SO, BOB - Ep 6 - Do I Have the Right to Be Forgotten?

KELLY: A warning to our listeners. This episode of So, Bob talks about sexual abuse of minors and domestic abuse, and so parts of it may be difficult to hear.

Spoke Media.

ALIA: So recently Bob and I were in New York City together, and we sat down with one of our favorite people, Mary Pilon. Mary is an author and a journalist. She writes chiefly about sports and business, and she's been reporting on the Larry Nassar story for awhile. If you don't know who Larry Nassar is, he was the USA gymnastics national team doctor who is now a convicted serial child molester. So Mary tells us a story about a video she found online.

MARY: So I've been working on this audio series with the Larry Nassar case. And one of the dimensions of reporting that became really clear to us early on was his digital life. That this was a man who used Facebook to schedule appointments to groom children. He used Instagram the same way. A couple of months ago, I was looking for audio, and I found video of one of his appointments, and it doesn't rise to the level of like explicit child pornography, but he's very handsy with a girl. At one point he puts his hands under the waste of her, of her shorts and she's very identifiable in it, and she's 11 years old in it. So I reached out to her, she had publicly identified as a survivor, and she was like: I want this pulled down. So I sent a message to YouTube. I said, this is child abuse. Larry Nassar's been convicted. You know, I'm a journalist. Here's my contact info. And like, time passed, nothing happened. Long story short, she tried to pull it. I tried to pull it. Five attempts were made.

ALIA: The whole reason Mary had to go to YouTube and make requests was because the victim's mom couldn't take down the video herself, which is not unreasonable.

MARY: So her mom had posted the video. This was common for gymnasts then and now-- that she had made a video of the appointment because she wanted to show the coach what stretches she was doing and whatnot. And it was only when Emily, the girl in the video, went home and was able to like basically hack back into her mom's account-- because her mom didn't remember the password from, you know, 2011-- that seems pretty reasonable. So, to me it raised this question of, and there's like several of our other examples in that story, of when you are a victim of child abuse, and your offender is one of the most high profile cases in world history, and you have a journalist on your beh-- like asking out for major news outlet, and they still won't pull it. You know, it's a retraumatization, and I think that that's a big part of this story, whether it's, you know, a sext to a boyfriend or any of this imagery, this digital trail of abuse or whatever the backstory is. I think we forget that the knowing it exists retraumatizes people, and then constantly seeing people view it. And you know, Emily said something to the effect of 15,000 people watch me be abused. And that's something that I think if you are Facebook, Twitter, Instagram, this is not a problem that's going to go away, and it's going to become a bigger issue. And reporting this story kind of blew me away because I think with this case, the right and wrong is so clear cut that it wasn't like, oh, Nassar hasn't been convicted or you know,

there's all these other lines that people throw. And child abuse is so horrible, and these are people who have taken the risk and publicly identified. Like, there's a lot of things that have happened in this case that the vast majority of child abuse cases don't happen. So I think it's a really important area, because if you're in that pool and you still can't get a form of justice, what hope is there for anybody else? Right?

ALIA: The story disturbs me for a lot of reasons. And it makes me wonder if a victim of an infamous abuser with a star journalist at her side can't take back an image of herself, an image of her as a child being abused. If that doesn't convince the people at YouTube, or any tech company for that matter, to take down an image or video, what would? What does that mean for those of us without fame or a powerful journalist to be our advocate? Who owns our images? What happens when our personal photos are used without our consent? When are our photos no longer ours? And perhaps what I'm wondering most of all, is do we have a right to be forgotten?

[*Intro Music*]

ALIA: I'm Alia Tavakolian.

BOB: I’m Bob Sullivan.

ALIA: And this is So Bob, the show that tackles questions about the unintended consequences of technology. The sometimes creepy, usually confusing digital stuff that makes you stop and go, wait, is technology actually working against me? Do I own my private information? Is any information actually private anymore? Am I crazy for wondering about this stuff? We're here to tell you: you're not crazy for wondering. We've got a lot of questions.

BOB: And together, we're going to find some answers.

ALIA: Okay, let's dive in.

[AD BREAK]

Spoke Media.

ALIA: Okay. Back to my question. So Bob, private photos, are they actually private? Do they actually belong to me and what happens when we lose control over them?

