systemic Colonisation of the Lifeworld”.² While the term colonisation is employed here in the *Habermasian* sense of systemic encroachment, it is crucial to acknowledge that this digital phenomenon often mirrors historical colonial extractions, albeit through datafication and algorithmic control.³

The central hypothesis is that under “platform capitalism”,⁴ we are facing a turning point where capitalist imperatives are no

longer merely external pressures but have become internal conditions that act upon, and against, democracy itself.⁵ Language, sociability, and memory are fundamental structures to civil society; without critical memory, there is no autonomous deliberation; without autonomous deliberation, there is no normative legitimacy; and without normative legitimacy, the social standards to sustain civil society collapse.

To sustain this hypothesis, I recover the critical theory of society developed by *Habermas* and complement it with recent scholarship, such as *Hartmut Rosa*’s⁶ theory of social acceleration. *Rosa* provides a crucial addition to the *Habermasian* framework by arguing that the constant acceleration of technological innovation demands a re-adaptation of communication that weakens the continuity of social experiences, thereby undermining the conditions for collective remembrance.⁷ This link between systemic acceleration and the erosion of the past is central to understanding why digital colonisation specifically targets memory.

2. Digital Colonisation and Social Pathologies

Habermas’s critical theory of society has provided, since the publication of *The Theory of Communicative Action*, a robust normative framework for diagnosing ‘social pathologies’.⁸ These manifest in response to the affection of mutual understanding and disturbances in social integration. At its core lies the thesis that systemic imperatives can bypass linguistically mediated

¹ *Jürgen Habermas*, *Theorie des kommunikativen Handelns*, Band I: Handlungsrationalität und gesellschaftliche Rationalisierung, 1981; *Habermas*, *Theorie des kommunikativen Handelns*, Band II: Zur Kritik der funktionalistischen Vernunft, 1988. Unless otherwise noted, all translations from German to English are the author’s own.

² *Habermas* (fn. 1), Band II, p. 523.

³ For the development of the “data colonialism” thesis, cf. *Nick Couldry/Ulises A. Mejias*, *The Costs of Connection: How Data is Colonizing Human Life and Appropriating it for Capitalism*, 2019. For a critical discussion on the historical continuities and ruptures of this terminology, cf. *Michael Kwet*, *Digital colonialism: US Empire and the new era of corporate age*, in: *Race & Class* 60 (2019), pp. 3–26.

⁴ *Nick Srnicek*, *Platform Capitalism*, 2017, p. 43.

⁵ *Ibid.*, pp. 45–48.

⁶ *Hartmut Rosa*, *Social Acceleration: A new theory of modernity*, 2013.

⁷ *Ibid.*, p. 102.

⁸ *Habermas* (fn. 1), Band II, p. 142.

consensus. *Habermas* diagnoses that this systemic logic can intrude into the intersubjective spaces by using de-linguistified media (money and power). This is an intrusion where identity and solidarity are reproduced, and it distorts the symbolic reproduction of the Lifeworld.⁹

This diagnosis, however, must be updated. Systemic colonisation today does not merely represent the erosion of social normativity, but the hollowing out of communicative rationality itself. This increases cultural fragmentation and social reification,¹⁰ disfiguring how societies share collective experiences.

3. Platformisation as the Third Wave

The guiding hypothesis of this study is that platform capitalism constitutes a third wave of systemic colonisation. While the first two waves operated primarily on economic and administrative relations through monetarisation and bureaucratisation, as seen in the classical expansion of the Welfare State and market dependencies,¹¹ platformisation intervenes directly in the communicative texture of social reality. This third wave is uniquely driven by the technical automation of language.

As digital platforms become centres of capital accumulation, they do not merely host data; they reshape public opinion through algorithmically processed data and Large Language Models (LLMs) that render the distinction between human and machine communication increasingly opaque. Crucially, it is the LLMs that act as

the technical engine of this colonisation by converting communicative processes into data-driven procedures, while platforms serve as the economic distribution hubs for these data flows. This is a dynamic closely linked to what *Shoshana Zuboff* describes as “surveillance capitalism”,¹² where the “behavioural surplus”¹³ extracted from users is used to predict and modify future action.¹⁴

Habermas himself has recently returned to these questions. In *A New Structural Transformation of the Public Sphere and Deliberative Politics*, he warns that new information technologies produce a structural shift in the conditions of the discursive formation of opinion and will.¹⁵ This shift is directly linked to the fact that platform algorithms, which are developed by private corporations oriented toward profit, are not bound by the normative commitments of a democratic public sphere. Instead of fostering rational deliberation among free and equal citizens, platforms shape interactions according to the logic of attention, emotional engagement, and predictive profitability. The consequence is a deepening of depoliticisation and “the rise of performative narcissism, and the spectacularisation of opinion”.¹⁶

4. The Colonisation of Collective Memory

This third wave does not stop at the present; it also reaches into the past, colonising col-

⁹ Ibid., p. 522.

¹⁰ For the development of reification, see *György Lukács*, *History and Class Consciousness*, 1971; *Habermas* (fn. 1), Band II, p. 333.

