



Identity Conference 2019 keynote presentation

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The imposition of identity - who gets to decide who you are?

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We are beset in the 21st century by people, corporations and algorithms imposing their own conception of an identity upon us. Why is it happening, what does it stand to take from us, and what can be done to achieve a rebalancing in favour of personal freedom?

Introduction

Kia ora koutou katoa

There's a very widely shared social media post that offers us a glorious image of the universe, and the Milky Way, and a little arrow pointing to the dot that is our solar system, and within that dot, our planet.

It's offered as a comfort: there, see how tiny we are? So are our problems.

And yet here on this little dot of a planet we go at our disagreements with such very great energy, don't we?

I say “our disagreements” and it makes it sound like an awkward moment at a dinner party.

But we let those disagreements flare into exclusion, insults, vitriol and violence.

The concept of identity is central to this phenomenon. The dismissive epithet of “identity politics” actually provides us with a lens to understand many of the social stresses and tensions that have been exacerbated by digital technology.

What Shoshanna Zuboff has called Surveillance Capitalism [slide] we might reframe for today’s purposes as The Identity Economy.

Identity is at the core of some of the most defining trends, movements and challenges we face today. Identity has been monetised by the digital industrialists, and weaponised by populist political opportunists.

In my talk today I hope to examine the concept of identity in the context of these trends – identity politics and the identity economy. I want to think about assigned versus expressed identity and the role of social media in highlighting and exacerbating difference and division through the means of identity. I’ll conclude that while social media has not created the evil which motivates individuals to exploit these tools to harm others, it has amplified it to an extremely dangerous extent. We need to develop social and business models to mitigate those harms. We need to educate, but there is an

increasingly urgent need, recognised by the multi-billionaire owners of those platforms themselves, to regulate.

Origin of identity

But first, where does identity come from. When I addressed this conference four years ago, I began with an image from Colin McCahon – the famous painting that declared “I Am!”, and then back to the beginnings of art history with an ancestor’s assertion of identity 40,000 years ago on a cave wall when he or she blew ochre onto the wall with her hand as a stencil, to declare her presence to the world – perhaps to signal to others of her clan.

A person’s identity is a collection of characteristics or traits sometimes unique to that person, sometimes expressed in relation to others, to membership of a group.

Computer science has even borrowed a term to describe individual bits of data. When I was at school a person’s “attributes” were their skills and inherent features. The term is now defined in computing as “a piece of information which determines the properties of a field or tag in a database or a string of characters in a display”.

The subjective expression of identity is essential to one’s sense of wellbeing. Denial of that subjective expression is dehumanising and oppressive. Look at what the Chinese government is doing with their internment and reeducation camps, which seek to deprive Uighur people of a defining expression of their identity.

What is this desire to control and suppress identity? Fear of difference? How are you threatened, by who she says she identifies with, by what attributes constitute her identity?

We don't need to go as far as China to see this fear, and the intolerance it generates.

Self-identification

Last year, the Government Administration Committee, which was considering amendments to the Births Deaths Marriages and Relationships Registration Act recommended to Parliament that applicants to change gender on that most fundamental of identity documents, the birth certificate should not have to go through a Family Court procedure and should not have to provide medical evidence of the steps taken to transition.

They recommended that the Registrar General should be required to amend a birth certificate based on the self-declaration, that is the self-identification of the individual concerned.

This action was recommended many years earlier in a report of the Human Rights Commission "*To Be Who I Am*".

The proposal would align the process for altering birth certificate with the self-declaration of gender for passports. It is illogical and pointless for different standards to apply.

A vocal minority of campaigners, an uneasy alliance of arch conservatives and a splinter group of feminists sometimes described as gender critical theorists, others as trans exclusionary radical feminists fomented fear of the consequences of this basic recognition of a human right. And they attacked some of the most vulnerable people in our community, and those who support them on the flimsiest of pretexts, of:

“hairy, muscly, sex-starved inmates” in women’s prisons” and “naked grown male strangers in women’s swimming changing rooms”.

But the thought of men invading women’s spaces on the basis of a birth certificate that matches their experience and expression of identity is absurd.

When was the last time anyone had to show identity documents to access a gendered space?

And what do these opponents of self-expression think their defence of an archaic status quo will achieve?

