Where Civil Society and the Digital World Collide: An Interview with Dr. Lucy Bernholz

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Dr. Lucy Bernholz is the author of numerous articles and books about philanthropy, policy, and technology, including *How We Give Now: Philanthropy by the Rest of U*s, (2021, MIT Press); co-editor of *Digital Technology and Democratic Theory*, (2021, University of Chicago Press); and co-editor of *Philanthropy in Democratic Societies*, (2016, University of Chicago Press). She has produced the annual *Blueprint Series on Philanthropy and Digital Civil Society* since 2010 and still writes extensively on philanthropy, technology, information, and policy on her award-winning blog, philanthropy2173.com. This work led The Huffington Post to hail her as a "game changer." She is a frequent conference speaker and an oft-quoted media source for NPR, *The New York Times*, *The Wall Street Journal*, and *The Economic Times of India*.

She has a B.A. from Yale University, where she played field hockey and captained the lacrosse team, and an M.A. and Ph.D. from Stanford University.

Yoon: Could you please tell us a little bit about what your current positions are and what your research entails?

Bernholz: I'm Lucy Bernholz. I am the director and co-founder of the Digital Civil Society Lab, which is part of the School of Humanities and Sciences, but we're based in the law school. I come to this work from a somewhat strange footing. I'm an historian, I did my PhD at Stanford. And I've long been interested in a question that essentially boils down to "What's public? What's private? And who decides?" And as digital systems have become more and more integral in every aspect of life, that question has sort of carried into digital systems.

My research right now focuses on a number of things, but the two biggest questions I'm looking at is "How do algorithmic decision-making, data-driven news feeds, and social media platforms... actually affect our ability to assemble?" And the other work I've been doing for several years now is looking at the new kinds of organizations or associations that people are creating to manage digital data for the public good such as data trusts.

Yoon: Thank you for the introduction. Can you tell us a little bit about how the idea for the Digital Civil Society Lab came about and how it has evolved over the years?

Bernholz: Sure. So oddly enough, it was driven by the Supreme Court's decision in *Citizens United v. Federal Election Commission (FEC)* back in 2010. People paying attention to the Supreme Court will know this as the decision that led to the saying "corporations are people". What concerned me at the time was that everybody who was watching this decision in 2010 was very worried about its effect on campaign finance, and legitimately so. I was as well. I also realized right away that this was going to open up the floodgates to political money into the charitable sector, given how blurry and unspecific the line between nonprofit charitable activity and political activity is in the United States. And that, in effect, nonprofits would become money laundering machines for politics. That's what I wrote about in 2010.

Rob Reich, who was in the political science department and is someone I knew from my PhD years, saw this piece, called me up, and asked, "You're absolutely right. What are we going to do about this?"

I said, "I don't know."

So, we spent some time thinking about what we were going to do about this. Ultimately, this led us to set up the Digital Civil Society Lab. At Stanford now we have the Stanford Internet Observatory and the Program on Democracy and the Internet. But these centers didn't exist when we started. The centers on the internet that did exist at Stanford and

elsewhere were focused on the effects of digital systems on businesses or on governments. There wasn't a place that we could find where the scholarship was focused specifically on the effects of digital systems on civil society, this broad messy place where people take collective action. Back in 2011, Rob and I were talking about this very messy distinction between politics and charity as well as our understanding of how digital systems work. Well, a lot of people in 2010 were still convinced that the internet was liberatory. And that it was all good for democracy and all kinds of other things. That was starting to not add up. In our mind, it wasn't looking good. And I think, unfortunately, we had no idea how right we were way back then.

Yoon: Wow, it's incredible to hear about your foresight back then. I'm also assuming a lot has changed in the past eleven years. I know what you do requires interdisciplinary collaboration. So, I'm curious, how have you seen different people enter the lab over time? How do you get different types of people involved? What are the kinds of roles that are filled? And how do you bridge these different disciplines to synthesize cohesive outcomes?

Bernholz: Yeah, it's changed dramatically. I mean, in 2010, 2011, I think a lot of people thought Rob and I were just a bunch of grumps. They really didn't understand why we were concerned. By 2013, when Edward Snowden made his revelations about the NSA, more and more people were like, "Oh, hmm." And there were a lot of scholars who were already very concerned, particularly people in STS and in the communication field. Very concerned about the role that these technologies were playing. But the general public, the zeitgeist, and the media were still very tech utopian.

