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Social Networking Sites  
in the Surveillance Society

# Remarks on Theoretical Foundations of Privacy Studies

Verena Kreiling

**Abstract:** *Privacy, though already countless times declared lost, seems to be under attack and vanishing all over again and again. But what exactly is it that is on risk? And who is after it? What for? Not only the popular press cannot provide any definite answer, but also the academic literature is rather ambiguous when it comes to the subject of privacy. Therefore it is the overall aim of this paper to critically assess the existing literature on privacy. The task of this paper is to explore and compare existing approaches of defining privacy. In order to analyse these different notions, a taxonomy of privacy is introduced. Since privacy is a concept that generally engages individuals as the entity of interest, it is present in every domain of social life, though it will be assessed differently in varying contexts. Therefore the taxonomy is based on the identification of different subsystems of society, namely the spheres of politics, economy and culture. This approach will be completed by a brief discussion of technological determined notions of privacy. Some potential pitfalls and prevailing reductions in the existing literature are outlined. The goal of this paper is to contribute to a comprehensive understanding of privacy as well as to contribute to the discussion of how to best define privacy. Furthermore it should establish the basis for further critical investigation of privacy in context of modern liberal society.*

**Keywords:** Privacy studies, surveillance studies, critical theory,

**Short biography of the author:** Verena Kreiling is a postgraduate student at the University of Salzburg, majoring in communication studies. She currently is a research associate in the project “Social Networking Sites in the Surveillance Society”. Verena graduated from the University of Applied Sciences Salzburg with a master’s degree in Digital Media Studies in 2007. Prior to joining the Unified Theory of Information Research Group, she worked in advertising and production. Verena is member of the editorial team of “tripleC: Journal for a Global Sustainable Information Society” and participant in the European Cooperation in Science and Technology Action “Living in Surveillance Societies”-Working Group 3 “The Business of Surveillance”

## 1. Introduction

Privacy, though already countless times declared lost, seems to be under attack and vanishing all over again and again. Newspaper articles alert or even threaten with headlines such as “How Privacy Vanishes Online, A Bit at a Time” (New York Times, March 16, 2010), “Space Invasion: How Personal Privacy has Eroded” (Wall Street Journal, October 10, 2010), “Why no one cares about privacy anymore” (cnet.com, March 12, 2010) or “Latest Facebook privacy scare isn’t so new” (Washington Post, October 12, 2010).

Privacy Watchgroups, such as Epic (Electronic Privacy Information Center), Privacy Right Clearinghouse, EFF (Electronic Frontier Foundation), or Privacy Digest are quickly spreading, pursuing the goal of raising awareness of privacy sensitive topics.

Books titled “How to be Invisible: The Essential Guide to Protecting your Personal Privacy, your Assets, and your Life” (Luna 2004) and “Protect your Privacy: How to Protect your Identity as well as your Financial, Personal and Computer Records in an Age of Constant Surveillance” (Long 2007), or even more cheerful “Bulletproof Privacy: How to Live Hidden, Happy and Free!” (Party and Royce 1997) suggest the average citizen, consumer or user to be aware of some rather vague threat to his/her privacy. But what exactly is it that is on risk? And who is after it? What for? Not only the popular press cannot provide any definite answer, but also the academic literature is rather ambiguous when it comes to the subject of privacy. Starting with Warren’s and Brandeis’ claim for a right to privacy back in 1890, privacy has been widely discussed in academic fields such as philosophy, anthropology, social science, computer science, legal studies, political science and so on. Further fuelled by the development and evolution of the Internet and contemporary computer science, which allows for a whole new way of information processing, the privacy debate has experienced a new high. Social Networking Sites, individualized search engines, location based applications, the digitalization of formerly merely accessible data are just some of the phenomena that contribute to the ongoing debate.

The task of this paper is to explore and compare existing approaches of defining privacy. Though privacy increasingly takes a prominent role in public discourse it often remains unclear what exactly privacy refers to, as well as what actually is at stake every time the loss of privacy is mourned. In order to analyse these different notions, a taxonomy of privacy is introduced. Since privacy is a concept that generally engages individuals as the entity of interest, it is present in every domain of social life, though it will be assessed differently in varying contexts. Therefore the taxonomy is based on the identification of different subsystems of society, namely the spheres of politics, economy and culture. This approach will be completed by a brief discussion of technological determined notions of privacy, which are overridingly concerned

with the role of technology, thereby neglecting societal conditions. Some potential disadvantages and prevailing reductions in the existing literature are outlined. The goal of this paper is to contribute to a comprehensive understanding of privacy as well as to contribute to the discussion of how to best define privacy. Furthermore it should establish the basis for further investigation of privacy in the light of current developments in context of information and communication technologies.

The first section of this paper will introduce a framework for classifying different approaches that deal with the question of how to conceptualize privacy and will lay the groundwork for the following sections, which will explore privacy within the spheres of politics, economy and culture as well as in context of technology. Based on the previous findings, the third section will set forth some critical remarks on contemporary notions of privacy and will introduce a critical approach to privacy.

## **2. Foundations of Privacy Studies**

In this section, a framework for classifying different approaches to privacy will be introduced. Based on such taxonomy the existing literature will be categorized in order to assess differences and possible pitfalls. As for the huge amount and wide range of existing approaches, only the most frequently cited and/or most influential authors will be discussed.

The concept of privacy tends to be examined with the individual as the entity of interest and concern. Privacy is framed by an assessment of individuals' rights and their manifold social relations. What privacy accounts for differs in varying contexts. That may be the reason why it is a concept described by many theorists as too broad and vague, as to be pinned down to an universal, but at the same time concrete definition. "Privacy is too complicated a concept to be boiled down to a single essence. Attempts to find such an essence often end up being too broad and vague" (Solove 2008, 103). Privacy's essence is supposed to be a lot of things. Some argue it is the ability to have control over personal information, some highlight its importance for the autonomy of the individual, others indicate that it is the right to be let alone (Schoeman 1984a; Rössler 2004; Tavani 2010; Wacks 2010). Clearly, what privacy stands for is conditioned by its context. Therefore this paper attempts to analyse the existing approaches by examining their presupposed context in order to outline different notions of privacy. The aim is not to view them as isolated entities, but to set them into relation with each other as well as to connect them the societal context. This paper attempts to show that existing approaches often fail to comprehend privacy as conditioned by its embeddedness into wider societal relations. In order to do so, it is necessary to identify the different social spheres, in which privacy may occur to a different extent and possess varying qualities.

