The Race to Control the Voter: Big Data and the Transformation of the Election

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Dedicated to

Sean,

whose patience and care throughout this journey have been seemingly limitless,

and Eileen and Brett, my parents, who worked tirelessly to put me through school.

With special thanks to my advisor,

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whose faith and guidance were essential to this project’s completion.
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Introduction

In the wake of the election of Donald Trump and the “fake news” epidemic, many questions about the ethics and consequences of campaign technology have arisen. Campaigns can now link voter registration lists with personal social media accounts. The information is stored and updated continuously in campaign databases, which feed the data through algorithms that determine where their voters are, who they are, how they can best persuade undecided voters to vote for their candidate, and how to increase turnout on their side. This information is used to tailor campaign messaging to a given audience, or even to target individual voters on social media. This unprecedented effort to target individual voters is changing what it means to cast a vote. The increasing ability for political campaigns to mine information about voters in order to exert the maximum amount of control has not been discussed in a public way. Citizens of democracies around the world have not had the opportunity to decide if use of these tools ultimately benefits or hurts the integrity of their elections.

Attention to the material consequences of voter manipulation and surveillance are crucial to answering the question: who benefits most from voter surveillance (the monitoring of individual voters via social media) and the larger structure of which it is a part? Thinkers in the Marxist tradition are attentive this question. I will argue in this piece that voter surveillance and the transformation of campaign technologies benefit corporations and the elite, not the majority of Americans. For this reason, voter surveillance is a method of undermining the integrity of elections in America which have become races of voter manipulation. This is a systemic and dogged problem that must be opened to public debate.
This issue of determining who most profits from voter surveillance is centered in a discussion of the larger structural transition that has enabled the phenomenon. This is a choice. Exploring our research question via the perspectives of Frankfurt school thinkers allows us to illuminate its embeddedness in the larger structure that predetermines the way in which voter surveillance is used to generate capital. “Cognitive capitalism” (also referred to as “digital capitalism”, “the information economy”, etc.), which is defined by a shift towards immaterial labor and relegation of necessary material labor to peripheral economies, is a way of understanding the structural paradigm of the current moment, and is the frame we will use. Alternative methods of understanding this phenomenon could and should be used to illuminate other aspects of this issue. A phenomenological approach would lend itself well to understanding the effect voter surveillance and micro-targeting has on individual agency, for example. Alternative methods of critique are worthwhile and should be explored, but are less direct ways to get at the core of our specific research question.

The Marxist critique allows us to situate the transformation of elections within a structure of increasing corporate power. It allows us to discuss the way in which communities and individuals have been remade by cognitive labor, a labor that requires not only physical (as in industrial capitalism), but ideological compliance with corporate goals and values. This enables the default of consent on the part of the individual. Because cognitive capitalism requires the reproduction of its inherent ideology, its spread leads to increasing corporate control. Ideological emphasis on individual over community is very much a part of this control. Community becomes a useful mirage to sell goods and buy votes, but has come to hold less and less oppositional power. Campaigns’ use of individual voter data constitutes an attempt at profound cognitive
control, a control that further undermines elections. The election is the hallmark of democracy, and its subversion means democracy’s undermining.

Despite such trends, there has been virtually no research linking the surveillance and control of voters to larger economic shifts that are global in nature, and few works examining the structural production of voter surveillance as a means of control. There has been only a single recent work of comparative analysis of the American and European systems for dealing with (or not dealing with) changing campaign technology. This is the work of Colin J. Bennett from the University of Victoria, which has been instrumental to my work. He concludes that data privacy law cannot protect our elections entirely, nor can strict campaign financing and advertising laws. The Macron campaign was able to use some of the techniques used by the Obama campaign by collecting its own data in the field as opposed to buying it from companies or getting it through Facebook connections. While this was several orders of magnitude less intrusive, it still reflects an unprecedented effort to target individuals. We will use the cases of the Obama campaign and the Macron campaign to weigh the primary benefit of this technology—getting more people to vote—against the surveillance and manipulation it allows campaigns to do.

The cases selected are intended to highlight key legal and cultural differences that have led to different outcomes. The French case allows us to compare the use of campaign technology unrestricted in American elections to stricter regulation in France, while holding as stable cultural and systemic factors (France is still capitalist, though it has a much stronger welfare state than America). They were also selected for their breadth and depth of available information. The case of the Obama campaign\(^1\) shows the first social-media-connected voter database, and its

\(^1\) The 2008 and 2012 campaigns are taken together, as the latter is a continuation of the former. Though the latter is of foremost interest, connecting it to the 2008 campaign shows the way that in a span of just a few years, the extent of voter surveillance dramatically increased.
rapid expansion in 2012. Juxtaposed with the election of Emanuel Macron in 2017, which collected neighborhood-by-neighborhood voter data by hand due to European data privacy laws and strict campaign rules, the campaigns show the ways in which the norms of each country impact the democratic process. They also aim to show the consequences of the use of personal data for the voter and their individual agency. While I do not aim to be fatalistic, the French case shows the unbelievable extremity of the American case. It also shows the ways in which regulations can have a real impact on the methods of surveying and persuading voters that are employed by campaigns. We will also look at how the Trump campaign takes the extremity of the American case even a step further, using voter databases not only to persuade voters to turn out but to dissuade eligible voters from going to the ballot box. This particularly insidious type of voter suppression is new in America and incredibly alarming.

In Chapter 1, I endeavor to contextualize the central research question through an investigation of its structural context. I will begin by eschewing false assumptions about the nature of the internet, which cloud our ability to see the problem at hand. In Chapter 2, we will move to a discussion of the current capitalist paradigm, which we call “cognitive capitalism.” This discussion of the broader, structural context of the digital transformation of campaigns and the impact on democratic outcomes will center the case studies and provide a framework for their interpretation. Chapter 3 will give the two cases described earlier, that of the Obama campaign and the Macron campaign, and will highlight not only the way that data privacy laws change outcomes, but the extremity of the American case. The cases will also show the pervasiveness of voter surveillance, even in countries where protections are strong.

My work here is descriptive, but also aims to challenge and analyze the terms of the debate surrounding election politics and, more broadly, the real winners of the current
technological and capitalist paradigm. The crisis I outline is systemic. It is irremovable from the larger structure of the economy and for this reason the only complete solution requires challenges to the overall structure. Regulation, in the context of this admission, can be seen in two ways: as protecting the system from popular unrest, or as protecting the general integrity of the election and, therefore, the population. My work is, for this reason, cautionary. In capitalist democracies where such surveillance of voters has not yet come, it is a matter of time in lieu of public demand for strict regulation. The spread of this phenomenon will mean the continued erosion of the integrity of democracy around the world. In no place is this truer than in America.
Chapter 1: Key Philosophical Arguments

The chapter ahead aims to outline the key philosophical arguments that position technology as a way of capturing the value of the information generated by individuals as they move through the world. It is by this mechanism that political campaigns can micro-target individuals and therefore “select” their voters. The success of the politician is now determined not by their qualifications or the degree to which their personal values are both in line with their constituency and their ability to appeal to the undecided, but by the way in which they are able to embody the “preferences” of a “base” of voters and deliver messaging attuned to these diverse preferences.

The individual’s relationship with their personal devices is a relationship that would have been unimaginable to Marx. Personal devices and internet platforms are increasingly able to capture the value of externalities. The pieces of information we generate as we move through the world are stored as data that become immaterial capital in an “information society”. Technology has become a tool for the accumulation of immaterial capital in the current “cognitive capitalist” paradigm. This is a relatively new phenomenon, and has become possible only with the advent of big data computing and Artificial Intelligence. It is in this context that we will discuss the structural determinisms of voter surveillance and the way in which it has come to define election politics.

Beyond Marx: Contemporary Theory

In 1964, Marcuse foresaw that industrialization would soon approach a point where the continuation of progress would “demand the radical subversion of the prevailing direction and
This point would be reached when the production of goods becomes fully automated so that all basic needs are fulfilled with little human labor required. Marcuse predicted that the next phase of history would be one defined by using technology for the repression of the increasingly unnecessary masses. This is his "technological rationality."

Marcuse refers to this state as the “pacification of the masses,” in which the majority work not to survive but to have excessive consumer goods.

Marcuse’s prediction in One Dimensional Man about the way that technology will be mobilized for the purpose of control is foreboding. He describes this orientation towards technology as “technological rationality”, writing that “technological rationality reveals its political character as it becomes the great vehicle of better domination, creating a truly totalitarian universe in which society and nature, mind and body are kept in a constant state of permanent mobilization for the defense of this universe.”

