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Privacy

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A collection of fifteen essays¹ by academic writers associated with Southampton University provides a valuable interdisciplinary study of the important social issue of privacy. Francis Bennion discusses some of the questions of personal identity and social organisation which the book raises.

Living means being addressed, but from generation to generation we perfect the defence apparatus. People close themselves so as not to be influenced. There is fear of losing one's "me", but it may be a mistaken fear. One cannot be influenced, except by what one already possesses in oneself. Tell me who influences you, and I will tell you who you are.

Privacy means many things; above all control over the immediate environment. Where one is, whom one is with, what noises assail one's ears, are things over which control is sought. We desire personal autonomy, and this is an aspect of it. We have our social roles to play, resenting interference.

Consciously or not, the individual selects his or her roles from a large repertoire of available behaviours. There are different roles for home and work, and subdivisions within them (role-for-spouse, role-for-one's offspring, role-for-colleagues, role-for-one's boss). Normal social interaction is impossible if people use ploys foreign to their expected role. Harold Garfinkel (no doubt remembering *She Stoops to Conquer*) arranged for students in a class he was teaching to treat their mothers as lodgers deal with their landladies. Similarly, he had customers in a bookshop approached as if they were sales staff. Roger Ingham, author of one of the essays in this collection, says: "In both cases the effects were quite startling, and led to a breakdown in social interaction similar in kind to that produced when, on another occasion, he began moving his opponent's pieces in a game of chess."

Roles import rules, and it is understood that the rules corresponding to one's current role will be complied with by others as well as oneself. Thus an unintentional belch in company is ignored, although people within earshot are perfectly aware of the occurrence of this role-inappropriate behaviour. Roles are divided by Goffman into front-region and back-region roles, with corresponding onstage and offstage behaviours. Clothes and other personal physical characteristics are used as props. Hair-style and make-up are manipulated to support a role, or indicate its rejection. Sometimes, as with gays who have not come out, offstage as well as onstage behaviours are elaborate deceptions from beginning to end. With many people it may be difficult to determine where acting ends and truth begins. If the waiter puts on one performance for the diners and a quite different one for the kitchen staff, where is he ever himself? "Indeed has he even got a self or are his successive performances all he is?"

¹ *PRIVACY, essays edited by J. B. Young. John Wiley & Sons, £12.00.*

Goffman speaks of "personal space" to describe the area surrounding an individual, anywhere within which an entering other causes him to feel encroached upon. You may not stand close to another in a lift unless it is crowded. You may not intrude into a conversation. Complex signals indicate resistance. "The lady signals 'Don't come closer' and the gentleman recognises the sign and defers to it. Two parties to a dialogue ignore a third party and he goes away".

Role-playing and personal space signals need to be distinguished from other signals which are involuntary and drive people away against the wishes of the signaller. These can give the disabled, for example, much more privacy than they want (and make them lonely). People's inability to cope with their feelings about the maimed or disfigured leads to avoidance. So does any defect that makes a person look or sound odd or different, or hinders mobility, or renders social intercourse difficult or troublesome. The deaf suffer deeply from this.

Among both normal and disabled people, individuality is expressed through personal possessions. A car owner identifies with a mass-produced car 'personalized' by fancy wheels at a fancy price. A pet animal or favourite pipe is regarded as intensely personal, fully private. "It is as if a man vests part of himself in his personal belongings. They are part of who he is".

Interference with such complex and delicate patterns is a fundamental breach of privacy, though sometimes there are compelling reasons for it. Gadgets now exist for directing the thoughts of an individual without his knowledge, but we do not need such extremes to make us uneasy about the trend of events. This book abounds with more mundane examples, particularly from the "total institutions" which fill our society. A council children's home allows no personal belongings and allocates clothing from a daily communal pile. Total denial of privacy to prisoners of war causes "irritability and resentment, revealed in excessive faultfinding and boasting." A claim by mental patients for a degree of privacy, or territorial behaviour such as liking for a particular chair or corner, is interpreted as a further symptom of their illness. A convicted criminal "cannot be left alone with his private identity: the institution has a responsibility to change him". It may change a neat and clean.....

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.....young man by banging him up with an old lag who is dirty and careless in matters of hygiene, or with a powerful homosexual who rapes him. Good citizens serving in the armed forces, the police or even the prison service are denied privacy in their living quarters. At the end of life, the terminal patient may suffer from the conditions in the open hospital ward. As he feels progressively weaker and worse, he may increasingly want to spend his last days with familiar things. One of our authors cites a terminal patient who kept his eyes closed and when asked why said: "I'd prefer an ordinary life."

It seems that respect for privacy, having greatly increased in Western society, may now be on the decline. In medieval times Royalty were expected to perform all bodily functions in public. The Younger Committee found many societies, primitive and modern, "that do not have and would not admire the norms of privacy accepted in Western Europe or North America." Lenin told the Young Communists in 1920 "We recognize nothing private. Our morality is entirely subordinate to the interests of the class struggle of the proletariat". Young pupils in East German schools are asked to draw the television clock. If they draw the clock shown on West German television they reveal breach by their parents of the order to confine viewing to the state programme. Reisman shows that inner-directed morality is on the wane, its bulwarks weakening. In place of such defences for autonomy as pride in work, property, class, hierarchy and conscience, other-directed values take over. "Privacy has become clandestine. Not in solitary and selfish contemplation but in doing things with other people does one fulfil oneself."

