

S2 ep 3

Vulnerability and data protection with Gianclaudio Malgieri

This transcript was made with Good Tape and edited by Judith Zoe Blijden

Judith Zoë

[00:04] Hi, I'm Judith Zoë.

[00:17] Welcome to The Digital Period, the podcast where we explore our relationship with technology. This season, we're taking a closer look at dating apps and vulnerability. In the last episode, I talked to Jessica Pidou about the many things that dating apps are.

[00:32] She explained they're not just tools, they're a medium, a place, a market, and a set of techniques. On dating apps, users interact with each other, but also with the company behind the app. Today, I want to talk

[00:44] about vulnerability, the central concept of this season. What is vulnerability exactly? Why are we vulnerable and who is vulnerable? It's a bit more theoretical this episode. I have asked these main

[00:58] questions to one of the leading voices on this topic. In this episode, I talk to Gianclaudio Malgieri, the author of the book Vulnerability and Data Protection Law. He's an Associate Professor of Law and Technology at Leiden University.

[01:12] He's also a co-director of the Brussels Privacy Hub from the Free University of Brussels, and the project lead of ReSocial, a research project that looks at user vulnerability and resilience on social media platforms and in the metaverse.

[01:25] Now, during my research and through my own experiences using dating apps, I've come to realize there's no one way people experience dating apps. It's incredibly varied. And so is how people experience if they're vulnerable or not.

[01:41] Just like in the last episode, you'll hear a story from someone who used a dating app. I hope you enjoyed this episode. I think it serves as a great foundation for understanding vulnerability. Have fun.

[01:55] Welcome. I'm super excited to talk to you.

Gianclaudio Malgieri

[01:57] I'm very happy to be here and to talk to you. Thank you so much.

Judith Zoë

[02:01] Last year I was at CPDP and your book just came out and it was heavily featured everywhere. And I tried looking for you, but I couldn't find you. But I'm very happy that almost a year later I found you.

Gianclaudio Malgieri

[02:13] We made it.

Judith Zoë

[02:13] Yeah, and we got to speak. And actually, Elisabetta was in season one she said ah you should really talk to this guy and she was very right.

Gianclaudio Malgieri

[02:23] thank you thank you to both

Judith Zoë

[02:24] can you tell us a little bit more about

[02:27] why you started to be interested in the topic of vulnerability in general yeah

Gianclaudio Malgieri

[02:33] Very good question but not an easy one um so i would say that the topic of vulnerability um reached out to me because my legal background is in data protection law but before data

[02:49] protection law my previous background was a consumer protection law and private law and in consumer protection law and private law you see that power imbalance is an increasing topic and in particular there's this

[03:04] definition of vulnerability in consumer protection law that has a bit some references also in data protection law but not enough. So my challenge was to see how that definition and those concepts would then reflect in data protection discussions.

[03:22] Also, I think there are personal reasons for why we choose some topics. So for me, the topic of vulnerability in the digital era, in the digital world, is of course interesting for many reasons.

[03:38] I am an expat, I am a queer person, so our positionality, our world, our standpoint informs of course our topics. And so being often a statistical minority helps me to look through the lenses of vulnerability,

[03:56] which is actually not just a topic of minorities, it's a topic really transversal, but we will have enough time to talk about that.

Judith Zoë

[04:03] Of course, I'm looking at vulnerability in the context of dating apps. Can I ask, do you also use dating apps?

Gianclaudio Malgieri

[04:09] I used dating apps in the past, and so it was also an interesting experience of human exchanges and vulnerabilities in it, yeah.

Judith Zoë

[04:18] Yeah, before we talk more about vulnerability and also the difference between universalistic concept and the more specific, I was thinking, is it possible to be invulnerable? Because we often talk about vulnerable groups,

[04:31] which almost implicitly says, oh, the other people must be invulnerable to an extent. And also think, especially in media targeted to men, this idea of being invincible and being untouchable is highly celebrated.

[04:46] What do you think? Can we be invulnerable? Is that a possibility at all?

