I HAVE SOMETHING TO HIDE: Why we need to care about the risks of surveillance.

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Abstract

In this paper I'll try to discuss about some new problems and challenges that in my opinion technology evolution is bringing in the sphere of **individual privacy**.
Some authors, that already published on the topic, sustain that we should operate a change in the fundamentals rights of the human, in order to include the right to **privacy** as a fundamental right for the individual.
Should we extend this also with the concept of **digital privacy**? In particular I want to analyze the current situation on **global surveillance** or in general **bulk data collection**, and how this is affecting our privacy rights and what are the issues that we may face in the near future. What I have tried to do is to give an answer to these questions: How surveillance is affecting our society? What are the values really at stake here? It is only a problem of personal sensitivity on the matter? Only paranoid people should be worried of it?

1 Introduction

In our everyday life we are often exposed at articles, newspapers and media that argue about the possibility to sacrifice part of our privacy in favor of a **greater good**, the security of our society.
In this paper I want to prove that if we want to sacrifice our privacy we should do it in a conscious and informed manner, not in a subtle way like we are doing it now.
Indeed too often we give up a bit of our privacy simply by clicking the **agree** button on the *terms of service* of a new application that we just downloaded on our smartphone.
I also find particularly subtle that in some way we care about our privacy when the actor involved is a government or a public entity, but too often we don't think at the consequences of leaving in the hands of private companies and organizations rights over our data, informations and communications.
This allows the **proliferation** of a situation of bulk data collection and global surveillance that in my opinion is not justified and also put at great risk important rights and values of our society. This is the main and urgent problem that we have to cope with in my opinion.
In doing this I will start by briefly introducing the concept of individual privacy and how our life and our relationships are influenced by it, summing up the work done in this famous paper [8] by James Rachels.
Then I'll try to expose and detail some of the concepts of a possible point of view on the matter that *Charleyne Biondi* developed and exposed during this presentation [2].
This really has been the inspiration point for this paper, because I find that the main concepts and idea exposed are really interesting and explain very well what is the problem with global surveillance.
I want to place a little disclaimer here and say that

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there is a debatable and difficult concept explained in the last section of the paper. We will talk about **essence** and **inner self** of an individual. I assume that for the rest of the discussion when I say inner self I mean, citing this definition [1], "a person's true or internal mind, soul, or nature", and we may also try to imagine it as the inner part of ourself that really distinguish us from the external world. Of course trying to explaining what this is is not an easy job, even philosophers would have difficulties in agreeing on a common definition of this concept, because basically no one knows what our essence is. But for this reading I suggest to simply follow your gut reaction and imagine what your mind pictures when we say inner self.

Indeed what I will try to do is to detail as much as possible the ideas by *Biondi* and to find a link with the work of *Rachels* and with the scenario depicted in this book [4] by *Dave Eggers*, in order to sustain my thesis that we need to gain awareness on the current situation of surveillance and to find solutions to this problem.

What I will try to prove is that the answer that we too often hear **"I have nothing to hide so I don't care"** minimizes the problem, and is not acceptable in the sense that the consequences of what we decide in the field of digital privacy, are too important and closely concern all of us, and so we should discuss on this matter and decide what is the direction we want to follow.

And since the online and offline worlds are becoming unified, we should really care of these issues because they will touch core aspects of our lives.

2 Privacy and Relationships

Fortunately nowadays seems that the discussion for the right to privacy it is not dead. After the recent events that mainly involved leaks on how the NSA is collecting data, legally and illegally, on all the digital communications, new discussions and questions have been arisen not only in the world of activism, but also, at least to some extent, in the general public.

But usually all these discussions have a very limited scope in some sense, talking of this or that **technological issue** with the most popular platform for instant messaging, but do not cover the real problem, that is establishing whether and at which extent privacy (in our case privacy related to the online, or in general technological, presence of the person) can be seen as a fundamental right for the individual.

We can find a really interesting perspective in this direction in a not so recent research, made by *James Rachels* in this paper[8], published something like 40 years ago.

What I really find so interesting and important about his thesis is the idea that what we as individuals share with other people is what defines the relationships that we have. He says that the fact that we feel so intimate with another person (for example in a relationship of friendship or also in a romantic one) is given by the **degree of information** that another person has on us, and obviously also by the degree of information that we have on the other person. The differences between this level of **common knowledge** between two or more individuals is what differentiate the relationships that we have.

I completely agree on this point of view, and I also find that is somewhat reasonable and embraceable, since we can experience in everyday life that the level of intimacy that we feel with another person depends in great part on the aspects of each other lives that we **share or not**. Just as an example I think that we can agree that one would not share with a simple colleague worries about his own health, but probably he will share them with family members or intimate friends.