For a comprehensive analysis of complex modern society, social science has referred to theories assuming that society is structured into different spheres, each of which is composed of a set of related and interacting elements with its own rules and mechanisms, thereby forming an integrated system itself. The particular subsystems as well as the all-embracing social system are interdependent. The application of such modelling facilitates the analysis of particular social sets with similar characteristics and objectives, it allows for the assessment of coherence, interaction and dependence between, as well as within these sets. However, an examination of social theories shows that in the ascertainment of such spheres, distinctive approaches exist.

Karl Marx was one of the first who has described society as consisting of different subsystems. He related what he called superstructure e.g. the spheres of political, cultural and religious life, to an underlying economic base, comprehending the forces and relations of production (Marx 1904, 11). Marx defined the relation between base and superstructure in the following way: "The mode of production in material life determines the general character of the social, political and spiritual processes of life. It is not the consciousness of men that determines their existence, but, on the contrary, their social existence determines their consciousness" (Marx 1904, 11). "With the change of the economic foundation the entire immense superstructure is more or less rapidly transformed. In considering such transformations the distinction should always be made between the material transformation of the economic condition of production [...] and the legal, political, religious, aesthetic or philosophic - in short ideological forms in which men become conscious of this conflict and fight it out" (Marx 1904, 12). Instead of the sometimes oversimplified view of the determination of the superstructure by the base, Marx and later critical theorists conceptualized the base-superstructure relationship as mutually conditioned and affected, and conceived not as static entities, but as a dynamic process (Williams 1973, 34). Others have described the societal system as composed by some different constellation of subsystems: In modern society, Weber identified three institutions: market, bureaucracy (which comprises not only public administration, but private business as well) and politics. He identified different realms in society, mainly the legal, political, religious and economic spheres (Weber 1978). Parsons postulated the social level to be divided into economy, polity, societal community and fiduciary system, with a behavioural-, personality- and cultural system besides (Parsons 1951). Luhmann in his account on/of systems theory refers to the differentiation of subsystems. Among others he highlights the legal, economic, scientific, political sphere, further family, mass media, religion, etc. as functionally differentiated subsystems (Luhmann 1995). Another theory structuring the social realm is Bourdieu's field theory: the term 'field' refers to social space, obtaining specific rules, values, and conditions. Among the main fields, Bourdieu emphasized politics, law and economy as well as religion, arts and education (Bourdieu 1995).

Another, more comprehensive approach is adopted by Fuchs and Hofkirchner. They distinguish three spheres: the technosphere, that “is the sphere in which the actors of society carry out their instrumental activities” i.e. the use as well as the creation of technologies (Fuchs and Hofkirchner 2003, 4); the ecosphere, which “comprises the flows of matter and energy in support of the physical life of the actors” (Fuchs and Hofkirchner 2003, 5). “Technosphere and ecosphere set up the basis of society. The sphere in which the actors as social beings construe social relations concerning resources (economy), regularities (polity) and rules (culture) may be termed ‘siosphere’” (Fuchs and Hofkirchner 2003, 5).

To sum up, one could say, that though all these approaches differ in terms of graduation, relation as well as label and characterization, they share some common ground: first of all that society can be assessed as a set of different subsystems that are specifically interrelated. Moreover there is overall agreement that politics and economy are two decisive subsystems. As for the remaining realms of society, they may be subsumed under the rubric of a socio-cultural sphere, which contains cultural values and rules, interpersonal relations (e.g. family), as well as ideological and spiritual aspects (such as religion).

Drawing from this analysis/overview, privacy literature can be divided into three realms. Each of these realms represents one of the three societal spheres:

#### **# The political sphere:**

This category will embrace notions of privacy that focus on political actors such as the state, the government, or legislative and executive forces when it comes to either the promotion or the reduction of privacy. Privacy considered and outlined as a right, provided to citizens by law, or constitution will also be assessed in this category. Theories classified within the political sphere are often concerned with the trade off between privacy and security/stability.

#### **# The socio-cultural sphere:**

Theories that analyse privacy in terms of its importance for the development of personality and interpersonal relations, discuss aspects of the socio-cultural sphere. Authors concentrating on the manifestation of privacy within and across different cultures will also be treated in this rubric.

#### **# The economic sphere:**

The economic sphere is structured by the production, distribution and consumption of resources, goods and services. Theories discussing privacy within economic institutions and their social relations will be classified as belonging to economic approaches. Such approaches may be concerned with micro- and macroeconomic ramifications, privacy concerns related to consumers or the question of private property.

Furthermore theories of privacy that place, above all, special emphasis on technological aspects will briefly be treated in context of the techno-sphere.

Within every sphere, approaches or particular arguments will be clustered into three groups. First, it will be assessed how privacy is framed within every societal sphere. Clearly approaches differ when it comes to the value or purpose that privacy obtains in a specific context. Similarly, for every sphere, different factors will be identified, which impose constraints or violations of privacy. This may include an analysis of intrusive actions, privacy breaching agents as well as any underlying causes or motivation for such infringement. Last, if available, any notions objecting privacy within a special realm will be outlined. Arguments and motives behind such objections will be illustrated.

## 2.1. Privacy in the Political Sphere

This category includes notions of privacy that focus on political actors such as the state, the government, or legislative and executive forces when it comes to either the promotion or the reduction of privacy. Approaches that see privacy as a right provided to citizens by law or a constitution will also be classified within this category. Theories belonging to the political sphere are often concerned with the trade off between privacy and security/stability.

### # Value & Purpose

In liberal democracies, privacy is frequently seen as being the safeguard of autonomy and providing stability. Privacy assures individual independence and the rational individual exercising free will. It provides a sphere for individualism that is essential to capitalist democracies.