¹¹ *Habermas* (fn. 1), Band II, p. 356.

¹² *Shoshana Zuboff*, *The Age of Surveillance Capitalism: The fight for a human future at the New Frontier of Power*, 2019, p. 8.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ *Jürgen Habermas*, *Ein neuer Strukturwandel der Öffentlichkeit und die deliberative Politik*, 2022, p. 54.

¹⁶ Ibid., p. 61.

lective memory. Collective memory is understood here as a practice through which societies preserve, reinterpret, and criticise their normative horizons. It is not a passive repository of facts but an intersubjective practice in which recollection and the re-actualisation of the past is taking place through communicative interactions oriented toward mutual understanding.¹⁷

Under platform capitalism, this practice is threatened by three pathological mechanisms: (1) administrative standardisation; (2) cultural commodification; and (3) digital fragmentation. A critical question arises: do social media not actually strengthen remembrance culture through instant archives? I argue they do not; rather, they replace communicative memory with algorithmic archiving. While LLMs provide instant access to historical data, they strip the past of its deliberative context, offering statistical probability in place of historical truth. This produces an on-demand memory that lacks the critical depth required for democratic legitimacy.

5. Human Rights Implications and Methodology

The implications for human rights are profound. The third wave of colonisation undermines a range of internationally protected rights: the right to privacy (Art. 17 ICCPR), freedom of expression (Art. 19 ICCPR), and the emerging right to memory and truth,¹⁸ which entails the state's

obligation to preserve records of past violations and ensure society's access to an unmanipulated history. Moreover, the material infrastructure of platform capitalism consumes colossal amounts of energy and water.¹⁹ This reveals a dual colonisation – epistemic and ecological – that undermines the very material and symbolic bases necessary for a resilient lifeworld.

Methodologically, this article implies a sustained articulation between normative and empirical theory. Such an argumentative approach intends not only to reconstruct the normative presuppositions of existing democratic practices but also to diagnose their deficits.

This article is structured in seven sections: Section 1 provides the introduction; Section 2 reconstructs the Habermasian framework of the public sphere;²⁰ Section 3 characterises platformisation as a third wave of systemic colonisation; Section 4 examines the colonisation of memory; Section 5 links this to its ecological dimensions; Section 6 offers normative proposals for the democratic reconstruction of the digital public sphere; and Section 7 concludes the paper.

¹⁷ Maurice Halbwachs, *On Collective Memory*, 1992; Astrid Erll, *Collective Memory and Cultural Identity*, in: Astrid Erll/Ansgar Nünning (ed.), *Cultural Memory Studies. An International and Interdisciplinary Handbook*, 2008, pp. 1–15.

¹⁸ Cf. UN Doc. A/HRC/RES/12/12. For the regional framework, see also Inter-American Commission on Human Rights, *Right to the Truth in the Americas*, OEA/Ser.L/V/II.152 Doc. 2 of 13 August 2014.

¹⁹ International Energy Agency, *Data Centres and Data Transmission Networks*, 2022, available at: <https://www.iea.org/energy-system/buildings/data-centres-and-data-transmission-networks> (last visited 28 May 2026); Luke Barratt, *The Guardian Revealed: Big Tech's new datacentres will take water from the world's driest areas*, *The Guardian* of 9 April 2025, available at: <https://www.theguardian.com/environment/2025/apr/09/big-tech-datacentres-water> (last visited 23 April 2026).

²⁰ Jürgen Habermas, *Strukturwandel der Öffentlichkeit: Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft*, 1990.

II. *Habermas and the Systemic Colonisation of the Lifeworld: From the Public Sphere to the Third Wave*

1. *The Genesis and Transformation of the Public Sphere*

Habermas's first major work, *The Structural Transformation of the Public Sphere*,²¹ investigates the conditions that enabled a public argumentative sphere oriented by the merits of arguments rather than the status of participants. This model, though restricted, represented a novel form of social integration: “a space in which private individuals could gather as a public and engage in rational-critical debates about matters of common concern”.²²

However, this model was historically unstable. With the expansion of capitalism and the modern bureaucratic state, the separation between state and civil society became blurred. Rational-critical debate was gradually displaced by the consumption of “cultural goods and the negotiation of interests”.²³ This transition marks the first moment where the symbolic reproduction of the lifeworld begins to be subsumed by functional imperatives. *Habermas* argues that this movement was an unstoppable development driven by the “expansion of social organisations and the strengthening of modern democratic principles”.²⁴

The development of the public sphere was inextricably linked to the rise of the cap-

italist economy and the modern state.²⁵ This public sphere emerged as civil society confronted the state, making use of practical reason to discuss topics of public interest.²⁶ Yet, this distinction dissolved as the family nucleus transformed and civil society became an ‘economic society’.²⁷ Rational-critical debates were replaced by negotiations between private bureaucracies and special interest associations, a process *Habermas* terms “refeudalisation”.²⁸ This refeudalisation represents the historical precursor to the third wave of colonisation, as it demonstrates how communicative spaces can be occupied by non-discursive interests – a process now radicalised by algorithmic mediation.

