

Privacy, the Social Self and the Challenge of Big Data

Nowadays, expressions such as invasion of privacy, violation of privacy, and the right to privacy abound in public discourse. The right to privacy has been widely recognized by governments and lawmakers around the globe; however, the answer to the seemingly simple question “What is privacy?” remains contentious. In fact, most of these answers do not address the question “What is privacy?”, but rather the question “What is a violation of privacy?”. I believe that what is lacking from the debate is a deeper philosophical analysis of what underlies our understanding of privacy. In other words, I wish to answer not only the question “What is a violation of privacy?”, but to offer a novel conception of what privacy means and why it is crucially important.

Utilizing the pragmatist conception of the social self, developed by George Herbert Mead, I will show how the right to privacy fundamentally relates to autonomy and is deeply rooted in our understanding of personal identity. My central claim is that right to privacy should be conceived as the right to create and maintain separate and distinct social selves, and that this conception has important ramifications in today’s cyber world. Specifically, I will argue that such understanding should inform the policy and regulation of the collection and use of big data.

Furthermore, I will bring to light a previously under-researched problematic aspect of the collection and use of big data, especially by political actors. Using the concept of “nudging” (from the field of behavioral science) as an example, I will present the disturbing potential for manipulation of individuals enabled by combining nudging techniques together with big data collection.

Finally, I will argue that adopting my conception of privacy, and its relation to autonomy and personal identity, can address this potential problem and should serve as the theoretical foundation for some form of regulation of big data collection and use. To this end, I will analyze both a legal test case, focusing on the GDPR, and a technological test case - focusing on a privacy-by-design approach in the context of the internet's architecture design (e.g. by the IETF).

In the cyber world, more than ever before, the right to privacy should form a crucial key in the way we perceive and structure our society, economy and politics. I wish to show that a novel conception can enrich and deepen our appreciation of the right to privacy and its varied applications,

of its relation to autonomy and to our very understanding of ourselves.