# ANALYSIS OF A FACEBOOK FREAKOUT: RHETORIC OF AGENCY IN THE PLACES PRIVACY DEBATE

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Rhetoric of Agency in the Places Privacy Debate
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#### **ABSTRACT**

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New technologies often generate fear regarding privacy threats, and social networking sites like Facebook have lately experienced the brunt of the criticism. Facebook users, even as they post greater amounts of information online, express concern over privacy violations. This paradox suggests that the issue is more complex than the private/public dichotomy and that the rhetoric used during these protests could yield insights regarding the competing worldviews expressed in a privacy debate. My paper examines discourse by the ACLU and Facebook at the time the controversial Facebook Places application came out. I use cluster criticism to show how the two rhetors position themselves, each other, Facebook users, and users' friends in terms of the degree of control each agent is portrayed as having. My findings suggest that appealing to users' agency will be a key persuasive strategy as concerns over social networking privacy violations increase, and I comment on how sentence structure in corporate discourse can be used to enhance or detract from users' sense of agency when using social networking sites.

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#### INTRODUCTION

"The trend towards greater transparency is inevitable." ~Mark Zuckerberg (as cited in Kirkpatrick, 2010, p. 323)

"We are putting more information than ever online and into the hands of companies like Facebook. These 'free' services may end up costing a very hefty price: control of our personal information." ~The ACLU ("Key Issues: Internet Privacy," 2010)

Technology's impact on privacy has been a controversial and important topic in public conversation. Over a hundred years ago, Warren and Brandeis, whose article is considered foundational to the legal concept of privacy, claimed that instant photography would "threaten to make good the prediction that 'what is whispered in the closet shall be proclaimed from the housetops'" (as cited in Rosen, 2000, p. 7). In the 1980s, growth in computer use led to growth in concerns over threats to privacy (Gurak, 1997), and today, scholars in fields such as law, communication, and computer science are puzzling over how the technology of social networking is redefining and, especially, threatening privacy.

Some writers echo Warren and Brandeis in their beliefs that new technology will severely harm privacy. For example, Melber (2007), columnist for *The Nation*, claims that "social networking sites are rupturing the traditional conception of privacy and priming a new generation for complacency in a surveillance society" (para. 2). Meanwhile, users of social networking sites, especially Facebook, seem to willingly offer up their privacy for the sake of connection; as of March 2011, Facebook users were posting 30 billion pieces of content monthly (Facebook, 2011). Not surprisingly, Facebook executives seem happy to help perpetuate this trend. According to Facebook C.E.O. Mark Zuckerberg, "People have gotten comfortable not only sharing more information and different kinds, but more openly and with more

people. That social norm is just something that has evolved over time" (as cited in boyd and Hargittai, 2010, para. 1).

The pursuit of what it calls greater transparency has led Facebook to make several changes to the site to foster more sharing. Adding features such as the Platform, News Feed, and now the Places application may have helped Facebook support its mission "to give people the power to share and make the world more open and connected" (Facebook, 2010a). However, this pursuit has also resulted in multiple Facebook "freakouts," a term I use, redolent of a technology panic, to define the outcry by media, watchdog groups, users, etc., in response to perceived privacy threats. These "freakouts" create a need for the company to defend itself against its ever-worsening reputation. These charged and varied public debates offer rhetorical scholars an opportunity to examine the rhetoric that flies between social networking sites and concerned users, journalists, or advocacy groups.

Privacy, whether connected to technology or not, is an important rhetorical construct to study because it is rarely precisely defined and yet is commonly invoked in arguments as what some might consider a "god term," Kenneth Burke's (1950) description of a term that stands for the ultimate or ideal (p. 276). According to Benn, "the word 'privacy' has proven to be a powerful rhetorical battle cry in a plethora of unrelated contexts...Like the emotive word 'freedom,' 'privacy' means so many different things to so many different people that it has lost any precise legal connotation that it might once have had" (as cited in Solove, 2008). Similarly, BeVier comments on the lack of clarity in the "chameleon-like" term, saying it has been used "to designate a wide range of wildly disparate interests—from confidentiality

of personal information to reproductive autonomy [and] to generate goodwill on behalf of whatever interest is being asserted in its name" (as cited in Solove, 2008). The inconsistency and confusion surrounding the denotation of privacy, combined with the emotional connotations of the term, mean that rhetorical scholars should pay greater attention to how rhetors use the term persuasively, especially as technologies like social networking evolve and create increased opportunities for privacy violations.

Interestingly, it seems that scholars in rhetoric and composition have not taken full advantage of this opportunity to analyze the rhetoric of social networking privacy debates. Instead, most articles about social networking and privacy come out of the communication, computer science, or legal fields, and deal with topics such as how users' actual sharing behavior online compares to their reported privacy preferences or offer legal perspectives on how the design of a website encourages sharing.

Among those researching user practices regarding privacy settings (e.g., the ability to set a profile to appear to "everyone," or just selected individuals or networks), Gross and Acquisti (2005), in a paper for the *Workshop on Privacy in the Electronic Society*, concluded, "it would appear that the population of Facebook users [college students at the university] we have studied is, by and large, quite oblivious, unconcerned, or just pragmatic about their personal privacy" (p. 78). A year later, in an article for the online journal *First Monday*, Barnes (2006) drew similar conclusions about teenagers' seemingly flippant self-disclosure online, attributing the trend to teens' ignorance of "the public nature of the Internet" (A

Privacy Paradox section, para. 13). Listing risks ranging from sexual predators to identity theft, these authors highlight the importance of engaging in the privacy discussion. However, findings from more recent studies on users' privacy settings, such as the Pew Internet and American Life Project, "contradict prevalent assumptions about youth apathy regarding privacy matters" (as cited in boyd & Hargittai, 2010, para. 4). That study found that 71% of the 18-29 year old population surveyed reported that they had adjusted their privacy settings (boyd & Hargittai, 2010).

Moreover, boyd and Hargittai (2010), who focused on user privacy settings over time, found that users took greater advantage of privacy settings from 2009-2010, which they call "a year in which Facebook's approach to privacy settings was hotly contested" (para. 1). Although they acknowledge that they lack the data to explain this increased attention to privacy by users, they hypothesize that the media discussions surrounding Facebook's privacy approach may have had an influence. They highlight news reactions such as the Federal Trade Commission's investigation, the Electronic Privacy Information Frontier's call for a Bill of Privacy Rights, and the informal establishment of May 31 as "Quit Facebook Day." The fact that the media's negative portrayal of Facebook may have impacted users' actions reminds us of the importance of rhetoric in persuading users to prioritize either transparency or privacy.