2. *System and Lifeworld: The Framework of Colonisation*

The Theory of Communicative Action provides a refined apparatus for this diagnosis by introducing the distinction between System and Lifeworld.²⁹ The Lifeworld (*Lebenswelt*) is the horizon of background convictions and normative expectations sustained through communicative action. The System, by contrast, comprises the functional subsystems of the economy and the state, coordinated through the de-linguistified media of money and administrative power.³⁰

Pathology arises when systemic media overflow their functional boundaries and penetrate domains that ought to remain

²¹ Ibid.

²² Ibid., p. 73.

²³ Ibid., pp. 229–230.

²⁴ Ibid., p. 177.

²⁵ Ibid., p. 141.

²⁶ Ibid., p. 78.

²⁷ Ibid., p. 151.

²⁸ Ibid., p. 142.

²⁹ *Habermas* (fn. 1), Band I.

³⁰ *Habermas* (fn. 1), Band II, p. 273.

communicatively structured. This encroachment is what *Habermas* calls the “systemic colonisation of the lifeworld”.³¹ As *Albrecht Wellmer* notes, when these subsystems instrumentalise the Lifeworld, they threaten its very symbolic “destruction”.³²

This colonisation reorganises social practices, where cultural values are turned into means subordinated to functionally defined ends. While the first two waves (monetarianisation and bureaucratisation) bypassed language to coordinate society through external media, they left the internal structure of language relatively intact. The current wave of algorithmisation breaches this boundary by using the technical architecture of platforms to internalise systemic imperatives within communication itself.

3. The Third Wave: Algorithms as a New Systemic Medium

Today, a third wave of systemic colonisation is unfolding. Its vehicle is not money or power alone, but algorithms. Unlike the de-linguistified media of the first waves, algorithms operate directly on language and meaning. As *Habermas* notes in his most recent work, “the new information technologies produce a structural shift in the conditions of the discursive formation of opinion and will”.³³ In this context, LLMs represent the technical apex of this wave, as they automate the production of meaning itself.

LLMs achieve this by statistically predicting the next token in a linguistic sequence, effectively replacing the illocutionary force of human speech – which seeks mutual understanding – with a functional output designed for engagement or data extraction. This automates meaning-making by removing the reflective pause required for human consensus, converting dialogue into a seamless, data-driven procedure.

The third wave is characterised by four features:

- a) Platformisation of social life: Platforms are not neutral intermediaries but active shapers of social reality.³⁴
- b) Data extraction: The framework of surveillance capitalism, as theorised by *Shoshana Zuboff*, operates as a mode of accumulation grounded in capturing human behaviour.³⁵
- c) Algorithmic modulation: Algorithms curate content based on engagement rather than democratic relevance. This is intensified by generative AI, which can tailor stimuli to individual psychological profiles, bypassing the reflexive filters of the lifeworld.³⁶
- d) Fragmentation: By creating ‘filter bubbles’ and ‘echo chambers’, algorithms undermine the shared space essential for democratic will-formation.³⁷

Unlike previous waves, the third wave does not merely colonise external relations; it colonises the internal processes of identity formation. Whereas monetarianisation

³¹ Ibid, p. 523.

³² *Albrecht Wellmer*, Reason, Utopia, and the Dialectic of Enlightenment, in: Richard J. Bernstein (ed.), *Habermas and Modernity*, 1991, pp. 35–66 (56).

³³ *Habermas* (fn. 15), p. 60.

³⁴ *José van Dijck*, The Culture of Connectivity: A critical history of social media, 2013.

³⁵ *Zuboff* (fn. 12).

³⁶ *Matteo Pasquinelli*, The Eye of the Master: A social history of artificial intelligence, 2023.

³⁷ *Habermas* (fn. 15), p. 74.

tion and bureaucratisation bypassed language, algorithmisation occupies it. For example, when an algorithm prioritises an outrage-inducing post over a deliberative one, it is not just coordinating action; it is reshaping the user's linguistic environment to serve the system's profit motive, rendering the communicative intent secondary to the functional goal of time on-platform. This poses an acute threat to the integrity of the communicative infrastructure necessary for human rights.

III. Platform Capitalism and Structural Human Rights Violations

1. Privacy and Informational Self-determination (Art. 17 ICCPR)

Article 17 of the *International Covenant on Civil and Political Rights*³⁸ (ICCPR), protects individuals against arbitrary or unlawful interference with their privacy, family, home or correspondence. Under platform capitalism, this right to privacy is systematically undermined by the massive extraction of personal data. As Zuboff demonstrates, surveillance capitalism operates through the “surreptitious capture of personal experience”,³⁹ converting private behaviour into raw material for predictive assets.⁴⁰ Users cannot meaningfully consent to these practices due to the structural opacity of platform operations and the inherent power asymmetry

between transnational corporations and individuals.⁴¹

The rise of Large Language Models (LLMs) exacerbates this, as these systems are trained on vast datasets of human interaction often without the subject's knowledge, effectively mining the communicative lifeworld to refine private commercial tools.⁴² While the *European Court of Human Rights*⁴³ (ECtHR), in *Big Brother Watch and Others v. United Kingdom* addressed Article 8 of the European Convention on Human Rights (ECHR) regarding bulk interception,⁴⁴ its principles apply *mutatis mutandis* to Art. 17 ICCPR. This convergence steams from the fact that international human rights bodies increasingly mirror the ECtHR's high standards, establishing that the absence of “adequate and effective safeguards”⁴⁵ against the processing of personal data by private actors constitutes an arbitrary interference.⁴⁶