Gavison (1980) argues that “privacy is ... essential to democratic government because it fosters and encourages the moral autonomy of the citizen, a central requirement of a democracy” (Gavison 1980, 455). She further claims that privacy buttresses democracy by enabling parties to consolidate and work out their positions as well as attracting people to work in politics without the fear of losing all their privacy (Gavison 1980, 456). Regan (1995, 225-227) expands on that by defining privacy’s public value as a condition for liberal democracies. Such public value enables the rights of free speech and freedom of association, and it forms the basis for secret ballot. But, maybe even more central to a functioning liberal democracy, privacy allows the constitution of a public sphere, in which the commonality among individuals is emphasized and unites the political community. Aspects of life that generally distin-

guish people (such as religion, taste and habits) take a back seat by remaining in the private realm (Regan 1995, 226). Regan hereby draws on Arendt (1959), who defined the relationship between the private and the political sphere: “The realm of the polis ... was the sphere of freedom, and if there was a relationship between these two spheres, it was a matter of course that the mastering of the necessities of life in the household was the condition for freedom of the polis. Under no circumstance could politics be only a means to protect society ... it is freedom ... of society which requires and justifies the restraint of political authority” (Arendt 1998, 31).

At times when privacy seems to lose some of its compelling nature, Anita Allen (1999) even calls for “coercing privacy” in the name of preserving the liberal way of life. “It is not simply that people need opportunities for privacy; the point is that their well-being, and the well-being of the liberal way of life, requires that they in fact experience privacy” (Allen 1999, 756). Therefore she demands “liberal government ... to proscribe and regulate disclosures and publications precisely in the interest of preventing cumulatively harmful diminutions of the taste for or the expectation of privacy” (Allen 1999, 755).

However, privacy not only is deemed to be a necessary condition for a functioning liberal democracy, but in reverse, constitutes a prerequisite to protect citizens from governmental rule. For Rubinfeld (1989), the right to privacy exists “because democracy must impose limits on the extent of control and direction that the state exercises over the day-to-day conduct of individual lives” (Rubinfeld 1989, 805). Rubinfeld assesses privacy as an initially political principle by arguing “the right to privacy is a political doctrine. It does not exist because individuals have a sphere of ‘private’ life with which the state has nothing to do. The state has everything to do with our private life” (Rubinfeld 1989, 804).

Generally, this literature assesses the relation between privacy and liberal democracy to be mutual beneficial. Authors discussing privacy within the political realm agree that privacy serves as a touchstone for liberal democracy. They assume that by establishing and maintaining a sphere of personal freedom and autonomy, privacy rights assure individuals the capacity to develop their self-consciousness, which serves as a precondition of liberal democracy as well as imposes a limitation on governmental rule. These authors thereby claim that it is public regulation that is best suited to protect privacy – especially in contrast to any other mechanism of private control such as any attempt to regulate it on a free market basis (Regan 1995, 227). Such a claim is entailed by an inherent contradiction. Not only the private sector erodes privacy, but also increasingly the state itself cuts back on privacy rights in the



name of security. Any claim for stronger public regulation concerning privacy, is a call for restrictions on behalf of political actors as well.

### **# Constraints & Violations**

In contrast to such a view that highlights the balanced and sound interaction between political actors and private individuals, others, drawing on Hobbes, define privacy as a necessary condition for protection from others, who in the event of constantly trying to maximize their own power weaken their fellow human beings. Government, in such view, only is “common” to all the people in so far as it is “appointed to shield the private owners from each others in the competitive struggle for more wealth. [This is; VK] the obvious contradiction in this modern concept of government, where the only thing people have in common is their private interests” (Arendt 1998, 69).

In modern society, the state itself is heavily engaged in violating the privacy of its citizens. Laws are passed that provide the basis for increasing and constant surveillance in the name of stability and security (Lyon 2003; Gandy 2003; Ball and Webster 2003; Solove 2001). Especially after the 9/11 attacks, governmental surveillance has reached new heights: proposals for national identity cards, new uses for criminal records, increased surveillance for combatting fraud or terrorism, road-use charging systems, RFID applications, calling-line identification, and closed-circuit television systems, the development of genetic databanks, the development of integrated health information systems based on electronic patient records, new forms of drug-testing, and the insertion of spyware programs within commercially available software seriously jeopardize privacy (Bennett and Raab 2003, 258).

In the name of security and the war against terror, the Bush administration passed legislative changes, which allow the state to conduct intensified surveillance and covert investigation on behalf of the citizens. For example shortly after the 9/11 attacks the Bush administration secretly authorized warrantless wiretapping of American citizen’s phones (Solove 2007, 745).

When it comes to such threats political actors pose to citizens’ privacy, Schoeman alludes to the concept of “subsidiarity”, which limits the influence of the political state to certain domains of a person’s life. The state is regarded “as not being competent to involve itself with determination in matters of conscience or inner meanings generally” (Schoeman 1984b, 415). Thereby Schoeman refers to the notion that within

every person there is some essence not to be exploited, neither for socially nor for politically worthy ends (Schoeman 1984b, 415).

## # Objections

Nissenbaum (2010) criticizes approaches that frame privacy as a democratically negotiable good. Such a conception of privacy “frequently adopted in policy-making, legal and advocacy areas, highlights the interest politics inherent in controversial systems and practices. Interested parties and their advocates scrutinize these systems for potential impacts on respective rights, interests, benefits and harms. In general controversial systems are ones found to be unbalanced in the interest they serve” (Nissenbaum 2010, 8). Approaching privacy as an interest or preference up for negotiation, implicates that as long as the one, whose privacy is intruded gets his/her share in the course of action, no breach of privacy is at hand. Health care monitoring, loyalty cards, but also online data aggregation from within social networking sites may be totally uncontroversial, since all interest groups benefit in one way or the other; be it through the provision of a network to stay in contact with friends or by offering special prices. Especially claims for policy regulation tend to draw back on reducing privacy conflicts to a trade-off between stakeholder interests. Maximizing preference or utility may then be considered a viable solution. “The trouble with settling conflicts through brute clashes among interest holders is the advantage it gives to those possessing advantages of power, resources, and the capacity for unremitting persistence, favoring corporate and governmental actors over the public interest in the long run” (Nissenbaum 2010, 8)

Other notions that are critical of privacy in the political realm of life highlight its role for providing a sphere, where terror, crime, abuse and other wrongdoing can root and spread. Proponents of such a view tend to argue that any cutbacks on privacy affect only those who actually have something to hide. “When the government engages in surveillance, many people believe that there is no threat to privacy unless the government uncovers unlawful activity, in which case a person has no legitimate justification to claim that it remain private. Thus, if an individual engages only in legal activity, she has nothing to worry about.” (Solove 2007, 746-747) This view is especially set forth in popular discourse and by governmental campaigns. For example in Great Britain, where there is a high degree of closed circuit television (CCTV) operation, the government promoted this technology with the slogan: “If you’ve got nothing to hide, you’ve got nothing to fear.” (Solove 2007, 748)

Another objecting standpoint is given when scholars or other stakeholders argue that privacy, within the political sphere, does “not train strong self-direction but instead gives cover to moral timidity. Rather than hide unpopular choice, we should learn to be strong enough to resist social pressure and stand up for the right to be different” (Nissenbaum 2010, 76).

