

Privacy Beyond Intellectual Freedom: Libraries and Digital Self-Sovereignty

Juliana Mestre^a

^aRutgers University, USA

Juliana.Mestre@Rutgers.edu

ABSTRACT

In this paper, critical methods are used to develop a tri-part argument surrounding data privacy and its implications on digital self-sovereignty in the context of libraries. First, the introduction is used to expand on the changing landscape of privacy and librarianship in relation to the data collection rife among library vendors. Second, I turn to the philosophy of information to establish how personal data, as personally identifiable information, are integral to subjectivity and thus to digital self-sovereignty. Third, Derridean theory is used to explain how a loss of digital self-sovereignty impacts the very possibility of ethical intersubjectivity. The goal of this paper is to challenge assumptions about data privacy, digital self-sovereignty, and the impact on ethical intersubjectivity in the 21st century, thus contributing to the philosophical scaffolding around privacy as a value for librarianship.

ALISE RESEARCH TAXONOMY TOPICS

information privacy; information ethics; critical librarianship; political economy of the information society

AUTHOR KEYWORDS

philosophy of information; privacy; surveillance

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INTRODUCTION: PRIVACY AND LIBRARIANSHIP

Historically, U.S. libraries have espoused privacy as a value of critical importance for intellectual freedom, and librarians have stood as rebellious and ardent supporters of privacy in the face of federal surveillance threats (Matz, 2008; Witt, 2017; Lamdan, 2019). Today, however, big data has transformed the way in which privacy is construed, and threats to patron data are no longer limited to traditional surveillance but are also present in the very contracts that librarians sign with publishing giants like Elsevier, Springer, and Taylor and Francis, companies who mine and sell the data of their users (Lamdan, 2019). Though, “In the offline world of paper collections and library stacks, librarians adhere to privacy ethics and practices to ensure intellectual freedom and prevent censorship [...] librarians are unprepared to apply those same ethical requirements to digital libraries” (Lamdan 2019). The relationship between librarianship and privacy is being transformed by the data brokering of information capitalism, and it is important to reevaluate the importance of patron privacy beyond the classical formulation of privacy as integral to intellectual freedom.

In order to address the transformation of privacy and librarianship, the ALA collaborated with the Institute of Museum and Library Services to publish field guides surrounding topics like digital privacy and privacy in relation to vendors (“Privacy Field Guides for Libraries”). Beyond these concrete and helpful tips, however, lies important philosophical scaffolding which bolsters why privacy is integral to the sovereignty of our patrons within a data-driven market economy. Leaning on the philosophy of information, I turn to Luciano Floridi (2005; 2011), Beate Roessler (2015), and Jacques Derrida (1999; 2001) to argue that privacy is essential for digital self-sovereignty, and, because of this, is an important component of ethical intersubjectivity online.

CRITICAL ANALYSIS

“Personal” Data.

When examining personal data, it seems easy to separate the ‘data’ from the ‘person.’ In many articles, such data appears as a by-product of the person—separate, accidental waste that accrues from living in the 21st century which is then collected and turned into something useful by companies, law enforcement agencies, academic institutions, etc. This portrayal of personal data as by-product is even found in articles critical of the data-driven market. Critical theorist Jürgen Habermas (2022), for example, writes that “These data consist of information that accrue as by-products of [new media’s] user-oriented offerings in the form of the personal data their customers leave behind on the internet” (p. 163). In contrast to this perspective, I am interested in arguments surrounding the connected nature of the person and their data—the subject and the information that the subject produces, processes, and consumes. What if personal data are not waste product but rather are an intricate part of self-constitution and thus integral to self-sovereignty in a digital age?

That informational privacy is integral to self-constitution is an argument put forward by information philosopher Luciano Floridi as far back as 2005: “each person [is...] constituted by his or her information and hence [...] a breach of one’s informational privacy [is] a form of aggression towards one’s personal identity” (Floridi, 2005, p. 185). In order to substantiate this

claim and flesh out how subjectivity is intertwined with information systems, Floridi (2005) turns to an unlikely source which far predates our ‘information age’: Homer’s *Odyssey*.

When Odysseus returned home to Ithaca at the end of the *Odyssey*, he disguised himself as a beggar to avoid recognition. He was, however, incrementally recognized by his actions and attributes. Most importantly for Floridi (2005), however, is the fact that Odysseus was recognized by uniquely identifiable information. Penelope tested her husband by asking Eurycleia to move their marriage bed, to which Odysseus interjected that doing so would be impossible; he built their bed around a rooted olive tree, and it therefore cannot be moved. Only upon hearing this information was Penelope appeased that the man before her really was her long-lost husband. Odysseus’ very identity was equated with uniquely identifiable information; Penelope “recognizes him as the real Odysseus not because of who he is or how he looks, but, ontologically, because of the information that they have in common and that constitutes both of them as a couple” (Floridi, 2005, p. 199).