Gianclaudio Malgieri

[04:51] Yeah, it's a very interesting angle. And also, because usually the word vulnerability has several synonyms and antonyms. For example, when you say, so you are now saying invulnerable as

[05:07] the opposite of vulnerable. But for example, in our field, in particular in the project ReSocial, the opposite of vulnerable is resilient. At the same time, there's another common synonym that is used for vulnerability, which is fragility.

[05:24] But the concept is not the same. So vulnerability, etymologically speaking, refers to the possibility or the capability of being wounded. So basically bleeding or suffering from

[05:39] some wounds is actually the main aspect of vulnerability. But it doesn't mean that then we are totally... that we die because of that. So vulnerability doesn't

[05:53] mean the end game. So about the invulnerability, I fully agree with you that the increasingly present populist political propaganda about machismo, about strong men, so we go back to those old models, is really about invulnerability or lack of any forms of fragility.

[06:30] But yeah, I think it's just, first of all, humanity is vulnerable because we depend on others. And we see this in anthropological things. Empathy is a natural feeling based on the fact that we depend on others and that we are vulnerable. So yeah, maybe just to answer now in short, I would say we cannot be invulnerable, but we can be antifragile. There are several scholars now reflecting upon the fact that humans are antifragile. What does it mean? That we don't break. So we are not fragile in terms of breaking as

[07:06] something made of glass or something made of wood. We have wounds, so we are vulnerable, but then these wounds become something stronger. So that's why antifragility means growing over our vulnerability.

Judith Zoë

[07:20] And it's never something you completely overcome, I guess. It's always a process of improvement or... Exactly. I don't know if improvement is the best word of change, maybe.

Gianclaudio Malgieri

[07:30] Yeah. And also in the legal sector, there was a lot about vulnerability as a process for growing, as a process of embracing vulnerability. So there was this amazing book by an edited volume by

[07:48] Daniel Bedford and Jonathan Herring, Embracing Vulnerability, because we see that today vulnerability is usually considered something niche, something that we should protect, in a very victim-oriented narrative. But actually vulnerability, since it's based in humanity, should be embraced

[08:09] also by the law. We will have maybe more time to talk about this, but the law doesn't mention anything related to love or to care. The law is extremely, as Judith Butler would say,

[08:20] masculine in just talking about strength, contracts, war, control, but never the other part, which is embracing our limits, embracing our vulnerability through

[08:35] other aspects of life that are key and central.

Judith Zoë

[08:39] Yeah, I think one video that I think many people have seen is a video, is a TED talk by Brene Brown. I don't know if you know it. It's called The Power of Vulnerability.

[08:50] And basically, she talks a little bit about this, about how vulnerability is something that should be celebrated because it gives us access, for instance, to connection. Without being vulnerable, we cannot truly connect or authentically connect with other

[09:03] people. And if you want things such as falling in love, this would be necessary to also be vulnerable. I really love this video. At the same time, when I also watched it, I also felt it was a little bit narrow in

[09:18] the sense that when I was looking at it I was also thinking vulnerability is definitely also something positive but it is also something that shouldn't be asked of us in situations where we can get wounded
[09:30] very badly like if you it's a bit connected like if you get wounded there should be a hospital where you can go to and we should also talk about the hospital not just about the fact that you should try to fight for what you
[09:42] find important how do you look at her interpretation of vulnerability as something celebratory, but also something necessary for the human condition?

Gianclaudio Malgieri

[09:50] Yeah, of course, this is
[09:52] universal approach, universalist approach. This approach about vulnerability refers to vulnerability as inherent in human condition. Every human is vulnerable, okay? But we should not simplify that
[10:05] to saying everyone is vulnerable, full stop. No, because then we don't need the concept anymore, we don't need the term, we will just say humanity. So even legally speaking, I'm a lawyer and I wouldn't consider vulnerability as a topic if it's belonging to every single human being.
[10:21] So we could say that there is a basis in which every human being is vulnerable, but this vulnerability is a spectrum. And so you can have a higher intensity in specific contexts, in specific relationalities, and in specific structural conditions and
[10:35] also physical personal conditions. Why can we say that everyone is vulnerable? It's because, as I was saying before, we are dependent. We are not kind of animal that can live alone in a cave or whatever. There are examples of humans
[10:53] able to do that but usually we are one of the few animals that are born without any capacity to survive alone. And since that moment, we really see, even before, we really see that vulnerability and
[11:09] dependence is part of our experience. So we depend on our adult figures, we depend on society. As long as we accept that dependence is the central core of humanity, then we should embrace
[11:22] the concept of vulnerability. But yeah, I agree that there are many layers that we don't consider. For example, marginalization, social marginalization. And of course, not everyone is able to be empathetic with that, because not everyone experiences
[11:41] being in a minority group. So there are just two topics that should, of course,
[11:45] really interact to each other, I guess.