Other writers have focused on Facebook's role in influencing users to offer up more information. For example, Hull, Lipford, and Latulipe (2010), in an article for *Ethics of Information Technology*, argue that the reaction over the News Feed was

a result of the site's design. They draw on Helen Nissenbaum's theory of contextual integrity, which is based on the idea that "there are no areas of life not governed by context-specific norms of information flow" (p. 2). Simply put, users came to expect that Facebook would operate in a certain way, i.e., that information they posted would be available to anyone on their friends list, but that only friends interested enough would go to the trouble to access it, which gave users at least some degree of security through obscurity. The News Feed violated norms of distribution, making that information readily available to anyone, boyd (2008), calling the News Feed a "privacy trainwreck," also draws on Nissenbaum's theory, explaining that "participants had to shift their default expectation that each action would most likely be unnoticed to an expectation that every move would be announced" (p. 15), but that they quickly adjusted to the new privacy norms. This suggests that users are more accepting of increased sharing as long as they feel familiar with the site's design and thus in control of how their information is published.

Gelman (2009), a legal scholar, also writes about how the sites' design features encourage sharing, such as the "blurry edges" of social networks: "places where [users] post information generally intended for a small network of friends and family, but which is left available to the whole world to access" (p. 1315). She also explains how the fact that "privacy law most often bends in the interest of promoting free speech" (p. 1318) complicates efforts to protect privacy in online settings. She proposes that users be offered greater control over the audiences to whom they broadcast information and that a tool be implemented to allow users to express their privacy intentions regarding any posted content. This tool, based on

the Creative Commons model, would allow courts to take into account the users' expressed preferences when determining whether a violation of privacy has occurred.

In contrast, some legal scholars such as James Grimmelmann (2009) take the stance that more controllable privacy settings are not the solution and that we should not blame Facebook for users' privacy problems. He argues that we should instead evaluate users' motives in using Facebook and the reasons why they underestimate the privacy risks. He points out the important fact that privacy and the purpose of social networking are at odds: "Identity, relationship, and community [have] always been central to the human experience, and it always will be...these social urges can't be satisfied under conditions of complete secrecy" (p. 1159).

He further explains that offering more granular privacy settings is not going to limit oversharing because those settings fail to capture the social dynamics of sharing on Facebook: it is difficult "to translate ambiguous and contested user norms of information-sharing into hard-edged software rules. As soon as the technical controls get in the way of socializing, users disable and misuse them" (p. 1140). He also explains why a stricter privacy policy is not the answer: "Between the lawyerly caution, the weasel words, the commingling of many standard terms with the occasional surprising one, the legally mandated warnings and disclaimers, and the legalese, most privacy policies have a painfully low signal-to-noise ratio" (p. 1182). Whether due to apathy or ignorance, few users read the privacy policy anyway; if they did, they would recognize that Facebook does not protect their privacy.

Analysts in other fields such as computer science and communication (including technical communication) have also found that privacy policies in general do little to protect users' information. Jensen and Potts (2003), of the College of Computing at the Georgia Institute of Technology, concluded that privacy policies do not effectively protect users' privacy and are instead a way to protect the company from legal ramifications. Furthermore, based on their readability analysis of the policies, they found that nearly half of American Internet users lacked the ability to comprehend the "difficult language" in the "long and confusing policies," and that this strategy serves to "trick and confuse the user" (p. 5).

Similarly, Fernback and Papacharissi (2007), in their article for *New Media & Society*, use discourse analysis to examine four corporate privacy statements. They found that privacy policies serve a dual purpose: to reassure users who may be concerned about their privacy and to protect the company itself from a legal standpoint. Therefore, these policies often use the rhetoric of protection and empowerment, but ultimately deflect discussion of privacy risks in favor of highlighting the benefits of disclosure of personal information.

Finally, from the technical communication field, Markel (2005) rhetorically critiques three online companies' privacy policies based on their adherence to the Federal Trade Commission's privacy guidelines and concludes that privacy policies "deprive visitors of their basic rights by exploiting their personal information and that privacy-policy statements employ numerous rhetorical sleights of hand to prevent readers from understanding what happens to their personal information" (p. 197). It is clear that the genre of the privacy policy has received attention in the

field of rhetoric, and scholars have concluded that the primary purpose of the genre is to protect corporations legally. However, thorough scholarly discussion of other online corporate discourse (blog posts, press releases, etc.) about privacy, which is likely to be more widely read than privacy policies, is still limited.

Other than rhetorical analysis of privacy policies, rhetoric and composition scholars have focused on privacy and technology, but not on privacy conflicts in the context of social networking sites. For example, there have been discussions of the rhetorical construction of copyright and intellectual property law (e.g., Logie, 2006; Herrington, 2001), and Gurak's 1997 book *Persuasion and Privacy in Cyberspace* analyzes the rhetorical reaction of online communities to the Lotus company's plans to sell a database of personal information and the government's plans to implement the Clipper Chip encryption device. She explains how online communities used ethos and delivery to their advantage and how those rhetorical features took on unique meanings in an online rather than face-to-face context.

Gurak (1997) explains that online, "exigencies form in two stages and move through these stages quickly. First, a general concern exists in the public mind. This concern then comes into focus through what in classical rhetoric is the kairotic, or opportune, introduction of a representative product, concept, or other tangible symbol" (p. 45). While in Gurak's analysis that kairotic moment was the introduction of the Lotus database and the Clipper Chip, in my analysis, it is the introduction of the Facebook Places application. Introduced in the context of public discomfort with social networking sites' treatment of personal data in general and Facebook's negative privacy reputation in particular, the Places application

provided the spark for another protest. Further, my study focuses on the back-and-forth rhetoric of two organizations rather than the rhetoric of the online community participating in the debate as Gurak's study does. Using cluster criticism (a method based on the writings of rhetorician Kenneth Burke), this analysis will examine how Facebook and the American Civil Liberties Union (ACLU), a prominent pro-privacy voice in the media, position themselves and other agents in the debate over Places' threats to privacy.

#### BACKGROUND

To provide context for the analysis, this paper will first overview the background of the discourse, including Facebook's and the ACLU's history with privacy and with each other, as well as what the Places application is and how users and the media reacted to it.

#### **Facebook's Privacy Reputation**

Facebook was started in 2004 by Mark Zuckerberg, a Harvard computer science student, as a means of connecting students at the university. The site quickly spread to more colleges, boyd and Hargittai (2010) explain that at first, Facebook's design was network-centric, meaning that all students within the same college network could access each other's information. The design is no longer network-based. They continue, "At each point when Facebook introduced new options for sharing content, the default was to share broadly" (Facebook's History with Privacy section, para. 1). Facebook is now accessible to anyone with Internet access.

