SEVEN

Living Well With a Foot in Each World

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Florida resident Meagan Simmons was arrested on a drunk driving charge July 25, 2010. She was booked at the Hillsborough County Jail and a mug shot was taken. As is usually the case with most public records, the mug shot was posted on the county website. Mug shots are rarely impressive, but this photo was an exception. The picture was a stunningly good headshot of Simmons. Mug shots are published by governmental entities as well as commercial operations. Some are re-publications by entrepreneurs that draw audiences to notable shots. Many of these re-publication sites also advertise a willingness to remove individual shots from their gallery for a price (Schwartz 2009). Simmons's mug shot went viral. By 2012, it was the subject of many meme-generated photos, which included these headlines: "Guilty of Taking My Breath Away," "Give Me Her Cell Number," and "Miss Demeanor." The Simmons picture generated hundreds, if not thousands of memes. The image, in various formats, traveled the Web, with Simmons picking up admirers as far as Norway and Australia (Moye 2013).

Initially, when Simmons learned of her Web popularity in 2013, she seemed amused. "If [Hugh Hefner] himself contacted me, I think that is an offer I cannot refuse," she told the *Huffington Post*, indicating that she'd model for *Playboy Magazine*. Simmons's mug shot brought more than 3,000 Twitter and Instagram followers to her accounts (Moye 2013).

Then the use of her picture became offensive to her. In 2014, InstantCheckMate.com, a background checking service, used Simmons's mug shot to promote their website, running the mug shot photo with the

caption, "Sometimes, the cute ones aren't so innocent. Do a background check on anyone" (Silman 2014).

Simmons sued InstantCheckMate.com for invasion of privacy. Simmons's attorney, Matthew Crist, said, "If someone is going to use your image, they need to pay you for it." In addition, in the text of the lawsuit, Simmons claimed that the exposure disturbed her peace of mind, invaded her privacy, and caused her anguish. So the photo that a year earlier elicited a chuckle from Simmons and launched a stronger social media presence for her was now being claimed as the cause of her "mental anguish" (Silman 2014). At the time of this writing, the lawsuit is pending.

It doesn't take a brush with the law to recognize that one's picture or identity has become an object easily found and freely taken by others for Internet-based use. Many people have faced some consequence of having photos taken of them without their knowledge and posted on public websites without their consent. More than one person has been dismayed to find that those photos were accessible to current and potential employers as well as shocked loved ones. Fun at a private party can easily end up as Internet fodder.

Welcome to the brave new world of living life in public. The ease of posting information about one's friends, enemies, and strangers coupled with the lack of awareness of the consequences of posting information about oneself has led to physical, psychological, financial, and reputational harm for some people. The posting of identifiable information about persons caught up in newsworthy events, including children, has created an eternal Internet hell for others.

This chapter seeks to answer two questions: "How has advancing technology changed reasonable expectations of privacy? Is it possible to really live what philosophers describe as *the good life* if individuals cannot control the access of others to their virtual world movements or control the use of information by others?" The liberty and property aspects of privacy rights have been argued to express both philosophically based freedoms and psychologically required aspects of human existence (Moore 2010).

These are important questions because technology at the turn of the twenty-first century has profoundly changed the way that people interact with information and with one another. Anyone who has records kept by a governmental agency, including educational systems, IRS, and Social Security, or who has a credit or debit card is living life in an electronically based public domain, whether they like it or not. Electronic and networked recordkeeping means that people are tracked and open to review in ways that were impossible before the turn of the twenty-first century. According to one scholar, "Nearly three-quarters of American job recruiters report that they have rejected candidates because of information found online, such as photos and social-networking sites—material many

of us might assume is private" (Plaisance 2013). Whatever the notion of privacy may mean in contemporary society, it cannot include a notion of invisibility. Is the good life achievable if one cannot escape having a public persona?