Judith Zoë

[11:48] And you also address this relation to power and position in your book and I saw that you also read a lot of literature on intersectionality for this which I loved because I when I studied
[11:59] law I don't think which is about ten years ago I don't think I've had any professors law professors who were also interested in this. Can you explain why that it was relevant to look into maybe first what is intersectionality and why
[12:12] it was important to also include that in your

Gianclaudio Malgieri

[12:15] thinking yeah uh yeah great points um intersectionality means addressing the topic of for example discrimination or marginalization from a 3d perspective so from a perspective that considers
[12:31] the combination of factors of marginalization can be race and sexuality, can be gender or poverty, so several elements in this pyramid of privilege, and to consider them
[12:46] cumulatively, which doesn't mean to just add them. So you say race is 1, sexuality is 1.5, and you go on. No, it's consider how the interaction of these elements create a new number. Sometimes 2 plus 2 is 5,
[13:06] or 2 plus 2 is 3 in intersectionality. So this is a clear example. For example, if we consider being discriminated because of sexual orientation and at the same time of gender or age, sometimes
[13:23] if we just analyze one factor per time, we would say that in a specific context, and this is particular and this is specific for intersectionality, the importance of the context, in a specific context, for example, so you would say, if we just considered a
[13:39] gender for example, we would say, okay, between men and women, of course women are the underprivileged gender on the workplace. And then if you consider sexuality, between, for example, just considering heterosexuality and
[13:53] homosexuality, you would say homosexuality is the less privileged group on the workplace. If you just do the addition of the two elements, you would say that female gays, so lesbians, are the most vulnerable, the most discriminated
[14:09] group on the workplace. But actually, if we look at the context of a machist sexist society, we see that, for example, in some contexts and in some cases, being a gay man is even more a source of discrimination than being a lesbian woman.
[14:31] So this is for me a clear example of intersectionality. In this case, two plus one is four, because you have a gender privileged, a man, but connected to sexual
[14:43] orientation, it creates a multiplier. I hope it's clear, but the idea was indeed to consider multiple factors together and how they interact, not just as a single element of a sum.

Judith Zoë

[14:59] Before I continue my conversation with Gianclaudio, I want to introduce the dater of this episode. He will share how he navigated Grindr, an experience that helped him discover his identity, but not without challenges. He talks about starting young, figuring things out on his own,

[15:15] and how he developed strategies to stay safe and grounded while using the app. Here he begins by explaining how Grindr works.

Dater

[15:25] It's basically an app that will view the first 30 profiles in your vicinity, over your location. So you have to give your location which

[15:39] I don't know what they use it for that should be a question. I just accepted all the cookies and everything that they asked me to.

Judith Zoë

[15:48] And then you looked more at what it means for vulnerability

[15:56] in the relation of data protection which is a big step so I'm thinking how can we make this a little digestible? Why is it relevant to look at it in a relational context instead of an individual context?

Gianclaudio Malgieri

[16:09] Very, very great point. I think this is the core message that I wanted to give. So I'm happy you're raising this. And this goes back also to the previous questions that you raised. So if we consider vulnerability as we defined so far, so dependency, contextual, relational. It's clear that vulnerability is not a label

[16:33] with which we wake up, we have breakfast as vulnerable, we have lunch as vulnerable, we have sex as vulnerable. No, vulnerability is an encounter,

[16:45] is a position depending on an encounter between two parties in a specific structural context and in specific conditions. So and this goes also to the, this may be

[16:59] also a bit the issue between universalistic and particularistic

[17:03] definitions.