Of course we may have objections to this kind of point of view, but in his paper *Rachels* tries to respond to them, in my opinion in a reasonable and convincing way.

3 A New Perspective On Surveillance

I think that we can go beyond the setting exposed by *Rachels*, and in doing this I'll base my discussion on the presentation given by Charleyne *Biondi* at the *33rd Chaos Communication Congress*[2], which I attended in the last December.

The title **The High Priests of the Digital Age** is itself suggestive. *Biondi* tries to make a comparison between the campaign established in the 18th century against onanism and the current dig-

ital global surveillance state. She starts by identifying the three main actors that concurred in the campaign against masturbation.

The first actor is the category of **doctors** from which all the crusade started. Indeed all started from a study that tried to demonstrate what devastating effects onanism has on the body of a person. The second actor is represented by the **priests** or more in general by the clergy members that took this studies and contributed in enhancing the campaign, by enlightening all the moral corruption that those sinful behaviors brought. It is thanks to the support of this actor that the campaign against onanism has been possible, thanks to the power that the clergy organizations had on the society.

The third and last actor is composed by the **family** members that should prevent such behaviors, in particular by **supervisioning** the kids that were the category more likely to indulge in such acts.

The next step is to map the three main actors involved in global surveillance on the previous three, and to try to find the similarities between the two phenomena.

We can start from the **secret services** or in general government agencies, and we can notice that they have been the first to reclaim the right to enhances policies that permitted to invade the individual privacy in order to guarantee a greater good, the **security** of our society. The parallelism is made with the doctors of the previous settings, that as said were the first to initiate the crusade by invoking a greater good that in that case was the health of the population.

Then there are the privates companies, or in other words the big internet **corporations**, that make the surveillance possible by enacting the data surveillance over our communications and personal data. This category is of course mapped on the priests, thus the name of the presentation itself. What links them is the power that both have on the society and the access to informations.

The last actor is identified with the **social networks** and ultimately **society** itself, that is naturally mapped with the family in the previous case. It is thanks to this last actor, that is possible to realize and to impose the surveillance culture, thanks to which the systems sustains itself, being feed with all the data provided by ourself.

This concludes the mapping of actors between the two scenario. We can see that, even by not agreeing completely with the point of view and the passages made by *Biondi*, the similarity between the two scenario have been well highlighted.

We can see how the surveillance culture is influencing in a deep way our society and the relationships that we have with each other. The comparison with the crusade is a way to make this more vivid, but I think that what *Biondi* says about the fact that we as a society are a central part of the multi-polar surveillance mechanism is absolutely embraceable. The *enemy* is no more something external, but it is becoming something of which we are part. In the surveillance culture we are becoming the supervisor of ourself. The conclusions that the presenter draws are more radical, and I'll briefly talk about them since, even not being essential for the following of the analysis, can help in understanding the previous mapping.

Biondi says that in some studies has been enlightened that the birth of capitalism brought with itself the concept of the body seen as a **tool of performance**, and this also provoked the crusade against onanism, since the possibility of behaviors that in some way could intact the abilities of the body to perform were seen much more in a negative way.

Capitalism also in some way brings the idea that private vice is transformed in **public good** or virtue only through commerce. And in the digital age we may withdraw the conclusion that opposing to the free circulation of our private informations can be destructive for the good of the society and stop this creation of public virtue, or, written in another way, public security. This ultimately brings us to the commodification of everything, even private and social aspects of our lives.

This last point of view seems to be based on a too huge leap. Personally, looking at our society I don't think that these conclusions are so unreasonable, but for sure they need another type of discussion, and they also touch other big and debated ethical issues, that can't be discussed here. As said before these last conclusions are not essentials to the following of the discussion, probably even *Biondi* knows that these conclusions are too stretched, but she tried to sketch some possible discussion points for further analysis and discussions.

What really makes the two scenarios scarily similar is the fact that both the campaign have been demonstrated to be arbitrary and ineffective, and nevertheless they both managed to grow and thrive.

What I think is important to keep from this section is the problem that in a situation of surveillance culture we are giving up some rights over our privacy, and the comparison with the crusade against onanism particularly highlights that in a so configured society we are dangerously tempted to accept everything, even that our rights become a good that we can trade in order to pursue some superior objective, and the fact that we are in some way pushed to control each other.

In the next section I'll try to go further and try to sketch some other implications and issues of this type of surveillance culture.

4   Going Beyond

But how all this is really connected with the claim that I'm making that we need to take action immediately in order to protect our right to privacy before it is too late? What is at stake?