Yann Moulier Boutang updates this theory in describing what he calls “cognitive capitalism”, a third manifestation of capitalism, which marks an epochal shift. Rather than employing a descriptive sociological approach to characterize the phenomenon, Boutang engages contemporary Marxist critical theory. He describes this shift in the tradition of Karl Marx, who describes the transition from mercantilism and slave labor to industry and waged labor as the new structure for generating capital and organizing laborers. This second manifestation of

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3 Marcuse, One-Dimensional Man.
4 Marx referred to this state as the “abolition of labor”.
5 Marcuse, One-Dimensional Man, 20.
capitalism was defined by the accumulation of physical capital and the mass-production of goods in factories.

The economic and social system associated with this type of capitalism is often called “Fordism”, after Henry Ford’s revolutionary manufacturing processes. Under this type of capitalism, low-cost goods are produced on a massive scale, and workers are given wages just high enough to buy these goods. This type of capitalism has come and gone, and we now find ourselves in a “Post-Fordist” economy, Stuart Hall defines post-Fordism as involving: 1) the shift to information technologies and a broader definition of labor which involves more fluid processes; 2) a decline in manufacturing and a growth in technology-based industries; 3) a tendency to contract-out services; 4) targeted marketing based not on social class but on lifestyles, culture, and niches, as well as a greater emphasis on product differentiation; 5) a new working-class demographic including the ‘feminization’ of the working class and a shift towards knowledge work as opposed to manual labor; 6) domination of large, autonomous, multinationals with a globalized workforce; 7) the globalization of financial markets linked by communications technology; 8) new forms of spatial organization of social processes. These characteristics focus on production as opposed to consumption and do not fully capture the blurring of lines between leisure and labor in capitalism’s contemporary manifestation. Hall proposes, that not only are changes in labor structure happening out in the world, but that “it is us who are being re-made”. This hypothesis is in concert with that of Marcuse, who hypothesizes that the structure of human psychology is subverted and used to serve capitalist production. This constitutes Marcuse’s idea of repression, which is deeply embedded in human psychology and behavior by and for

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8 Hall, 24.
technology. This hypothesis adds an additional level of seriousness to our discussion of elections. We must question the extent to which our own remaking clouds our very judgement of existential crises of democracy.

Boutang finds that while material industrial production has not been eliminated and is the primary mode of production for much of the world, cognitive capitalism “rearranges it”, moving industrial production to developing countries. This phenomenon is also described as the relegation of manual labor to “peripheral” economies that feed the “core” of knowledge economies. These terms were coined by sociologist Immanuel Wallerstein. Manual labor is replaced by “immaterial labor” in developed economies, which is defined by Maurizio Lazzarato as “the labor that produces the informational and cultural content of the commodity.” Lazzarato employs this two-factor definition of immaterial labor to show that it is not only that labor is increasingly characterized by the manipulation of information, but by manipulating “cultural content”, like trends and social norms, to sell products. Immaterial labor is necessarily linked to the commodity by his definition; it is linked fundamentally to the material. In this way, Lazzarato stays true to capitalism’s materialist history.

Similarly, because of the increased autonomy of the worker in a knowledge economy, the worker becomes an “interface”, necessarily embodying the goals and values of the company in order to succeed. Lazzarato writes that management now requires “the worker’s soul to become part of the factory.” The very subjectivity of the worker must be under the command of the

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12 Lazzarato, 132.
13 Lazzarato, 134.
organization. This structural expansion has led to a “labor of control”, in the words of Lazzarato. I offer that this "labor of control" is relevant also to the labor done on social media in what is wrongly termed leisure time.

Boutang's work feeds into this idea by discussing the notion of “immaterial capital”, which is the natural product of “immaterial labor”. He writes that the current economic paradigm is “founded on the accumulation of immaterial capital, the dissemination of knowledge and the driving role of the knowledge economy.” While he seems to avoid the word “information”, Boutang describes how knowledge becomes a commodity to be exchanged, whether it be consumer data or consulting services. Immaterial capital, without diminishing the importance of material capital, has become central to contemporary economies. This is often discussed as the “dematerialization” or “digitization” of the economy, which results in the need to value information as an intangible commodity that holds significant value and is exchanged.

Popular rhetoric about technology and increasing consumer power, as described earlier, is losing credibility among scholars. However, statisticians and engineers continue to uphold the idea of collecting massive amounts of data to categorize individuals into hyper-specific marketing segments. Joseph Turow notes that the line between advertising via mass-media and via direct-response methods is blurring. Companies no longer depend upon polls and pencil-and-paper market research to identify potential consumers to contact, they need only to buy access to tools such as Google Analytics that contain endless amounts of information about the users accessing a given website.

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14 Moulier Boutang, Cognitive Capitalism, 50.
Turow notes that a new genre of marketing firms has sprung up around the idea of micro-targeting individuals, offering the ability to customize interface experiences for each individual user, as well as the ability to advertise to individual IP addresses. The potential political implications of this newfound capability are enormous, and its impact on the political advertising industry will only increase in the coming years. Facebook advertising is notoriously specific. Creating an account on the site’s “Ad Manager” reveals a targeting program that allows you to advertise to groups as specific as politically liberal Asian women between the ages of 61-65 who like cats in the North End of Boston (710 people total). Running this add would cost just five dollars per day, an incredibly low price. It also allows advertisers to see which users have viewed their ad.

Marketing has been transformed by big data, and is constituent of contemporary capitalism. Consumer surveillance is essential to data-driven marketing. Maurizio Lazzarato defines this shift as paralleling the broader shift from industrial to informational capitalism:

Rather than ensuring (as nineteenth-century enterprises did) the surveillance of the inner workings of the production process and the supervision of the markets of raw materials (labor included), business is focused on the terrain outside of the production process: sales and the relationship with the consumer.

Through the primacy of knowledge and science, material labor sheds its centrality as a strategic asset. Instead, knowledge and science become the key “strategic location” in business, as they

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18 Lazzarato, “Immaterial Labor,” 140.
crystallize exchange value through innovative products and processes. However, innovation cannot be acquired instantaneously, like machinery or laborers. Technological progress, therefore, depends upon what Boutang calls a “socio-technical system.” Innovation depends upon the appropriation of knowledge and the use of existing technology made possible by this system.¹⁹ This idea negates the classic Marxist conception of the individual “owning” his individual labor. In the modern information economy, not only do campaigns depend upon this knowledge appropriation, but they encourage and participate in voter surveillance by buying data from brokerage firms. This will be discussed in greater detail in our case studies.

Chapter II:

Debunking Myths

Popular rhetoric that describes the internet as “putting power in the hands of the people” is not only factually incorrect, but it is manipulative and deceptive. I will systematically disprove this notion and instead emphasize how the internet has revolutionized consumer surveillance, dismantled protections, and generated massive profits for large corporations, data brokerage firms, and consultancies. The internet made possible the manipulation of individual voters in American elections. Because the transition towards the current state of campaign surveillance has been so long in the making, it has gone largely unnoticed.

Since the advent of the internet, false assumptions about its structure, role, and nature have flourished. In this chapter, we will seek to challenge these assumptions. This will provide the foundation for an assessment of the impact of ‘big data’ on the integrity of elections, and what this means for the future as the internet moves into places it has not yet known. Three false assumptions pervade arguments that the internet is a force for democracy. This narrative, that the internet leads to democratic change or promotes democratic values by the access to information it gives people around the world, is a dangerous one. It is an ideological production of the very system which benefits from its spread. The assumptions that underlie the narrative, as follows, will be systematically disproven:

1. The internet is inherently democratic by its pluralistic and networked nature, and facilitates the spread of democratic norms.

   b. The internet has a tendency as an institution.

2. The internet is a public sphere.
3. The internet is used primarily to access information that will inform opinions and beliefs.

   a. This myth contains the assumption that people would choose democracy if only they “knew” about the oppression they are facing.

Myth 1: The Internet is Inherently Democratic

Many senior government officials and political and cultural figures helped popularize this idea. In 1993, Rupert Murdoch offended the Chinese government when he asserted that "advances in the technology of telecommunications have proved an unambiguous threat to totalitarian regimes everywhere." He explicitly stated the prevailing opinion: that connectivity rates would mirror dissent against dictators and autocrats.

In 2001, Secretary of State Colin Powell told Congress that “the rise of democracy and the power of the information revolution combine to leverage each other.” He fervently believed that the internet would liberate those living under authoritarian regimes and lead to a rising tide of democratic revolutions. Sixteen years later, it is evident that Powell’s predictions were overly optimistic. While Murdoch’s statement has proven true in a few cases, it largely reflects misplaced faith.

Many governments, including the ones previously listed, are becoming radically more authoritarian since Colin Powel’s speech. Even democracies are using the internet to disseminate content favorable to them or that promotes their culture. Russia uses the internet to disseminate

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Russian propaganda and create information chaos abroad. All actors, including unsavory ones, are radically more connected, and have varying levels of both internet freedom and ideological influence.

