

Book Review

Privacy is Power

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Privacy is Power: Why and How You Should Take Back Control of Your Data

Carissa Véliz

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Often, when I talk with people about my interest in ethical issues that are at play in social media or smart cities, people mention the issue of *privacy*. Or when we talk about big data and algorithms, they mention the European Union's *General Data Protection Regulation*. In such cases, I often reply that indeed, privacy is important but that I am more interested in other values that are also relevant and potentially at stake, such as justice, autonomy, equality, solidarity or conviviality; and that indeed, regulation is important but that I am more interested in organizing processes of ethical reflection, inquiry and deliberation.

Over the years, I have taught myself to position my research interests *away* from privacy and *away* from regulation. At the same time, however, I was hoping that somebody would write about privacy in a way that connects it to other values and to discussions of human flourishing and 'the good life'. And then I read Carissa Véliz' book: *Privacy is Power*.

Brilliantly written, and very timely and relevant. Very much the book that I was hoping for.

The book has six chapters. The first chapter (*Data Vultures*) pictures a 'day in surveillance capitalism': waking up, going to work, meeting a friend, shopping, traveling home, etcetera. In vivid detail, she describes the myriad ways that corporations and governments have found to grab your personal data from you. This reminded me of the 2016 book '*You do have something to hide*' (in Dutch) by investigative and data journalists Maurits Martijn and Dimitri Tokmetzis (De Correspondent, Amsterdam). They tinkered hands-on with tracking the data of real-time brokering your personal data to create personal ads. They emulated a public Wi-Fi access point to demonstrate how easy you can harvest people's personal data.

I remember their conclusion: As long as you do *not* know exactly *which* data are collected, by *which* parties, to *which* parties they sell your data, and for *which* purposes ... you *do* have something to hide. Véliz' book's first chapter brought home that same conclusion.

In the second chapter (*How Did We Get Here?*) Véliz discusses the emergence of digital mass surveillance. An emergence that she proposes was rather contingent. In 2000 the US Federal Trade Commission wrote a report to Congress to propose legislation that would require that websites inform users of the data they collect and protect the security of these data, and that people are able access these data and choose how these are used. Then '9/11' happened and '[r]egrettably, history developed in a very different way ... Overnight, the focus of government action in the United States became security' (p. 36). They chose for mass surveillance at the expense of privacy; they collaborated with tech companies and helped them to become *big tech*—in the process, they effectively disempowered citizens.

Poignantly, mass surveillance did *not* make citizens invulnerable to violence. 'Never again' is an unrealistic promise, Véliz remarks: 'The only place where you will find zero risk is six feet underground, once you have stopped breathing. To live is to risk, and to live well is to manage risk without compromising that which makes for a good life. Terrible things like terrorist attacks and epidemics happen in the world—and they will continue to happen. To think we can prevent them if we give up our freedom and privacy is to believe in fairy tales' (p. 42). This way of wording illustrates that discussions of privacy and of what constitutes human flourishing can go hand in hand—and indeed *need* to go hand in hand, as I will propose below.

In chapter three (*Privacy is Power*), I valued Véliz' discussion of *soft power*, i.e. the ability to motivate somebody else to think or do something they would otherwise not have thought or done, and *hard power*, i.e. the ability to carry out one's will, against somebody else's will and resistance, and her references to Francis Bacon and Michel Foucault, who discussed, of course, the interplay between knowledge and power. Starting from those concepts, Véliz convincingly argues that states and corporations exercise both *hard power* and *soft power* over citizens and customers. Furthermore, and importantly, she argues that power can be transformed from one type of power to another type of power: 'A company with economic power can use its money to gain political power through lobbying, for instance. A politically powerful person can use his power to earn money through exchanging favours with private companies' (p. 51). This argument convincingly puts privacy into the 'need to have' category, rather than 'nice to have'. If we want to protect autonomy and freedom, we do need to protect privacy. Moreover, Véliz discusses *collective* privacy. Privacy is often linked to *individual* autonomy and freedom. Véliz, however, argues that: 'It's not only that your privacy slips can facilitate violations of the right to privacy of other people. It's also that the consequences of losses of privacy are experienced collectively' (p. 79). Privacy is critical not only for autonomy and freedom, but also for democracy, solidarity and conviviality.