I think that another suggestive point of view is given by the novel by *Dave Eggers The Circle*[4]. In the book the author describes a society in which the company leader in the market of **social media**, called *The Circle*, is growing at an unstoppable rhythm, expanding its business in basically every sector possible.

The main character is a new hire in this company, and through the novel she'll gain roles of major importance, but in doing that she'll sacrifice some of their initial beliefs and values embracing the philosophy of the company, that is basically to try to build a better world by embracing total openness towards the others in any scope possible. Indeed the character at the end will accept to wear a camera accessible always by anyone.

I think that after having finished the novel the 99% of the readers said to themselves that in that situation they would have reacted differently, they would have never accepted those conditions and that the situations depicted by the author is too unrealistic. This is true of course, we are talking of a fiction novel, but how distant we are from that scenario? We can already find examples of companies and governments that collect and use informations in a way similar to what is depicted in the initial setting of the novel.

So it may be true that we will never accept to voluntarily wear a camera that streams twenty four hours per day what we see, but we also often accept conditions of use for products and services without even thinking that we may be giving access to a certain type of information to the supplier of the service, as recently has happened with the Samsung Smart TV case, were in the terms of use was suggested to not talk about delicate matters in front of the TV, because that data could be shared with a third party entity for analysis purposes. Obviously this is not the only case, and basically every online service that we use is free just because we are paying for it by giving our informations, often in the form of meta-data, like history of researches, pattern of utilization, geo-location informations and so on.

This type of culture were we are supposed and encouraged to share everything may be problematic and I think that we may have different types of consequences. The immediate problem that arises goes under the name of **Social Sorting**, that is the idea to categorize people in different groups on the basis of race, education, gender, occupation and so on. The first research in this direction has been made by Professor David Lyon, and his main work on the subject is contained in this book [6]. Obviously we can't discuss here all his vision, but for our purposes a nice recap on his point of view is this TEDx talk [5], where he tries to explain the risks of sharing personal information about ourself on social media without having really a clear idea of how this information will be used and who will have access to these information.

What I want to particularly take and underline from Lyon's idea is a way to respond to the major critic when we talk about all those risks and these problems. An example of counter argument is an article by *Richard Posner* [7], where he tries to explain that often guaranteeing individual privacy goes against the **protection** of our society as a whole, because he says that often the need of privacy becomes only the need to conceal bad behaviors of individuals. I completely disagree with this point of view, because what activists and organizations that argue for the right to privacy are discussing today is not to sacrifice the security of our society, because it is obvious that for a rational person the good for a society comes before the good of the individual.

But what we are experiencing today, as explained in the section before, is a society that is becoming accustomed to surveillance, and that is taking

proactive part in this activity without thinking at the consequences. We are not opposing individuals with society, we are talking of how we want the **future** of our society to be **shaped**.

In addition what I think that a massive Social Sorting brings is the risk of becoming simply **shadows** of our **past**. I try to explain what I mean; let's admit that we, as a society, decide that for example the benefits that a massive campaign of social sorting brings are greater than the possible threats at our freedom. For example we may decide that for opposing to terrorism we may want to give up at the U.S. border the details of our online activities and the access to our accounts in order to separate potentially dangerous individuals from the rest of us.

There are two objections to this kind of policy: the immediate counter argument is that there is evidence that the NSA surveillance activities for example never stopped a considerable terrorist attack, and this article [3] from the *Electronic Frontier Foundation* is a good starting point to debunk all the thesis that surveillance prevented terrorist attacks. But this is not the main point.

I think that the main problem is that if we move in this direction, it means that we accept that our society becomes a **data driven** society, where the information we produce is more important than what we are. And I think that the direct consequence of this is that, on the basis of how the data is used today and plan to be used in the future, we risk to really become **indivisible** from our **past**.

The immediate risk in this scenario is that an employer may not hire us due to a photo of 10 years ago where we are in an inebriated state, a photo that maybe was only representing a moment of happiness with our friends, but that extrapolated from that context tells something completely different about us, something that maybe could damage the reputation of the company we are working for. This is what the discussion on Social sorting mainly tries to evidence.

But if we try to go further there is another another possible point of discussion that I think it is really relevant and that is the core of the problem. In a data driven society there is the risk of manipulation of information. It is not difficult to come up with examples as the one above were we can imagine situations were information about us **extrapolated** from the context in which it is produced can bring to completely biased and dangerous conclusions. There are possible scenarios in which this manipulation could be intentionally, but often we are used to think that since we have nothing to hide this is not really a problem, and it is only a product of paranoia. But there are situations in which this manipulation is not intentionally, but maybe the result of changed moral principles, that in a always evolving society it is something that naturally happens.