Pierre Levy: Exemplifying this Assumption Laden in Academic Literature

The intellectual sphere also had its fair share of hopeful spectators of the information revolution. Pierre Levy’s book Collective Intelligence, which was published in 1997, reflects the optimism of many at the turn of the century. Levy tried to create a working theory of democracy from the changing forms of communication he observed in the world. This enterprise has become central to political theory. Nancy Fraser articulates the need for new political theory that incorporates advancing technology. She writes: “the concept of the public sphere was developed not simply to understand communication flows but to contribute a normative political theory of democracy.”22 This normative theory is that true democracy is possible because the public sphere allows for the egalitarian exchange of ideas. The work of Levy depends upon this concept of the internet as true “public sphere”, the normative theory which has been developed and sold to citizens. Levy’s “demodynamics” represents an attempt to make sense of the changes technology is bringing to democracy that falls into the trap Fraser has elucidated. Levy’s book is clearly primed by the naiveté that dominated public discourse at the time of writing. It is in line with the thinking laid out in Colin Powell’s speech. This book will be used as a way to understand how intellectual thought has been imbued with the same false assumptions we have identified, an impact that plagues still plagues academic literature today.

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In *Collective Intelligence*, Levy primarily concerned himself with investigating the structures of the internet (though the word had not yet become popular) and the consequences of what he called “collective intelligence”, or the dissemination of information which creates a shared and agreed upon working body of knowledge. For this reason, he described cyberspace and its constituent technologies as offering new “possibilities (for) human becoming,” as opening up a space in which embodied presence was no longer essential. This, he described, as inherently liberating to the political being. Universal truths could, by this mechanism, come into existence and be acted upon through directly democratic government. In this way, according to Levy, the internet would lead to positive political change and “decentering” of power. Katherine Hayles, by contrast, considered disembodiment to be symptomatic of a greater shift narrowing the opportunities for human becoming. The field of "cybernetics", or the study of networks of cyber communication, was abuzz with such debates in the early 2000s.

Levy wrote: “Demodynamics does not imply a sovereign people, one that is reified, fetishized, attached to a territory, identified by soil or blood, but a strong people, one perpetually engaged in the process of self-knowing and self-creation, a people in labor, a people yet to come.” Levy’s optimistic vision of a utopian direct democracy and its self-knowing citizens is compelling but implausible. Instead, nationalism and racism have remained, and can even be said to be gaining ground via the internet, as individuals with dangerous minority opinions find their cohort and grow.

In thinking about the impact that collective intelligence may have on democracy, Levy discussed representative democracy’s origin. He writes that, in contrast to the Athenian city-

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state, modern democracies were forged over large territories, making direct democracy virtually impossible. For this reason, he writes, representative democracy became a technical solution to the coordination problem. Levy imagines the return of direct democracy through the shrinking of distance in cyber space and a new space of political discourse in which the individual has a new capability to develop his political identity. Levy writes,

"Citizens would elaborate a diverse political landscape that was not preconstrained by the gaping molar separation among different parties. The political identity of the citizens would be defined by their contributions to the construction of a political landscape that was perpetually in flux… in this way everyone would have a completely unique political identity and role."  

Levy saw connectivity and the spread of information to be naturally linked to political polyphony, even offering an opportunity. With access to a wide diversity of information, it seemed implausible to Levy that ideologies would consolidate and diverge along party lines. Levy operated on the false assumption that people are only narrow-minded because they do not have adequate access to information.

Unfortunately, Levy also missed the psychological reality that people conform to an ideology so as to have a consistent identity, and that it is by this self-concept that information is filtered. Taking down “identities of soil or blood” is not achieved by the spread of a tool that allows access to challenging information. In fact, the internet is largely used as a tool to spread ideologically-reinforcing content to consumers. What is seen as consistent with individual identity is seen as valid, what is foreign and personally challenging becomes “fake”, or

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24 Lévy, 64.  
25 Lévy, 65.
misguided. Of course, people do change and adapt, but changes rarely occur outside the context of an ideological group. This phenomenon persists forcefully in America and across the world.

Twenty years later, Levy’s prophecy seems woefully out of touch. What he describes as the “gaping molar separation” among political parties which seemed certain to narrow has only widened dramatically. The same ideologies used in the past to filter information are relied upon to an even greater extent in this epoch of information overload. Instead of political polyphony, we have something which more closely resembles political monophony in America. Levy missed both of the related essential points we have identified: 1) the internet is not inherently democratic; 2) the internet is not a public sphere.

*The Internet as Zero Institution*

The world has not seen “internet revolutions” of the kind Colin Powell suggested. Despite the ubiquity of information access, voters do not seem to be making less ideologically-motivated choices at the ballot-box. In investigating why this is the case, it is useful to borrow a concept from political philosopher Jodi Dean, who writes that the internet is a *zero institution*. By this Dean means that internet expresses no one viewpoint and has no inherent tendency. The internet cannot be inherently democratizing. Rather, its nature is determined by how it is used and engaged with by individuals, companies, and governments, as well as the platforms and content it hosts.

Along the lines of Dean’s philosophy, the internet makes no normative claims; it has no positive function. The zero institution only signals ordering where none had previously been. Those who engage with the zero institution would likely have radically different accounts of it.
The zero-institution’s very institutionality is its only definable characteristic.\textsuperscript{26} It has no determinable role, but can be exploited based on how its platforms are structured by the powerful. Those who say that the internet is inherently democratizing, and there are many of them, are wrong precisely for this reason. The assumption that the internet will naturally lead to the spread of democratic ideals is not the place to start. This flawed assumption is based on retrospective study of modern outcomes; a causal relationship between the internet and democracy is assumed where there is none.

Those who admit that the internet is not always democratizing often blame censorship,\textsuperscript{27} and maintain that if the censorship was lifted, democratic outcomes would naturally follow. They may admit that the internet can be used as a repressive tool, but uphold the idea that it is inherently liberating. It is true that the internet \textit{can} be used to spread democratic ideals. This was, in fact, a small part of the story during the Arab Spring. According to a New York Times article from April, 2011, the State Department played a role in funding civil society organizations that trained democratically-minded youth in Egypt to use social media to coordinate protests.\textsuperscript{28} In this instance, the programs manipulated the \textit{norms of engagement} on the internet. They promoted not the internet itself, but a way it could be used to fulfill democratic ends and American political goals. They promoted a specific set of tools and norms to guide the direction of the revolution.

However, the internet can also be used to spread any other set of norms, including ones seen as less desirable by Western countries. Russia is particularly good at taking advantage of its

own ability to shape the norms of engagement on the internet. Online content is both outright censored and self-censored by this mechanism, and propaganda shared and disseminated, finding its way into the reporting of news organizations in the West. Russian propaganda is quite obviously found on the webpages of “The Intercept”, for example, though it is not identified as Russian.

The internet is a zero institution, representing no one set of norms, but that does not mean that there are not norms on the internet at all. Rather, social norms of use and engagement develop among distinct social groups and vary platform to platform. All norms are simultaneously supported. This characteristic explains why those who say that democratic norms are supported on the internet are partially correct and can provide support for their argument. However, any other argument can also be made if it has corresponding norms that set the terms for engagement on a given platform. In the case of Russia, to take an example, one could say that the internet supports autocratic norms. Both arguments are correct, as both norms are supported on the internet.

It must be noted that platforms themselves are not entirely “zero institutions” (this term applies, instead, to the internet as a whole), as they have a stated purpose and rules of using the service, but they too can support differing social norms. Norms of engagement on Facebook often differ along sociocultural lines. While some find it grossly self-congratulatory to post at length about personal achievements, this is the norm in other social groups and is seen as an acceptable way to share life events with friends and family. Both norms are supported and subscribed to on the platform.
Myth 2: The Internet is a Public Sphere

Habermas’ *The Structural Transformation of the Public Sphere*, which was written during the Enlightenment, defines the public sphere based on four key characteristics: equality, transparency, inclusivity, and rationality. Habermas saw these normative constituents of the public sphere as crucial for the functioning of democracy.\(^{29}\) His definition, while controversial, is the most widely employed and is adequate for our purposes. We will use this definition to ground an investigation of whether or not the internet can be called a public sphere.

In Jodi Dean’s essay entitled “Why the Net is not a Public Sphere”, she describes the internet as ultimately damaging to democracy because it is under the pressures of communicative capitalism. She writes: “Technoculture, as I mentioned, is often heralded for the ways it enhances democracy by realizing the conditions of an ideal public.”\(^{30}\) However, this has been interrupted by the commodification of communication. The expansion and penetration of communication networks has not lead to the spread of democracy but, instead, “the deluge of screens and spectacles undermines political opportunity and efficacy for most of the world’s people.”\(^{31}\) This has happened at the hand of what Dean coins “communicative capitalism.”

