Assigning Blame for the Cambridge Analytica Controversy

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By

Hsing Chun Lin

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On my honor as a University student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments.

Signed: _____Hsing Chun Lin_____

Approved: __Benjamin Laugelli_____ Date _____
Benjamin J. Laugelli, Assistant Professor, Department of Engineering and Society

Introduction

      In 2016, Facebook was scrutinized for allowing Cambridge Analytica to collect users'

data to profile users and their friends in order to discern their fears and hopes and use those

sentiments against them through targeted ads to change their political stance. After the scandal

occurred, the public had a hard time determining who to point the finger at; some believed

Facebook was at fault, some believed Cambridge Analytica was at fault, while others believed

that users were at fault. Some scholars have blamed users for tacitly agreeing to Facebook's

collection of their information because they are trading their privacy for a "free" service

(Berghel, 2018). This perspective overlooks the fact that the users did not know how their

information was going to be used against them and did not give informed consent. If

responsibility is attributed to users, but not to Facebook and Cambridge Analytica, then the

public will not be cognizant of the conscious decisions made by Facebook and Cambridge

Analytica that amounted to this scandal. I argue that Facebook and Cambridge Analytica were

responsible for the scandal, whereas users were not, because Facebook and Cambridge Analytica

were culpable in wrong-doing, had a hand in micro-targeting users, could foresee how their

actions would lead to a breach of privacy, and acted of their own accord; however, users where

not to blame because they did not foresee the consequences of responding to the survey used by

Cambridge Analytica to collect data and did not act of their own volition. I will apply the

conditions of blameworthiness which are wrong-doing, causal contribution, foreseeability, and

freedom of action to determine that Facebook and Cambridge Analytica were responsible, but

users were not.

Background

Facebook developed an Application Programming Interface (API) that allowed third party developers to communicate between the platform and their websites to promote user activity (Larson & Vieregger, 2019). Cambridge Analytica was able to take advantage of these APIs with the help of Alexandr Kogan. Kogan, a researcher at Cambridge University, used the API to develop a survey that was supposedly for academic research and compensated survey takers, who were aware that their profiles would be shared with Kogan. Unbeknownst to users, Kogan was also able to gain access to the profiles of the users' friends, so with 270,000 survey respondents, he was able to acquire access to profiles of 87 million users, which were then sold to Cambridge Analytica. With the profiles, Cambridge Analytica was able to determine a user's personality in terms of openness, conscientiousness, extraversion, agreeableness, and neuroticism also known as OCEAN, which allowed Cambridge Analytica to create personalized ads that tugged at the heartstrings of the user (Ward, 2018).

Literature Review

Scholars have not reached a consensus concerning who is responsible for the misuse of data for political ad targeting in the 2016 presidential election. Hal Breghel believes that it was the users' ignorance that led to the Cambridge Analytica scandal (Breghel, 2018). He expresses that people should be educated enough to know that on websites that provide free services, the user is the product not the customer; they should know that their data is collected for the platform to earn money from advertisers. This argument is incoherent because it doesn't take into account the fact that users were unaware of how their data was used after it was collected. Users took the survey under the supposition that the survey would be used for academic purposes, but it was actually sold to Cambridge Analytica (Larson & Vieregger, 2019). The lack of transparency left users in the dark because they did not give informed consent. Using Kantian

ethics, Ken Ward placed blame mainly on Cambridge Analytica because they infringed on the individual right to autonomy (Ward, 2018). One of Kant's principles of ethics is the idea of people's ability to reason for themselves and determine how they should act. Cambridge Analytica takes away an individual's autonomy because it relays advertisements that toy with people's fears and hopes in order sway votes or opinions. This argument is incomplete because it doesn't take into account the fact that Facebook also knew what Cambridge Analytica was doing and did not take proper measures to stop them (Guzdial & Landau, 2018). These two arguments are related since they both discuss autonomy: Berghel focuses on the autonomy of the user whereas Ward focuses on the lack thereof. Breghel argues that people have the autonomy to decide whether or not to participate in social media and Ward writes that Cambridge Analytica has taken away the autonomy to decide how to vote irrespective of outside influence.

