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Our Digital Agora: Politics Without Privacy

Felicia S. Jing

Review of *Life After Privacy: Reclaiming Democracy in a Surveillance Society,* by Firmin DeBrabander. Cambridge: Cambridge University Press, 2020.

Digital platforms stand to open new spaces for political assembly and enable social movements to materialize at unprecedented speed and scale. Yet, this promise has largely fallen short of its goal, as networked movements have thus far failed to produce the sustainable modes of collective action that early and mid-twentieth century labor and civil rights movements had delivered. Why can we not muster digital communities with the same power and contestational force?

Answers to this question arrive one after the other and, often before the ink can dry, new political ruptures emerge, demanding our ever-renewed analysis. Amidst this flurry, one particular answer demands pause, if only at first for its unexpectedness: Indeed, collective action has been disarmed in the digital agora but it is our fixation on *privacy* that is to blame. This provocation, delivered quietly in the closing chapters of Firmin DeBrabander's *Life After Privacy,* follows a broader meditation on the historical emergence of our modern entitlement to privacy. It is written against common liberal democratic narratives that tell us that privacy is an essential condition to political autonomy and self-determination—that it forms the basic foundation of our democracy. On this story, it is no wonder that in our age of mounting digital surveillance, we lack the protected spaces necessary to nurture the independent spirit which previously drove democratic engagement and political organization before the emergence of digital media. DeBrabander's position on the matter, however, flies in the face of our apparently deep historical relationship to privacy.

For one, digital media has rendered this relationship nearly, if not totally, unrecognizable. Where one might have once maintained that "one's home is his castle," as in the Castle Doctrine of English Common Law, or that an individu-

Felicia S. Jing, Department of Political Science, Johns Hopkins University; fjing1@jhu.edu

al's "inviolate personality" is owed protection, as presumed in the foundations of intellectual property law, today's surveillance society has ushered in entirely new terrain. The notion of privacy championed by legal scholars, advocates, and policymakers fails to resonate with a population brought up in our modern surveillance society, where we happily trade personal data for upgraded health metrics, personalized recommendations, and a chance to participate in social media's "confessional culture." Today's digital generation, DeBrabander writes, has totally upturned the expectations of previous surveillance architectures. Where Foucault's panopticon might have once predicted our self-censorship through the internalization of the spectral watchman (a cost of the loss of our inviolate right to privacy), now it seems that we could honestly care less. Privacy, DeBrabander contends, rings hollow to this generation; "few people seem to know what it really means, what it consists in, why it ought to be defended—nor do they seem to care" (8).

Why this is the case can be traced back to the foundational assumptions of privacy theory, where we find a deeply philosophically suspect conception of the modern subject—i.e., a self-contained and self-determining subject—one that becomes more and more difficult to maintain in our digital landscape. For instance, in an information economy where we are less concerned with principally protecting our personal information than entering into information exchanges according to the norms of particular contexts (e.g., accepting cookies), it is no surprise that we would deem privacy theory outmoded in its insistence that our control over this information is a guarantee of our inner freedom. Moreover, in an increasingly connected digital media environment where subliminal advertising is a norm and expectation, it is again unsurprising that we no longer resonate with privacy's assumption that we must have privileged access to our mental states. Just as the inner world traversed in Augustine's meditations is always also confronted by the communal, so too is the interior personhood presumed by privacy theory constantly interrupted by the radical interconnectivity of this new digital terrain.

Surveillance has become nearly unavoidable and while this should indeed signal the alarm for privacy's retreat and eventual disappearance, the answer is not, as privacy theorists would have it, to remind individuals of privacy's importance or lament the moral failing of society's acquiescence to the terms and conditions of surveillance. Instead, DeBrabander makes a lucid case that our primary concern should lie with the widening power differential between citizens and consumers, on the one hand, and our "corporate and government spies," on the other. In response, for instance, to the large-scale extraction and mobilization of our data towards racist credit lending algorithms or towards a future of microchipped employees and

"quantified workplaces," we cannot merely urge individuals to resist participating in the surveillance economy. We must take, instead, a collective approach that empowers *political* contestation of these power differentials.

To this end, DeBrabander argues that it is not the shadowy data practices of our surveillance society that disarms democratic interaction, as privacy advocates would have it. In fact, it is our historically unprecedented *maintenance* of this ideal of privacy that has undermined otherwise powerful publics capable of meaningful political action. Our fixation on privacy culminates in our entrapment in 'the private realm,' one that is mobilized in liberal democracies to consign and contain difference toward the maintenance of a homogenous and civil public sphere. This, DeBrabander argues, is the real threat to the future of democracy. So long as liberal democracy insists on censoring that which disturbs or offends, it will ultimately push hegemonic hate- and revenge-fueled views (of white nationalism, for instance) into the private sphere, at home, where they can then encounter sympathetic peers online. So long as meaningful political dialogue is sequestered within privacy's abode, DeBrabander writes, digital media will fail to produce democratic communities and digital movements will fail to muster the sustained organization that public exercises of democratic power historically have.