As the *Human Rights Committee* notes in General Comment No. 16, the state has a positive obligation to adopt legislative measures that protect individuals from such interference by “natural or legal persons”.⁴⁷ The failure to regulate platforms

³⁸ International Covenant on Civil and Political Rights of 16 December 1966, UNTS vol. 999, p. 171.

³⁹ Zuboff (fn. 12), p. 8.

⁴⁰ Ibid., p. 11.

⁴¹ UN Human Rights Council, Artificial intelligence and privacy, and children's privacy – Report of the Special Rapporteur on the Right to Privacy, UN Doc. A/HRC/46/37 of 25 January 2021.

⁴² Pasquinelli (fn. 36).

⁴³ Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, ETS No. 5.

⁴⁴ ECtHR, *Big Brother Watch and Others v. the United Kingdom* (58170/13, 62322/14, and 24960/15), judgment of 25 May 2021.

⁴⁵ Ibid., paras. 347–350.

⁴⁶ Ibid., para. 345.

⁴⁷ UN Human Rights Committee, General Comment No. 16 of 8 April 1988, para. 1.

reflects the system's motive: the monetarisation of data – the second wave of colonisation – is now radicalised by the third wave's algorithmic logic, where informational self-determination is sacrificed for predictive profitability.

2. Freedom of Expression and Algorithmic Moderation (Art. 19 ICCPR)

Article 19 ICCPR guarantees the right to seek, receive, and impart information. Digital platforms are now the primary infrastructure for this right, yet their content moderation – frequently automated – systematically distorts public discourse. Algorithms prioritise content that generates engagement to maximise ad revenue, regardless of truthfulness. Misinformation and hate speech are amplified because they provoke strong emotional responses.⁴⁸

LLMs further this distortion by generating persuasive, human-like disinformation at scale, hollowing out the conditions for the “better argument”⁴⁹ to prevail.⁵⁰ Conversely, shadow banning suppresses marginal voices through invisible algorithmic ranking. While platforms argue these tools are necessary to combat harmful content (a horizontal effect of human rights), their private nature lacks the transparency of public courts.

The Brazilian case illustrates this: during the 2018 and 2022 elections, automated

messaging and “fake news shaped public opinion outside the bounds of rational debate”.⁵¹ Despite the *Marco Civil da Internet*,⁵² the framework proved insufficient against new forms of manipulation.⁵³ Falcão observes that the absence of “clear mechanisms for algorithmic accountability”⁵⁴ renders the *Marco Civil* an insufficient basis for addressing digital exclusion.⁵⁵ Similarly, the German Network Enforcement Act (*Netzwerkdurchsetzungsgesetz*⁵⁶ NetzDG) risks over-blocking and the privatisation of censorship. This is the paradox of the third wave: to protect the lifeworld from algorithmic hate, the state often resorts to bureaucratic (first-wave) solutions that further empower private platforms over public speech.

3. Non-discrimination and Algorithmic Bias (Art. 26 ICCPR)

Article 26 ICCPR guarantees equality before the law and protection against discrimination. This entails not only a prohibition of direct discrimination but also indirect discrimination, where neutral criteria produce disproportionate impacts on specific groups.⁵⁷ Algorithmic systems encode and amplify social biases in hiring, credit, and criminal justice.⁵⁸

⁴⁸ Safiya Umoja Noble, *Algorithms of Oppression*, 2018.

⁴⁹ Habermas (fn. 1), Band I, p. 47.

⁵⁰ Robert Stockwell/Josh Cows, *Large Language Models and Election Disinformation: A review of the evidence*, in: arXiv preprint arXiv:2408.06731, 13 August 2024, available at: <https://arxiv.org/abs/2408.06731> (last visited 13 May 2026).

⁵¹ Joaquim Falcão, *Marco Civil da Internet*, 2021, p. 45.

⁵² Lei No. 12.965 of 23 April 2014, Diário Oficial da União [D.O.U.] 2014 (Brazil).

⁵³ Falcão (fn. 51), p. 85.

⁵⁴ Ibid., p. 87.

⁵⁵ Ibid.

⁵⁶ Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken of 1 September 2017, Federal Law Gazette 2017 I, p. 3352.

⁵⁷ Human Rights Committee, General Comment No. 18 of 10 November 1989, para. 7.

⁵⁸ Pasquinelli (fn. 36).

This is a form of “epistemic injustice”,⁵⁹ a phenomenon wherein a wrong is done to someone specifically in their capacity as a knower. In digital environments, this manifests in two distinct dimensions: first, testimonial injustice, where algorithms that rank content can systematically discount the voices of marginalised groups based on trustworthiness scores that mirror societal prejudices; and second, as hermeneutical injustice, where platforms dictate the trending categories of discourse, rendering certain structural experiences unintelligible. LLMs pose a risk by generating content based on statistically dominant patterns, threatening to marginalise non-hegemonic idioms.