Communicative capitalism is characterized by the commodification of communication; everyday life becomes dominated by “market and spectacle”.\(^{32}\) This characteristic of the internet, in the sense that it enables communication to be commodified in data and brought into the apparatus, is one that must be taken into consideration when we speak of the internet as a “zero

\(^{29}\) Jodi Dean, “Why the Net Is Not a Public Sphere,” 96.
\(^{30}\) Jodi Dean, 101.
\(^{31}\) Jodi Dean, 102.
institution”. While the “zero institution” can be a public sphere by definition, communicative capitalism makes it impossible for the internet to fall into this category.

Communicative capitalism uses democratic ideals to justify the expansion of global telecoms, the capturing of ever-increasing amounts of consumer data, and the global economy in general. This expansion does not result in wealth generation for all, but for the few. It has not helped enable a greater diversity of opinions, associations, and lifestyles. Instead, it has undermined political opportunity and efficacy because it has been used to generate massive concentrations of wealth. This wealth has accrued through the hypermobility of capital and the increasing potential for super-profits in the financial sector.33 The invention of data, which commodifies human communication and consumption, allows the internet user to become a quantifiable and malleable entity himself. The information generated as he moves through cyberspace can then be used to get him to consume things and generate more, valuable data.

In this way, capitalism is linked intimately with the internet and becomes a hindrance to democracy. Through this lens, the internet can be viewed as a tool through which companies are able to sell their wares in new ways and promote social norms which benefit their bottom lines. The generation of valuable data on the part of the user further stifles the potential for the internet to be a public sphere. Because every action generates value, incentives to manipulate actions that generate the most value are strong, even if this means simply viewing certain websites (Google) or clicking on a certain video. This is the nature of the machine, as Dean remarks: “precisely those technologies that materialize a promise of full political access and inclusion drive an economic formation whose brutalities render democracy worthless.”34

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34 Jodi Dean, 102.
Marcuse, when put in conversation with Dean, provides a framework that can be applied to the phenomenon of the internet as a capitalist enterprise. Marcuse would describe the internet as a tool through which the "apparatus" expresses itself. If this idea is understood in terms of the previous Dean quote; the word encapsulates the idea that technologies drive economic capitalization, not individual freedom. This means that the internet must be viewed primarily as a means of generating economic benefit for those with power, and is not to be viewed primarily a democratic tool. Deepening inequality is certainly not a “democratic” result. While the internet, absent of economic force, would have the potential to decentralize power, it in many ways has been used to do the opposite by the powerful through the manipulation of the platforms through which it is engaged.

These platforms transform the internet into a tool that is composed of platforms with strong tendencies, minimizing its potential as a zero institution. Amazon fulfills orders for books and appliances, saving you the trip to the store. Google finds the answer to the question you have so that you do not have to look it up in a book but instead generate valuable data on user interests. In this way, the apparatus expresses its own established tendencies (primarily to make money) in a new capacity through the zero institution of the internet, and changes the way that it can be interacted with by virtue of its domination. Dean believes that this truth has affected the way in which democratic governments themselves are shaped. She writes that “the standards of a finance and consumption-driven entertainment culture set the very terms of democratic governance today.”35 This quote rings true today, as America faces a president who plays a boss on TV, and fame and political power become synonymous.

Myth 3: The Internet is Used Primarily to Access Information.

In thinking about the nature and structure of the internet, it becomes relevant to ask the question: What is the internet actually used for in real time? While it is crucial to understand the structural and ideological issues with the argument that the internet will lead to democratic revolution, it is obvious that the internet and the information it contains must be interacted with by users. The extent to which this is done is equally as important in assessing potential outcomes of internet penetration, and to understand the risks and opportunities among internet-using communities.

When this question is investigated, it becomes clear that the internet is not primarily used to get information and seek truth, but to play games and consume cultural products. In “The Net Delusion” by Evgeny Morozov, the Russian state ability to manipulate users is extended beyond the previously discussed examples of Russian social media. Morozov writes about how the Kremlin has used the internet to reinforce its relationship with Russian citizens via cultural products. While at first it used the internet primarily to broadcast Russian news propaganda in a continuation of its approach to TV, it has now transitioned into entertainment. The Kremlin is now placing emphasis on providing high-quality entertaining web series targeted at younger internet users to subtly reinforce its ideology.36

What Russia has realized, and what many political scientists still fail to recognize, is that most internet users do not use the internet primarily to access information. The Kremlin, in turn, sees the dissemination of cultural products via the internet as providing strategic distraction from corruption and politics. By becoming the link between entertainment and the masses, the

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Kremlin has made itself indispensable and has won support. It has used the internet, through platforms, to perpetuate itself and its ideology. This represents no specific tendency of the institution of the internet itself, but rather the pathology of the Russian state and its cunning awareness of how the internet can be manipulated through a knowledge of its platforms and the needs they fulfill.

Even without intended manipulation on the part of governments, the internet will fulfill needs other than the need for information first. Information consumption via the internet is intimately linked with literacy and education. In many developing countries, the internet is interacted with primarily via the mobile format to fulfill needs other than intellectual ones.

In places like India, cellphones allow owners to gain a sense of individuality through social media that they previously could not have obtained. This observation indicates, however, something important about the internet. The internet often serves the purpose of fulfilling cultural voids. In India, this may mean that users most often use the internet to interact with others as individuals, to circumvent familial formalities. This need shapes the way in which the Indian user interacts with the internet. Even wealthier and more educated Indians may be more likely to use the internet primarily to create personal and unique profiles on Facebook, for example, than to seek out information. In rural India, young men are the primary users of the internet, as they are more literate than other groups. In Taradand, a rural part of India, the internet is used almost exclusively to circulate bootleg Bollywood films. The internet’s other vast

resources are left unexploited by people there, and the internet itself is viewed with deep skepticism.\textsuperscript{39} This same internet usage trend takes a different shape in China, which also uses the mobile format predominantly for entertainment, not for reading and accessing information. In China, 96\% of all mobile devices have at least one game installed, and the average gamer installs nearly ten new games per month. Gaming represents a 9.3 billion-dollar market as of 2017, and is the largest gaming market in the world.\textsuperscript{40}

Internet use, which is primarily defined by interaction with platforms, fills cultural voids. Access to information may often be secondary to other uses for the internet across cultures. For this reason it is a false assumption that the internet will lead to the rapid spread of democratizing information. This depends, instead, on the will of the people themselves. Users are often pacified by pleasure and do not seek out that which may change their political outlook and translate into activism.

\textit{Governments as Users}

If we move from the theoretical to the realm of familiar cultural configurations of the internet as a phenomenon, the sociocultural assumptions about how the internet operates come to the fore. The internet was (at least in the past) championed as the end-all for autocracies across the world, primarily because of two functions it serves: broadening access to information and connecting people to each other. Both characteristics have been deemed the catalyst for the Arab Spring Uprisings, though there is little evidence that the internet played the enormous role for


which it is given credit. The people who characterize the role of the internet this way are those who also believe that the world is progressing towards democracy—complete democracy representing the end of progress—and that people around the world just need to “wake up” and become activists for change.

The extent to which the internet is used to reinforce democracies and spread democratic ideals varies, and is often a secondary factor when assessing national outcomes. Ted Piccone of the Brookings Institution, in studying voting patterns at the UN, discovered that the emerging democracies strictly favor nonintervention and respecting state sovereignty. New democracies tend to be unideological. They tend to favor the preservation of national sovereignty over promoting ideology (including arguments for free speech). In this way, they are less likely to use the internet directly as a tool for democratic promotion abroad. Many of the new democracies which we are discussing are somewhat uncomfortable with their own democracy as it is, and are slow to advocate for democracy on the international stage. Nigeria, South Africa, and Brazil debatably fall into this category, among others.

The success of new liberal democracies may be better explained by United States' and corporate support than by any other factor. Ironically, and as proof of concept, this is also true of the authoritarian regimes that the United States has partnered with. Saudi Arabia and Bahrain are excellent examples of authoritarian regimes reinforced by American support. In an article boldly titled “The Return of Authoritarian Great Powers” in Foreign Affairs, Azar Gat writes, “if it had not been for the United States, liberal democracy may well have lost the great struggles of the

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twentieth century.”

Gat emphasizes that power begets power, and that American support is crucial to the upholding of democratic institutions around the world. Power politics, not the spread of information, is most often responsible for democratic outcomes.

Irrespective of this truth, the United States government continues to operate under the assumption that the internet will spread democratic ideals. The State Department has helped fund efforts to develop technologies that enable users to get around internet restrictions in places like China and Russia. It sees this act in and of itself as one which may destabilize those regimes, to little avail. The internet has long been a space of government chess-playing, its spread expands the board, allows for the exertion of greater control. Bringing more people online also means that the data-value of more leisure time is captured by companies. While this may generate profit for companies that are not American, capitalist expansion proves to be generally god for America and American corporate profits.