Kirkpatrick (2010) says that Facebook has raised concerns since the start, since users "often have not felt that [their privacy] was sufficiently protected, and have periodically revolted in order to say so" (p. 13). While the release of Beacon, social ads, public search, and the ability of application developers to access all of a users' information have garnered much criticism for Facebook in the realm of privacy (Hull, Lipford, & Latulipe, 2010), the most prominent example of a Facebook privacy revolt pertains to the 2006 release of the News Feed, a feature which aggregates users' friends' updates and actions on the home page. Users created

groups to protest the News Feed and, at one point, 10% of all of the sites' users were protesting in some form (Kirkpatrick, 2010). Zuckerberg apologized in a blog post shortly thereafter and explained that more privacy features were being added, but the News Feed remained. Grimmelmann (2009) states that this pattern ("launch a problematic feature, offer a ham-handed response to initial complaints, and ultimately make a partial retreat" [p. 1184]) has hurt the company's reputation. Fletcher (2010), too, notes that Facebook's approach to "press users to share more, then let up if too many of them complain" (p. 33), is a primary reason Facebook has come under such scrutiny in terms of privacy.

### The ACLU and Privacy

Started in 1920, the American Civil Liberties Union, now with a staff of 200 attorneys (ACLU, 2010a), has been an influential voice in our country's privacy debates. The "About the ACLU" page on its website praises the organization as "our nation's guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee everyone in this country" (para. 1). Among the four rights it claims to defend is privacy, which the ACLU defines as "freedom from unwarranted government intrusion into your personal and private affairs." The ACLU has participated in several key privacy debates. According to its "History" page (2010), it has committed itself to supporting abortion (e.g., Roe v. Wade), limiting the government's ability to spy on its citizens under the guise of national security (e.g., the PATRIOT Act), and working to extend privacy rights to lesbians

and gay men (e.g., *Bowers v. Hardwick*). The ACLU has also taken on information privacy rights, which it claims will become increasingly "in peril" in our impending "surveillance society." Its mission in this regard is to "guarantee that individuals, not governments or corporations, determine how and when others gain access to their personal information" (ACLU, 2010d). It would seem that the ACLU defines privacy in general as freedom from government intrusion, but that when it comes to information, its main efforts are to protect users' control over others' access to their information.

The ACLU has confronted Facebook in a number of privacy-related incidents, such as how Facebook has set the default to full disclosure. The ACLU states that "protecting personal information can be a herculean task when privacy policies are longer than the U.S. Constitution and users must click through dozens of privacy buttons to opt out of disclosure" (ACLU, 2010e), indicating that the critiques have centered on the complexity of the privacy settings and the lack of control built into the site.

The day Facebook Places was released (August 18, 2010), the ACLU published a blog post titled "Facebook Places: Check this out before you check in" by Nicole Ozer, the Technology and Civil Liberties Policy Director at the ACLU of Northern California. On August 19, Barry Schnitt, Facebook's Director of Policy Communications, released an open letter responding to the post (Carr, 2010). The ACLU of Northern California posted another update affirming its initial stance (Ozer, ACLU-NC response to Facebook: Today's check-in, 2010). In addition, the ACLU created a resource page (ACLU, 2010b) with more detailed information about

Facebook Places' privacy threats and step-by-step guidelines detailing how users could adjust their settings to protect themselves.

### The Facebook Places Application

According to the Places homepage (Facebook, 2010b), the application allows you to use your mobile phone to "Easily share where you are, what you're doing and the friends you're with" and states that you will "Never miss another chance to connect when you happen to be at the same place at the same time." You can check in, or indicate your presence, at a location's page, tag other users who are with you, and when you click "Here Now," you can see which other friends are at the same location.

Shortly after Places came out, some users responded by posting status updates that were essentially variations on the following:

Facebook launched Facebook Places yesterday. Anyone can find out where you are when you are logged in. It gives the actual address & map location of where you are as you use Facebook. Make sure your kids know. TO UNDO: go to "Account", "Account Settings", ... "Notifications", then scroll down to "Places" and uncheck the 2 boxes. Make sure to SAVE changes and re-post this! Please do this and see that your kids do!!!!!

Facebook quickly posted an announcement (shown in Figure 1) to the front of its privacy settings page with the heading, "Get the Facts about Places." The brief message identified the content of the updates as a "false rumor" and directed users

to read further details about Places. Bloggers and journalists also picked up on users' reactions. Some supported Facebook in calling the chain message a rumor, such as *New York Times* blogger Boutin (2010), who claimed that "the still-spreading message completely misstates how Facebook Places works" and that its "instructions on how to protect yourself are wrong."



Figure 1. "Get the Facts" Announcement. Image from Facebook (2010). Choose your privacy settings. Retrieved August 30, 2010 from Facebook Privacy Settings Page, https://www.facebook.com/settings/?tab=privacy

On the other hand, some online writers recognized Places as a unique type of privacy threat, complaining that it violated what some have termed "locational privacy." Eckersley & Blumberg (2009) of the Electronic Frontier Foundation define locational privacy as "the ability of an individual to move in public space with the expectation that under normal circumstances their location will not be systematically and secretly recorded for later use" ("What is 'Locational Privacy'?" section, para. 1).

Groeneveld, Borsboom, and van Amstel (2010) of the Center for Democracy and Technology commented on the newness of this type of privacy concern in February 2010: "the issue with location-based information is that it exposes another layer of personal information that, frankly, we haven't had to think much about: our exact physical location at anytime, anywhere" (para. 3). In their article, they remind

users to consider the potential risks of exposing their physical location. Benderoff (2010), a writer for a blog that reviews mobile phone applications, echoes the opinion that users are unaware or uneducated about the risks, stating that these tools contain risks that users may not be able to predict and pointing out that the danger is not just in people knowing where you are, but also in knowing where you are not, which can be an invitation to robbery.

While locational privacy had not previously raised concerns within the context of Facebook, the concept is not new. Rule (2007) identified the importance of locational privacy, predicting that citizens' locational privacy will be increasingly compromised because the ability to track all citizens' personal movements would be considered greatly beneficial in law enforcement's efforts to limit crime. He lists the technologies already in effect that could support such a surveillance system: "movements across international boundaries, use of ATM machines and toll roads and bridges, and countless credit card, debit card, and shopping card transactions already afford tracking of the great majority of Americans" (p. 196). Locational privacy, while initially connected to citizens' fears of the coming of a surveillance society, has now extended to the safety concerns of those who use social networking sites.

Facebook Places' threat to the relatively novel notion of locational privacy within a social networking site helps explain what provoked the outcry and helps provide context for rhetorical analysis of one segment of the debate: discourse between the ACLU and Facebook.