Judith Zoë

[17:04] Yeah maybe can you tell us a little bit more about this

[17:08] debate between these two?

Gianclaudio Malgieri

[17:10] Yeah I mean in simple words the vulnerability discussion and the vulnerability literature has had two parallel paths. One was the more traditional one to look at some

[17:24] vulnerable groups. So exactly what we were saying before, there are some marginalized groups and they are considered vulnerable. This is the particularistic approach. You have some groups that are vulnerable and you want

[17:38] special protections for them. This approach is problematic. Why? Because you might create pathogenic vulnerability, putting an additional layer, label, sorry, on the head of people that might already suffer from

[17:54] marginalization. One reason. And the other reason is that the ordo-liberal approach might consider vulnerability as an easy fix. Something, you know, society

[18:06] is perfect as it is, there are some poor vulnerable people, let's fix it with some additional measures. But the problem is before. So this was the first approach. And then the second approach, which tried to respond to this, was the universalistic

[18:20] approach that we already mentioned today, coming mostly from feminist scholars, saying vulnerability is inherent in humanity. And the compromise, because also the second approach is problematic because as we said before we

[18:33] need also to make distinctions and we need we need to use the term in a meaningful way for policymaking yeah and so the the the third approach the compromise was the layered approach we have some layers of vulnerability so we

[18:48] all share a minimum layer and then depending on context and relations we have additional layers of vulnerability so just to conclude on your question about why relationality,

[19:03] why interpersonality, because in order to avoid the labeling approach so that people wake up as vulnerable, go to bed as vulnerable, and at the same time to make sense of the dependence concept,

[19:16] which is also the universalist consideration, dependence means dependent on someone. So the question is never vulnerable who, but is vulnerable towards whom. Because it's power imbalance. And power imbalance,

[19:33] power is usually situated in relationships. So my relationship with my boss, my relationship with my university, with my hospital, with the state, with the border control, so police officers,

[19:46] law enforcement. That relationship creates power imbalance, that relationship creates my need to reach some fundamental rights that I want to satisfy, so the enjoyment of fundamental

[19:58] rights, and this is what perhaps justify the contextuality of vulnerability.

Dater

[20:03] I started using dating apps when I was 16. I was just very curious as a teenage boy what is out there, and I was also just trying to figure myself out because I was struggling to

[20:20] identify who I am as a kid as every kid does in high school and I think Grindr was a way to communicate with other people and just see what the world is out there and in the gay scene.

[20:35] I was closeted when I was 16. I did come out to my brother at that time. However, my mom was very anti-gay and my dad didn't know as well. So I think I see kind of connection through these apps.

[20:55] And yeah, it was the novelty and just connecting with people. When I was 18, I thought I would meet my person in real life and would be engaged by the age of 21. That never happened.

Judith Zoë

[21:11] Can you tell us more about these layers or factors that impact our vulnerability? Of course you already mentioned some, but yeah it would be interesting to hear more.

Gianclaudio Malgieri

[21:20] Yeah, there are

[21:22] at least three in the digital sphere, there are at least three factors that are very important. One is the personal conditions of people. Personal conditions is also never just personal. We know a clear example is disability. Disability is not

[21:39] a personal condition but is even in that case an encounter between some divergence and social structures. But just to say the first element is my conditions and on that we usually agree. Usually people say oh yeah vulnerability

[21:55] is the sources of anti-discrimination law but this is very simplistic, right? Because you have this very, very basic understanding of vulnerability as a particularistic. Then the second element,

[22:08] which is very important also, and the second source, is the kind of relationship at stake. So, and as I was telling before, who is my counterpart? So

[22:20] this is the second factor. In case of digital media, if the counterparty is Big Tech, then in that case we really see a great power imbalance.

[22:32] Power imbalance because of the high computational power that they have on me, inferences, but also the ability of social media to block something that for me is essential. Communications with my family abroad, my sense of free expression or network effect from my group FOMO fear of

[22:52] missing out so this is the second element and the third element a third source is what we can say vulnerability drivers or contexts structural structural

[23:05] elements so for example do we live in a democracy do we live in place where rule of law is strictly enforced, separation of powers, the presence of welfare states,

[23:19] welfare system, what is the organization of the market, what is the competition in the market, what is the level of competitiveness and so on. So in that case, I think a clear example is my relationship.

