Autonomy and Control in the Era of Post-Privacy

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Researcher Felix Stalder analyses the loss of the key role of the concept of privacy. Privacy long secured the balance between the control of institutions and the autonomy of the citizen. Today, with institutions aiming more and more to provide customized services and the autonomy of both citizens and institutions changing, this role is disappearing, making the danger of an increase in control and power a realistic one. To turn the tide, Stalder argues for a greater transparency of the back-end protocols, algorithms and procedures of the new, flexible bureaucracies.

One way to characterize Western modernity, the period we are just leaving, is by its particular structure of control and autonomy. It emerged as the result of two historic developments – one leading to large, hierarchic bureaucracies as the dominant form of organization, the other to the (bourgeois, male) citizen as the main political subject. Privacy played a key role in maintaining a balance between the two. Today, this arrangement is unravelling. In the process, privacy loses (some of) its social functions. Post-privacy, then, points to a transformation in how people create autonomy and how control permeates their lives.

Bureaucracies and Citizens, 1700-1950

The first of these developments was the expansion of large-scale institutions, first state bureaucracies, then, since the late nineteenth century, commercial corporations.[1] Their attempts to organize social processes on a previously unimaginable scale – in terms of space, time and complexity – required vast amounts of information about the world, most importantly about the subjects in their domain. In 1686, the Marquis de Vauban proposed to Louis XIV a yearly census of the entire population, so that the king would be 'able, in his own office, to review in an hour's time the present and past condition of a great realm of which he is the head, and be able himself to know with certitude in what consists his grandeur, his wealth, and his strengths.'[2] At the time, such an endeavour could not be conducted for practical reasons, but the vision spawned an entire range of new theoretical approaches to render the world available in such a way. In 1749, the German political scientist Gottfried Achenwall (1719-1772) brought them together under the term 'statistics', defined as the 'science dealing with data about the condition of a state or community'. Yet, handling such data became ever more difficult as the drive to collect intensified. In the late nineteenth century, the US census, held once a decade, reached a critical juncture when the processing of the data amassed could not be finished before the next census was to be held. The historian James Beniger put this 'control crisis' at the beginning of the computer revolution and the information age enabled by it.[3] Without the systematic gathering of standardized information and its processing into actionable knowledge, none of the functions of the modern state, or the modern economy, could have developed, beginning with centralized taxation, standing armies, social welfare provisions, or international trade and production of complex goods and services. Thus, modernity, and

particularly high modernity, was characterized by an expansion of control by large bureaucracies based on massive amounts of information, conceptualizing people as standardized data-points to be manipulated for their own, or someone else's, good. But as long as life was lived in a largely analogue environment, the comprehensive gathering of data remained such an extremely labour-intensive affair that only massive bureaucracies were capable of conducting it, and even highly developed states could do it only once every ten years. Under such conditions of limited information processing capacity (as we can see now), the drive to scale up these bureaucracies created strategies to radically reduce complexity, rendering them rigid and impersonal.

Yet, during the same period of expanding centralized control, new spaces of autonomy were created. People, or, more precisely, educated townsmen, forged a new type of subjectivity. They began to think of themselves less as members of larger collectives (the guild, the church) and more as persons individually endowed with capacities, self-responsibility and, thus, a certain freedom from these collective entities. Central to this new sense of individuality was the secular notion of an inner life.[4] It was characterized by the innate capacity to reflect and reason. This is, perhaps, ***the*** central notion of the enlightenment which celebrated the ability 'to use one's understanding without guidance from another', to use Immanuel Kant's famous definition (1784). While these capacities were located in the inner world of the individual, the enlightenment thought of them as universal. In principle, every man (though not necessarily women) should reach the same reasoned conclusion, if presented with the same evidence. Based on this universality of reason, the subject could justifiably contradict authority and tradition.