And so, it was interesting to attract students to the work. We started teaching a seminar right away where we met students. We were very willing to sort of take a risk with students who wanted to propose their own classes. We taught some early classes on digital security and use, digital hygiene practices, and other relevant issues. We would bring in the faculty from CS who could talk about such topics. And we really tried to look at this through the lens of the students who wanted to be politically active or who were involved in their communities but were aware of and concerned about general surveillance. So that was how we started building student interest and awareness the most.

Then the more we talked, the more we tried to really draw in expertise from computer science, or mechanical engineering, or encryption. To do this, I started teaching through the PIT Lab in computer science and making those relationships. So, we knew we were going to need to be interdisciplinary. We've just always tried to set ourselves up that way. The classes that we teach are listed in the Communication Department, which

has done extraordinary work on digital systems and the nature of communications and journalism. We're open to all comers.

And we try to adapt the seminar each year to highlight the expertise of our postdoctoral fellows of which we have four. The fellows are individually disciplinarily based. We have two computational social scientists, an educator, and a lawyer this year. So that allows us to bring in these different components as well.

And the thing we're really excited about right now is that we've just taken over something called the Dark Patterns Tip Line, which was built in civil society by activists concerned about dark patterns on user interfaces. And they launched it, they ran this experiment, it was very exciting. Consumer Reports, Access Now... all these big civil society groups... But it was a one-off, and it wasn't going to go anywhere.

So, they offered it to the lab. And we actually just signed the papers today, with the hope that we can use it as a teaching tool. We hope to integrate it into classes so that students can learn about dark patterns, which are actually a pretty easy to grasp way for students who don't think a lot about digital systems or don't have computational skills to get involved in thinking about the way the internet works, how it fits into their life, and what are technologically-based, society-based, or public policy-based solutions to these problems. So that's going to be very cool.

Yoon: That's exciting. So, do you have specific classes you're trying to create that revolve around dark patterns? Or is this topic going to be integrated into your current seminar?

Bernholz: We're going to integrate it into the seminar in the winter and I'm planning a new class in the spring that will be specific to dark patterns. And as far as we can tell, it's the only class in the country. We found other courses that teach about dark patterns, but nothing that just focuses on them. And since the Tip Line is really designed to let people crowdsource dark patterns, we can do this both with students and community groups and build up awareness both of what they are and how to categorize them.

But what we're most interested in doing in addition to the teaching, is looking for dark patterns in places that particularly target vulnerable communities such as in the context of payday lending and low-income individuals. Because the research on dark patterns has not looked at something like that yet. We also plan to work with regulators like the Federal Trade Commission, to put in place changes as well as think about the design changes.

And then we're also very interested in working with HAI. James Landay is involved in our work. His hunch is that dark patterns are getting reified and sort of rigidified into systems because the decisions are being made by AI, and not by human designers anymore in some cases. So that's something we're hoping to pursue as well.

Yoon: Looking forward to seeing the project unfold. Circling back to your training, how did your academic background in history prepare you for a career in digital civil society?

Bernholz: Yeah, it's not a logical leap at all. I think the best way to understand it is that it's part of this framing question. My dissertation is about private philanthropic dollars in public school systems. I was like, *Why is that even a thing? Why would we have private philanthropy and public schooling?* And I looked at these questions over time as digital systems become pervasive in our lives.

At this point, I was working with philanthropists. And I was trying to understand what is changing that really matters now that we're becoming increasingly dependent on these digital systems? What is our understanding of what it means to be able to take collective action outside of what the government tells us our obligations are or what the marketplace provides us?

And what I realized was that in our current digital economy, where 99% of what we use is commercial technologies, that are data extractive and that are surveilled by governments, there actually really isn't any place called digital civil society. It actually kind of doesn't exist. And here's where history comes in handy. Both history and political theory tell us, you need civil society for democracies to stand. There must be this third kind of space where people can take action.

And so, back then, we're still in this tech utopian kind of time. But what was becoming more and more apparent was the pressures on individuals and groups of people to be able to come together and make decisions. That space for that was increasingly consolidating and being smushed.

Yoon: Yeah, and I feel like that's ever so relevant now. In your most recent blueprint on *Philanthropy and Digital Civil Society* published last December, you describe the COVID-19 as a syndemic. How have you seen the digital civil society landscape evolve in 2021 to tackle the exacerbation of these systemic issues? Are there any lessons that have been learned or ideas developed to address these?

