

“Nobody's looking at *YOU* dear...”
Governmentality Behind The Cookie Wall,
Web Personalization as a Mechanism of Control.

Master thesis

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“The intensity and complexity of life, attendant upon advancing civilization, have rendered necessary some retreat from the world, and man, under the refining influence of culture, has become more sensitive to publicity, so that solitude and privacy have become more essential to the individual.”¹ -

Samuel D. Warren and Louis D. Brandeis

Abstract

This paper explores the phenomenon of the usage of behavioral data, in the field of digital marketing, this phenomenon is called personalization. It is argued that digital information and communication technologies provide marketers with new tools to manage online traffic through data informed persuasion techniques. Online personalization is conceived as an effect of management techniques, that are typical for the dominant paradigm of thinking about problematics of government, or management today, a paradigm Foucault called governmentality. This thesis investigates to what extent the use of behavioral data, in order to create what Kitchin & Martin call the *capta shadow*, in digital marketing can be seen as a form of control over individuals. Web personalization is finally identified as customer journey optimization, and reveals that individuals are in the first place conceived of as instruments to manage conversions and capital. This complicates debates about the usage of behavioral data and privacy and shows the importance of raising user awareness when these techniques become more and more invisible when marketers are going from using retargeting techniques for serving personalized banner to using them for generating dynamic websites.

Keywords: governmentality, behavioral data, digital marketing, the digital enclosure, internet surveillance, surveillance society

¹ Samuel D Warren & Louis D Brandeis. “The Right to Privacy.” *Harvard Law Review* 4, no. 5 (1890): 196. 22-06-2016. DOI: 10.2307/1321160

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I.0 INTRODUCTION

This paper explores the phenomenon of the usage of behavioral data, in the field of digital marketing, this phenomenon captured under the term of personalization. It is argued that networked digital information and communication technologies provide marketers with new tools to manage online traffic through data informed persuasion techniques. Online personalization is conceived as an effect of a set of management techniques, that are typical for the dominant paradigm of thinking about problematics of government, or management today; a paradigm Foucault defined as governmentality. This thesis investigates to what extent the use of behavioral data, that is used to create what Kitchin & Martin call the *capta shadow*, in digital marketing can be seen as a form of control over individuals. It roughly asks how we are treated by these systems of personalization that we enter when we let companies plant cookies onto our hard drives? It investigated to what extent the use the information that is collected about us and is used to optimize or control conversions on online properties, can be seen as a way of control over us as individuals.

1.1 From banners to dynamic Web sites.

On average only up to 3.1% of online visitors convert on their first visit to an online Web shop.² As purchase conversion rates, “defined as the percentage of visits that result in purchases” are the main goal for marketers, online marketers are interested in how to boost conversion rates on their online properties.³ They do this by collecting behavioral data of customers, using the same complex cookie technologies of which the main one is called retargeting. Retargeting is a technique, generally used by marketers, to lure bounced traffic, i.e. visitors that left a Web shop without making a purchase, back into the optimized online shop, in the hope visitors will convert still.

Even though retargeting has shown to indeed increase conversion rates, banners are losing their

2 Jeffrey W. Overby & Eun-Ju Lee. "The Effects of Utilitarian and Hedonic Online Shopping Value on Consumer Preference and Intentions." *Journal of Business Research* 59, no. 10-11 (2006): 1160. 19-07-2016. DOI:10.1016/j.jbusres.2006.03.008

3 Wendy W. Moe & Peter S. Fadar. "Dynamic Conversion Behavior at E-Commerce Sites." *Management Science* 50, no. 3 (2004): 326. 21-07-2016. DOI 10.1287/mnsc.1040.0153

productivity because people are installing Ad-Blockers on a massive scale,⁴ or they just choose to ignore them. As one of the interviewed marketers for this research put it: “Most people are not interested in banners in the first place, so that's not how you reach your goal.”⁵

As a response to the general annoyance of the public savvy marketers are experimenting with new ways to impact revenue online, based on the same technique that retargeting uses. The behavioral data that is collected through tracking pixels is being used more and more to create 'personalized' websites. The focus in this text is on:

“[W]eb personalization [as] the process of customizing a Web site to the needs of specific users, taking advantage of the knowledge acquired from the analysis of the user's navigational behavior (usage data) in correlation with other information collected in the Web context, namely, structure, content, and user profile data.”⁶

Web personalization is about providing online visitors with 'one on one content,' content that is specifically deemed relevant to a specific customer based on the behavioral data acquired through cookies. In a physical shop this happens when a sales person greets you taking 'real time triggers', i.e. information about the weather or information gained by someones behavior, into account when talking to that person: “Good morning! Aren't those shoes adorable? They're especially comfortable with this heat outside.” It is this type of 'one on one content,' that marketers seek to bring into online stores⁷. This means that the online environment is sought to be adjusted to work like a sales person in a store. As such digital marketing is working hard to make up for what major surveillance scholar David Lyon refers to as the disappearance of the body. This is as Lyon argues, a basic problem of modernity and a consequence of computer mediated communication⁸. We see the same concept returning in the context of Web personalization. Online there is no physical contact with the customer. In order to persuade people online, data is used to get to know more about the person who's present in the shop environment, of which the success is in the hands of

4 PageFair. "The Cost of Ad Blocking." In *PageFair and Adobe 2015 Ad Blocking Report*, (2015): 3. 25-04-2016. <https://downloads.pagefair.com/wp-content/uploads/2016/05/2015_report-the_cost_of_ad_blocking.pdf>

5 Interview Lea (Senior Insight's), in discussion with the author, may 24th 2016. Translated from Dutch: “Ja, hoe subtieler je dat doet, hoe beter het werkt over het algemeen.”

6 Magdalini Eirinaki & Michalis Vazirgiannis. "Web Mining for Web Personalization." *ACM Transactions on Internet Technology* 3, no. 1 (2003) :1. 13-07-2016. DOI: 10.1145/643477.643478

7 See appendix I, note I, to read how User Experience Expert Inge explains the goal of Web personalization.

8 David Lyon. *Surveillance Society : Monitoring Everyday Life*. Edited by Tim May, Issues in Society. (Buckingham [England]; Philadelphia: Open University Press, 2001.) 15

the marketer. Web personalization relies on heavy internet surveillance which poses new serious challenges for the protection of privacy.

1.2 Personalization as a mechanism of control

This investigation approaches the internet as an environment, as the space in which we move, play, communicate and work when we are online. It adopts the argument that digital information and communication technologies have expanded the human natural habitat in accordance with, for example, humanist media theorist and cultural critic Neil Postman. As a large part of our lives happen online, Postman reminds us that we live in two types of environments. The first is:

“the natural environment and consists of things like air, trees, rivers, and caterpillars. The other is the media environment, which consists of language, numbers, images, holograms, and all of the other symbols, techniques, and machinery...”⁹

In the highly modifiable nature of the media environment digital marketers have found a new way to get a grip on their otherwise bodiless traffic. In this sense the internet environment almost serves like a marionette under the control of digital marketers. Instead of pulling the strings of the limbs of the people in it directly, the strings are attached to the digital objects surrounding this person to potentially influence future actions of the surfing individual. The recognition of the online realm as part of our 'natural habitat' is very important, especially in relation to the conception of Web personalization as the tactic to get a grip on online customers, conversions and ultimately the capitalistic bottom line which is capital. The conception of the milieu as the medium that can be used to influence the behavior of a population, is an idea very much connected to the paradigm of governmentality introduced briefly above.

The use of statistical analysis for the management of online traffic and the use of the environment as medium to enforce desired behavior are typical for the governmentalistic mindset. In his lectures *Security, Population, Territory*, that take took place at the Collège de France, in the year 1977-1978, Foucault identifies the emergence of this new paradigm which is characteristic for societies of security, where the government of society depends on statistical analysis.¹⁰ This thesis identifies Web personalization as an apparatus of security and uses the concept of governmentality

9 Neil Postman. "The Humanism of Media Ecology." *Proceedings of the Media Ecology Association 1* (2000): 11. 11-05-2016. <http://www.media-ecology.org/publications/MEA_proceedings/v1/postman01.pdf>

as a discursive tool to think about how and to what extent Web personalization can be seen as a form of control and how this control relates individuals. Section 2.2 will elaborate on this concept.

The thesis uses a social constructivist method: discursive psychology. Chapter two will legitimize and lay out the practical and theoretical implications of the usage of this method. In the third chapter the theoretical framework will be presented. The question that this thesis has set out to answer will be investigated in light of the concepts of governmentality, following Foucault, the model of the digital enclosure as proposed by media and surveillance scholar Mark Andrejevic and surveillance following David Lyon. Chapter three will thus elaborate on these concepts, while at the same time positioning the issue at stake within broader academic discussions. Then in chapter four the interviews, that were done in order to conduct this research, will be analyzed using the discursive psychologist method and will be interpreted against the concepts presented in the theoretical framework. Finally chapter five will summarize the main findings in relation to the main question presented at the end of this introduction.

As retargeting technologies are used for more and more subtle forms of marketing it is important to understand how are we treated by these systems of personalization, that we opt-in to when we accept cookie walls. Possibilities for conscious agency lessens when retargeting based persuasion techniques will become less visible. Even though technical aspects are discussed, the focus here is on the underlying assumptions of the use of these techniques rather than the techniques themselves. Being interested in the how, or the materiality, of personalization as much as the why, or the discourse, supporting these practices of using usage data the main concern of this text can be divided into two questions:

How can we understand the use of behavioral data as a way to exert a form of control over individuals in online spaces from the perspective of governmentality? And, how is this practice legitimized within the context of digital marketing?

10 Michel Foucault. *Security, Territory, Population. Lectures at the Collège De France 1977-1978*. Edited by Michel Senellart. (New York: Picador, 2007.)

2.0 METHOD

“If we define ideology as a set of assumptions of which we are barely conscious but which nonetheless directs our efforts to give shape and coherence to the world, then our most powerful ideological instrument is the technology of language itself.”¹¹

The method section focusses on two things; first on the theoretical assumptions and the relevancy of the discursive psychological method, that this research uses, and second on the ethnographic and more practical implications of the method.

2.1 Discursive Psychology.

My academic formation in Comparative Literature and Media Studies might make the choice for a method that emerged in the field of psychology seem inappropriate. But the synthetic strand in discursive psychology, which combines the first strand of discursive psychology which holds “a poststructuralist perspective that builds on Foucauldian theory on discourse, power and the subject [with the] interactionist perspective that builds on conversation analysis and ethnomethodology,”¹² fits the tool that is governmentality seamlessly. Why this is so will be explained here. Earlier governmentality was introduced as a tactic, typical for 21st century way of 'governing' which focuses on the control of the behavior of a collective (i.e. the population).

“The word 'govern/mentality' refers to both the process of governing and a mentality of government – i.e. thinking about how the governing happens. “[I]t is thus both an art (a practice) and a rationality (a way of thinking about) government. As a way of thinking, governmentality represents an important methodological tool (not theory) within Foucault's 'toolbox' that he offers to 'users, not readers'.”¹³

As government here can be supplemented with 'management' as will be become more clear later,

11 Neil Postman. “Invisible Technologies” In *Technopoly*. (New York, Toronto: Alfred A Knopf & Random House, 1992.) 123

12 Marianne Jorgensen & Louise J. Phillips. “Discursive Psychology.” In *Discourse Analysis as Theory and Method*. (London; Thousand Oaks, Calif.: Sage Publications, 2002.) :104

13 Bal Sokhi- Bulley. “Governmentality: Notes on the Thought of Michel Foucault”. *Critical Legal Thinking*. (2014) : n.p 30th July 2016 <http://criticallegalthinking.com/2014/12/02/governmentality-notes-thought-michel-foucault/>

governmentality is an interesting methodological tool that will be used here to scrutinize both the actual tasks as the rationale behind the practices of data driven personalization of the web. Discursive psychology allows for a theoretical contextualization and understanding of the discourse around personalization, while at the same time investigating the actual 'discourse' or 'talk' that supports and feeds it.

This method is adopted following discursive psychologists Potter and Wetherell. This is done in full awareness of this method being subjected to critique. The main points of critique according to scholar of psychoanalysis, David Hook, are that Potter and Wheterell have fallen in the pitfall of the tendency within social constructivism of relativizing the regime of truth to much¹⁴ and that they don't take into account enough the materiality of discourse so that they, Potter and Wetherell, (and others), “come dangerously close to reducing discourse to narratives, to forms of representation, to language, or text alone.”¹⁵ Hook states that in order to see power at work, you need to focus on the actual practices of doing, carrying out the actions around which the textual forms the discursive safety net. The focus on this text on personalization in terms of what simply needs to be done in order to provide optimized online experiences covers the material aspect of discourse that, as Hook pointed out, tends to be forgotten in the field of discourse analysis.

2.2 Personalization as the effect of a data driven dispositif

In order to carry out data driven personalization one needs: programmers, data scientists, (or data artists, we'll come back to this later) front-end developers, back-end developers, channel managers, conversion experts, user experience (UX) designers and psychologists.¹⁶ But also heavy servers, computers, software, mathematical models, machine learning, presentations, all sorts of software, databases and internet users who say 'yes' to cookie walls and off course the behavioral data that emerges from that opt-in. Personalization needs to be understood as the effect of the network which is made up of all these different experts and tools, or as one of the interviewees

¹⁴ Derek Hook. “Discourse, Knowledge, Materiality, History: Foucault and Discourse Analysis”. *Theory & Psychology* Volume 11, Issue 4 (2001) : 525

¹⁵ *Ibid.*, 530

¹⁶ There are other forms of personalization such as through Search Engine Advertising and Search Engine Optimization, but those are left outside the discussion. These activities have a different relationship to raw data. The data that is used from these practices comes in the form of readily provides results and insights. These tools do not allow one to have access to the raw data that was used in order to come to those insights.

said: “Personalization is actually more like a byproduct.”¹⁷ It is precisely this network that is the technique of governmentality, the 'apparatus', the 'dispositif' or the assemblage of things that work together towards the same goal, based on the same premises.

Giorgio Agamben describes the apparatus as:

*“a heterogeneous set that includes virtually anything, linguistic and non linguistic, under the same heading: discourses, institutions, buildings, laws, police measures, philosophical propositions, and so on. The apparatus itself is the network that is established between these elements.”*¹⁸

The apparatus is the totality of things that allows a practice to be. Therefore the people in charge of these systems, are the first and foremost important sources of information. The way the experts in the field of digital marketing legitimize, explain and talk about what they do, how they do it and for what purposes therefore becomes an essential part of investigating how the usage of behavioral data is put to use in order to exercise control over individuals online. This makes discourse the main focus of this project, as discourse is a “particular way of talking about and understanding the world (or an aspect of the world.)”¹⁹ In order to grasp discourse in the context of digital marketing I draw from my own experience as part of the agency, and use the information provided to me by the digital marketers in the form of interviews and presentations used within the agency. But also anecdotes from the office and, for example, the innovative features that in-house front-end developers are building into new kinds of software, that will be used at the agency, with in mind optimization of the abilities provided by the availability of online user data. As the people are the main source of information, eleven mostly 60 minute long, interviews were carried out within a digital marketing agency in the Netherlands. In order to capture the discourse surrounding the practice of personalization.

17 Interview Evelien (Data scientist), in discussion with the author, May 27th 2016. Translated from Dutch: “En personaliseren is dus meer een bijproduct...”

18 Giorgio Agamben. "What Is an Apparatus?" In *What Is an Apparatus? : And Other Essays*. (Stanford, Calif.: Stanford University Press, 2009.) 2-3.

19 Marianne Jorgensen & Louise J. Phillips. “The field of discourse analysis.” In *Discourse Analysis as Theory and Method*. (London; Thousand Oaks, Calif.: Sage Publications, 2002.) :1

As a researcher it is important to inform you that I was part of the agency, as an intern, during the time I was interviewing. Being part 'of the tribe', to speak in ethnographic terms, I have spend time with the interviewees as my colleagues on a trip to Italy. I have heard people sigh about the burdens of having to constantly produce powerpoint presentations. All these things have allowed me to be part of and understand the culture within this agency as a colleague with the same agenda instead of as a an outsider. This privilege of researching data driven personalization from a socio- cultural perspective from within an agency specialized in data informed marketing allowed me to carry out a theoretically grounded discourse analysis with a strong and rich ethnographic component.

