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Freedom at Crossroads in Digitized World: Social Media Constructs Driving out Data Privacy Ethics

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ABSTRACT

The classical market economy model as proposed by Adam Smith insisted on freedom of the agents and fairness of procedures as the natural order of business. In the contemporary scenario, digital revolution has created spaces and models of business which challenge the very foundation of free market economy i.e. freedom and fairness. Consumer trust is a pivotal component for thriving in service industries such as social media platforms. Social media business models in contemporary times trade personal information of users, knowingly or unknowingly, without an effective and informed consent and raise concerns for need and efficacy of evolving a framework for data privacy ethics. This research attempts a comprehensive understanding of how personal data monetization is violating user freedom and fairness. Ensuring user freedom to enable active decision making about her own data provides benchmarks for ethical service and upholds ethics in services. The research analyses pertinence of normative ethical theories and their application on driving issues of data privacy and transparency in perspective and considers how data privacy models can be improved to ensure rights of users and embed freedom and fairness in social media business models.

Keywords: Adam Smith, Freedom and Fairness, data privacy ethics, sustainable social media revenue models, targeted advertising.

I. INTRODUCTION

Emergence of digital communication technologies is reinvigorating value chains of businesses. The new methods of value creation require robust ethical support to remain viable in the long run. Social media has redefined its sphere of influence in the business value chain while transiting from networking platforms into market places which are attracting and retaining customers. This is very often done through specialized strategies such as targeted advertising. However, serious concerns have been raised on the viability of targeted advertising strategies in view of intrusion into individual's data privacy and safety without active and informed

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consent. Moreover, switching from targeted advertising to other revenue models risks fall in revenue, in the short term. Ethical dilemmas and concern for fiduciary responsibility too are emerging for social media organizations.

This research identifies the distortions created by current social media revenue models in upholding freedom and fairness in digital market places. It suggests imbibing an ethical framework to avoid legal and moral backlash facing social media businesses. Adam Smith's foundational structure of market interaction between various players expressing freedom and fairness as the basic tenets for a healthy market has been considered as the ecosystem equilibrium for this research. With social media gaining a stronger hold in the market space the sellers today hold a greater market dominance driving consumer's top of the mind awareness than before, using the data gained from interaction through the internet. This disruption has been analyzed in the following discussion around the given main themes.

- a) How freedom of choice and fairness in the process of service delivery gets compromised in social media spaces?
- b) How does the data market function pose a hindrance in ensuring user privacy?
- c) Which alternative revenue models may be adopted by social media platforms to safeguard user privacy and maintain its own revenue?
- d) The role of targeted advertising in compromising the user freedom and process fairness of the platforms.
- e) Which other legal and ethical frameworks may be implemented to ensure freedom and fairness in social media operations?

(A) Review of Literature:

The ensuing literature review on social media curates the evolution, meaning, its growth, the changing opinion in terms of social media being adapted as a platform for advertising, social media's influence on brand image and allied issues. The following literature review connects Adam Smith's expression of freedom and fairness with evolution of social media and the nature of its businesses vis-a vis the foundational values of laissez faire philosophy.

The term "social media" (SM) was first used in 1994 during a Tokyo online media environment, called "Matisse". It was in these early days of the commercial Internet that the first SM platforms were developed and launched. Over time, both the number of SM platforms and the number of active SM users have increased significantly, making it one of the most important applications on Internet (Aichner, Grünfelder, Maurer, & Jegeni, 2021).

Social media are “Internet-based channels that allow users to opportunistically interact and selectively self-present, either in real-time or asynchronously, with both broad and narrow audiences who derive value from user-generated content and the perception of interaction with others” (Carr & Hayes, 2015).

The initial assessment of the advertising potential of social media was inversely related to advertising and it had a pessimistic account focused on the limitations experienced in the traditional advertising i.e. “consumers tend to ignore advertising including online variations for three main reason: no trust in advertising, no willingness to see advertising, and no need for advertising at all to become informed” (Clemons, 2009).