Bernholz: Well, that's a great question. We're in an interesting moment right now. Last week, a group of former industry employees from Facebook launched a new nonprofit called the Integrity Institute. And you're probably familiar with the Center for Humane Technology, which was founded by former Googlers. So, we're already seeing, and I think we'll see much more of this in the next 12 months, tech workers from industry who tried their best to make changes from within, who have realized that it's not working. And there are lots of other reasons people would leave those jobs. But the most generous description of this I can give is that people from industry are now like, "Okay, it's not going to

work from within, we must get outside of this and try to make changes in other ways." There's reason to be hopeful about that. And there are reasons to be skeptical about that.

In fact, black women-led groups in communities all across the country knew 25 years ago that this stuff was dangerous. That change was needed. So, it's not like this just occurred to the people who are being harmed by omnipresent surveillance. Just because it only occurred to a Google engineer, doesn't mean it hasn't been very clear for decades for others. So that's one of the things that's changing. Overarching, I think there is still within a large part of the population, a sort of an unvarnished sense that tech is good, that digital is progress, that convenience trumps all. I think that the population is shrinking but, in general, that message is still very powerful and has been marketed to us for decades.

And so, what I think is really important is that it's not just the Facebook problem. It's the ability to say, *what is it about certain technologies or certain business structures and industries and incentives that I should be cautious about, regardless of what the tech is?* So, let's not just focus on Facebook, let's ask better questions about cryptocurrencies. Let's not just focus on cryptocurrencies. Let's ask better questions about the metaverse.

Just as STS teaches people to really sort of think about the social and political contexts in which technologies and humans interact, in digital civil society what we're working toward is a set of consistent questions that should be interrogated, regardless of whatever new marketing is coming down the pike. Because there will always be new marketing hype, but a lot of these harms and challenges are consistent across technologies.

Yoon: On that note, one of my questions relates to the recent hype about the metaverse. In your opinion, what are some important questions we should ask or interrogate about the growing investments in building a metaverse or like extended reality?

Bernholz: I think the corporate interest in doing this is very clear. It provides them with ever more opportunities to extract data from users. That's the corporate interest. That's the business model. That's the stock price. That's what will keep the wheels on the bus. The business interest is data extraction, and we ought to center that. So, are there uses for augmented reality in real people's daily lives that would actually improve things for them? Yeah, probably. Certainly, there are training opportunities. Certainly, there are ways for people with disabilities to have interactions with that world outside of their own home that are very important. There are ways to do distance learning and telemedicine and things like that. Those are all helpful applications, but they're not what's driving the interest in building this thing. It's the same thing that's actually driving interest in facial recognition, or parking garage sensors: more data, this absolutely insatiable desire for more data on people. Mostly for

advertising purposes, but also to train AI systems. And I think that's what we're seeing right now.

Yoon: And I'm curious as to what you believe are the legal ramifications of this metaverse. I know that your focus is on a digital civil society, and was wondering if you collaborate with government or public institutions to enact change, especially with concerns pertaining to digital or data privacy?

Bernholz: Yeah, so I think if you want to think about sort of our chain of relationships, we tried very hard to both study civil society and participate in it. I spend about 50% of my time both doing research and running the lab and 50% of my time out in the world with nonprofits and political actors trying to understand what they're going through in real time. Because these are not theoretical challenges for people out in the real world. So, I think our best fit in this chain is to inform scholars about what the challenges are in civil society so that we can produce scholarship that's of use to civil society. In fact, much of civil society is leading the charge toward different futures, whether that's advocating for different policies and/or even developing alternative technologies. There's an enormous space within civil society of technologists who've been building on open-source software for years. You know, Jitsi, instead of Zoom or Signal as an encrypted messaging app, right?

If you think about the incentives of industry, writ large, which are profit, it's hard to imagine that industry is going to be the one to ever lead a change to a different business model that would make these technologies available to us in ways that are going to compromise their profit. It just is illogical. They might do something that might trim their profit. But they're never going to sacrifice the profit.

