

TRANSLATION FROM THE ORIGINAL SUMMARY IN SPANISH

Seminar 'Digital Footprint: Servitude or Service?'

Consumer freedom and responsibility in the digital age

Summary of the session of November 12, 2020

On November 12, the committee of experts of the Permanent Seminar 'Digital Footprint: Servitude or Service?' held its seventh session by videoconference. The first part of the seminar on ethical issues in the treatment and exploitation of data in different sectors of activity ended with the previous session. This one, focused on consumer freedom and responsibility in the digital age, opened the second part, entitled 'Key Issues of Digital Ethics'.

The initial presentation of this session and the second part of the seminar was given by Victoria Camps, a permanent member of the Council of State, emeritus professor of Philosophy and member of the Seminar's Advisory Council. It was followed by comments from Richard Benjamins, Chief Data Strategist at Telefónica, who provided a practical perspective on the use of Big Data in companies and its impact on consumers. After the two presenters, the seminar continued with an extensive discussion (list of participants in annex).

Digitization and consumer freedom

The current digital age has an evident influence on consumer freedom. In order to understand the consequences of this influence, it is useful first to clarify the concept of freedom, in order to understand how it develops in the new era. Starting from there, we can ask ourselves whether digitization expands or limits individual freedom.

Throughout history, various proposals for the concept of freedom appear. An especially significant distinction is the one made by the enlightened thinker Benjamin Constant in his article "On the freedom of the Ancients compared with that of the Moderns" (1819). In this classical text, Benjamin Constant presented the ancients' freedom as a faculty of participation in public life, in contrast to the freedom of the moderns, understood as independence, without commitment to the common good and as the possibility of doing everything not prohibited by law.

Following Benjamin Constant, against these two concepts, a form of freedom can be built that adequately combines classical and modern ideas. Although the modern conception represents real progress in expanding individual freedom, we cannot speak of progress for society as a whole, if analyzed in isolation. The real progress would not be either in returning to the previous in a nostalgic sense, but in completing autonomy and individual freedom with a civic attitude and a commitment to the common good.

When analyzing the influence of digitization on the exercise of freedom, Victoria Camps also refers to the vision of contemporary philosopher Philip Pettit, who promoted "republicanism," a current of political thought that understands freedom as something beyond an individual faculty that only finds its limit in the law. Republican freedom is proposed as a "freedom without domination," where domination is the ability to arbitrarily interfere in others' freedom. For Pettit, all citizens are subject in the first instance to a series of legislative interferences, but in the second instance, other interferences exercise their dominance over the individual without her being always able to perceive them. An example of the latter could be the domination over women throughout the centuries or the domination against minorities.

Freedom in digitization

The idea of freedom without domination can be illuminating in analyzing individual freedom in the current era. In the digital world, citizens may believe that they exercise their freedom in a privileged way: they access vast amounts of information and participate in political and social dialogue through various platforms available to them today. Although this process may seem the freest in history, underneath, there may be propaganda strategies that citizens cannot perceive due to the networks' very nature.

In this context, Nicholas Negroponte proposed the *Daily Me* idea. According to him, each individual has a daily diet of information (in various media types) that corresponds to editorial lines that reaffirm their beliefs. That is to say that, while we believe that we have a clear vision of the situation, our points of view are partial, and we do not have a real understanding of the oppositions because digital media, through algorithms, offer us to see what is compatible with our tastes and opinions. In this sense, the diversity that circulates on the Internet has not necessarily served to foster dialogue, but on the contrary, to exacerbate extremism and polarization. An example of the latter is the phenomenon that appears on social networks such as Facebook or Instagram. On these platforms, users become addicts who create their identity to reach their followers' recognition.

The networks create a different subjectivity that is determined by their own architecture. This scenario, which is not of our making and which comes from outside, is imposed on us in the messages. Thus, it is not easy to be aware of the extent to which it determines and influences

us, more than we can find out or know intuitively. All this reinforces the argument, widely studied in communication, that the medium is the message: according to the well-known idea of Marshall McLuhan, the medium determines the type of message that can be given and influences the way of acting and how people understand each other.

The digital world's specific influence on individual actions is determined by three aspects of the nature of online media. The first is anonymity: fictitious identities have no responsibility for what they say, and this largely determines the loss of control in the message. The second aspect is offshoring: in the digital world, it does not matter where the sender of the message is. The third and final aspect is the disappearance of canonical knowledge: with network architectures, the expert's authority is eliminated since there is no instance able to justify which content is of quality and which is not. These three aspects enhance and determine the power of the media's influence on the will of the individual.

Advertising and manipulation

The design of the digital world favors the power of influence of the message on the consumer. Indeed, propaganda information and advertising techniques have always existed, but their persuasive power grows exponentially in the digital universe. Digital platforms collect vast amounts of data about their users, this data serves for commercial purposes, and it is through them that advertising strategies are designed. As shown in the recent Netflix documentary, *The Social Dilemma*, in which former employees of large Silicon Valley companies explain how digital platforms base their success on developing a system that seeks to retain the user's attention for advertising purposes.