[23:35] So first element, personal conditions, for example, a gay expat in the Netherlands. Then second element, interpersonality, my relationship with social media. And the third element is where is this happening?

[23:52] What is the legal political economic context in which this is happening? So being gay on social media and expat in the Netherlands is very different from being the same in Russia. So the level of oppression and marginalization of groups

[24:06] is not just... it doesn't just depend on my personal condition and my relationship with the counterparty but also by the surrounding context and how that surrounding context is really changing the dynamics and in the digital age we see many

[24:19] examples of this algorithm digital media dating apps also because you have the vulnerability

Dater

[24:28] as a child like experiencing the dating apps so I would say that's one and the second thing is it's just like the continued experience of like maneuvering through just dealing with rejection it shouldn't be my space to be on Grindr at 16 and I think

[24:47] that is my experience because there's a group of people that are very much into like younger people and very predatorish in that type of way and I also feel like you cannot make a good decision as you're navigating or

[25:03] you're trying to figure out your identity.

Judith Zoë

[25:07] If you have so many layers it also makes it very dynamic and very unpredictable when vulnerabilities are at play and also when they need protection. So how do we navigate this?

Gianclaudio Malgieri

[25:20] This is very interesting because it's going to the reaction or to the protection sphere and protection elements. So what can we do as

[25:33] vulnerable people to deal with our vulnerabilities, with our dependencies, etc. And of course everybody can have either their own strategies, we know

[25:44] there are fighters or there are people who just accept their own level of dependence and so on. But my interest is what the law can do and what the law should do.

[25:58] The approaches can be many. You can have very specific approaches about specific accommodations or specific protection to some groups, and this is the approach that anti-discrimination law has had,

[26:11] so being sectorial. You cannot discriminate on the basis of race, religion and gender on the workplace. But a more transversal approach would be to try to diffuse power imbalance triggers,

[26:26] so to look at situations of big power imbalances and try to mitigate those situations. And this is the case, for example, of labour law in general. We are imbalanced towards our employer and so labour law helps to cover that gap. And here we go also to Data Protection Law,

[26:44] which was also part of your question before. Data Protection Law has a lot to do in terms of rebalancing power imbalances. Of course, there are many, many entities processing our personal

[27:01] data, but there are more specific cases where these entities are extremely powerful, the example of Big Tech, but also infrastructures using our data, or also the municipality or surveillance systems that can be either driven

[27:19] by Big Tech or just through Big Tech. But what is important here is that that is a big source of power imbalance, and so there should be some specific protections in order to limit that one. But also you

[27:37] were asking about personal. What can we do to either embrace our vulnerability or to respect and mitigate perhaps other people's vulnerability. I think there's a key element that in the law is timidly emerging which is empathy. So So empathy is forgiving ourselves and understanding ourselves to understanding the others.

[28:03] So putting ourselves in the other's shoes, putting ourselves in the other's clothes and understanding their situation. I think empathy is very interesting because you started with the element about invulnerability

[28:17] and how the masculine and machist politics now is going far from vulnerability and we know that a few weeks ago Elon Musk said

[28:30] that the problem of western society is that we are we are too much empathetic so he said we should go with less empathy and I say exactly the opposite which empathy is the key to solve so many problems. At a bigger level, so democratic level, empathy might be the way to

[28:51] talk to people that feel frustrated because of political situations and that might vote in certain ways that might even harm their interests. But empathy can be at a micro level as the dating

[29:05] app situation. And of course doing this in a digital way where you don't have any barrier to entry in terms of communication, you don't have any psychological effort, because of course talking in person requires much more

[29:20] effort and also creating live relationship creates a lot of investments, efforts. Then of course in digital life that it's not the case and everything becomes easy. It's easier

[29:35] not to be empathetic in front of a screen. So there's an additional challenge of empathy here.

Dater

[29:42] I feel like people do not have the awareness that you're actually talking to a person, but much more to the urge to have sex is I think more a priority than,

[29:54] oh, you're speaking to a human, so you have a respectful conversation. There is an imbalance in that.

