The Transparent Citizen

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Ubiquitous data collection and ambient surveillance create transparent citizens and non-transparent government that challenge core principles of democracy and drive an evolution toward a new form of governance
Key points

• The “Transparent Citizen” is a feature of the network ecosystem
• The Transparent Citizen stands outside traditional legal privacy protections and reverses presumptions about democratic government
• The challenges to democratic governance force the emergence of a new political dynamic
Ecosystem Factors and Features: Ubiquity of Ambient Surveillance

- Network functionality
- Open government and benefits programs
- Commercial goals / Social Media
- Public safety and security
US legal framework poorly adapted to Transparent Citizen

- Constitutional Framework
- Statutory Framework
- Regulatory Agencies
- Common Law
- Public Sector vs. Private Sector
Basic premises of Democracy and Rule of Law

• Respect for Rule of Law
• Accountability
• Personal freedom (thought, association)
• Assurance of public order and safety
Transparency upends these commitments to Democracy

- **Infrastructure of daily life**
  - Generalized transparency
  - Government / Companies / Families seek security through surveillance
  - Privacy is sought through security
Transparency upends these commitments to Democracy

- **Loss of Respect for Rule of Law**
  - Circumvention of checks and balances on the State
  - Self-help vs. vigilante tools
  - Integrity of institutions (e.g. FB judges)
Transparency upends these commitments to Democracy

- **Infrastructure undermines Accountability**
  - Transparent citizen/Opaque Government
  - Presumption of guilt rather than innocence
  - Transfer of enforcement to private actors
  - DarkNet

- **Freedoms**
  - Loss of anonymity, chilling of expression
  - Persistent monitoring, chilling of association
Transparent Citizen undermines commitments to Democracy

- Surveillance/Security programs undermine public safety
- Surveillance/Security programs undermine commercial safety
Conclusion: Evolution of Governance

- Evolving institutional dynamics

- Emergence of new political dynamic
  - What are the governing principles, checks/balances?
  - Who regulates what?

- Network federalism / subsidiarity