These strategies are developed through the use of algorithms. Although developers defend that algorithms are designed to give the citizen what they want (or what they need), the reality seems to be that it is not so much a service to the individual than a "persuasive technology." In other words, in this new era, user attention appears as a bargaining chip. The more time users spend on a platform, the more companies will pay for advertising on it.

Towards Artificial Intelligence for the common good

Although usually accompanied by a negative connotation, persuasion does not always play to the detriment of society. The idea that consumption is beneficial for the common good has been made clear with the unemployment data and the economic losses caused by the lockdown during the Covid-19 pandemic, which represented a historic drop in the demand for goods and services. Even though the current advertising system may seem doubtful in ethical terms due to

the use of private data to influence decisions that affect the consumer, the reality is that it is part of the current economic system, on which social welfare depends. Here the question arises: is the economy prepared for the change that would mean eliminating advertising strategies, and in particular those based on the use of Big Data?

The current advertising model is able to adapt depending on the consumers' responsibility and their attitude towards privacy. Considering the origins of the model, three different stages can be identified when using data in advertising: at first, consumers were unaware of the situation they were in, so people shared data without any qualms. In a second moment, which would be the current one, users would find themselves negotiating their data. Now there is awareness; citizens know that personalized advertisements respond to the use of their data. However, users accept to share personal data in exchange for specific services, such as email, entertainment, or the possibility of maintaining contact with loved ones through social networks. The third stage is the desired one; it would be that of trust. At this desired moment, users could rely on the proper use of their data, which they would share in exchange for improving their lives without worrying about data misuse.

The different ethical degrees of using Artificial Intelligence (AI) by a company can be represented in an "ethical continuum" which goes from the malicious use of AI to the use of AI for good, passing through stages where the negative impact of AI is considered collateral damage, where companies make efforts to avoid the negative effects of AI, and where companies do not use AI if the negative impact cannot be mitigated. Within this continuum, most companies typically fall between the two extremes. Non-profit organizations would typically use AI for social good, whereas criminal and terrorist organizations are in the malicious use.

Everyone can agree on the ultimate ideal end, the use of AI for the common good; where the debate arises is on how to reach that end of the continuum. Persuasion through data use has come to present severe ethical problems, violating people's freedom to the extent that they were completely unaware of the situation in which they found themselves. But the elimination of the economic system based on advertising that uses Big Data to "hook" Internet users would bring huge social damage, and this means that we are not talking about an easy problem and that perhaps a middle ground has to be found. Added to this is the fact that, should one suppress the transfer of data as a bargaining chip to obtain certain services, such as the use of email, navigation maps or the use of online information search engines, and begin to charge for these services, a large part of the world population would then be unable to access them. It would lead to an increase in social inequalities and create new obstacles to become part of the world economy.

Autonomy and education as self-regulation

Genuine moral autonomy means the faculty of self-control through self-imposed norms, self-regulation of the individual. Thus, the individuals who, in their passion for consumption, cede their civic duties and fundamental rights to the platforms that use their data for specific purposes are immature citizens in the Kantian sense. For Kant, the enlightened person is the one who dares to know (remember the Horatian maxim: *sapere aude!* - "dare to know!"), and with that knowledge is how she leaves a state of immaturity for which she is responsible. The trend should go towards general social maturity.

But moral autonomy, in which the individual decides by will and not by imposition, is never achieved in isolation. For the citizen to reach moral maturity, there is a need for family and school education, plus that of politicians and other institutions. The broad sense of education encompasses culture, the media, and great social agents. Thus, the Internet's commercial model cannot be seen as the only enemy and culprit of the vulnerability of the freedom of digital societies. The use of big data, oriented - perhaps - to manipulation, will not disappear or it will take a long time to do so. Hence, the response to it must be intrinsic and arise from the citizen's will, which is achieved with a comprehensive education.

On the idea of polarization about technology as the enemy, Pope Francis comments on this in his third encyclical, *Fratelli tutti*, which promotes fraternity and social friendship. For what is concerned here, the central idea is that technology, if it does not violate the dignity of people, should not be taken as necessarily malicious. Throughout history, innovations have had many detractors, as happened with the printing press, electricity, and many other cases. But beyond the debate on the neutrality of technology, when analyzing the impact of technology on the freedom and responsibility of the individual, it is clear that the consequences can be positive or negative according to adequate or inadequate use.

The responsible exercise of technological use concerns, on the one hand, companies and, on the other hand, the person and consumer groups.