After all this, can privacy really stand as a central condition of democratic life? DeBrabander's answer is a resounding no. Hence, he charts the need for a new theoretical project: to theorize life *after* privacy. And, where his unprimed readers might have expected a story of how to cope with its loss, or make do with what remained of it, DeBrabander at this point flips the script, arguing that life *with* privacy never existed, at least not on the terms that privacy theory had initially offered. As much as advocates today would like to uphold privacy to the status of a universal human right, DeBrabander subjects such arguments to unrelenting examination in his fifth and sixth chapters on "Privacy Past and Present" and "The Borderless, Vanishing Self." In these rigorous, well-researched chapters, he surveys the infrastructural rise of privacy to ultimately argue that, for much of its historical existence, privacy remained a mere aspiration and, even in its short existence as a right, had harbored so many exclusions that its status as a founding stone would have threatened the structural integrity of democracy itself.

Considering that the concept of privacy finds its historical roots in disputes over *property,* e.g., its ownership rights and protections against intrusion, it must be remembered that the expansion of privacy was principally enabled by the emergence of a strong administrative state, the transfer of public commons to a private reserve, and strong state spending on atomized public housing. Thus, this

historical transformation of privacy was not some abstract triumph of Enlightenment ideals. Rather, because privacy required, first and foremost, a robust material infrastructure to sustain it, this right was *never evenly distributed* and it was often only through political and material struggle that this was discovered. For one, its physical infrastructure—e.g., single-family homes, fenced-in lawns, etc.—modeled itself after a type of seclusion that had only previously been achieved in the specialized rooms of aristocratic families, e.g., one room for sleeping, another for bathing, and more yet for eating and study, all sequestered away from the public extension of work and entertaining. Soon, this privileged infrastructure as well as its attendant valuations—e.g., the cultivation of private pursuits, personal interests, and self-refinement—became not only coveted but demanded by ordinary people. As this demand was gradually met by the emergence of semi-detached public housing and private cars, thus our expectations about the *right* to a distinct private realm were further reinforced.

As long as contemporary privacy advocates maintain privacy's status as a universal right, however, so too do they universalize these models of what modern democratic life should look like, often unwittingly with all its silent caveats and exclusions. For instance, one advocate writes that privacy is an essential condition of artistic expression; only when we believe nobody is watching us, do we feel free to truly test boundaries. DeBrabander is resolute in his excavation of the elitism that attends such accounts. What do such conditions have to say about the lives lived in societies without a culture of privacy? Does the pinnacle of great art reside in the fenced-off suburbs of middle-class America, where privacy has arguably made its greatest ascent?

Civil rights activists and labor unionists, for instance, routinely came up against blanket exceptions to the right to convene and organize in private. In the early twentieth century, "you couldn't even belong to a union and breathe it to a soul. That soul would probably be a spy" (DeBrabander 2020, 101). What is especially curious about such movements, however, is that while the right to privacy would not be granted to these controversial agents, even without the luxury of privacy, they nevertheless demonstrated the power of collective action. What does this say about privacy if, in its absence, radical democratic engagement remains not only possible but powerful? DeBrabander contends that when it comes to such forms of political organization, privacy does not have the enabling power its advocates would make it out to seem; rather, in some radical cases, privacy relates to action insofar as it tends to *disable* and constrain it. In the realm of artistic expression, he observes, creativity is often stoked by repression, resentment, and

constraints on personal freedom. Analogously, in the realm of political organization, without the protection of one's right to convene in private, it would appear that action is forced to take on a hyper-visible form, a political spectacle, or an agonistic engagement with the status quo.

For this reason, DeBrabander suggests by the end of the book that networked movements still have something to learn from good old-fashioned political organizing, for which there is no substitute. Modes of digital mobilization, after all, might remain hopelessly ephemeral precisely due to their confinement in the private realm. At home, alone in the digital agora, we are cordoned off in our echo chambers where we are made homogenous and orderly. Yet, when we are outside, unmoored from digital platforms and exposed to the diversity of publics, our untamed political contention might muster its potential to transform into powerful moments of democratic collective action.

Against privacy's apologists, DeBrabander offers the beginnings of a novel agonistic conception of politics *sans* privacy. His work delivers a refreshingly controversial series of arguments to upset our dominant understanding of the value of privacy. Privacy is doomed, but it was overblown to begin with. Rather than hold on to the norm and notion—which was incoherent to begin with—it is far more important to the future of our democracy that we instead invest in the public realm. With this, DeBrabander delivers an unexpected glimpse into his uniquely positive vision of democracy after privacy.