*The Corporation as User*

American companies, who are also involved in this chess game, do their best to shape platforms and norms of engagement on the internet. Their own interests are often take precedence over the interests of governments, and may often be contrary to national interests. Much of international foreign policy is now being done by companies, particularly in the form of soft power, which limits the ability for the government to carry out objectives in the national interest.

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Where profits and national interest conflict, profits will most often win out, as they are crucial to the survival of the company. To take an example, there is no uniform policy regulating the export of internet censorship software produced by American companies. This is by design. American companies able to reap serious profits from technologies related to censorship will continue to do so, as profits nearly always take precedent over values. Of course, censorship is explicitly contrary to established American ideals. Companies are profit machines, and even seemingly ideological moves (whether in the favor of or away from censorship) are often mere profit protection.

Google entered the Chinese market in 2006, posturing that even a necessarily censored search service was better than none at all. Only when it uncovered covert Chinese government hacking of its network, which was designed to identify the Gmail accounts of human rights activists, did it pull out of China. Because it felt its reputation under threat, and potential loss of profits due to a major scandal, it had no option but to withdraw. It became a reputational risk for Google to remain in China, one that threatened to hurt its profits due to public scrutiny.

When the company finally pulled out of the Chinese market in 2010, it was hailed as having acted on its own corporate foreign policy, as “standing up to a repressive government.” However, companies are risk-averse, and this case exemplifies this fundamental characteristic of corporate entities. The potential for profit loss due to public scandal was enough to make Google pull out of China, and the opportunity for good press, exemplified by the Landler article cited

45 Landler.
46 Landler.
47 Landler.

- Landler’s piece in the New York Times emphasizes an ongoing encroachment of private companies into the foreign policy of the State Department. I have found in my research that quite in contrast, the State Department tends to follow the corporate sector regarding the issue of censorship.
Herein, solidified the advantage of withdrawal. Google’s withdrawal from China was not a decision based in ideology, but was a clever corporate manipulation and profiteering scheme.

This case highlights the nuanced relationship between norms and profits. The line between profitable and unprofitable engagements is deterministic. For this reason, even if one still wishes to attest that democratic norms are alive and well on the internet, are stronger than autocratic ones and foolish to overlook, one cannot argue with the relationship between these norms and profit. Democratic norms are only as useful as their ability to generate profits and predictable economies. Where censorship is profitable because it does not interfere with the capturing of leisure time in the form of data on individuals, or the ability to sell products, it will remain.

**Implications for Politics**

The nature of immaterial labor, increasingly facilitated by global networks under cognitive capitalism, leads commentators to believe that technology results in democratic gains.  

This is because their theories are predicated on the myth debunked earlier, that the internet is a discursive public sphere. They hold an associated belief in communicative democracy. Instead of focusing on the caveats to the belief that internet can realistically be a public sphere, they use the Habermasian model to describe what Thiem calls “participatory potentials.” He rightly points out that this focus on equal participation ignores the way that technology changes the nature of the relationship between the individual and her labor and leisure.

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49 Thiem, 471.
This is only possible by ignoring two key issues: 1) it is no longer the number of hours spent laboring but original ideas that form the basis of value; 2) new forms of interacting with information change what Thiem calls “collective sensibilities” that change the way political power is understood in the world. Platforms that allow us to interact with and create information in new ways are reshaping norms of political engagement and collective understanding of political power. He uses the term “infrastructures of experience” to describe the delimiters of political engagement through Marx’s “commodity fetishism.” Commodity fetishism describes how individuals learn to relate to each other in terms of the commodities they own, as they have no direct relationship with their labor and instead are defined in terms of the commodities which they exchange their labor for. This split between the “sphere of production” and the “sphere of exchange” is necessary for the accumulation of surplus value and, therefore, capitalism. Thiem notes that this results in the collective idea that “real life” happens outside of time spent working. This makes individuals feel that labor issues in politics are somehow less important than social or cultural issues. The fact that labor unions have declined as knowledge work has become the norm should make us call particular attention to this idea.

Thiem identifies a few key transitions that delimit the barriers of industrial and cognitive capitalist labor structures: 1) from discrete to immaterial commodities; 2) from a determinable place and time of labor to a temporally disjointed and non-spatial labor; 3) from a discrete medium of exchange (money or credit) to a disassociation of exchange and labor (generating data can be viewed as labor but it cannot be used to “get” something in the same way). These transitions result in corresponding exploitative effects.

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50 Thiem, 471.
51 Thiem, 472.
52 Thiem, 476.
The nature of “informational” or “cognitive” capitalism, which preserves the sensation of separation between work and leisure time, hides the fact that the potential value in leisure time is being captured by internet platforms, and individuals are unreciprocated for labor done during leisure. For example, scrolling through Facebook and creating data (like what pages you view and individuals you associate with) is value created for Facebook during leisure time. It can almost be called “labor”, but does not have the sensation of actual “work”.

Those comfortable with the notion of “informational capitalism” tend to focus on the commodification of information. Some, including Joseph Turow, Maurizio Lazzarato (mentioned earlier), and Sebastian Sevignani, discuss informational capitalism as it relates to surveillance and individual identity.

Marx’s “fetishism” described earlier also takes a new form. Not only are political objectives primarily those that concern the “sphere of exchange” or time spent outside of work, but political issues with material solutions (like lack of resources) are often expressed as due to a lack of sufficiently advanced technology or adequate access to information. This allows problems of political action to be expressed as temporary.

One needs only to think about political inaction of issues such as climate or poverty to confirm this hypothesis. These problems and principles will frame our discussion of political campaigning and elections in the following chapter. Of specific concern is the way in which data collection and processing will dramatically expand the exertion of control over individuals via the aforementioned mechanisms.

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53 Thiem, 476.
54 Thiem, 476.
Chapter III:
The Political Arms Race

The following case studies of the Obama campaign and the Macron campaign were selected to highlight the power of data privacy legislation at preventing widespread voter surveillance, but also that such measures present a trade-off. The regulations, in a sense, protect the larger economic system which rewards targeted advertising from challenge. The two campaigns were similarly innovative in their approach, but had radically different constraints. It was in part for this reason that the outcomes were very different. Macron’s campaign was able to pull together a winning campaign in just a year, running as the head of a new political party. Obama, in contrast, took years, hundreds of millions of dollars, and loads of party-supplied and purchased personal data.

The Obama campaign employed a strategy of focusing on persuadable voters, and on increasing turnout. It acknowledged that actual “independent” voters were increasingly scarce, and its strategy reflected this. The campaign went beyond microtargeting demographic groups and ‘voting blocs’, the conventional strategy, and instead developed strategy based on targeting individuals beginning in 2008. Data collected in the field, by canvassing, was used to optimize the algorithms used for the campaign’s digital strategy back at HQ. It employed a strategy of working on the margins. This strategy can be traced back to the election of George W. Bush in 2000, which came down to just 537 votes (if not one Supreme Court vote). The race created a

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paradigm shift among political strategists: no longer was success defined by big events and air time. The emphasis could no longer be on changing the hearts and minds of members of the opposing party. They were now about working on the margins, of turning out as many voters on one’s own side as possible.\textsuperscript{56} As a result of this “on-the-margins” strategy, elections are now defined by analytical jockeying.