PHILOSOPHICAL NOTIONS OF THE GOOD LIFE

If we assume, as Aristotle did, that the good life consists of human flourishing the question that flows from these precepts is how, or if, technology reinforces the good life. The purpose of this section is to understand the good life through three snapshots over time: Aristotle's description of more than two thousand years ago, as he was the first philosopher to fully address the notion in writing, the enlightenment philosophy of John Stuart Mill, upon whom many of our Western notions of good government and citizenship are based, and a contemporary philosopher of technology, Albert Borgmann, who addresses the ethical issues of human use of technology directly.[1]

Aristotle

We begin with Aristotle. The concept of the good life was coined by Aristotle and described throughout his works, but most particularly in *Politics* and *Nicomachean Ethics*. There were several tenets of this philosophical construct.

First, people are, by nature, political and social animals. We can't become our own best selves without citizenship, interaction, and community. One cannot fully develop as a human being and thus have a good life without connection to community.

Second, rational contemplation is the key to becoming the best person possible; but rationalism must be balanced with other aspects of human experience, such as the fulfillment of appetite and desire. It is fine to satisfy our appetites for sustenance and sex; it is okay to go after the many objects of human desire. But we must control these "animalistic" motivators by exercising moderation. The only thing a person can't have too much of, according to Aristotle, is wisdom, the outcome of rational thought and contemplation. Meeting appetites and desires in moderation and seeking wisdom is how harmony in the soul, or what we'd call today "balance" or "being centered," is achieved.

Third, a person cannot achieve happiness by striving for it. When we are performing all of the functions that give us "the good life"—rationality, being active in community, and being moderate in how we satisfy our appetites and desires—we realize that we are happy. Happiness is not an end that can be pursued in itself.

Fourth, people develop character through practice and by acquiring the right habits. For example, one becomes truthful by practicing being truthful until telling the truth becomes a habit. A person becomes courageous by doing courageous acts until doing so does not take any internal struggle.

Fifth, the ideal community maximizes the happiness of citizens, in part by establishing laws that help people develop the habits necessary to become good citizens. Developing the right habits frees our thinking so that we're able to identify and attend to difficult ethical issues.

Last, friends are important but they need to be the right kind of friends. True friends encourage one another to be morally better than they would otherwise be. If the moral development between people is uneven, then true friendship is impossible. A person who you call a friend because that person is useful to you or merely brings you pleasure is not a true friend. You must befriend one another with the goal of helping the other become the best person that he or she can be.

Aristotle counsels that we need to seek practical wisdom, interact with others, and choose our friends carefully if we are going to live the good life.

John Stuart Mill

Moving through time to the nineteenth-century British philosopher John Stuart Mill, we see the importance of individuals and community interaction more sharply focused. Mill gives us more specific steps to determine how to achieve the good life. Like Aristotle, Mill believes that understanding the ultimate goal for one's fulfillment or self-actualization can provide a road map for how one ought to live. Like Aristotle, Mill believes that true happiness for individuals comes about when they live the most fully human experience. A good understanding of Mill's plan for the good life can be found through a careful reading of his two best known works: *On Liberty* and *Utilitarianism*. Mill's fully developed people are those who understand that their own happiness is based on the good of the community and that the only way that an individual can be truly happy is in active involvement in making the world a better place. This profoundly social conception of the good life has a number of important factors.

First, happiness is not simply the satisfaction of one's appetites or short-term pleasure. As in Aristotle's description, happiness adheres to the ability of people to think rationally. Mill says, "It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And, if the fool, or the pig, is of a different opinion, it is because they only know their side of the question. The other party to the comparison knows both sides" (1863; 1991, 140).