Medina identifies a “meta-blindness”⁶⁰ where opaque systems determine which voices are amplified. In this third wave, users are denied a fair hearing and the knowledge of ‘why’ they are marginalised. This “black box” logic creates a “zone of systemic irresponsibility”,⁶¹ where the intersubjective process of mutual recognition is replaced by an automated evaluation of human value.

4. Political Participation and the Public Sphere (Art. 25 ICCPR)

Article 25 ICCPR guarantees the right to take part in public affairs, which presupposes a functioning public sphere. Platform capitalism deforms this through three interconnected structural dynamics:

first, fragmentation, where algorithmic personalisation creates what *Habermas* terms “filter bubbles”,⁶² isolating users from opposing viewpoints; second, polarisation, where prioritising virality fosters inter-group hostility, evident in the rise of the *AfD* in Germany and extremist groups in Brazil;⁶³ and third, manipulation, where microtargeting and deepfakes exploit cognitive vulnerabilities to bypass rational debate.⁶⁴

The insurrection at the U.S. Capital in 2021 and the attacks in Brasília in 2023 are dramatic manifestations of this deformation.⁶⁵ As *Habermas* warns, when politics is subsumed under the logic of virality, “deliberation gives way to a war of narratives”.⁶⁶ This collapse of trust is a symptom of the systemic displacement of communicative action by algorithmic coordination, rendering political participation increasingly illusory.

⁵⁹ *Miranda Fricker*, *Epistemic Injustice*, 2007, pp. 1–8.

⁶⁰ *José Medina*, *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imaginations*, 2013, pp. 75–81.

⁶¹ Cf. *Danielle Keats Citron/Frank Pasquale*, *The Scored Society: Due Process for Automated Predictions*, in: *Washington Law Review* 89 (2014), pp. 1–33.

⁶² *Habermas* (fn. 15), p. 61.

⁶³ *Bàrbara Molas*, *The Insurrection Wave: A Comparative Assessment of Anti-Government Attacks in Germany, the US, and Brazil*, International Centre for Counter-Terrorism Policy Brief, 29 September 2023, available at: <https://icct.nl/publication/insurrection-wave-comparative-assessment-anti-government-attacks-germany-us-and-0> (last visited 12 May 2026).

⁶⁴ UN Human Rights Council, *Disinformation and freedom of opinion and expression – Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, Irene Khan, UN Doc. A/HRC/47/25 of 13 April 2021, paras. 28–32.

⁶⁵ *Ibid.*

⁶⁶ *Habermas* (fn. 15), p. 74.

IV. The Colonisation of Memory

1. Memory as a Communicative Practice

Memory is a medium through which the Lifeworld reproduces itself symbolically, maintaining continuity across generations through the “interpretative appropriation of its contents”.⁶⁷ As *Halbwachs* argued, recollection is inherently social, anchored in collective frameworks that enable mutual understanding.⁶⁸ In *Also a History of Philosophy*, *Habermas* reconstructs modernity as a process of reflective translations, where cultural memory serves as a normative reserve for emancipatory horizons.⁶⁹ The third wave of colonisation threatens this reserve by replacing intersubjective appropriation with algorithmic processing.

2. The Three Pathologies of Memory

The third wave targets this normative reserve through three pathological mechanisms:

- a) Bureaucratisation – Memory as administrative record: Driven by the state, this pathology reduces lived experience to formal data. As *Habermas* warns, “excessive juridification”⁷⁰ empties solidarity of content. This is illustrated when the state uses digital archives not to foster reconciliation, but to categorise citizens, transforming memory from a resource for contestation into a tool for surveillance.

- b) Commodification – The memory industry: Driven by the market, this pathology converts traumatic events into media spectacle.⁷¹ *Huyssen* describes a “memory industry” that packages suffering for consumption, stripping it of its critical edge.⁷² Under platform capitalism, even the ethical imperative that “Auschwitz not be repeated”⁷³ is threatened by its repackaging as profitable, engagement-driven ‘content’.⁷⁴
- c) Algorithmic fragmentation – The digital erasure: Algorithms curate personalised ‘memory feeds’, creating fragmented ‘memory bubbles’ that undermine shared historical understanding. This is exacerbated by LLMs that generate “synthetic memories”⁷⁵ or “historical hallucinations”,⁷⁶ dissolving the distinction between documented fact and statistical probability. This disrupts the communicative infrastructure needed for social solidarity.

3. Memory as a Human Right: The Right to Truth

The recognition of memory as a human right has advanced through the “right to truth”,⁷⁷ a corollary of the state’s duty to

⁶⁷ *Habermas* (fn. 1), Band II, p. 210.

⁶⁸ *Halbwachs* (fn. 17), pp. 52–54.

⁶⁹ *Jürgen Habermas*, *Auch eine Geschichte der Philosophie*, 2019.