Certain features of social media have created an attention economy trap, which are increasingly creating compelling reasons for traditional media sources such as newspapers to make a transition towards social media platforms to save revenues (Myllylahti, 2018).

Corporations today have swiftly shifted to the social media platforms for the simple reason that seamless connectivity can be ensured without hassle (Malthouse, Haenlein, Skiera, Wege, & Zhang, 2013).

The dominant image of social media prevailing in contemporary times is still as an open and user fed platform channelized content, supplied to a larger audience, interested in using content. This narrow concept leaves an emerging model of business which remains unattended from academic glare.i.e. platform supported advertising efforts (S, Jussila, & Karkkainen, 2016). Organizations have evolved multilayered and complex structures to exploit the potential of social media advertising and other marketing processes. Their work structures have been redesigned around social media advertising (Felix, Rauschnabel, & Hinsch, 2017).

Social media communications strongly influences the brand image. Firm created social media communication is shown to have an important impact on functional brand image, while user generated social media communication exerts a major influence on hedonic brand image (Bruhn, Schoenmueller, & Daniela, 2012).

Advertising firms have sufficiently recognized that the option of “like and share” on social media platforms has positive implications for their revenue streams. Organizations evaluate relative effects of different platforms, hence prompting a competition amongst platforms towards pointed or targeted advertising (Paniagua & Sapena, 2014).

The revenue options available to the social media platforms range from subscription charges to transaction fee leading to various forms of advertising models. The imperative for the platforms

is to adopt sources of revenue that have instant impressions on their competition and expand their market share (Dasgupta, 2013).

Underlying content contributor utility analysis is still an area which is still largely unexplored . However, its early realizations have made some platforms to switch towards revenue sharing model and reinforce content contribution (Tang, Gu, & Whinston, 2014).

The emerging modus operandi of social media platforms is to collect activity log of the user and subsequently adopt a behavioral advertising based online activity. A behavioral advertising activity tool requires participation of the customer and many a times they are not ready to participate in such forms of advertising, With the help of enabling cookies such data collection and usage of the same becomes legally safe for the companies, Moreover, companies gather large data bases in the processes which results in interpreting human behaviors' in a far better shape and use it accordingly. This makes companies like Facebook to have voluminous data and derive large advertising revenue (Buhler, Baur, Bick, & Shi, 2015).

II. FREEDOM AND FAIRNESS IN SOCIAL MEDIA SPACES

Adam Smith provided the intellectual direction for the early phase of global commerce. Smithian philosophy was founded on the natural urge to amass wealth through expanding the trade across the world. The expansionist proposition seemed simplistic on an ideational plane but was not so in practical realm. The pre Smithian era approach to trade was protectionist and favored solitary advantage manifested in dominant beliefs in mercantilism. The advocacy of perennial unilateral advantage was inherently flawed in its basic conception. This posed an intrinsic roadblock to mutual gain as the basis of trade and limited global trade expansion. Smith's naturalist approach to desirable trade order accorded institution of certain basic principles which underlined freedom for parties making transaction advantageous for both parties.

The major emphasis of Smith's philosophy was on the principle of *jus naturale* which provided for harmonizing gains to make the trade order sustainable (Viner, 1927). The other prerequisite of the given order was removal of artificial restriction on trade through discriminatory practices inhibiting competition (Lal, 2002).

The recognition of the instrumentality of free will to unleash animal spirits in economy was accorded its due place. The foremost of them was best expressed in the philosophy of *laissez faire* (allow to do). The logical and far sighted principles of Adam Smith built an architecture of economic theory to introduce personal liberty as a core concept of economic life of men and nations (Heath, 1958).

As a paradigm shift to the then trade order which advocated for heavy interference of state in markets, Smith proposed free markets believing in the efficiency of market processes and forces to spontaneously satisfy people's demands. He emphasized that market forces set free to conduct business observing basic rules of freedom are best poised to promote wealth and welfare. Since then there has been a continuing debate whether the principles of free market economy are suited to certain market structures (BERGGREN, 2003). The research debate on these principles has been reinvigorated in the context of freedom and fairness in social media spaces which have become a dominant medium of transactions in both personal and professional sphere of the consumer.