Next, through education and experience, people see themselves as necessarily involved in making the community better. These morally developed individuals come to understand that they can't be happy living in a community in which others suffer. They must do something to help. Mill says,

> All the grand sources, in short, of human suffering are in a great degree, many of them almost entirely, conquerable by human care and effort; and though their removal is grievously slow . . . yet every man sufficiently intelligent and generous to bear a part, however small and unconspicuous in the endeavor, will draw a noble enjoyment from the contest itself, which he would not for any bribe in the form of selfish indulgence consent to be without. (1863; 1991, 146)

Third, individuals have a moral duty to "seek the truest opinion possible" (Mill 1859, in Gray 1991, 42–43). Mill contended that most people don't know what they really believe. We spout beliefs, but have not taken the time to examine what supports our beliefs and what argues against them. People naturally have a tendency of selective exposure. We think we know what we believe. We reinforce our beliefs by surrounding ourselves with other people and information that support our beliefs. Therefore, Mill concludes that most people "have never thrown themselves into the mental position of those who think differently from them, and consider what such persons may have to say; and consequently they do not, in any proper sense of the word, know the doctrine which they themselves profess" (1859; 1991, 42–43). The other essential in seeking the truest opinion possible is in accepting that one's deeply held beliefs may be wrong or incomplete. Living the good life, according to Mill, requires being involved in creating a better world, valuing the happiness of other people in community as one values one's own, and keeping an open mind so that it is possible to learn from facts and from the opinions of others.

Albert Borgmann

Unlike these earlier philosophers, Borgmann specifically addresses technology as a force that can pull against an individual's ability to achieve the good life. People don't have to choose between technology or the good life. On the other hand, it ought not be assumed that technology that makes our lives easier automatically leads to the good life. Like the other philosophers, Borgmann rests his arguments on individual ability to live life consciously and make choices that keep us on the path toward self-actualization. Technology, in some instances, can help. In other instances, technology hinders one's progress. If technology is not used consciously and with a full understanding of its costs and benefits, technolo-

gy ceases to be a tool that people use and instead becomes a force that rules how people spend their time, attention, and energy.

Borgmann's list of what constitutes a good life is inherently relational, social, and active. As with Aristotle and Mill, the good life is dependent upon bringing rationality to the choices one makes. But rather than struggle against one's own desires and appetites, the struggle Borgmann describes is against the *device paradigm* (Borgmann 1984). Devices, which are people-created instruments, including hardware and software, are those that help people accomplish their goals. The problematic devices are those that can disappear behind their functions. The device paradigm is the structuring of life by government and corporations, with individuals' acquiescence that creates distance between the manufacture or development of goods and services and the consuming of those goods and services.

Amazon.com is an easy example. The act of shopping is easier online than going to the store. Shopping at Amazon.com does not require that we engage with merchants or adjust our desires to an inventory restricted by what the store shelf can hold. But in the process of buying goods the easy, online way, a number of devices necessary to the process become hidden or unobtrusive. For example, an online shopping site displays a purposeful hierarchy of items. What that hierarchy represents, in terms of profits, corporate partnerships, or even the corporation's assessment of what an individual consumer might buy, is easy to ignore as long as shoppers find what satisfies them in one or two mouse clicks. The human cost and other resource costs involved in making the items and in having them available universally is distant and irrelevant to one's purchase.

Even spending money online is unobtrusive and uses a networking device that is hidden as compared to the physical action of exchanging currency for goods. A mouse click confirms purchase, but monetary consequence for the purchase is delayed until the credit card's billing date. There is no experience of having spent money in real time or of facing the consequences of spending money in real time. Without conscious involvement and real-life/real-time engagement, the device paradigm creates a technological creep so that it is difficult for individuals to even notice when virtual ease has substituted for engagement with others.

Next, the good life is "oriented by focal things, concerns and practices in the context of a household, of family life" (Wood 2003). "A focal thing is something that has a commanding presence, engages your body and mind, and engages you with others. . . . A focal practice results from committed engagement with the focal thing" (Wood 2003). Borgmann uses a guitar as an example for a focal thing. It requires a certain kind of engagement of body and mind and as one learns to play it, the individual is united with "the larger tradition of music and the community of musicians." The good life, according to Borgmann, consists of active engagement rather than passive reception. Instead of passively taking in enter-

tainment, for example, the good life consists of actively creating entertainment. Making music rather than simply listening to music; telling and listening to stories in real-life face-to-face conversation rather than passively ingesting them through television or online; getting out into the world, seeking, noticing, and learning new skills through interaction, rather than watching someone else do it on television or in a YouTube video.

