Surveillance and Self-Realization

In *Othello*, Iago manipulates Othello into worrying that his wife Desdemona is unfaithful. Othello declares in response:

> I'll see before I doubt; when I doubt, prove; And on the proof, there is no more but this, – Away at once with love or jealousy!¹

However, Iago manipulates what Othello sees. In a pivotal scene, he arranges for Othello to eavesdrop on a conversation between Iago and Cassio, one of Othello’s lieutenants. The conversation concerns Cassio’s mistress, Bianca, but Iago knows that Othello will misinterpret it to be about Cassio’s nonexistent affair with Desdemona. Iago’s plan is that

> As he [Cassio] shall smile Othello shall go mad; And his unbookish [unreflective] jealousy must construe Poor Cassio’s smiles, gestures, and light behavior Quite in the wrong.²

Othello does “go mad,” and ultimately murders Desdemona.

Businesses and governments embrace their own “I’ll see” by employing surveillance technologies that enable a constant and pervasive investigative gaze. They gaze steadily and intently at virtually everyone to learn details about their lives in order to treat them as they see fit.³ We use “surveillance” through the book for this pervasive investigative gaze. Does this “I’ll see” have the same effect as Othello’s? Does it undermine the trust on which a variety of relationships and social interactions

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² Shakespeare, Act IV, Scene 1, ll. 114–17.
³ As James Rule notes, modern surveillance practices “share a distinctive and sociologically crucial quality: they not only collect and record details of personal information; they are also organized to provide bases for action toward the people concerned. Systematically harvested personal information, in other words, furnishes bases for institutions to determine what treatment to mete out to each individual”; James B. Rule, *Privacy in Peril: How We Are Sacrificing a Fundamental Right in Exchange for Security and Convenience* (Oxford University Press, 2007), 14 (original emphasis).
depend? The short answer is “yes.” The longer answer explains why, when, and how, and what to do about it. That takes the rest of the book.

Trust may seem like an odd starting point. Noteworthy exceptions aside, discussions of surveillance typically focus on privacy first and trust later, if they get to trust all.\(^4\) In fact, to start with trust is to start with privacy. The two concepts are entwined. This is particularly true of the form of privacy that concerns us: informational privacy. Informational privacy consists in the ability to control what others do with information about you. It both creates and requires trust, as we argue in the later chapters. Even so, the analogy between contemporary surveillance and Othello’s “I’ll see” may seem far-fetched. Do people really play Desdemona to the Othello of businesses and governments? Surely, the analogy breaks down with Othello’s murder of Desdemona. Surveillance can kill, of course. It does when it leads to lethal drone strikes. However, it poses no death threat to the vast majority.

No threat of physical death, that is. It does pose a serious threat to the self. Commentators have been sounding the alarm, contending that “the self withers in the searing light of surveillance,”\(^5\) that what survives is not the true self but a fabricated one,\(^6\) that the self transforms into something else entirely – “mere algorithm fodder,”\(^7\) “nodes of information production,”\(^8\) puppets manipulated through “invisible threads.”\(^9\) Jean Baudrillard offers one of the more elaborate characterizations:

> We are constantly confronted with the anticipated statistical verification of our behavior, and absorbed by this permanent refraction of our least movements, we are no longer confronted with our own will. We are no longer even alienated... Each individual is forced despite himself or herself into the undivided coherency of statistics. There is in this a positive absorption into the transparency of computers, which is something worse than alienation.\(^10\)

The worry is not about a dystopian future. The commentators claim we – all of us – face a current threat to the self. Are they right?

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\(^6\) The seminal source of this claim is Michel Foucault, Discipline and Punish: The Birth of the Prison, trans. Alan Sheridan (Vintage Books, 1995), 217. Many have taken up Foucault’s claim.


\(^8\) Ronald J Deibert, Black Code: Inside the Battle for Cyberspace (McClelland & Stewart, 2011), 65 (noting that “we no longer move about our lives as self-contained beings, but as nodes of information production in a dense network of digital relations involving other nodes of information production”).

\(^9\) Aleksandr Solzhenitsyn, Cancer Ward (Vintage Classics, 2001), 208.

