The Value of Privacy for Social Relationships

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This article discusses the relations between privacy, public interest, and democratic ideals. Specifically, in regard to privacy, the value of privacy for social relationships is discussed. This extends beyond privacy of the individual and includes the keeping private of social relationships beyond the more individualistic understanding of privacy as secluding one's self and activities from public awareness. In regard to public interest, we live in a world where information is gathered about individuals through their technologically-mediated relation to the environment. The relation to democratic ideals is twofold. First, it seems to follow that from a lack of privacy that citizens may lose the capacity for civil disobedience and possibly the freedom to pursue happiness. Second, though the privacy of groups constituted by social relations may require privacy, such privacy should not be extended to surveillance activities of a political group, for example those accomplished through acquiring data resulting from technological mediation.

I first present the positions of James Rachels and Charles Fried to illustrate the value of privacy in establishing intimate relationships. Combining these positions with the perspective on privacy for which Roessler and Mokrosinska allows us to examine both the value of privacy for social relationships and democratic ideals, since they clearly illustrate why privacy should be defended for the sake of social relations. The possibility to defend privacy as a civil liberty, I suggest, is of fundamental importance for the opportunity of exercising our rights as citizens in a democratic state. Yet, though I argue for the privacy of groups, I conclude by indicating the danger of extending privacy to the State. This is counter to the position for which privacy theorist Alan Westin advocates. For example, I invoke instances regarding technological mediation in which the State seems to have already to invade the privacy of citizens, at the individual and the social level. Such invasions lead to the minimization of trust and the constraint of identity.

Controlling Access

Since at least the establishment of social media use of the internet has moved from a situation of anonymous persons to a situation in which users are specifiable and univocally identifiable persons. Though this may result in a more “personalized” experience of the internet, it has also had a significant impact on privacy debates. Early authors on privacy issues were mainly concerned with the importance of privacy on the individual level, that is, in its significance for the person. Further, as is my main concern in this article, authors increasingly recognize the fundamental role of privacy for the social dimension. For example, as Roessler and Mokrosinska noted,

In contemporary privacy scholarship, the importance of privacy has mostly been justified by the individual interests and rights it protects, the most important of which are individual freedom and autonomy in liberal-democratic societies. From this perspective it is the autonomy of individuals that is at stake in protecting the privacy of personal data and communication in the digital era. This perspective, however, seems insufficient to account for many other concerns raised in the debates on privacy-invasive technologies.
With ever greater frequency, privacy-invasive technologies have been argued to endanger not only individual interests but also to affect society and social life more generally (Roessler and Mokrosinska 2015, 2).

In this way, we may come to see that a violation of privacy on a social level may undermine the trust among citizens and the possibility of a democratic society.¹ In this way, I aim at showing that if we failure to protect the sphere of social relationships may be failure to defend a democratic state.

Because privacy may allow for an individual to develop and flourish, privacy may be seen as related to autonomy, dignity, and individual integrity. Privacy creates the space for private thoughts so that an individual may be free to engage in self-exploration in a process of discovering and determining identity. I suggest autonomy is not automatic, but it requires exercise through social relationships in order to shape my personality and opinion as a citizen. Taking Roessler's broad definition of privacy we read that “something counts as private if one can oneself control the access to this something”.² Of course this includes control over emotional, in addition to, intellectual states. Therefore, I need to have the possibility to exercise control and to be protected from unwanted access not only in the context of the individual sphere but also in the context of social relationships. As Charles Fried reminds us “of the various thoughts that appear in one’s mine, discretion in selecting which of these to present, and in which contexts, in central to an individual’s ability to be a certain kind of person” (Schoeman 1984, 22).

Similarly, Robert Gerstein's work shows that “intimate communication, and intimate relationships generally, involves the parties as participants and not as observers. However, involvement as a participant can be transformed by becoming aware that one is being observed and judged” (Schoeman 1984, 23). Finally, the above insights from Gerstein and Fried may be seen extended into the political dimension by the work of James Rachels. Rachels' writings about privacy brought attention to aspects of the discussion which may have been previously underestimated. He focused on privacy as the institution that enables an individual to carry on his personal interests, protecting people from embarrassment and harassment. This includes the privacy we rely on to carry out “our business,” and thereby the privacy we rely on to protect us from harmful interference with our professional life.