Third, technology is insidious and can replace focal practice without an individual's notice. Borgmann explains, "In the case of television, information and entertainment become easily available. . . . If two or three hours of television a day come into our lives, then something else has to go out. And what has gone out? Telling stories, reading, going to the theater, socializing with friends, just taking a walk to see what's up in the neighborhood" (Wood 2003). So, while technology has freed us of some burdens that are beneficial to people and community, such as health problems, it is not okay for technology to take away all of the burdens that accompany active involvement in real life. The "burden" of communally preparing a meal, eating together, and cleaning up, for example, comes with benefits for human relationships. Such activity connects us historically to culture and family. It connects us directly to the foods we eat, their origins, and how they are prepared. The further we move away from direct involvement in procuring, preparing, and ingesting an actual fruit, vegetable, or animal product in its natural form, the less connected we are to our bodies, family, and life in general. Eating processed or fast food in front of the television dissuades us from activities that promote the good life. The good life is not a relative concept. It is not up to each person to decide for him or herself what constitutes the good. Seeking the good life requires "a meaningful examination of our culture, which inevitably is a common and collective enterprise" (Wood 2003). As with Mill, the struggle to become a fully flourishing human being includes interaction with others.

Last, experience of the physical world is necessary to live the good life. Virtual activity, according to Borgmann, is *derivative*. On the Internet, an individual is not directly in touch with another human being. Your virtual interaction is dependent on individual's beliefs about an online persona's physical identity. I may think that the customer service representative, with whom I am having an "online live chat" as having a particular gender, age, location, but all of this is pure projection on my part. It is possible that I am wrong with all of these guesses. Indeed, the "person" who I think is helping me with my problem may be a chatterbot—a robot created to provide assistance and mimic human interaction.

Virtual ambiguity is dense and thick. It is true, as the old saying goes, "On the Internet, no one knows you are a dog." Yet meaningful human interaction is reinforced in a constant loop of feedback and projection. Living the good life is not possible, according to Borgmann, without the

reality testing of interaction with people in the physical world. His answer is not to turn our backs on technology, but rather to control our use of technology so that technology doesn't control our lives. Individuals must actively and consciously protect their lives and those of their children's in the physical world so that natural and cultural ecologies can develop and flourish. In short, more Little League, less Screen Time.

To summarize these philosophers, the Internet is not, metaphorically, a town square. Retrieved data is not knowledge. Facebook friends are not friends. Calling technology a tool denies its power. As media scholar Clifford Christians explained, "The philosophical rationale for human action is reverence for life on earth, for the organic whole, for the physical realm in which human civilization is situated . . . technological products are legitimate if and only if they maintain cultural continuity (Christians, quoted in Plaisance 2014).

PRIVACY: FROM PHOTOGRAPHY TO THE "NETWORKING OF EVERYTHING"

As the virtual world grows, so does the general public's, government's, and business' access to one's personal information. Proponents of public and transparent life sometimes refer to the good old days when people lived their lives in small towns and everyone knew everybody's business. The argument is that virtual disclosure is not so different from all the town's people shopping at the local general store and seeing who is strolling down the boulevard with whom. Thus, stumbling across a person you know at the local coffee shop is equated with the virtual collection and distribution of data. Philosopher John Barlow said of small town life, "What makes the fishbowl community tolerable is a general willingness of small towns to forgive in their own way all that should be forgiven. The individual is protected from the malice of his fellows, not by their lack of dangerous information about him, but by their disinclination to use it" (Barlow 1991).