Imagine the scene. Person arrives at the women’s changing room. Guard is suspicious, asks to see papers. Woman hands over passport, which confirms eligible gender. Guard remains suspicious, demands to see birth certificate as well. Woman flees in tears. Really?

That, for me, is utterly baffling. Why would people feel this need to dictate another's identity?

A person's self-identification is something they wear in the world. Whoever they want to be in the world takes nothing from me.

Allowing someone else to express their identity takes nothing away from anyone else. Who I am does not challenge or limit who you are and can be?

Identity politics

This call for decency and respect for the dignity of the individual, which has been the foundation of western democracy since at least 1945, arguably far longer is derided in some quarters as "identity politics".

That is a misleadingly complex term, which incorporates both a lazy slur against progressive politics, and an explanation for the rise of the disaffected in support of populist politicians, as well as far right extremism. That's a lot of weight for two familiar words to bear.

Identity politics is seen by many as the increasing segmentation of the community interested in advocating for and advancing the interests of their particular identity group, whether that be an ethnic identity, or one based on sexuality, gender, or a range of other subdivisions.

Do you think transgender people should be treated with respect and dignity? Oh, that's just "identity politics".

But the loss of a sense of identity actually fuels that dismissiveness and fear of diversity. Rust belt communities that voted for Trump, Northern Brexit voters, supporters of Victor Orban in Hungary and Bolsonaro in Brazil were worried that their leaders were not respecting their identity. That their social and economic needs are coming second to the needs of others, of refugees, or environmentalists, or "elites".

Those that seek to deny others their sense of identity through epithet "identity politics" actually fear the erosion of their own sense of identity.

This fear reaches a pathological pitch in its extreme form which fuelled the massacres in Norway, Christchurch, and most recently El Paso. It's right there in the name - The Identitarian Movement is a philosophy which incorporates the Great Replacement Theory, that not only is some mythical European heritage threatened by societies accommodating a plurality of membership, 'white' cultures and values are actively being replaced by non-European peoples, especially Arab and sub-Saharan Berber peoples.

Francis Fukuyama

Francis Fukuyama, in his 2018 book *Identity Contemporary Identity Politics and the Struggle for Recognition*, argues that identity politics shifts the conversation away from economic policy to identity issues, where essentially your identity is fixed by the

ethnicity and the religion and the characteristics of your parents. It feeds polarisation and makes democracy vulnerable.

The foundation for his argument is an audacious summary of human evolution.

In earliest human times you farmed, you lived in villages, you never moved, it never crossed your mind to ask: Who am I? You were part of something larger.

But we came to perceive in the flowering of philosophical thought a distinction between your true inner self and the outer world of social rules.

And this along the way developed into the idea that you could belong to a group with its own shared identity, self-contained, walled off by that belief.

Except: not everyone feels that way. Many ordinary people would be more at ease with conforming, finding identity in some larger group with a shared point of view, a shared moral horizon and be defined by that.

But this is also where he sees a way out.

Identity, he argues, can be used to divide but it can and has also been used to integrate.

He sees people finding common cause on the basis of recognising some kind of shared identity about underlying purpose, such as, say the democratic intent of the republic to which you belong - belief in equality and democratic values, and using that as the basis for peacefully coexisting.

He sees the bond that links us across our myriad expressions of racial, ethnic, geographic, national, religious, sexual identity as dignity, and the perception that it has been denied. Whether left or right, your underlying objection is that you have been overlooked and disenfranchised, that your sense of identity feels undermined.

His analysis is not by any means incontestable. As one critic noted:

“Three decades ago, he argued that the human desire for respect and recognition was the driving force behind the universal embrace of liberal democracy. Today, he depicts the human desire for respect and recognition as the driving force behind the repudiation of liberal democracy.”

But regardless of the validity of the wider analysis, in identifying dignity and its deprivation as driving an increasingly exclusive and oppositional expression of identity, he has perhaps identified the crucial inflection point in all this anguish.

Denial of humanity

An attack on dignity is a denial of your essential humanity.

We readily recognise an assault on our dignity. We understand that we are all born worthy of being treated as something of value, that we all count, that we all deserve respect, that we are entitled to autonomy as an individual.