Privacy and Social Norms

Though it may be possible to publicly justify one’s actions and identity in terms of social norms, I take the position, on the one hand, that a person's actions also involves the expression of the emotions in addition to adhering to social norms, and, on the other hand, that identity is

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² Roessler, B., 2005, 8.
³ For an extension of this discussion see [Gavinson, R., 1980] “An individual enjoys perfect privacy when he is completely inaccessible to others”. And Anita Allen's definition 1988 “Personal privacy is a condition of inaccessibility of the person, his or her mental
⁴ Rachels, J., 1975.
not univocal and may relate more to *multi-dimensional aspects of the self* than social norms across diverse contexts. For example, Rachels defines his idea of privacy as “the ability to control who has access to us and to information about us, and our ability to create and maintain different sorts of social relationships with different people”\(^5\). Though this definition is a helpful way to focus autonomy, dignity, and integrity in regard to privacy onto the social dimension, it may overestimate the role of social norms. That is to say, Rachels stresses how, according to each different social relationship, there are “fairly definite patterns of behavior that we associate to them”\(^6\). The example of the father and businessman, supposedly joyful and thoughtful with his child, respectful with his mother, playful with his friends, and a good leader for his workers, thus sheds some light on at least two points. First, Rachels says we should respect different patterns of behaviors in order to satisfy our roles in different kinds of relationships, but secondly, he observes, such different patterns are neither symptoms of inauthenticity or inconsistencies of the person\(^8\). In other words, behaving in many different ways doesn't mean wearing 'different masks.'\(^9\) Rather, we naturally create some room to show the appropriate aspects of our personality in accord with the contexts. This means our actions and identity constitute a selective disclosure of information about ourselves.

In this way, it seems the concept of norms is not enough to grasp what 'privacy' is, being such a fundamental need for every individual which allows the person to create meaningful and important relationships. Moreover, multi-dimensional personality seems more primary in regard to autonomy and dignity than conforming to social norms. That is to say, persons are multi-dimensional despite the existence of social norms. Privacy allows individuals to maintain different social roles in different social settings—if it were just as simple as participating in one norm or another, then perhaps there would be less need for privacy. Though privacy allows people to conform to different social norms, and the identity of a person may be understood through the person's participation in social norms, were this simply the case there should be no instances in which a person finds social norms oppressive.

Thus, it seems we can still have a level of privacy despite the presence of social norms and understand an oppressive social context as an example of people acting in accord with the more private aspects of a multi-dimensional personality without social acceptance.

**Privacy, Surveillance, Technological Mediation and Trust**

A radical analysis of the right of privacy, exploring the moral foundation of this concept, has been advanced by Charles Fried. He takes as enlightening the example of the exercise of personal monitoring to probation and parole\(^10\). Whether people can decide to remain in prison or be under surveillance around the world can help us to see the fundamental role

\(^5\) Ibid, 192.
\(^6\) Ibid, 293.
\(^7\) Rachels, J., 1975, 293.
\(^8\) Ibid, 293
\(^9\) Ibid, 293
\(^10\) Fried. C., 1984, 204.
that privacy plays in our lives and social relationships. Since the use of monitoring seems to be justified by the release of the person, the question remains regarding such surveillance and personal dignity.

Through the violation of privacy brought on by such surveillance, Fried wants to bring to our attention the notion that privacy has more value than the instrumental value to pursue one's interests; rather, privacy has an *intrinsic significance* for us. He argues that privacy is more than a simple mean, but “it is necessarily related to ends and relations of the most fundamental sort: respect, love, friendships and trust”.\(^\text{11}\) It may be the case, then, according to Fried, that without privacy social relationships would not be possible, since we would not consider ourselves free to love, free to be a friend as well as to be the *object* of love and friendship. “To make clear the necessity of privacy as a context for respect, love, friendship and trust is to bring out also why a threat to privacy seems to threaten our very integrity as persons.”\(^\text{12}\)

Fried notes, “trust is an attitude of expectation about another person.”\(^\text{13}\) He examines the example of love. In the case of love, there is a “spontaneous relinquishment”\(^\text{14}\) of constraints on the rights of Others. Yet, on the one hand, Fried depicts trust and surveillance as incompatible. “Trust, like love and friendship, is in its central sense a relation: it is reciprocal.” Therefore, he characterizes the relation in which individuals are under surveillance noting, “We do not trust them, and they have no reason to trust us in the full sense of a relationship of mutual expectation, for our posture towards them is not one of cooperative mutual forbearance but of defensive watchfulness.”\(^\text{15}\) On the other hand, according to Fried, it is the relinquishment of each other's rights which conditions the intimacy of social relations.