While Barlow attempts to show how the Internet is like a small town, there are problems with this analogy. Communities in the physical world exist for human flourishing. Spaces in the virtual world exist for corporate flourishing. In the physical world, individuals exercise at least a limited liberty right to move about without being intentionally followed and a limited property right to choose with whom to share information about themselves. In contrast, when individuals participate in the virtual world, they automatically pay to do so by revealing details of their physical world identities as well as by automatically leaving tracks that reveals each online movement. Living in a small town in the physical world guarantees real-time connection and interaction with the others who live

there. Neighbors know complete people, not photos, quips, and data that make up online persona.

Legal limits and ethical conventions developed over the twentieth century to create a boundary between casual observation and stalking. Law and ethics recognizes the difference between gossip and intentional disclosure of private facts about an individual (LII / Legal Information Institute 2014). People share secrets with those closest to them. How those secrets are shared is no longer in the originator's control. But if someone were to broadcast a private individual's secret known to fewer than fifty other people to the world at large, the broadcaster may be legally liable for disclosure of private facts. And, as Barlow suggests, knowing individuals fully in real life suggests an equivalent level of disclosure on all sides. We learn to forgive and let go of quirks, unfortunate events, even those times in which an individual may be drunk or enraged or otherwise out of control. Online, those moments may be all that we see of a person; his or her online persona substitutes for our experience of the real person.

The ability to share visual information has raised both privacy concerns and infliction of emotional harm from the beginning. In 1890, Supreme Court Justices Samuel D. Warren and Louis D. Brandeis provided the first formal comprehensive analysis of the right to be left alone. In their *Harvard Law Review* article, they wrote,

> Recent inventions and business methods call attention to the next step which must be taken for the protection of the person, and for securing to the individual what Judge Cooley calls "the right to be left alone." Instantaneous photographs and newspaper enterprise have invaded the sacred precedents of private and domestic life; and numerous mechanical devices threaten to make good the prediction that "what is whispered in the closet shall be proclaimed from the house-tops." (Warren and Brandeis 1890)

The ways that privacy can be invaded have multiplied as technology as evolved. Undoubtedly, many people have been caused emotional harm when content intended for a small chosen audience is spread beyond that group. A case that shows how fine the nuances can be when it comes to legal decisions in such a matter in such a claim is illustrative.

In 1993, Dan Boyles, then seventeen, with the help of two friends set up a video camera to record him and his nineteen-year-old girlfriend, Susan Leigh Kerr, having sex. Boyles shared the recording with ten of his friends. Kerr did not approve of Boyles sharing the tape with those ten friends and it is possible that the tape was shared beyond that group. When Kerr discovered that the recording had been shared, six months after the fact, she demanded the return of the tape (Scott 1995). Boyles returned the tape as requested. Ultimately, Kerr decided not to sue for disclosure of private facts, but successfully sued Boyles for negligent in-

fliction of emotional distress at the trial and initial appeals level. Ultimately, she lost at the Texas Supreme Court level (Cerasuolo 1993). The Supreme Court found that Kerr's claim that Boyles had "negligently" inflicted emotional distress was too broad. The Court's problem was with the categorization of the harm as based on negligence. People are harmed by insensitivity or rude behavior, but those are not actionable claims. The Court remanded the decision back to District Court, suggesting that Kerr could have a finding of fact and law based on "intentional" rather than "negligent" inflection of emotional harm. So, although the Supreme Court suggested that Boyles' action rose to this higher standard of infliction of harm, Kerr declined to re-file the suit (Cerasuolo 1993).

Sometimes public interest can override privacy claims, even if the technology is used to spy in one's own backyard. Take the 1990 case of *Blevins v. Sorrell.* Homer Sorrell and Chalmers Brewer suspected that their noisy next-door neighbors, Richard and Jennifer Blevins, were running a lawn mower repair business, which violated zoning regulations. In order to get evidence, Sorrell and Brewer set up a telescope with a connected camera to monitor activity in Blevins's backyard. The Blevins responded by constructing a privacy fence. Sorrell and Brewster built a tall platform for their equipment. They recorded over the privacy fence. The court found that Sorrell and Brewer had a qualified privilege to check to see if Blevins was violating town ordinances (Scott 1995). The court reasoned that Sorrell and Brewer did not act out of bad faith or reckless disregard in their surveillance of Blevins (Blevins 1990).