Company responsibility

The so-called Big Tech (Amazon, Apple, Google, Facebook, Microsoft, Alibaba, Tencent, among others) play a determining role in the current scenario and in the future development of the digital system, as well as the *data brokers*, whose operations affect even more directly to privacy. These companies, which are a small number on a global scale, store the data of a large part of the population and use them as their product. Hence, citizens' data is a product to negotiate with customers who want to advertise or use these data for their operations. The oligopoly situation is clear, and its influence on markets is the subject of political debates,

especially in the United States and Europe. It could lead in the future to specific regulatory measures, from new taxes to the dismantling of companies and the separation of activities, the prohibition of receiving "implicit" payments for services, or the "collectivization" of communications as a public service. This legal and political debate, whose keys go beyond the scope of national decisions, will continue to develop. But this should not prevent us from reflecting on a closer theme: the role of every company in the use of data.

Companies (large and small) that use data for their operations (and buy services from specialized tech companies) have to assume their legitimacy and accountability in the use of AI. They need to analyze from the point of view of corporate social responsibility what type of data will they use and for what purposes; that is, where their operations are situated on the "ethical continuum" of the use of AI. For the moment, European regulation on privacy and data use is affecting these companies more harshly, as users, than the Big Tech. The assumption of corporate social responsibility on data use, more than a matter of regulation opens a field for the exercise of voluntary commitment and codes of conduct, similar to that of the environmental impact. It is an aspect on which the seminar could arrive at criteria and guidelines useful for decision-makers.

On the responsibility to stay free

Returning to the individual and collective sphere of people, it is necessary to bear in mind that citizens are both users and entrepreneurs of new technologies. Hence, at a social and individual level, self-control appears as the primary response to the impact of digitization on personal freedom. The answer comes from the side of personal social responsibility, understood as the responsibility of the individual with himself to remain free. This model of social responsibility appears as the truly effective response to possible consumer manipulations in the digital age, at a time when neither private companies nor the law are capable of providing totally adequate and reliable solutions, no matter how much they try.

When a person acquires the rules because she believes them fair, she becomes responsible for everything that the rules do not oblige to comply with but which she sees as essential. In other words, perhaps the trend should go towards hybrid solutions. The radical change in the Internet's advertising model, whether by business or by government, has many risks. So, the proposal must go towards deepening the aspects in which the capacity for personal ethical discernment must be enriched. The human being is responsible for his actions; that is why a person can be moral. The right discernment of the citizen is necessary; that means a citizen who knows the rules of the digital world and knows how to use technology beneficially for himself and everyone.

Attendees:

1. **Albert Cortina**, Lawyer, Expert in Transhumanism Director of the DTUM study
2. **Alfonso Carcasona**, CEO, AC Camerfirma
3. **Alfredo Marcos Martínez**, Professor of Philosophy of Science, Universidad de Valladolid
4. **Ángel González Ferrer**, Executive Director, Digital Pontifical Council for Culture
5. **Carolina Villegas**, Researcher, Iberdrola Financial and Business Ethics Chair, Universidad Pontificia de Comillas
6. **Cristina San José**, Chief Data Strategist, Banco Santander
7. **David Roch Dupré**, Professor, Universidad Pontificia Comillas
8. **Diego Bodas Sagi**, Lead Data Scientist – Advanced Analytics, Mapfre España
9. **Domingo Sugranyes**, Director, Seminario de Huella Digital
10. **Esther de la Torre**, Responsible Digital Banking Manager, BBVA
11. **Francisco Javier López Martín**, Former Secretary-General, CCOO Madrid
12. **Gloria Sánchez Soriano**, Transformation Director, Legal Department, Banco Santander
13. **Idoia Salazar**, AI ethics expert, Universidad CEU San Pablo
14. **Idoya Zorroza**, Contracted Professor Doctor, Faculty of Philosophy, Universidad Pontificia de Salamanca
15. **Ignacio Quintanilla Navarro**, Philosopher, Educator, Universidad Complutense de Madrid
16. **Javier Camacho Ibáñez**, Director of Ethical Sustainability and professor at ICADE and ICAI
17. **Javier Prades**, Dean, Universidad Eclesiástica San Dámaso
18. **Jesús Avezuela**, General Director of the Pablo VI Foundation
19. **Jesús Sánchez Camacho**, Professor, Faculty of Theology, Universidad Pontificia Comillas
20. **José Luis Calvo**, AI Director. SNGULAR
21. **José Luis Fernández Fernández**, Director of the Iberdrola Chair of Economic and Business Ethics ICADE
22. **Julio Martínez s.j.**, Dean, Universidad Pontificia Comillas
23. **Pablo García Mexía**, Digital Jurist, Of Council Ashurst LLP

24. **Raúl Flores Martos**, Study Team Coordinator. Communication Area. Cáritas Española
25. **Raúl González Fabre**, Professor, Universidad Pontificia de Comillas
26. **Richard Benjamins**, Data & IA ambassador, Telefónica
27. **Victoria Camps**, Permanent Councilor. Consejo de Estado