Judith Zoë

[30:02] In the context of dating apps, how does practicing empathy look like?

Gianclaudio Malgieri

[30:07] Yeah, I can think about some examples. Something that is considered maybe not efficient, but it depends on how the dating app is designed, of course. So if the dating app is, for example,

[30:20] Grindr, you can contact people even though there's not double swipe, so even though there's not mutual interest, you can contact people. And there are several ways to show lack of interest.

[30:34] So empathy can be that, empathy can be kindness and many other things. And the platforms and the systems can be designed in ways that are far from encouraging empathy.

[30:49] So this is also how the algorithms, how the interface, how the systems are designed.

Judith Zoë

[30:56] You touched upon something interesting, because one thing that I realized that is maybe now a barrier for empathy, especially on dating apps, is the fact that it's a very individualized experience.

[31:08] That it is quite different when you're chatting with someone on the app to understand how their experience of the app is. So especially at least in relation to men and women, there are much more men on the app than women, meaning that in general men get rejected more often and have less

[31:26] matches. But also as a woman you have far more very negative experiences. You're sometimes overwhelmed by messaging, so you have very different context when you're talking in the app and this is completely invisible which means I think it's

[31:42] also more difficult to be empathetic to the other person because you have no idea really how their situation looks like.

Gianclaudio Malgieri

[31:48] Yeah and I think this is connected also to some to the trade-off we can say that sometimes we see between privacy and embracing vulnerability because privacy is also

[31:59] to be let alone so it's kind of individualistic if we if we look at that perspective and also shielding me from sharing my vulnerabilities. Because of course in society I cannot really be sure and trust the others that will treat my vulnerabilities with care.

[32:18] So yeah, this is an interesting aspect that sometimes data minimization, reducing the amount of personal data processed and so on can be sometimes problematic in

[32:32] terms of protecting and mitigating vulnerabilities. And the clear example is, for example, biased algorithms, so algorithms that might be racist

[32:44] by design. What can we do to deal with those algorithms? Also on dating apps, we know that there are biased algorithms on dating apps. So if we just look at the data protection perspective in

[32:55] the minimalistic approach, we would say not much because I just should delete all data about sensitive elements. So race should not be considered, okay? But since the algorithm finds

[33:09] proxies to discriminate anyway, even though the algorithm tries to be color blind or race blind or race blind or nationality blind, I don't know, then the best way would be to add more diversity data to the algorithm. So to have more analysis on processing data and to add more

[33:32] vulnerable people data in the loop. And of course this might seem paradoxical, but it's not because the final goal is not just to not use digital tools and to be let alone.

[33:52] The final tool is to protect our autonomy and dignity in the digital world. And to protect autonomy and dignity, we don't have just data limitations, but we have also fairness concepts that go towards more inclusion and more diversity in algorithms.

Judith Zoë

[34:03] Are you optimistic about that the changes that we can make in the legislation and data protection law are enough to rebalance the power imbalances that there are?

Gianclaudio Malgieri

[34:16] There's now more recognition of a social dimension of privacy and social dimension of data protection. And also, if the problem is a power imbalance, we usually don't consider a simple solution, which is collective actions. So we can act together in a community, in groups, in more empathetic ways to join forces against power imbalances. So for [34:44] example in the GDPR there is the possibility to have data subject representatives but it doesn't say much in terms of how these data subject representatives can also exercise perhaps consent on behalf of groups. Or can exercise for example

[35:04] right to be forgotten on behalf of groups. There is a new relatively new law the Data Governance Act talking about data cooperatives and the word cooperation is there so it's also a way of group reaction to power imbalances. Data cooperatives are specific groups of associations, NGOs and so on,

[35:29] that can act on behalf of a group of data subjects, all of us, we are all data subjects, for negotiating better terms and conditions, better consent conditions. This is something we usually ignore because it's hard. It's hard to reach groups and to form groups. But this is

[35:45] something that should be now more and more there. So participatory design, participatory decision making, participatory data governance. With a colleague, Margot Kaminski, I've just published an article on the Yale Journal of Law and Technology,

[36:00] in which we try to find and to map all opportunities that the law gives us in terms of participation, groups, cooperatives. There's a lot to be done, the law doesn't do much, but we should maybe act on that part.