The main concern of this thesis being the how and why of the use of behavioral data, I chose to retain a fairly loose format concerning the structure of the interviews. Every interview started somewhat along the same lines; I would tell the interviewees that I was looking at how online data informed personalization works and that I was interested in mapping out the process. I then asked them to tell me something about themselves, about their role in the company and what the execution of their jobs meant in the daily reality of being on the job. What kind of people they talked to most? What software they used and why? I asked them about the purpose of their task in relation to other people's task in the company, and about the contribution of their particular role in the overall picture of the process of personalization. By letting them speak freely about their jobs and let them explain to me what it means to do their jobs, I not only got information about the practical and technical side of personalization. It also allowed me to find out the assumptions, opinions and human motivations behind these highly technologically mediated practices.

2.3 Language actively shapes our notions of reality

Underlying the importance of investigating discourse is the post-structuralist notion that language does not objectively reflect our life world but actively constitutes and shapes our notion of reality. Marianne Jorgensen and Louise J. Phillips understand post-structuralism as a subcategory of the broader category which is social constructivism²⁰. Social constructivism was developed as a reaction to cognitivism, “which treats written and spoken language [as] a reflection of an external

20 Ibid., 6

world or a product of underlying mental representations of this world.”²¹ This helps to understand the fundamental philosophical premise, adopted here, which is that truth and knowledge claims are inherently socially and culturally informed and that what is considered as rational or 'the natural, logical thing to do' is based on (knowledge) claims that are themselves historically informed and produced, through human beliefs and activities.²² Chapter 4 will show the meaning of relevancy and optimization within the context of digital marketing are deeply informed and shaped by the possibilities provided by statistical analysis.

Post-structuralist holds the premise that language does not reflect an objective truth, makes that “individuals [are] both products of discourse and (..) producers of discourse in specific contexts of interaction (...).”²³ This becomes tangible if we think about the 'optimized' experience which, as cookie walls generally tell us, is the reason for cookie usage. What do the practices to enforce this optimization tell us about the meaning of optimization? When is something optimal, according to whom? And why would it be important in the first place? These questions will be investigated in light of the interviews which provide the primary source of information.

The interviews have had a leading function in the way that the process of personalization is laid out below. The exact structure of the analysis will be set out in the introduction of chapter 4.

21 *Ibid.*, 1

22 As we will see later, this creates an interesting tension with the notion of 'naturalness' which is a crucial part of the liberal discourse with which the concept of governmentality is intimately connected.

23 Marianne Jorgensen & Louise J. Phillips. *Discourse Analysis as Theory and Method*. 7

3.0 THEORETICAL FRAMEWORK

To govern, within the paradigm of governmentality, basically means: to manage based on the natural flows within a population that are visualized through statistical analysis. It is important to note that this type of management “can be observed by looking not at the state as an institution engaging in government, but by looking at the practices of government within institutions that exist in the state.”²⁴ The marketing agency where the interviews were done is one of those institutions. The agency uses statistical analysis in order to research online traffic as to determine how to raise conversions, how to manage their bottom line. Data driven personalization is therefore not so much about influencing the behavior of people, an sich. The effect that certain behaviors have on the bottom line is the main interest. In what follows personalization will be identified as a mechanism of control and further contextualized in the broader academic landscape.

3.1 Governmentality

Foucault's lectures focus on the emergence of “a political knowledge that put the notion of population and the mechanisms for ensuring its regulation at the center of its concerns.”²⁵ This political knowledge brings about a new way of thinking about what it means to govern well. The emergence of this govern-mentality needs to be understood as a solution to what Foucault calls “the general problem of “government” [that] suddenly breaks out in the sixteenth century,”²⁶ due to many destabilizations across several fundamental social domains that formally guided questions about how to act, to behave and do where dismantling.²⁷ As a result an entire body of literature appears on 'the art of government'. This is the genre of anti-Machiavellian literature, which is build around the image of Machiavelli's Prince which serves as the representation of the old, sovereign system that is in crisis. There are a lot of problems with this Prince, but it is not relevant to discuss them all here. The biggest problem of the genre with Machiavelli's Prince is the relationship this Prince has to his position of power and how he uses his power mainly to stabilize his own position as the locus of power.

24 Bal Sokhi- Bulley “Governmentality: Notes on the Thought...” n.p

25 Michel Foucault. *Security, Territory, Population*. 363

26 Ibid., 88

27 Ibid., 88

The Prince: “receives his principality either through inheritance, or by acquisition, or by conquest; in any case, he is not a part of it, but external to it. (...) there is no fundamental, essential, natural and juridical connection between the Prince and his Principality: externality, the Prince's transcendence, is the principle.”²⁸

The anti-Machiavellian literature rejects this empty form of governance as exemplified by The Prince, and thinks about possibilities of more informed ways of government. Foucault's takes Guillaume de La Perrière's text “Le miroir politique, contenant diverses manières de gouverner, from 1555,²⁹ as anchor text of this anti-Machiavellian literature. La Perrière deals with the question of what it means to govern well and suggests to resolve the unstable position of the Prince by putting forward the suggestion that education should be the means through which the Prince learns how to conduct himself so that will be able to successfully govern “his family, his goods, his lands, after which he will succeed in governing the state. The point is that through education the sovereign finds informed guidance to act in a qualified manner in the interest of the common good. What is 'good' is defined in relation to the moral values that the Prince appropriated through his education. Now that the Prince's government is aimed at the common good, the sovereign needs to aim his governance to an end outside of himself, so that the law is directed to making sure that 'the things', which is 'men in their relationships with things like customs, habits, ways of acting and thinking’³⁰ are managed in a way which meets this common good.

3.1.1 From discipline to security

This summary of the crisis of governance and the reaction to it is important because it shows how the problem of empty government of the sovereign gets unblocked, by the logic that emerges from education. The recourse to pedagogics provides a fundament to which the Prince can weigh of solutions to think about how to govern himself and manage his territory. But with the emergence of statistics in the seventeenth and eighteenth century a new type of knowledge emerges and with it a new way of conceiving of reality. Statistical analysis provided a new way to conceive of phenomena and proves to be extremely productive in getting a grip on events that happen online. The dependence of statistics on volume gives rise to a new (political) figure which

28 Ibid., 91

29 Ibid., 92

30 Ibid., 96

is the population. The phenomena surfaced through statistics are what the French physiocrats in the eighteenth century called physical processes. These processes were conceived as natural processes and as such elements of reality.³¹ Statistics revealed that seemingly random events such as death, birth and suicide, possessed an astounding regularity of occurrence to them, when looked at on the level of the population.³² Like this, new, natural, variables became available, such as mortality rate, birth rate or national income, that could be subjected to a segment based system of management, improving wealth, the common good by focussing on the control of these variables.

This knowledge, in a way, has the same function as education to the Prince, but it has a fundamentally different point of reference. Whereas with the Prince the natural fundament is provided by education, the ability to carry out statistical analysis changes this fundament from being qualitative to quantitative. The common good slowly starts being conceived in things that can be quantified. This shift entails a zooming away from government as the focus on the conduct of individuals based on moral values, to a focus on different variables that make up the overall wealth of the population expressed in percentages, or capital. The population needs to be understood not as “a collection of juridical subjects in an individual or collective relationship with a sovereign will. It is a set of elements in which we can note constants and regularities even in accidents, in which we can identify a number of modifiable variables on which it depends.”³³ In the context of digital marketing the population is represented by the fragments of behavior that are captured by cookie technologies. It is not the total population to which personalization mechanisms are directed. It is exactly the ability to target and extract specific audience groups, from the total population which makes data driven marketing so appealing. This is about the ability to find segments of people that share the same characteristics that are interesting in relation to specific key performance indicators of a particular marketing campaign. These segments “offer a surface on which authoritarian, but reflected and calculated transformations can get a hold.”³⁴ In the context of digital marketing this means that conversion rates in online properties are sought to be optimized by adjusting the Web site environment to the needs and expectations of the visitor.

31 Ibid., 65

32 Ibid.

33 Ibid.

34 Ibid., 75

3.1.2 What's in a norm?

To govern in this new paradigm is about employing tactics that are aimed at trying “to get people, movements and actions to conform to [the desired] model which turns the population into the object of governmental manipulation.”³⁵ The emergency of the government mentality is closely related to the emergence of liberalism, as it relies on the natural tendencies within the population. Fundamental here is the idea that the government should not infer with the personal of individuals, on a 'laissez-faire'. Liberalism seeks for the minimization of governmental intervention and celebrates individual freedom. With the rise of digital technologies and Big Data, the liberal project roughly changes from focussing on the regulation of the logics of the market to the neo-liberal project, in which the social and the economic converge. Like this the consideration for the separation between the social and the economic as two separate realms, inherent to liberalism, evaporate. Neo-liberalism identifies the social with its economic effects and treats it as part of the market and as such threatens the freedom of the individual by violation of its privacy. The blurring of the public and the private, which the neo-liberal project sees as an economic advantage, paradoxically uses the freedom of the individual for which the liberal project stands, to control that same individual in its conception as homo oeconomicus.³⁶

Now we start to see how security in the governmentalistic mindset differs from that of security in sovereign power. In governmentality security is not about securing moral values or a territory, but about the control of how things (including people) circulate. With the political economy as the main source of knowledge, in the governmental mindset, the economy itself is the final object to which management is directed.³⁷ Governmentality is a form of power that is about control as it manifests as a “power to influence or direct people's behavior or the course of events.”³⁸ Control here is first and foremost the management of risk, which is what makes the effect that is personalization, an apparatus of security. Personalization is, as we'll see later, directed to the calculation of probable needs and desires of statistically identified potential customers, in order to

35 Ibid., 105

36 Thomas Lemke. "'the Birth of Bio-Politics': Michel Foucault's Lecture at the Collège De France on Neo-Liberal Governmentality." *Economy & Society* 30, no. 2 (2016): 200. 30th July 2016. DOI: 10.1080/03085140120042271

37 Foucault. *Security, Territory, Population*. 108

38 *Online Oxford Dictionary: Language matters*. Consulted at: 16-05-2016. <<http://www.oxforddictionaries.com/>>

optimize Web sites, so that the chance of not converting becomes as small as possible. The analysis will show how the practices within the agency are all subject to the govern mentality, as they are all aimed at getting online traffic (population), movements (circulation) and actions (converting) to comply to a desired model.

Essential here is that the visualization of natural tendencies within the population create a different conception of 'normal' and with it a new techniques to engage with abnormalities. This text adopts Foucault's argument that from the govern-mentality arises a system that is opposite to the focal point of power in sovereign power. Sovereign power defines what is normal or desirable behavior in relation to moral and ethical values that emerge either trough tradition or education. It is dependent on traditional disciplining institutions such as the church, the school and the army where individuals are informed about what is good behavior and what is not and where there are different ways to correct individuals that act in a way that deviates from that which is desired. Ideas about good behavior and the methods to enforce it are thus defined in relation to cultural and socially informed norms.

The statistical method and it's concurrent new conception of reality differs from the former form of power. The experts in charge of this method distance themselves from culturally informed norms or authorities. Their management strategies are based itself on the normalities that appear due to statistical analysis. In governmentality what is normal is defined by quantified averages.³⁹ In this mindset what is normal or abnormal is defined by the position of a graph in relation to the bell curve which represents the average distribution of a variable in a particular situation. The reliance on volume and the role of the average creates a mindset which relies on homogenization, and general patterns. In data driven marketing the unique individual is not interesting. It does not provide the volume that is needed in order to be statistically relevant. The 'unique' individual is only interesting in as far as it is unique in the same way as other 'unique' individuals are 'unique', so a unique individual can be conceived of as part of a larger group of 'look-a-likes.' Personalization is thus much more about proliferation or, as the interviewees said, in almost all the interviews: the word personalization is not accurate in relation to what the agency actually does.

39 Michel Foucault. *Security, Territory, Population*. 63

As Sebe, one of the seniors of the insight's team put it:

“What we do most is not personalization but segmentation. (...) The main difference is that a segment is a pattern en personalization is about a person, retraceable to one person. One person only.”⁴⁰

Below there is a table that was created in order to schematically set out the main differences between sovereign power and governmentality that are of importance to this text.

Type	Sovereign Power	Governmentality	
Locus of power	Prince	Experts	
Obedience	Discipline	Disciplinary Normalization	
The point of reference	End is individual	Individual = instrument to end	
Way of addressing	yes/no	How can allowing a practice be legitimized?	
Definition of normal	Based on values and moral (Qualitative)	Normal is average (Quantitative)	
Information that is used for governance/management decisions	Events in the territory	Liberalism	Neo-liberalism
		Internal to the population & external to the individual	Internal to the population & internal to each separate individual

Figure 2. “Differences Between Sovereign Power and Governmentality.” Created by the author. 25th of July 2016.

The table centralizes the different manifestations of the two forms of power. If governmentality is about the management of risk it must begin with the acceptance of the fact that undesired things happen. Governmentality does not depart from the idea that undesired events should be eliminated in their totality. Whereas with sovereign power discipline manifests in the form of training and correction of the behavior of individuals in relation to cultural norms, governmentality uses discipline differently. The individuals that could be targeted for intervention, or rather stimulation, are defined based on their position in relation to the desired result. They are only

⁴⁰ Interview Sebe: “Het meest wat wij doen is niet personaliseren maar segmenteren. (...) Het grote verschil is een segment is een patroon en gepersonaliseerd is een persoon, is herleidbaar naar 1 persoon, 1 enkel persoon.”

interesting in as far as they are they can be used to influence the capitalist bottom line. They are only interesting to the extent to which they are truly interested in a certain product or service, which puts desire at the center as the a variable that is present among all different segments, and which is the basic axis in determining relevancy in the realm of digital realm.⁴¹ The table shows how we go from discipline to disciplinary normalization. Discipline normalization:

“consists first of all in positing a model, an optimal model that is constructed in terms of a certain result, and the operation of disciplinary normalization consists in trying to get people, movements, and actions to conform to this model, the normal being precisely that which can conform to this norm, and the abnormal that which is incapable of conforming to the norm. In other words, it is not the normal and the abnormal that is fundamental and primary in disciplinary normalization, it is the norm.”⁴²

The analysis below will show how disciplinary normalization is central in all parts of the process of Web personalization. Control in the context of Web personalization needs to be understood in this way, for it is only in the calculated potential that a 'cookie id' holds that makes it subject to this type of control. A major difference between the two types of power is that in the first the desired behavior (or result in governmentalistic terms) is mostly enforced by prohibition of acting up on desire that the sovereign will rejects as unwanted. 'Good behavior' is enforced upon the individual, through prohibition. In the latter the desires and individual itself are not subjected to 'government' per se. In the governmental mindset desire can exist in whatever form and here 'desired behavior' means acting upon the desire so that it can be monetized which turns it into something that contributes to the common good, namely the stimulation of the economy.

Even though these kinds of values are off course not completely thrown over board, governmentality addresses the problem in a different manner. On the level of the population stealing is not seen as abnormal in itself. It roughly becomes problematic when the stealing rate exceeds the normal stealing rate. When it does a campaign can be set up to inform the public and raise the general awareness about how to prevent theft for example, in order to lower the percentage of theft. This is off course an oversimplification but it serves to sketch the different

41 Michiel Foucault. *Security, Territory, Population*. 72

42 Ibid., 57

logics of determining what is good and what needs to be done to reach that goal.

Whereas in sovereign power the domain in which the sovereign power reigns is defined by the geographical borders of the territory, which defines the scope of power, the territory of governmental power is not so much defined by geographical borders. Here the scope of power is defined by the size and span of the group of individuals that have an influence on the variable that a specific body of experts seeks to influence. This brings us back to the first main difference explained here which is that individuals are only interesting in so far as they possess a potential positive impact on the variable of focus. With the emergence of digital information and communication technologies both the environment in which events occur changes as the kind of information that is available and that can be subjected to statistical analysis. In the pre-digital era the information used for statistical analysis revealed information internal to the multiplicity of individuals (the population) but external to each separate individual. Information on events such as birth, death, marriage, divorce rates and for example the rate of drop outs of the educational systems provided, the state with a new opportunity to locate problems and to rationalize government policies. But with the development of digital technologies the information generated by the use of digital information and communication technologies we see the emergency of a new epistemology.