#### **METHODS**

Rhetorical criticism, particularly cluster criticism, is an important tool for revealing the worldview of an author through a close analysis of key terms in an artifact and the context in which those terms occur or, as Burke (1973) puts it, "what goes with what...what kinds of acts and images and personalities and situations go with his notions of heroism, villainy, consolation, despair, etc." (p. 20). Burke (1937) originally introduced this method in *Attitudes Towards History*, but other scholars such as Sonja Foss have adapted it in various ways. Goldrick-Jones (2004) notes that cluster criticism is appropriate for scholars who hope to "discern the nature of power relationships among groups" (para. 13), which makes cluster criticism a relevant choice for this analysis of agency.

Goldrick-Jones (2004) summarizes the basic steps and the purpose of cluster criticism: "By seeking out major themes and patterns, charting their occurrences within particular contexts, and noting their interrelationships with associated or even opposing themes, a critic can theoretically gain insight into a rhetor's motives" (para. 12). A rhetor's motives may include "a group's desire to create discourses with the power to shape larger public attitudes or, as William Benoit suggests, to justify publicly the actions a group has already taken" (Goldrick-Jones, 1996).

This approach is therefore especially applicable to an analysis of Facebook.

Having faced much public scrutiny over privacy violations, it must quell those concerns by rhetorically justifying the site's weaknesses that led to the violations or shaping the public's views of transparency and privacy in order to diminish users' fears of sharing information. The ACLU, in order to support its mission of defending

American citizens' rights to information privacy, also has an important stake in either persuading Facebook to adjust its privacy settings or persuading users to limit their self-disclosure on the site.

A review of several examples of cluster analyses indicates that the method is relatively flexible, having been applied to artifacts as diverse as presidential speeches (Klope, 1986), media characterizations of crisis leadership during Hurricane Katrina (Littlefield & Quenette, 2007), and visual art (Reid, 1990). Furthermore, while the first step in all cluster analyses is to identify key terms, the methods for choosing key terms, determining associated terms, and categorizing those terms differ, based on the artifacts and the purpose of the analysis.

For example, Foss (1984) identified key terms like "church" on the basis of frequency and intensity, while Klope (1986) identified not just key terms, but also key concepts like "selfless patronage," which was never explicitly used in the text but was nonetheless a central theme. Goldrick-Jones (2004) chose the visual symbols of the Canadian White Ribbon Campaign as key themes in order to "provide insights into attitudes about who (if anyone) controls the power to speak, and in what manner" (para. 13) about violence against women. Analysts have also categorized clusters in unique ways: Klope (1984) sorted clusters into a hierarchy of "motives," "goals," and "accomplishment," Hamlet (2000) sorted clusters into "god" and "devil" terms and, similarly, Foss (1984) identified a "system of polarities" that revealed what the church regarded as positive and negative (p. 6).

The method is also flexible in that some analysts have combined it with other theoretical frameworks: Hamlet (2000) used cluster criticism to identify themes in

Susan L. Taylor's writing, which were then analyzed using womanist epistemology in order to show how Taylor used rhetoric to "[transform] African American women's race, gender and class consciousness" (p. 422); Foss (1984) applied Burke's agon analysis to interpret the clusters she found in the Episcopal Church's argument against allowing women to be priests, with the purpose of "[understanding] the conflict from the establishment's perspective and the functions of the discourse for it" (p. 3). For this analysis, cluster criticism will provide a loose framework within which to examine the concept of agency (to be described in the "Key Terms" section).

#### **Artifacts**

While cluster analyses have traditionally been applied to a single document (such as a presidential speech) or a set of documents (such as Foss' analysis of "samples of discourse" from the Episcopal Church) by an individual or corporate rhetor, my analysis compares discourse by two competing rhetors. The artifacts used for this study consist of discourse between the ACLU and Facebook at the time the Facebook Places application was released:

- the ACLU's blog post critiquing Places;
- Facebook's "open letter" response to the ACLU; and
- the ACLU's second blog post, responding to Facebook's letter.

Since I am interested primarily in how Facebook defends its positions and not in how it advertised Places, I will limit my analysis to its response to the ACLU's complaints (which I will refer to as the "Facebook discourse"). I have also decided to

combine the two ACLU blog posts and treat them as one document (which I will refer to as the "ACLU discourse") due to the short length of the initial blog post and the fact that the second blog post seems to be an expansion on the arguments made in the first post.

In future studies it would be beneficial to also examine users' rhetoric surrounding the Places debate and compare it against the Facebook and ACLU discourse; however, for the purposes of this study, the Facebook and ACLU discourse seemed to balance each other appropriately in that both were relatively widely published and were written from a corporate or organizational (rather than individual) perspective. Furthermore, this set of artifacts crystallizes two common positions taken in a privacy debate: one supporting privacy, and one supporting transparency.

# **Textual Analysis Tools**

I will take advantage of the methodological flexibility of cluster criticism by analyzing artifacts with the help of data visualization tools that have not been used in traditional cluster analyses. According to Butler (2008), "Rhetorical criticism has been practiced for decades using only pen and paper and requiring researchers to manually count words and phrases" (para. 8). He claims that online data visualization tools such as tag clouds, which help show patterns in texts, have been most often applied to "bring to life the dynamics of social networks" (para. 2), but that researchers might extend this application of these tools to "[explore] rhetorical

strategies in a speaker's text" (para. 4). The site I will use for data visualizations is Many Eyes, a program created by IBM. <sup>1</sup>

In the word cloud visualization (one of Many Eyes' tools), the size of the term reflects the frequency with which it occurs. This is well-suited to cluster criticism because with this method, key terms may be determined on the basis of their frequency, as in Foss's (1984) analysis. However, scholars should be aware that the word cloud is merely a visualization and, while useful for gaining an initial impression of word frequencies and potential key terms in the beginning stages of analysis, it should be used as a supplement to numerical comparisons of word counts if the scholar is using frequency as the sole basis for selecting key terms.

The primary feature I will take advantage of is the word tree, a textual analysis tool that will help me see key terms in context. This tool is particularly ideal for cluster analyses, since it lists the words following a particular key term, and cluster analysis concerns itself with words that occur in close proximity to the key terms, forming what Burke (1973) would call "associational clusters" (p. 20). Also, the tree sorts the words in order of frequency, allowing analysts to see if certain verbs or adverbs commonly follow or precede a key term.

Although the word tree will be useful for these purposes, the tool is still limited. For example, it cannot be set to ignore common English terms, which means not all of the results it displays will be substantive or relevant. Also, the word tree cannot display results for more than one term at a time (e.g., both "ACLU" and "The

<sup>&</sup>lt;sup>1</sup> Many Eyes allows users to upload data sets and generate visualizations of the data (charts, diagrams, graphs, etc.). The site also requires that all saved data sets and visualizations be posted publicly so others can comment on and rate them, advocating a pro-transparency stance.