What I think we really have to ask to ourselves is if we want a world where the information on us can **talk on our behalf** in every situation, if we accept that what we tell to our most intimate friends has to be analyzed and used to define what we are. If that information that we naturally share and receive in the context of a more or less intimate relationship can be used to draw a public picture of who we are and influence aspects of our lives completely separated from that relationship.

Do we really want a **data double** of ourself that we may not even recognize? Do we really want to give so much power on us through data collections programs that do not really need to be regulated in any particular way, without even having first a real discussion on it? Do we really want to open our lives to the world, share all the intimate informations on ourselves with each other and become overseers of each other in this data driven world? The last section tries to go even further and to sketch a more deep vision of what is the real risk that we are facing.

5 Opening Our Black Box

Biondi in her presentation makes another last point, saying that a program of global surveillance through bulk data collection may put at risk the and violate the most intimate part of a person, the essence of the human being. As said in the introduction it is really difficult to define what we mean by essence of a person, but what we are referring to here is in fact what we may define the black box of ourself, that part of the inner person that would never be possible to share with the others, what in fact represent what we are and what we feel as human beings.

She indeed says that if we accept to open that **black box**, we may ultimately loose what defines

us as humans. We would loose the ability to have control over the relationships that we have with each other. And I find a really deep link with the work of *Rachels* [8] and of *Eggers* in this conclusion. If we continue bringing to the extreme this openness towards the world, if we accept that there are no boundaries in private information, we really risk to arrive in the situation depicted by *Rachels* in which we would have a flattening of all the interactions. We would be no more able to decide what we are, we would be only a **copy** of what data tells about us.

And what about the relation that we have with **ourselves**? What if for the fear of influencing the data copy of ourselves we are forced to behave in a way that is not what we are, what we feel? We would never have a second chance in anything, we would be too tightly bound to the past, we would ultimately loose our free will. We would not even be able to search for something on a search engine without the fear that maybe 20 years from now that thing could be used against us.

We would not be able to be honest and sincere with our inner self, and at that point what really makes us humans? What separates one individual from the rest of the world? Are we really sure that we want to completely open our black box to the world?

6   Conclusion

To conclude I will try to sum-up my thesis and also to just show some possible ways in which we can challenge the problems that surveillance is bringing, by describing my general point of view on this matter, even if this is not strictly correlated with my thesis.

I'm not saying that we have to reject all forms of online communications, of social media etc... Of course often these instruments can be really helpful, and for example the free circulation of knowledge that we have today in scientific and research fields would not have been possible without the technological instruments that we developed.

What I tried to highlight is that we, as a society, need to really start to think that the **offline** and **online** worlds are becoming something **unified**, and in particular that we need to take action against the state of surveillance that is gradually becoming something seen as normal and that is done for our own good, because it is no more a problem of a digital parallel world, is a problem of the world we spent half of our day inside.

And responding to this with merely technological solutions can't be enough, because as we have seen the problem is at an higher level, is something that really concerns society and moral and ethical principles of our society. What we can do is to promote a discussion on an ethical and moral level on the implications of surveillance and the loss of privacy. We have seen that technology alone can't solve the problem, but neither we can expect that laws made by **non technical people** will solve the issue by simply adapting the norms that we have in a different context. The technology is evolving at a too high speed to simply try to keep the pace with it. We need to at least try to think ahead and to develop a discussion framework suitable for this purpose, starting by creating committees that have **heterogeneous** types of competences and backgrounds to try to sketch solutions and norms for these kind of problematic situations. What I really think we need in the short term are **norms** and **guidelines** for the collection and management of personal information for on-line services and platforms. We can't cope with these situations only after problems arises. We need to be pro-active and to avoid to reach a point from which it would be difficult coming back.

In addition to this I really think that, until we find a solution to the surveillance problem, we need to really become aware that sharing some private moments and informations about ourselves on the internet may have some drawbacks, and we really need to be informed of the possible consequences of what we do. In particular we need to be aware that once we share something online often we need to take as granted that we will not be able to make it disappear. But this is something that relates with another aspect that is more correlated with the technological education of the society, and obviously needs another dedicated discussion.

In order to really conclude, what I have tried to show here is that we really need to deal with the problem of surveillance as soon as possible, because I am deeply convinced that the direction that we will follow will **shape** our society and us as individuals in the (not so distant) future. So regardless of our personal sensibility of the matter of privacy,

we should try to at least think at what we really want, and understand that these problems are not less important that many others issues that our society is confronting nowadays and that we should dedicate to them the adequate care.

And I really believe that we should not loose this opportunity to decide what we want our **society to be** and what we want us to be.

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