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Power and dignity: the ends of online behavioral advertising in the European Union

Zardiashvili, A.

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EPILOGUE

The title of this thesis, “Power & Dignity,” refers to the two often implicit goals within the European Union’s (EU) digital policy, including in the context of online behavioral advertising (OBA). Sometimes, these two goals are expressed as the objectives of the internal market and fundamental rights, market efficiency and consumer autonomy, welfare and fairness, entrepreneurial freedom and societal justice, profit maximization, and consumer privacy. In essence, *power* refers to the liberal imperative of individuals, groups, markets, and states to increase their political and economic capabilities or freedom. On the other hand, *dignity* refers to the European conception of both the source and the boundary of such freedom.

The emergence of OBA as the central business model of a thriving digital economy and the EU regulatory response to protect consumers’ (including their human rights) interests illustrates the seemingly conflicting “ends” of the OBA industry and the EU regulator. The subtitle of the thesis: “The Ends of OBA in the EU,” not only refers to the dual objectives of power and dignity but also to the *recurring* perception that an era in which the OBA is the central business model of the digital economy, is coming to an end.

The final resolution of this dichotomy and setting the boundaries for exploitation in the digital markets is a question of the political economy. An elegant resolution would require an industrial policy that makes *power* interests contingent on *dignity* interests and rewards the industry actors that find solutions to increase welfare and efficiency without consumer exploitation and earn economic profit without infringing consumer privacy. In other words, in the just digital markets, there can be no gains in welfare, efficiency, shareholder value, and market power without respect for “consumer dignity”.

Finally, just or unjust, all human conflicts are resolved in our shared *joy* of life:¹⁴⁵⁶

O Freunde, nicht diese Töne!
Sondern lasst uns angenehmere anstimmen
Und freudenvollere!
Freude!
Freude!

¹⁴⁵⁶ Beethoven, Ludwig van (1980). Ode to joy: from Symphony no. 9. Chicago Symphony Orchestra [2015]