Ashley Madison and the Death of Privacy in the Age of Information

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Inception

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"On today's Internet, anonymity—for better or for worse—is dead" explains Andrew Keen in "Let's Get Naked," an excerpt from his book *#digitalvertigo: how today's online social revolution is dividing, diminishing, and disorienting us* (Keen 49). Keen addresses the increasingly complex issue of the development of a "surveillance culture" that depends on our cooperative sharing of details of our private lives online—everything from what we are eating to whom we are dating has become normalized as post-worthy data. Keen warns of the Orwellian dangers that can result from our buying into the narrative that advanced technology always equals progress and that online communication provides a rewarding opportunity for enhanced social networks, which will bring us closer together and encourage us to reveal our "true" selves. Sounding a similar note of precaution in "Reclaiming the Social Value of Privacy"—a chapter in *Lessons from the Identity Trail: Anonymity, Privacy and Identity in a Networked Society*—Valerie Steeves argues that current supports that try to protect our right to privacy are overpowered by the invasive context of online social interaction. She notes the need for a more encompassing and critical definition of "privacy" in order to better protect citizen's rights and to counteract the concerning trend that justifies loss of personal

privacy on the basis that free-flowing information benefits the many, even if individual rights are compromised.

The need to cultivate public awareness for the Internet assault on privacy protection is also reflected in *Critical Theory and Social Media: Between Emancipation and Commodification*, in which media scholar Thomas Allmer maps out the prevailing theories in the field of Internet privacy studies, categorizing them as objective, subjective, and integrative. He explains that objective methods of study take on a "rights-based conception of privacy" from a legal perspective, using research from Warren and Brandeis as one example of this objective approach (Allmer 60). By contrast, the subjective approach involves a widely held view of privacy as "an aspect of social order for intimate relations by which individuals control access to their information" (Allmer 64). An integrative theory of privacy combines both of these approaches and can accommodate some of the complications each poses on its own. Yet Allmer points out that none of these theories "recognize the contradiction between privacy and surveillance in modern society," which leads him to conclude that we are still in the process of working out public and private boundaries in online communication, and that we are only beginning to understand the relentless capacity of the web to circulate information we may have deemed private and attempted to guard (Allmer 73). To explain why rights protections are slow in development, Allmer links privacy leakage and increased surveillance to neo-capitalist production; he claims that "surveillance actions are crucial in the process of commodity production in capitalism," with Internet practices such as data mining being one example of these actions (Allmer 56).

The 2015 hacking and public data dump of the social networking site Ashley Madison (www.ashleymadison.com) demonstrates many of the privacy concerns explored in critical media theory, bringing home the point, for example, that we are not in control of our data once we give it to these networks, networks which operate outside the realm of privacy rights legislation and which are part of the systemic

commodification that is at the heart of web life. Ashley Madison provides a prime example of public willingness to place blind trust in an online site as a safe place to file personal and even intimate information.

Ashley Madison is an interesting site for rhetorical analysis as it is a space rife with moral and subjective contention, thus complicating questions of privacy expectations and (non-) protections. In this paper, I explore how Ashley Madison functioned as an online community in which the promise of personal privacy was a major selling point, how the very public invasion of its users' privacy exemplifies the vulnerability forecasted by social media critics like Keen and Steeves, and how this incident resonates in the public imagination as a common-interest news story that could serve as a cautionary tale. Admittedly, as a non-user, my experience with the site is extremely limited. Yet even without firsthand access to the parts of the website offered only to registered users, I gained access to a lot of information that the site managers themselves provided on their homepage. Furthermore, a number of outside sources explicate company intentions and site functions.