[36:16] It really depends on whether there are institutions that can help towards that. So we have now, and this is a problem that the law always has, so for example the law

[36:28] in general, for European digital law, is full of rules, okay? We have rules. The problem is enforcing them but also you can enforce rules in many different ways.

[36:41] So being optimistic or positive about rules depends a lot on how stable and strong are enforcement institutions to enforce those rules. But of course it's not enough and there's one

[36:53] thing for which participation is not working now. Money. We need funding for having impact assessments participated by groups. NGOs, digital rights associations don't have the resources and even the interest

[37:09] actually to be included in the impact assessment that Google does or Meta does. So we need either public money or other forms of funding to educate and make sure that these

[37:24] associations are included and their time is compensated participation requires funding this is a very important element i would say yeah interesting i'm also thinking especially

Judith Zoë

[37:37] i'm thinking about the period apps again and i think one of the challenges for users but also with dating apps and i think general digital solutions is that it's it's very difficult to

[37:48] find other people who have similar experiences as you. It would be great if somehow it was obligatory for providers of certain digital services to enable users to find each other.

[38:01] Like that horizontal connection is possible for many different reasons, but also to organize and to find shared experiences or shared problems.

Gianclaudio Malgieri

[38:11] What you're saying is extremely interesting and gives me the opportunity to add something because we our discussion so far can be categorized as techno pessimist or techno negative but i would like to

[38:26] say it's not just that and also looking at embracing vulnerabilities technologists can do a lot so for example there are a lot of studying a lot of research papers and so on showing how much marginalized groups are even more impacted in their digital health, in their digital well-being.

[38:47] And this is true. And it's not just for hate speech. It's just because many people online from more underprivileged groups spent more time on smartphones, perhaps.

[38:58] And so they are more victims of addiction. But many other studies also reveal how four groups experiencing problems, experiencing marginalization, experiencing vulnerabilities,

[39:10] social media, dating apps were really a way to flourish, were really a way to enjoy fundamental rights in a better way. LGBT plus groups might feel extremely marginalized in several contexts

[39:28] and dating apps could help to flourish sexually. I am a gay man who was raised in a Catholic provincial southern Italy and dating apps arrived a bit later in my life but were a way that

[39:42] and I also see many other brothers and sisters who are really flourishing thanks to dating apps for example because they can find people feeling the

[39:55] same feeling you know feeling similar situations. And proximity. The proximity makes us more humane and makes us feel more inclined to embrace vulnerability. Donna Haraway was saying

[40:13] that affinity of experiences and affinity of harm and affinity of sensations, experiences be a new way to go over identities. We have a society that is weaponizing

[40:27] identities a lot, while affinity and proximity maybe can be the way to go on. You and I share some affinity on something, so we're not focusing on our different identities, but we are focusing on affinity. And I think this goes back

[40:42] to the point on empathy, goes back to your points on what can we do at individual level to share vulnerability, but also to help other people in a vulnerable situation. Vulnerability is not just... is not neutral to the change of political moments.

[41:03] So it means that now all of us, we are more vulnerable than before because the political environment is changing towards more individualism, less, you know, interactions and so on, less empathy and so on.

[41:18] So just to say it's not that vulnerable people are there, but we all become a bit more vulnerable, some more layers if the political context is changing.

[41:29] And political context means also technological context, market context, digital markets, policies that digital media take or social media take. So everything is scarily connected.

Dater

[41:45] I'm 29. Maybe because I've been on the apps for like some time, like I know what feels right and feels wrong. I set boundaries myself, whether they are,

[41:59] whether I made them up myself or they're just, yeah, it's just my body, like this might not be the right situation.