This is a matter in which my office arguably has a role to play.

One of the losses that an individual can claim as evidence that an action constitutes an “interference with privacy” is “significant loss of dignity” this inherent mana.

We have a role to protect and support personal information – and by extension, identity.

So, I might ask: do we all have the space, security and freedom to enable us to develop our identity, to develop who we are without imposition by others?

The assignment of identities based on biases is not a phenomenon limited to the digital age.

Fiona Kidman's story of 1950s New Zealand *This Mortal Boy* recounts a sorry moment in our history. The death penalty is newly restored, the Mazengarb Report has declared the nation to be beset by promiscuous and lawless youth.

Albert Black, just 20 years old, stands trial for killing a young man in an Auckland milk bar. A jury is all too willing to assign him the identity of delinquent dangerous youth, look past the inconclusive evidence, and send him to the gallows.

The fate of New York's Central Park Five tells the same tale. Black and Latino teenagers are wrongly convicted on the basis of coerced confessions. In a climate of lawlessness in New York, everyone is far too ready to believe them guilty simply because they fit a type.

Segmentation

So the loop of identity politics first focuses on the demand for equal recognition of marginalised groups, which is then scorned by those who feel their sense of identity is threatened by that, as if equality were a fixed and scarce quantity, enjoyed by some only at the expense of others, and then metastasises into fear, hate and even murder, by so-called identitarian warriors determined, by warped logic to preserve their threatened sense of sense of place in the world.

And this phenomenon helps to sustain the Identity Economy to which I now turn.

From a desire to exercise autonomy and self-determination of one's identity, we move to the assignment, by others of identity for commercial purposes.

In marketing terms, this is known as "segmentation". Over the last century we've seen the science of sales evolve from Henry Ford's "You can have whatever colour you want

as long as its black” to “You have to know your customer in order to meet their needs” to, “if you know enough about your customer you can anticipate their needs” to now, “With information they’ve voluntarily offered up, or that we’ve harvested from them from the wild, you can steer, and even dictate their needs and desires.”

Recently I was at a meeting in Singapore at which some industry leaders were talking about the application and future of artificial intelligence. AI can take the political and economic trends we’ve been discussing and turbocharge them.

They were discussing algorithmic transparency, and the complexity of explaining how a true AI machine might have used a neural network to produce a particular outcome for an individual. Reverse engineering the outcome, to try and understand the data on which that outcome was based, and the weightings and associations given to those data is an enormous challenge to that technology.

Nudging

For me, the question at least is simple, even if the answer is not. A government or business targeting an individual with services, or interventions must be able to answer the question “Who do you think I am?”

What combination of attributes leads you to conclude that I am that person? How have you identified me? What bias connects something in my online behaviour with your customer or client?

We know that Facebook offers thousands of different market segmentations that advertisers can target.

We know that Facebook has displayed an utter and abject moral failure in the responsibilities that come with that assignment of identity. When you can, for commercial gain, allow people to use your algorithms to target a group identified, by you, as “Jew haters”, you have relinquished any claim to be a neutral facilitator of connections.

We know that Google on its YouTube platform nudges viewers along pathways to paedophile tendencies and extremists to more extreme content.

These assumptions and assignments of identity are having an increasingly toxic effect on our social and democratic institutions, and our discourse

Here’s what a one-time Facebook vice-president, Chamath Palihapitiya, now thinks of the platform. He told an audience: “The short-term, dopamine-driven feedback loops that we have created are destroying how society works—no civil discourse, no cooperation, misinformation, mistruth.”

He also said, of his own children: “They’re not allowed to use this shit.”

What’s at stake here is how the world sees you.

What needs to be addressed is the harm the corporate world either by intent or through imperfect design can do in framing and categorise us.

Algorithmic bias

Imagine, for example, being booked into a jail and put through a questionnaire that feeds your answer into a program to generate predictions of “risk of recidivism”.

This is what the COMPAS programme (Correctional Offender Management Profiling for Alternative Sanctions) does. It’s used by judges, police, and parole officers across the US.

The idea is that it will be more objective than humans. Just so long as you're the right colour.