The definition of blameworthiness provides a proper framework to determine who is responsible for the Cambridge Analytica scandal because it lists a comprehensive set of criteria that can be used to assign blame. This framework takes into account the fact that Breghel's argument misses the principle of informed consent and the fact that Kantian ethics does not address Facebook's large role in the scandal. I will prove that the conditions of blameworthiness which include wrong-doing, causal contribution, foreseeability, and freedom of action were met by both Facebook and Cambridge Analytica, but were not met by users.

Conceptual Framework

My analysis of who or what is culpable for the micro-targeting of users draws on the conditions of blameworthiness. Blameworthiness is defined below.

> **Blameworthiness** Backward-looking responsibility in the sense of being a proper target of blame for one's actions or the consequences of one's actions. In order for someone to be blameworthy, usually the following conditions need to apply: wrong-doing, causal contribution, foreseeability, and freedom.

Figure 1: van de Poel & Royakkers's definition of blameworthiness

This definition of blameworthiness can apply to either an individual or an institution and the level of blame depends upon the degree to which these conditions apply (van de Poel & Royakkers, 2011). Wrong-doing means that the entity in question must have committed a wrongful act according to norms or laws. This action must have made a causal contribution to the event in question and without this act the event in question would not have happened. The failure to act is considered a causal contribution and several causal contributions from different parties must have been made in order to assign blame. It must be determined that without the causal contribution the event in question would not have occurred. Foreseeability means that the agent that is responsible must be aware of the outcome of its actions. An entity is not blameworthy if it did not know the consequences of its actions. Lastly, the agent must be able to act of its own accord and not be coerced to do anything it does not want to do. I will prove that these four conditions apply to both Facebook and Cambridge Analytica in order to demonstrate that both are at fault, but not all conditions apply to the user.

Analysis

Facebook and Cambridge Analytica are both culpable for the misuse of user data to create targeted ads that are psychologically manipulative because they meet the criteria of

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blameworthiness which are wrong-doing, causal contribution, foreseeability, and freedom. All four of these conditions must be met to be blameworthy and users lack two of these traits: foresight and autonomy. Therefore, users cannot be blamed for the creation of micro-targeted ads. These traits are demonstrated by the fact that Facebook and Cambridge Analytica not only condoned behavior that led to the scandal, but also actively participated in activities that resulted in the Cambridge Analytica controversy. It was not an accident, but rather the manifestation of immoral activity on both sides. The following paragraphs will go through each element of blameworthiness: wrong-doing, causal contribution, foreseeability, and freedom to prove that Facebook and Cambridge Analytica matched all the conditions for blameworthiness, whereas users only met two of the criteria.

Facebook

Facebook met the first condition of liability because it committed multiple unethical acts that are against norms and laws. The first unjust act that it performed was building an API that allowed third parties to gather profiles of users' friends. The API provided third party access to "the profiles of most if not all of [the user's] Facebook friends" (Larson & Vieregger, 2019) and the friends "were not asked for consent and none consented to passing on their data to Cambridge Analytica" (Schneble et al., 2018). The key aspects to notice here are the plethora of data that one person's profile can provide and the lack of consent. If Facebook allowed all third parties, not just Cambridge Analytica access to such a wide dataset that means that Facebook did not care much about consent because the scale of the breach of privacy was so large. Americans have a right to privacy, but Facebook violated that right on a massive scale. Secondly, Facebook failed to adequately ameliorate the problem once it had occurred. Once Facebook realized that Kogan had violated the rule that he could not sell users' profiles, Facebook "requested

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Cambridge Analytica certify they had destroyed the user files [but] the Silicon Valley company did not ensure Cambridge Analytica had done so" (Guzdial & Landau, 2018). Facebook failed to take legal action to guarantee that Cambridge Analytica actually deleted users' files and as a result Cambridge Analytica was able to continue its insidious campaign. This is strike two for Facebook because it has violated privacy rights with its API, and has failed to do its duty to make sure the data isn't being held unlawfully. Strike three was the lack of transparency once Cambridge Analytica had done its damage. Cambridge Analytica was micro-targeting millions of Americans but "Facebook failed to inform those 50 million users of the breach." Even after users' privacy had already been breached, Facebook could not own up to the fact that it had made a mistake. Facebook's decision not to inform individuals of the violation of privacy demonstrates that it was circumventing blame and infringing on society's right to know. Society expected Facebook to inform the individuals who had their data misused because there was a bill in the House that was being debated that would make it mandatory to notify users if their personal information was wrongfully accessed ("Internet law", 2015). Facebook has struck out because it failed to comply with legal principles and uphold societal norms.