⁷⁰ *Habermas* (fn. 1), Band II, p. 343.

⁷¹ *Andreas Huyssen*, *Twilight Memories: Marking Time in a Culture of Amnesia*, 1995, p. 16.

⁷² *Ibid.*, p. 22.

⁷³ *Theodor W. Adorno*, *Negative Dialektik*, 1966, p. 358.

⁷⁴ *Andrew Hoskins*, *Digital Memory Studies: Media Pasts in Transition*, 2017, p. 6; for a critique of how platform architectures commodify social trauma for engagement, *ibid.*, pp. 5–12.

⁷⁵ *Stockwell/Cowls* (fn. 50).

⁷⁶ *Pasquinelli* (fn. 36).

⁷⁷ IACtHR, *Velásquez Rodríguez v. Honduras* (Series C No. 4), judgment of 29 July 1988, para. 181. For

investigate human rights violations. In *Gomes Lund v. Brazil*, the *Inter-American Court of Human Rights* (IACtHR) held that the state's failure to investigate disappearances during the military dictatorship violated this right, which encompasses the society's collective interest in knowing the circumstances of past crimes.⁷⁸

A broader 'right to memory' – the right of communities to preserve cultural heritage and contest official narratives – is increasingly advocated.⁷⁹ This right is implicit in Article 15 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR),⁸⁰ which guarantees the right to take part in cultural life,⁸¹ and the *UNESCO Universal Declaration on Cultural Diversity*,⁸² which links cultural heritage to the flourishing of human rights.⁸³ These instruments imply that the symbolic reproduction of memory must be protected from systemic distortions. Platform capitalism, by privatising the infrastructure of remembrance, constitutes a novel human rights violation: a systemic closure of

the past that prevents it from serving as a source of communicative renewal.

V. The Ecological Dimension of Digital Colonisation

1. Material Reification and Resource Consumption

The colonisation of the Lifeworld by platform capitalism is not confined to the symbolic sphere; it has profound material and ecological dimensions. The digital infrastructure – data centres, transmission networks, and devices – contributes significantly to environmental degradation.⁸⁴ The transition to the third wave is marked by a material intensification: while the second wave colonised through the abstraction of money, the third wave operates through a massive physical architecture that reifies the planet's resources.

According to the *International Energy Agency* (IEA), global data centres consumed approximately 460 terawatt-hours (TWh) of electricity in 2022, with projections rising toward 1,000 TWh by 2026 – a demand comparable to the total consumption of Japan.⁸⁵ Furthermore, cooling systems consume billions of litres of water. Investigative reporting has revealed that corporations such as Google and Microsoft have installed data centres in regions with

the explicit consolidation of the term, see also: IACtHR, *Bámaca-Valásquez v. Guatemala* (Series C No. 70), judgment of 25 November 2000, paras. 197–201.

⁷⁸ IACtHR, *Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil* (Series C No. 219), judgment of 24 November 2010, paras. 197–201.

⁷⁹ See *Elizabeth Jelin*, *State Repression and the Labors of Memory*, 2003; UN Human Rights Council, Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed: Memorialization processes, UN Doc. A/HRC/25/49 of 23 January 2014, paras. 15–22.

⁸⁰ International Covenant on Economic, Social and Cultural Rights of 16 December 1966, UNTS vol. 993, p. 3.

⁸¹ *Ibid.*, Art. 15(1)(a).

⁸² UNESCO, *Universal Declaration on Cultural Diversity*, UN Doc. CLT.2002/WS/9 of 2 November 2001.

⁸³ *Ibid.*, Art. 4.

⁸⁴ *Kate Crawford*, *Atlas of AI: Power, Politics, and the Planetary Costs of Artificial Intelligence*, 2021.

⁸⁵ International Energy Agency, *Electricity 2024: Analysis and forecast to 2026*, 2024, p. 31, available at: <https://iea.blob.core.windows.net/assets/6b2fd954-2017-408e-bf08-952fdd62118a/Electricity2024-Analysisandforecastto2026.pdf> (last visited 12 May 2026).

acute water scarcity, exacerbating environmental conflicts.⁸⁶ The training of a single LLM can consume more water than several communities require for their yearly sustenance, turning the production of ‘artificial meaning’ into a direct threat to biological survival.⁸⁷

2. Digital Extractivism and the Colonial Logic

This phenomenon constitutes a form of “digital extractivism”.⁸⁸ The use of the term ‘colonial’ here is justified by the reproduction of historical power asymmetries: platform capitalism does not merely extract data; it subjugates territories and undermines the self-governance of communities in the Global South to sustain the digital infrastructure of the Global North.⁸⁹ *Nancy Fraser* characterises contemporary capitalism as a “cannibalistic”⁹⁰ order that devours the very conditions of its own

possibility – nature, social reproduction, and communicative capacities.⁹¹

The colonial nature of this wave is most evident in the physical supply chain. Indigenous and traditional communities face displacement and cultural destruction due to the mining of rare earth minerals (such as lithium and cobalt) essential for high-tech hardware.⁹² This ‘green’ transition often mirrors traditional colonial dynamics: the environmental and social costs are externalised to marginalised populations, while the technological benefits and “predictive profitability”⁹³ are concentrated in private, transnational hands. As the *Special Rapporteur on toxics and human rights* notes, the “sacrifice zones”⁹⁴ created by mining operations represent a structural violation of the collective rights of these peoples.⁹⁵

3. Environmental Rights as a Counter-hegemonic Limit

The ecological dimension of digital colonisation intersects with human rights through the “right to a healthy environment”,⁹⁶

⁸⁶ *Olivia Solon*, Why Google is pouring billions into the desert, Bloomberg of 15 July 2021, available at: <https://www.bloomberg.com/graphics/2021-google-data-centers-water-scarcity/> (last visited 2 May 2026).