The notion of privacy protected this inner world (and by extension, the home and the family life) from interference by authorities and thus protected the ability of the person to come to reasoned opinions about the world. In the liberal conception, this protected inner world provided the foundation of the ability of each man to form his own opinions to be exchanged in the public sphere in a rational deliberation of public affairs.[5] This capacity for reasoning, in turn, provided the legitimacy for the inclusion of these reasoned men (and later women), elevated to the status of citizens, in governing the state. Indeed, this claim to power was increasingly regarded as the only legitimate one, superseding tradition as the main source of authority. Much of the concerns about the loss of privacy today stems from a commitment to this tradition of liberal democracy.[6]

Starting in the late nineteenth century, however, the conception of the inner world changed radically. With the emergence of consumer capitalism, personal identity became a project and a problem with an urgency previously unknown. Inner life was no longer viewed as comprised of a relatively narrow set of coherent universals, but as an infinite expanse of conflicting drives and influences, forming a dynamic pattern unique to each person. Sigmund Freud, as the historian of psychoanalysis Eli Zaretsky argues, became the leading interpreter of the psychological tensions triggered by the consumer society.[7] The inner world came now to be seen as the ground on which individual identity (rather than universal reason) was anchored. Privacy protected the complex, and potentially dangerous exploration conducted by the individual as he or she tried to come to terms with the pressures and desires at the core of individuality. If we follow Zaretsky's approach of charting the transformation of subjectivities (and of psychoanalysis as the conceptual framework to articulate one type of it) alongside the transformations of capitalism, the type of subjectivity described by Freud started to lose its dominance in the 1960s.

New social movements began to react to the pressures and opportunities created by yet another transformation, towards what was then called the ***post-industrial society*** and is now called, more accurately, the ***network society.*** Rather than focusing on introspection, the new social movements promoted a new type of subjectivity emphasizing expressiveness, communication and connection. At the same time, feminists began to develop a sustained critique of privacy, understanding family relations not as the counteracting force to capitalism, but rather as its continuation. Thus, privacy would not

shield from domination, but transfer it from the field of economics to that of gender relations. [8] However, despite the emergence of these freedom-oriented social movements, hierarchical bureaucracies remained the dominant form of social organization, and despite the feminist critique of privacy, it could still function as an important concept to shield people against the grip of these institutions. In Germany, for example, popular resistance against the national census (*Volkszählung*) arose in the mid 1980s, mainly on grounds of privacy protection against the preying eyes of the state.

Networked Individualismand Personalized Institutions

[9]

First, subjectivity. The values of the social movements of the 1960s, severed from their political roots, have spread throughout society. They are now dominant. Flexibility, creativity and expressiveness are regarded today as generally desirable personal traits, necessary for social success, and, increasingly, seen as corresponding to the 'true nature' of human beings. As traditional institutions are losing their ability to organize people's lives (think of the decline of life-long employment, for example), people are left to find their own orientation, for better or worse. While this has often been seen as primarily a negative process of atomization, [10] we can now also see new forms of sociability emerge on a mass scale. These are based on the new infrastructures of communication and (relatively) cheap transportation to which vast amounts of people have gained access. But the sociability in this new environment is starkly different from earlier forms, based largely on physical co-presence. In order to create sociability in the *space of flows* people first have to make themselves visible, that is, they have to create their representation through expressive acts of communication. In order to connect within such a network, a person has to be, at the same time, suitably different, that is creative in some recognizable fashion, and abide by the social conventions that hold a particular network together. There are both negative and positive drivers to making oneself visible in such a way: there is the threat of being invisible, ignored and bypassed, on the one hand, and the promise of creating a social network really expressing one's own individuality, on the other. This creates a particular type of subjectivity that sociologists have come to call *networked individualism*. 'Individuals,' Manuel Castells notes, 'do not withdraw into the isolation of virtual reality. On the contrary, they expand their sociability by using the wealth of communication networks at their disposal, but they do so selectively, constructing their cultural worlds in terms of their preferences and projects, and modifying it according to their personal interests and values.' [11] Since these networks of sociability are horizontal forms of organization, based on self-selected, voluntary associations, they require some degree of trust among the people involved. While trust deepens over the course of interaction, as it always does, there needs to be a minimum of trust in order to start interacting in the first place. What could be a chicken-and-egg problem is in practice solved by the availability of the track record of interests and projects that each person creates by publishing – as an individual and voluntarily – information about him / herself, what he or she is interest in, passionate about, and investing time in. In other words, being expressive – about anything – is the precondition of creating sociability over communication networks, which, in turn, come to define people and their ability to create or participate in projects that reflect their personality. [12] This need to express one's desires and passions in order to enter into a sociability that creates one's identity slowly but surely erodes the distinction between the inner and outer world, so central to the modern subjectivity, forged in the Gutenberg Galaxy. Subjectivity is being based on interaction, rather than introspection. Privacy in the networked context entails less the possibility to retreat to the core of one's personality, to the true self, but more the danger of disconnection from a world in which sociability is tenuous and needs to be actively maintained all of the time. Otherwise, the network simply reconfigures itself, depriving one of the ability to develop one's personality and life.