The causal relationship between Facebook's failure to act proactively to stop election interference and the misuse of data by Cambridge Analytica means that Facebook has met the second condition for responsibility. Mark Zuckerberg "dismissed concerns that their data might be used by third parties in an attempt to alter the results of the election" (Larson & Vieregger, 2019). Zuckerberg was aware of the influence of Facebook, but "dismissed" the concerns that Facebook could be corrupted to be used for malicious goals. He made the conscious decision not to act which is a decision in itself. According to van de Poel and Royakkers, the failure to act is considered a causal relationship (van de Poel & Royakkers, 2011).

Facebook should have had the foresight to prevent Cambridge Analytica from influencing the election because election meddling using targeted ads was not a new idea. By 2010, congressional campaigns were already targeting ads to Facebook users based on personal information about them and modifying ads based on the success of a targeted ad campaign (Baldwin-Philippi, 2017). This means that 6 years before the 2016 election, targeting users with political ads on Facebook by utilizing user data was already in full swing. In those 6 years, Facebook could have taken preventative measures to prevent further targeting, but Facebook has even made it easier for political candidates to target users by allowing them to access users' searches, locations, and lifestyle profiles. By being so open to political ad targeting, Facebook could not have defended its position that it was not liable because it has not only condoned but also aided in political ad targeting. Since Facebook had allowed targeted political ads in past elections, it would have been able to foresee that a third party could utilize user data for micro-targeted ads.

Facebook was able to act freely, so it meets the final criteria for blameworthiness. As stated above, Facebook was able to make it easier for campaigns to target ads based on the data about users, so that means that Facebook can also freely take away that privilege. Since Facebook works in a free market economy in a free country, it could act freely to take away campaigns' rights to gather user data. Even though Facebook needs to take into account the losses in profits that could result from not allowing third parties to have access to user data because it is a publicly traded company, it was not forced to give data to third parties.

Cambridge Analytica

Cambridge Analytica met the first condition of blameworthiness because it collected users' data to micro-target individuals with ads that toyed with their fears and aspirations. The first wrongful act it committed was that it did not ask for users' consent. "In the past, campaigners might knock on your door," but "now, the campaigners are already in your house" and "to some extent, [know] what's in your mind" (Heawood, 2018). The digital age has made consent more ambiguous because in the past, campaigners had to physically come up to individuals' homes to determine political leanings, but now campaigners are hiding behind a screen. Consent is something buried into the hearts of Americans because it is outlined in the 4th Amendment and the idea of privacy is alluded to in the 9th Amendment and made known through case law. Therefore, since ethics is defined as a reflection of social norms, Cambridge Analytica violated social norms through the invasion of privacy and collection of data without consent.

Cambridge Analytica hired Aleksandr Kogan as a contractor to collect data from 87 million Americans, so Cambridge Analytica's employment of Kogan played a role in the micro-targeting of political ads. Cambridge Analytica hired Kogan because it wanted to "identify specific voters for targeted messages to sway votes," but "the missing ingredient for the plan was the input data from a large sample of U.S. voters" (Larson & Vieregger, 2019). Cambridge Analytica knew that hiring Kogan would enable it to gather the data it needed in order to carry out its plan of micro-targeting to sway votes. Its employment of Kogan to get the data it needed shows causation because it knew that Kogan could provide the data it needed to carry out its plan.

Cambridge Analytica could also foresee the harm that its actions would have caused because it was the one actively planning the ad campaign. The company has a three step process

to change people's behavior which include "contruct[ing] personality analyses for individuals using voluntary quizzes," "match[ing] an individual's OCEAN attributes to a mass of know data points about that person," and "customiz[ing] persuasive messages to that person" (Ward, 2018). These are the steps that Cambridge Analytica took in the 2016 presidential election and has taken in other political or governmental campaigns. The clear procedure that Cambridge Analytica has created goes to show that it has done this before and it knows how its plan will play out. Since it has created their methodology down to a T, and has repeated the methodology several times, it must know the consequences of its actions.

