Book Review

Review of Molitorisz, Sacha. 2020. *Net Privacy: How We Can Be Free in an Age of Surveillance*. Montreal, CA: McGill-Queens University Press.

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The internet has expanded our ability to communicate with family and friends. However, at the same time, surveillance by the very sources that expanded our ability to communicate has increased. As Sacha Molitorisz argues in his new book, *Net Privacy: How We Can Be Free in an Age of Surveillance*, “privacy is a labyrinth” (118). Privacy and surveillance are tangled together in a complex labyrinth of individual and collective rights. Maintaining social order and governance are reasons given to rationalize breaches of privacy. As Molitorisz contends, within the privacy labyrinth, breaches can be simultaneously positive, neutral, and coercive. We are living in both a utopian and dystopian society where technology has increased our ability to interact with friends and family at the cost of our individual and collective privacy.

Molitorisz provides an intriguing discussion linking privacy and surveillance to Immanuel Kant’s conceptualization of humanity and morals. He argues “[t]he internet has changed the way we communicate, and changed the way our communications are shared, stored, filed and found. An oral conversation is easily forgotten; an email conversation is impossible to erase” (19). The internet has altered our privacy landscape by opening our lives to ongoing surveillance. The online applications we use gather our information and data, using them to create profiles for targeted marketing.

This book is an easy-to-read, accessible discussion framed around three central questions: “First, what is going on with privacy and the internet? Second, what is privacy and why should we care? And third, how can we protect it?” (307). Molitorisz’s book is of interest to anyone intrigued by online privacy and surveillance. A fascinating aspect of the discussion is the way that the author uses examples from popular culture to illustrate his arguments. Examples range from data mining by Facebook, Fitbit, and Google to classic films and books, such as Alfred Hitchcock’s *Rear Window* (1954) or George Orwell’s *1984* (1949). The author also references current events such as Edward Snowden, Wikileaks, Cambridge Analytica, predictive policing, and films and books such as the Batman franchise, *Minority Report* (2002), and Isaac Asimov’s *Foundation’s Edge* (1982).

Molitorisz challenges the reader to consider privacy as a form of humanity and moral compass. He frames his discussion using Immanuel Kant’s *Groundwork of the Metaphysics of Morals* (1785). “For Kant, autonomy played an unconditional role in morality, such that individuals should act in such a way as to

respect and promote the ability of others to determine their own lives” (157). Furthermore, as Molitorisz notes “Kant regarded autonomy as the foundation of human dignity: dignity involves observing the moral law, but also being autonomous with respect to it by *self-legislating* one’s morality” (157; emphasis in the original).

When considering privacy, the key question for Molitorisz is whether an individual has provided consent to share their data. Privacy is an individual right and a collective right. Indeed, as Molitorisz argues, “[y]our privacy isn’t only about you. It’s also about you-in-relation, and about society. It’s a public as well as an individual good” (182).

Molitorisz proposes a new definition of privacy to engage the reader and expand the conceptualization of the term. Privacy, for the purpose of the book’s discussion is defined as “my right that others be deprived of unauthorized access to me and to information about me. In some cases, this right will involve my ability to control such access. The condition of privacy, meanwhile, is the state of others being denied such access” (137). Privacy is set as a right. However, it is not simply an individual right but a collective right. Privacy is not bound by time and space. Rather, privacy transcends time and space within the foray of the internet.

In order to mitigate the impact of surveillance on privacy Molitorisz advocates for what he labels the “consent principle.” The “consent principle” states that “[f]or any act or process that significantly impacts a person’s privacy, that person’s consent ought to be sought and respected” (262). Consent empowers the individual to determine who has access to collect and view their personal information or online data. “In considering Kant’s formula of humanity, Molitorisz maintains “I have built my core argument upon consent: individual consent; and collective consent in the shape of the law” (289). Consent must be obtained in all situations where an individual’s privacy is impacted through surveillance activities. Molitorisz outlines three criteria to what he labels “genuine consent”: “First, the relevant moral test hinges on the intention of the person seeking consent, rather than the consenter.... The second criterion is that actual consent must take into account the particularities of the person whose consent is being sought.... Finally, a third criterion is that genuine consent must be iterative and layered as required” (220–221). Consent plays a role in bridging privacy and surveillance. Consent allows individuals to determine who has access to their personal information and data.

In his conclusion, Molitorisz challenges readers to delve further into privacy and surveillance in the age of the internet. He argues that we need “information fiduciaries” (309) to govern online privacy and surveillance. His challenge outlines a list of areas that require further research, including shadow profiles, facial recognition, eavesdropping, data brokers, data sharing, encryption, data and profile deletion, data tracking of children and other vulnerable groups, democracy hacking, and human hacking (307–308).

A question that readers are left with is whether there is a need to further explore the “notion of information fiduciaries” (309) as a way to protect one’s online privacy. However, Molitorisz’s conceptualization assumes that those who control the online world that insistently collects, stores, and analyzes our data will agree to relinquish control over our online information. Also, the author does not touch on power and the role of private capital in the collection, storage, and analysis of our online data. The conceptualization of power is an important consideration within discussions about privacy and surveillance that cannot be ignored. Surveillance by “Big Brother,” in whatever form it takes, controls the information and data of the online user and uses those data to amass capital.

Within Molitorisz’s “privacy labyrinth,” can privacy and surveillance coexist in a symbiotic relationship? Our Western capitalist society has not yet achieved a balance. It may be ambitious to advocate for a system where private capital sets our data free as a humanitarian and moral gesture. Molitorisz notes “[a]t heart, this book is about the importance of relationships. It’s about the way privacy connects us, even as it also enables us to keep a distance” (315). Kant’s conceptualization of morality and humanity provide a path to exit the privacy labyrinth and achieve individual and collective privacy. For Molitorisz, genuine consent lights the pathway out and with it comes our freedom.