## **# Conclusion**

Political privacy concepts focus on privacy as a necessary condition for liberal democracy by assuming that it guarantees citizens’ freedom and autonomy, enables competition of parties and provides secret ballot or rights of free speech. Such approaches assume that privacy allows for a common public sphere, wherein people are not obliged to put forward individual beliefs, opinions or habits, which may get in the way of their social coordination. However, critical views claim that in modern society the only thing common to all people is their interest for private wealth.

Advocates of privacy as a condition for a liberal way of life may even suggest governments to coerce privacy upon its citizens. In a more attenuated form, others demand stronger regulations and privacy policies.

But, at the same time, it is liberal democracy which, in order to maintain stability and security, heavily engages in the surveillance of its citizens. The liberal state therefore seems to get caught up between a rock and a hard place. It appears questionable if the liberal state is capable of resolving this contradiction, or if it rather will end up failing to meet its own claims.

## **2.2. Privacy in the Socio-Cultural Sphere**

The socio-cultural sphere embodies cultural values and social rules; it is the place of collective identities and shapes interpersonal relationships as well as the organization of society. Concepts belonging to this domain define privacy in terms of its importance for the development of personality and interpersonal relations. Authors concentrating on the manifestation of privacy within and across different cultures are discussed as well.

## **# Value & Purpose**

Schoeman, in his article “Privacy and intimate information” (1984a), is critical about views that discuss privacy as a value protecting people from an imperfect social world, thereby reducing privacy to what he calls a “reactive function” (Schoeman 1984b, 416). In his view “privacy marks out something morally significant about what

it is to be a person and about what it is to have a close relationship with another” (Schoeman 1984b, 404). “Privacy enriches social and personal interaction by providing contexts for the development of varied kinds of relationships and multiple dimensions of personality” (Schoeman 1984b, 413). Additionally, Schoeman highlights the importance of the act of self-disclosure. Not the information itself may be the intimate moment, but the revelation that this information matters deeply to oneself. “Selective self-disclosure provides the means through which people envalue personal experience which are intrinsically or objectively valueless” (Schoeman 1984b, 406).

Schoeman assesses privacy as a highly individual value, which obtains its authority from the individual and not from serving society as a whole. He argues that the individual is not a means for socially valuable ends, but is a source of value in itself, otherwise “there would be no point to helping others in the first place”, if there is not anything “good for persons, independent of their effects on others” (Schoeman 1984b, 414).

Strong promoters of this view even argue that the absence of privacy will lead to the deprivation of individuality at all. Bloustein (1964, 1003) illustrates this thought in detail: “Such an individual [deprived of privacy] merges with the mass. His opinions, being public, tend never to be different; his aspirations, being known, tend always to be conventionally accepted ones; his feelings, being openly exhibited, tend to lose their quality of unique personal warmth and to become the feelings of every man. Such a being, although sentient, is fungible; he is not an individual.”

Assessing privacy only in the socio-cultural sphere, Gavison points out that the contexts, in which privacy needs to be valued (e.g. family), “are those in which the law is traditionally reluctant to interfere” (Gavison 1980, 470). However, she promotes a commitment to privacy as a legal value, since it “may help to raise awareness of its importance” and, moreover, will have an “educational impact”, making people more aware of privacy’s value (Gavison 1980, 471).

Not only Schoeman argues that privacy is fundamental for the autonomous development of a human being as a distinct person and for the development of own ideas and views of the world. Reiman (1976) contends that privacy is an integral condition for the development of individuality that distinguishes a person from others; Fried (1968)(Fried 1968) underlines privacy’s importance for the development of trust, love and friendship. Even Simmel (1906) already identified personal control over the action of sharing personal information with other people to be the defining element for private relationships.

Privacy is also claimed to prevent interference, pressure to conform, ridicule, punishment, unfavourable decisions and other hostile interactions (Gavison 1980, 448). Some authors underline privacy's importance for freedom from distraction, which in turn is essential for all human activities that require concentration such as learning, writing or other forms of creativity or even provide the basis for relaxation (Gavison 1980, 447). Others reduce privacy to interests of reputation and emotional tranquility (Prosser 1960, 422). Furthermore privacy provides individuals with the capacity to work with others in professional contexts, which may require not to be involved in personal, political, moral or religious aspects of the other (Gavison 1980).

Murphy explores this relationship between the individual and his/her environment further, by stating that we as social beings "require some stable definition of ourselves if we are to effectively interact with social others" (Murphy 1964, 1258-1259). Murphy (1964) resolves the private-public dichotomy by seeing the private as a precondition of the public roles individuals need to obtain.

Another question raised within the political domain of analysis is the question in how far privacy is a universal value. Westin (1967) explores in great detail that privacy appears to be valued in every culture, however, to what exactly it accounts for varies culturally and historically. Likely, Schoeman points out that privacy may be superfluous and an abdicable social value if it is not important to all the people (Schoeman 1984c, 6).

### **# Constraints & Violations**

Some authors claim that privacy constraints are caused by the increasing absorption of private information in at least semi-public arenas (as for example social networking sites). A development that does not only reduce the ability of individuals to define private relationships by controlling shared private information, but also leads to an increased urge of self-staging (Imhof 1999, 8), and further even to a hypocritical society, based on individuals caught in between the various and unauthenticated roles they are playing (Goffman 1956).