Ashley Madison is marketed as a place where adults in relationships can network with others and find someone to cheat on their partner with. It is also open to single people interested in meeting others who are already in relationships. Their catchphrase displayed prominently on the homepage is "Life is short. Have an affair," and they boast of their 43,600,000 "anonymous" members. Although there is a lot of interesting textual activity on their linked FAQ page, I focus only on information regarding the notion of privacy as it relates to the scope of this paper. The means of communication available to users are detailed as instant messaging, custom mail messaging (akin to an e-mail service), virtual gifting, winks (similar to the Facebook "poke"), photo sharing (in what they call a "private showcase" where members control who can access their albums at any given time), and a blocking feature. They maintain that they do not monitor private messages or restrict users from posting personal contact information on their public profile.

They offer "discreet" and "anonymous" methods for payment/billing and do not ask those signing up for personal information; although, they will contact whichever outside e-mail address is linked to the account and they require a zip code to alert users to the proximity of other users. Another link of interest is their highly detailed "Privacy" page, which informs viewers of what information is collected and how it is used. This includes the IP address of the user and things like cookies, which collect user data, usually for targeted advertising purposes. Ashley Madison is somewhat forthcoming about who this information is shared with which includes other users and, with consent, "trusted" third-party affiliates, financial institutions, and parent/affiliate companies. They also discuss the use of firewalls, encrypted transmission, and data encryption as methods they depend on to protect users' data. It is interesting that they discuss privacy in terms of trust and control, implying that that they are guarding the interests of users. Valerie Steeves points out that information once captured on Internet sites is well outside the realm of a user's control, and that "the conceptualization of privacy as informational control" is best understood as a salvo offered to naive users (Steeves 192). Steeves refers to sociologist George Simmel's perspectives on the benefits of anonymity, explaining that when a person feels as though they can temporarily conceal their identity, they feel safe to express things they otherwise would not be able to due to concern over the monitoring of their behaviour by others and the expectations placed on their societal role, whatever that may be (Steeves 197). This is likely what appeals to the Ashley Madison user base: the site claims to offer entrance into a like-minded community wherein one can potentially fulfill their controversial desires free from self-exposure and judgement and also lessen the risk of retribution for their unconventional behaviour. Users like to believe they have found a place where it is safe to let loose.

Due to the purpose of this site—setting up illicit relationships—privacy is naturally crucial to potential users' interests and likely a reason why they would take the risk of signing up here rather than using other more popular and more public dating sites. Affairs and infidelity are supposed

to be secrets as their exposure risks the dissolution of the original relationship. In addition to that, a person's engaging or even showing potential interest in casual sex, especially with relative strangers (another premise of the site), comes with great reputational risk. Ashley Madison's company information must emphasize the steps they take and the services they offer that decrease the risk of identification through data exposure or circulation. Simultaneously, they must advertise their ability to successfully provide a service that works around these complications. Otherwise hardly anyone would be willing to use the site. Thus the site takes on the impossible mission of promising protections that defy the nature of the service offered and of the web itself—users come to the site to connect with others rather than to remain anonymous, and the web functions to circulate rather than isolate data.

Judging by the projected user base of 43,600,000 that the site attained at its height, I would say that this company has created a successful model and marketing strategy. As discussed in Clay Shirky's *The Power of Organizing Without Organizations: Here Comes Everybody*, "Wikipedia, and all wikis, grow if enough people care about them, and they die if they don't" (Shirky 136). According to his logic, social networks, including Ashley Madison, function as a communication medium and gain social legitimacy (all moral judgement aside) as they increase in frequency and quantity of use. If enough people stop using a site, and specifically stop paying to access it, it would become unsustainable and disappear. For Shirky, the net is self-regulating, and expresses the will of its users so there is no need to develop privacy rules or practices to govern interactions. However, market place logic has limits, as pointed out by Steeves, who notes that individuals are often drawn into the interactions and contracts of powerful others. She refers to privacy debates that motivate the ongoing tension between the desire of individuals to control information about themselves and the desire of the group to develop public records—"the tension between the individual's right to privacy, on one hand, and society's interest in

invading privacy on the other hand … [which] makes privacy vulnerable to attack" (Steeves 199).