American Civil Liberties Union"), so I adjusted the text so that the tree would display correctly.

Finally, though it sorts the instances alphabetically or by frequency or order of occurrence, the data cannot be sorted in other ways that could make the visualization more meaningful for rhetorical analysis. Due to the imprecision of this tool, it should not be used as the basis of analysis, but rather as a supplement to analysis. Rhetorical scholars interested in using this tool should use it in conjunction with close analysis of the text, at least until more sophisticated settings are developed.

#### **Key Terms**

The ACLU discourse word cloud (Figure 2) reveals that the most common terms are "you" (with 66 instances, making up 4.9% of all terms), "Facebook" (1.9%), "Places" (1.7%), and "friends" (1.6%).



Figure 2. ACLU Discourse Word Cloud. Generated by IBM Many Eyes (2010).

Retrieved from www-958.ibm.com

Figure 3, the Facebook discourse word cloud, shows that the most frequent terms are "you," (with 28 instances, making up 5.9% of all terms), "friends" (1.9%), "location" (1.7%), and "Facebook" (1.7%).

Other terms used relatively frequently in both sets of discourse are "ACLU" (making up 1.0% of all terms in the ACLU discourse and 0.8% of terms in the Facebook discourse), "privacy" (1.4% versus 0.8%, respectively), and "control" (0.4% versus 0.6%, respectively). Although not necessarily statistically significant, the fact that the ACLU emphasizes privacy more than Facebook is no surprise, considering its pro-privacy stance.



Figure 3. Facebook Discourse Word Cloud. Generated by IBM Many Eyes (2010).

Retrieved from www-958.ibm.com

It is notable, also, that the writers use the term "control" differently. The ACLU uses the word "control" as a noun (in the context of describing how users lack it), while Facebook uses the word "control" as synonym for what the ACLU would call "privacy settings," "privacy safeguards," or "privacy protections." These word

choices and their frequencies already hint at the ACLU's motive to draw attention to the possibility of users' privacy being harmed and Facebook's contrasting motive of drawing attention to the control that users have. However, my analysis will not focus on those terms.

In both sets of discourse, the terms "you," "Facebook," and "friends" occurred in the top four most frequent words, indicating the importance of the roles of the various parties in the debate. This led me to consider the degree of agency that the competing rhetors ascribe to these players. In my analysis, then, I will focus my attention on what I will call the "key agents"<sup>2</sup>: Facebook, the ACLU, users, and users' friends. As in some of the model cluster analyses described above, I will use cluster criticism as framework through which to examine a different theoretical construct, agency.

Within rhetoric and composition, much productive scholarship has been done on agency in recent years (Herndl & Licona, 2007; Miller, 2007; Cooper, 2011). Herndl & Licona (2007) say that agency is "the conjunction of a set of social and subjective relations that constitute the possibility of action" and that "the rhetorical performance that enacts agency is a form of kairos, i.e., social subjects realizing the possibilities for action presented by the conjuncture of a network of social relations" (p. 135).

<sup>&</sup>lt;sup>2</sup> I searched for not just instances of the term "Facebook," "ACLU," etc., but also pronouns or other nouns that stood for the agent (e.g., "it," "them," "team," "we"). I also only considered instances in which each term was used as a noun rather than a modifier. Consequently, I adjusted the text so that the word frequencies and word clouds and trees would reflect these limitations.

This notion of agency as the opportunity or possibility for action connects with a definition from a linguistic perspective: Ahearn (2001) defines agency as "the socioculturally mediated capacity to act" (p. 112), and, drawing on Karp's work, defines agent an as "a person engaged in the exercise of power in the sense of the ability to bring about effects" (p. 137). According to Ahearn (2001), "linguistic interactions can provide important clues" for those interested in agency (p. 31). For that reason, I incorporate a linguistic component into my method by paying particular attention to the syntactic and grammatical structures in the discourse as well as the verbs and verb phrases that cluster around the key agents. This helps me get a sense of the actions or inactions the parties attribute to themselves and each other and therefore how each writer uses the rhetoric of agency.

#### **ANALYSIS**

An initial glance at the two artifacts hints at their underlying differences. The first ACLU post is 424 words long, Facebook's response is 494 words long, and the ACLU's second post is 969 words long. The ACLU's lengthy, thorough, and more technical response indicates a legal perspective in keeping with role of most of the ACLU's staff (attorneys), while the simple, sparse language and direct tone of the Facebook writing reflects the more fast-paced, technology-oriented attitude associated with younger generations. A comparison of Figures 4 and 5 offers an impression of the basic differences in the length and style of the artifacts. Furthermore, while the audience directly addressed in both sets of discourse is Facebook users ("you"), they both serve as secondary audiences for each other, although they refer to each other impersonally in the third person. Finally, while the blog posts by both parties are presumably single-authored (the ACLU's by Nicole Ozer and Facebook's by Barry Schnitt), I will refer to the authors as "Facebook" and the "ACLU" because the writers serve as representatives of the organizations.

#### **Key Agent: Facebook**

The verbs clustering around "Facebook" in the ACLU discourse (which can be seen in Figure 4) can be categorized into positive actions, negative actions, and actions that should be taken.

In six of 22 instances, the word "Facebook" is followed by positive actions indicating the ACLU's first rhetorical move of positioning itself as a fair opponent, willing to consider Facebook's strengths, and thus setting itself up as a credible

voice in the debate. The ACLU acknowledges that Facebook has positively "worked hard to build" privacy settings and has "made changes" or "taken steps" to improve and protect privacy.

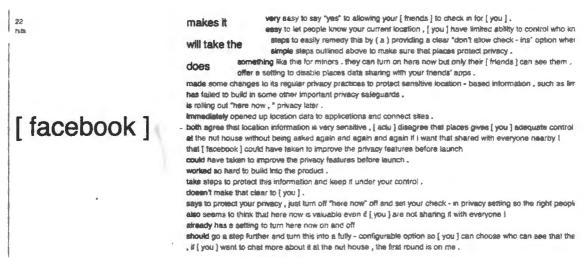


Figure 4. ACLU Discourse Word Tree – "Facebook." Generated by IBM Many Eyes (2010). Retrieved from www-958.ibm.com

However, there are nearly twice as many references to Facebook's negative actions or lack of action. This suggests the ACLU's second rhetorical move: to portray Facebook in a negative light. The ACLU's word choices such as "failed," "could have taken steps," and "does not make clear" highlight Facebook's lack of action. The ACLU even uses the term "says" in the context of Facebook's claims not matching reality ("Facebook says... However..."). The overall image that the ACLU seems to be painting of Facebook is that Facebook is careless ("does not make clear"), incompetent ("failed"), and even dishonest ("says"). The third step the ACLU takes is to point out that Facebook, despite its weaknesses, can still take action. In three cases, the ACLU uses verbs in the future tense (e.g., "will take the steps") to express what it hopes Facebook will do to protect users' privacy. By already

establishing Facebook in a negative light, audiences are more likely to agree that improvements are needed.