By focusing on limitations and breaches at the personal level, privacy may get compromised by personal, above all emotional conflicts, individual claims of ownership over another person, intrusion, intentional infliction of mental distress and defama-

tion (Prosser 1960, 422). Privacy intrusion may also be caused by religious or interpersonal motives, such as envy, competition or rivalry.

Surveillance and privacy intrusion are, according to Westin (1984), a necessary condition of any social system in order to enforce rules and norms. "Each society sets socially approved machinery for penetrating the privacy of individuals or groups in order to protect personal and group rights and enforce the society's rules and taboos" (A Westin 1984, 69). Westin's argumentation does not account for dominant power relations, which influence or even distort any social value setting process.

### **# Objections**

Among those authors, who are critical of privacy's role in the socio-cultural sphere, two different views exist:

On the one hand, theorists such as Wasserstrom (1978) and Posner (1978) argue that "more knowledge about a person is better; [...] even outside the context of an especially close relationship, it is somewhat better for people to know more about one another than it is for them to know less" (Schoeman 1984b, 404). These theorists usually tend to view privacy as culturally conditioned and take the stand that institutions of privacy induce and cover up for interpersonal exploitation and social erosion.

On the other hand, authors critical of cultural privacy concepts outline that our social lives and integration allow us to develop distinct personalities. Though they approach privacy not as totally negligible, they sharply criticize the prominent role privacy plays in an individualist society. "This psychic life is seen as so precious and delicate that it will wither if exposed to the harsh realities of the social world, and will flower only to the extent that it is protected and isolated. Each person's self has become his principal burden; to know oneself has become his principal burden; to know oneself has become an end, instead of means through which one knows the world. [...] the more privatized the psyche, the less it is stimulated, and the more difficult it is for us to feel or express feeling" (Sennett 1977, 4).

Moore (1984) highlights the "antisocial aspect" of privacy: "Privacy cannot be the dominant value in any society. Man has to live in society, and social concerns have to take precedence" (Moore 1984, 274-275). In his anthropological analysis, Moore points out that despite this antisocial aspect, no society exists that has totally emancipated itself from the idea of privacy. Even indigenous tribes, among whom all physiological activities occur in public, have at least a desire for privacy (Moore 1984, 275).

Likewise critical, Hannah Arendt holds the view that it is the public realm that spawns individuality and meaningful existence. She reduces privacy to the sphere of sustenance, including reproduction, production, and economy (Arendt 1998, 50-68). However, she does not see it as irrelevant, as she postulates that matters such as love (but not friendship) can only grow and flourish in the private (Arendt 1998, 51).

From a very conservative standpoint, some theorists, such as Janet Smith, even challenge privacy for authorizing liberal lifestyle decisions that are at odds with a conservative or traditional way of life. They argue that privacy needs to be critically assessed since under its cloak decisions like contraception or abortion or assisted suicide are legitimated (Smith 2008).

### **# Conclusion**

Socio-cultural privacy approaches highlight privacy's importance for the autonomous development and well being of individuals, as well as for the establishment of meaningful relationships. Most of these authors agree that privacy is a universal value, although they acknowledge that it is culturally conditioned? Above all, privacy is seen as an individual human right.

*"Still the protection of society must come mainly through recognition of the rights of the individual. Each man is responsible for his own acts and omissions only"* (Warren and Brandeis 1890, 219-220).

The existing approaches neglect to discuss the social value of privacy, tend to ignore that dominant social relations structure privacy and fail to assess how power relations condition privacy. Privacy frequently is only framed as a socially embedded concept as far as "a right to privacy imposes obligations and restrictions on others" (Nissenbaum 2010, 72). These discussions closely link privacy to individual interests, emphasizing the importance of privacy for personal well being and relationships. It is this focus on the individual rather than on a group as the basic unit of society that fuelled theory and practice of privacy rights in liberal societies (Moore 1984, 283).

### **2.3. Privacy in the Economic Sphere**

The economic sphere is the realm of society, where the production, distribution and consumption of resources, goods and services take place. Theories discussing privacy within economic institutions and their social relations will be classified as being economic concepts. Such approaches may be concerned with micro- and mac-

roeconomic ramifications, privacy concerns related to consumers or the question of private property.

### **# Value & Purpose**

The most prominent and decisive feature privacy attains within many economic approaches is its conditioning of, or even concurrence with, private property, thereby seemingly providing a moral justification of the most essential condition of the capitalist economy.

In delineating the course of history, Arendt (1958) illuminates that privacy is a locus of private property. She argues that it is private property, which constitutes the basis for any participation in public life. “The profound connection between private and public, [is] manifest on its most elementary level in the question of private property [...]” (Arendt 1998, 61). Private property and wealth have been “historically of greater relevance to the public realm than any other private matter or concern and have played, at least formally, more or less the same role as the chief condition for admission to the public realm and full-fledged citizenship” (Arendt 1998, 61). But Arendt underlines that it was not the process of accumulation itself, which ensured a reliable position within the public sphere, but simply the state of being free from any further need to engage in providing for oneself the means of use and consumption. “Public life, obviously, was possible only after the much more urgent needs of life itself had been taken care of” (Arendt 1998, 65). “To own property meant here to be master over one’s own necessities of life and therefore potentially to be a free person, free to transcend his own life and enter the world all have in common” (Arendt 1998, 65).

Warren and Brandeis put the importance of private property into more liberal terms: “The right of property in its widest sense, including all possession, including all rights and privileges, and hence embracing the right to an inviolate personality, affords alone that broad basis upon which the protection which the individual demands can be rested” (Warren and Brandeis 1890, 211).

But not only does privacy serve as a general basis for the capitalist economy by assuring and grounding private property rights, rather it has become a marketable and accordingly somehow profitable good within this economy itself.