We (the authors) think so. But if you are like us, your daily experience testifies to the opposite. This is not to say that we ignore the fact that stores and office buildings record us on CCTV cameras, that cameras record our movements on city streets (Chicago, where we live, has more than 30,000 cameras feeding video for analysis into a state-of-the-art computer complex), that businesses and governments track online activities, and so on. Yet we have no sense that our selves are withering away, no sense of imminent metaphysical death. Our selves seem to be getting along just fine. We assume you are the same. So exactly what is the threat that surveillance poses to the self? Ubiquitous surveillance profoundly changes in the way people relate to businesses, governments, and each other, but why isn’t that just a change? Why is it a threat? We begin our answer by explaining what we mean by the self.

**The Self and Self-Realization**

William James characterizes the relevant concept of the self. He writes,

> I am often confronted by the necessity of standing by one of my . . . selves and relinquishing the rest. Not that I would not, if I could, be both handsome and fat and well dressed, and a great athlete, and make a million a year, be a wit, a *bon vivant*, and a lady killer, as well as a philosopher, and a philanthropist, statesman, warrior, and African explorer, as well as a “tone poet” and saint. But the thing is simply impossible . . . Such characters may at the outset of life be alike possible to a man. But to make anyone of them actual, the rest must be more or less suppressed. So the seeker of his truest, strongest, deepest self must review the list carefully, and pick out the one on which to stake his salvation.\(^\text{11}\)

James exaggerates when he suggests that one commitment defines who you are.\(^\text{12}\) Multiple commitments do:

> We are none of us defined by membership in a single community or form of moral life. We are . . . heirs of many distinct, sometimes conflicting, intellectual and moral traditions . . . The complexity and contradictions of our cultural inheritance give to our identities an aspect of complexity and even of plurality which is . . . essential to them . . . [T]he power to conceive of ourselves in different ways, to harbour dissonant projects and perspectives, to inform our thoughts and lives with divergent categories and concepts, is integral to our identity as reflective beings.\(^\text{13}\)

You make yourself who you are – you construct your multifaceted identity – by selecting what you will identify with ("stand by") from the possibilities open to

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\(^\text{12}\) It is not at all clear that James actually thought you had to single out one self. As he notes elsewhere, "Properly speaking, a man has as many social selves as there are individuals who recognize him and carry an image of him in their mind . . . Nothing is commoner than to hear people discriminate between their different selves of this sort: ‘As a man I pity you, but as an official I must show you no mercy; as a politician I regard him as an ally, but as a moralist I loathe him;’ etc., etc." James, 1:295.

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Self-realization in this sense figures importantly in moral and political philosophy from Hegel and Mill to Rawls and Raz. We began the discussion of the self and self-realization to explain why surveillance poses a serious current threat to everyone’s self and possibilities for self-realization, but what we have said so far may seem to cut the other way. While surveillance is a pervasive feature of the Internet, social networking, chat, and the like, why doesn’t the explosion of online activity testify to a new and rich range of opportunities for self-realization? Where is the threat? It is reasonable to look at existing criticisms of surveillance for the answer. Critiques abound. Don’t some adequately explain the danger to the self? The short answer is “no.” Those critiques do, however, contain an important theme that we develop in our answer.

CURRENT CRITIQUES OF SURVEILLANCE

Critiques of surveillance take different forms in the case of the government and private business. We begin with the government. Governing effectively requires some degree of surveillance. Enforcing laws, extracting revenues, and predicting compliance require knowing relevant facts about the people over whom the government claims authority. Critiques of governmental surveillance tend to focus on compliance, specifically on uses of surveillance that discourage and prevent behavior of which the government disapproves. Examples include investigative journalists, political dissenters, lawyers representing political activists and dissenters, politicians opposing the policies and goals of those with the power to order surveillance, sustainable energy advocates, environmentalists, animal rights activists, and others. Critiques of surveillance take different forms in the case of the government and private business. We begin with the government. Governing effectively requires some degree of surveillance. Enforcing laws, extracting revenues, and predicting compliance require knowing relevant facts about the people over whom the government claims authority. Critiques of governmental surveillance tend to focus on compliance, specifically on uses of surveillance that discourage and prevent behavior of which the government disapproves. Examples include investigative journalists, political dissenters, lawyers representing political activists and dissenters, politicians opposing the policies and goals of those with the power to order surveillance, sustainable energy advocates, environmentalists, animal rights activists, and others.


Rule, Privacy in Peril, 40.


Boghosian and Lapham, Spying on Democracy, 155–72.


Boghosian and Lapham, Spying on Democracy, chapter 1.