Chapter four (*Toxic Data*) opens with an arresting comparison of data with asbestos. Both can be mined cheaply. And both can be extremely toxic. Véliz provides a range of examples of how the collection and deployment of data can poison lives, institutions, and societies. She discusses how personalized ads, which may appear harmless, can be weaponized to subvert the provision of news, political debates and democratic elections: 'What is new and destructive is showing each person different and potentially contradictory information' (p. 107). Another alarming example takes place in The Netherlands during the Second World War. One Dutch Inspector of Population Registries collaborated with the Nazis in creating a database to register Jewish people. This aided the Nazis to murder Jewish people; more than in other countries. What we can learn from this, Véliz argues, is never to amass too much personal data, and have ways to delete these data quickly and easily, when needed.

The last two chapters contain recommendations to curtail mass surveillance: on the level of society, and on the level of personal habits. In chapter five (*Pulling the plug*), she discusses, amongst

other things, the need to stop personalized advertising ('Microtargeted ads that are based on your identity and behaviour are not worth the negative consequences they create', p. 119), to stop the trade in personal data ('Personal data being so valuable and so cheap is the worst possible combination', p. 128), to implement fiduciary duties ('we should bind institutions that collect and manage personal data to fiduciary duties', like the duties of doctors and lawyers to their patients and customers), and the need to enable people to track and check the collection and utilization of their personal data.

In chapter six (*What You Can Do*), Véliz argues that we—citizens, customers—have been lured into believing that convenience is so important that we need to give up privacy for convenience. 'Like pleasure, convenience is an important component of a good life ... But convenience is also dangerous. It leads us to have sedentary lifestyles, to eat junk food, to support companies that harm society, to have monotonous and unsatisfactory daily routines, to be uneducated and politically apathetic. Exercising, reading, learning, inventing new ways of living and interacting, and fighting for just causes are as inconvenient as they are meaningful' (p. 177). She proposes a range of habits to protect one's own and other people's privacy, like 'think twice before sharing', 'use privacy extensions and tools', 'change your settings', 'choose strong passwords', and using alternative messaging apps, e.g., Signal, email services, e.g., ProtonMail, and search engines, e.g., DuckDuckGo or Qwant.

While reading the book, I was able to build in my mind a richly populated map of concepts around privacy. Let me share the map I built. It presents a firm connection between privacy and power: how violations of privacy lead to abuses of power.

It contains a range of concepts in the public sphere that are dependent on privacy, both in what used to be public life and what used to be private life. Not only freedom, autonomy, fairness, equality and democracy are at stake, but also *intimacy* ('privacy is necessary to enjoy intimate conversations with others, have frank debates within closed settings ..., and establish the bonds upon which well-functioning liberal societies are based', p. 80) and *civility* ('civility requires a measure of restraint—restraint in what you share about yourself, in the opinions you hold (especially about others), and in the questions you ask', p. 109).

In closing, I would like to propose to position Véliz' account of privacy in the tradition of virtue ethics. Virtue ethics is concerned with finding ways to live well; to live well *together*, in a *polis*—where we would need to rethink the *polis*: where do we draw its boundaries and who to include. Notoriously, ancient Athens excluded women and enslaved people. Virtue ethics views technologies as tools to create circumstances in which people can cultivate relevant virtues and can flourish (Shannon Vallor, 2016: *Technology and the virtues: A philosophical guide to a future worth wanting*. Oxford University Press). Privacy is critical for living well together: for creating free, fair and democratic societies, and for promoting autonomy, equality, solidarity and conviviality—which we currently and direly need.

A virtue ethics approach focuses on privacy as a *positive* freedom, in line with how Véliz describes privacy: 'being able to keep certain intimate things to yourself—your thoughts, your experiences, your conversations, your plans (p. 3). This understanding of privacy as positive freedom can complement more frequently occurring understandings of privacy as a *negative* freedom, i.e. being free *from* other people watching, disturbing or interfering, being free from surveillance.

In a famous line in '*On Liberty*' (1.13), John Stuart Mill starts with positive freedom: 'The only freedom that deserves the name is that of pursuing our own good in our own way'—and then adds negative freedom: 'so long as we do not attempt to deprive others of theirs or impede their efforts to obtain it'. A similar approach is found in the Capability Approach, which views technologies as tools to enable people to extend relevant human capabilities in order to promote human flourishing (e.g., Ilse Oosterlaken and Jeroen van den Hoven, eds. 2012: *The Capability Approach, Technology and Design*. Springer)—much like virtue ethics.

Near the end of the book, Véliz asks readers 'how they want to be remembered. As one of the people who helped companies and governments violate people's right to privacy ... [or] as one of the people who helped fix the data landscape by offering users a way to navigate life in the digital age while retaining their privacy?' (p. 196). This is an appeal to people who work in tech to respect, to

protect, and to help fulfil people's rights to privacy, in order to enable people to cultivate contemporary virtues and to extend relevant human capabilities—in short, to flourish.