Facebook, when referring to itself, does not directly challenge the ACLU's portrayal. In fact, it only refers to itself five times (see Figure 5) and instead directs the critique back at the ACLU for the ACLU's ignorance, expressing that Facebook was "disappointed" that the ACLU misunderstood the application. Facebook balances a claim that the ACLU is "wrong" with a statement that "we appreciate their feedback." Facebook refutes the ACLU's claim and reaffirms its goal to put control in users' hands ("we offer additional controls").

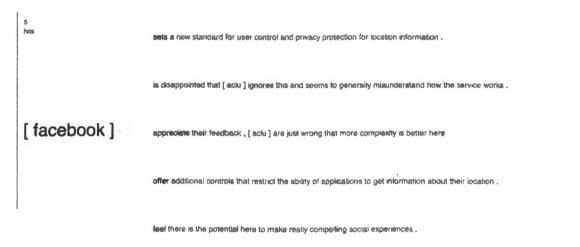


Figure 5. Facebook Discourse Word Tree – "Facebook." Generated by IBM Many Eyes (2010). Retrieved from www-958.ibm.com

However, Facebook does not just refute the claim, it also reminds readers of the benefits of Places ("we feel there is the potential here to make really compelling social experiences"), which deflects attention away from the claims of privacy threats and towards the purpose of the application.

#### **Key Agent: ACLU**

When the ACLU refers to itself (see Figure 6), its primary goal is to contrast itself with Facebook. The ACLU continues to present itself as a fair and charitable opponent by stating that it "understands" and "appreciates" the privacy settings Facebook has already created. Other than that, the ACLU's role in the debate, based on four verbs it uses in relation to itself, is to provide commentary on and analysis of the privacy threats of Facebook Places. For example, it has "highlighted" and "noted" certain protections and options that Facebook could and should have implemented.

The ACLU also uses future tense twice to express that it will be providing additional analysis and resources. The ACLU states that it "has a responsibility" to analyze new technologies' impact on privacy. The ACLU presents to readers an image of a responsible, fair entity that puts users' privacy first where Facebook will not, almost invoking an image of a caring parent or wise protector. This image is directly opposite the image it paints of Facebook as irresponsible and uncaring.

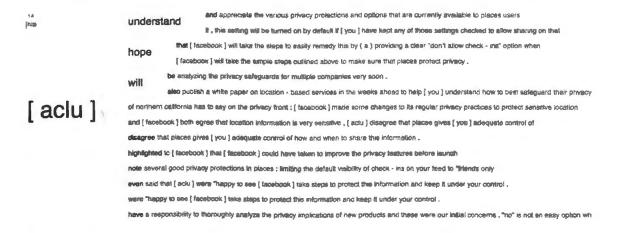


Figure 6. ACLU Discourse Word Tree – "ACLU." Generated by IBM Many Eyes (2010).

Retrieved from www-958.ibm.com

The word "hope," used twice in the context of Facebook taking steps to protect privacy, suggests that the responsibility now lies with Facebook. The ACLU has done its part of analyzing the threats and proposing changes; now it is up to Facebook to take action.

Facebook paints quite a different picture of the ACLU (see Figure 7),
portraying it as primarily ignorant rather than reasoned and analytical, using the
term "ignore" twice and "misunderstand" once, and also stating bluntly that the
ACLU is "just wrong" in terms of its suggestions about Facebook's privacy settings.

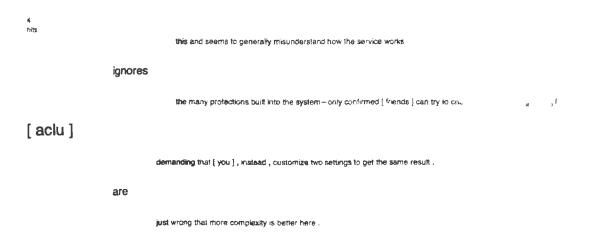


Figure 7. Facebook Discourse Word Tree – "ACLU." Generated by IBM Many Eyes (2010). Retrieved from www-958.ibm.com

Facebook also characterizes the ACLU as overbearing with the phrase, "they are demanding that you ... customize two settings to get the same result." While the ACLU would have users view itself as a caring parent, Facebook's word choice would skew that image into an overly controlling, domineering parent.

#### Key Agent: Facebook Users (or "You")

The ACLU uses the word "you" more often than any other word to appeal directly to Facebook users. Its verb choices highlight what Facebook does not offer to users, or, with words like "only" and "just" (which, combined, occur six times), what limited information or options Facebook offers (e.g., "are only given," "are just told," "can only choose"). The word tree below (Figure 8), zoomed in to the phrase "you are." shows the ways the ACLU characterizes Places users.

Note that the word "not" appears in four of 10 of the instances of "you are," emphasizing users' limited choices and lack of information. The word "you" occurs in passive verb constructions ("are only/not given," "are checked in," "are just told") or is used as the object of the sentence ("any user can see you") a combined 26 times, compared to 21 occurrences of "you" in the subject position, implying that Facebook (or friends) more frequently does things to users, as opposed to users taking action themselves. This reduces users' agency in relation to that of Facebook and their Facebook friends.

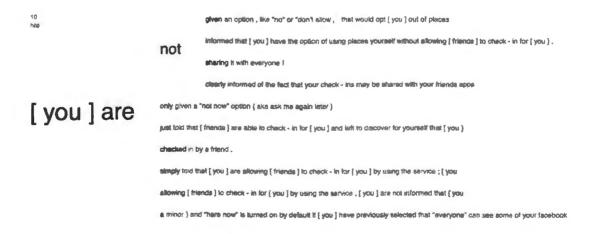


Figure 8. ACLU Discourse Word Tree – "You Are." Generated by IBM Many Eyes (2010). Retrieved from www-958.ibm.com

Facebook, on the other hand, does not convey this image of a powerless user; rather, its verbs imply action (see Figure 9): you "can easily remove" tags, people "have more protections" using Places as compared to other location services, and people "choose to become part" of Places. Furthermore, users need to "have agreed" to certain settings, this phrase presenting users as fully involved in the decision-making process. Facebook also highlights the ability of users to limit friends' undesirable actions on the site as long as users "turn off," "uncheck," or "customize" certain settings. Sometimes these verb phrases are preceded with "all you need to do," pointing to the simplicity of the features. The settings themselves "enable" users to make themselves visible, the word "enable" highlighting how Facebook offers control to users.