Boghosian and Lapham, 57.
Current Critiques of Surveillance

rights activists, 24 Blacks, 25 Muslims, 26 labor unions, 27 public health practitioners, 28 welfare recipients, 29 parolees, 30 and a diverse collection of types of people the government regards as (possibly) undesirable. 31 Critiques typically claim that some or all of these uses are illegitimate attempts to discourage or prevent activities typically considered permissible in a democratic state. The list is disturbingly long. But most people are not on it. So, how does surveillance harm them now? It may harm them in the future. History demonstrates “the tendency of surveillance systems to . . . expand – to cover more people and more of the lives of the people they cover.” 32 That provides ample reason to worry about a future loss of self-realization. However, it does not provide a reason to think your self-realization is threatened now.

We reach the same conclusion when we turn to private sector surveillance. The private sector critique is diffuse and complex. For our purpose, it is sufficient to list five (not entirely distinct) criticisms, all of which concern the use of surveillance to allocate costs (broadly construed – e.g., being denied employment) and benefits (broadly construed – e.g., being accepted to a top university). The criticisms are that the allocations: (1) discriminate among individuals in unfair ways; 33 (2) result in an unjust distribution of costs and benefits; 34 (3) create a chilling effect on behavior that leads to excessive conformity; 35 (4) lack transparency and accountability; 36 and (5) fail to ensure free and informed consent to the collection.

24 Boghosian and Lapham, 140–42.
25 Boghosian and Lapham, 75.
26 Matt Apuzzo and Adam Goldman, Enemies Within: Inside the NYPD’s Secret Spying Unit and Bin Laden’s Final Plot against America (Touchstone, 2014).
27 Theoharis, Abuse of Power.
28 Amy L. Fairchild et al., Searching Eyes: Privacy, the State, and Disease Surveillance in America (University of California Press, 2007).
30 Parenti.
31 Parenti, 178.
32 Rule, Privacy in Peril, 151.
33 Pasquale, The Black Box Society, 72.
35 See, for example, Parenti, The Soft Cage, 92 (“Ubiquitous but fragmented, commercial surveillance helps make us obedient; it creates consumers with predictable tastes, borrowers who repay their debts, and personality structures acclimated to cooperation with authority”). Boghosian and Lapham, Spying on Democracy, 27 (“Distracted by the rush and convenience of information technology, few of us discern that opening a window into our personal transactions helps shape a culture of conformity and normalizes the nefarious business of domestic intelligence gathering”); and Pasquale, The Black Box Society, 15 (“In his book Turing’s Cathedral, George Dyson quipped that ‘Facebook defines who we are, Amazon defines what we want, and Google defines what we think.’ We can extend that epigram to include finance, which defines what we have (materially, at least), and reputation, which increasingly defines our opportunities”).
36 Pasquale, The Black Box Society, 61.
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and use of data. In all cases, surveillance harms some and helps others. This is hardly surprising. When you allocate costs and benefits, some win and some lose. Discrimination and unfair distribution, for example, harm some but benefit those they favor, and similar remarks hold for excessive conformity, lack of transparency, and free and informed consent. Some individuals and businesses will find ways to exploit those features to their advantage.

So why do commentators contend that surveillance constitutes a current threat to the self? The answer lies in another line of criticism. That criticism focuses on the fact that surveillance creates a massive capacity to know and argues that capacity to know has deleterious effects independently of surveillance’s use to discourage behavior or to allocate cost and benefits. Before we turn to that point, we provide an overview of the argument we will develop in the chapters that follow.

AN OVERVIEW OF THE ARGUMENT

Our argument divides into four parts:

1. Adequate informational privacy is essential if people are to successfully seek self-realization as they interact in a variety of social roles.
2. Those interactions create and maintain the necessary informational privacy as people conform to shared expectations about the selective flow of information.
3. Conformity to shared expectations about information flow requires complex group coordination facilitated by informational norms.
4. Surveillance creates a massive capacity to know. The existence of that capacity undermines self-realization by undermining the norm-based coordination on which adequate informational privacy depends.