In the digital age this security of person and property essentially encompasses personal information that a user provides to the web platform and the data that he shares with the platform as a property convertible to exchangeable value.

The promise of web 2.0(social media) was widening the freedom of the individual through offering larger connectivity with assurance of freedom to choose. However, in the post targeted advertising world it is increasingly being doubted whether such a space has been created (Sethu & Ramachandran, 2021). In an environment where the security of the basic freedoms is difficult to secure, the market democracy becomes a distant dream. (Anderson, 2013).

The data markets created by social media advertising models in essence shall apply these principles in a transparent way to infuse greater trust in the platform economy in order to introduce market democracy in the new economy. This seems unusual given the data processing model that is in vogue (Goldfarb & Tucker, 2011). Despite, the fact that new economy is way different than the mode of value creation and exchange that existed in the initial phase of industrial revolution; the basic contours of the freedom and fairness hold relevance albeit in a modified form. The following illustration attempts an application of the principles of market democracy through freedom in social media commerce space.

(A) Freedom in Social Media space

Table 1

<i>Facets of freedom</i>	Rationale	Implications for Social Media
<i>Jus naturale</i>	Harmonize gains to interacting agents assuming that all agents are rationally endowed to choose a course of action that optimizes utility for them.	Application of active and informed consent, choice based sharing of personal information and restricting advertiser access to user data.

<i>Laissez faire</i>	No restrictions on exercising free will	Ease of exit from the platform and the user right to be forgotten.
Invisible hand as market regulator	Order is maintained by a natural economic force	Access to user information be determined by mutual agreement between platform and user.

These basic principles assume significance in an environment where rapid and profound changes occur every day with introduction of new technology, emerging regulations and forthcoming demands from the consumer groups. Every organization seeks sustainability of its revenue model in long term. Any revenue stream that does not uphold the principles of freedom and fairness to the user group is vulnerable to backlash in the event of introduction of new service models that offer greater freedom. Social media companies are no exception to this principle.

Another corollary of market democracy is the fairness of the market forces in distribution of the outcomes to agents. It essentially implies that rewards or the reverse attained from market activities should flow to individual actors in proportion to the efforts put by them. It also implies that the process of market activities should not be controlled by dominant actors rather take place according to the laws of the natural market functions. This situation is difficult to hold by itself, due to differences in motivations of the individuals. In order to calm the restive spirits and uphold the laws of the market, an impartial regulator is expected to play the role of an enabler in maintain the fairness of market processes.

The widening contours of the discussion on fairness of social media economy have sparked a debate as to which important principles of market fairness process indicate the same in social media. However, there is no contention to its centrality in maintaining a transparent and trust based social media business structure (Bygrave, 2002). On the issue of fairness, deeper explorations elucidate the reference to reasonable equity of interests among data controllers and data subjects, which implies that relevant reference may not be formal respect of procedures (w.r.t. transparency, lawfulness or accountability), on the other it is reasonable mitigation of unfair imbalances which design vulnerabilities in environs. (Malgieri, 2020). Hence, it may follow that fairness is the foundational substructure of the giant structure of social media economy. (Kasirzadeh & Clifford, 2021).

The following table attempts to signify the applicability of the classical principles of fairness in

the social media economy.

Table 2

Fairness in Social Media Spaces		
Fairness Principle	Processes	Implications
Framing Rules of operation of the social media spaces	Defining and codifying norms of engagement	An effective agency for addressing foul play in users platform engagement and transparency
application of rules w.r.t. Fairness in the social media spaces	Application of the principle of Natural Justice to Data Privacy Legislation	Balancing the rights and duties of platforms and users
Impartial Spectator (No tilt of the governing bodies)	Establishing Regulatory Authorities with non intrusive mandate having combined regulatory and development role.	Establishment of arbitration bodies acting as watch dogs for the social media economy