Judith Zoë

[42:10] Maybe as a last point, or because of something I really liked, we talked before this episode. I remember you saying something about this that I loved and I was like, oh, very excited to speak more to this guy. That is because we are all becoming more vulnerable. I think you also

[42:27] think that that comes with a certain responsibility as a researcher about what your research can do. Like a moral ambition about not just researching as an objective researcher but also trying to think how we can translate this to actual action

[42:43] which is political I would love to hear a bit more about this yeah

Gianclaudio Malgieri

[42:47] I would maybe

[42:48] just use your question as a what is the role for researchers in this yeah so we are now organizing also working on PAR participatory action research, in the legal sector. So it's exactly that. You do

[43:03] research, not as a scientist with the black, sorry, with the white uniform, etc. But you do research looking at groups, affected groups, and you get invited by these groups, you participate in these

[43:18] groups, and at the same time you get that participation in action. So research should be action oriented. You should have some actions that you want to implement. And so this means, for example, in the legal sector,

[43:33] this might mean exactly that you don't just use people to collect their data and experiences, but you involve them in the decision making. So legal research should be more looking at that. We can do that and also this requires acknowledging our positionality. There's not the scholar, the law, the judge. There's a situated subject,
[44:02] an embedded subject. I referenced too many of my personal conditions in this podcast episode and I think this is what we should do. acknowledging positionalities, acknowledging our persons,
[44:17] and also trying to understand with empathy what we are researching, what we are doing research on, and the groups of people affected by our research. This is responsible research, right? Because if we... of course not all topics allow that, I understand,
[44:33] if you're just working on, I don't know, engineering, materials but even in that case, there's an impact. Everything has an impact and everything can look at people and their experiences to make sure that the impact
[44:47] of our research is not just harmless, but it's useful. So this is a bit the message. It's not easy. It will take a lot of efforts, a lot of criticism, a lot of frictions, because you cannot the academic world has its own conservative structures. Peer review is usually confirmation
[45:10] bias. You have a lot of these frictions in the academic world. Someone should start and people in higher positions in the academia should stand up. And they can because there are also fewer risks of having bad consequences in being more brave in some research.

Judith Zoë

[45:27] Thank you so much, Gianclaudio i really love that answer, thank you thank you

Gianclaudio Malgieri

[45:31] It
[45:31] was uh it was amazing to also have your questions uh and

Dater

[45:35] interactions. Back in the gays
[45:40] back in the day you would go to a gay club and just meet people there and the use of technology nowadays is creating you can easily just get in touch with gay people and find people that you have interest in compared to back in the day.

Judith Zoë

[46:06] So what is vulnerability? Well, we've learned that you can look at vulnerability through a layered approach. Everyone is vulnerable because we're all dependent. But how vulnerable we are and dependent on what we are exactly is contextual.
[46:20] It depends on personal, relational and structural elements. This way of looking adds another dimension to the already multi-faceted view of dating apps we ended with last episode. Here's what I'm thinking. Dating
[46:33] apps developed by companies are a medium that connects people to each other. Each individual user is in a relationship with other dating app users and also with the company behind the app.
[46:45] The power relations between dating app users and between the user and the company depends on the personal, relational, and structural elements at play. These are shaped by the fact that dating apps are also markets and
[46:58] social spaces. And the techniques used in these apps, techniques that categorize, rank, and filter people, are not neutral tools. As we saw in the story of the dating app user, different vulnerabilities
[47:11] come forward in different situations, depending on your age, whether you can express your sexual identity freely, cultural conventions around how we meet people we're interested in, and whether the design of the app
[47:24] allows you to actually see the human on the other side of the screen, to empathize. I love untangling a subject, especially the moment when it becomes both more clear and more complex.
[47:37] Next week, I'll speak to Lisa Steinfeld from the Austrian NGO Neub, as our dating app user said, someone should look into how Grindr uses personal data. Luckily Neub has done just that.
[47:50] We'll talk more about the relationship between dating app users and the companies that process their data, and we'll explore what individual and collective action can look like. Thank you so much for listening. A huge thanks to Gian Claudio. You can find more about this research project,
[48:07] ReSocial, at resocialproject.nl. And a big thanks to the dating app user who shared his personal experience. You can find more information and all the resources mentioned in the episode
[48:18] on my website, thedigitalperiod.com. You can also follow us on Instagram and PixelFad. This series is created by me, Judith Zoe. The jingle and all the musical bits are made by Kristel Scholtens and me. If you'd like
[48:34] to support this project by becoming a sponsor, check out our website, thedigitalperiod.com.