Extending Fried's argument, it appears that privacy is not only important for the development of our personality, impinging on privacy is an attack on trust and, consequently, an attack on autonomy, which is why the state of increased public-surveillance should be resisted (cf. Scalambrino, 2015). While Fried takes as an example the case of personal monitoring being applied to actions of probation and parole, I maintain that such an example should not be taken as metaphorically as it initially appears. In the era post-Snowden we know that the privacy of citizens has been disregarded, for example, by the US government and by the European Union as well. Also, some people are voluntarily heading in the direction of voluntary monitoring themselves. The difference between these two cases seems that there is public self-awareness regarding the lack of privacy resulting from the technological mediation of monitored people on probation. They know they are watched and judged. Yet, in the case of “free” people, there is less public self-awareness.

Looking at the Microsoft project called MylifeBits we can see that Professor Gold Bell found

\(^{11}\) Ibid, 205.  
\(^{12}\) Ibid, 205.  
\(^{13}\) Ibid, 208.  
\(^{14}\) Ibid, 208.  
\(^{15}\) Ibid, 208.
a way to put every moment of human life under surveillance and give people a lifetime store from which to ostensibly retrieve a life from one technologically-mediated dimension. Using a small bracelet device, the program can store every picture we take, every web page or article we read, letters, cards, books, movies, and so on. It can record and store every phone call as well as every conversation we have. This is the power of technological mediation. Similarly, a project called Lifelog can track our social, entertainment and physical activities spanning your social relationships. Indeed, you can ask to your partner to connect the bracelets through which the project technologically-mediates your relations so that you will always have access to their information also. People can have access to all the places in which their partners have been, listening to the conversations their partners have had, and even monitoring their meals and how much time their partners have spent sleeping and so on.

Such projects are not only problematic for the individuals but for the social relationships also, since in order to thrive they need to be based on trust and personal freedom and not on control. Even at just the most practical level, as I have shown above, participants in social relationships being surveilled through their technologically-mediated relation to others will know everything they do and say is being recorded. This would affect every kind of relationship, from the most intimate ones to the most professional. Thus it shows privacy is an integral part of every relationship, and trust depends on it. Moreover, even if the amount of data collected is supposed to be protected, there are numerous examples today in which participants of various social media sites technologically-mediating their social relationships have essentially been “blackmailed” by “hackers,” (e.g. “Ashley Madison”). As it currently stands, you can check out the statistics of other Lifelog users and see how much people sleep, walk, eat and talk.

Privacy as Moral Capital

Personal security of privacy should be extended further, beyond the individual, to social relationships. Social relationship are, of course, the foundation of society. The trust in which we are engaged in social relationships is not only important for the single individual but also for the relations themselves. Thus, it is important, if not crucial, to recognize how privacy is a “moral capital” not only for the individual but also for the relationships and the society as a whole. On the one hand, relationships are at the core of society, on the other hand, the variable nature of them shapes the world in which the subject lives.

The authors discussed herein have pointed out how privacy is important for human beings in a context that is predominantly private, within the sphere of the individual. Such views, I think, are lacking the completeness of the discussion about the role of privacy as a whole because the possibility to recognize the importance of privacy for the relationships themselves allow us to see the privacy rights on a broader scale; to see the role of privacy in the public sphere. Social relationships determine many contexts in our daily lives, from the professional one to the health care system on which we all have to rely, as well as to the place where we have to do mundane things, but that are still public spaces, and privacy is the

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16 Fried. C., 1984, 208.
The substratum for every one of them.

The general framework of this section’s discussion is set within the context of informational privacy, specifically as discussed by Roessler and Mokrosinska, and in favor of their view as an intercommunicative perspective of the private and public spheres. In the information society the data we share with a friend, or with the health care systems, with the banks, with websites, and program like Lifelog, occur in a relational social dynamic the privacy of which should be defended. On this account, the social value of privacy has an intrinsic and an extrinsic meaning, both for the individual and for society altogether. The present post-Snowden era is bringing to light the imminent need of protection of personal data.

Roessler and Mokrosinska have identified three types of relationships in different spheres, they discuss privacy within intimate relations, professional relationships and the interaction between strangers. Rather than address each of these, I argue here that the importance of privacy can be seen in the context of a group. Specifically, the kind of group I discuss is a “political” group, in which citizens are involved in order to participate in current debates with social consequences. It is precisely at this level that surveillance is dangerous for the maintenance of a democratic society and the freedom of expression which conditions it. In fact, surveillance in a political situation leads to a kind of “psycho-political metamorphosis” described, for example, by Reiman pointed out in that the individual only feels himself free to share in a group as long as he knows that his privacy is protected. Thus, defending privacy for a group means that we preserve an individual’s autonomy.