BOB: This is a really big, broad question, and it involves a whole bunch of players. It involves predators. It involves technology companies with processes that are broken. It involves a lack of advocates inside tech companies. It also involves these unforeseen consequences that can seem innocent like that photo I posted of myself in college drinking, what does that make my future employer think of me? These are complicated questions, but I think at the core of them is your key question, Alia, which is: who owns the rights to this stuff, and what can I do if I feel like I'm being violated? And the answer is-- is not easy.

ALIA: You know, I'm thinking about something Mary Pilon said to us, Bob, about her first job as a journalist at Gawker and how somebody gave her that piece of advice, right? What did they say?

MARY: Oh, if you're a young woman, and you want to be taken seriously, you should never let anyone take photos of you. Like somebody explicitly told me that this is something that can be used against you and you need to conduct yourself, because everyone's going to be out to get you.

ALIA: Yeah, that's like, really daunting. And I realized, no one's ever explicitly given me that advice, but I'm sort of like, I've become in the last five years, right? So in like some of my most formative career years, I've become hyper aware of my images, and where they're showing up, and what shows up when you Google me, and like all of that. And it's, it's kind of like-- I think about it a lot. Do you think about a lot, Kelly?

KELLY: Yeah. Actually, when I was in college, I had professors tell me that-- kind of the same thing. Your Instagram is your resume. Don't go back just a couple of weeks, go back a year, two years, and delete anything you don't want any future employer to see. I wasn't super worried about it, but it still was freaky. It made me rethink anything I posted. I mean I've been on social media since I was 13 years old. Right? That's when I started going on Facebook, which was the first, you know, in to social media that I had.

BOB: What about photos that other people post of you, you know what I mean? Even if you were very careful in your Instagram account, you might be tagged in other photos, or there just might be a way for other people to find photos of you anyway.

ALIA: This makes me think, you know, I recently saw this photo like fly by on Facebook of me with somebody I dated a long time ago and it was an unhealthy relationship that I honestly haven't thought about in a long time, but you know, you grow and you like realize when you were in an unhealthy relationship, but you didn't realize it when you were in it. That was me. And I, I see this photo of me with this person, and it's like, I don't own the photo. Somebody else does, but I'm tagged in it, so I can untag myself. But that's kind of the only control I have. Like, the photo still exists, and it’s still up on social media somewhere. And now I'm not seeing it anymore, but like, just the fact that it exists as like part of my digital history, or a digital history that includes me and my image, is like really uncomfortable and like, I don't know if there's anything to be done about it. I don't actually know how much control I have over my image at all anymore. I mean like, I even think about my friends who are really good at documenting their lives and they'll like include me in like an Instagram story or something. That's like really fun, but still my, like, red flags kind of go up when that happens because it's like I'm not controlling this. And also I thought I was just having a moment with my friends, and now it's like a moment for everybody? But like, also I like to witness those moments. So isn't that weird?

BOB: No, I'm going to say something that's probably going to surprise you, which is I think it's terrible that once you become aware of these privacy concerns, like the stuff that we're talking about, then you start living basically in a virtual cabin in Montana, right? Which means that

you're sort of off the grid, and you are not participating in any of this other really fun stuff that your friends are. The social cost of saying every time, no, I can't be in this photo. No, I can't post this photo. And you know, what this feels like to me is when you become a very famous person-- like Derek Jeter legendarily would do this-- and you have parties at your house, you just take everybody's phone so there's no evidence, and there's no embarrassing photos or whatnot. Right? So we now all have to live our lives like celebrities, only without the benefit of actually being a celebrity. And that's really not fair.

ALIA: And you know, the other side of that, right? It's like, I think I'd feel pretty uncomfortable if I went to a party where they were like: no phones allowed. Because then like, what can happen that cannot ever be proved, or not be documented, or there won't be any receipts for? It's complicated, right? We feel uncomfortable living without this technology, but also living with it feels so dangerous.

BOB: It feels out of control, yeah.

ALIA: Yes. It feels out of control, and it feels like it takes away so much of my agency so often. But I guess not too often, cause like I'm still using it. Still participating.