Telephoto photography has evolved into pictures snapped from space and on the street with no human intention or control. Cases filed against Google maps for claimed invasions of privacy have generally not been successful. Just as Sorrell and Brewster were found to have a qualified privilege to peer over their neighbor's privacy fence for the public interest, Google, too, has been allowed to continue to snap pictures and publish them online despite the fact that the cameras, situated seven to eight feet off the ground, can "see" over hedges that would block street-level view. Google now blurs faces and license plates, and will remove content that others report as objectionable, but maintains that what its cameras can snap in the physical world is for a global virtual audience to see.

TECHNOLOGY AND PRIVACY IN TODAY'S WORLD

Technology situates people as simultaneously citizens of both the physical and virtual worlds. There is no longer any boundary between the worlds that would make privacy claims legitimate in one world and not in the other. This section provides examples of how technological capabilities merge virtual data and real-life experience into a seamless and multi-faceted publicly accessed portrait of people who would have once

been thought to be private individuals. Some of these technologies are those directly used by consumers, such as cellular photo sharing. Others, such as the manipulation and storage of data, are less visible to consumers, but have great impact on what others know about them.

Shared Mobile Photography

Mobile photography, such as pictures taken via a cellphone, can create privacy issues if users do not know their default sharing settings or if someone with whom a photo is shared turns out to be less than trustworthy. Hunter Moore was the self-proclaimed "King of Revenge Porn," until he shut down his site *Is Anyone Up?* in response to threats of lawsuits. The site was mostly "user-generated content." Sometimes Moore found pictures that were unintentionally published on public sites. More often, ex-boyfriends or ex-husbands posted pictures on Moore's site that were pictures that had been snapped by the subject herself or taken by her partner with consent. The intent of publishing on *Is Anyone Up?* or other revenge porn sites was to cause psychological or reputational harm to the photo's subject. Moore said he launched the site for "public humiliation," and called himself a "professional life-ruiner" (Holpuch 2014). Every digitized photo we take with our cellular phones has the potential to be placed on the Internet, where they live forever and can be resurrected at any time. The site was eventually brought down by a $250,000 judgment that paved the way for aggressive action by the FBI. Moore threatened to rape the wife of James McGibney, an "antibullying" website owner, and called him a pedophile on numerous occasions (Alfonso 2013). The FBI then arrested Moore on charges of conspiracy and aggravated identity theft.

Mobile Remote Sensors

Mobile remote sensors come in many forms. Robotic drone aircraft, wearable sensors, or vehicle-mounted sensors are common platforms. Robotic drone aircraft are remotely piloted airframes and are best known for their role in the military. Wearable sensors are networked connected devices that can send data throughout the Internet. The most well-known example of wearable sensors is the Google Glass product, which is a networked video camera attached to eyeglasses. Vehicle-mounted sensors are video, audio, and telemetry devices that are attached to vehicles. The Google Street View project makes extensive use of vehicle-mounted sensors. Media scholar Kathleen Culver described four ways that news organizations are likely to use drone technology to capture newsworthy events: aerial images, live-streamed video, digital mapping, and analytic data. These abilities impact conventional beliefs about privacy. She said, "In the same way telephoto lenses extended the perimeter from which

photos could be taken, drones can alter the space from which images and data can feasibly be captured. For instance, a person has no reasonable expectation of privacy on a public beach, but many would object to the practice of a news organization using a drone to capture an ongoing all-day livestream of a beach for constant broadcast (Culver 2013). Drone technology for newsgathering, like Google Maps, adds the possibility that one's recorded image might be broadcast widely or be accessible on the Internet. Societies', idea of what counts as public has expanded as more public areas can be captured and displayed.