3.2 The Digital Enclosure

“These [acres of “air-conditioned warehouses filled with thousands upon thousands of computer servers] loom on the landscape like depopulated afterimages of industrial era factories, inhabited not by workers, inmates, or patients, but by the combined data doubles of all of them: enclosures not of people, but of information about people assembled for the purposes of both assisting them and managing them more effectively.”⁴³

As we move through the vacuum of the digital realms, our footsteps do not fade by the passing of time, as our footprints do when walking along the shore. Our digital footprints never fade

⁴³ Mark Andrejevic. “Surveillance in the Digital Enclosure.” *The communication Review* 10, No. 4 (2007) : 310. 14th March 2016. DOI: 10.1080/10714420701715365

(although this is a treat that could technically be altered). They can be isolated, picked up and used for all kinds of new activities. And as not only our footsteps but also our conversations are captured, our insecurities, desires, our internal dialogue's, and paths can be collected, chopped up, and subjected to analysis by experts, with no regard towards the distinction between public and private information. As a result of the 'datafication' of everyday life our intimate and professional lives become subject to monitoring and are absorbed into business strategies.⁴⁴ This poses an entire new range of ethical challenges as any information that can be isolated, computed and calculated in order to map out segments (of people), movements (behavior of people) and probabilities (that these people are going to act in a certain way) is valuable in the neoliberal governmentalistic mindset.

The commodification of user information, the subjection of it to commercial capture is a logic that Mark Andrejevic describes under the concept of the Digital Enclosure.⁴⁵ This model stresses the material and political aspects of networked computation and ubiquitous computing as they give way to the emergence of online territories of which big corporations are in control. Andrejevic's model opposes the misleading connotation of 'the cloud', the image associated with ubiquitous computing, as if it's something that hovers above us, from which we can move away. Being connected subjects people to highly invisible power structures, that follow them where ever they go and that have a very real effect on them, as will become apparent in the analysis of the usage of behavioral data in the analysis below.

The model stresses that the freedom that emerges from networked computing, the ability to always access information anywhere, to be able to communicate from where ever, relies on the precondition that we first let ourselves be captured by the network that we can then use to our likings; It means that, in most cases, people give up parts of our privacy in order to be able to access the networks and devices connected to them. This is a double axis that is inherent for capitalism and “the version of freedom that underlies capitalist exchange relations.”⁴⁶ As such

44 David Lyon. "Surveillance, Snowden and Big Data. Capacities, Consequences, Critique." *Big Data and Society* (2014): 4, 15-12- 2015. DOI: 10.1177/2053951714541861

45 Mark Andrejevic. "Privacy, Exploitation and the Digital Enclosure." *Amsterdam Law Forum*. (2009) : n.p., 30th July 2016. <<http://amsterdamlawforum.org/article/view/94/168>>

46 *Ibid.*, 302

'enclosure' needs to be read in the sense that it designate(a) capitalism's mobilization of diverse configurations and significations of space to deprive people of what they create in common,"⁴⁷ as critical geographer Alvaro Sevilla-Buitrago sees it. We are necessarily nodes in the network and therefore always captivated. This is what allows for the "commodification of previously nonproprietary information."⁴⁸ It is important though, to stress that the embrace of WIFI does capture our complete bodies in space, but what is literally enclosed are semantic bits, fragments of behavior that cookies are designed to collect. The quote in the beginning of this paragraph stresses that. It is information about people that is enclosed, that is used to assist and manage them more effectively.

Personalization is indeed about assistance. In the agency the threat of privacy by personalization is often legitimized by presenting it as a service for the customer, that companies simply need to provide in order to stay relevant in today's consumer landscape.⁴⁹ But to say that it is to manage people is not completely the case. People are assisted to manage conversions, not people per se. What it means to be managed the system of Web personalization is exactly what this text has set out to investigate. It is through the investigation of 'what is managed and how' in digital marketing that this text seeks to answer what type of control people are subjected to in these systems. Necessarily being connected provides the possibilities of monitoring people both while they move through physical space and online. The connection between the offline individual and online influence is the "portrait of user activity made possible by ubiquitous interactivity. [This portrait] will not be ephemeral, but increasingly detailed and fine-grained, thanks to an unprecedented ability to capture and store patterns of interaction, movement, transaction and communication."⁵⁰

47 Alvaro Sevilla-Buitrago. "Capitalist Formations of Enclosure: Space and the Extinction of the Commons." *Antipode* 47, no. 4 (2015): 2. 14-03-2016. DOI:10.1111/anti.12143

48 Mark Andrejevic. "Surveillance in the Digital Enclosure." *The communication Review* 10, No 4 (2007) : 297, 14-3-2016. DOI: 10.1080/10714420701715365

49 See appendix, note 3 for Lea's view on how developments in marketing are here to stay, that privacy regulations need to adjust to the new customer landscape and that in the end personalization is not only a commercially productive development but also a socially convenient development in a world in which customers are being overwhelmed with information everywhere.

50 *Ibid.*, 296

3.2.1 Democracy

Another discussion connected to the digital enclosure is the belief the ability of digital technologies for (democratic) social change. This is based on the abilities provided by the internet, to post, share and access information on a global scale. According to media theorists Richard Barbrook and Andy Cameron the discourse carrying this belief is the Californian Ideology which they define as:

“the new faith [that] has emerged from a bizarre fusion of the cultural bohemianism of San Francisco with the hi-tech industries of Silicon Valley. This amalgamation of opposites [“the free-wheeling spirit of the hippies and the entrepreneurial zeal of the yuppies”] has been achieved through a profound faith in the emancipatory potential of the new information technologies.”⁵¹

But as journalist and internet critic Evgeny Morozov points out, the often assumed democratic power of digital technologies do not make a democracy. In his book *The Net Delusion: The Dark Side of Internet Freedom*⁵² Morozov argues that in the same way digital technologies can serve a democracy they can also quite easily be used in authoritarian regimes, where for example the collection of data about users becomes a threat for the freedom of individuals. As Andrejevic puts it: “in the era of digital enclosure, information does not “want to be free,” it (...) want to stand and be counted.”⁵³ It is exactly the possibility of information hoovering around freely on the internet, that the information can be collected by others. This is what paradoxically makes the information less free, once subjected to the will and power of others. Digital marketer, for example, perceive 'individuals' in their calculated potential in relation to the sales of a specific brand. This results in a practice of 'putting people in boxes', of labeling and profiling them. This puts people in a position that they are unable to negotiate. The profile, which consists of a collection of specific characteristics that are chosen to be representative for a particular person, by others, is used to determine what is relevant for an individual in contexts the individual is often unaware of.

51 Richard Barbrook & Andy Cameron. “The Californian Ideology.” *Science as Culture* 6, No 1. (1996) : 44, 30-07-2016. DOI: 10.1080/09505439609526455

52 Evgeny Morozov. *The Net Delusion : The Dark Side of Internet Freedom*. (New York, NY: Public Affairs, 2011.)

53 Mark Andrejevic. “Surveillance in the Digital Enclosure.” 299

3.2.2 Digital labour

People have no say in the creation of their digital portrait. Online individuals, or rather a collection of “fragments abstracted from individuals,”⁵⁴ or as one of the interviewees put it: “pieces of humans,”⁵⁵ are being 'seen', but generally people are unable to look back in the same way. This is what Andrejevic, in earlier work, called 'the work of being watched', which is the “willing or unknowing submission to monitoring practices that generate economic value in the form of information commodities.”⁵⁶ This touches upon the issue of digital and free labour, which is the discussion about the economic value that emerges from the commodification of user generated content online. Professor Communication and Media at the University of Westminster Christian Fuchs for example argues that user generated content makes us have to rethink class and labor from a Marxist perspective.⁵⁷ The issue of free labor is also discussed by Italian theorist and activist Tiziana Terranova. She also discusses free labor from a Marxist perspective but focuses on digital labour by discussing it in light of the concept of the Italian Autonomist Marxist concept of the “social factory”.⁵⁸ Even though the discussion of free labor is important in relation to the subject of this text, it needs to be understood that people are not just being used in this sense. In the context of digital marketing user generated content is interesting because it reveals information about the preferences and interests of a person. I think the problem in digital marketing in light of the discussion of digital labour is not so much that information about people is used to serve them more efficiently and effectively. In this sense there is no difference if one compares it to walking into a shop and revealing to the personal that you are interested in a coat. Does it mean that if the sales person walks up to you and sells you a coat that your behavior is a form of labour in the sense that it allowed the sales personal to convert your interest in a sale? I think that bigger than this, is the problem of not being in control, or not even aware of the data that people have of you and which, once it is collected on one website, can be used in a different context on another.

54 David Lyon. *Surveillance Society. Monitoring Everyday*. 2

55 Interview Evelien. Translated from Dutch: “Stukjes mens.”

56 Mark Andrejevic. “Surveillance in the Digital” 304

57 Christian Fuchs. “Labor in Informational Capitalism.” *The Information Society: An International Journal* 26, No 3 (2010) : 179-196, 21-07-2016. 2016 DOI: 10.1080/01972241003712215

58 Tiziana Terranova. “Free labor: Producing Culture for the Digital Economy.” *Social Text* 18, No 2, (2000) : 33-58. 21-07-2016. <<http://web.mit.edu/schock/www/docs/18.2terranova.pdf>>

3.3 Surveillance

Andrejevic's digital enclosure also shows how the notion of territory is still very much relevant in the governmental paradigm. Power online is very much connected to who owns or controls a certain network or infrastructure and is more than a hint that sovereign power has not been lost in the age of governmentality. The digital enclosure gives us access to all kinds of conveniences and at the same time everything that happens inside of the enclosure generates information. This gives rise to the Big Data phenomenon. Following Lyon, it is “[t]he capacities of Big Data that intensifies surveillance by expanding interconnected datasets and analytical tools.”⁵⁹ What makes it so attractive is that surveillance works by allowing for the “calculation [of] probable trends and market behaviors [and as such] is part of the positive risk involved in classic capitalist entrepreneurship.”⁶⁰ It is from this perspective that the interest of digital marketers in behavioral data needs to be understood.

In the introduction Lyon was referenced as he sees the massive reliance on surveillance today as a consequence of the disappearance of the body due to digitally mediated communication. Lyon approaches the question of surveillance as a sociological problem stating that the “ ‘other face’ of surveillance arises from its capacity to reinforce social and economic divisions, to channel choices and to direct desires, and even, at its sharp end, to constrain and control.”⁶¹ An argument that Andrejevic also makes as he warns that the lack of awareness about the workings of these networks make “the process of digital enclosure promises little more than the reproduction of the social relations it purports to overcome.”⁶² The analysis that will follow shows how these practices not only reproduce but necessarily dramatize social division and inequalities, for the power of the collection of usage data is exactly that it enables to surface variables that can serve to differentiate between 'people' online. Surveillance here needs to be understood not in traditional terms of panoptic surveillance in the Foucauldian sense. In the digital age surveillance does not operate in the first instance to restrain people, as it did in Bentham's prison. It's the other way around.

59 David Lyon. “Surveillance, Snowden, and Big Data”: Capacities, consequences, critique.” 1

60 Ibid., 6

61 Ibid., 4

62 Mark Andrejevic. “Surveillance in the Digital.” 315

People are tracked in their freedom as to find out how their desires can be converted to productive actions, such as buying, through commodification of their behavior, which forms the product acting back on them. Even though the term 'surveillance' might have a very populist connotation, I think Lyon's definition of surveillance as: "any collection and processing of personal data, whether identifiable or not, for the purpose of influencing or managing those whose data have been garnered,"⁶³ legitimizes the pervasive use of the term surveillance in discussions about dominant dynamics of power today. We depend upon practices of surveillance for the management of every day transactions and interactions, so that surveillance is a key feature of contemporary life.⁶⁴ We live in a surveillance society as Lyon defines it, or as Deleuze has beautifully set out in his text: "Postscript on the Societies of Control", we went from a society of discipline, to a society of control.⁶⁵ Which means that we find techniques typical for this type of society not only in the world of marketing but also in that of medicine, policing, insurance and any other field of discipline that is part of the political economy.

3.4 Privacy

*"Like labour power in the industrial era, personal privacy is something that individuals surrender in exchange for access to resources – and they do so under structured power relations that render the notion of free or autonomous consent at best problematic."*⁶⁶

Due to the intense focus within these socio-technical epistemic systems on any information that can be used in order to achieve the goals of the experts that handle these systems, individual privacy is under serious threat. Privacy started as the right to protect what belonged to you, your body, your house, material property. After the development of the notion of 'intellectual property' the issue of the immaterial properties became an issue, giving way to the development of privacy as 'the right to be let alone'⁶⁷. But privacy is more than only the protection of what is yours or the right to be let alone. In "The Right to Privacy" attorney Samuel Warren and lawyer Louis Brandeis

63 David Lyon. *Surveillance Society. Monitoring Everyday Life*. 2

64 Ibid., pp. 2

65 Gilles Deleuze. "Postscript on the Societies of Control." *October* 59, (1992) : 3-7

66 Mark Andrejevic. "Privacy, Exploitation, and the Digital Enclosure." *Amsterdam Law Forum* 1, No 4. (2009) : n.p. 31-03-2016. <<http://amsterdamlawforum.org/article/view/94/168>>

67 Samuel D Warren & Louis D Brandeis. "The Right to Privacy." 193

expressed the importance of privacy as being able to choose how you present yourself to others. What part you reveal to others, to what extend, when and where. They quote an even older text by J. Yates in which he writes: “[i]t is certain every man has a right to keep his own sentiments, if he pleases. He has certainly a right to judge whether he will make them public, or commit them only to the sight of his friends.”⁶⁸

Now Warren and Brandeis wrote this back in 1890, when today's common communication technologies, such as e-mail and What's app did not provide commercial experts with a means to use and commercialize personal narratives, outside the context in which they originated. The right to chose how to express yourself in what context, might never have been more important than today. Even though scholars such as Andrejevic, Lyon and many others discuss privacy in light of digital media today, the old text cited here is highly relevant for it proposes the conception of what Warren and Brandeis refer to as the problematic of the “unauthorized circulation of portraits of private persons.” Here too we see that, to compensate for the disappearance of the body in digital marketing, behavioral data is constantly used to create portraits of visitors online. As the commercial gaze follows the visitor almost everywhere, digital marketers are free to use any characteristics of this person for purposes of which the tracked individual might not even be aware. This points to the another issue brought up by Big Data, which is that the ability provided by the knowledge coming from these systems which is pointed out by Zimmer in the article “Big Data Ethics” where he quotes Simon in saying: “[r]etaining the individuals agency (i.e. knowledge and ability to act) is one of the main challenges for the governance of socio-technical epistemic systems.”⁶⁹

The portrait, in the rest of this thesis referred to as 'capta shadow,' is the result or a collage of different pieces of information that data scientists in digital marketing have chosen to be representative for an online visitor. I have chosen this concept following Kitchin & Martin⁷⁰ for it stresses the constructiveness of the digital portrait, as the Latin meaning of capta is 'taken' versus data meaning as 'given' as digital humanist and professor bibliographical studies Johanna Ducker points out:

68 Ibid., 198

69 Andrej Zwitter. “Big Data Ethics.” *Big Data & Society* 1, No 2. (2014) : 3. 3-07-2016 DOI: 10.1177/2053951714559253

70 Rob Kitchin & Martin Dodge. *Code / Space: Software and Everyday Life*. (Cambridge, Mass.: MIT Press, 2011) : 91

“[f]rom this distinction, a world of differences arises. [It] acknowledges the situated, partial, and constitutive character of knowledge production, the recognition that knowledge is constructed, taken, not simply given as a natural representation of pre-existing fact.”⁷¹

This is as we will see later important in relation to the practice of feature selection and building statistical models. As a result of these practices 'natural flows', or patterns might be visualized, but that does not mean that this information is fundamentally objective. The kind of data that is selected, the characteristics that are chosen to be relevant and the way that models are built all influence what the results of any given model will show.