The Obama Campaign

The Obama campaign received great acclaim for its use of technology in the running of the 2008 campaign, but it had a crucial problem: everyone was using a different database. People in get-out-the-vote call-centers used a different database than those in working on fundraising, and there was no way to be sure who was being contacted twice. There was also no way to harness the power of combining datasets—to understand their supporters as fully as possible by matching them with other metrics. This became the key challenge to the 2012 campaign.\textsuperscript{57}

It was a massive undertaking, absorbing 18 months of preparation. In this span of time, data analysts compiled information from pollsters, fundraisers, field workers and consumer databases and an enormous volume of social media and mobile contacts. The group focused on swing states to save time and resources. Once this task was completed, the campaign data analysts wrote an algorithm capable of, to a high degree of accuracy, predicting who was most persuadable. About 75\% of the factors plugged into the algorithm were demographic, including age, race, neighborhood, and gender. The remaining 25\% took into account data gleaned via social media, campaign website activity, and response to callers and mail materials. The


algorithm generated a score from zero to 100 for each profile, which was called their “persuadability” score. A score of 100 represented voters who were definitely voting for Obama. A score of zero represents a person definitely voting for Mitt Romney.58

Instead of focusing on registered independents, they used these scores to predict who was most likely to actually be undecided or unmotivated to vote, regardless of registration. The algorithm also allowed the campaign to determine who was most likely to respond to various forms of contact, social media, phone, or mail, and who was most likely to donate. All of these predictions were categorized under millions of individual profiles that were updated perpetually as new information became available. An unnamed senior campaign official told Time in 2012, “we could (predict) people who were going to give online. We could model people who were going to give through mail. We could model volunteers.”59 The algorithms also told them who would be most likely to respond with a donation to an email from Michelle Obama versus campaign manager Jim Messina. There were even office pools betting on which test email campaigns would result in the most fundraising, which the algorithm beat by a wide margin. These seemingly insignificant details had a huge impact on campaign financing. The top-performing batches of emails raised as much as ten times more money than the lowest-performing ones.60 Having a single database where all of this information could be stored and used for modelling became a powerful resource-saving tool for the campaign. The same official told Time that, for example, the campaign targeted individuals who unsubscribed from the 2008 campaign email list because the algorithm determined that they could be easily brought back into

58 Michael Scherer.
59 Michael Scherer.
60 Michael Scherer.
the Obama camp with some personalized targeting. The same method was used to determine optimum ad spots.\textsuperscript{61}

\textit{Obama’s Social-Media Driven Strategy}

When Facebook went public in 2012, it showed potential investors four key figures: 845 million monthly active users, 2.7 billion “likes” and comments per day, 250 million photos uploaded per day, and 100 billion friendships.\textsuperscript{62} With these figures, Facebook aimed to show off its greatest asset: user data. With $3.1 billion in advertising revenue in 2011 (this figure has climbed to $27.6 billion in 2016 \textsuperscript{63}), the year before the election, Facebook was in a new kind of personalized-advertising boom.\textsuperscript{64} These figures did not go unnoticed by Obama’s reelection campaign. At the Obama campaign HQ in Chicago, data analysts had big plans for Facebook.

One Obama research scientist, 35-year-old Rayid Ghani, realized the potential in linking up the names and information of campaign supporters and their Facebook pages.\textsuperscript{65} People who wanted to use the campaign organizing site, called “Dashboard”, were prompted to log in with Facebook.\textsuperscript{66} After putting in their username and password, they were asked to accept or deny the use of their Facebook information (these prompts are on every web application that allow a user

\textsuperscript{61}\textsuperscript{}Michael Scherer.
to log in to their site with Facebook). Obama campaign then gained access to profile data including friend lists, photos, and personal information (including city of residence). This allowed the campaign to amass a database of roughly 15 million persuadable voters in swing states, and who they could use to get to them. This information allowed the data scientists to identify supporters’ undecided friends in key locations, and then ask them to persuade their friends. They called this method “targeted sharing.” Facebook told the New York Times that the Obama campaign did not violate their privacy and data standards in its linking of social media profiles with voter records, and that the huge volume of activity detected on its servers from the campaign headquarters was legally sound.

Will St. Clair, a coder who worked for the Obama campaign, told the New York times that they wrote a program that would not only identify a supporter’s persuadable friends, but would “crawl” their wall to determine if a supporter was actually friends with them by looking at photos and interactions. The program could also identify which individuals were more or less likely to vote, who was registered, and who needed persuasion (and how best to persuade them). According to the campaign’s digital director, Teddy Goff, 85 percent of voters under the age of 30 could be reached by this method.

The Obama campaign used to their advantage the fact that less politically engaged voters are more likely to listen to their friends than politicians. This technique enabled supporters to

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67 Rutenberg, “The Obama Campaign’s Digital Masterminds Cash In.”
68 Balz, “How the Obama Campaign Won the Race for Voter Data.”
69 Rutenberg, “The Obama Campaign’s Digital Masterminds Cash In.”
70 Rutenberg.
71 Balz, “How the Obama Campaign Won the Race for Voter Data.”
72 Balz.
73 Balz.
share content like registration dates, donation campaigns, or volunteer pledges. However, its most important feature was that it allowed the Obama team to supply supporters with a list of a few people it thought were likely to be persuaded to vote for Obama or people likely to vote for Obama but need a nudge to register. Some persuadable voters were even reached via email and old-fashioned canvassing if Facebook intervention was inadequate. In the final days of the primaries and the run-up to November 1st, the Obama team used these “persuasion scores” to determine who was still worth contacting. In the final days, volunteers only knocked on the doors of individuals with scores between 40 and 60 out of 100, or those who were deemed to still be persuadable.

The campaign was also able to use their cutting-edge voter database to create an algorithm that determined what shows their persuadable voters were watching, and therefore how to buy television ads in the most cost-effective way. This enabled them to be more successful on television than Romney, who outspent the Obama campaign. It also led the campaign to select odd time slots to buy ad time, like 1 a.m. reruns of “The Insider.” It also translated into an unconventional digital strategy, an example of which is Obama’s appearance on Reddit to answer questions, a website many key targets were using to talk about politics.

The platforms themselves are also able to use their platform to influence election outcomes. On the day of the 2016 election, Facebook deployed an “I Voted” button, which allowed users to tell their friends that they had voted. Once you tell Facebook you voted, your

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74 Rutenberg, “The Obama Campaign’s Digital Masterminds Cash In.”
75 Balz, “How the Obama Campaign Won the Race for Voter Data.”
76 Rutenberg, “The Obama Campaign’s Digital Masterminds Cash In.”
77 Balz, “How the Obama Campaign Won the Race for Voter Data.”
78 Rutenberg, “The Obama Campaign’s Digital Masterminds Cash In.”
face appears next to the button at the top of your friends’ news feeds. In the 2010 midterm elections, a study of the button determined that it resulted in 0.39% greater voting likelihood among users. While this number may sound small, it meant 340,000 additional votes cast in a low-turnout election. As Facebook users tend to skew younger, the additional votes cast probably benefitted democrats. If Facebook decided, fully within its legal rights, only to deploy the button for registered democrats, it could have a real impact on outcomes. While Facebook says it “would never try to control elections,” according to COO Sheryl Sandberg, it would be very difficult to notice if they did.

When this technique is used to encourage people to get involved in politics and vote, it seems relatively benign. However, when this technique is combined with micro-targeting on platforms like Facebook, much can go awry. The same tools can be used to suppress voters, to placate them, and to make them unmotivated to vote for a candidate. Facebook itself can even, without violating the First Amendment, decide to remove whatever it wants from feeds. This could include news stories or posts in favor of or against a candidate. It can also test and deploy techniques to encourage or suppress voter turnout. Even removing the “I Voted” button from certain voter’s news feeds would constitute voter suppression of serious concern.

Data Policy in the U.S. and Impacts on American Elections

The political culture of the United States has been largely tolerant, and even encouraging, of widespread data collection and subsequent profiling of voters. Enormous voter databases,

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81 Meyer.
82 Meyer.
including the 220 million voter profiles compiled by the Trump administration, each with between four-thousand and five-thousand data points, depend upon extensive surveillance of voters. The Trump campaign purchased consumer data including voter registration, gun ownership, credit card purchase history, and internet account records from external sources. Marketing firms including Experian, Datalogix, Epsilon, and Acxiom Corporation all provided data to the Trump campaign. They used a brand-new platform called “i-360”, paid for by the Koch brothers, to generate huge amounts of data for GOP candidates in the 2016 elections.84

A visit to the i-360 Database reveals that the platform claims 199 million voter profiles and over 290 million consumer profiles, including over 700 data points on individual consumer behavior alone. The database also integrates aggregate data like the US Census, precinct election returns, geo-spatial data, and other datasets. It includes membership and sponsorship status, including donations made and organizations of which a voter is affiliated or a customer. Political data including paid phone, door, online and event data is also included. Finally, social data like “sentiment” data (an AI technique called “sentiment analysis” analyzes a user’s social media output to understand how they feel about a given issue/candidate) and social networks are synced with the database in perpetuity.85

Interpretations of the First Amendment significantly impact political speech and campaign financing laws. In cases where the rights of companies to use and store personal data have been brought into question, the courts consistently side with companies. Cases like the US vs. Miller (1976) and Sorrel vs. IMS Health (2011) are prime examples of this trend. Under the

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Help America Vote Act of 2002, states became required to keep a unified voter registration list that is easily accessible online. This act led to the development of massive voter databases to be constructed by both parties. It also opened up a business opportunity for companies, especially marketing firms: selling consumer data to political parties so that they can match it with their voter data and make profiles.86

The Democrats’ “Votebuilder” system and the Republicans’ “GOP Data Center” serve as internal party databases to be used by candidates. They also have whole host of voter management platforms, including platforms for managing social media, volunteers, targeted e-mail and text campaigns, traditional media, and suits of digital tools like web design software, Data brokerage firms like Acxiom, Dun and Bradstreet, and InfoUSA use these platforms to interface with political parties and sell data. In this way, campaign management platforms are shaped by real-time streams of data on voters. Everything from activities online, interests, and purchase histories can be sold to parties.