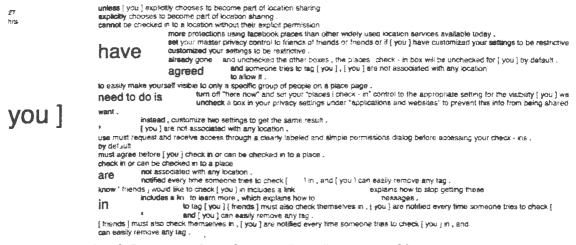


Figure 9. Facebook Discourse Word Tree – "You." Generated by IBM Many Eyes (2010). Retrieved from www-958.ibm.com

#### **Key Agent: Users' Friends**

The ACLU makes it seem as though friends have more control over users' information than the users themselves. Phrases about friends' actions pertaining to

users often have the word "you" as the object (e.g., friends' ability to "check you in," "view" you or "see" where you are). As can be seen in Figure 10, in four cases, these verbs are preceded by "can" or "are able to," emphasizing the friends' agency, or ability to make choices about users or access information about users. Similarly, phrases emphasizing that Facebook "allows" friends to take a number of potentially unfavorable actions all contribute to the image of Facebook handing power over to users' friends while the users themselves are portrayed as helpless and unable to take action.



Figure 10. ACLU Discourse Word Tree – "Friends." Generated by IBM Many Eyes (2010). Retrieved from www-958.ibm.com

In two of the five instances in which Facebook uses the term "friends," Facebook matches the "can" language of the ACLU (see Figure 11). In the first instance, when explaining that friends "can share" your check-ins with applications, Facebook does not deny the ACLU's claim. Rather, Facebook reasserts its opinion that this is a positive action. However, Facebook also suggests that there are limits to the actions friends can take, emphasizing that "only confirmed friends can check

you in," and that a friend "must also check themselves in" before taking a certain action.

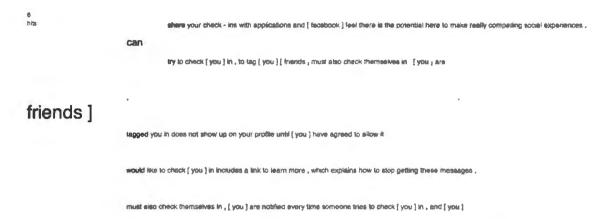


Figure 11. Facebook Discourse Word Tree – "Friends." Generated by IBM Many Eyes (2010). Retrieved from www-958.ibm.com

Based on the instances of the word "friend" or "friends" in both the ACLU and Facebook discourse, it seems that the term is used similarly to refer to the abilities that Places grants to friends in relation to users and their information. However, while Facebook uses verbs with positive associations such as "share," the ACLU more often describes friends' abilities in a negative context, such as friends' applications being able to "access a vast amount of information about you." The ACLU positions friends almost as enemies, prepared to take advantage of you if given the chance, while Facebook focuses attention on the limitations on and conditions of their power to make decisions about a user.

## CONCLUSION

In its August 19, 2010 blog post, the ACLU acknowledges that it and Facebook agree that protecting locational privacy is important. Why, then, do they seem to disagree so fundamentally about whether Places adequately protects users' privacy? According to Burke's (1950) definition of rhetoric, "the use of words by human agents to form attitudes or to induce actions in other human agents" (p. 41), neither party succeeded in persuading the other, at least not to the desired degree: Facebook did not significantly change its settings, and the ACLU never revised its position. However, the ACLU and Facebook directed their persuasion at users, not each other, and they did so by attempting to create what Burke (1950) would call division (or the opposite of identification) between users and either writer's respective opponent.

If the ACLU's goal was to incite users to protest Places, it may have been nominally successful. While some Facebook users created groups protesting Places and its alleged privacy violations (e.g., the group named "Millions against Facebook Places" with 115 members), it seemed to have minimal effect or enthusiasm compared to the News Feed outrage. However, Facebook posted additional information about Places in the days following its release, indicating that Facebook did respond to initial concerns, not by changing the application, but by explaining it further. On August 20, Facebook posted an update to its original blog post announcing Places, asking users, "Have questions about how to control your sharing through Places?" and directing them to view a video that "explains our simple and

powerful privacy settings" (Sharon, 2010). The users' protests in combination with complaints by groups like the ACLU likely spurred the creation of this video.

In addition, as of March 2011, when users visit their privacy settings page to adjust Places, a window is displayed with the statement, "You're in control of your location" (see Figure 12). The announcement then describes users' freedom to make choices with the application while also listing the limitations on Facebook's and other users' actions. Although the ACLU likely would have preferred that Facebook actually change its settings and not merely explain them more thoroughly, the agency rhetoric was persuasive to some extent: Facebook seems to be responding to users' demand for more information and knowledge about how to use the privacy features available to them.

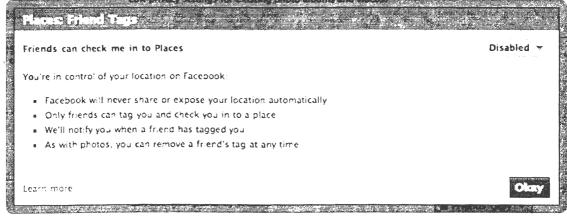


Figure 12. "Places: Friend Tags" Announcement. Image from Facebook (2011).

Choose your privacy settings. Retrieved March 9, 2011 from Facebook Privacy

Settings Page, https://www.facebook.com/settings/?tab=privacy

Facebook's logos-based, explanatory responses to both the users and the ACLU suggest that to Facebook, the problem was not that the application actually violated users' privacy, but that users simply misunderstood the application and

were therefore exaggerating its risks. If only users understood how it worked, as the argument seemed to go, they would accept it. This belief that users desire increased sharing aligns with Zuckerberg's previous defenses of Facebook in which he appealed to the social trend of greater transparency. Users' actions would certainly suggest that the world is moving toward what some Facebook employees have called "ultimate transparency" or "radical transparency" (Kirkpatrick, p. 210).

Facebook's radical transparency worldview is evident in its response to the ACLU, in contrast to the ACLU's pro-privacy worldview.

Despite this division between the two worldviews, the analysis reveals that both parties are operating under the definition of privacy as control, and are using the rhetoric of control to persuade readers to their side. Unlike most debates about privacy generally or even locational privacy specifically, the key rhetorical strategy is not to expound on the risks of privacy loss or the benefits of sharing. For example, instead of presenting self-disclosure as inherently negative, the ACLU claims that Facebook does not protect privacy because it did not offer users sufficient control. By placing the word "you" in passive constructions and as the object rather than subject of sentences, while focusing on the actions users' friends can take with users' data, the ACLU leads readers to feel as though they lack agency in the decisions made about them on Facebook.