Data Mining of Search and User Behavior

Data mining, and the monetization of user data, is key to the business of social media companies. Large-scale data analysis creates significant privacy concerns because users can now inexpensively get to data in ways that even a large organization could not do just a few years ago. The ability to combine data from different sources and conduct sophisticated data analysis using cheap (or free) tools creates a significant change in our expectation of privacy.

Joshua Fairfield and Hannah Shtein have introduced the concept of "informational harm" (Fairfield and Shtein 2013), to suggest that collapsing data to develop information about a person might result in a problematic portrait that would not otherwise be possible. Data mining ties other sensor data and content to create a unified visualization of behavior. The goal of the social media business and other organizations is to know your behavior in great detail for their own commercial goals. The Federal Trade Commission recently released a report that found that the nine major data brokerage firms were targeting their customer's online data by race, income, and "health interest," which is a legal code word for searching for medical conditions such as diabetes (Faturechi 2014). This harvesting of data may be in direct conflict with individual privacy concerns.

Viral Nature of Photographic and Video Distribution

The technology that stores and forwards content in social media is, in itself, a concern. From the early days of the Internet, the business proposition behind Internet advertising is a "viral" model. The rapid movement of social media content is caused by millions of people and machines forwarding content independent of one another. The result is an extraordinarily rapid propagation of crowd- and corporate-sourced content. A study in 2012 by Facebook/University of Michigan looked at the signals among 253 million people on Facebook. The researchers found that the diffusion of information was mostly based on many users pushing content through the system. To push the content means to send content from

a source to the end user, who is a recipient of the content. The research also made a distinction between users with "Strong Ties" and "Weak Ties." The distinction is based on the number of links each user has and the amount of content pushed through those links. Users with Strong Ties may have provided the initial push for content to be viewed, but it was the users with Weak Ties who provided the persistence, or the amount of time and reach ("diffusion") the noticeable content remains engaged (Bakshy 2012).

Internet of Things (IoT)

The Internet of Things is a term used to describe the tagging of objects, animals, and people with an address and a connection mechanism to the Internet. The term "überveillance" describes an extreme extension of the Internet of Things. According to Michael and Michael,

> Überveillance is more than closed circuit television feeds, or cross-agency databases linked to national identity cards, or biometrics and ePassports used for international travel. Überveillance is the sum total of all these types of surveillance and the deliberate integration of an individual's personal data for the continuous tracking and monitoring of identity and location in real time. (Michael and Michael 2007)

An example of this continuous tracking is the "M7 Processor" that is in the Apple iPhone 5S. This processor, along with a program called CoreMotion, allows the phone to continually collect data from the accelerometer, gyroscope, and compass. The M7 is always on, even when the phone is seemingly powered off (Estes 2013).

Current applications of IoT include the creation of media platforms to interconnect security systems and home appliances to social media, monitor the elderly, and use radio frequency identification (RFID) tagging for animal tracking and identification. Überveillance takes the next step. Michael and Michael posit a future where the human being becomes a continuously tracked entity. Increasingly, devices communicate and share information within the larger Internet network. Those connections can add to the unified vision of search and behavior tracking that is the goal of many data mining and social media organizations. The concern is not just governmental surveillance, but commercial surveillance intent on exploiting individuals' consumptive behavior. If trends continue, this involves a total relinquishment of the liberty aspect of privacy.

CONCLUSION

We now return to Meagan Simmons. Her case is particularly noteworthy because it exemplifies the permanence and speed that accompany online disclosure of information. The sensor used to create her digital photo was

a deputy at the Hillsborough County Jail acting in legitimate ways. But the results from legitimate disclosure of information cannot be controlled. No one associated with sharing Meagan Simmons's mug shot did anything legally wrong, aside from, possibly, the entity using her photo for the company's financial gain. It is likely that no individual slapping a humorous headline on the mug shot of a stranger and sending it along a network had any thought that there might be an ethical issue with doing so.