*The Booming Business of Political Consulting in the U.S.*

A series of amendments to the Federal Election Campaign Act, which regulated campaign spending, passed throughout the 70s as the Supreme court reviewed the law and deemed parts of it unconstitutional. The courts ruled that restrictions on campaign spending were an infringement of the First Amendment, and left the original law with only the principle of transparency. The result of these changes meant that while political campaigns can spend essentially unlimited amounts of money, they must still disclose how it is spent. Candidates, political parties, and super PACs must file reports with the Federal Election Commission (FEC)

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86 Bennett, “Voter Databases, Micro-Targeting, and Data Protection Law.”
that disclose expenditures. It is worth noting that this does not mean that campaigns must necessarily disclose donors.

In 2012, consulting firms raked in over $3.6 billion from presidential candidates, parties, and super PACs. More than 70 percent of these earnings went to media and marketing firms in charge of producing and placing ads. For each of the ads placed, consultants earn high commissions. It is not clear, however, just how many votes are bought by television ads (the majority of ad spending). This suggests that, to some extent, campaign TV ads are purchased out of convention, not efficacy. It also may suggest something more insidious: that consulting firms serve the primary purpose of funneling campaign funds to media companies (ELABORATE).

Robert Mercer, CEO of Renaissance Technologies, one of the most profitable hedge funds in the world, is also part-owner of Cambridge Analytica. Mercer is an extremely important conservative donor and donated huge sums of cash to the Trump campaign. His daughter Rebekah is closely tied to Steve Bannon and was behind the Mercer’s part-ownership of Breitbart news.\(^87\) Bannon was also a previously a vice-president at the consulting firm. While at the time of writing there is no definitive evidence that links Cambridge Analytica to Russian intervention in the 2016 election, some suspect that the firm may be the missing link between Russia and the campaign.\(^88\) Whether or not the firm was involved with Russian meddling, firms with unparalleled access to data on voters are ripe for corruption. The fact that Robert Mercer

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donated to the Trump campaign did benefit him personally, as the campaign used these funds in part to pay Cambridge Analytica consulting fees.

The Trump campaign spent roughly $70 million on Facebook alone, overwhelmingly in the last four months of the campaign. It put together a competitive operation of ad-buyers and staffers competing against each other for spending money. The more Facebook users they were able to convince to donate via their ads, the more cash they got. The Washington Post reported that the Trump campaign tested as many as 20,000 ad variations each morning based on the specific micro-group of users they were targeting. The ads that performed the best were continued, and those that did poorly were replaced with new trials. By the end of the day, the campaign typically had tested between 40,000 and 60,000 hyper-specific ad variations based on knowledge about users housed in the campaign database. On days of great importance such as the Presidential debate with Hilary Clinton, the campaign tested as many as 175,000 versions of hyper-specific ads. From these ads the campaign generated $9 million in donations. In this way, the Trump campaign is the most extreme example yet of the paradigm shift established after the election of 2000.

The shift in strategy described at the beginning of this case study, from a broad-reaching to a marginal strategy, coupled with the spread of the internet and technologies that capture the value its use in the form of data, have led to the growth of the “global election management agency” (we will call them GEMAs). This term incorporates functions from political consulting to data mining and analysis and is exemplified by the firm Cambridge Analytica, which we will discuss in further detail later. These firms manage campaign strategies, employing data analysis

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tools to process the personal data of voters in democracies all over the world. It cannot be overemphasized that while we are primarily concerned with democracies in the West in this paper, these firms are truly global in scope, and should be considered a Western export.

GEMAs often operate in both the US and the UK, two major markets for them. Because the UK interprets EU data privacy laws much more loosely than France (we will discuss this in greater detail later), processing of personal data by campaigns is allowed (though not quite to the extent of what we see in the US). Cambridge Analytica was involved in both the Trump Campaign and the “Leave” campaign of the Brexit referendum. The firm helps campaigns target voters by building “psychometric profiles” on virtually every voting-age citizen in a country of interest. Each profile is composed of as many as 5,000 data points, including measures of personality as well as demographic characteristics. Cambridge Analytica’s profiles are not dissimilar from the “persuadability scores” of the Obama campaign, though they are significantly more powerful and seem to be more invasive. Hilary Clinton herself has questioned the morality of the firm’s methods, including the use of these “psychometric profiles” of voters. She also has suggested that the firm’s involvement in Kenya’s 2017 election involved malpractices that ultimately led to the Kenyan Supreme Court ruling the election results void.

We must not, however, limit our critique to Cambridge Analytica in using their example. There are many other firms that have employed similar techniques on both sides of the political spectrum. Obama’s 2012 campaign manager Jim Messina, for example, has started a political

90 Bennett, “Voter Databases, Micro-Targeting, and Data Protection Law.”
consulting firm called “The Messina Group.” There were four main firms used by the Clinton campaign, among them the digital media firm Bully Pulpit Interactive. The use of GEMAs is ubiquitous; it should not be confused as a partisan issue. Use also spans across democracies and a wide range of issues, and may include the negotiation of multilateral deals and alliances or referenda, among other things.

The Macron Campaign in France

The election of Emanuel Macron was nothing less than a repudiation of the French political establishment. Just a year before the election, he had no political party and none of the formal trappings of a campaign. He served as Economic Minister under President Francois Hollande until the end of August of 2016, just over a year before the election. Macron billed himself as a centrist anti-establishment candidate able to unify The Socialist Party (“Parti Socialiste” or PS) and the Republicans (“Les Républicains”) against far-right nationalist Marine Le Pen of the National Front.

The “En Marche!” movement had no precedent and no proprietary political database to work with. Even if it could have such a database, targeting voters on an individual level is illegal in France. The Code Électorale describes specific procedures and laws that must be observed in elections in an effort to protect voters. Voter lists are public property maintained by each commune, usually at a town hall. Information maintained for each voter includes family name,

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surname, and address. This information is stored in a registry in the commune’s archives, and can be accessed by any citizen, including candidates, free of charge. Individuals are allowed to purchase a paper copy of the voter list or a copy on a CD, but putting the data on the internet is strictly forbidden. Every French citizen must be listed on a voter list, but cannot be listed on more than one. The lists are well-maintained and updated regularly.96

The EU has its own set of data protections observed by EU member states that explicitly apply to political parties. These protections are set forth by two key pieces of legislation: the 1995 European Data Protection Directive and the more recent General Data Protection Regulation (GDPR). Article 9.1 of the GDPR states that ‘processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a person’s sex life or sexual orientation shall be prohibited’. In a comparative analysis of data privacy law in the United States and EU, Bennett notes that this law comes directly from the Charter of Fundamental Rights of the European Union, which prohibits discrimination based on political opinion.

However, he also notes an exemption, which permits data processing that ‘relates to personal data which are manifestly made public by the data subject’, and if conducted by a non-profit (such as a political party). In addition, data can be processed if they relate to “members or former members of the body or to persons who have regular contact.” Bennett notes that ‘regular contact’ is not defined. If a user has “occasional contact” with a site, like they have

visited the campaign blog but not the main site, they must be explicitly told if their data is to be processed and the CNIL (National Commission on Informatics and Liberty) must be notified. The CNIL website allows individuals to place complaints online and hosts hundreds of pages of resolutions, documents about the way personal data can be legally used, and personal data security tips (including ways to ‘opt out’). The very existence of such an agency indicates a level of seriousness taken regarding the storage and processing of personal data. While EU data protection agencies generally take a strong stance on the use of data in political campaigns, the vagueness of the original law leaves considerable room for interpretation. Interpretations, for this reason, tend to vary in severity country-by-country.