Privacy is a theme that comes back in any discussion about the usage of behavioral data. As such this text will definitely not do justice to the full implications that data driven marketing has on privacy. In the interview privacy was always part of the discussion and revealed that privacy, not unsurprisingly, is an awkward subject for the marketers. Whenever I asked about privacy, the marketers came up with answers that often were extremely contradictory to what they had just explained to me, they were doing. “We only use it to sell stuff to people, I find that pretty innocent, if you want you can often turn it off and it's pretty anonymous.”⁷² They would even start to mumble, or change the subject by pointing to home security institutions and say that they changed their surfing behavior because they wanted to avoid being put in a box, with a label on it, together with their official personal identification number, and that that was a lot worse.⁷³

Only the way marketers legitimate the usage of behavioral data with a focus on privacy would give enough material to write another thesis. Ethical reflection on what the agency does is not part of daily reality of work. This I think touches upon one of the core issues of the governmentalistic mindset. In a paradigm that is based on visualization of norms and where the focus lies on the management of data flows that stand in relation to that norm, qualitative questions are put offside, when irrelevant in relation to the goal marketing is set to achieve.

71 Joanna Ducker. "Humanities Approaches to Graphical Display." *Humanities approaches to Graphical Display* 5, no. 1, (2016) : n.p. 21-07-2016. 2016 <<http://www.digitalhumanities.org/dhq/vol/5/1/000091/000091.html>>

72 Interview Paul. “vrij onschuldig, als je wilt kan je het vaak uitzetten en het is vrij anoniem.”

73 Ibid.,

4. ANALYSIS

The first part of this section “Data handling back end,” is based on interviews with marketers that are involved with the raw data side of things. It shows how data is collected and used in order to create *capta shadows* or customer profiles. Section 4.2 “Data handling front end” is about how *capta shadows*, created by the so called data scientists, or artists, are put to use in software that is responsible for the service of dynamic Web sites, which are created to provide online visitors with Web pages that are 'optimized' for the *capta shadows*. That part is mainly based on the interview with front-end developer 'Paul', who, at the time of writing, was creating software to manage dynamic websites. This then leads to section 4.3, where the misleading term personalization is undone from its veil and where Web personalization is finally defined as Customer Journey Optimization. Leading here, is the interview with senior User Experience, and “Think Lead” Lea. The eleven interviews were good for way more information that could be fit in the scope of this paper. Therefore only seven interviews are included in “Appendix II.” The names of the marketers, the agency and any clients have been anonymized.

The focus in the analysis that follows will be on Web personalization as a mechanism of control and the legitimization of the practices presented within the field of digital marketing.

4.1 Data handling back end

One person can have hundreds of different cookies representing a fragmented section of behavior of his or her behavior. Each Web site serves its own cookie. But one person gets a different cookie placed on the hard drive again when going to that same Web site from another device. Even if the visitor goes to the same Web site, on the same device but from a different browser, a new cookie gets served for the same Web site. Bringing this myriad of cookies under one ID has become a true business and is a complex task for which the agency has “brilliant data weavers.”⁷⁴ The people that 'weave' the data are in the data and insights channel of the company. The section below will show how data scientists and artists work with the behavioral data collected through

74 Interview Lea. Translated from Dutch: “...daar hebben we gelukkig briljante datavlechters voor.”

cookie technologies. Even though the following is quite a technical story, the main focus is not on technicalities which means that this particular aspect might not get the attention it deserves. Keeping the goal of this research in mind the focus is on analyzing how marketers use the cookies, by looking at the way they talk about it.

4.1.1 Different places of interaction. The three layered model

In order to understand to what extent personalization is a form of control over individuals it is important to have an idea about the architecture of the digital landscape. The digital landscape provides insight into the geographical aspects of the internet and the way that cookie technologies create a way to get a grip onto otherwise bodiless visitors.

The explanation of the infrastructures underlying Web sites here is based on the interview with John, data artist at the agency central here. He uses what he calls: 'the three layered model', to show the different nature of the places people navigate through online. These can be roughly defined as offsite, onsite and server side. They are respectively defined as: the media layer, the Web site itself and the back-end.

*In the first layer you find the activities that happen 'off-site'. "[I]f you would see these activities in a sequence, you'd see what happens before a site visit. (...) broadly speaking. So, online but off-site."*⁷⁵

The second layer is the first party Web site itself, which itself often consists of several layers. First there is the marketing layer. Here one finds general information etc, and in the case of Web shops there often are deeper layers within the marketing layer in which one finds category pages with products for example.

The third layer consists of the servers hosting the content. As John said, one often sees that: "the marketing layer corresponds to another back-end than the Web shop, because each Web shop has it's own Web server."⁷⁶ Given that one site can have several different shop environments that have their own server, it happens that a Web site that is presented like one Web site, in fact has 4

⁷⁵ Interview John (data artist), in discussion with author, May 20th 2016. Translated from Dutch: "Dit zijn activiteiten die, als je alles in een sequentie zou zien, vaak voorgaand aan een site bezoek gebeuren (...) nou vaak mensen het is niet zo dat het altijd zo loopt maar dit is het in grote lijnen." (...) online, maar off site."

different servers behind it.”⁷⁷ One Web site can thus 'talk' to different servers that host the content for that Web site. But in the same way, third party servers can also be connected to a Web site, so that one's movements on a particular Web site can get collected by third party companies.

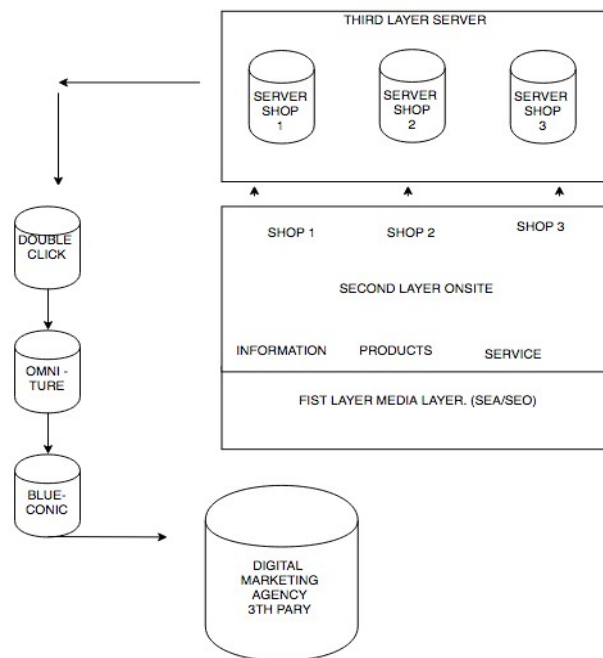


Figure 3. “Digital Landscape.” Created by the author. 18th of July 2016.

When one navigates online the visitor thus simultaneously moves through several different layers, which enable the digital enclosure of the individual.

The illustration above is a rough sketch of the different places where visitor's actions are measured and captured. Commercial Web sites that use cookie technologies for marketing purposes are part of larger infrastructures of which the general public is largely unaware. If one Google's for a product in the media layer, the query that led someone to end up on a particular Web site is not just measured by Google and the first party Web site. At the same time ad service companies such as DoubleClick, Omniture and Blueconic get this data, that marketing agencies, such as the one in Amsterdam, can download the information from so that at least 5 parties have

76 Ibid., “Vaak zie je dat de marketing laag een andere back-end heeft dan zo'n shop, omdat elke shop z'n eigen Web server heeft.”

77 Ibid., “Dus op het internet wordt dit gepresenteerd als zijnde één Web site, maar eigenlijk zitten hier vier verschillende servers achter.”

information about the online journey a person has made.

4.1.2 Cookies, flood lights, pixels and tags

Advanced cookie technologies provide a way for third parties to track behavior of people on first party Web sites. An entire business of media agencies has sprung up, dedicated to services that offer companies to optimize the impact of their marketing expressions. Since 2013 the agency central here collaborates with media company DoubleClick. This company, owned by Google, is a company that provides internet advertisement services and advertising software which works with the raw data generated through cookies. The collaboration enables the agency to create insights using their own software to analyze the raw data instead of working with insights gained using black boxed tools such as Google Analytics. DoubleClick makes use of different types of cookies in order to collect behavioral information. It measures using flood lights, or tracking pixels that are also called beacons. "Beacons can track a user over multiple different Web sites and then deliver this interaction via a cookie to a third party."⁷⁸ John showed how tracking pixels can be visualized using an extension of the Firefox browser: HttpFox.

The screenshot of the HttpFox extension below shows a list of URL's that refer to the content that is rendered on the Web page of a popular news publishing platform in The Netherlands which is Nu.nl. The tool visualizes the content package that is served by the Web server of Nu.nl. In this list there are URL's of native content that belong to Nu.nl itself. But it also contains URL's that represent content belonging to media companies such as Google Analytics, Metrics, BlueConic and DoubleClick. In figure 4, you see URL's that represent the actual tracking pixel, in this case of BlueConic; an ad service company the agency of this text uses for campaign management. The tracking pixel is rendered on the page, but is invisible to the eye of visitors:

John: "[I]f I invoke that bit of content [the actual pixel] I don't get anything, do you see that white dot? (...) That's the pixel, or in other words it's a dirty trick to load content in your browser. Your browser says: "Hey! This is graphical content so I'll load it, because it's important. (...) So it's a dirty trick but it

78 Janice C. Sipior, Burke T. Ward & Ruben A. Mendoza. "Online Privacy Concerns Associated with Cookie, Flash Cookies and Web Beacons." *Journal of Internet Commerce* 10, No. 1 (2016): 5. 30-06-2016. <<http://dx.doi.org.proxy.library.uu.nl/10.1080/15332861.2011.558454>>

actually has become the de facto standard.”⁷⁹

Thus a visitor interacts with Nu.nl but the pixel functions as a bridge to third party servers that trace the visitor and collect information about the visitor.⁸⁰

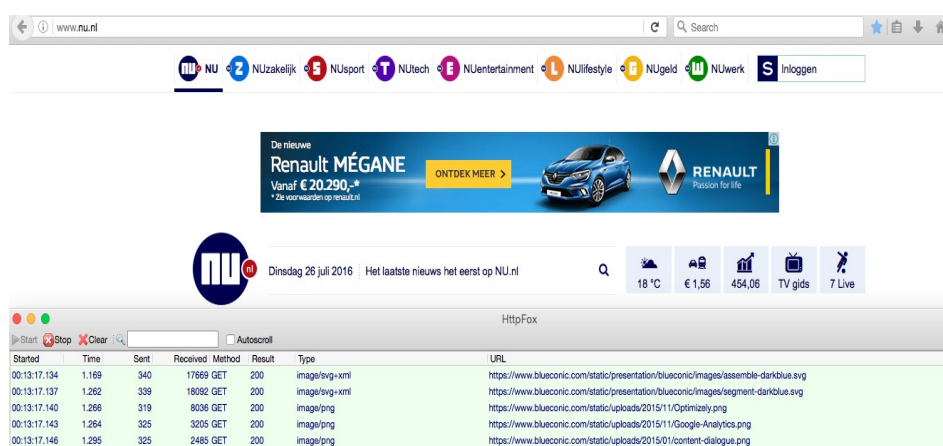


Figure 4. “Screenshot HttpFox extension on Nu.nl.” 26th of July.

An example comparing it with physical shops will clarify what is happening here. Imagine visiting a shop. When you enter the shop you are being greeted by one of the sales persons. You tell the sales person you are looking for a dark blue, long sleeve shirt. But in the shop there are also representatives of other shops, the competition. You think they are just other customers, but they overhear your conversation and send the information to the colleagues of the shop they work for. Imagine that the shop did not have the shirt you wanted. You go visit another shop, which happens to be the shop of one of the people that have been overhearing you. Based on the information that was collected about you the competition has already hung the shirt you were looking for in the window. That's the shirt you want, so you walk in!

4.1.3 Connecting behavioral information to PII

79 Ibid., “Als ik [the pixel] oproep is er niks, zie je dit witte puntje? (...) dat is de pixel (...) oftewel het is een vies trucje om content te laden in je browser en je browser zegt he! “Dit is grafische content dus ik laad het want het is belangrijk” (...) ja.. dit is eigenlijk een dirty trick, maar het is eigenlijk het de facto standaard geworden.”

80 In order to find out how this actually works, see appendix I, notef 2 for John's explanation.

Personalization is about creating convenience for customers. But the ability to identify a unique id and follow it's whereabouts everywhere online, enables companies such as DoubleClick to 'see' this visitor by virtually, or quite literally, 'stalking' it. Here we see the digital enclosure in full swing. The ability of accessing information on different devices and different places that 'speak' to the same networks creates convenience. But at the same time it allows companies to follow people around on almost every corner of the internet. Therefore the capta shadow becomes not only a profile which contains a set of personal preferences and psychological triggers. It also functions as a tracking device that allows for the creation of detailed maps of people's paths online. And offline. GPS functions in applications and Web sites can collect from which physical location someone visited an online site. Furthermore it allows for the collection of what Krishnamurthy and Wills define as personal identifiable information (PII): "information that can be used to distinguish or trace an individuals identity alone or when combined with other information that is linkable to a specific individual."⁸¹ So cookie technologies not only collect 'what' a unique id does, it is also possible to connect what has been happening to *who's* been doing it, so that a person can be contacted through e-mail, a phone call, text message etc. Furthermore it's possible to combine it with off-line related information such as demographic data and customer data. "Over time, a substantial profile can be built, without the users' knowledge, by tracking user visits to multiple sites."⁸² All and all, even though visitors might be informed about these practices in the form of cookie walls, the actual use of information about a person goes way beyond basic comprehensibility.

81 Balachander Krishnamurthy & Craig E. Wills Krishnamurthy. "On the leakage of personally identifiable information via online social networks." *Proceedings of the 2nd ACM workshop on Online social networks*, (2009): 7

82 Janice C Sipior, Burke T. Ward & Ruben A. Mendoza. "Online privacy concerns associated..." 5

4.1.4 Finding business rules

Cookie technologies cover an essential aspect in the process of personalization as it enables to collect the vital information, but it does not yet provide marketers with a strategy. This brings us to the second aspect which is the identification of what are called 'business rules'.

A business rule is something like this: if someone is aged between 24 - 35 and is using an Apple device, show 'X' type of content. This is what allows for the automatic service of customized Web pages, based on the characteristics connected to the cookie id that the server which hosts the content receives when a user's browser requests a certain page. In order to find business rules, first the relevant population, the target audience, needs to be established. Subsequently the data about this population needs to be 'fed' to a model, in order to reveal regularities and patterns, specific for that population. These practices are captured under the terms: 'feature selection' and modeling. Feature selection means investigating the available behavioral data and deciding what characteristics of people are relevant; meaning useful to differentiate.⁸³ The second aspect of finding business rules is modeling. Below Master student econometrics David, who is writing his master thesis at the agency and is specifically interested in machine learning, roughly explains what modeling encompasses. He does so based on the 'Up and Cross Sell model' that he is building. This model is meant to help companies locate people that are already customer, but that could potentially upgrade, by expanding the service that they already use or to buy a product of a different category of the same company.

David: *"It's an entire framework that I'm building and it's not so much just about calculating, as it is about putting people in a box, group people together, segmentation, so I try to segment based on their [the customers] value, loyalty and the potential. In this sense it's about recognizing certain clusters... Like: ok like this cluster with people with high potential, high loyalty and low value...Hey! This could very well be the group interested in a cross sell. How you calculate those values? That potential? That's where machine learning comes in."*⁸⁴

83 See appendix I note 4 for Ben's explanation his tasks feature selection and modeling.

According to Ben, who goes by the title of data scientist, and has a background in econometrics, feature selection and modeling are his main tasks at the agency in relation to Web personalization.

Ben's description of his main tasks as data scientist highlights the human choices that need to be made in order to create *capta shadows*. Differentiation based on characteristics of 'someone' is vital to create productive profiles that the marketing campaigns can use. Thinking back to John's job title as 'data artist,' starts making sense now; the term data artist captures the subjective nature underlying these scientific techniques. In order to paint user portraits, that serve to represent the people in the flesh behind the data, data scientists and artists make choices about the 'colors' they are going to use to differentiate one person from another. Or to extract relevant persons from the totality of persons. Here we see clearly the beginning of the 'unauthorized circulation of portraits of private persons'. At this point it is the 'unauthorized' which is relevant.