In our contemporary web of virtual and physical reality, we must redefine our ethical conventions of how we treat one another, even people we do not know. The good news is that continued experience in the physical world can remind us of actions in the virtual world that promote human flourishing for ourselves and others. People are vulnerable. They can be harmed. With the individual's ability to publish data found or created throughout the world, people have unprecedented power to cause harm. Just as we respect ethical conventions and do not go out of our way to cause harm to individuals in the physical world, we should not cause harm to individuals in the virtual world. People need to understand that behind the meme-generated photo, there is a real person who may not have had any control of a picture going viral.

Instead of depending on emerging law to protect one's privacy, as law comes with the double effect of limiting the publication of legitimate material, individuals need to be conscious of their own self-disclosure and the ethics of sharing information from and about others. Data shared is privacy lost. A request for information does not obligate an answer. Resist telling tales online, even about one's worst enemy. Humankind learned to adjust to the intrusive nature of still photography in the hands of government, corporations, and individuals. Transparency of one's self and actions is not necessarily the death of privacy. The unwillingness to consider the consequences of sharing data about individuals may be. So the answer to whether one can live the good life in public is a qualified "Yes." Living with increased exposure requires the collaboration among individuals and the control of government and corporations so that exposure doesn't lead to exploitation.

Engaging in real-world relationships, as Borgmann mandates, serves as a good reminder that real people can be harmed through Internet-based information, even if the virtual-world experience of them feels far from real flesh and real time. Virtual world "friends" are not friends in any philosophically relevant sense unless knowledge of them is accompanied by physical world contact in real time. Even then, recognizing a true friend is dependent on what each does to promote the moral growth and development of the other. Shopping in real time at local stores reminds us that consumers are not required to disclose their contact information to make a cash purchase, even if that information is requested.

Living well in today's society requires individuals keep one foot in the physical world and one in the virtual. Refusing to be a citizen of the global world is denial of contemporary reality and abdication of one's moral responsibilities. Conscious use of the virtual world provides unprecedented opportunities for individuals to become the engaged, active citizens that philosophers say is also necessary for the good life.

Media organizations need to exert self-regulation over what they publish on the Internet. Codes of ethics, first written by media organizations in the 1920s, are based on the appreciation that one's legal freedom does not imply an act is ethical. Children should not be identified in a news story in any way that might affect them personally or professionally in adulthood. News organizations should reconsider if the revenue brought in by publishing mug shots to draw audience to their sites is worth the loss of good will or of being an unintended accomplice in the spread of meme-generated photos.

Citizens, through legislative action, should hold corporations accountable for the collection and use of data regarding individuals. Unknowingly, or with little thought, individuals sign site agreements that allow corporate use of their data for commercial purposes. The virtual world was created to serve commercial interests and its important citizens recognize the dangers of living in a virtual Times Square. As an example, it ought not be required for individuals to reveal their real names or physical world identities to engage in online activities. Rather, corporations have a responsibility to justify the collection of that data. Increasing their profits or manipulating individual's data for commercial purposes is not a good enough reason.

Aristotle argued that the good life was possible only if a person is engaged and active in civic life. Mill argued that the attainment of one's own moral development is possible only through public discussion in which our ideas and beliefs are constantly challenged. Via the internet we have unparalleled opportunities to seek views that are different from our own and test our own opinions and ideas. A plethora of evidence, opinion, and discussion opportunities are available for anyone with Internet access.

The web shines light on every corner of the world. We cannot hide behind ignorance of the human condition. From working with charities that address the world's great calamities to contributing to intensely local websites that tell neighbors where to find free fallen fruit, individuals can make a difference in the world as Mill counsels they should. The virtual world can serve as a vehicle for individual flourishing and attainment of the good life. Individuals can maintain personal identity regardless of the public stare. But to do so, individuals must control technology rather than allowing technology to control them.

NOTES

1. Historically, philosophical writings reflect the sexism and classism of the time and place in which they were written. Aside from direct quotes, the interpretation in this chapter is written to be inclusive of humankind.

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