Adequate Self-Realization Requires Adequate Informational Privacy

The philosopher Thomas Nagel paints a compelling picture of the importance of privacy to self-realization. He notes that privacy allows “our inner lives [to] be carried on under the protection of an exposed public self over which we have enough control to be able to identify with it, at least in part.” He elaborates:


There is much more going on inside us all the time than we are willing to express, and civilization would be impossible if we could all read each other’s minds. Apart from everything else there is the sheer chaotic, tropical luxuriance of the inner life. To quote [the sociologist Georg] Simmel: “All we communicate to another individual by means of words or perhaps in another fashion – even the most subjective, impulsive, intimate matters – is a selection from that psychological-real whole whose absolutely exact report (absolutely exact in terms of content and sequence) would drive everybody into the insane asylum.” As children we have to learn gradually not only to express what we feel but also to keep many thoughts and feelings to ourselves in order to maintain relations with other people on an even keel. We also have to learn, especially in adolescence, not to be overwhelmed by a consciousness of other people’s awareness of and reaction to ourselves – so that our inner lives can be carried on under the protection of an exposed public self over which we have enough control to be able to identify with it, at least in part.  

Nagel rightly emphasizes the role of the “exposed public self” in protecting the inner life, but that is only one of its functions. The “exposed public self” also facilitates a variety of relationships through which people seek self-realization. Self-realization comes not just from the flourishing of the inner self, but from the pursuits of the public self as it interacts with others. You realize yourself as much through the social roles of being a lawyer, doctor, race car driver, chess player, birdwatcher, and so on, as you do through your soliloquies, intimate conversations, and confessions with confidants.

Social roles figure prominently in the chapters which follow, so some further explanation is in order. Social roles are socially recognized patterns of thought and action associated with standards of permitted, expected, or required behavior. By way of illustration, imagine watching birds in a society that does not recognize birdwatching as a social role. Imagine a primitive tribe whose sole use for animals is to hunt and eat them. You are the lone anomaly who spends hours tracking down birds merely to look at them. Although you watch birds, you are not a birdwatcher in the sense that a member of the Audubon Society is. To call yourself a birdwatcher in that sense is not just to say you watch birds; it is also to ascribe to yourself a recognized role. Contemporary societies recognize that people enjoy birdwatching, and the birdwatchers understand themselves and are understood by others as people who enjoy watching birds. In the primitive tribe, your anomalous bird gazing does not fit any recognized pattern of behavior; hence, you lack reference to such a pattern as a way of understanding yourself and explaining yourself to others. Similarly, you cannot be a lawyer except in a society governed by law, practice...

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40 Many make the point. See, for example, Raz, Morality of Freedom; Richard Sennett, The Fall of Public Man (Random House, 1988); David Rosen and Aaron Santesso, The Watchman in Pieces: Surveillance, Literature, and Liberal Personhood (Yale University Press, 2013); and Lionel Trilling, Sincerity and Authenticity (Harvard University Press, 1972).
medicine unless the society you are in recognizes the practice, be a professional race car driver except in a community that recognizes the sport. The point extends even to being a parent, child, lover, or spouse. Those relationships take on different meanings and definitions in different societies.

A final point about social roles is in order. Recall that we explained them as socially recognized patterns of thought and action associated with standards of permitted, expected, or required behavior. As you pursue self-realization through a variety of social roles, you accept, refine, and modify some or all of the various standards of behavior. The standards become your standards, your convictions about what you ought and ought not do. The link between social roles and beliefs about what one ought and ought not do plays a key role for us, and we return to it in Chapter 3.

**Conformity to Shared Expectations about the Selective Flow of Information**

Interactions in social roles exhibit a feature that impressed the nineteenth-century sociologist of urbanization, Georg Simmel. He saw that interacting people trust each other to respect shared expectations about constraints on the exchange of information.42 The family holiday dinner is a convenient illustration. Imagine a congenial extended family. Everyone shares the goal of a harmonious holiday dinner as they interact in the social role of a family member. Harmony requires a selective flow of information. Things you can say to Aunt Jane should not reach Uncle John’s ears and vice versa. Harmony also requires restraint in the ways people use information. For example, in that family, it does not disrupt harmony for Aunt Jane to learn that Uncle John is afraid of heights, but it does undermine harmony when she uses that information to lure John onto the balcony to embarrass him as he trembles and dashes back inside. In the following chapters, we will be concerned not just with where information flows but also with how it is used when it gets there. We will use the phrases “conditions on the flow of information” and “selective flow of information” to cover both where information goes and how it is used. No family member unilaterally can ensure the necessary selective flow and use of information. They must trust each other to conform to the required conditions as they coordinate their efforts to ensure harmony.