The Ashley Madison Company was thrust into the general public's eye when it was hacked, and hordes of user information were distributed on the dark web, exposing all of its privacy protection promises as false assurances. Ashley Madison had already made a name for itself with its controversial and widespread advertising campaigns, but now they were on the front pages of news stories that showed the contradictions in their privacy, anonymity, and security claims. An article in *Wired* detailed the type of user information that was released:

> This data, which amounts to millions of payment transactions going back to 2008, includes names, street addresses, email addresses, and amount paid … The data also includes descriptions of what members were seeking. (Wired.com)

Exposed users have since faced everything from public embarrassment, consequences in their personal relationships, credit card fraud, and blackmail. Two victims have even committed suicide reportedly due to the hack. This could easily serve as another of Andrew Keen's cautionary examples of personal sharing online becoming disastrous rather than being rewarded. Those like Shirky, who rely on a self-regulating web, refuse to take account of the human capacity for self-harm and the web's capacity to take advantage of this. Critical media studies reveal that users trust privacy promises that sites make, and most have no idea that such promises are empty. In short, the web is a powerful system that draws in users who sometimes congregate to build sites that endanger their well-being in ways they do not consider.

The hackers identified themselves as "The Impact Team" and justified invading the privacy of Ashley Madison users and making results of the invasion public online because of their opinion that Ashley Madison and an affiliate company were damaging to society by promoting and enabling immoral behaviour while making deceitful business claims. In

other words, they felt that regardless of the damage caused to individual users, exposure would benefit society as a whole if the sites were taken down for good. Their reason for acting mirrors Steeves' discussion on how an individual's privacy can be limited when it is reasoned that doing so protects or benefits many people. She quotes Priscilla Regan who states that, "If privacy is a right held by an individual against the state, then, because no right is absolute, it must be balanced against competing social interests" (Steeves 193).

One might think the Ashley Madison incident would have sparked widespread public concern about the vulnerability of personal information in online environments. At the very least, one might expect that this incident would have greatly impacted Ashley Madison's business and possibly led to some reciprocal damage to other dating sites. But *The Chicago Tribune* reports otherwise. In an article titled "6 months after the Ashley Madison hack, has anything changed?" they say it is business as usual. Reporter Caitlyn Dewey writes:

> This, we all figured at the time, would be a turning point for the Web … Industry analysts say that users have largely forgotten the lessons of the hack, and haven't demanded changes in the way sites protect their financial information or privacy … There was always a chance that the Ashley Madison hack, far from waking people up to the dangers of data breaches would further normalize them (Chicagotribune.com).

The Ashley Madison debacle did not consolidate concerns about privacy, nor result in a community interested in working out plans to prevent breaches and exposure. Instead, the dominant views seem to be that those affected were involved in bad behaviour and deserved what they got (Keen 57), which means that the public are not generalizing the outcome, but seeing it as moral payback in a particular online instance. According to Andrew Keen, too many of us simply accept that privacy is no longer an option. He says there is an overwhelming agreement within the tech community that "the disappearance of privacy is a casualty of progress," understood as part

of the process of making the Internet a more authentic communicative space, and he speculates that this ideology has already become accepted and normalized within the general population. The devaluation of privacy in turn supports wider systemic forces that are working towards a web of surveillance and information extraction that puts them in control.

Yet Thomas Allmer points out our relationship to the web is still developing, for there is an interactive relationship between technology and humans:

> There is a mutual shaping of society and technology. Society constructs and shapes technology on the one hand, and technology impacts upon and transforms society on the other. The mutual relationship of society and technology is a dynamic process. (18)

As our relationship with technology continues to evolve, and as we continue to invest more of ourselves online, our cultural conception of the need to protect online privacy needs to grow rather than shrink. Users and participants need to recognize the power of the web to spread personal information and the need to develop mechanisms and practices that support self-protection. Unfortunately, the Ashley Madison hack reveals that so far we are seeing a tendency to normalize commodified communication and corporate surveillance.

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