The ProPublica website found in a study of 12,000 Florida that black defendants who did not reoffend over a two-year period were nearly twice as likely to be misclassified as higher risk compared with their white counterparts; white defendants who reoffended within the next two years had been mistakenly labelled low risk almost twice as often as black reoffenders.

The injustice of that is grave enough, but the further injustice is that with algorithms of this kind they tend to be black box, proprietary and secret. In other words, not readily challenged.

Consider the way algorithm identity determines the search results you see. A website called Image Atlas demonstrates how the search string you enter will vary, depending on where in the world you're searching from.

Try, for example entering "ISIS" and marvel at the difference in the predominance of the images you are presented, determined by where in the world you enter that name.

In each there are about half a dozen images to give you a representative picture.

If you are in the USA you will see: a large group of soldiers, and rubble.

In Russia, every image is of soldiers with automatic weapons on their shoulders, arms aloft in triumph.

In China, two of the images show victims in orange jumpsuits on their knees

In Germany, one of the images is a massacre site and a skull, none show jubilant terrorists.

The New Zealand selection has the rubble, the solitary triumphal soldier, the larger group, there is the ISIS banner, there is no skull or jumpsuit.

In South Korea all six images are of bottled water.

In North Korea you see the same plastic water bottle images, and one of North Korean and America envoys shaking hands

You have no autonomy in this: it is decided by your algorithmic identity. Who do you think I am?

Targeting the persuadable

And thus, your personal information on Facebook is turned over to Cambridge Analytica, who uses “psychographic” techniques and your five thousand unique data points to manipulate voter behaviour by determining people to whom they assigned an identity of “persuadable”, in key counties of key states in the US, and in other ‘democracies’.

It gets more exciting the farther out we look. We all have a digital persona that has been established by our social media posts and emails and everything that builds a picture of us. What if that could be extended into an entity that responds to posts and messages, after you're gone, driven by an algorithm, that keeps responding?

In all of this, an identity is imposed on us by someone else, by implication diminishing autonomy over our identity. If we don't have that, what do we have left?

How should we be responding to this? How do we preserve dignity and autonomy in the face of digital encroachment?

Preserving dignity

Let me propose a shopping list.

I would be looking for more regulation, for one thing in a variety of forms, spanning, for example: antitrust consumer rights, anti-competitive practices privacy, electoral integrity.

I'd hope for more response on a global scale. If you look at the Christchurch Call for instance, one need that became evident was an industry clearinghouse of some kind for identifying content that we can all agree ought not to be available.

And I think there needs to be consumer advocacy pushback telling the market to deliver better answers.

The challenge for the corporation must surely be to show respect for the dignity of the individual for whom their revenue depends. And they need to be prepared to be transparent about that to allow people greater autonomy over those questions of identity. I should be able to get the answer to questions such as: why am I getting this message? Who do you think I am? Why does my feed look this way?

I would be looking for enhance transparency of algorithms and automated decision-making with 'counterfactual' explanations explaining why it reached a certain decision.

I would be looking for a right to personal information portability, meaning: the right to access your own personal information and transfer it to another service provider, notwithstanding objections about fees and the undoing of competitive advantage.

And I would refrain from a suggestion I've offered before from the book *Weapons of Math Destruction*, that data scientists, like doctors, should pledge an equivalent of the Hippocratic Oath, which concludes "I understand that my work may have enormous effects on society and the economy, many of them beyond my comprehension."

So, I'd be looking for a rebalancing in favour of the dignity of the individual. In some respects, it will require the force of law, but I would also have some confidence in the power of moral suasion. I take some heart from the way Cloudflare recently decided to no longer provide its services to 8chan. I hope that we might see more of that.

Tim Cook, the CEO of Apple, told an interviewer, "We could make a ton of money if we monetised our customer," but "we've elected not to do that." Just because you can doesn't mean you should.

"The more the universe seems comprehensible, the more it also seems pointless," the physicist Steven Weinberg, once said, "but the ends that matter to most of us – our relationships, our shared experiences, the creation and appreciation of art and

literature, and so on – don't depend much on us having control over a vast but – to us – largely irrelevant universe.”

Here on this tiny dot of a planet, we all want to be seen, heard, listened to, and treated fairly; to be recognised, understood.

Our challenge now is to not become a tiny dot in the cold, dark universe that's being created online.