Feature selection is about the selection of data which is chosen to be representative of a person by others. This *capta* might be in conflict with how an individual would chose to present him/herself. This is also where Andrejevics and Lyon's concern showed earlier becomes clear: Big Data research rather reinforces social differences than not, as these differences help to create segments. As was mentioned before: personalization is rather about segmentation, or proliferation than about the adjustment of content to a unique individual.⁸⁵

Once feature selection is done, the selected data needs to be fed to a model:

Ben: *"I bring the data, the selection, of which I think it's relevant together, to feed that to a model, that is set in such a way that it gives the best score possible, in relation to the result, [so in relation] to the performance."*⁸⁶

84 Interview David (graduating econometrics student at the data team), in discussion with author, May 26th 2016. Translated from Dutch: "Nou het is een heel framework wat ik aan het bouwen ben en het is niet zozeer niet alleen dat het berekenen is, het is eigenlijk mensen in een hokje plaatsten, mensen bij elkaar groeperen, segmenteren, dus ik probeer een segmentatie te maken op basis van hun waarde, loyaliteit en potentie. En daarom, in dat veld, bepaalde clusters te herkennen ok dit klustertje met mensen met een hoge potentie, hoge loyaliteit en een lage waarde... he! Dit zou wel eens heel goed de groep kunnen zijn die geïnteresseerd is in een cross sell. Na ja.. hoe bereken je dan die waarden? Die potentie? Daar kom dus ML om de hoek kijken."

85 See appendix I note 6 for the description of the goal of modeling by Sebe, one of the seniors of the data team.

86 Interview Ben: "Ik breng die data, die selectie die waarvan ik denk dat die relevant is, eeh samen, ee om dat aan een model te voeden die zo ingesteld is dat ie een zo goed mogelijke score heeft op de uitkomst, op dus de prestatie."

Me: “Ok, so you have an idea about [the ideal] performance and then you make a model that treats the information in such a way that it ends up closest to the ideal performance possible. So that means there is something in the model that determines relevancy”⁸⁷

Ben: “...A norm. A score that says... this is good and this isn't.”⁸⁸

Based on historical data marketers are able to predict how big the chance is that someone, with a specific set of characteristics is interested in a product or will buy a product. This is important because it provides the basis to determine when a marketing expression is relevant for a cookie id, or a person. Models are 'trained' until their predictions come as close to the desired performance as possible. But the importance of modeling does not end with describing a situation or predicting a situation. Because if something was going to happen, what's the point of so much effort? Machine learning is used to calculate the chance that someone is interested in a service or a product. In this sense it is about calculating the value of a customer to a company, based on the calculated potential need or desire of a customer. As the graduating student explained there are three types of statistics at play here. These are descriptive, predictive and prescriptive statistics.

The first uses statistical analysis to describe the situation at hand. For example to show something like: “All people that bought this were also interested in...” Predictive statistics is, as the Up and Cross Sell model shows, pointed towards the future and is about potential. It is the last form of statistics that is of real interest. Prescriptive statistics accompanies the question: “How can I make it happen?”⁸⁹ In the end the goal of modulation is then:

*“not so much to calculate who is going to buy something but more: If I do this, if I show you this marketing expression, than you have an increased chance to buy, it increases the chance that you convert, that is the goal in the end.”*⁹⁰

87 Ibid., author: “Ja dus jij hebt een soort richting van een prestatie en dan maak je een model die de informatie zo behandelt dat je het dichtst bij de prestatie komt, maar dan zit er in het model iets dat die relevantie bepaald, er zit dus ergens iets, ik weet even niet hoe ik dat moet omschrijven, er zit dus ergens een mechanisme in.”

88 Ibid., Ben: “Een norm, een scoring van eeh dit is goed en dit is niet goed.”

89 Ibid., “Hoe kan ik zorgen dát het gaat gebeuren?”

90 Ibid., “Dat is dus niet zozeer wie wat gaat kopen, maar veel meer dat je zegt: 'als ik dit doen, als ik jou deze marketing uiting laat zien, dan heb jij verhoogde kans om te gaan kopen, dan verhoog ik daarmee de kans dat jij converteert (...) dat is het doel uiteindelijk.”

The task of the data scientist is to uncover subject-objects that subsequently can be subjected to manipulation. Modeling visualizes and surfaces the necessary 'field of intervention' and a (new) perception of online reality. Looked at on an individual level, online behavior might be conceived of as random. But when one creates segments of look-a-likes, random behavior might reveal consistencies, so that behavior can be made predictable on the level of bigger volumes.

This is where research in digital marketing takes on the shape of the new empiricism, as emerged from the Big Data phenomenon. As Kitchin writes, people in the field “suggest that Big Data ushers us in a new era of empiricism, wherein the volume of data, accompanied by techniques that can reveal their inherent truth, enables data to speak for themselves.”⁹¹

4.1.5 Business rules and disciplinary normalization

We can directly retrace what Ben and David stated above to the concept of disciplinary normalization. Through the collection of data it is possible to find out what is 'normal', based on the norm that results from the average behaviors on a Web site, in relation to a particular desired behavior. Relevancy is perceived based on quantitative measurements. The 'most ideal performance possible' is represented by a bell curve, that can subsequently be used as a point of reference.

In the finding of business rules we can see the manifestation of discipline that is essential to the governmentalistic paradigm. In fact, finding business rules is a process of normalization which “consists in establishing an interplay between these different distributions of normality and [in] acting to bring the most unfavorable in line with the more favorable.”⁹²

Foucault's conception of disciplinary normalization summarizes the tasks of the data scientists and the reasons for collecting data and researching it. It shows that discipline is still a big part of personalization as a mechanism of control. Because discipline: “analyzes and (...) breaks down

91 Rob Kitchin. “Big Data, new epistemologies...” 3

92 Michel Foucault. *Security, Territory, Population*. 63

individuals, places, time, movements, actions, and operations.”⁹³ But the difference between discipline in the traditional sense and discipline here, is that the individual is not disciplined to conform to tradition or culture, the individual is disciplined in the sense that he or she is being persuaded to act upon his or her desire, in accordance with the rest of the segment of which he or she is part.

4.2 Data handling front-end

So far we have seen that cookie technologies enable 'marketing scientists' to extract two important types of information about the person behind the data. The first type are the behavioral data, which give insight into the behavior of the person behind the data. This allows experts to group people according to different psychological profiles, this will be discussed later. The second type is personally identifiable information (PII). But next to behavioral data, PII and psychological characteristics, real time triggers can also be used to determine what is relevant content to someone at a certain point in time. A Web site for example could automatically adjust to the weather conditions of the area a person is in. All these factors and, potentially many others, will be all taken into account by the business content management system (BMS) that was created within the agency and which manages the front-end, or the presentation layer of a Web site. The BMS is responsible for the adjustment of the presentation layer of a Web site to a visiting ID. All the information collected and organized by the data scientists can be loaded into this BMS, or “real time marketing decisions engine,' as user experience (UX) expert Inge says. This is an engine:

“in which you program a lot of code with business ruling. This is constantly enriched with new behavioral data collected from the presentation layer (the Web site, mobile, Facebook or a my-environment) about a cookie ID, so that information can be used to constantly optimize the experience of the next visit. (...) This together is ehm, pretty cool. This is real time marketing.”⁹⁴

93 Ibid., 56

94 Interview Inge. “Dit laadt je in in een real time marketing decision engine (...) waar je heel veel regeltjes business ruling in gaat programmeren maar d'r komen ook vanuit de presentatie laag, he dat is of een Web site, of een mobieltje, of een mailtje of een banner campagne of een Facebook (...) mijn-omgeving heb je nog, allerlei dingen aan de voorkant waar cookies, gedrag plaatst vindt en dat wil je natuurlijk voor de volgende keer weer meenemen, dus op basis van cookie sla je dat hier weer op en ben je hier weer aan het optimaliseren (...) en dit samen is gewoon ja, best wel eehm cool. Dit is real time marketing.”

4.2.1 The promise of an in-house build new Business Management System

To be able to automatically adjust the look and feel and content of a page of a Web site to the profile of a visitor, one of the in-house developers, Paul, has build the BMS to do this. “We call it kind of a palette. (...) With this marketing palette, we can do several marketing tricks and automize the process.”⁹⁵ This so called “palette” is yet another metaphor from the artistic domain, that stresses the creative and constructed nature that is part of the 'art of government' in real time marketing. The program enables marketeers to manage what version of a page is shown to what segment. These decisions are made based on the business rules that are programmed into the business layer of the program. Let's take a closer look to this system.

Paul starts by explaining how the program works based on the profiles that where created by the data scientists. Like that “we can make different pieces of content [on a Web site] dependable on what you have done in the past.”⁹⁶ The BMS allows you to set different rules for different segments, that are created through usage of the ad software program called BlueConic. Whereas DoubleClick provides raw data that can be used to find 'touch points', BlueConic software allows for the identification of segments of people that share the same characteristics. Paul says: “Don't forget this is a debug demo, this is to show that this is possible.”⁹⁷ When a visitor visits a Web site, the corresponding cookie id get's 'send' to the Insights database, using BlueConic, and returns the right id so that the right content can be served. The profile influences content on different levels. Not only can it influence the subject on a picture for example. It can also decide to present text blocks in a different structure and adjust the look and feel, such as color etc. Furthermore it can also adjust tone of voice, or as Paul said:

“If insights calculated that you're a sweet girl, than insights puts you in 'sweet'. (...) And than I can indicate, let's see... like this, (...) that the front-end shows the sweet profile. I define that in this way,

95 Ibid. “Ja we noemen het een soort van schilderspalet, he. (...) En zo kun je dus met dat schilderspalet meerdere marketing trucs uithalen, maar die wel gautomatiseerd laten zien.”

96 Interview Paul (Front-end developer), in discussion with author, May 24th 2016. Translated from Dutch: “dan kun je al die verschillende stukjes content afhankelijk maken van wat jij in het verleden gedaan hebt.”

97 Ibid., “Dit is echt een debug demo he, dit is om te laten zien dat dit kan.”

*look if I..., I hope it works, yes! You see that?*⁹⁸

Because at the time of the interview the software had never actually been used on existing Web site, there is no material to show the difference either in the presentation layer, or the effect it will have on conversions. Between the time of the interview and the time of writing it has been sold to a major telecom company in The Netherlands though.⁹⁹

Next to the things like tone of voice, the system also has room for another type of customization, namely customization based on people's 'persuasion profile'. These profiles are widely used in the world of marketing, following American persuasion psychologists (and guru) Cialdini. He is professor psychology and marketing at Arizona State University. Cialdini identified six types of ways to address people in order to persuade them. These types are reciprocity, commitment/consistency, social proof, authority, liking and scarcity.¹⁰⁰ I will not go into detail to each of them. What is important here is that they can be used next to tone of voice to address a person in a way that it will affect this person by hitting his/her 'weak spot'. Are you sensitive to authority? Show the visitor your achievements. Sensitive to social proof? Let the people in this segment know, who of their Facebook friends has already used the service. Persuasion sensitivity is determined based on behavior the behavior patterns a user has shown.¹⁰¹

What is new about Paul's BMS the system is that it is able to adjust tone and voice and extend that profile through different layers on a page. Even widgets can be customized according to preferences and a specific persuasion profile. The BMS is a dashboard that allows for the integration of business rules with the profiles of visitors and to act upon the visitor by presenting a Web site that is optimized to fit the visitors preferences, tastes and profile as naturally as possible.

98 Ibid. "Als 'Insights' heeft uitgerekend dat jij een zoet meisje bent. Dan stopt 'Insights' je in zoet (...) Dit is was wij aan de voorkant gebruiken, dit is wat je net gezien hebt, hoe we dus die voorkant maken.. en dan kan ik aangeven, ff kijken zo, (...) dan wil ik dat aan de voorkant het profiel zoet aangaat en dat definiëer ik op deze manier, kijk als ik, hoop dat het werkt. Ja! Zie je dat?"

99 This is another interesting characteristic that I have encountered a few times, being at the agency. The software and tactics created and carried out in service of big clients but because it is hard to monetize the actual effects marketers depend on their presentation skills and the convincing rhetoric of data driven arguments to sell products and services.

100 Robert B. Cialdini. "Harnessing the science of persuasion." *Harvard Business Review* 79, No. 9 (2001): 72-81

101 The BMS contains an experiment layer in order to determine someone's 'trigger points. See appendix I note 7, for an explanation by Paul.

This is yet another demonstration of a characteristic of governmentality, which is the reliance on natural qualities. Or the natural as the point of departure of management in the paradigm of governmentality. With BMS systems like this marketers seek to connect with their audience by inferring with a desire of a customer in a way that is in alignment with the customers 'psychological wiring. By having a Web site fit a customer as organically as possible it is business that the systems is created to manage in the first place. Not people. People are only in the picture as instruments to influence the capitalist bottom line.

In the governmentality the environment becomes an important disciplinary tool. We have here a neo-liberal governmentality, following Thomas Lemke who states: in neo-liberalism the “focus [is not] on the players, but on the rules of the game, not on the (inner) subjugation of individuals [as with sovereign power], but on defining and controlling their (outer) environment.”¹⁰² This clearly is what personalization is about as it seeks to influence individuals, guide them in the direction of conversion by adjusting the online environment. As summarized by Tom, UX expert at the agency:

“Web sites indeed need to be flexible and adjustable and build around the customer. If you're talking about sales, so a Web shop (...) then you use data to persuade people or to make people feel good so that they will convert, so data is simply input, to adjust to flow, the user experience.”¹⁰³

This section focussed on the practical aspects of the BMS system. The connection with the theoretical framework will be discussed in relation the interview with Lea, (section 4.3) which is about the importance of the system just discussed and is as such more appropriate discuss dynamic Web sites as the medium for intervention.

102 Thomas Lemke. “'the Birth of Bio-Politics': Michel Foucault's Lecture at the Collège De France on Neo-Liberal Governmentality.” *Economy & Society* 30, no. 2 (2016): 200. 02-05-2016. <<http://dx.doi.org/10.1080/03085140120042271>>

103 Interview Tom (Team Lead UX), in discussion with author, May 27th 2016. Translated from Dutch: “En uit die functionaliteit, en dat is natuurlijk wel heel erg [typisch voor dit bedrijf], het sterkste is dat het allemaal loopt op data en data driven marketing. And die Web site moet wel inderdaad flexibel zijn en aanpasbaar en gebaseerd op de gebruiker en als je het hebt over sales, dus een Web shop (...) gebruik je die data om mensen over te halen of mensen een fijner gevoel te geven zodat ze tot die aankoop komen.”

4.2.2 'The what' vs. 'the who' discussion

During our discussion Paul pointed out several times the importance to the system, of the distinction between what he referred as: 'the what' ('het wat') and 'the who' ('het wie').

The what refers to behavioral data; what pages the visitor has seen, the links above which the visitors mouse hovered, the time spend on a page, music listened to on YouTube, queries in Google etc. This information is ideally aggregated under one cookie id. This identifier is a randomly generated number and does not convey an official means to actually locate the visitor and call, text or e-mail the person to which the cookie id, or action corresponds.

'The who' comes into the picture when the cookie id is connected to PII. As John explained in the appendix, note 2, there are techniques to glue together 'anonymized' cookie id's with PII, so that segmented groups both provide marketers with 'the what' and 'the who', but this is a complex task. At the moment the customer is mostly interacted with based on behavior, 'the what'. 'The what' and 'the who' distinction has fundament implications for how a customer can be addressed. Based on 'the what' (user behavior) provide 'personalized content, but one is only able to send a targeted e-mail or call someone up when there is PII available, i.e. 'the who'.¹⁰⁴

This agency, and surely not only this agency, is going more and more to 'the who' side of things which is useful because it creates an opportunity to persuade people to stay in the customer journey, when people are not on site or even online. Churn models, for example, calculate which people have the highest chance of 'churning', which means changing providers in the case of telecom.¹⁰⁵ If then, there is a system that is able to create a list contact information of of the customers with the highest churning chance, call centers can be deployed to call those people up and convince them to stay on, by offering a promotion. As such this kind of Web personalization would be better off called: 'Customer Journey Optimization' (CJP) as Inge rightfully point out:

“What you can do with this [the BMS] is actually (...) finally improve the user/customer journey,

¹⁰⁴ The agency is starting to realize the difference between 'the what' and 'the who'. For an explanation on the discussion that this brought about in the agency, see Appendix I note 8.