Cambridge Analytica acted of its own accord, so it meets the last criteria for blameworthiness. The company was funded by Robert Mercer, a Republican donor, so the company was motivated to act in a manner that benefited the benefactor (Larson & Vieregger, 2019). Since Cambridge Analytica functions in America, it is free to do as it pleases as long as it complies with American law. Therefore, Cambridge Analytica is not forced to micro-target because it acts of its own accord to please its customers and benefactors.

Users

The first condition of blameworthiness that users met was wrong-doing. Several hundred thousand Facebook users "gave their consent for the app to use their data and that of their friends" (Schneble et al., 2018). The fact that users interceded for their friends to consent to data collection is immoral. The norm that the users violated was the idea that people should be able to consent on their own terms. Because users who took the survey created by Kogan violated a social norm, they were guilty of wrong-doing.

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Users also causally contributed to the campaign of micro-targeted political ads. The Cambridge Analytica scandal could not have happened without the data that users provided. "With the data in hand, Cambridge Analytica created advertisements which utilized the information discovered about each of us to incite our own feelings with the specific intent of shaping our vote" so the information collected about users was very important in the micro-targeted ad campaign (Larson & Vieregger, 2019). Cambridge Analytica "utilized the information" that users provided in order to create personalized ads and personalization could not have happened without the data points collected about each individual. Since users provided the fodder for Cambridge Analytica's ad campaign, they causally contributed to the scandal.

However, users could not foresee that taking a survey would lead to the breach of privacy and micro-targeted political ads. "Cambridge Analytica misled consumers and Facebook about how the users' data would be used," so users could not have foreseen the consequences of taking the survey because they were misinformed (Castro, 2018). Users were informed that they were taking part in academic research, not a targeted ad campaign, so it is inconceivable that they would know that their actions would be used against them (Larson & Vieregger, 2019).

I argue that users could not have foreseen that taking a survey would have catastrophic effects because they were misinformed about how their data was going to be used. However, some scholars have expressed that users should have known the dangers of taking the survey. Berghel writes that "whatever the claimed research benefits of Kogan's app, common sense should have dictated that the potential risk to users of sharing their personal data was too great to justify participation" (Berghel, 2018). It makes sense that users should understand the "potential risk" of data sharing, but the users did not know that by taking the survey they would also be sharing their friends' data. The Facebook "API provided access to not only [an] individual's

profile, but the profiles of most if not all of his or her Facebook friends" (Larson & Vieregger, 2019). When taking the survey, users only thought that they were sharing their own data and not their friends' data, and therefore they could not have foreseen how dangerous sharing their data would be.

Users did not have the freedom to choose how their personal information would be utilized. "Kogan is believed to have sold the data to Cambridge Analytica in breach of the terms of service," which indicates that users did not have a say in how their information was to be used (Larson & Vieregger, 2019). Users did not consent to the sale of their information, so they did not have the freedom to determine how their profiles were going to be handled. The inability to have a say in how their information was processed means that they did not have the freedom to act of their own accord.

Conclusion

I have argued that the entities responsible for the Cambridge Analytica controversy are Facebook and Cambridge Analytica, but not users by proving that Facebook and Cambridge Analytica met all the conditions for blameworthiness, but users did not. Facebook deceived the public on multiple occasions, failed to implement preventative measures to stop the misuse of data for political purposes, foresaw the use of micro-targeted ads in the 2016 presidential election, and acted of its own accord. Additionally, Cambridge Analytica was culpable because it utilized data to create ads that toyed with users' feelings, hired Kogan to collect data for their targeted ad campaign, foresaw the consequences of its actions, and acted freely. On the other hand, users were not culpable because they failed to meet the conditions of foreseeability and freedom of action. This argument is significant because it can inform legislators on how

Facebook and Cambridge Analytica purposefully made decisions to deceive the public and provide insight on how to formulate policy to combat the misuse of data.

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