Fairness and freedom are mutually dependent. Jointly they form the foundation of market sustainability. Freedom cannot exist in isolation of fairness, until fairness exists freedom will cease. Fairness can exist only when there is freedom in framing, expressing, experimenting, applying and reaching to the desired end. Endeavors to balance the freedom and fairness with requirements of profits for social media lie at crucial juncture to provide a pathway for sustainability of social media economy (Taylor & Paterson, 2020). Moreover, this needs to be in accordance with the core principles discussed above and not to nudge the agents in a particular direction that creates a compulsive-persuasive mechanism to trade of freedom and fairness with the urge to stay connected over a platform (Otteson, 2018).

III. USER PROFILING, TARGETED ADVERTISING AND USER FREEDOM IN SOCIAL MEDIA SPACES

Freedom is enjoyed in the digital world by the user when she is free to navigate the web space according to her temporal preferences and not driven to the guided content intended to drive her

towards consumption of particular data. These guiding cues are based on the profiling of the user building upon the analysis of her past preferences (Ullah, Boreli, & Kanhere, 2021). The influences of these guiding is psychological to nudge the behavior of the user in the desired direction to suit the requirement of platform advertiser. The web of user profiling-content feeding-advertising preference results in classification of user choices in a particular segment. The twin effect of such categorization may be envisaged as restriction of user choices at least in the usual scenario and avoidance of the user by advertisers of segments unrelated to her current segments. The net effect can be summarized as sub optimal user discovery by platforms and restricted web discovery by the user.

Fairness is embedded in a system when there is parity of rules of participation on a platform. Also important is the fact the rules must be formulated with collective consent and complied with the rationale of neutrality, justice and equality. Rules themselves do not ensure fairness unless there is an enforcement mechanism for them. This maintains that enforcement authorities are required to remain impartial spectator with expertise to arbitrate when the equilibrium of natural mutual choice of platform- user gets disturbed by the foul play from one party. Currently, the platform interference in directing user activity is proving inhibitory for free user decision making process In fact the user gets perturbed to see same sellers tracking her across web platforms (Tucker, 2012).

Companies have a very high expectation of enhancing sales revenue through use of personal data provided to platforms that host social and leisure activities popularly called social networking sites, but the same is also giving rise to a new facet of capitalism that hinges on a large surveillance mechanism with a vast potential to affect user freedom and competitive fairness in more than one ways (Fuchs, 2014).The unregulated expansion of these silent surveillance mechanism may create a host of privacy and proprietary issues which are visible in its current phase of development (Fuchs, 2017).

(A) Role of Fiduciary duties to ensure freedom and fairness:

The following discussion has been set up in a terminology explanation mode.

Fiduciary is an individual who is entrusted with a relationship of trust with the beneficiary, especially when he has been entrusted to hold or perform something valuable. Fiduciaries have duties, they are expected to be loyal and care for the beneficiary while managing what has been entrusted upon them. The imminent danger that arises is the beneficiary being deceived of the rightful use of assets due to the fiduciary making unexpected use of the assets for his own interest.

When the concept of fiduciary spans to the periphery of information it is termed as Information fiduciary; any information related to a user whenever shared with a service provider is expected to be treated as an information fiduciary i.e. the basic information of any client required for the use of any service, which may be acquired by the service provider for providing a service to the client, should be well cared for as fiduciary. If such information is forwarded to others for use without the consent of the user then it is violation of the information fiduciary.

(B) Social Media platforms as Information fiduciaries:

The issue of information fiduciary is arising in contemporary times as information sharing has increased many folds in the 21st century simply due to a higher interface with the digital world. Interaction with the digital space/s does not requires an explicit agreement of fiduciary expressions but is designated more by choice this does not imply that default or designed data aggregators escape from their responsibility arising from the principle of natural justice. With the intensive use of internet there is extensive data aggregated by the service provider. The aggregated data can not only be picked by the end user but also by the information technology service provider and that too in a short span of time. Enormous data collection, collation and aggregation capacities have catapulted the power of digital service providers to employ user data to their own advantage (data being used not explicitly for the reason for which it was initially provided by the beneficiary). The data many a times is also used for reasons acting towards disadvantage of the beneficiary or the user. (Belkin, 2014),

Recent debates and discussions on information privacy by the users call for redefining the terms of fiduciary relationship. Belkin lists three issues around which the sharing of fiduciary expression should exist; they are the nature of services being offered by the service provider, the trust engendered by the service provider and the kind of dependence it creates (Belkin, 2014).