Second, large institutions. One of the progressive promises of the modern liberal state,

and modern bureaucratic institutions in general, was to do away with privilege and treat everyone equally, based on the premise that no one is above (or below) the law and that all decisions are taken in accordance to the law (or, more generally, written procedure). Rigidity and impersonality have long been defined as core features of bureaucracies. Max Weber, at the beginning of the twentieth century when bureaucracies grew to an unprecedented scale, famously feared that their superior rationality would force society into an *iron cage.* Today, such impersonality is seen neither as a liberation from the injustices of privilege nor as rational, but as the dead hand of bureaucracy. Because, neoliberal ideology holds, we are not equal, but each unique. This creates both a push and a pull profoundly transforming the relationships between institutions and individuals. Even very large institutions are faced with demands to treat everyone individually. This is best visible in new institutions that have had to contend with these demands since their inception. The corporations that make up Web 2.0 are all about personalization, recommendations and individualized results. For that, they demand vast amounts of personal data, either directly provided by the user (by filling out registration forms, uploading personal contact lists and calendars, designating favourites and exchange partners) or indirectly collected (through log-analysis, processing of user histories, etcetera). Google, of course, is the most ambitious in this area, but in principle, it's not different from other Internet companies. [13] But this is not an isolated development in one sector, but symptomatic for the uneven transformation of the economy as a whole. On the level of manufacturing, this is expressed in the shift from the Fordist model of standardized mass production to a networked model of highly flexible production for precisely defined niches, all the way down to the size of one. On the level of services, this is expressed in the shift towards the delivery of personalized services. Virtually all consumer-oriented industries and services are today employing customer-relationship management (CRM) vastly increasing the amounts of personal data collected across the board, allowing the delivery of highly targeted products and services. Of course, there is also a very strong pull by the corporations themselves to learn as much as possible about their customers / users, in order to fine-tune each relationship to maximize profit. There seems to be an implicit deal, accepted by the vast majority of consumers / users: in exchange for personal data, one receives personal service, assuming that personalized is better than standardized. In order to succeed in such an environment, bureaucracies, even large-scale ones, strive to become less hierarchical, more flexible and highly personal, entering into intimate relationships with the people they deal with.

Autonomy and Control

The old balance between autonomy and control, represented by the figures of the citizen and the large bureaucracy, sustained by privacy, is in the process of disappearing. Autonomy is increasingly created within (semi)public networks, held together by mass self-communication and more or less frequent physical encounters. [14] New projects to increase autonomy – that is the ability for people to lead their own lives according to their own plans – are being created on all scales and with the greatest variety of definitions of what autonomy actually looks like. What is characteristic to all of them is that the condition for autonomy is no longer understood as being rooted in the inner world, withdrawn from the social world, but in networked projects deeply engaged in the social world. Such projects range from the global justice campaigns, to the resurgence of local identities, from loosely coordinated political pressure campaigns to support groups that help people cope with personal traumas. They can be left-wing or right-wing, destructive or nurturing. Engagement in such projects is voluntary and they are held together by common protocols of communication and based on trust among their participants. Trust, in turn, is enabled by the horizontal availability of personal information about each other. In some ways, the dynamics of traditional offline communities – where everyone knows everyone – are being transported, transformed and scaled-up to new communities based

on online communication. Of course, what 'knowing a person' means is rather different, and often distributed communities are too large to even superficially 'know' or count as a 'friend' everyone involved. Yet, if need be, everyone can be looked up and become suitably known very quickly, because everyone, voluntarily or involuntarily, leaves personal traces than can be accessed in real time or after the fact with great ease. While this, in itself, is not an entirely unproblematic condition – what about the freedom to have certain acts fade from memory? [15] – it provides the basis for the rise of new voluntary associations. This can help to increase real autonomy of people, because it is focused on creating interpersonal worlds in which autonomy can be lived on a daily basis, even if its extends only to some fraction of one's life.