Now, a potential objection may be that groups are not autonomous because autonomy accounts for intentional actions, beliefs, desires and we can speak about those just for the individual dimension. However, group autonomy can be defended against this objection because groups create their own reasons that are not reducible to individual members, since social choices are involved. But not every institution has the right to privacy. The idea here is that the right to privacy allows individuals and groups to choose and act in accordance with their own beliefs, without being completely accountable. Whilst privacy in general is the right to be not accountable for personal beliefs, it allows individuals and groups to pursue their interests. Yet, an institution should not have the right of privacy since it must be accountable for the decisions it takes, that is, for the sake of the public interest. A democratic state should allow people to not be ostracized for having certain political inclinations, whereas a public institution should be.

To illustrate my argument regarding institutions, consider how Snowden has been accused of violating the Espionage Act since he disclosed US government secrets. I argue that we should question the relationship between privacy and secrecy and evaluate what kind of secret can be allowed to institutions in social groups. For example, Snowden's revelations have shown the secret and undemocratic program of global surveillance called the Five Eyes

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alliance established between USA, Canada, Australia, New Zealand and the United Kingdom. Furthermore, he disclosed the PRISM surveillance program from which the US government collects all the information of internet users from Google, Yahoo, Apple, Facebook and Microsoft. PRISM is a global program of surveillance since every user of in Europe and the US can be eavesdropped.

Snowden pointed out that the NSA is hacking civilian infrastructures such as universities, hospitals, and private businesses. But also private phone conversations, TVs in our houses, and the cameras of our laptops. PRISM was created as a military program of defense; however, by its own admission, as it stands now, it is inefficiently eavesdropping at the expenses of innocent people, since it has not prevented any terroristic attacks. Moreover, as of this writing, the NSA has not been able to provide an example of its surveillance dragnet preventing any domestic attack. According to my argument, institutions such as governments, should not be allowed to keep secret such clandestine surveillance.

Technological mediation, of course, makes the surveillance easier for such institutions. For example, the presence of programs such as Lifelog make it easier for governments to collect otherwise private data, and without disclosure may actually be understood as “tricking” people into what amounts to voluntarily buying the very technological devices which will be used to surveil them. For instance, the privacy policy of the new Samsung Smart TV says that they are capable of collecting data about us such as the TV programs we have watched, purchased, downloaded, or streamed. It is able to connect to Facebook, Twitter, and LinkedIn accounts and all the applications you have accessed through the SmartTV Panels. It records and stores the clicks on the “Like”, “Dislike”, “Watch now” buttons. In addition, the Samsung Smart TV has facial recognition and fitness services. So, if you take a picture of yourself they will know to who owns the TV—ironically—for “security purposes.” However, because the fitness service asks you to give them information about your height, weight and date of birth, so they can track your physical exercise, the reality is that they will have a wide spectrum of personal and private surveillance data at their disposal. What is more, Samsung disclaims that consumers “shall be aware that if your spoken words include personal or other sensitive information, that information will be among the data captured and transmitted to a third party through your use of Voice Recognition”. Voice Recognition is not only on the Samsung Smart TV but also on other devices such as the Moto X, Nexus, Amazon Echo, Microsoft Kinect and IPhone. The fear is, of course, that we are being surveilled, since these technological devices can record our private conversations and send them to third parties.

**Protecting Personal and Collective Decisions**

In this chapter I showed why privacy is not only important for the individual, as a moral right, but it is also socially important. We need the right to privacy because we want to

22 http://www.samsung.com/sg/info/privacy/smarttv.html
23 http://www.cnet.com/how-to/samsung-smart-tv-spying/
protect our personal as well as our collective decisions. Without privacy protection, one can think that personal and group decisions are subjected to external pressure; therefore, they may feel their autonomy impinged. Though the State is a social group, rather than an individual, State privacy cannot be considered the same as for other groups. We cannot accept Alan Westin's claims that the State has a right of privacy because to do so would make the State no longer accountable to their citizens. Individuals have the right of privacy, that is, to pursue their own business. People have the right to claim a defense of privacy in all their private and social contexts in order to pursue their interests and social identities in a democratic society.

In other words, a lack of State transparency regarding surveillance practices—such as those exposed by Snowden—seems undemocratic. There can be no civil disobedience or lobbying against State practices unless we know they exist. Thus we may now see how the right to contest the Intelligence Programs and the NSA surveillance program has its basis in the right of privacy of the individual for the sake of private and public relationships, as well as for the sake of the protection of our democratic values. Hence, bringing awareness to the public regarding the presence of such devices technologically-mediating our free time and our social relationships and the surveillance activities associated with them may strengthen our democracy and allow us to criticize practices inconsistent with democratic values.

References


