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## **PhD Dissertation Review**

**Author: Aleksandra Samonek**

**Title: Political Privacy. How Privacy Protection Empowers Democracy**

**Kraków 2022, pp. 217**

### **1. General description**

The thesis is written on 217 pages all together. It is composed of five chapters, an introduction, a conclusion and a bibliography. The structure of the thesis was well organized. Nearly each chapter begins with an introduction and ends with a summary. In this way, the author introduces the reader to the subject matter of each section, while in the summary she highlights the most important issues raised and points out the findings of the research. The dissertation is interdisciplinary in nature combining knowledge from both political and public administration, security and legal sciences.

The author has studied and quoted an appropriate number of bibliographic sources and conducted critical analysis of published sources, books and articles. The depth and breadth of the research demonstrates the author's firm grasp of the problem discussed in the thesis. The entire dissertation was prepared with great care. Even the first impression was very positive. The language is substantive and readable.

### **2. The topicality and validity of the thesis**



The chosen subject is valid and topical. The thesis indicates the growing surveillance of all kinds in struggles for democracy against authoritarianism. New technologies are creating new challenges and threats to the security of states and individuals. The author focused on the threats to privacy or security posed by surveillance technology and methods. The author sought to answer the question of how much and to what extent can the state interfere in the private sphere of citizens, and whether this interference can be explained by the need to guarantee security. On the one hand, the author showed how the surveillance state can build a new kind of political control, and on the other hand showed how privacy protection can empower democracy. Thus, the author addresses an important research problem from a theoretical point of view (theory of privacy, concept of political privacy) and from a practical point of view (political privacy and its importance to democratic principles and institutions).

The dissertation should meet the conditions specified in the law. Thus, it is to present the candidate's theoretical knowledge in the discipline in which the dissertation was written. The author discussed different theories of privacy in law, politics and philosophy and also focused on their most serious problems and proposed her own theory of privacy, which she named the **gateway theory of privacy**. This concept means that a *“person has the benefit of privacy when she can authorize or deny access to her zone of activity, defined intuitively as the domain of affiliated behaviors the consequences of which are restricted to the boundaries of this domain”*(see: p. 54, p. 61). The author also proposed a theory of political privacy based in political activity and considers three approximate thresholds of democracy's privacy conditions: critical political privacy, baseline



political privacy, and full political privacy (p. 61). Thus, the author not only presents theoretical knowledge, but proposes theoretical models herself, which is a contribution to the development of the discipline.

### **3. Aims, methodology and methods**

The objectives were defined in the introduction. The first one was to define privacy and adopt the gateway theory of privacy and the second was to prove that political privacy is of special importance to democratic principle and institutions (p. 11).

The Author preferred a deductive research strategy, starting with theories and then shifted towards empirics and used explanatory research in the project. Within each chapter the author formulated research questions and in some proposed hypothesis, articulating a total of ten questions and five hypothesizes (p.11-12). However, the author articulates some hypotheses as a statement rather than as a proposition, e.g.: H1, H3; H4. Also, some of them sound rather strange, e.g.: H4: *“The right to privacy, and especially political privacy, protects collective social and political agendas, examples of which are given in section 3.2.1”*. Left unclear what are the independent variables and dependent variables and casual mechanism. The hypothesis of section 3.2.1 is also unclear. The author should remember that the role of a research question is to provide the dependent variable while theory provides independent variable and casual mechanism.

The author wrote that she relied on a variety of methods in her dissertation. She mentioned using conceptual engineering or methods typical for political science: e.g. case study and comparative methods, but I am not sure what



she means by the term *comparative model building*. The author also declared that she uses methods from law and legal theory, but which exactly? It is not clear what methods familiar to international relations that she used. The author chose to analyze three case studies: China, where there is an overt rejection of political privacy encapsulated in the Big Brother principle; the United States, manifested in the minimal principle in which government has no effective way to stop or challenge the public scrutiny of their surveillance programs; and the European Union (EU), where decision-making is more distributed. The EU provides a broad spectrum of policies of privacy regulations.

#### **4. Detailed assessment**

In first chapter the author discussed theories of privacy and different approaches or understanding of privacy. Then by using of her own the gateway theory of privacy she developed the concept of political privacy. Because the author was interested in the privacy solutions needed for facilitating a democratic system, she considered three approximate thresholds of democracy's privacy conditions: critical political privacy, baseline political privacy and full political privacy (p. 56-57). She then addressed in Chapter 5 different zones of political activity such as: critical, basic and standard (p. 154-158). This contributed to the definition of three levels of political privacy protection. Her research shows that even in non-democratic countries like China, we can observe minimum active involvement of some but not all citizens in the political system of their state.