Whereas on a macro-level privacy as the cornerstone of private business has become idolized beyond reasonable examination, it is under constant attack when it comes to increase profits and discipline employees at the micro level (as will be



shown in the next section). Fuchs (2010a, 174) highlights that in a capitalist society “corporations have the aim of accumulating ever more capital. That is why they have an interest in knowing as much as possible about their workers (in order to control them) and the interests, tastes, and behaviours of their customers. This results in the surveillance of workers and consumers.” “Companies wish to collect data on customers and clients for many reasons. In particular, knowing one’s customers can help to provide better products and services, create longer-term relationships and thereby maximise profits in the long run. It thus seems to be in the interest of companies to maximise the amount of data they can collect on customers” (McRobb and Stahl 2007, 237). Such a collection, analysis and usage of personal data is inherently in conflict with privacy. In response, the concept of consumer privacy has been introduced and is widely discussed by scholars, consumer advocates as well as in public discourse (e.g. Turow et al. 2008; Turow, Feldman, and Meltzer 2005; Solove 2004; Picker 2009; Milne 2000; Taylor 2004, Henderson 2006). Consumer privacy involves the handling and protection of personal information, attained in the course of everyday transactions. Especially with the Internet and other forms of electronic mass communication, a huge amount of personal data has become available, that, while helping some businesses, “is considerably harmful to individuals and society. Of particular concern to critics are issues of privacy, reduced personal autonomy, misuse of data, and financial harm. [Practices such as; VK] price discrimination based on profiling ... invariably means using information about individuals in ways that do not involve their permission. Further, retailers do not tell customers what information they have about them, so that ... errors are quite possible. But even if the private information is correct, there still is the ethical issue of not allowing customers a say in the profiles stores create about them or the niches in which stores place them” (Turow, Feldman, and Meltzer 2005, 11).

Consumer privacy advocates argue that a free market and voluntary privacy standards are not sufficient enough. They call for more legislation to regulate marketing practices, as well as to provide consumers with the opportunity to control their own personal information (Henderson 2006, 105; Garfinkel 2000, 222). Others even argue that consumer privacy, enforced by governmental regulations, can turn out to be profitable for businesses as well. Garfinkel points out that for example the Fair Credit Reporting Act, which has given people a right to look into their credit histories and to have inaccurate information removed, has improved the quality of information stored in corporate databanks, “thus making these systems more valuable, useful, and profitable. Indeed, protecting consumer privacy and freedom is in the best long-term interests of both business and society.” (Garfinkel 2000, 50)

## # Constraints & Violation

Interestingly, the first scholars who discussed privacy in the 1890s, Samuel D. Warren and Louis D. Brandeis, grounded their claim for a right to privacy in the observation that individuals were exploited by media businesses. In “recent inventions and business methods”, namely photography and newspaper enterprises, they detected an “invasion of privacy” (Warren and Brandeis 1890, 195). However, they are more concerned with the consequences for individual well being than with economic aspects of such practices. They argued that “modern enterprise and invention have, through invasion upon his [man’s] privacy, subjected him to mental pain and distress, far greater than could be inflicted by mere bodily injury” (Warren and Brandeis 1890, 196). Though they acknowledged that “gossip [...] has become a trade”, they did not assess privacy in the context of profit-seeking businesses and the exploitation of the subject, whose privacy had been violated.

Recent discussion about privacy in a digital era, dominated by Google, Facebook & co., therefore seem not that new due to the action itself, but only due to the increase in quality and quantity. The most significant change in privacy’s perception within the economic sphere is its increasing importance for business strategies based on private personal information. Nissenbaum outlines that “privacy is regularly challenged by a desire or need for greater efficiency, which has been a significant driver in the collection, aggregation, and analysis of personal information. One of the most common applications has been marketing; businesses wishing to identify suitable customers seek as much information as possible about the demographics of a population, as well as the habits, socioeconomic standing, interests, past activities, and purchasing choices of identifiable members” (Nissenbaum 2010, 109). Proponents of such business practices argue that thereby not only greater efficiency can be obtained, but that “these benefits to business interests may ‘trickle down’ to customers in the form of lower prices and, replacing the scattershot of so-called junk mail, enable more effectively targeted ads and special offers” (Nissenbaum 2010, 110). Another benefit in the view of businesses is that due to more knowledge about potential customers, they can protect themselves against high-risk customers.

Especially such views aroused fierce criticism. Oscar Gandy (1993) shows how such business practices lead to what he calls a “panoptic sort”. People are classified according to their income, buying behaviour, social status, and so forth. Whereas only some are deemed worthy of various privileges, such as special offers on consumer products, mortgages, discount coupons, or credit cards, others become discriminated. Accordingly, Cohen (2000) illustrates this discrimination by arguing that “a perverse

consequence of a purely market-based approach to data privacy rights, then, may be more discounts for the rich. If so, then the poor will lose twice over. They will have less privacy, and they will also pay more for goods and services than more desirable customers. Privacy in markets, then, is more than a luxury. Personally-identified data is the wedge that enables 'scientific,' market-driven, and increasingly precise separation of 'haves' from 'have-nots'" (Cohen 2000, 1398).

In addition to a somewhat intangible loss of privacy as a moral concept, it is concrete material damage, which startles authors such as Nehf (2003): "The more cognizable and immediate problem with a loss of information privacy, and the problem that is most likely to produce a political resolution, is our inability to avoid circumstances in which others control information that can affect us in material ways – whether we get a job, become licensed to practice in a profession, obtain a critical loan, or fall victim of identity theft. We cannot avoid the collection and circulation of information that can be profoundly affect our lives. We feel that we have little or no voice or choice in the data collection and sharing process. We do not know who has what information, how they got it, what purposes or motives those entities have, or what will be done with that information in the future. Even if the information in databases is accurate and complete in all relevant respects, it can still harm us if it falls into the wrong hands or if it is used for a purpose we did not envision when we disclosed it" (Nehf 2003, 26)

Generally, the development of a market in personal information leads to the reproduction of inequalities. Van den Hoven (2001) refers to an "informational inequality", which is constituted by missing "openness, transparency, participation, and notification on the part of business firms and direct marketers"(Van den Hoven 2001, 493). "Not all individual consumers are aware of this economic opportunity, and if they do, they are not always trading their data in a transparent and fair market environment. Moreover they do not always know what the implications are of what they are consenting to when they sign a contract" (Van den Hoven 2001, 493).

Others, criticizing privacy's commodification, point out that privacy cannot be valued using market measures. "Monetary measures of value do not capture the very real incommensurabilities that the choice presents. Privacy, like other dignity-related goods, has inherently nonmonetizable dimensions. These dimensions may be lost or distorted beyond recognition in the translation to dollars and cents" (Cohen 2000, 1398).

