LIFE AFTER PRIVACY

Privacy is gravely endangered in the digital age, and we, the digital citizens, are its principal threat, willingly surrendering it to avail ourselves of new technology, and granting the government and corporations immense power over us. In this highly original work, Firmin DeBrabander begins with this premise and asks how we can ensure and protect our freedom in the absence of privacy. Can – and should – we rally anew to support this institution? Is privacy so important to political liberty after all? DeBrabander makes the case that privacy is a poor foundation for democracy, that it is a relatively new value that has been rarely enjoyed throughout history – but constantly persecuted – and politically and philosophically suspect. The vitality of the public realm, he argues, is far more significant to the health of our democracy, but is equally endangered – and often overlooked – in the digital age.

Firmin DeBrabander is Professor of Philosophy, Maryland Institute College of Art. He has written commentary pieces for a number of national publications, including the *New York Times*, *Washington Post*, *The Atlantic*, *LA Times*, *Salon*, *Aeon*, *Chicago Tribune*, and *The New Republic*. Professor DeBrabander is the author of *Do Guns Make us Free?* (2015), a philosophical and political critique of the guns rights movement.

Life after Privacy

RECLAIMING DEMOCRACY IN A SURVEILLANCE SOCIETY

FIRMIN DEBRABANDER
Maryland Institute College of Art

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Preface

Twenty-first century democratic citizens have a paradoxical, increasingly contradictory relationship to privacy. Americans, for example, know, or are taught that privacy is important to the nation's history. Some say there would be no United States if the colonists did not stand up for their privacy against the British crown. And civil rights gains achieved in the latter twentieth century imply robust privacy claims. But ours is become a confessional culture, where people instinctively share the most intimate, sometimes embarrassing, or even offensive comments, images, and opinions. This is practically the norm, and it is facilitated – and encouraged – by digital technology, for which public sharing is the default action.

If you hope to take part in the expansive and all-encompassing digital economy, with its many wonders and remarkable conveniences, you have little choice but to expose many aspects of your personal life. Or your data is simply harvested by corporate and government entities, eager to learn every iota of information about you; they are busy concocting ingenious ways to extract this data, and infer key details about your life – which they then use in ways we can hardly fathom.

There is good reason to worry about those who harvest our data. There is reason to worry about what they might do with it all. Many of these agents are immensely powerful. They include some of the largest corporations on earth, and some of the largest governments. Their intentions for this surveillance are often worrying, if not downright ominous. And yet, it is a striking feature of the digital economy that we, the subjects of a massive onslaught of surveillance, are also central agents of said surveillance. Which is to say: we happily enable it.

We expose our lives as a matter of course; we offer up intimate details, and broadcast them widely and indiscriminately on social media. Or, we ignore pervasive surveillance, and manage our personal information nonchalantly, if

irresponsibly, oblivious to the possible consequences of a life lived in the public eye. Of course, we are largely unclear what those consequences might be, or we put little thought to them. Because, it turns out, despite our democratic heritage – and the historical import of privacy in America – most of us are at a loss to say *why* privacy is important, *why* we ought to protect it, *what* is lost when privacy is invaded or obliterated.

This is a perhaps galling state of affairs, given the fact that privacy figures so prominently in our national story – and the fact that privacy is crucial for democracy as such, according to philosophers and political theorists. The United States is of course not alone in forsaking privacy. Democratic citizens the world over are busy forking it over for the sake of digital conveniences.

European democracies have enacted regulations, widely hailed by privacy advocates, to strengthen consumers' hand in protecting their private information from large tech firms and digital retailers. The United States has been lax in this regard, due in no small part to the power of corporate lobbies, which have prevailed upon Congress to avoid similar regulations. As a result, the American consumer is practically colonized by digital interests and agents that want to know every little detail, and monetize it all. To date, the American consumer has not put up much of a fight; and consumer behavior suggests that might not be in the offing. Many are too happy for Amazon to tell us what we should buy next – what we will desire, what will suit our lifestyle, without our even realizing it. Many are thrilled when retailers know our location at any given moment, assist our shopping ventures, and sate our appetites.

In recent years, several important political and commercial controversies have highlighted how tech firms and their customers disregard our privacy interests – such as they are – and collect sensitive information at will, and in some cases seek to manipulate us. Each new controversy reveals more that is known about us, how little privacy we enjoy, and the ravenous appetite and ingenious methods of our many spies. Each incident prompts a flurry of calls for stronger regulations to help consumers protect and preserve their privacy. But it is unclear what those regulations might accomplish, given our entrenched culture of sharing.

If consumers are given greater powers to protect individual privacy, can we count on them to do so, now that they seem content, inured, or wholly disposed to exposing themselves on a regular basis, just to conduct daily business and socialize? What about the fact that prospects for preserving privacy are constantly worse, thanks to the frightening speed at which digital technology advances and evolves? Researchers envision bold new frontiers for surveillance and data extraction – some within our own bodies – and it will be hard to resist these advances, and the remarkable innovations they bring.