The ACLU discourse combines this focus on the possibility of horizontal (friend to friend) privacy violations with the sense that Facebook is irresponsible and deliberately limiting users' control of the application, ultimately positioning users as victims and positioning themselves as the ideal party to intervene in the

conflict. By creating a problem that it has so charitably positioned itself to help solve, the ACLU affirms itself in its overall mission to protect citizens' rights. The ACLU would have users believe that Facebook is uncaring and reckless and that the ACLU is caring and protective.

Facebook responded using the same rhetoric of control, only emphasizing the control that users do have and the limitations on friends' power to make decisions about a user. Facebook also uses a strategy of deflecting attention from the privacy threats, for example, by noting the "potential for really compelling social experiences," thereby shifting the conversation to the benefits that Places offers users. Facebook further invalidates the ACLU's claims by characterizing the ACLU as ignorant and demanding, while Facebook portrays itself as fair and supportive of the social interactions Places enables, affirming itself in its overall mission to connect users.

If both parties agree that privacy is important, then the difference must lie in their understanding of what constitutes privacy. This interchange between the ACLU and Facebook illustrates the difficulty in defining privacy. Despite the broad range of ways privacy has been constructed, scholars have noted that the information age has radically redefined traditional constructions of privacy. While Warren and Brandeis in their 1890 article defined privacy as "the right to be let alone," 21st century conceptions of privacy must take into account the degree of control that a person has over her information.

According to Solove (2004), while privacy was traditionally viewed as private versus public, secret versus revealed, the new view of privacy "entails

control over and limitations on certain uses of information, even if the information is not concealed" (p. 143). Likewise, Garfinkel (2000) states that the right to privacy is not a right to secrecy, but to "control what details about their lives stay inside their own houses and what leaks to the outside" (p. 4). In other words, privacy is no longer considered a dichotomous, black and white concept, but rather a continuum of the degree of choice a person has over her information.

Gurak (1997) also demonstrates that privacy is not about preventing information from being revealed, but is about who gets the say in when, where, and to whom it is revealed. Protesters in the Lotus and Clipper Chip conflicts were dissatisfied with companies' or the government's ability to make decisions about citizens' data without their consent. However, Lotus protesters freely shared their personal information on the Internet for the purpose of protesting, and "anti-Clipper activists used computer technology and made decisions about encryption based on choice, not government mandate" (p. 2).

She continues, "These competing visions about personal privacy, choice, and control in cyberspace are at the heart of what is taking place in, on, and around the Internet at the end of the twentieth century, as we shift from an industrial society to what has been characterized as an information society" (p. 2). This statement could be extended to the age of social networking. Rhetorical scholars should expect to see the rhetoric of control, choice, and agency used more widely in social networking privacy debates. Social networking sites are likely to draw attention to the control users do have, while deflecting attention from the areas in which users do not have control and towards the benefits of sharing. Protesters are likely to portray users as

vulnerable or disempowered, emphasizing how users' agency is disproportionate to the company's or other users' agency in decision-making on a site. After all, "privacy is not simply about the state of an inanimate object or set of bytes; it is about the sense of vulnerability that an individual experiences when negotiating data" (boyd, 2008, p. 14).

An important area of investigation will be not just the content of the messages of control that the rhetors in a privacy debate communicate, but the ways they use sentence structure and word choice to subtly reinforce those arguments. Studies such as Brown and Herndl's (1986) have also investigated the rhetorical purpose of certain linguistic features, such as superfluous nominalization by corporate employees. The authors explain how language choices perform a "syntantic, semantic, pragmatic, and phonological function" (p. 22); for example, with nominalization, "agency and instrumentality vanish when the verbal form becomes a noun...the dummy verb replaces the dangerous predicate with an innocent or positive action" (p. 22).

They note that nominalization and passive voice often occur hand in hand: "Together they allow writers to remove themselves totally from their reported actions" (p. 22). In this case, writers used passive voice in order to avoid blame or responsibility; in the case of the ACLU discourse, the writer likewise used passive voice to imply a lack of responsibility, but rather for the purpose of creating a sense of powerlessness and therefore a need for intervention.

Rhetors supporting privacy may also use verbs to portray a website as dictatorial or careless with users' data, and may strategically place particular agents

in the subject or object position within a sentence, establishing implicit power hierarchies and using those to persuasive ends. This pattern has already been studied in the context of gender: Ahearn (2001) recounts a study in which language and gender researchers examined how the grammatical positions of a male or female agent in a sentence can lead to "a linguistic bias against women" or "the disappearing agent effect" (p. 124). The connection between sentence structure and agency can also be seen in privacy debates like the Places freakout; those supporting transparency are more likely to describe users as active agents by placing the users in the subject position within sentences and using active verbs to portray them as powerful and in full control of the choices they make on the site, while presenting the sites as merely helpful and supportive of users' desires to connect.

Many are already recognizing the power of agency rhetoric, and are viewing the recent public dissatisfaction with Facebook's privacy violations as the kairotic moment to introduce new social networks with the selling points of privacy, ownership of information, and control. For example, the design of the new social network Diaspora is strategically opposed to Facebook's in that it will "let users set up their own personal servers, called seeds, create their own hubs and fully control the information they share" (Dwyer, 2010, para. 7). The site gained support and raised money quickly, showing the increasing interest in pro-privacy social networks as an alternative to Facebook. According to one of the developers, "Everyone just agreed with this whole privacy thing" (Dwyer, 2010, para. 5).

Moreover, in a *New York Times* blog post titled "Can Privacy Sell Ping?,"

Richmond (2010) discusses how companies like Apple are "responding to demands

that new social services not be foisted on people, and also that they come with simple privacy controls" (para. 6). This suggests that agency rhetoric will play a role not just in privacy debates but also in the ways that sites and technologies market themselves, which may be another avenue for rhetorical analysis. Additional areas of research might include examining (whether with cluster criticism or other methods) how other rhetors, particularly users, respond to privacy controversies, and how the rhetoric differs in the context of social networking sites other than Facebook.

Moreover, rhetorical scholars should consider the benefits of analyzing the rhetoric of social networking and privacy debates from multiple disciplinary angles, such as linguistics, and should consider using textual visualizations to supplement their analysis. For example, analyzing verb choices and sentence structures through the use of word trees may help scholars more clearly see nuances or patterns in the language used in the debates, such as which terms are used most prominently and how they are arranged grammatically. It would be good to see this tool and other software developed further so that they can offer more sophisticated insights into language use.

The rhetoric of agency appears to be growing more prominent in both media and marketing. This is not to say that it will lead Facebook users to deactivate their accounts or change to a different social network. As long as the goals of privacy protection and relational connection are at odds, users will behave in paradoxical ways, making future privacy "freakouts" a fascinating focus for rhetoric studies.

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