Furthermore, though most of the approaches assembled here, focus on the intrusion upon informational privacy, i.e. the violation of an individual's right to/control over his or her personal information, marketing practices such as targeted or behavioural advertising aim at undermining decisional privacy as well. Essentially, their objective is to persuade consumers to make purchasing decisions in favour of a special brand or company.

## **# Objections**

Approaches critical of privacy in an economic context have also been advanced in the neoliberal tradition of academic thought. Privacy in the form of private property, of course, remains unquestioned by such approaches. They tend to neglect this relation and solely concentrate on privacy as a property of individuals themselves. The first ones who started applying explicit economic reasoning to the study of privacy, were Chicago School theorists such as Posner (1978; 1981), Hirshleifer (1971; 1980) and Stigler (1980), whose unanimous assumption highlights the benefit of more information – as long as it is collected costlessly. Privacy is framed as a troublesome and outdated obstacle to a free and transparent market. Posner (1981, 406) argues that it is privacy that “reduces the amount of information in the market, and hence the efficiency with which the market – whether the market for labor, or spouses, or friends – allocates resources.” Stigler (1980, 629) advises against too much privacy, as it “increases the cost of achieving a given level of classification”, which is needed to divide people into homogenous groups in order to treat them differently in the marketplace. More recent economic approaches to privacy concentrate on microeconomic aspects as for example conditional pricing (Acquisti and Varian 2005; Taylor 2002), direct marketing (Milne and Gordon 1993), or microeconomic costs of privacy (Acquisti et al. 2006; Walker 2000). Other approaches criticizing privacy from an economic point of view stress the uneven regulatory allocation of privacy policies. Picker (2008) problematizes the difference of privacy restrictions and users' attitudes on- and offline. In his point of view, free competition is distorted when personal information is not free to every business, but just a few major actors on the Internet as for example Google or Facebook. Furthermore, according to such a perception of privacy, any “rules that limit how information can be used and shared across firms will artificially push towards greater consolidation, which [...] usually works against maintaining robust competition” (Picker 2008, 16). Privacy is framed as an economic principle, which calls for a free market and proper competition, instead of regulation or any privacy policy imposing restrictions on business practice.

What is common to such approaches is their focus on the economics of privacy. They are concerned with the costs of privacy for the different shareholders, i.e. economy and individuals (less frequent governmental actors or society). They diminish privacy into a concept of transferable information and analyze it in economic terms focusing on trade offs, externalities, opportunity costs and so forth. They assess in how far some kind of intrusion upon customers' privacy can be profitable. In doing so they not only view privacy as an obstacle, which needs to be overcome in order to gain more profits, but also reduce privacy to a microeconomic factor that, along with other variables, can be juggled around with in order to achieve the most profitable setting. Overall it can be said that such approaches see privacy as a commodity that holds a particular price. But they fail to assess privacy as a moral value and common good.

In contrast to these neoliberal approaches, Arendt assesses a critical view of privacy as the precondition of private property. As shown above, Arendt highlights how privacy and private property allowed for the participation in public life. Thereby private property served only as a means for living a free and self-determined life and was not yet distorted to become an end in itself. Arendt put it that way: "If the property-owner chose to enlarge his property instead of using it up in leading a political life, it was as though he willingly sacrificed his freedom and became voluntarily what the slave was against his own will, a servant of necessity" (Arendt 1998, 65).

Modern society has manoeuvred itself back into slavery. The accumulation of private wealth developed a momentum of its own and has become an end in itself. "Property-owners [...], instead of claiming access to the public realms because of their wealth, demanded protection from it for the accumulation of more wealth" (Arendt 1998, 68). The relation between the private and public realms thereby got turned upside down: "the public [...] has become a function of the private and the private [...] has become the only common concern left" (Arendt 1998, 69).

Arendt highlights that in modern society privacy and private property are only sacred as long as they serve the accumulation of profit of the proprietary classes. In any other case "privacy [...] can only hinder the development of social 'productivity' [...]. Individual appropriation of wealth will in the long run respect private property no more than socialization of the accumulation process" (Arendt 1998, 67). This idea could already be found in Marx's work *On the Jewish Question* (1844): "Man's right of private property [...] is the right of self-interest [...] It allows every man to find not the realisation, but the limitation, of his freedom [...] Security is the guarantee of egoism."

## # Conclusion

One focal point of privacy in context of the economic sphere is its relation to property. This relation appears to be manifold. It is privacy, which serves as the moral justification of property claims in liberal society. Not only that privacy as a liberal concept provides the foundation for property rights, but indeed privacy itself constitutes a property. Indisputably, personal data has become a “hard commodity”. Increasingly one has to pay to enjoy some privacy, be it the cost for one’s own apartment, for a car instead of public transport, as well as more subtle and indirect costs of refusing special services and offers. Privacy has become a luxury not everyone is able to afford. Only the wealthy may afford to reject the tenth loyalty card plugging their briefcase, because they are not reliant upon any special offers.

People, arguing that increased surveillance only has to be feared by those guilty of any wrongdoing, have been proven wrong. Everyone’s privacy is at stake – since it may appear valuable to marketers. In an era where personal data are worth hard cash, the rationale for intrusion is rising. People not only lose their privacy, but rather they get exploited. For example users engaging in social networking sites create the value for the businesses behind. Not only their personal data is sold to third parties, but they first and foremost create the basis (a vivid social network) for their exploitation (Fuchs 2010b; Fuchs 2009; Andrejevic 2009).

In response to privacy threats posed by marketing activities, consumer privacy has become an important issue. Scholars, privacy commissioners, consumer advocates as well as public initiatives contest for the control over personal data. Those authors calling for the protection of personal data tend to only scratch the surface. Discrimination and inequality, based on the exploitation of personal information, are deeply rooted in the concept of privacy as a conditioning principle of capitalist economy, namely private property, itself. It is the imbalance in power between the proprietary class and the working class, which calls for protection and regulation of privacy on behalf of the interest of the latter in the first place.

Furthermore, in capitalist society constant workplace surveillance is increasing. What once was the task of an overseer, has today become automatized. Electronic workplace surveillance programs can track every email one sends, every click one does. Time-recording- and keyless-entry-systems register every movement of the workers. As a consequence there is less and less work place- and work force-privacy. Workers are forced to not only sell their labour power on the job market, but their privacy accordingly, by giving it up to the employer.