A crisis of privacy may also be a crisis of democracy, which, many political theorists contend, requires the inviolate privacy of its citizens. For this reason, and despite the digital tidal wave that crashes upon us, we have no choice but to press ahead, some argue, with whatever privacy regulations and protections we can muster, no matter how modest, or incomplete. We must do whatever we can to help citizens defend privacy, and appreciate it, because that is the ultimate redoubt of freedom. Privacy is necessary, its advocates argue, to produce willful and self-determining citizens. When we lack privacy, and everything is known about us, we can be manipulated by spies – to such an extent, perhaps, that we are ultimately reduced to automatons who can be easily cowed, coerced, and directed by powerful agents. Twentieth-century totalitarian regimes engaged in such efforts, and produced paranoid citizens who were no longer recognizably human, political theorists warned – citizens who would comply with or carry out atrocities. Democracy – liberty – is unthinkable without privacy.

The task of this book is to think it. My aim is to understand the prospects and future of democracy without privacy, or very little of it – and with a citizenry that cares little about privacy, and does not know why to appreciate it, or protect it. I do not take on this task happily, mind you. I enjoy my privacy (again, such as it is) – I am the first to admit it. If I had my druthers, my personal data would be sacrosanct. At least, that sounds good in theory; in practice, it's another matter. Like everyone else, I am steadily sucked into the digital economy, and carry out tasks and chores enabled by surveillance.

For the longest time, I resisted inscribing appointments in my Google calendar, and used an old-fashioned pocket diary instead. After forgetting a few important meetings, however, I gave in, and resorted to the digital calendar, which is synchronized with my cell phone and email, and alerts me to looming appointments anytime, anywhere. This has become a convenience I can scarcely live without. But now my professional calendar – and increasingly, my personal schedule, too – resides somewhere in the public eye, and can be accessed by, well, who knows? Shall I trust that Google will take good care of this information, which, according to some incisive minds, gives deep insights into my habits and preferences? Shall I trust that this information will not get into the hands of perhaps insidious agents who wish to influence me, coerce or control me? By taking advantage of digital technology, and exposing myself in the process, I make myself vulnerable in ways I cannot fully understand or predict – even while said technology sells itself on the promise of liberating me and empowering me.

As I signed off on the final proofs of this book in the Spring of 2020, the world faced an unprecedented crisis that has accelerated and deepened our reliance

on digital networks that endanger privacy. The coronavirus pandemic shut down the global economy, causing massive upheaval and distress: people were marooned in their homes, forced to work via online platforms; they had to rely increasingly on internet retailers, while brick-and-mortar shops closed their doors or suffered shortages. Schools and colleges transitioned curricula online in a matter of days, and students had to conduct their learning before a computer screen – if they were lucky enough to have classes still. It was, some said, a taste of things to come, when more, if not most of our economic and social life will be engaged online.

Governments, often aided by powerful corporations, have chosen to combat the pandemic by unleashing massive surveillance programs, taking full advantage of the promise and potential of digital networks. Governments have collected data from networked thermometers (i.e., 'smart thermometers') to identify infection hotspots in certain communities. They have monitored people's movements through cellphone location data, to evaluate or enforce quarantines. Those nations that best contained the disease have carried out thorough contact tracing, which involves collecting and analyzing a host of data points, from cell phone usage, to credit card transactions, and surveillance camera footage, in order to recreate a detailed picture of people's movements and interactions with one another. Contact tracing enables governments to effectively carve out the disease – or literally, people potentially infected with the disease – from society, so that society may continue to function. As the globe has teetered on the brink of depression, and leaders struggled to restart the economy, the prospect of contact tracing – and its extensive surveillance – is hard to resist.

In some cases, governments have sought to allay civil rights concerns by saying that surveillance measures can be retracted when the crisis subsides. But that is unlikely. Soon after 9 – 11, the last cataclysm to similarly shock social life in the US, the government ramped up vast surveillance measures to combat a shadowy enemy. A fearful populace largely went along, and accepted expanded surveillance powers, which were soon normalized. Surveillance methods from the war on terror were repurposed for other uses, especially law enforcement. We should expect a similar result from the coronavirus pandemic. The pandemic has revealed our terrifying vulnerability, racing across the globe, infecting millions in a matter of months. The global response – quarantine, social distancing – has been devastating as well, ruining businesses, bankrupting families, isolating people, and inducing anxiety. Eager, even desperate to escape two fearsome options—disease or societal shutdown – people will tolerate expansive surveillance, and governments will happily double down.

Given the future of the digital economy that rapidly engulfs us, we have little choice but to consider that surveillance is here to stay, and likely expand. We must plan accordingly, and see how democracy is manageable under such circumstances. What are the prospects for freedom as privacy is diminished? How can we be, and act as, potent citizens? How can we hold government and corporations accountable, and make them serve us – as opposed to themselves only? How can we continue to be self-determining citizens when the withering glare of surveillance pierces us thoroughly and completely?

Perhaps privacy is not so necessary to democracy after all. Perhaps there are other essential elements – another wellspring of vibrancy. While many bemoan the loss of privacy, it turns out that the public realm has been greatly diminished in recent decades, and this, I will argue, is more harmful to democracy. Political freedom can be bolstered if we reconvene a vibrant and, yes, messy public life in liberal democracies, which, of their nature, tend to hamper the public realm. What's more, it turns out that privacy is a varied and often confused, even ill-founded notion, which has rarely been achieved or enjoyed throughout history. Protecting privacy, even if that were possible, is not our best hope for ensuring a democratic future. Isn't it conceivable that people have known freedom and political power in the absence of inviolate and certain privacy? Isn't it conceivable that we can do so again – soon?

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