BOB: You know, it's kind of like, we all live our lives full of risk. Right? Like you drive a car every day, even though odds are one in ten-thousand that you'll get in an accident. Hopefully with cars for example, we make intelligent risk choices. You know, you're not a daredevil as a driver. You know, you park, you buy insurance. With technology, it's really hard to calculate the risk. Someone takes a photo of you at a party, how do you really know what bad thing might happen to you tomorrow, a year from now, five years from now? And I think that's why this is such a difficult time. Uh, you take a lovely photo with someone that you're dating, and then at some point in the future that turns out to hurt you in some way. And, you know, the standards we have today for what's appropriate might not be true 10 years from now. And so something that might be completely fine today could hurt you tomorrow. That's why this is such a frustrating and difficult situation.

KELLY: Okay. So like, who are the players in this super complicated problem then?

BOB: Well, let's go back to the beginning of the episode in this horrible Larry Nassar situation.The worst part of that story is obviously the abuse, but YouTube has some responsibility, because it's YouTube that is redistributing the abuse and revictimizing the victim. And so, you know, YouTube's own inability to control what it's distributing even in the face of multiple requests to take things down, they're a problem here, right? And technology companies in general are doing a terrible job of this. When something awful has occurred to you personally, and you write to Twitter or Facebook or any of these people, they're very bad at handling those requests. So the platforms bear a lot of responsibility, but we should never forget that the abusers deserve the largest part of the blame. But the people who post these photos against your will deserve a lot of blame, and-- and to ratchet down the temperature of this conversation, this happens a lot in life. Your friends take a group photo and they posted without asking you and how many times have you been tagged in a photo that you didn't want to be tagged in by

someone that maybe you don't know very well, and they never asked your permission? We're starting to see these social morays develop around someone saying, you know, can I take your photo, please? But we're a long way from that being a social convention that everybody feels comfortable with. And so, you know, when you see a camera come out, sadly I think we have to be hyper aware to make sure do we, do we want to participate in this or not, and not allow social conventions to force us to be in situations that we don't want to be in. And we also have to do this horrible thing where we Google ourselves on a regular basis and see what we look like to employers or friends or future dates or our parents all the time. I mean, it's something I recommend people do it once a month. Go through the services, search for your name and see what you look like, and if there's something that you don't like about it, you know, work to fix it.

ALIA: And how do you, like, what do you, what's the most practical way to fix it? Like, what would I do if I were to Google myself, and there were like two or three things that I saw that I didn't like?

BOB: It's not easy. I mean there's basically two steps. There's, there's removing it, and there's obscuring it. So if you can contact the-- in Google's case-- if it's a website with a photo of you, for example, can contact the person who posted it and ask them to remove it nicely, and hopefully they'll be polite and do that. You can actually, if there's something illegal about it, you can request that Google remove it from search results. But removing it from search results is not the same thing as removing it from the Internet. And sadly, a lot of those things reappear. But removing things from search results often has the effect of obscuring it, which is the thing that reputation management companies would tell you to do. Let's say there's one story about you from a former employer, and it's not illegal, but it's certainly not something you want to show up on the first page of your search results with your next job application. A reputation management company would say, “Go make 30 webpages about yourself and cross link them all so that that search result is now on the fifth page of Google instead of the first page.” And for the most part, people won't see it or it'll be buried.

ALIA: So I want to recap really quickly. There's a lot of players in this game, right? There are the platforms like youtube and all the social media platforms that are sort of responsible to, to at least try to figure out how to regulate some of this stuff. Right? Which we recognize is, is extremely complicated. Not an easy thing to do. And then there's us. We have to figure out what the social norms are or what, like, what is polite and impolite when it comes to images and other people's images in our own images. And then there are the abusers who post unwanted photos only in an effort to hurt you, and they should be held responsible. So there are a lot of players here and it's, it's kind of murky. It's not straight-forward.

BOB: So often seems to happen in this podcast, there's a very different view of this concept in Europe versus in the United States. Dating back to the very invention of photography, in Europe, there's a concept. Basically, you own the right to your image. That's why paparazzi in Europe have a much different time than they do in the U.S.

ALIA: Wait, I don't know about this. So this has been, like, this has been a law or like the way of things in Europe for how long?