In his essay on medical problems of privacy, Ted Cantrell divides privacy into "solo-type privacy", with which we have been dealing so far in this review, and "data-type privacy" or the desire to keep personal information to oneself. This also is an aspect of the wish for personal autonomy. Even the theist, who believes that an Omniscient Being knows all he ever thinks, objects if fellow-humans claim to know it too. Nor is the objection limited to information which may cause harm if known. In his essay Lubor Velecky, a philosopher, says that I cannot reasonably object if without my consent others are told my height, my married status, my Christian name. "It is sheer vanity if a person objects to his or her real age being known and the moral defence of vanity seems to be impossible." Yet reasonably or not many people feel threatened even by the disclosure of "neutral" facts about themselves. H. Hart tells us of a survey in which no less than 83% of respondents said they would object to the amount of their income being freely available to anyone who wanted to know.

There are many more concrete objections to breach of data-type privacy however. Christopher Bryant, a sociologist, gives a useful summary. After referring to our apprehension "at the prospect of continuous surveillance, of the composite dossier on the desk of the secret policeman, of the print-out in the office of the Minister of Good Intentions" he continues:

"It is partly that we have something to hide. All of us, unless we are psychopaths, are ashamed of some of the things we have done. It is partly that we have done things which we are not ashamed of but which are open to misrepresentation. It is partly that we have blundered, suffered grief or ridicule, changed our minds. It is partly that we fear that mistakes have been made in drawing up our file or that information given maliciously has been added. . . We fear that the dossier or print-out will be used against us, perhaps wilfully, perhaps not. We are daunted by the time and energy it would take to explain even the things we are not ashamed of and do not consider to have been mistaken."

We particularly fear the errors and manipulation of those who handle the ever-growing army of computers. Despite technical improvements there will always be grounds for mistrust. A local police chief in the US was accused of deleting the record of his own traffic offence from the State's computerized police records. He could equally have inserted a fictitious entry in the records of citizens who had annoyed him (or had failed to meet his demand for a bribe).

The book gives many instances where infringement of individual privacy is justified. Living means being addressed, and excessive regard for private life endangers society by leaving the body politic unattended. We are resigned to yielding our secrets to the tax inspector; and by embarking on tax evasion we bring upon ourselves even greater intrusions on our privacy. If we desire social security payments we accept some degree of official prying (there are 44 different types of means test currently used in Britain). Comparison of social security files can save the taxpayer money. (D. W. Barron, a mathematician, tells how in California comparison of the school registration files with the files of payments for dependent children showed several hundred nonexistent children!) Family privacy is justly invaded where baby-battering is suspected or an application for adoption is made. Growing paternalism may take such trends too far. P. J. Tomlinson, a sociologist, quotes C. S. Lewis:

"Of all tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busy-bodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the.....

Another justification for infringement of privacy is the existence of a competing social good. Gerald Dworkin, writing on privacy and the law, shows that the US Supreme Court, while recognizing privacy as a fundamental constitutional right in itself, has strengthened the rival constitutional right of free speech at the expense of actions for invasion of privacy. In Britain, Brian Walden's Right of Privacy Bill foundered on opposition from those concerned with press freedom. As P. J. Tomlinson puts it, "restrictions on the freedom of the press can lead to the protection of the privacy of the tyrant and oppressor". Conflict also arises with the social need for open justice. Sometimes privacy wins here (cases involving official secrets, sexual impotence or the welfare of children are heard in camera). Even truth can be a casualty. The Government countered criticism of the Rehabilitation of Offenders Bill in 1974 by saying that truth is not any more paramount than any other principle of civilised conduct, such as the need for compassion and understanding.

The book is valuable in its discussion of how justifiable rights of privacy can best be protected. By human rights procedures? By the civil or criminal law? By self-regulation, through such bodies as the Press Council? By conciliation procedures? By social norms? All these have their value. Article 12 of the Universal Declaration of Human Rights, Article 17 of the United Nations Covenant on Civil and Political Rights and Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms all specify a basic right to privacy. Domestic legal systems confer protection which is fragmentary and incomplete (trespass, defamation, breach of confidence, copyright). Criminal law gives little cover: theft of the board room table is a crime, but not theft of the board room secrets. New South Wales passed the Privacy Committee Act in 1957, establishing a statutory body with broad powers of investigation and conciliation. Denis McQuail, discussing privacy and the mass media, concludes however that "it is better to encourage tendencies to self-regulation and to develop existing institutions, rather than to formulate new legislative controls." A practical note is struck by Roger Ingham, psychologist, who points out that physical factors in architecture or planning can help or hinder privacy. As we saw with the lamentable history of high-rise flats, architects carry heavy responsibilities for welfare. Most important of all perhaps are social norms. Civilised society depends after all on obedience to the unenforceable.