In the second chapter, the author discusses the right to privacy as it functions in legal systems of France, Germany, the U.S. and China. She presents



France as an ultra-privacy focused system, but one with a surveillance system that was introduced in 2015 because of a state of emergency. Special measures were applied mostly against Muslim citizens. In Germany the original initiative in privacy came in the form of a general right of personality, remaining outside the code of law. The author noticed that state surveillance activity in Germany is rather negative. The German law imposes also more stricter, compare to other countries, regulatory constraints on such activities. In the U.S., it is the lack of constitutional basis for the right to privacy that compels the respective states to adopt various solutions independently. The author called it a minimalist model. She then discussed the surveillance system in the U.S., considering four critical turning points in contemporary U.S. history: the 9/11 terrorist attacks, the NSA abuse of power, a strong push toward encryption on the side of surveillance capitalists such as Apple and Google, and the whistleblowing initiative of Edward Snow. Lastly the author discussed China's model, which she named "the third way", after Pernot-Leplay (p. 83). This "third way" is not as strict as the UE (France and German) and not as neglected as the U.S. one. She also discussed differences between data protection and privacy protection. The underlying data protection policies in the U.S. and EU follow privacy protection strategies, while in China data protection is politically and legally independent from privacy consideration. Data protection does not restrict, influence or invalidate state surveillance of its own citizens. China also has a very well developed surveillance system. The author very briefly describes China as a surveillance state, and in section 5.2.3 briefly discusses surveillance methods against Uighurs. Personally,





I'm a bit unsatisfied when it comes to analyzing the situation in China also in the context of China's extensive social credit system.

Ms. Aleksandra Samonek analyzes not only surveillance systems. She also focused on sousveillance (undersight) and metaveillance (observation of observation, or seeing sight itself) in relation to various countries and societies. She highlights the benefits and risks of these three. For instance, sousveillance and metaveillance may contribute to balancing the surveillance activity, because people value transparency. She argued that these are necessary because surveillance often goes hand in hand with violence towards the citizens, referring, for example, to the genocide, of the Chinese Uigur minority. There is no doubt technology gives states more opportunities to violate human rights, except that in the case of China, this applies not only to minority groups, but also to the majority Han Chinese who think contrary to the party line. In chapter 3 the author discussed the right to privacy in selected liberal and non-liberal political systems together with their criticism. She argued that political privacy in the case of a particular state is often determined by its approach to human rights (which is quite obvious) and distinguished three types of situations (p.103). She stressed that China rejected the international system of human rights, the U.N. Declaration of Human Rights (UDHR), which is not fully true. China was a signatory country to this international regime. In part 3.2 the author discussed political privacy of individuals as an important cause for protecting collective values and initiative. She chose two case studies: the Weiquan movement in China, and climate activism as domestic terrorism in France. In both cases governments perceived those activities as domestic security threats, and



demonstrated that they are ready to use all forms of pressure. The cases illustrated security/state *versus* interests/privacy dilemma. In following chapter, the author analyses how political privacy relates to global economics and public security (p.118). She introduced the term *surveillance capitalism* (after S. Zuboff) that gives rise to a new type of power – *instrumentarian power* – is the power of governments and corporations to use technology and infrastructure to manipulate people in subtle but effective ways. It turns people into "instruments" that are used in predictable ways to achieve the government's and the corporations' goals. (p.118). She refers to the issue of data collection, raising questions about what it can be used for and by whom. That also raises the questions of how to protect privacy, who will have access to the data, for how long, and whether the data will be given away or sold or make unrestricted use of them. It also raises the questions of how the argument that "there is nothing to hide" can be use in public privacy debate, and what are the best tools to preserve privacy, and how effective are they? In chapter 5 the Author discussed the relationship between political privacy and democracy, which is the essence of this dissertation, and proposed policy recommendations in part 5.3 for the future of the EU. She advocated for the multilevel understanding of privacy in the catalogue of fundamental human rights (p. 174), joint cyber defense strategies in the EU also in case of disinformation campaigns and presents four sample solutions which further the protection of political privacy in Europe. The author focused on limits to surveillance which are in the best interests of democracies and suggested that mass surveillance tools should be treated with similar caution to weapons in international politics – international regimes (p. 167).



## **5. Conclusion**

The whole analyzes gave broad picture on privacy and political privacy as an individual and collective rights. The author showed that the state does not necessarily have to be seen as an enemy of privacy or democracy. On the other hand, she offers examples that show that a constant state vigilance can be counter-productive. In her research, the author referred to many examples from both democratic and non-democratic countries. At the same time, it is not entirely clear what needs to be done to strengthen democracy by protecting privacy in China, for example, and whether referring to China was the right decision. Perhaps it would have made more sense to refer to examples of so-called illiberal democracies instead of China, or focus only on democratic states and the process of surveillance, its determinants and defense mechanisms. The author, wishing to address a wide variety of issues, necessarily discusses them quite generally, e.g. focusing on the cultural aspects of privacy. However, it should be emphasized that despite these comments, the author has addressed an important research problem from a theoretical and practical point of view. The thesis not only describes the object of research but also explains, analyzes the relationship between variables and makes an evaluation.

To sum up, despite some critical remarks, I would like to emphasize that the topic discussed in the thesis is extremely current, and therefore has a high cognitive value. The author presented the results of the research in an interesting way. She has demonstrated knowledge and research competence and the ability to





creatively solve research problems, thereby demonstrating her ability to conduct scientific work. Her thesis fulfills an exploratory and descriptive function. The peer-reviewed dissertation meets the statutory requirements for obtaining a doctoral degree and may be approved for public defense.

A handwritten signature in blue ink, appearing to read "Krzysztof Uliński", is centered on the page.

Lublin, 28<sup>th</sup> of November 2022