¹⁰⁵ Interview Evelien.

because that is actually a lot more like how you should call it: customer journey optimization instead of personalization. Personalization is sometimes not even relevant, why would I care that you're name is 'Anne'. If I understand you on the basis of a cookie (...) than I can offer you something relevant. Then I don't have to know that you are Anne.”¹⁰⁶

4.3 Customer journey optimization (the why)

So, as established above, personalization would be better off called customer journey optimization. Data acquisition is first about finding out 'the what' in the sense that it refers to what people do online. Secondly that information can be used to find the who behind the data, and then you could say there is the third double-u which is 'the where', which gives insight into 'points of intervention', i.e. opportunities where digital marketers can intervene in the customer journey (either online or offline) so that the customer is kept in the right funnel. Then there is the last double-u which is 'the why' behind the data. Discussions around Big Data often evolve the critique that Big Data research is not interested in 'the why' behind the insights gained. It is argued that the data is only important as far as it shows that something happens. As Rob Kitchin, for example, writes:

“Big Data analytics enables an entirely new epistemological approach for making sense of the world; rather than testing a theory by analyzing relevant data, new data analytics seek to gain insights 'born from the data'.¹⁰⁷

This is extremely applicable as the analysis above has shown. But 'Think Lead' and Senior Data & Insights Lea, explains that the why behind the data in the case of customer journey optimization is important to digital marketing, if one wants to change what the data reveals.

¹⁰⁶ Interview Inge. “Wat je hiermee kan is eigenlijk je user/customer journey (...) eindelijk gaan verbeteren, want dat is veel meer eigenlijk hoe je het zou moeten noemen, customer journey optimalisatie i.p.v. personalisatie. Personalisatie is soms zelfs helemaal niet relevant, kan mij het schelen dat jij Anne heet. Als ik jou snap op basis van een cookie, of op basis van de cookie, via de cookie weet ik dat, ja dan kan ik jou iets relevants aanbieden, ik hoef helemaal niet te weten dat jij Anne bent.”

¹⁰⁷ Rob Kitchin. “Big Data, new epistemologies.” 2

4.3.1 The importance of the customer journey

Lea explains: “There is 'the who', and that consists of characteristics of a customer and you've got the why, so that if someone shows certain behavior, or clicks on something (...) or whatever, that you understand why it happens, because the data only shows that it happened. That's the reason that we're (...) mapping the customer journeys, preferably cross channel, because people off course move cross channel. The better we know on what moments someone has a particular need and [the better we know] what information somebody expects, in relation to what was actually shown, the better we can assess why someone pulls out. (...) the better you understand this, the better you can optimize (...) for the client.”¹⁰⁸

Lea, who has a background in psychology and a lot of experience in the field of UX, explains it is important to know why someone does something online because it enables marketers to 'optimize' a Web site for the client. The client needs to be understood here as the company that hires people such as Lea in order to optimize their business. Her main role is to “add understanding about customer behavior to the [process of] personalization, [meaning] understanding the person, behind the data, that you see [so that you can think of] how you can influence [this person].”¹⁰⁹ The optimization of customer journeys is thus subject to the overarching goal of business management. The focus on designing better user experiences is primary because a happy customer is a good customer.

108 Interview Lea: “Je hebt het wie en dat zijn kenmerken van deze klant en je hebt ook het waarom dus als iemand bepaald gedrag vertoont, of ergens op klikt (...) of wat dan ook, dat je ook snapt waarom dat gebeurt. Want in de data zie je alleen maar dát er iets gebeurt (...) dat is de reden waarom we (...) bezig zijn om de customer journeys in kaart te brengen en dan het liefst over de kanalen heen, want mensen gedragen zich natuurlijk over kanalen heen. (...) Hoe beter wij weten op welke momenten iemand, welke behoefte heeft en welke (...) informatie iemand verwacht en wat iemand dan te zien krijgt, hoe beter je ook kan inschatten waarom iemand afhaakt. (...) En hoe beter je dat begrijpt hoe beter je ook kunt optimaliseren (...) voor de klant.”

109 Ibid. “...het begrijpen van klant gedrag toevoeg aan de personalisatie, dus het snappen van de mens achter de data die je ziet en hoe je die kunt beïnvloeden.”

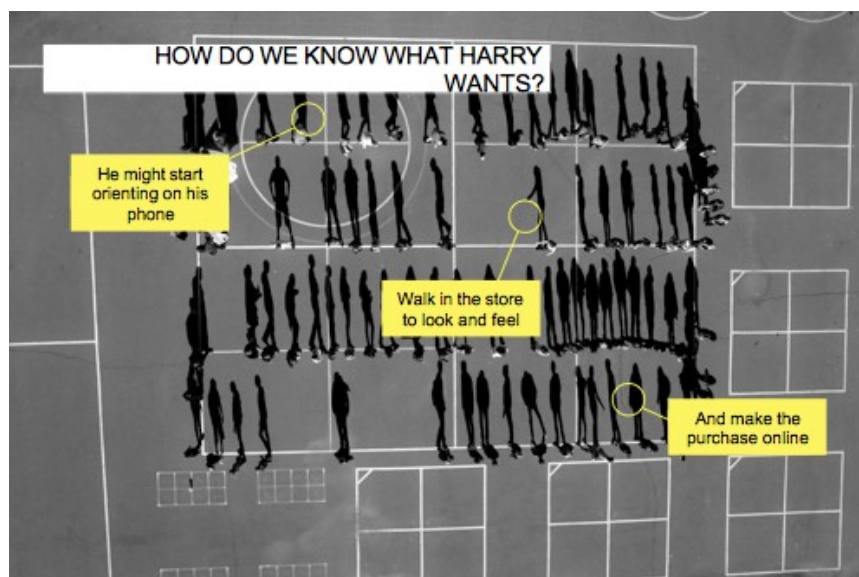


Figure 5.
"How Do We Know What Harry Wants? Illustration created and kindly provided by Lea, Senior Insights. July 2016.

The illustrations used in this sub chapter are all part of the same presentation. So is the image above. It was created to serve as a way to explain to clients how the customer journey works and how it can be used for marketing purposes. This is the first slide and shows that it starts with marketers 'knowing' what a customer wants.

This slide summarizes section "Data handling back-end." It shows that the information to find out what 'Harry' wants is collected in different contexts, both online and offline. This is important because ideally a Web site or service needs to fit the visitors needs immediately and match the visitors expectations seamlessly, so that the 'flow' of buying, is disrupted as less as possible, as to maximize the chance of conversion. But because offline events also influence someone's journey, it's important to have as much information as possible to be able to intend at the right time with the right content.

Encountering a cookie wall one is generally presented with the following argument: "This site, like many others, uses small files called cookies to help us customize your experience."¹¹⁰

Customization of the experience of the visitor is presented as the main goal. This carries the assumption that it is about the experience of that particular Web site.

In the same way as cookie walls, digital marketers argue that data is used to optimize the experience for the consumer. The real reason behind so much effort not necessarily the consumer

¹¹⁰ Unknown author. "Cookies on the Guardians Web sites." *theguardian*. 25-07-2011. 16-08-1016.
<<https://www.theguardian.com/info/cookies>>

itself. The real necessity of personalizing comes from having to keep up and ahead of competitors. It becomes harder and harder to differentiate from other companies in a commercial world, so saturated with products, and in which anything is easily accessible from anywhere within the digital enclosure. This makes customer experience one of the things companies can differentiate on.¹¹¹

Lea: “Especially big companies... (...) they often don't realize enough what it takes in order to do it [personalize] well, and that there is an absolute necessity, nowadays, to really get into data driven innovation and data driven marketing, because otherwise you simply won't make it. If you can't respond to the need of [the consumer] immediately, you loose him.”¹¹²



Figure 6. “With a Good Customer Journey” Illustration created and kindly provided by Lea, Senior Insights. July 2016.

Lea presents personalization as essential in order for big companies to survive. Data driven marketing, is 'an absolute necessity.' This implies that issues of privacy are subordinate to economic factors. This makes it hard to argue against the practice of data personalization based on the fact that the economy is fundamental point of reference in todays capitalist society. Why would one be against the use of todays possibilities presented by Big Data if it ultimately serves the 21st century common good, the economy?

111 Ibid., & Interview Inge.

112 Interview Lea: “Vooral grote bedrijven, die (...) zich niet goed genoeg realiseren wat er nodig om het goed te doen, maar dat er wel absolute noodzaak is, in deze tijd, om echt met die data driven innovation en die data driven marketing bezig te gaan omdat je anders het gewoon niet red. Als je niet direct kunt inspelen op de behoefte van je klant, dan raak je hem kwijt.

Figure 6 shows the important aspects that enable optimization of a visitor's experience. Important are: details about the individual, his whereabouts, feelings and expectations, his goals, aspirations and sensitivities. All this is important information because as Lea explains; the loyalty of people to a brand is changing and people search for the best deals on search engines instead of being customer of a particular company to begin with.¹¹³ It is this capricious customer that the companies need to cater. And as the internet provides individuals with a greater realm for access to information, at the same time it also allows other agents to collect (very) personal information about individuals. Online the challenge is to engage with a customer from which a company is physically distant. As pointed out earlier, this is again another example of how the trend of surveillance is fed by the ability of Big Data to get a grip on what is otherwise intangible. As a consequence of putting the need of the consumer up front, companies entire attitudes need to change as well. This is one of the challenges of Lea's role, as Think Lead, because she needs to convince clients to over throw their 'traditional' ways of thinking, and put their customers up front:

“The first thing I always say is that [the] boat needs to be turned, because the IT department needs to be the stowing power, but the customer, a customers need and the customer image has to guide the way, that needs to guide the rudder. Everything that you feel at the customers side and [that you] see in the market... you need to be able to engage with immediately and the technology needs to have a facilitating role there.”¹¹⁴

This also ties in with the the importance of the laissez-faire inherent to liberalism. The individual is perceived in its needs and the governmentalistic experts are there to identify the needs that exist within online traffic and make them productive with an eye on the common good, which is again, the capital that they seek to manage. In this sense, those who govern in the governmentalistic paradigm, manage based on 'the knowledge of things', which is knowledge about the goals that must be reached, so that the means of management is subjected to that goal.¹¹⁵ It is the knowledge about the disposition of the things in relation to this goal which constitutes sovereign will.¹¹⁶ This

113 Ibid.

114 Ibid. “Het eerste wat ik altijd zeg is die boot moet gekeerd worden want die IT afdeling moet achterop een stuwende kracht zijn, maar een klant, de klant behoefte en het klant beeld dat moet de richting aangeven, dát moet het roer aangeven, en alles dat je voelt bij de klant en ziet in de markt daar moet je meteen op in kunnen spelen en de techniek zou daar faciliterend aan moeten zijn.”

115 Michel Foucault. *Security, Territory, Population*. 100

116 Ibid.

is different with government in sovereign power, which depends on wisdom based on tradition. Therefore, digital marketers, who are those who govern, in today's dominant form of power, should govern only in a way such that [they] will consider [themselves] and act as if [they] were in the service of those who are governed."¹¹⁷

The sovereign in this sense has not disappeared in the governmentalistic mindset. It has gained another way of expression. If the adjective 'sovereign' means: "possessing supreme or ultimate power,"¹¹⁸ we see that personalization is part of the manifestation of the sovereign power which today is expressed through the role the political economy has in defining how to manage parts of society. It is this power to which individuals are subjected online.

The illustration below summarizes the relationship between the identified need of the customer by digital marketers as the driving force and the technologies that are used to turn this desire (potential) into something productive in terms of managing marketing campaigns, in whatever shape.

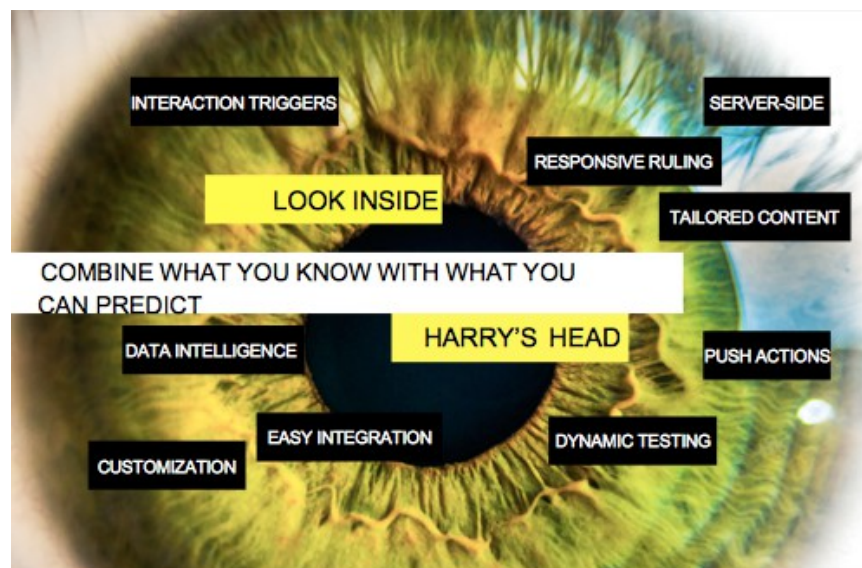


Figure 7. "Combine What You Know With What You Can Predict." Illustration created and kindly provided by Lea, Senior Insights. July 2016.

117 Ibid.

118 Online Oxford Dictionaries. *Online Oxford Dictionary: Language matters*. Consulted at: 28-06-2016. <<http://www.oxforddictionaries.com/>>

“Look inside Harry's head.” Knowledge about 'Harry' forms the basis in order to be able to predict what Harry's interests and actions might be in the future. The eye in the back ground represents the literal dependence on internet surveillance. But it also metaphorically represents the customer's *capta shadow*, which like the iris scan, serves as a means for identification. This ties in with the surveillance discussion as Lyon argues that “in a world of identity politics and risk management, surveillance is turning decisively to the body as a 'document' for identification, and as a source of data for prediction.”¹¹⁹ Whereas the iris scan is one of these techniques of identification, marketers are, as a matter of speaking, reconstructing the body online; building it up from the digital footsteps of individuals. Just like the iris scan as a form of identification of people on airports is a way to manage the risks such as the risk of terrorism, online the identification of people functions to manage conversion. Now terrorism and conversion obviously are in no way meant to be equalized in the comparison, but they are both events, or manifestations of behavior, that emerge from a series of variables. Foucault argues that the management of the different components that are part of a specific type of behavior can only “be controlled by an estimate of probabilities, [which] is pretty much the essential characteristic of the mechanism of security.”¹²⁰ As section 4.I showed, personalization is it is exactly this type practice. The behavior of online traffic streams is sought to be controlled based on an estimate of probabilities that are derived from behavioral data. The apparatus of personalization can now be identified with Foucault's apparatuses of security. We have now three things:

“[S]overeignty capitalizes a territory, (...) discipline structures a space and addresses the essential problem of a hierarchical and functional distribution of elements, and security will try to plan a milieu in terms of events or series of events or possible elements, of series that will have to be regulated within a multivalent and transformable framework.”¹²¹

In light of personalization as a mechanism of control Web sites, as the spaces where the behavior and desired events take place become the means for intervention. Or in other words: Web sites are then the transformable framework, the milieu, that serves to regulate the desired outcomes. One can recognize here Foucault's identification of the 'milieu' as “the medium of an action and

119 David Lyon. *Surveillance Society. Monitoring Everyday*. 72

120 Foucault. *Security, Territory, Population*. 20

121 Ibid.

the element in which it [the action] circulates.”¹²² In section 1.1 the conception of the milieu as a medium through which flows within a population can be manipulated, was characterized as typical for the governmentalistic paradigm. We have started to see the significance of this in relation to personalization in section 4.2 which was about the BMS systems that is responsible for transformable websites. It showed how Web sites become the field of intervention through which one can affect the population which exists out of targeted online audiences.¹²³ Dynamic websites changes the lay out of the internet environment through which it seeks to affect the economic effects of the behavior of targeted audiences.

Customer journey optimization is thus the modification of people's paths to conversion. By manipulation of the internet environment marketers hope to 'keep people inside.'¹²⁴ This is then how Web personalization is a means of control which is legitimized by the fact that it is based on the customers needs and desires. This makes it hard to critique it because instead of saying people are being manipulated, one could also say that what is done to them is a service. And as we have seen just above, it is through the veil of service that sovereignty manifests in the governmentalistic paradigm.