BOB: Yeah, for more than a hundred years. All this started, some argue, with Alexander Dumas, the French author of the Three Musketeers. Dumas was an aging French literary star, when he embarked on a somewhat scandalous love affair with Adda Isaacs Mincon, then a 32-year-old Texas actress. Entranced with the still young technology of photography, the two pose for clearly scandalous photographs. The photographer, smelling a quick profit, sent out to sell them, and Dumas sued. A Paris appeals court quashed this early Paparazzi moment. In a ruling that would sound quaint to the modern American ear, the court decided that posing for the photographs did not mean that Dumas and Mincon had surrendered their rights to privacy and dignity, even if they consented to do just that during a heady romantic moment. These rights to dignity, trump any commercial property rights that the photographer might have claimed according to that court. And here I quote a Yale law professor, "any sale by a person who had momentarily forgotten his dignity had to remain effectively avoidable," from a paper called The Two Western Cultures of Privacy: Dignity Verse Liberty. One's privacy, like other aspects of one's honor, was not a market commodity that could be definitively sold. So this more than a hundred year old court case cited with dignity over commercial rights.

ALIA: A thing that I can't even imagine in my wildest dreams would ever happen in the United States of America.

BOB: Yeah. That's considered the first photography rights precedent. Because you have the right to your own image in Europe, and we don't in the US because we have this very, very strong right to freedom of the press here in the US. Like, a lot of these issues, they conflict at my core because the more that we restrict image usage, the harder things become for journalists also. And there's lots of rights of fair use that we would be trampling on. And you know, everybody in the photography world would tell you, I mean, you know, it's lovely to say you have the right to your image, but you know, that would suddenly mean every Bill Clinton could sue over almost every photograph of himself, which we wouldn't want either.

ALIA: It's odd to me that it's such a blanket law in each of, in, in both America and Europe, right? They're different kinds of blanket laws, but like, they don't account for the complexity of humans. In a way that I think technology in this regard doesn't account for the complexity of humans. Are the laws trying to catch up? Is there any obvious effort to catch our laws up to where we are?

BOB: I think lots of people are trying. It's, you know, like the-- making laws is like making sausage, only worse. Right? So it just takes a long time and it, it just can't move at the speed of tech.

ALIA: Okay, I want to pivot for a second. So these platforms, places like YouTube or Facebook, Instagram, how are they held responsible at this moment, Bob, for what images appear on their platforms?

BOB: They're held responsible in a smattering of different ways. So for example, if say a live stream of an NFL game appeared on YouTube, then the NFL would send a cease and desist

order using the Digital Millennium Copyright Act because the NFL owns that stream and YouTube can't do it, so that's one way. If there's a crime involved, then a platform like YouTube would have to respond to law enforcement, and or else somehow be held liable for being a participant in that crime. But the law that these platforms have all pointed to again and again is the one that essentially distinguishes them from a publisher, which means in general they don't have any responsibility to patrol the content on their site. And that's where a lot of this process has fallen down. These platforms more than anything, want to remain as hands off as possible so they don't acquire extra liability.

BOB: As we're trying to answer this really complicated question, I think I have the perfect person to help us come up with some pretty good answers.

ALIA: Oh, thank God. Tell me more.

BOB: She works for the Electronic Frontier Foundation. She's their director of cybersecurity, and before that she spent most of her time looking at ways to provide privacy and security to vulnerable populations all around the world. So we'll talk to her right after the break.

[*AD BREAK*]

ALIA: So after having this conversation about our image and all the complexities that come with it on the Internet, we sat down with Eva Galperin.

EVA: My name is Eva Galperin, and I am the director of Cybersecurity at the Electronic Frontier Foundation based in San Francisco, California. I am the head of EFS threat lab, which is focused on providing security and privacy for especially vulnerable populations. Our job is to make sure that when you go online, your rights come with you.

ALIA: So a friend of Bob's and mine, Mary Pilon, she is a writer, a journalist, and she's been reporting on the Larry Nassar story for a while, so we jumped right in. I relayed Mary's story for Eva… So my question is, you know, if I'm someone who doesn't have like a journalist on my side or just any sort of power really, and my image is on the Internet, being used in a way that I didn't consent for it to be used, do I have any power? Like, do I own my image and do I have the power to be forgotten?

EVA: Well, that depends on who you are and where you are and who made the image. This is really a question for lawyers, not for technologists. I'm an engineer, but I can tell you that the person who owns the rights to that image, in the United States, is the person who took the video. And the person who has the power to put the video up or to take it back down is the person who put the video up in the first place. Because even if you have a situation in which a woman has a video of herself online that is retraumatizing her and that's really disturbing, she was able to get the video taken down. The video was put up by her mother. She eventually found the login credentials and she took them down. But if YouTube responded to just any third party who said, “Hey, that's me in the video, please take it down.” Then anytime somebody

wrote something political or criticizing or expressing an unpopular opinion, perhaps the target of, of that criticism could simply turn around and say, “YouTube, take this video down.” So this is a power you really want to limit.