⁸⁷ *Pengfei Li et al.*, Making AI Less “Thirsty”: Uncovering and addressing the secret water footprint of AI models, arXiv preprint of 6 April 2023, available at: <https://arxiv.org/pdf/2304.03271> (last visited 12 May 2026). The term ‘artificial meaning’ is employed here conceptually by the author to denote the automated, algorithmic simulation of communicative interaction, contrasting it with the material ecological costs of its infrastructure.

⁸⁸ *Nick Couldry/Ulises A. Mejias*, The Costs of Connection: How Data is Colonizing Human Life and Appropriating it for Capitalism, 2019, p. 4.

⁸⁹ *Ulises A. Mejias/Nick Couldry*, Data Colonialism: Rethinking Big Data’s Relation to the Contemporary Subject, in: *Television & New Media* 20 (2019), pp. 336–349 (340).

⁹⁰ *Nancy Fraser*, Cannibal Capitalism: How our System is devouring Democracy, Care, and the Planet – and What We can do about it, 2022, p. 11.

⁹¹ *Ibid.*

⁹² *Thea N. Riofrancos*, The Security-Sustainability Nexus: Lithium and the Green Transition, in: *Global Environmental Politics* 23 (2023), pp. 20–41 (28–32).

⁹³ *Zuboff* (fn. 12), p. 15.

⁹⁴ UN Human Rights Council, The right to a clean, healthy and sustainable environment: non-toxic environment – Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, UN Doc. A/HRC/49/53 of 12 January 2022, para. 62.

⁹⁵ *Ibid.*, paras. 64–68.

⁹⁶ Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights of 17 November 1988, OAS Treaty Series No. 69, Art. 11.

recognised in Article 11 of the *San Salvador Protocol*. The *Inter-American Court of Human Rights* (IACtHR) affirmed in its *Advisory Opinion on the Environment and Human Rights* that the right to a healthy environment is an autonomous right essential for human existence.⁹⁷ Furthermore, in *Lhaka Honhat v. Argentina*, the Court established that environmental degradation directly impairs the rights to cultural identity and food sovereignty of indigenous peoples.⁹⁸

This dual assault on epistemic and ecological commons reveals the third wave of colonisation as a totalising phenomenon. It undermines the material and symbolic bases necessary for a resilient Lifeworld. Autonomy and citizenship become increasingly unstable when the informational architecture captures the material conditions of the future before they can even be deliberated upon in the public sphere.

VI. Normative Responses: From National Insufficiency to International Human Rights Law

1. Algorithmic Accountability and Communicative Transparency

The democratic reconstruction of the public sphere demands algorithmic accountability. Rather than accepting the normative opacity of platforms, their curation systems must be subjected to criteria of justifiability and public contestability. *Medina* proposes shifting the focus from technical efficiency to ‘epistemic responsibility’ – the obligation of platforms to justify how certain discourses are promoted or suppressed.⁹⁹

Julie Cohen argues that accountability “cannot be merely technical: it demands the institutional reconstruction of power relations between firms, users, and the state”.¹⁰⁰ The European Union’s *Digital Services Act*¹⁰¹ (DSA) represents a landmark in this direction. It requires Very Large Online Platforms (VLOPs) to conduct systemic risk assessments (Art. 34) and implement mitigation measures (Art. 35). Crucially, the DSA mandates transparency in recommendation systems (Art. 27) and grants users the right to challenge moderation decisions (Art. 20), effectively

⁹⁷ IACtHR, *The Environment and Human Rights (State Obligations in Relation to the Environment in the Context of the Protection and Guarantee of the Rights to Life and to Personal Integrity)* (Series A No. 23), Advisory Opinion OC-23/17 of 15 November 2017, para. 62.

⁹⁸ IACtHR, *Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina* (Series C No. 400), judgment of 6 February 2020, paras. 243–248.

⁹⁹ *Medina* (fn. 60), p. 132.

¹⁰⁰ *Julie E. Cohen*, *Between Truth and Power: The legal constructions of informational capitalism*, 2019, p. 65.

¹⁰¹ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) of 27 October 2022, OJ L 277.

attempting to bring de-linguistified algorithmic media back under the scope of communicative justification.