4.3.2 Creating optimized touch-points

What makes it difficult to talk about personalization as a form of control is that the type of control exercised behind the cookie wall is not the one that is based on a relation of repression as the traditional conception of control as with sovereign power. It starts with the identification of potential, of desire. This is based on a variable that is to be found in all populations and which immediately connects to the natural quality that arises from statistical research and data driven marketing. This is exemplified in the illustration below.

¹²² Ibid., 21.

¹²³ Ibid.

¹²⁴ Interview Inge.

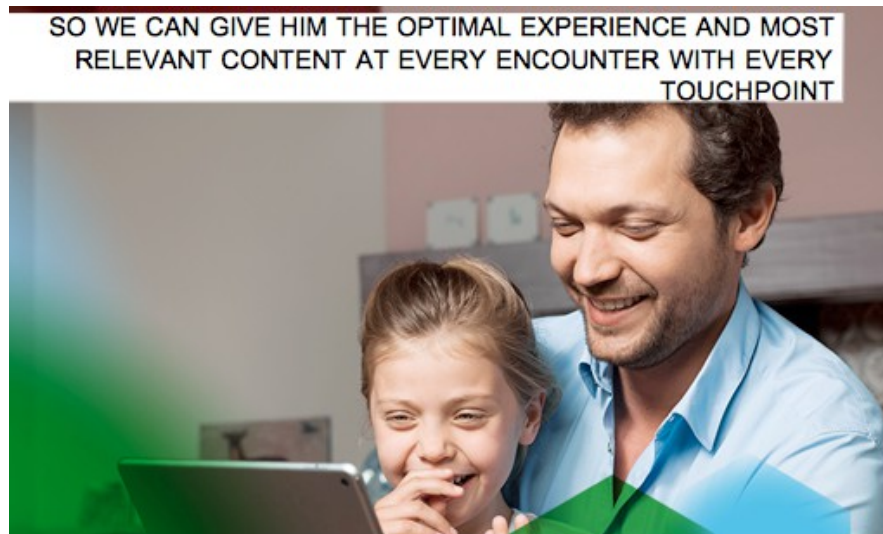


Figure 8. "So We Can Give Him The Optimal Experience" Illustration created and kindly provided by Lea, Senior Insights. July 2016.

The customer journey is essentially about finding 'touch points', i.e. relevant moments of interaction of a customer so that, as the title of figure 8 says: "so we can give him the optimal experience and most relevant content at every encounter with every touchpoint." Information about someone's desire and potential moves gives insight into where to encounter a certain individual. This shows the opposition to the technique of retargeting, which is the forced reminder of a product or service someone showed an interest in in the past. Web sites are one of places where companies can engage closely with their customers. Dynamic websites are more effective because people visit Web site by choice. As Lea said during our discussion: Yes, the more subtle you do it [personalize] the better if works (...) the more subtle you can adjust content, pieces of text or indeed tone of voice, or [implement] persuasion arguments, on a personal level, the more effective it is."¹²⁵; the more subtle one persuasion is, the more effective. With dynamic Web sites it becomes harder to detect when one is being 'worked', which in the case of banners is easy to spot. I asked Lea about if she thought people needed to be informed about the practices behind the cookie wall. Her answer was along the same lines as John. But also showed that the limits for personalization are not defined by obliging regulations for privacy but in the first place by the amount of 'creepiness'.¹²⁶

¹²⁵ "Ja, hoe subtieler je dat doet, hoe beter het werkt over het algemeen. (...) hoe meer je subtiele content, stukjes tekst of inderdaad tone of voice of persuasion argumenten zeg maar op persoonlijk niveau kunt aanpassen, hoe effectiever dat is."

¹²⁶ See Appendix I, note 9 for her legitimation of why users should not necessarily made more aware.

It's interesting how the border for personalization is perceived according to thinking about when it becomes creepy. The potential for invasion of privacy is not seen as a problem as long as it is invisible. Another argument is that is fine as long information does not get saved 'somewhere.' But how is it possible that an expert that is devoted to helping companies furnish their software infrastructures so that they can get images of people that are as detailed as possible to determine what is relevant to this person in the future, bring an argument like this one to the table? The same goes for Inge. During the interview she told me that the privacy guidelines are leading in determining what can be done and what can't, this create friction with her goals as a marketer:

“If that person just leaves his e-mail somewhere, than you can tie does two [cookie id & e-mail] together, that's indeed the challenge. That's what happens at the insights team, and there a lot of things are done there, but especially there privacy legislation is leading. One obviously can't simply tie everything together, you'd be dreaming.... that you can knot everything together and that anywhere you can..., if you come to a Web site and [get addressed with your first name] yea than... it's a bit crazy actually.. and sometimes it probably goes to far, so it's a sensitive subject... it's about the entire game... (...) will look up the limit, but we'll never cross it.”¹²⁷

¹²⁷ Interview Inge: “Als die persoon gewoon ergens zijn e-mail achter laat, kan je die twee aan mekaar knopen , dat is zeker een uitdaging (...) die zit heel erg bij 'Insights' en daar gebeurd natuurlijk van alles, maar vooral is daar privacy wetgeving leidend, want je mag natuurlijk niet zomaar alles koppelen aan cookie, je verbeeld je... dat je alles een elkaar knoopt en dat je iedereen overal zomaar, als je op een Web site komt en met Evelien wordt aangesproken, ja dan zit je... das best gek en dat gaat waarschijnlijk ook veel te ver op sommige momenten, dus het ligt heel gevoelig, het gaat erom.. het hele spel..(...) ”

5. CONCLUSION

“Its loss [the loss of authority] is tantamount to the loss of the groundwork of the world, which indeed since then [the modern age] has begun to shift, to change and transform itself with ever-increasing rapidity from one shape into another, as though we were living and struggling with a Protean universe where everything at any moment can become almost anything else.”¹²⁸ - Hannah Arendt

Let's first go back to the questions this thesis has set out to investigate:

How can we understand the use of behavioral data as a way to exert a form of control over individuals in online spaces from the perspective of governmentality? And, how is this practice legitimized within the context of digital marketing?

The conceptual tool that was used in order to tackle the issue presented above was governmentality. This tool proved to be especially productive for it allowed to think of control in two distinct ways. These were exemplified by the majestic Prince and the savvy expert. In the context of sovereign power, government is focused on the control over individuals moral behavior. This manifests through disciplinary techniques that are enforced through education and training and that are based on culturally informed moral values. It is this image that underlies our general conception of control as a repressive force. In the context of the savvy expert discipline focusses less on the individual, as a moral subject and more on the individual as an economic subject. So that they way this subject needs to be addressed to comply to the 'will' of the expert changes fundamentally.

The emergence of statistical analysis, at the end of the seventeenth century, provided a new way for scientists and politicians to perceive reality and conceive populations. Statistic's ability to reveal flows and tendencies that exist within a particular population, which the physiocrats called 'physical processes, allow to visualize the economic effects of the behavior of certain segments of

¹²⁸ Hannah Arendt. “What is Authority?” *Between past and future*. (1958) : 3. 14-03-2016
<<http://la.utexas.edu/users/hcleaver/330T/350kPEEArendtWhatIsAuthorityTable.pdf>>

people. Combined with the fact that statistics also show that seemingly random events, are not as random as they seem to be, the possibility of predicting behavior became real. This gave rise to a new way to perceive reality and the population. This provided the same kind of fundament that unblocked the problem of government of the Prince. So we could say that in the same way, the combination of behavioral data and statistical analysis unblocks the problem of managing online spaces. We live in neo-liberal, capitalist society that recognizes the economic influence of social events, and uses the social realm to influence the economy.

With the focus being on larger volumes, it is not the individual that is the end goal of discipline. It is the behavior on the level of populations towards which disciplinary mechanisms are directed. The individual is an instrument that is used to manage a variable which transcends the population. And the online environment functions as the medium to influence it.

If control is “[t]he power to influence or direct people's behavior or the course of events,”¹²⁹ personalization of the web is definitely an exercise of control. But it is not the individual *per se* that this mindset has its eyes on, even when the individual seems to be the end target. Why else would marketers be seeking to directly address marketing expressions to individuals, which is made possible by the ability to connect behavioral data to PII? Still, the focus is really on something else. Nobody is looking at *you*. It is capital on which the commercial gaze is really set. As such, even though companies, in highly competitive markets, are urged to start with data driven marketing, personalization is not, as Sebe put in one of the interviews:

“a goal in itself: “You can't quantify personalization, how much do you personalize when you send someone a letter? 10? 20? (...) the goal can be to have a more personal connection to your customers, that I can buy, but still, than is the question still, why is that a goal? Then the goal is still to improve product development en than the question is: why is that a goal? Because that keeps you ahead of the competition? And why is that a goal? Because you then keep your market share. That is the goal.”¹³⁰

Today the constant growth of the economy is one of the main concerns of political bodies

129 Online Oxford Dictionaries.

especially in this time of economic regression and 'crisis'. Of course this is even more so the case in commercial domains. So if the tactics that are captured under personalization and optimization support this goal, how could one argue against it? And what's more, is that from Web personalization a myriad of conveniences arise. Think of recommendation systems that come up with 'relevant' suggestions so that on your screen there is nothing but music that you potentially love. What is wrong with that? If personalization stimulates revenue, it is relevant. If someone indeed starts watching that recommended movie, it must have been relevant. So again, why bother? The results legitimize the means.

During discussions about the potential threat of the use of behavioral data for privacy, the usage was legitimized either by pointing out the absolute necessity for companies to do this, in order to stay ahead of the game, or by pointing to the conveniences.

The problem is that the information that is needed to determine 'relevancy' is very personal. As a result from the networked nature of digital communication and information technologies, the information that can be used for statistical analysis is not anymore just internal, or natural to a population. Networked communication technologies generate information that is internal to individuals. This information can just as well be taken up for statistical research, which poses a whole new problem as our insecurities, desires, secrets, our 'nature' are left to be labelled by others.

Of course not every one might be comfortable with the fact that others decide what is relevant for them. Also not everyone might agree on what is deemed 'relevant', as it is a very specific type of relevancy that is at play here. What is seen as relevant is highly dependent assumptions about what is important. This in itself is a trivial point, but the method here used and its philosophical premise that language does not reflect but constitutes our reality supports this. The meaning of relevancy is not just one. Within sovereign power relevant governmental interventions have a completely different way of manifesting than in the governmental paradigm. In digital marketing relevancy is determined based on economic and mathematical models so that moral and ethical reflections automatically inhabit an awkward position. What fundament can we use if we want to

130 Interview Sebe: "Je kunt [het] niet quantificeren, hoeveel personaliseer je als je iemand een brief stuurt? 10? 20? ja ik weet het niet maar (...)... het doel kan zijn om een persoonlijke connectie te hebben met je klanten, dat geloof ik nog wel.. maar dan nog steeds, dan is het nog steeds de vraag, waarom is dat een doel? En dan is het doel nog steeds om aan betere product ontwikkeling te doen en dan is de vraag waarom is dat dan een doel? Omdat je daarmee concurrenten voor blijft? En waarom is dat dan een doel? Omdat je daarmee markt aandeel behoud, dat is dan je doel."

think about to what extend the goal of stimulation market share, or the economy, legitimize the serious threat to our privacy?

This is where governments have been falling short tremendously. Today they are trying to catch up with the implications of the creative use of automated cookie technologies in the high paced commercial online world. Globally, political bodies are starting to see the urgency of having to think about privacy in the digital age. In Europe, for example "[t]he General Data Protection Regulation is slated to go into effect in April 2018, and will replace the EU's 1995 Data Protection Directive."¹³¹ This regulation seeks to democratize Web personalization by enforcing "the right to explanation," as to protect people from being subjected to automatic profiling and discriminated based on their personal data.¹³² This right is about giving people a chance to receive and explanation about decisions made by algorithms and that "significantly affect" users."¹³³

If the regulations will come into effect, which is supposed to happen in two years, machine learning experts will be provided with the tremendous challenge of making model frameworks that could meet this right.¹³⁴ It also would pose an enormous limit on the practices in digital marketing that are being invested heavily in today. While working on this thesis I realized even more how little people know about what happens behind the cookie wall. The problems it poses are huge, but it is a hard subject to discuss. Especially because people either don't know enough about the technologies used or after a while they stop thinking saying: "Oh well... I have nothing to hide anyway." But it is hard to imagine what you might want to keep for yourself, if you have no idea what is done with the information that you leave behind. The type of knowledge that is needed in order to have informed and relevant discussions about personalization and privacy is not naturally a part of the realm in which Web personalization is developed. Big data will not visualize the answer to this problem. Here lies a big task for humanities scholars and digital professionals to take on their authority and lead discussions that need to become part of public debate.

¹³¹ Bryce Goodman & Seth Flaxman. "EU regulations on algorithmic decision-making and a" right to explanation". *arXiv preprint*. (2016) : 26. 18-08-2016. *arXiv:1606.08813*

¹³² *Ibid.*, 27

¹³³ *Ibid.* 26

¹³⁴ *ibid.*, 27

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APPENDIX I

Note 1

Inge who is an expert in User Experience (UX) put the goal of Web personalization in online marketing as follows:

“See it as if you walk into a store, there you have one on one content, that's how we want to approach people digitally and why am I making the comparison with the store? Because we would like to know more, based on data, who that person is, that is standing in front of us. Because we don't have that physical contact, so we can't ask questions. But we can predict a lot (...) If I extend this comparison ... (...) then we can personalize, like what also happens in a store, where you clearly have real time triggers [where a sales person can response to] What does that person do? Does he check out shoes? Than he's probably interested in shoes and not coats. You see... than you can really follow the trajectory as a sales person.”¹³⁵

Note 2.

John: *“So what's the trick? This here is the URL one of the URL's, belonging to the pixel I just showed you, so that means we are talking to a server that belongs to metrics [the media agency I just pointed out]... I don't know what this number here is, but it might be the client number with which Nu.nl is registered at the media agency. This is where the value is being passed onto a cookie that represents me. So as long as I keep these cookies saved in my browser, this pixel sticks to me, for this domain. What happens when I come back? Then they can fire the same pixel, which gives them another measurement. They [the media agency] keep track of the moment on which I visited the site, save it onto their own server and connect it to my id. So now they know for this id... they don't know my name, but imagine that I log in somewhere else, which means that I have to fill in my name, then they can get my name which gives them the possibility to tie together my name to my id. This person came by on the 18th of may at 11:00 on the homepage of Nu.nl. That's a measurement. The pixel is a technical way to measure an interaction. That can be a passive action, like just looking at something, but it can also be an active interaction, for example if you click on something, or if you point at something, or you see something in a video. These are measurements. All these things are being measured...”¹³⁶*

¹³⁵Interview Inge (User Experience Expert), in discussion with author, May 27th 2016. Translated from Dutch: “Eigenlijk bijna alsof je de winkel binnen loopt, dan heb je 1 op 1 content, zo willen we eigenlijk digitaal mensen ook gaan benaderen en waarom doe ik de vergelijking met de winkel? Omdat we steeds meer willen weten door data wie die persoon is die voor mijn neus staat. Want we hebben niet dat fysieke contact, dus we kunnen niet die vragen stellen, maar we kunnen wel heel veel voorspellen (...) als ik de vergelijking doortrek, kunnen we personaliseren wat je ook in een winkel hebt, van he... dat er heel duidelijk real time triggers zijn... wat doet die persoon? Gaat ie naar een schap waar die schoenen gaat bekijken, dan is ie waarschijnlijk geïnteresseerd in schoenen en niet in jassen. He, dan kun je als verkoper het traject heel erg volgen.”

¹³⁶ Ibid., “Wat is nou het trucje? Dit is de url van de pixel, dus we praten met een server bij Metrics en ik weet niet wat dit nummer is maar misschien staat dat wel voor het klantnummer van nu.nl bij Metrics en hier wordt de waarde van een cookie meegegeven. (...) Die mij voorstelt (...) en zolang ik de cookies bewaar die deze browser blijft deze aan mij kleven, voor dit domein.. Kom ik terug? Dan kunnen ze die weer afvuren, hebben ze weer een meting. Zij bewaren het tijdsnit waarop ik dit bezoek op hun eigen server en koppelen dit ID eraan vast. We weten dus he deze ID, ze weten niet dat ik het ben (...), maar stel je voor ik log ergens in waar in mijn naam invul kunnen ze mijn naam

Me: “But you'd say that in the end what you want is to get a complete image of somebody, (...) that you want all those cookies together, for if every platform has their own cookies [you only get a very fragmented idea of someone's behavior].”¹³⁷

John: “Yes, each platform [assigns a different cookie to a visitor], I understand where you are getting at, but that's pretty illegal from the aspect of privacy.”¹³⁸

(...)

