# Sharing It All

By EVGENY MOROZOV
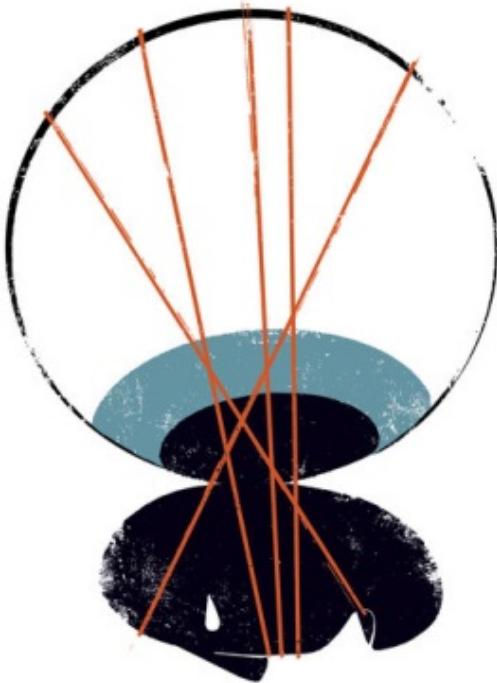Published: January 29, 2012



Illustration by Edel Rodriguez

It may surprise anyone under 16, but even before the advent of social networking we faced threats to our privacy. A hospital accidentally releasing patient records or a shady marketing firm engaging in Stasi-like data collection — such violations were substantial enough and disturbing enough to make the evening news. Today, however, the "death of privacy" is more like death by a thousand cuts: information leaks out slowly and invisibly, and so routinely that we're hardly shocked when it does. Internet companies, which use the word "sharing" almost as a euphemism for "oops," like to pretend these lapses are normal, even natural. If Mark Zuckerberg's private photos are up for grabs (as when a recent glitch exposed his Facebook account), what can the rest of us expect?

Such sloppy reasoning is under fire in "I Know Who You Are and I Saw What You Did: Social Networks and the Death of Privacy," by Lori Andrews, a law professor and bioethicist whose previous books include "The Clone Age" and "Body Bazaar." For Andrews, the Internet is a natural subject. She ventures far beyond the social networks of her subtitle to consider the ramifications of search engines, data mining, targeted "behavioral" advertising and other technologies. Likewise, she covers a range of issues beyond privacy, including discrimination in the workplace and free speech in schools.

Some of her questions are challenging and potentially explosive. Is it valid to expect judges to refrain from "friending" lawyers they work with? Should sitting jurors be prevented from using social media? If a parent once wrote on Twitter that he or she didn't want children, should that statement be admissible in custody hearings?

As she weighs these topics, Andrews uses hundreds of anecdotes for illumination. She is particularly provocative on the dangers of data-mining technologies. What if our online

searches for antidepressants or bankruptcy lawyers were to make their way to insurance companies or banks? This may not be going on yet — most of Andrews's concerns here are hypothetical — but, as our digital traces are collected and analyzed by for-profit intermediaries, it's worth worrying about.

Andrews's larger point is that many of our long-cherished rights have been curtailed in cyberspace, and she wants us to take them back. She argues that Internet companies are in it for the money — not to change the world, as many of them claim — and that their customers are in the dark as to what happens to their personal

> **I KNOW WHO YOU ARE AND I SAW WHAT YOU DID**
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>
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information. We may be getting more choices and controls over our data, but this doesn't always help. "Your right to control is currently being diluted by the sheer number of things you have to do to exercise it," Andrews writes.

So far, so good. Encouraging Internet users to demand respect from governments and corporations, Ralph Nader style, seems a sensible idea. But it's not new. Andrews shows little interest in existing Internet social movements, and glosses over their continuing campaigns to promote digital rights. The European political scene is already changing thanks to the Pirate Party (which campaigns on an agenda similar to Andrews's), while numerous other groups, from the Anonymous movement to the Chaos Computer Club in Germany, draw attention to vulnerabilities in data protection. Andrews mentions none of this.

Instead, she proposes a rather odd solution of her own: the global adoption of a "social network constitution" that could become "a touchstone, an expression of fundamental values, that we should use to judge the activities of social networks and their citizens." This "constitution" is relatively short — just 10 articles — and some of its prescriptions are common-sensical ("No person shall be discriminated against based on his or her social network activities or profile").

Not all of Andrews's suggestions, however, are as cogent. Consider just two. The first article of her constitution — "The Right to Connect" — proposes that "no government shall abridge the right to connect, nor shall a government monitor exchanges over the Internet or code them as to sources or content." In essence, it demands that governments keep off the Internet. But how would this work in countries with less expansive free-speech protections than America? Many European nations, for example, place reasonable restrictions on Holocaust denial or hate speech. Andrews's account is predominantly United States-centric, yet the Internet's global context dictates that any broad "social network constitution" account for such cultural differences.

Another article in Andrews's constitution proposes that "each individual shall have control over his or her image from a social network, including over the image created by data

aggregation." It's hard to object to the spirit of this dictum, but what does it mean in practice? Would users be able to see all the categories — "single," "metrosexual," "middle-aged" — that online marketers stick on them? Would they actively shape (and perhaps even cancel) those categories? More important, wouldn't this hamper the business model of sites like Facebook and potentially drive them out of business? One is unlikely to come up with effective ways of regulating cyberspace without paying attention to how it makes money. There is nothing wrong in attacking the business models of Internet companies, but the criticism would be stronger if accompanied by some alternative vision for how a different Web might emerge and function.

Andrews also has a flair for colorful metaphor that nonetheless gets in the way of her argument. She repeatedly refers to Facebook as a "nation state" and even starts her constitution with "We the people of Facebook Nation." At one point, she explicitly compares the complex relations between governments and citizens to those between companies and their customers, writing that "unlike in a democracy, Facebook is unilaterally redefining the social contract." There may be a contract between Facebook and its users, but it's surely not the social contract of democratic theorists. Besides, if Facebook were a nation with its own constitution, why would we still need real-world courts to enforce it?

As Andrews herself shows, amending existing laws and ensuring that courts develop a richer understanding of the Internet could solve many of the problems she highlights. What's needed, then, is not a constitution, but a manifesto that can mobilize the public to exert pressure on lawmakers and educate the courts.

But what if most people are willing to surrender their privacy in exchange for coupons, free music and videos, or simple book recommendations? This seems to be Facebook's preferred strategy, an instance in which the mere right to privacy — even if enshrined in a constitution — is not going to be enough. Someone also needs to make a powerful argument about the dangers of sacrificing that right. Otherwise, the constitution Andrews is promoting would end up defending something no one values. She is mostly silent on this new type of threat.

Andrews has written an informative but occasionally frustrating book. Had she taken a more empirical approach to questions of Internet activism and a more philosophical approach to questions of privacy, it would have been better still.

*Evgeny Morozov's most recent book is "The Net Delusion: The Dark Side of Internet Freedom."*

Evgeny Morozov, "Sharing It All," *The New York Times*, Jan. 29, 2012, at BR18, http://www.nytimes.com/2012/01/29/books/review/i-know-who-you-are-and-i-saw-what-you-did-social-networks-and-the-death-of-privacy-by-lori-andrews-book-review.html?_r=1.