Government, on the other hand, has the power to regulate. In the US, we've just been not doing that. And I can go on for decades about why we haven't been doing it for decades. Although here in California, that's a little different. They have the power to regulate, but they also have the incentive to surveil. If you simplify it down to that, the only space where we will find different kinds of research, different kinds of innovation, different kinds of organizations, different kinds of incentives is in civil society. It's thus absolutely critical to really build up the capacity there to then engage with the public policymakers and with industry itself. So, we're a slight step removed from actually doing a lot of work directly with the public agencies, although members and people affiliated with the lab testify all the time by providing evidence to various regulatory bodies.

Yoon: Thank you for providing a clearer picture of civil society's important role. To conclude, you're frequently hailed as a philanthropy game changer. And in a recent article, you talked about how philanthropy is defined by money. What was interesting was how you focused a lot on

low income and working-class people. And as a university student, I was wondering if you have any advice to give to younger generations, who have either yet to or are about to enter the workforce?

Bernholz: So, you know, it's a great question. And all that comes from the book that I just published, which was informed by research done by people in the classes of 2018 and 2019 (2021). Stanford students get a lot of credit for the shape of that book and the research that we did. If you read the general media or watch TV or follow social media, philanthropy gets associated with Bill Gates. And that's about it, right? It's only the really rich people. So, the first question we had was, well, "What are the rest of us doing?" I don't have billions of dollars, but I'm very involved in my community.

So the students went out on a road trip for the summer of 2019 and talked to people all over the country. And what they heard and brought back into the conversation was that there are a lot of different things that have been presented to young people, presented to all of us, as ways to give such as crowdfunding, text messaging, and buying a certain pair of shoes versus another pair of shoes. And none of that struck them as particularly interesting. For people your age, well, of course, it's digital—everything's digital. So being able to make gifts by text message—that's not the real thing. What they were really looking for were ways to be in meaningful relationship with the people they were giving to.

I think if you look at the data that was collected in 2019, you can almost predict the rise in mutual aid networks that we've seen during the pandemic. The rise of people saying, "I am part of this community—whatever it is, whether physical, geographic, or identity-based—and my people are in need. And right this minute, I can contribute. I know that next week, I'll make something I want to be a part of." So that was very exciting. And I would love to see more people follow up on that research. We just saw it coming from around the corner.

I think the other thing for people to make note of is that each and every one of those things—crowdfunding platform, PayPal, or DonateNow—all that kind of stuff... It's a product. Somebody has created that product to facilitate the transfer of money from point A to point B. That means that somewhere in there, they're making money off it, or they're covering their costs, right. So just keep that in mind. None of this stuff is like air. There's a business model behind it.

Most often, the thing that matters about the giving has nothing to do with the thing that facilitates the transaction. Right? Who cares if you write a check or press a *donate now* button? Do you actually have the skills or networks or money or time or talent to give and get some feeling of meaning—some participatory meaning from being engaged in that thing? That is what the young people we talked to were interested in.

The other thing that's important in all of that goes back to the very reason we founded the lab. If you look at philanthropy and charitable

giving the way the government looks at it through the lens of the legal structures, the tax code is very important. It's very important to nonprofits. It's very important to people at the IRS. But it means almost nothing to people like you. People of your age demographic—even people of my age demographic—who aren't making big gifts don't choose between politics and charity based on the tax deduction. I don't choose anything based on the tax deduction. The tax deduction doesn't really matter to me. So, if I want to see less homelessness in San Francisco, I am making choices and supporting certain political strategies based on my sense of what's going to work—*not* the tax code.

Here you've got this industry that is just obsessed with this one policy lever. But the rest of us—literally 92% of us who don't claim tax deductions on our tax forms—couldn't care less. So, I think that whole model really needs to change to be relevant. And I can think of ten public policy changes that would make it easier for most people to be involved in their communities that are more important than changing the tax code. Easily accessible and affordable broadband and childcare. We have such an opportunity to reimagine who's a philanthropist. What that means and how we do it.

Yoon: Thank you for your insights on philanthropy. Before we conclude, do you have any final remarks?

Bernholz: Yeah, I just want to say since it's the STS journal that our whole way of thinking is very shaped by scholars in STS. And we also see ourselves very much as being open to people from any discipline on campus. Anybody who wants to understand our ability to work not just as individuals, but as groups—that's what we're really after here. We're really trying to understand collective action. How a couple people plus get together and make something different today. So, I hope that people will see themselves as having a connection to the lab, no matter if they're sitting in the medical school or in linguistics. We're open to everybody.

References
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