ALIA: Eva makes a great point: the video was taken down because thankfully her mother was the owner of it. So problem “solved”. But the next point she made is what got to me--we *weren’t* talking about expressing unpopular opinions. We were talking about a clear instance of abuse. And if YouTube can’t take that down, then that’s a problem. Right?

BOB: Well, I mean, this is going to be very delicate. I mean what she talked about is content moderation. And actually I've had very strong feelings about content moderation for a long time. People on the west coast-- the people with libertarian bends-- really, really want content moderation to be automated and just really went this hands off thing and they're terrified that any human being might intercede and take a post off that was offensive because that's a slippery slope. And the next thing you know, all liberal comments will be erased from the Internet because we gave Facebook the right to have a human being take down a disgusting video. And I do not agree with that. Let's say there's a crime in that video, and I think this specific example we gave you is squishy, but let's say it went far enough to be obviously a crime. What is a company like YouTube’s responsibility to act quickly, and do something about that?

EVA: Well, it depends on the crime and whether or not it's a violation of YouTube’s terms of service. Let's imagine that you are a bystander who has filmed the police shooting an unarmed black man in the head at a police stop and you put it up on YouTube. Now imagine a situation in which that video gets taken down because the police contact, uh, YouTube and say this, this video puts us in a bad light. Or just anyone can contact them and say, this is a crime. Take it down. And suddenly you've lost the evidence of police misconduct.

BOB: I think you're making a really good case for why this is complicated to handle. And It's particularly complicated for private companies, right?

ALIA: One of the things Eva focuses on is helping domestic violence victims make sure their abusers haven't hidden malware or spyware on their gadgets. Eva uses the terms “spouseware” and “stalkerware.” More on that in a moment. So we thought she'd be the perfect person to help us figure out how victims of image abuse can get their rights back… Not exactly.

EVA: I’m basically the bearer of bad news, whenever people show up and say that content moderation should be simple and it's really straightforward and all you need to do is take down the content that I don't like.

BOB: And you know, back to my point, I mean, so what we have with this story that Mary wrote up is a really clear example of a super bad guy doing something we all agree is pretty bad. Although, even to the victim's mother at some point in the past it didn't seem bad, because out

of context it was just a medical examination. Later, now we look at it with different eyes and we say, “this is horrible”. But for the most part, I would say this is one of the cleanest take down requests that you could have. Eva’s concern, lots of other people's concern is, okay, so you know, what if it's one step to the left or right of that and it's not quite as clear and now you start removing people's posts from the Internet and it's a mistake. To me, all of this is about not having enough human touch and not having enough reasonable people to find this middle ground.

ALIA: I think Bob’s right, but I think we’re getting a little bit ahead of ourselves here. In the interview, I couldn’t help but wonder about some of Eva’s work on stalkerware, which I’d NEVER heard about before.

EVA: I have been contacted by a woman whose ex was stalking her and who managed to convince her that, uh, they were both being stalked by someone else. And I had to spend some time sort of unraveling that case, especially since the ex also had full access to all of her devices, including devices that she thought were secure. And so the ex was continuously sending me messages, pretending to be her. That was, uh, that was difficult. I have been contacted by a woman whose partner only ever purchased one thing for their shared apartment and it was a nest. So I spent some time taking that apart.

ALIA: Was someone using the nest to spy on them?

EVA: Yes. It turns out that they were still able to log into the nest and so they could see when the person was home and when they were not home, even after they, uh, even after they no longer live together.

ALIA: Wow. So how did-- I'm, I'm wondering, like, how, Eva, how you got into this. Like, how did you come to care so deeply about this?