I'll continue with drawing now... This [what we just discussed] was for Google media. We also saw a few others. Here, next to the Web site you find Omniture (...) and here is BlueConic, and BlueConic and Omniture measure sec, only the onsite part of the online environment and all three they have cookies that are not connected to each other, identifiers. And here is [our own digital marketing agency], so we get raw data from Google since 2013, I can get data from Omniture, (...) and I can download data from BlueConic. All on the basis of the primary dimension, [which is] cookie id. So, what did I do? The moment that Omniture is doing this Web site measurement, I can request the tag, in this case of Blueconic; Blueconic give me your cookie id from this current visitor, which functions as a parameter here in the Omniture measurement. (...) So we just had pixels. A pixel is a graphic element. A pixel is dumb. Now, if you build javascript around it, than it's not a pixel anymore. Than it's called a tag. A tag is a piece of script with which you can make all kinds of decisions, perform actions, among which there exists the possibility of requesting other cookie values. When you're doing that and you are in control, as you are in case of your own Web site, than you have the opportunity to make sure that databases or platforms that exist separately from each other are able to endow characteristics [of a specific visitor] to each other. And that is what we are doing now [at one of our clients]. The moment we measure something in Omniture or Double Click than we endow the cookie value of a third platform, from...”¹³⁹

ontvangen en kunnen ze ook mijn naam (...) hier aan vast knopen (...) kwam langs op 18 mei 11 uur op Nu.nl (...) dit is een meting. De pixel is een manier, een technisch middel om een interactie te meten. Dat kan een passieve interactie zijn, je ziet alleen maar iets, maar het kan ook een actieve interactie zijn je klikt op iets of scrollt, of je wijst naar iets, of je ziet iets op een video. (...) het zijn metingen. Al deze dingen zijn metingen.”

137 Interview John, author herself. Translated from Dutch: “Maar je zou dus zeggen dat om een compleet beeld te krijgen van wat een iemand, (...) dat je die cookies samen wilt hebben. Want als ieder platform z'n eigen cookies heeft..”

138 Interview John: “ja ieder platform, maar ik snap wat je zegt maar dat is dus dus redelijk illegaal vanuit privacy oogpunt.”

139 Ibid., Dan ga ik even verder tekenen. Dit is Google voor media. (...) We zagen net ook een paar andere, sois. Hier naast de Web site staat Omniture en (...) BlueConic en BlueConic en Omniture die meten sec alleen maar in het on site deel van deze online omgeving. (...) en alle drie hebben ze dus los van elkaar cookies, identifiers. Hier is [de agency zelf] ik kan dus sinds 2013 van Google alle ruwe data krijgen ik kan ook uit Omniture kan ik data krijgen, ietsje moeilijk en ik kan ook uit BlueConic kan ik data downloaden. Allemaal op basis van de primaire dimensie, cookie id. (...) Wat heb ik nou gedaan? Ik kan op het moment dat deze meting plaats vindt naar Omniture opvragen aan de tag, heet dit dan in dit geval van BlueConic, BlueConic geef mij even je cookie id mee van je bezoeker als parameter hier. (...) Maar we hebben dus net pixels gehad (...) als je, maar een pixel is een grafisch element (...) dat is een dom iets (...) als je nou javascript eromheen gaat schrijven, dan heet het geen pixel meer, dan heet het een tag. Een tag is een stukje scripts waarin je allerlei besluiten kan doen, acties kan nemen (...) waaronder het opvragen van andere cookie waarden (...) op het moment dat je dat dus doet en je en je bent in controle, nou dat ben je, over je eigen Web site dan heb je dus de kans om ervoor te zorgen dat databases of platformen kenmerken van elkaar met elkaar meegeven (...) of aan elkaar meegeven. En dat is bijvoorbeeld wat we bij [een van onze klanten] aan het doen zijn, op het moment dat we iets meten in Omniture, of iets meten in DC dan geven we de cookie waarde van een derde platform mee van.... “

Me: "So, you're actually gluing them together."¹⁴⁰

John: "Yes, so all these measurements secretly contain a cookie id, [and that allows us] to get catch all that raw data, to which sticks a parameter, that I can find again on all three [platforms] which means that I can tie them together(...) I can only do this for the people that land on the Web site of the client and who give an opt-in when they get to the cookie wall, in which what we do is stated."¹⁴¹

Note 3

Lea: If you can secure that [the anonymity of someone's profile] than it's all right in by opinion. I do think...; Look the developments are going very fast, so I expect that new laws will be made shortly, or regulations, just like the cookie wall [is created] that in the past [did not exist] and that you have to annoyingly click away on every Web site, so like that regulations will have to develop so that people are truly ok with it. Which means that they would have to really understand what [we] do. If you say: "we track everything you do and we save that in a profile so that we can help you better, then I think 90% would say: no thanks.

Me: But that's the thing, people have no clue... you can wonder if that's informed consent...

Lea: ... but I don't think it [personalization] can be stopped. So we'll just have to do something with it, but than we also need to adjust regulations and privacy, luckily I don't see it being obstructed.

Me: Why luckily?

Lea: Well, I think these are also good developments. I always have a slide with on it a man that his his fingers in his ears, the guy from eeh, customer 2.0, with all the noise, and that's how customers are nowadays. There is so much being fired on them online today, and you get so much information everywhere. I think the ability to target people is a good, so that we can get the right information to the right person, in stead of, as a matter of speaking, [people] having to have to surf the entire internet before they find what they are looking for. In the basis that is a good development, that's only convenient.¹⁴²

140 Ibid., "dus dan plak je ze eigenlijk al een beetje aan elkaar"

141 Ibid. author herself: "...ja dus in al deze metingen zit stiekem ook deze cookie ip en wij kunnen als [bedrijf] al die ruwe data binnenhalen d'r kleeft een parameter aan vast die ik in alle drie kan terug vinden, dat betekent dat ik ze aan elkaar kan knopen (...) ik alleen maar doen voor de mensen die op de eigen Web site landen en opt in geven voor de cookie melding waarin ik benoem dat we dit dus aan het doen zijn."

142 Lea: "Als je dat goed kunt waarborgen, dan zit het in mijn beleving met de privacy wel goed. (...) Ik denk ook wel, kijk die ontwikkeling gaat natuurlijk heel erg snel, dus ik verwacht ook wel dat er binnenkort wetgeving op gemaakt zal moeten worden of regelgeving, net zoals die cookie wall die je vroeger nooit kreeg en die je nu op iedere website heel irritant moet weg klikken, dat eh ja zo zal dat... dat zal nog een stapje verder moeten gaan om te waarborgen dat mensen daar ook echt ok mee zijn. Maar dan moeten ze eerst wel snappen wat je doet. Als je zegt van: we tracken alles wat je doet en dat slaan we op in een profiel en dan kunnen we jou beter helpen dan denk ik dat 90% zegt man nou, dat hoeft niet hoor."

Me: "Maar dat is sowieso nog een ding, want mensen hebben sowieso nog geen flauw idee... je kunt je afvragen of dat dan informed consent is (...)"

Lea: Maar ik denk niet dat het te stoppen is. Dus we zullen er gewoon iets mee moeten, maar dan zullen we ook iets moeten met regelgeving en de privacy regelgeving daaromheen. Het tegenhouden ja dat zie ik niet meer gebeuren. gelukkig.

Note 4

Ben: *“My role would be to make choices about what information is potentially relevant to make a difference. A difference in the sense of: you are different than I, and because I want to show you something specific for you, if we're talking about personalization, something that is different from what people see that are different from you. What characteristics are available and are interesting if we want to visualize these differences? And [I] bring that [information] to a model.”*¹⁴³

Note 5

Paul: *“We only try to sell people stuff, I find that pretty innocent, if you want you can often 'turn it off' and it's pretty anonymous. Because well...”*

Me: *Anonymous? If you are moving more towards 'the who side of things' [see section 4.2.2 for 'the who/what' discussion] how can it [personalization] be anonymous?*

Paul: *Well yea, you have to, at some point you have to fill in your e-mail address in somewhere anyway [mumbles incomprehensibly] e-mail adres, than you can possibly get e-mails and you can opt-out of those.¹⁴⁴ What I mean is, the government can track you till your underpants, I mean I find that a lot more serious (...) you know I have changed by surf behavior. I don't... I used to be very interested in chemistry and that kind of stuff, in how things work... but now I (...) I just don't feel like it anymore, you just end up in a box. At home security, so me personally with my date of birth.”*

Lea: *“Nou ik denk ook dat het hele goede ontwikkelingen zijn (...) ik heb altijd zo'n slide met een man met z'n vingers in z'n oren en die zeg van eeh.. de customer 2.0 ? with all the noise, en dat is hoe consumenten tegenwoordig zijn. Er wordt zoveel op je afgevuurd mensen zijn zo online tegenwoordig en je krijgt zoveel informatie overal. Ik denk dat het een hele goede ontwikkeling is om dat te kunnen targetten, om gewoon de juiste informatie naar de juiste persoon te krijgen ipv dat je dat je bij wijze van spreken het hele internet af moet voordat je hebt gevonden wat je zoekt. Dat is in de basis een hele goede ontwikkeling, dat is alleen maar prettig.”*

143 Interview Ben (Data scientist), in discussion with author, May 23th 2016. Translated from Dutch: *“mijn rol zou dan zijn om eehm keuzes te maken in wat informatie eeh mogelijkerwijs relevant is om onderscheid op te maken, (ja) onderscheid richting eeh, jij bent anders dan ik, omdat ik aan jou iets specifieks wil laten zien, als we het over personalisatie hebben, iets anders dan ik (ja) en dus welke eigenschappen bestaan er, hebben wij tot onze beschikking en denken wij van dat het interessant is om onderscheid op te maken.”*

144 *“Wij proberen alleen maar mensen dingen aan te smeren, dat vind ik vrij onschuldig, als je wilt kan je het vaak uitzetten en het is vrij anoniem, want ja..” ME: “Anoniem? Als je nu steeds meer naar de wie toe gaat dan ben je eigenlijk helemaal niet meer anoniem?” PAUL: “Ja je moet wel, op een gegeven moment moet je toch ergens je e-mail adres intypen... mompel mompel... email adres dan kun je een mailtje krijgen en die kun je opt outen. En wat ik bedoel, de overheid kan je tappen tot op je onderbroek ik bedoel dat vindt ik veel kwalijker (...) weet je ik pas echt mijn surft gedrag aan nu. Ik ga niet, vroeger was ik heel erg geïnteresseerd in scheikunde enzo, hoe dingen werken, maar nu ik (...) daar heb ik gewoon geen zin meer in, kom je gewoon in een bakje terecht. Bij de aivd, ik dus persoonlijk, met mijn geboorte datum.”*

Note 6

Sebe: *“are there things that make a difference? That count in one group and don't count in another? (...) And can we influence it? That is the second question. So if you do something else with that group can you make something else happen? Or you don't do anything so that something does not happen which can turn out to be quite convenient (...) so in the end it really has to do with costs and revenue.”*¹⁴⁵

Note 7

Next to the segmentation, the business and the front-end layer there is an experiment layer in which behavior can be 'triggered' so that someone's profile can be completed with a persuasion profile. During the interview Paul said:

*“How can you assess scarcity? If someone visits a lot of deal Web sites than you know... he is looking for deals (...) you can see that [someone's trigger] in behavior, especially when you tease him.”*¹⁴⁶

Note 8

Paul: *“Inge and I constantly have discussions about 'who and 'what,' and this system is very much about that [distinction]. Customizing a page you are still occupied with what you show [based on behavior you have seen] (...) you don't have to know the exact person you're showing it to. That's something I will work on later. (...) If you want to send out e-mails than you are really talking about 'the who.' If you want to target 'the who' than you have to make this system [the BMS\ but than the other way around. Here [in case of the system just discussed] you start with an id and than you get back of which segments that id is part of (...) what I want to make is [a system in which] you have different segments and that [you can say if] someone is in this segment and this segment, who are all the people that are in both? And that you than get a list here, with people that you can than send an e-mail for example [because you have their PII]. And those you can get through this system [the BMS] and then you can identify them again and address them in the right tone of voice.”*¹⁴⁷

145 Interview Sebe (Senior Insights), in discussion with author, May 25th 2016. Translated from Dutch: *“...dan ga je kijken naar patronen, zijn er dingen die uitmaken, die in de ene groep gelden maar niet voor de andere (...) En kunnen we het beïnvloeden? En dat is de tweede vraag. Dus als je iets anders doet met die groep kun je er dan voor zorgen dat er iets anders gebeurt? Of als je iets niet doet gebeurt en er dan iets niet gebeurt of dat er dan wel iets gebeurt wat best wel gunstig is (...) dus dat heeft echt te maken met kosten en opbrengsten uiteindelijk.”*

146 Ibid. *“Als iemand veel op een koopjes site komt dan weet je dat, hij wil graag koopjes (...) je kan gedrag op een gegeven moment wel zien, helemaal als je hem gaat teasen...”*

147 Ibid. *“Dat het persoonlijk wordt klopt wel, maar dat, je bent nog steeds bezig met wat je laat zien. (...) En niet precies aan wie. En dat, daar ga ik straks mee aan de slag. Nee dit heb ik net gedaan, nee als je dus mails wil gaan sturen dan heb je het dus echt over de wie (...) en dan moet je dit ook maken maar dan precies andersom (...) hier begin je bij een id en je krijgt terug in welke segmenten die zit (...) en wat ik wil gaan maken is dat je verschillende segmenten hebt en dat ie dan zegt als in dit segment zit en dat segment, wie zitten er allemaal in en dan krijg je hier een lijstje uit, met personen die je dan kan gaan e-mailen bijvoorbeeld. (...) en die kun je weer door dit systeem voeren...”*

Note 9

Lea: *“I don't think that you should tell people too much, I mean you already ask for cookie consent, there you say that you ask for consent to optimize, but otherwise... as long as there is no data of people being saved somewhere, I don't see problems for privacy... and if you wonder how far you can go... the other day someone told me that here scale was talking to her, addressing her with her first and last name. Imagine you're standing on a scale and it says: Wauw anne! 63 kg's. Well done! So there is something like too much personalization.”*¹⁴⁸

¹⁴⁸ Interview Lea: “Ik denk ook niet dat je het aan mensen teveel moet zeggen, ik bedoel je vraagt al cookie constant, je zegt daar dat je dat vraagt om de Web site te optimaliseren en verder nee... zolang er geen data van mensen wordt opgeslagen ergens zie ik geen ook geen problemen voor privacy. (...) En kijk ja, als je je afvraagt hoe ver je moet gaan... ik sprak laatst iemand, en die weegschaal sprak tegen haar, met naam en toenaam, moet je voorstellen dat je op je weegschaal gaat staan en dat de weegschaal staat en zegt: wauw anne! 63 kilo, goed bezig! Er is wel echt zoiets als teveel personalisatie.”

APPENDIX II

Here is a list with the interviews used in this text. They are all in the possession of the author. For additional information you can contact the author at annedeandrade@gmail.com

List of interviews

Interview Evelien (Data scientist), in discussion with the author, May 27th 2016

Interview Inge (User Experience Expert), in discussion with author, May 27th 2016

Interview John (data artist), in discussion with author, May 20th 2016

Interview Lea (Senior Insight's), in discussion with the author, May 24th 2016

Interview Paul (Front-end developer), in discussion with author, May 24th 2016

Interview Sebe (Senior Insights), in discussion with author, May 25th 2016

Interview Tom (Team Lead UX), in discussion with author, May 27th 2016

Images used

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Andrade, Anne de. "Differences Between Sovereign Power and Governmentality." 25th of July 2016.

Lea. "How do we know what Harry wants?" July 2016.

"Screenshot HttpFox extension used on Nu.nl." 26th of July.