The nature of services offered relates more to whether the services offered are essential services. Kind of dependence created by digital services is an important reason for deciding the level of information fiduciary. Hegemonies have emerged in the internet space, for example google as a search engine reigns supreme, and search engines like yahoo and internet explorer are in oblivion. Facebook and twitter enjoy the same stature, so much so that governments are fighting the might of these stalwarts today. Such service providers should assume or else assigned a forcible (legal) fiduciary responsibility.

IV. DATA BROKERAGE IN SOCIAL MEDIA AND CONFLICT OF FIDUCIARY DUTIES

The content shared on digital platforms assumes pecuniary importance. Information can always

be applied for allied streams of business. A patient would like to insure himself against potential health issues; this gives insurance industry an allied status. The data mined and structured from the medical industry can be used by the insurance industry too where this industry will analyze and predict user's digital and physical consumption behavior to design specific insurance policies and market them. The above analysis is done in the following steps the first three collection-analysis-profiling relating to information, then predicting and finally designing products and services and offering them to users.



PROCESS FLOW OF DATA BROKERAGE

Source: Author's illustration.

At the outset one may simply believe that a single entity performs all the tasks in the chain and presents the user with precise offerings reflecting user choices. However, a closer look at the process reveals a differentiated chain of actors and entities involved in the loop and making the data market. Digital platforms act as intermediaries which connect two or more market participants via the platform and simplify their interaction. By linking several actor groups via the marketplace, a more efficient interaction is made possible through standardized interfaces and services. If a market is determined by a digital platform, these platforms constitute a data-driven overall system that handles all market transactions (Spiekermann, 2019).

(A) The code of data travel:

The data on the digital platforms travels through disguised channels in addition to the known channels. As discussed earlier the user is partially aware and is with a partial consent to share the personal data to each and every party. Users in a zest to use the information and data tend to overlook at ticking a yes to the data sharing option with others. Data is shared in the following possible ways. The users of platforms share their data with the first party collector. It relates to

first time providing of data with a platform for the purpose of some kind of services associated with the data e.g. data to the Facebook, banks, insurance companies etc. for registration and initiating the service. The data from such a party could travel through the vectors like data being transferred to third party advertisers who may use data for the purpose of targeting users for specific information. Other threads could be selling of data by the collecting organisation to other organizations.

(B) Decoding The Data Privacy Puzzle:

The data brokerage model of monetization of personal information is apparently violative of individual's privacy. The booming platform economy trades off for providing a range of user services for no upfront pecuniary costs. However, at the core of it emerges a model of commerce where one party does not have an active consent to sell its value proposition. The user is denied his natural right to be informed of the path that his/her data travels and the benefits derived from the same. The recent studies reflect that users are puzzled to decipher the web of data driven profiling and targeted advertising (Zarouali, Verdoodt, & Walrave, 2020). The emerging body of research suggests that users are increasingly limiting their social media activity to escape intrusive advertising (Liao, Chen, & Huang, 2020). Advanced data gathering and tracking technologies, and the lack of clear or well-enforced regulations (legal requirements) also allows data to be collected without customers' knowledge or explicit and informed consent (Lobschat, Mueller, Eggers, Brandimarte, & al, 2021). Even when the targeted advertising is accepted by the user, they seek control over the type, content, frequency and other range of factors for the data shared and to minimize the impact on their privacy (Zhang, Guerrero, & all, 2010).