EVA: Well, I spent many years doing security research, mostly on state actors. Uh, what we call APT’s, advanced persistent threats. So I spend a lot of time working out how to protect vulnerable populations, mostly journalists, activists, lawyers, scientists from spying by governments, usually when they've done something to piss the government off, like activism or reporting, or filing lawsuits. And it turned out the-- one of the researchers with whom I had done several years of this work, turned out to be a serial rapist. And so at the beginning of 2018, I read a magazine interview with one of his victims and the journalist asked the victim, “What took you so long to come forward?” And she said that she was scared because he was a hacker and he had threatened to compromise her devices and she didn't know what he was capable of. And she just thought that he would ruin her life. I just didn't want anyone else to feel that helpless and scared anymore. So I tweeted that I would help out women who had been sexually assaulted by hackers who had then been threatened by them with the compromise of their devices and, uh, that if they wanted, they could get in touch with me and I would make sure that

their device got like a full forensic analysis. I did not expect that tweet to go viral. So, more than 10,000 retweets later, and a year and a half later, I still get messages about this.

ALIA: As you've probably realized, we veer pretty far from our initial question. But this still intrigues me-- do we have power over anything anymore? What can we do about this?

BOB: What more could tech companies be doing? I know you've already gotten some, made some headway there, but what more at tech companies be doing about this?

EVA: Well, there are a few things. My major initiative from April and May has been in getting the antivirus companies to start treating the software as malicious and flagging it as such, because it used to be that if you had stalkerware or spouseware on your phone, even if you had an antivirus program on your device and you ran it, it would not tell you that there was spyware on your phone. It would say, maybe this is suspicious. Maybe it wouldn't find it at all. So I managed to convince Kaspersky to start treating the software as malicious, and if you download Kaspersky's antivirus software, you can run it on your device, and if there is stalkerware or spouseware on there, you will get a message saying this is stalkerware or spouseware and give you the option of removing it. And, a lot of the other AV companies are looking to follow suit. So I'm hoping to have some more announcements in the near future.

ALIA: I'm just wondering, besides tech companies and what we can expect from them, like, what is our reasonable hope here besides them? Like, what kind of hope can we expect?

EVA: Well, a couple of different things. I've, I've been talking to both Google and Apple about making some changes in their user interface, with domestic abuse in mind as part of the threat model. Because up until recently it was really common to think of a person with physical access to the phone, along with the username and the password, as somebody who has legitimate access to a device. And if you consider that to be legitimate access to a device, then you're definitely leaving that device open to all kinds of domestic abuse situations because in cases of domestic abuse, it is extremely common for the abuser to have convinced the victim to hand over their login credentials and to occasionally give them physical access to their phone.

ALIA: This conversation about abuse is really important to me. Like, while there might be murky rules around the posting of hurtful videos and images online, there's nothing murky about using tech stalk someone. I guess we are kind of learning that there's a spectrum of abuse. This made me wonder, is there a reasonable answer to our initial image question? Is that a reasonable question to begin with? When we asked Eva, she answered our question kind of how we already did: we have certain rights if we took the image ourselves, but otherwise, it's pretty difficult in terms of copyright law. I'm realizing that we don't really have control at all. So if we don't have control over our image, what does that mean for victims of the posting of nonconsensual sexual images, more commonly known as revenge porn? That's where someone's private sexual photos are used against them, usually by an ex partner.

EVA: It depends on where you are, and who has the copyright of the picture. So there are revenge porn laws in some states in the U.S., but there is no federal law. And uh, copyright law also applies. So if you took a selfie, a sexy selfie, this is your copyrighted work, and you can request under the DMCA that it be taken down. So most platforms will in fact, honor take-down requests of that sort if you can show that the material is yours. But again, the copyright belongs to the person who made the image, not the person who is in the image.

ALIA: Right? So if I didn't take it, if it's not a selfie and my partner took it or my partner at the time took it, then I, I wouldn't belong to me.

EVA: No. Then you're sort of next causes of action have to do with whether or not there are revenge porn laws in your state. And also, you know, whether or not you can afford a lawyer, which is by far the most depressing part, because this is a civil cause of action. This practice has its roots in misogyny, in the notion that if your partner is having sex with you, or is sexy for you, or is sexting you, if they are a woman, that's great. But that when taken out of the context of your relationship, that woman having any sort of power over her own sexuality, it makes her a slut and it's shameful and humiliating. And I don't think that we will ever get rid of this practice any more than we're going to get rid of abuse until we, we've really put an emphasis on unending misogyny.

ALIA: YES. One can hope, right? One can hope that we're going to end misogyny, but it's something that just every other week, I’m like, I feel no hope in that department.

EVA: First, we crush the patriarchy. I'm not really sure what step two is.

ALIA: I feel like we need to address something cause I feel like, uh, the concept of our episode just changed based upon our interview. It became about abusers and abuse on the Internet. That's what it became about.