Leaving the pages of Floridi but remaining in Greek literature, I argue that an equally interesting example of information defining the self is found in Sophocles’ *Oedipus Rex*. Terrified of an Oracle’s prophesy delivered to him as a young man, Oedipus lived in fear that he would somehow murder his father and marry his mother. As the play progresses, Oedipus slowly learns and connects information about his birth and upbringing, discovering with anguish that the prophecy has already come to fruition. Oedipus’ actions do not directly lead to his ruin. Rather, it is his knowledge of those actions learned through information from reliable sources that ultimately leads to his demise. Whereas Odysseus is discovered by *others* through information, Oedipus discovers *himself* through information.

Both Odysseus and Oedipus exemplify the fact that humans are embedded in and defined by information. However, today unique challenges surrounding the self and information are posed, one of which involves the relationship of the self to personal data. This data accrues when we search browsers and scroll through social media, but it is also produced by “Almost every human activity, whether it is attending school or a workplace, seeking healthcare or shopping in a mall, driving on a highway or watching TV in the living room” (Polonetsky et al., 2018, p. 3). If subjectivity is, at least in part, defined by the information we produce, then it can be “argue[d] that an agent ‘owns’ his or her information [...] in the precise sense in which an agent is her or his information. ‘My’ in ‘my information’ is not the same ‘my’ as in ‘my car’ but rather the same ‘my’ as in ‘my body’ or ‘my feelings’: it expresses a sense of constitutive belonging, not of external ownership” (Floridi, 2005, p. 195). Such a realization problematizes the commodification of personal data, as such commodification “can affect the constitution of identity and personality of people in a most fundamental way” (Roessler, 2015, p. 150). The commodification of data negatively impacts digital sovereignty. This understanding of the self and of personal data serves as the groundwork for my exploration into data privacy.

Why should we care about the integral relationship between the person and their data? A critical analysis will allow me to root this relationship in Derridean theory, ultimately expanding Derrida’s theory to encompass the unique technical concerns of the 21st century and, in doing so, argue for greater philosophical scaffolding surrounding privacy and library use.

Derrida, Data, and Digital Self-Sovereignty.

After arguing that our understanding of privacy has evolved with the rise of big data, it may seem anachronistic to draw upon Jacques Derrida and his turn of the century writing. The world of data moves quickly, and Derrida's online experience in the 1990s and early 2000s was completely different than the online experience today. He did, however, raise fundamental concerns about the very possibility of self-sovereignty in a digital age, rooting his arguments in a lack of control over personal information and communication within internet communication technologies (ICTs). His line of argumentation thus remains relevant even if some of his examples—like the use of fax machines—prove outdated. I seek to first outline his argument and then pull it into 2023 by placing it in conversation with my own analysis and more recent theorizing by Roessler (2015).

Derrida's arguments surrounding subjectivity and personal information are found primarily in an unexpected place: his 2000 monograph with Anne Dufourmantelle titled, *Of Hospitality*. What does hospitality have to do with self-sovereignty? How do either hospitality or self-sovereignty connect with personal data concerns today? To answer these questions, it is important to broadly understand what Derrida means by 'hospitality.'

During the 1990s, Derrida became interested in theorizing on the concept of hospitality as that which establishes and navigates the very boundary between the self and others (Derrida, 1999; Derrida & Dufourmantelle, 2000; Derrida, 2001). He complicates hospitality beyond simple welcome and beyond a transaction between host and guest. Instead, Derrida argues that hospitality is a deconstructive concept existing in constant aporetic tension; on the one hand, it involves a call for unconditional welcome towards any other, and, on the other hand, it simultaneously involves a practical, conditional reciprocity between those involved. His writing wavers between abstract Levinasian ethics and the concrete refugee crises of his time, and he ultimately concludes that, because hospitality opens a responsibility towards the other, "ethics *is* hospitality; ethics is so thoroughly coextensive with the experience of hospitality" (Derrida, 2001, pp. 16-17). In summary, Derridean hospitality is the concept that allows for ethical intersubjectivity.

In order for hospitality to exist as an ethical ideal, however, both host and guest must exercise self-sovereignty—they must be free to act and responsible for those actions. In Derrida's native French, the words 'host' and 'guest' are both translated to the same word: *hôte*. *Hôte* connects etymologically to the Latin *hostis*, which translates to both friend and enemy (Derrida & Dufourmantelle, 2000, p. 45). Playing on this etymology, Derrida asserts that, if either host or guest lacks agency, then *hôte* becomes hostage and hospitality devolves into hostility (Derrida & Dufourmantelle, 2000, p. 55). The breakdown of sovereign subjectivity also impacts the very possibility of hospitable intersubjectivity.