(C) Ethical Analysis of Targeted Advertising and Data brokerage practices in the Social media business model:

Following discussion is an understanding of the expressions of the ethical tug of war between businesses and customers. The discussion relies on three concepts, the caveat emptor, uberrima fidea and Albert Carr's theory. Caveat emptor has been the mainstay of customers purchase behavior. Although the principle indicates buyer's obligation to reasonably inspect the goods it is purchasing and in case if the goods are faulty the onus of the fault lies on the buyer. On the other hand the principle of "uberrima fidae" legally obliges all parties in the contract to reveal any information that could influence the decision making (while entering into a contract).

Albert Carr's theory drawn under the article "Is Business Bluffing Ethical" discusses business ethics as game ethics which is different from personal ethics. While expressing business scope, the businesses can adopt methods likes misrepresentation, understatement, falsehood etc to

promote and expand their business. If business does not do so then a business leaves space for competitors.

The dilemma of the above three for the customer arises with a shift from the manufacturing to the service industry space. In the service space customers pass on all the rights of sharing information just by ticking on a box. Most of the times customers do not read between the lines, or do not have the time to read or sometimes are not as educated to read the complex language. Customer's know how to pay but do not understand what is the final trade off. Faith of consumers on „uberrima fidae' negates the concept of „caveat emptor' many times. Consumer is also in a hurry to access the services for a final delivery and in the process accept all the unintended contracts (in the form of cookies etc.)

Albert Carrs' theory is an icing to support the caveat emptor in social media spaces in contrast to „uberrima fidae' where it defends businesses even for those acts which lean towards the unethical ends in personal lives of humans. Carrs' theory is strongly applied in case of privacy ethics. The data brokerage model specially leans strongly on the theory. The operations on the internet are so strongly netted that during a complete transaction the contract/ agreement is placed to bluff the consumer. The placement of the contract during the process of switchover from one window to another at a time when the user is highly interested in accessing the service many a times makes the user skip the legalities. These features lead the consumer to ignore the contract or accept in agreement of „uberrima fidae' that the provider will not play foul with the data.

V. RESOLVING PRIVACY ETHICS DILEMMA IN SOCIAL MEDIA

(A) Privacy Ethics and Gandhian Seven Sins

The Gandhian philosophy lay in contrast to the theory of business ethics proposed by Albert Carr. Gandhi propounded a list of seven core principles to promote a sustainable social order including businesses. He held firm conviction that “Business without Ethics” is not only against the consumer rights but also not sustainable for businesses to promote a trust based order. Carr creates a dividing line between moral and amoral. „Amoral business order' is essentially one that restricts the freedom of participants and it always favours the players with higher market manipulative powers. Gandhian values contrast and favour the view that such an order does not normally lasts long as the disadvantaged forces, which in this case is the consumer, make attempts to withdraw themselves, at the earliest. In the ultimate analysis, the natural law of fairness compels amoral agents to adopt moral rules widely held by market forces.

In the context of data privacy, in contemporary times the companies seem to be following Albert

Carr's view to dictate terms of engagements for the users. They are in a position to gather data at their own end and further assume the right to share user data for a range of commercial applications. The sharing of data without the regard for user privacy, security and very often the platform's own fiduciary duties along with adherence to the principle of uberrima fidae are questionable. This situation is indicative of the initial wave of amoral behavior by digital platforms, which synchronizes with Albert Carr's view of business ethics. Nevertheless, there are signs of change in the areas of regulatory applications in different regions as in the case of GDPR, Europe.

(B) Regulatory environment on Privacy Ethics:

Currently the users too are not aware of the implications of data sharing and privacy ethics. Many of the users are first generation users, especially the ones who are unable to adapt to the softwares. Many a times user is forced to use application of social media as the governments and employers are interested in users to use a specific application. Till now the users are not aware of regulatory frameworks that can support such data privacy, more so because such regulations are evolving as yet. The regulatory framework requires to look at fair order, personal data protection, clear consent for non personal data commercialization, incorporation of fiduciary responsibilities, application of principles of uberrima fidae which will ensure an order that is free and fair digital space.

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