BOB: So there's this collision of points of view here and the EFF is one of many organizations that feel really strongly about the freedom of the press, for example. Right? I'm all for that. And the more you, you make it easier for people to remove things from publication, the more you put a potential tool in the hands of an oppressor nation. Right? So that's, that's a lot of, like, the orientation of the EFF and she, and she, she made that point very, very well.

ALIA: Can I just, you know, I-- is there no middle ground? It seems like when we have a conversation about this kind of thing, the regulation of content, that they're only extremes, that people are so afraid of extremes. Like all of this kind of content will be taken down, or all of these kinds of opinions will be taken down. I think what I'm asking for in this situation is actually quite reasonable. I'm asking that if there is a photo, or in this case, a video of a notorious abuser abusing a minor, it should be taken down no matter fucking what. That's what I'm asking. And I

think that it's completely reasonable and I'm angry. YouTube should be responsible for this. Like, this is their platform. Right?

BOB: And they're making money off of it. Remember, every time there's an ad that rolls, someone makes money. And then you also, you know, the real problem is when you take something down, you need to have an appeals process, and the appeals process-- and anyone who's ever called and gotten a busy signal from a large company, imagine what it's like to appeal YouTube has removed a video of yours. Right? So to me that's actually the problem. If we had a system that took things down, and it was reasonably good at what it did, 99% of the time the decision would stand. You need to have a robust system of appeals for that 1%. Again, people with the human touch, judges, who could make decisions and then, and it has to be really transparent so that outsiders can examine how they're making their rulings. And so somebody doesn't think all the rulings are for conservatives or for liberals, and that's all really labor intensive. But you know what, that's the price of doing business as far as I'm concerned.

ALIA: Yeah, yeah that's how I feel. Cause that's the thing, I feel like, uh, we didn't really bring up at our conversation with Eva is the, the moneymaking part of this that makes us all a little bit dirtier. Right? And what about revenge porn? I mean, I feel like after talking with Eva, I still have no control in that aspect either.

BOB: But even in that case, Eva's point of view would be, well, unless there's a revenge porn law in that state, copyright laws apply. And does anyone really agree with that?

ALIA: No.

BOB: This is why states are one by one passing revenge porn laws. So in most cases you would be covered by a revenge porn law, you know. I wonder what they cover. Eva makes a really good point about a lawyer. Who has time or money to pay for a lawyer in this situation. I feel like this always happens in these episodes and it's a good thing and a bad thing. We've lost track of the original question, right?

ALIA: We have.

BOB: Which is, do you have any control over your personal, your face and how the world perceives you? And the answer to that is largely no. I mean, I think that's what these stories are all pointing towards, is that it's incredibly hard to keep control over your image.

ALIA: Yeah, I think I have a pretty clear understanding now of the answer to my questions. Like, do I have the right to be forgotten? Do I really own any of my images? Mostly I do think the answer's no. Mostly I don't think I have the right to be completely forgotten because not every single image or a piece of data on me online is owned by me. In fact, probably very few of them are actually owned by me. I don't like post a lot of selfies, pictures that I took, you know? So I

don't know. I'm feeling a little bit, um, you know, it's actually kind of sad to me that that's the case.

BOB: Quite literally. So, I mean, just a notion to throw out at you is it took millennia for humans to adopt a notion of property rights for all. The idea that, you know, used to be kings and surfs, right? Lords and serfs. And then, you know, what, what led to the flourishing of the middle class is when everybody could have property rights. Well, in the digital age, data is property. And at the moment plebes, like you and me, don't have any property rights in the digital landscape. We don't have rights to data that's collected about us. We don't have rights to our own image. And I'm one who believes that what we have to do is evolve the notion of property rights into the 21st century. So we can have people who are solidly middle class in the digital age, before we end up with a world of digital lords and a bunch of surfs.

ALIA: Wow. So you're just saying, Bob, that it's actually only a matter of time and that we're still sort of in the beginning of all of this or in the early days.

BOB: Yeah, and there are evolving property rights to data. I mean, that's part of what GDPR is. It's an acknowledgement that you own the data that a company collects about you, and you do have a right to be forgotten and you can erase it and you can demand that it be removed. It's not like in the US you can ask a data broker to remove it nicely, send them flowers or something. Hopefully they don't lose your request. In other parts of the world, you have the right to that. And that's one of the reasons why, however annoying people like me sound sometimes when we talk about privacy rights, they're really humanity rights. And we have to create a concept and a philosophy around this before we slowly evolve things like laws and social morays. But you know, the idea that we're all equal in the digital world, that's pretty important.