This theory of hospitality as ethics is important in understanding Derrida's skepticism towards digital self-sovereignty. He asserts that virtual spaces create an "effacement of the limit between private and public, the secret and the phenomenal, the home (which makes hospitality possible) and the violation of the home. [The computer] renders impossible the hospitality, the right to hospitality, that it ought to make possible" (Derrida & Dufourmantelle, 2000, p. 65). The rendering impossible of hospitality is also, for Derrida, the rendering impossible of ethical intersubjectivity. He ties this impossibility to the lack of control over personal information in these spaces; online censorship "makes secondary and subordinates, any right to the internal hearth, to the home, to the pure self abstracted from public, political, or state phenomenality"

(Derrida & Dufourmantelle, 2000, p. 65). Interactions are themselves taken hostage. Thus, similar to Floridi (2005, 2011), Derrida, as early as 2000, ties the possibility of controlling personal data to the very possibility of autonomous subjectivity and hospitable intersubjectivity: “techno-scientific possibilities threaten the interiority of the home (‘we are no longer at home!’) and really the very integrity of the self, of ipseity” (Derrida & Dufourmantelle, 2000, p. 53). Without the ability to control personal information, the subject lacks sovereignty.

Since Derrida’s death in 2004, the collection and use of personal data has become far more sophisticated, and it is increasingly tied to the profits of library vendors who engage in the marketability of big data (Lamdan, 2019). Data mining has also become intertwined with market logic in a way that Derrida never witnessed; “Personal data are collected, processed, mined, disseminated and sold, and are, thereby, treated as tradable goods” (Roessler, 2015, p. 42). Such data are often used to generate consumer profiles which are then used for targeted advertising and for determining rates and values for things like car, health, and life insurance (Steinberg, 2022). In more insidious cases, this information is sold to law enforcement agencies like ICE (Lamdan, 2019). Because “it is precisely one of the goals of online advertisers to treat people differently in order to get more ‘hits’ and make more profit”, it is not surprising that there arise “many instances of social sorting and discrimination in the market of personal data on the basis of age, gender and income” (Roessler, 2015, p. 151). This stratification exacerbates existent power dynamics and inequalities. In this industry of databased marketing, individual agency is discarded and “subjects are not understood as agents but as perfectly predictable data objects” (Roessler, 2015, p. 155). People are equated with their data, they largely lack control over how this data is collected or to whom it is sold, and they are then subject to the inherent but exacerbated inequalities of the market.

This system impacts how we view ourselves and how we view others; in other words, a lack of digital sovereignty affects subjectivity and ethical intersubjectivity, as Derrida forewarned. Roessler (2015) summarizes:

The reason why commodifying and commercializing data that were supposed to belong to and stay in the sphere of social relations is harmful is because it ultimately hinders and *distorts my autonomy* and identity: by being manipulated into a certain commercialized behavior, being forced to adopt a view on myself and on my social relations that is motivated not by friendship but by the market, and therefore not self-determined, or determined through the norms of the social context. (p. 149; emphasis added)

Instead of wielding deft control over our information as Odysseus does throughout the Odyssey, individuals are now forced to view themselves in light of their largely uncontrollable data trails—we come to understand ourselves as data objects. In Derridean terms, we become hostages to the very data we produce. This distortion of self-sovereignty not only affects how one views oneself, but also how one views others.

The commodification of self and others connects to defining privacy in the context of specific information flows. Capurro et al. (2013) summarize, “Personal privacy is therefore never the privacy of an individual, encapsulated, autonomous subject, ‘being let alone’ in splendid isolation or brooding introspection, but the hiddenness of a private lifeworld shared with certain others to whom one is close and from which most are excluded” (p. 33). Personal data privacy impacts not just the self, but the control the self has over personal information, which affects not

just self-sovereignty, but also our relationships with others. When data is gathered, mined, sold, and used to establish a consumer profile, we become hostage to data, and the very possibility of intersubjective hospitality is disrupted.

CONCLUSION

Personal data, as personally identifiable information, are integral to the constitution of the self. Individuals are bound in information systems now just as we always have been, but unique challenges arise around the collecting, mining, and selling of personal data today. Insofar as librarians broker relationships between monopolized publishers, who mine and sell data, and patrons, who rely on library access to these publishers, they play an integral role in protecting patron privacy and ensuring the digital sovereignty of those who use our services. Privacy is integral to intellectual freedom; access to the information housed by these publishing giants is also integral to intellectual freedom. In order to better understand and advocate for privacy, the conversation surrounding its importance should be expanded to include critical and philosophical perspectives around digital self-sovereignty and ethical intersubjectivity. Such a critical lens can inform the next generation of information professionals to be advocates of privacy for reasons that at once include and go beyond intellectual freedom.

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