



## Protecting the Right to Be Left Alone from the Eyes of the Yik Yak “Herd”

This past year witnessed the explosive rise of the social media app Yik Yak which became a top ten most-downloaded app, especially popular amongst college students. Yik Yak allows short posts in the style of Twitter, however, users are all completely anonymized and limited to communicating with one another within a several mile radius of other users of the app. The app has quickly become buzzed about in the media and often criticized for enabling hate-speech as well as cyber-bullying. While these criticisms address very troubling concerns, what also needs to be discussed is the peer-to-peer (p2p) surveillance enabled by the app, and the stultifying effects being under such surveillance can engender.

For a college student today a trip to the library, for example, now involves entering a space where whatever one is doing may be described (likely disparagingly) by one “yak” and broadcast to the “herd” in the area. People going about their lives inside the corridors of the now roughly 1,500 Yik Yak equipped college campuses are therefore potentially subject to constant real-time monitoring by a large percentage, if not already the majority, of their peers using the app. Furthermore, Yik Yak is only one example of this current trend towards p2p surveillance. Viral websites such as PassengerShaming.com and PeopleOfWalmart.com exist solely for posting anonymously uploaded photos expressly designed to shame and humiliate people for asocial or unpopular behaviors or appearances. Once footage is uploaded to the net it becomes the subject of unbridled judgement and comment, and is potentially permanent and searchable thus allowing anyone to see the footage indefinitely. Combining these trends with the predicted rise of wearable computer technology equipped with covertly embedded cameras, one can easily imagine a future where being out in public means potentially becoming the forced-upon star of a degrading “reality TV” show.

According to J.S. Mill in chapter three of “On Liberty”, the negative effects of coercive public opinion can be akin to tyranny, crushing individuality and any non-conformist pursuit of happiness, and stifling the social progress of mankind generally. Under the increasingly omniscient eye of the ever more unrestrained “herd” one may begin to experience peer pressure towards conformity in one’s behavior, lifestyle, appearance, and attitudes with arguably unprecedented intensity. The effects of p2p surveillance should therefore be considered a harm potentially worthy of intervention. However, our current political and legal landscape makes it very difficult to protect the individual in this emerging technological surveillance environment. Our working concepts of privacy and its legal protections often appear incapable of fully addressing this sort of voyeuristic surveillance taking place in public spaces, and any move to block an app like Yik Yak would have serious free speech implications. But as these anonymous social media apps and covert recording technologies develop and explode in popularity it is imperative now more than ever that we figure out a way to protect an individual’s right to be left alone before the idea of “being alone” itself becomes an anachronism.