More problematic is the shift towards personalized institutions. With the rising complexity of the services delivered, personalization does have its benefits and the dead hand of bureaucratic formalism often can be, indeed, rather deadly. Yet, personalization also increases the power and control that such institutions can exercise, rather than the opposite. All the knowledge that goes into framing the character of the personalization resides at the end of the corporation that gets an ever increasing range of tools to fine-tune each relationship to optimize the pursuit of its own interests (usually profit maximization). As long as the actions of the user/customer are aligned with those of the corporation, they are supported and amplified through the granting of privileges, such as discounts, extra features and opportunities, faster delivery, and so on. However, as soon as the actions are no longer aligned (because they are hostile or not profitable), personalization turns into discrimination, based on whatever mechanisms are programmed into the underlying algorithms. [16] For the user, confronted with subtle, entirely opaque and unaccountable decision-making mechanisms, it is nearly impossible to tell if one is being privileged or discriminated. There is no more standard against which this can be measured.

Thus, the possibilities to create meaningful autonomy are being expanded through voluntary, horizontal associations that directly express their members' interests and desires. At the same time and through the same infrastructure, the return of privileges and discrimination expands the ability of institutions to subtly or overtly shape other people's lives according to their agendas. Thus, we can observe a structural transformation of the conditions for autonomy as well as the practices of control. Privacy no longer serves to mediate between them. What should replace it are two things. New strategies for connective opacity extending both horizontally – modulating what those outside a particular network can see of what is going on inside – and vertically – modulating what the providers of the infrastructure can see of the sociability they enable. In a way, this can be seen as privacy 2.0, but it takes as its unit not the individual, but an entire social network. But that is not enough. We also need mandatory transparency of the protocols, algorithms and procedures that personalize the behaviour of these newly flexible bureaucracies, so that the conditions of discrimination can be contested.

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Footnotes

1. Alfred D. Chandler, Jr., *The Visible Hand: The Managerial Revolution in American Business* (Cambridge, MA / London: Harvard University Press, 1977).
2. Quoted in: James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (Yale: Yale University Press, 1998), 11.
3. James R. Beniger, *The Control Revolution: Technological and Economic Origins of the Information Society* (Cambridge, MA: Harvard University Press, 1986).
4. Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989).
5. Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, translated by Thomas Burger with the assistance of Frederick Lawrence (Cambridge, MA: MIT Press, 1989 [1962]).
6. See, for example, Wolfgang Sofsky, *Privacy: A Manifesto*, translated by Steven Rendall (Princeton and Oxford: Princeton University Press, 2008), or, if you read German, Beate Rössler, *Der Wert des Privaten* (Frankfurt am Main: Suhrkamp, 2001).
7. Eli Zaretsky, *Secrets of the Soul: A Social and Cultural History of Psychoanalysis* (New York: Vintage, 2005).
8. Catherine MacKinnon, *Toward a Feminist Theory of the State* (Cambridge, MA: Harvard University Press, 1989).
9. I have addressed the role of the preventive security regimes elsewhere. Felix Stalder, 'Bourgeois Anarchism and Authoritarian Democracies', *First Monday*, vol. 13 (2008) no. 7 (July).
10. The classic here is: Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Touchstone Books / Simon & Schuster, 2000). A recent addition to this perspective: Jacqueline Olds and Richard S. Schwartz, *The Lonely American: Drifting Apart in the Twenty-First Century* (New York: Beacon Press, 2009).
11. Manuel Castells, *Communication Power* (Oxford: Oxford University Press, 2009), 121.
12. Christophe Aguiton and Dominique Cardon, 'The Strength of Weak Cooperation: An Attempt to Understand the Meaning of Web 2.0', *Communications & Strategies*, no. 65 (2007).
13. For an analysis of Google's comprehensive data-gathering strategy, see Felix Stalder and Christine Mayer, 'The Second Index: Search Engines, Personalization and Surveillance', in: Konrad Becker and Felix Stalder (eds.), *Deep Search: The Politics of Search beyond Google* (Innsbruck / New Jersey: Studienverlag / Transaction Publishers, 2009), 98-116.
14. For the relationship between communication and travel, see Jonas Larsen, John Urry and Kay Axhausen, *Mobilities, Networks, Geographies* (Aldershot: Ashgate, 2006).
15. Viktor Mayer-Schoenberger, *Delete: The Virtue of Forgetting in the Digital Age* (Princeton: Princeton University Press, 2009).
16. David Lyon (ed.), *Surveillance as Social Sorting: Privacy, Risk and Automated Discrimination* (London / New York: Routledge, 2003).

Tags

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