2. Epistemic and Cognitive Justice

A second dimension concerns addressing “epistemic injustices”.¹⁰² Fricker and Medina demonstrate that such injustice is not merely an informational deficit but a structured form of social domination where certain ways of knowing are systemically marginalised.¹⁰³ Updating Habermas’s principle that democratic legitimacy depends on the symmetrical participation of all affected parties,¹⁰⁴ digital participation must now include informational justice – the right to contest the very algorithms that structure public meaning.

3. Memory as a Democratic Public Good

Defending memory against algorithmic colonisation requires treating it as a shared communicative infrastructure. This implies:

- a) Deliberative forums of memory: Participatory spaces for the collective interpretation of historical narratives.
- b) Legal safeguards: Ensuring public access to digital archives and protecting testimony against algorithmic ‘hallucinations’.
- c) Democratic regulation: Algorithmic transparency standards that prioritise long-term preservation over commercial virality.

¹⁰²Medina (fn. 60), p. 132.

¹⁰³Fricker (fn. 59), p. 27; Medina (fn. 60), p. 56.

¹⁰⁴Jürgen Habermas, Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats, 1992, p. 138.

4. The Need for International Human Rights Law

The cases of Brazil and Denmark illustrate the limits of state-centred regulation. While the Brazilian *Marco Civil da Internet*¹⁰⁵ was a pioneer in governance, it struggled against the transnational scale of algorithmic manipulation. Similarly, Denmark’s *Act on Digital Visual Integrity* (2025),¹⁰⁶ which grants individuals copyright over their digital likeness to combat deepfakes, remains a national solution to a global systemic crisis.

Because platform capitalism is inherently transnational, the third wave of colonisation requires a coordinated response under International Human Rights Law. As the *UN Human Rights Council* affirmed, the same rights people have offline must be protected online.¹⁰⁷ This necessitates a new interpretative framework that recognises ‘new’ digital rights – such as the rights to cognitive integrity and algorithmic transparency – as essential conditions for the exercise of traditional rights under the ICCPR and ICESCR.

VII. Conclusion: Memory and Deliberative Democracy

This article has argued that platform capitalism constitutes a third wave of systemic colonisation, distinct from the earlier

¹⁰⁵Law No. 12.965/2014 of 23 April 2014 (Brazil)

¹⁰⁶Lov om digital visual integritet, Act No. 412 of 2025 (Denmark).

¹⁰⁷UN Human Rights Council, The promotion, protection and enjoyment of human rights on the internet, UN Doc. A/HRC/RES/32/13 of 18 July 2016.

waves driven by money and administrative power. Unlike its predecessors, this new wave operates directly on language, memory, and the communicative infrastructure of the Lifeworld. It fragments the public sphere, distorts deliberation, and colonises collective memory, undermining the normative reserves that sustain democratic legitimacy and human rights.

The diagnosis developed here has drawn on *Habermas's* critical theory of society, updating it to address the challenges of the digital age. By engaging with contemporary debates on epistemic injustice, surveillance capitalism, and digital extractivism, this analysis has shown how these phenomena converge in a novel form of domination. The case studies from Brazil, Denmark, the United States, and Germany have illustrated the transnational character of this colonisation and the inherent insufficiency of fragmented, state-centred responses.

At the heart of this argument lies the claim that memory must be understood as a normative infrastructure of deliberative democracy. Memory is not a mere archive of the past but a communicative practice through which societies preserve, reinterpret, and criticise their normative horizons. Under platform capitalism, this practice is threatened by bureaucratisation, commodification, and algorithmic fragmentation. Defending memory against these pathologies is, therefore, not a cultural luxury but a political imperative. The integrity of the better argument depends fundamentally on the integrity of the collective frameworks from which those arguments emerge.

The implications for international human rights law are profound. The third wave of colonisation implicates a wide range of protected rights – privacy, expression,

non-discrimination, and participation – alongside the emerging rights to truth and memory. It also possesses a critical ecological dimension, linking digital extractivism to environmental degradation and climate injustice. Addressing these challenges requires a renewed commitment to the project of critical theory: to diagnose the pathologies of the present while projecting horizons of emancipation.

As *Max Horkheimer* affirmed, critique is possible only where there is still hope.¹⁰⁸ The existence of democratic public capable of contesting algorithmic power, of movements defending memory against fragmentation, and of states experimenting with new forms of regulation are signs that the lifeworld is not yet entirely colonised. The task of critical theory is to sustain that hope by providing the conceptual tools needed to resist the third wave. Only by preserving memory in its communicative dimension – open, plural, and critical – can the past be restored to an emancipatory function, capable of guiding present political action and preserving spaces of critique against successive forms of lifeworld colonisation.

Vita

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¹⁰⁸*Max Horkheimer*, Traditionelle und kritische Theorie, in: Alfred Schmidt (ed.), *Kritische Theorie: Eine Dokumentation*, Band I, 1975, pp. 205–259 (245).

interpreting them as indices of the life-world's resistance to systemic colonisation. He is a member of the research group "Critical Theory and Feminism" (UNICAMP/UFABC), an associate researcher at RELATESC and CLACSO-UBA, and has held research affiliations with the Goethe Universität Frankfurt (Normative Orders) and the Justus-Liebig Universität Gießen, Germany.