Group-created selective flows of information typify interactions in social roles. Waiters do not try to find out if you are married to your dinner partner, nor, if they know you are not, do they announce that your dinner partner is not your spouse. Your pharmacist does not ask if you are happy in your marriage when you pick up your anti-anxiety medication, but your internist may before they prescribe it. Waiters and restaurant patrons, students and teachers, pharmacists and customers, patients

and doctors, and myriad others observe informational boundaries effortlessly, without thought or explicit negotiation. As the sociologist Nippert-Eng emphasizes:

At its core, managing privacy is about managing relationships between the self and others . . . privacy . . . [is] a “boundary regulatory process by which a person (or group) makes himself more or less accessible and open to others.” When we regulate our accessibility to others . . . we simultaneously regulate our relationships with them.41

The process ensures that information selectively shared with others is both private (in being inaccessible to some) and public (in being accessible to others for certain purposes). Following established usage, we call this group-created form of informational privacy in public. Talk of privacy in public may seem contradictory. After all, if anything is clear, it is clear that “purely ‘private’ things are completely inaccessible to others. Purely ‘public’ ones are completely accessible to others.”44 But how can something be both private and public? The answer is that not all opposites are mutually exclusive. Bankrupt/not bankrupt and pregnant/not pregnant are, but cheap/expensive, for example, are not. Something can be a little cheap, or little expensive; “cheap as possible” and “expensive as possible” are opposite ends of a sliding scale. Private and public are also “sliding scale” opposites. The scale’s endpoints are “completely inaccessible to others” and “completely accessible to others.”

Interactions in social roles create a complex web of privacy in public as people trust each other to share certain types of information, to refrain from sharing other types, and to use shared information only in certain ways. As the information science professor Helen Nissenbaum notes,

In medical contexts, it is appropriate to share details of our physical condition or, more specifically, the patient shares information about his or her physical condition with the physician but not vice versa; among friends we may pour over romantic entanglements (our own and those of others); to the bank or our creditors, we reveal financial information; with our professors, we discuss our own grades; at work, it is appropriate to discuss work-related goals and the details and quality of performance.45

Nissenbaum (to whom we gratefully acknowledge a considerable debt) has repeatedly emphasized the complex feat of coordination that creates the multifaceted texture of privacy in public.

How does that feat of coordination happen?

Coordination through Informational Norms

It happens through informational norms – in particular, through informational norms that are also coordination norms. Informational norms are social norms that

43 Christina E. Nippert-Eng, Islands of Privacy (University of Chicago Press, 2010), 22.
44 Nippert-Eng, 4.
constrain the collection, use, and distribution of information. We are concerned with the subset that are also coordination norms. Coordination norms have been extensively studied in game theory, law, and philosophy. They are one instance of a general type of coordination that occurs for a variety of different purposes in a wide range of different situations. Activity under coordination norms is an instance of the “capacity shown, in some form or other, by humans in all cultures to live under rules and values and to shape their behaviour in some degree to social expectations, in ways that are . . . not directly controlled by threats and rewards.”

Driving on the right (or, more generally, on the same side of the road as other road users) is a classic example of a coordination norm. As a first approximation, four features make it a coordination norm. We define coordination norms in Chapter 4 by refining and generalizing these conditions:

1. Drivers share the goal of driving on the right for safety and convenience.
2. Each thinks they ought to drive on the right as long as enough others do (there is no safety and convenience point to right-side driving unless enough others also drive on the right).
3. As a result of (2), the following past behavioral regularity exists: enough drivers drive on the right.
4. As a result of (3), the regularity continues to hold in the future, as enough drivers continue to drive on the right.

These conditions make driving on the right a self-perpetuating behavioral regularity. The idea (refined in Chapter 4) is that (1)–(2) ensure that that people will drive on the right as long as enough others do, and (3) and (4) ensure that enough drivers think that enough others will drive on the right. In Chapter 4, we take that to be a hallmark of coordination norms.

Four comments are in order. First, our free use of “ought” may ring false to those who assume that people are entirely self-interested. We reject “the peculiar understanding that rational choice consists only in clever promotion of self-interest.” We do not deny that “I ought to do X” may express a resolution to pursue one’s self-interest, but it may also express the resolve to act in accord with what you value even when so acting does not advance your self-interest.

Second, we build our account of coordination norms by appealing to connections between thinking one ought to do X and preferring at a given time to do X more than any incompatible action. We focus on the fact that “ought thoughts” can explain...