ALIA: Yeah, it almost seems like the next logical step is the sort of mainstream realization that privacy rights are human rights. Cause I don't actually think that it's a mainstream idea right now.

KELLY: Can I say something?

ALIA: Yes.

KELLY: All of this goes back to our conversation again and again, and I was feeling this when Eva was talking, that the onus is on us again to get things removed or to change it ourselves for ourselves and our individual situations. It's what we were talking about with jewels and opting out. It's what we talked about in Breach, and it's what we're talking about here, where it's like, oh, you can go to these websites and get things scrubbed and all of that. Which is fine, and I'm glad that there is a way that us as users can do that. But on the other end, it's still makes me frustrated that we have to. Which maybe that is the solution. Like, we gotta make our own solutions for ourselves right now, but I always get frustrated about that.

ALIA: Yeah, it is frustrating because it's like we start without our agency and our-- it's our job to go get it back.

KELLY: And usually we have to go get it back after something bad and horrible happens to us.

BOB: You guys are being too nice. We're describing something here, a situation where basically someone comes and steals all your money and it's up to you to go get it back and everyone says, well, it was your fault. That's horrible. That's life today. Like, 20 years ago, people didn't have this problem. This problem suddenly arose. Someone came and took a bunch of things that are yours, and now it's up to you to one by one get them all back. I mean, that sounds like a Franz Kafka novel. It's terrible.

ALIA: It is terrible and you know, by the way, when you'd have to try to go get them all back or you have to go try to make it right for yourself, it's not easy. No one makes it easy for you, and there's no guarantee that you'll be able to succeed.

KELLY: I feel like this conversation is becoming like extremely dark.

ALIA: Yeah. It is. What if we take a pause, like a capital P pause? Like, what if we... take a beat to think about things before we come back? Bob, what do you think?

BOB: 100%. There's a lot of things that people really can do. I mean it's, it's a lot of work, but you can march to the digital world and reclaim your life one piece at a time. You want to reclaim your humanity, you want to reclaim it from the distraction of phones. You want to reclaim it from large companies profiting off your likeness or off your data. And I think, I think there's ways to do that.

ALIA: Yeah, so we're gonna take a quick break. And by that, we don't mean an ad break. We mean a serious multi-month break to try to reclaim some of that humanity and make season two for you guys. Season two of this show that we're really grateful to be able to make.

BOB: We started this season saying, is the Internet good or bad? And we concluded, I think by saying it was more good than bad, but only slightly. We haven't concluded season one this way. So season two is going to be about where the Internet is more good than bad.

ALIA: Yeah. I'm feeling like right now the Internet is pretty bad and I want to go find some of the good parts.

[*AD BREAK*]

ALIA: This is the final episode of Season 1 of So, Bob. We are going to take a quick break over the next couple months to put together stories for Season 2 -- we've got some really exciting stuff coming up. If you're enjoying the show, rate and review us on your podcast app -- this

helps all the other people in the world with burning tech questions find us. Speaking of burning tech questions, if you have a nagging question about your digital life, write to us at Sobob@spokemedia.io or tag us on Twitter or Instagram @sobobpod. Who knows, your question might end up at the center of one of our episodes for Season 2. So Bob is a spoke media production.It's hosted by me, Alia Tavakolian, and Bob Sullivan. We're produced by Kelly Kolff with help from Reyes Mendoza and our intern, Kendall Lake. This episode was mixed by Alexander Mark. Our head of post production is Will Short. Special Thanks to Kyle Pass and Isaac Olsen. The songs you hear in this episode come from FirstCom, and our executive producer is Keith Reynolds. Thanks to this week's guests Mary Pilon and Eva Galperin - you can follow Mary on Twitter @MaryPilon-- that's P-I-L-O-N, and Eva @Evacide. That's E-V-A-C-I-D-E. And special thanks to everyone on the Spoke Media team who helped us with this season-- Lauren Floyd, Carson McCain, Cody Hofmockel, Caroline Hamilton, Tommy Staley, and Janielle Kastner. Thanks for listening and see you in a couple months!