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Assessment 03 Research Exemplar

29th April 2016

Exemplar Review.

Karen Levy's article *Relational Big Data*, published in the Stanford Law Review Online, attempts to clarify definitions and relationships in some of the key concepts central to my research. Levy uses a legal and policy framework as the basis of a definition of big data: "data is big because of the depth to which it has come to pervade our personal connections" (Levy 74) and the "relational is who is doing the collection" (74). These definitions are premised on the understanding that data, or data points, can be created and aggregated across multiple domains that are either beyond or hidden from the awareness of the lay person.

Research and opinion conducted in this field has tended to conform to a dichotomy, demanding either an optimistic or dystopian public response. This is most apparent when key players are defined as being "corporations, government, or academic institutions" (74). However, Levy's addition of individuals exchanging data through "inhabiting social roles" (74), compels the reader to acknowledge their own possible complicity in data acquisition and analysis "as a means of negotiating social life" (74). For Levy it is imperative to first

define the specific problem domain and also to examine what social norms underpin assumptions around the role that privacy plays in everyday life.

From this initial position Levy suggests it is useful to use economic sociology as a "conceptual predecessor" (74). To do this Levy compares Viviana Zelizer's work in relational economic sociology practices where "economic exchanges do relational work for people" (75) and in which people are able "to differentiate social relationships and create boundaries that establish what a relationship is and is not" (75). Levy suggests that this concept is applicable when it is understood that "people use data to create and define relationships with one another" (75) and that "people constitute and enact their relations with one another through the use and exchange of data" (75). This is made clear when considering a data analysis situation where locational data can essentially reduce "people to mere data points" (75), ignoring "the social negotiations taking place" (75).

Following the definition and context surrounding the issues of privacy and data, Levy says that "law is traditionally hesitant to get involved in the minutiae of personal relationships" (78) and that we may have "become docile" (79) to the technology around us and its use. This reflects an awareness that what may appear as a problem from one perspective may not in fact be considered from others. Levy then reminds us that any position is but one of a multitude and, even if it lies within the normative spectrum, an awareness of differing perspectives is important to acknowledge.

Levy proceeds to examine the types of social contexts suitable for categorising into domains divided by technological implementation as well as being those that are understandable to the lay person. These domains are *Children and Families, Communities and Friendships, The Workplace* and *Self-monitoring*. Each of these areas enable surveillance in one measure or another that “allow individuals to monitor data” (76) from mobile phone apps such as FlexiSpy, with its extensive list of covert remote control functions, to social media and its overt exchange of personal information. The workplace is a site where commercial interests can dominate the social context in a more obvious way and has its own motivations for gathering “behavioural data” (77). Regardless of the domain investigated, as Levy succinctly puts it, “the ubiquity of interpersonal data-gathering activities helps us understand people as both subjects and objects” (78) and that “social norms around accountability, privacy, veracity and trust are likely to evolve in complex ways” (79).

On the whole, Levy's article has provided a thoughtful and eloquent study into some of the concepts surrounding my thesis. Framing her analysis within a legal policy context, Levy provides an understanding of privacy issues derived from data and technology usage and its broader social context. A fundamental consideration of her analysis is that, despite some areas of resistance, the broad public may already display “a tolerance for watching and being watched, measuring and being measured, that leads us to abide additional surveillance” (79).

To augment research into this exemplar assessment, a second article was analysed that argues for an understanding based upon a dichotomy of two extremes, similar to Levy's,

where machines control us or we control the machines. Cockfield's findings align with Levy's; he recognises that technology is “embedded in social, political, economic” (Cockfield 4) aspects that should be considered as a natural part of the broader context surrounding any attempt to develop or provide legal policy. For Cockfield the understanding, context, technicalities and potential fears are balanced in the day-to-day use by individuals as well as institutions. This balance leads Cockfield to propose a framework referred to as “soft determinism” (4), meaning that “each situation must be carefully scrutinized under its own facts” (7) and if cause for concern is found then a “substantive approach can inform analysis” (7).

The suggestion here is that comprehending the context of use is vital in constructing a foundation for any legal policy. The use itself will determine whether intervention (in the form of legislation or regulation) is warranted. This is central in allowing a balanced understanding, free from any bias or precedent that may no longer be relevant such that it could be “unduly subverting interests that the law has traditionally protected” (7).

Exemplar Reasoning.

The focus of this research exemplar is Karen Levy's article *Relational Big Data* and the methods used to construct it. While it may be conducted within a discipline parallel to my own it demonstrates a structure and language suitable for emulation. The structure consists of an introduction that explains a particular problem in broad terms and then proceeds to analyse the context of the problem domain. Throughout this process Levy illustrates

implications for any term or description used and considers whether they would affect any findings.

Levy's legal background is evidenced in the vocabulary she uses throughout the article though it doesn't depend on the more technical language of jurisprudence. The tone and manner in which the article investigates the subject provides the reader clarity and understanding. Her investigation demonstrates a method of refining broad and complex issues into specific areas of interest suitable for closer examination. This separation into differing components allows for a precise reading that can generate more applicable and logical conclusions especially where they may contradict previously held assumptions.

It is necessary to consider this in relation to my own research that deals with issues around privacy and identity in the age of an internet-of-things. This research could falter under the weight and complexity of both the technological and philosophical responses that constitute current thought around these matters. However, the structure and analysis in Levy's article has proved useful to observe and consider within the context of my thesis and the possibility of broadening its reach, briefly, into allied fields of research.

Whilst not advocating some form of emulation as a necessary strategy for writing a thesis, examining Levy's, and to a lesser extent Cockfield's, article provided an exercise in evaluating methodologies and formats of writing at the required level of academic study. Further to the importance of a well crafted article, it was also of importance to read and

appreciate the language used to put forward a perspective not immediately within the scope of a thesis topic, one largely concerned with the fields of computer science, electronic engineering and algorithmic analysis.

Works Cited

Cockfield, A. J. "Individual Autonomy, Law, and Technology: Should Soft Determinism Guide Legal Analysis?" *Bulletin of Science, Technology & Society* 30.1 (2010): 4–8.

Levy, Karen EC. "Relational Big Data." *Stanford Law Review Online* 66 (2013): 73. Print.