Political Consulting in France

However, the collection of voter data by political parties in France is manifestly incomparable to that of parties in the United States. The only European country that allows extensive voter management databases to be used in elections is the United Kingdom. Data privacy laws have prevented political consulting firms from becoming the norm of campaigns in the rest of Europe until recently. Three Frenchmen who worked on the Obama campaign in 2008 founded a political consulting business in France called “Cinquante Plus Un” (Fifty Plus One). With inspiration from the technologically intensive Obama campaign, the group sought to make French campaigns smarter. This consulting firm worked on the Macron campaign, and pioneered a strategy that observed strict data privacy laws. By creating an algorithm that combined census

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97 Bennett, “Voter Databases, Micro-Targeting, and Data Protection Law.”
99 Bennett, “Voter Databases, Micro-Targeting, and Data Protection Law.”
100 Bennett.
101 Bennett.
data with past precinct-by-precinct election results, they were able to identify key neighborhoods that would most benefit from their efforts without targeting individuals.102

They proposed a strategy of canvassing door-to-door and generating data about voter sentiment called “Grande March.” The campaign trained and mobilized volunteers many months before election day to go out to representative precincts on “listening tours” with the objective of generating data on the issues voters cared about there. This data could be used to tailor Macron’s messaging. Through the spring and summer of 2016, volunteers visited 300,000 homes and collected data from 25,000 voter interviews. Taking a tip from the Obama campaign, each locality had an assigned point-of-contact who became the local leader of the volunteers in that area. These leaders hold functions between themselves and with their local base of volunteers. Not only was Macron able to generate lots of local engagement with this method, but he was able to create the look of an authentic grass-roots movement. The scope of his local efforts were unprecedented.103

After the “Grand Marche”, the Macron team, led by Cinquante Plus Un, compiled a huge database of quotes from the 25,000 interviews their volunteers conducted. This database could be used to find quotes both by issue and region, and provided valuable insight into how best to communicate with voters in a given area. It also allowed them to use quotes from local people in local events and media appearances, making Macron seem in-touch and locally popular. This information was also used to develop Macron’s programme, or policy platform.104

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102 Schultheis, “Can a French Political Upstart Ride Obama’s Strategy to Victory?”
103 Schultheis.
104 Schultheis.
Because of campaign spending caps, Macron’s campaign could spend just 22 million euros legally, 16.8 million in the first round, and an additional 5 million in the second round. No one donor can give more than 7,500 euros to a party or 4,600 euros to presidential campaign. Political parties and movements can give money to campaigns, but corporations are not. Corporations are unable to make donations as to prevent them from trying to earn political favors. However, individual candidates can loan money from individuals or banks, which can be a way of working around the restrictions. Macron borrowed 8 million from a French bank. Because the French government reimburses candidates who won at least 5 percent of the vote half the value of campaign costs, these debts have likely been repaid.105

Macron’s strategy also had to be in accordance with the EU E-Privacy Directive, which bans unsolicited communications with consumers broadly, and also places limits on the storage of personal data. Personal data collected when visiting a website (gathered via “cookies”) cannot be stored unless the user has given explicit consent. Similarly, canvassing by email is strictly sanctioned to those who have ‘opted in’ to receiving emails from a political candidate.106

It was a new political party created by Macron himself. To win as an independent candidate, something which hadn’t happened since 1958, Macron needed to be innovative in his strategy. Fully aware of the uphill battle ahead, Macron turned to three Frenchman who worked on the Obama campaign in 2008. His campaign clearly took after the Obama campaign strategy: it was technology-driven and volunteer-heavy. It depended on mobilization of young people reminiscent of the Obama campaign.

106 Bennett, “Voter Databases, Micro-Targeting, and Data Protection Law.”
The Obama campaign’s massive database also allowed for specific “brand” tailoring. A doctoral thesis by Andrew Lewandowski from Georgetown focused on this element of the campaign—a phenomenon Lewandowski calls “Obama™”. Unprecedented knowledge of individual voter’s preferences and concerns have enabled hyper-specific message tailoring, or “branding” of content. Branding also, perhaps even most prominently, applies to the politician himself. Barrack Obama himself is a brand, a brand that proved more valuable to consumers than the brand “Mitt Romney.” This is the commodification of persons. Lewandowski speculates that the Romney campaign was unable to clearly define substantive markers within its brand. In contrast, Obama had a clearly defined brand with clear markers that allowed it to generate credibility and social value for voters. The data behind the Obama campaign allowed it to identify and tap into perceived social changes impacting the nation broadly, but also to tailor that larger message based on knowledge of individual audiences. The combination of the Obama brand and the specific targeting of voters allowed for a valuable brand with wide appeal.

The Trump campaign is a more dangerous example of the power of a strong and recognizable political brand, which has increased the legitimacy of hateful viewpoints and has used technology to suppress voters. Everyone knew what Donald Trump stood for. His slogan and messaging, which emphasized (and reemphasized) perceived social changes occurring on the right, were socially valuable and easily consumable. His preexisting personal brand gave even more value and power to his political brand. He generated power for his brand through his strong


\[108\] Lewandowski, 14–17.
personality and domination of news coverage, which enabled his core message and slogan to gain recognition and social value.

While the expansive social media strategy exemplified by the Obama campaign appeared to bring more people into politics, especially young people, voting rates were virtually unchanged when compared with 2004, and actually fell in 2012 (though it was a reelection year). The Obama campaign was ultimately successful because it manipulated personal data on an unprecedented scale, not because it increased overall participation. It depended upon voter surveillance, specifically the linking of voter lists with social media accounts. The Macron campaign was forced to get out into the field and make contact with voters because of its lack of, not glut of, data. Because the Macron campaign had to gather its own data, it used a grassroots strategy that enabled it to organize thousands of volunteers who knocked on 300,000 doors to gather information useful to the campaign. However, it must be said that voter turnout in the second round of voting, in which Marine Le Pen faced off with Macron, was the lowest it has been since 1969.109

Conclusion

In the course of this project, I have sought to put-to-bed the idea that the internet is inherently democratic. This allows for a full critique of the ways in which the internet is used to exert control over individual users and to make profit. We cannot eschew concerns about voter surveillance by saying that the internet is still, on balance, a net positive in favor of the individual user and democracy. If we attempt to isolate the issue of voter surveillance the natural remedy becomes regulation. The French case allows us to see this. Regulations have protected users from micro-targeting and have helped ensure a political diversity that is unimaginable in the United States. However, regulations are not a complete and total answer to the increasing incentive to control election outcomes on the part of corporations. To understand this, we must think beyond the immediately visible

The current regulatory system in the United States has real consequences, highlighted by the French case. The state of election regulations allows individuals, like Robert Mercer or George Soros, to have a huge impact on our politics. The prevalence of GEMA's can reinforce this influence. While the French system is not immune to this, as candidates can borrow money from individuals, laws capping individual campaign contributions and overall spending limit the effects of this problem. Similarly, laws prohibiting the use of consumer and personal data in order to target individual voters, and more general laws against political advertising help to protect voters from pervasive manipulation and surveillance that influences election outcomes.

The increasing use of voter surveillance to micro-target voters and adjust campaign messaging and strategy represents a manipulation unique to democracies with loose data privacy laws. Because of data privacy laws and restrictions on political advertising in France, French campaigns cannot process individual data and are not incentivized to do so. While campaigns
can use neighborhood-level data collected in the field, they cannot process data based on demographic voting blocks. For this reason, micro-targeting is much less a problem in France than in the United States. Furthermore, the French model provides a useful case for comparison in the push for American election reform.

The embeddedness of the problem of big data manipulation and voter surveillance in American elections is a relatively new phenomenon, one constitutive of “cognitive capitalism”, with enormous consequences. The American election has become a marketing and branding operation. Increasing emphasis will be placed on catchy and easily-consumable attacks on a candidate’s personal brand, including unsavory past histories, to lower the social value of their name. This is rarely productive and distracts voters dangerously from real issues of consequence in American politics, allowing for the furthering of corporate hegemony and complicit political agendas. As long as American campaigns are embedded in the corporate sphere by virtue of their need for personal data, platforms to spread messaging and conduct surveillance, and strategic consulting services, they will have pro-corporate capitalist agendas of varying degrees.

The centrality of personal data to successful campaigning also allows political parties to use data restriction to suffocate so-called “extremist” candidates that are less pro-corporate. This is what happened with Bernie Sanders in the 2016 Democratic Primary. This phenomenon must be compared to the insurgency of Macron’s “En Marche!” party, which was able to run and win as a new-founded political party (granted, a centrist one), something which would be impossible in America due to data restriction, among other factors. In France, voter data is held in public domain and its use is so heavily restricted that it is of less consequence anyway.

Regulations on campaigns of the type that exist in France help prevent some of the more obvious political consequences of the current capitalist system, but are not sufficient in and of
themselves. The corporate sphere will continue to intertwine itself with the political sphere and attempt to exert control over elections as long as no major, structural changes are demanded. Those who advocate for stricter regulations on the use of voter data and campaign financing in America must acknowledge that this represents a band-aid, even a trade-off if regulations are used to placate voters into a false sense of security.

Furthermore, we must accept the fact that corporations benefit most from voter surveillance, much more than candidates. The manipulation of voter data and micro-targeting has not increased turnout, and has not brought more Americans into politics. However, it has driven large profits for consulting firms, led to a flood of corporate money into politics, and increased the dependency of our elections on the corporate sphere. This represents a grave danger for American democracy and democracies around the world. More research on this topic is needed, specifically research that looks at the effect of this trend on human psychology, as well as further philosophical works that explore the way in which the election, the vote, and the citizen, as pillars of democracy, have been remade. This work must also, crucially, be used for action and advocacy for the rights of voters.
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