## 2.4. Privacy and Technology

As some theories of privacy exist that, above all, emphasize the role of technology, the realm of privacy technologies should also be treated briefly. Located in the “technosphere”, which “is the sphere in which the actors of society carry out their instrumental activities”, i.e. the use as well as the creation of technologies (Fuchs and Hofkirchner 2003, 4), these approaches focus on privacy in the context of technological developments and do not see it as a social concept.

Arguments such as “there has been media discussion of the legal ramifications of privacy, but the primary agent of change, technology, has largely been ignored” (Holtzman 2006, xi) or “we are only as safe as our computers” and “this loss [of privacy] has been caused by ... computerized technology” (Holtzman 2006, vii) are exemplary of such views.

The problem with such approaches is that they imply that technology is the main cause of threats to privacy. Though they do point out that the harmfulness of technology depends on its application and usage, they neglect to analyse how technology and usage patterns are conditioned by the larger societal context, such as a the economic subsystem’s orientation on extracting and accumulating personal data in order to maximize profits, as well as surveillance efforts of states and governments. Fuchs (2009a) argues that such pessimistic assessments of technology “imply that there are inherent risks in technology. The causality underlying these arguments is one-dimensional: It is assumed that technology as cause has exactly one negative effect on society. But both technology and society are complex, dynamic systems. Such systems are to a certain extent unpredictable and their complexity makes it ... much more likely that there will be multiple, at least two, contradictory effects.” Fuchs underlines that such approaches are “ideological” because with their strict focus on technological aspects and the individual user “they distract attention from politically important problems and issues” (Fuchs 2009, 13).

On the other hand, arguments can be found in the existing literature, which stress the potential of technology for privacy and autonomy. Though not accounting for the most recent developments in information technologies, Schoeman (Schoeman 1984c, 2) points out that we not only experience far more privacy than generations before, but that indeed it is technological change and social transformation in the wake that led to that increase.

Such arguments neglect “how technology and technology use are framed by political issues and issues that concern the development of society, such as profit interests,

... the globalization of capitalism, or the rise of a surveillance society” (Fuchs 2009, 18).

Although it is indisputable that technology plays a major role in ongoing discussions about privacy, technological developments need to be assessed as being multi-dimensional and situated in the context of society. Otherwise one risks applying a reductionist technological determinism that disregards the mutual conditioning of the society and the technological sphere.

### 3. A Critical Approach to Privacy

*“What protects privacy is not the difficulty of invading it, but the lack of motive and interest of others to do so.” (Gavison 1980, 469)*

In this chapter the findings from the previous sections will be analyzed and discussed in order to examine why existing approaches for defining privacy may be assessed as being insufficient. A suggestion for a more comprehensive definition of privacy will be put forward.

The discussion of existing privacy literature has shown that hardly any approaches exist that challenge the concept of privacy at all (exceptions may be found in Thomson 1975; MacKinnon 1991, Moore 1984). Rather most examined approaches unanimously highlight privacy’s importance for humankind, although differences in its specific nature can be found. Some refer to privacy as an essential value, others emphasize privacy’s relevance for achieving other fundamental values. Apart from this consent on privacy as a valuable concept, the examination of existing approaches of defining privacy reveals great diversity. However, it can be brought down to the lowest common denominator: Privacy is complex. Privacy can refer to a lot of different concepts. Privacy can even refer to contradictory concepts.

Therefore in order to outline a comprehensive approach, privacy has to be analyzed in specific contexts that structure its internal purposes, ends and value. Any definition needs to assess how privacy is embedded in society. It has to consider who is provided with privacy, for what reason, as well as who might intrude on it with which motivation and for which ends.

Depending on its specific context, privacy in contemporary society cannot in general be declared good or bad, insufficient or excessive. Therefore in an initial state privacy may be assessed as a neutral concept, such as can be found by Gavison



(1980), Powers (1996), or Tavani and Moor (2001). “One of the benefits of [...] a neutral conception of privacy is that it allows one to talk about states of increased and decreased privacy without begging the normative question of whether these states are good or bad. It leaves open the possibility that in certain circumstances less privacy might be better than more [...]” (Nissenbaum 2010, 68). For example, a neutral definition allows for the critical analysis of privacy’s application in different contexts. So, though most people will agree that privacy generally is a value worth protecting, they may also approve to the statement that privacy assumes a different nature when it comes to child abuse or bank secrecy. The classification of different approaches within the taxonomy has shown that privacy can be framed as an essential condition for interpersonal relationships, but at the same time also serves as an instrument for securing domination as well as provides a means for discrimination of the poor. It is exactly this multi-dimensionality that liberal authors tend to neglect. Privacy is held in high esteem for guaranteeing personal freedom and autonomy to the individual, especially in dissociation to the political state. Privacy within the socio-cultural sphere is emphasized. The private is emphasized in contrast to the public, the individual in contrast to society. But liberal approaches tend to neglect a proper analysis of the economic sphere. Consumer privacy appears to be a major issue when it comes to critical approaches. These respond to the increasing accumulation, processing and usage of personal data by private businesses. Practices such as social sorting, price discrimination, or behavioural targeting are criticised. Overall if liberal approaches do assess privacy in any economic context, they focus on privacy as a marketable good (assessed as a trade off between consumer interests and businesses), but rather not examine privacy as the basis of a privately organized economy.

Despite such pitfalls, existing approaches almost unanimously – as already argued above – agree upon privacy’s importance for all humankind. Liberal authors therefore claim that privacy is a universal right that is valid for every person. “Privacy’s moral weight, its importance as a value, does not shrink or swell in direct proportion to the numbers of people who want or like it, or how much they want or like it” (Nissenbaum 2010, 66). Liberal approaches advise against discrimination and inequality in privacy rights. For example Gavison states that “enjoyment of privacy is not equally distributed and some people have more security and power as a result. [...] unequal distribution of privacy may lead to manipulation, deception, and threats to autonomy and democracy” (Gavison 1980, 445). Thus, claiming privacy to be a universal, morally grounded right, privacy in such liberal conception has to meet conditions of a) equality and b) reciprocity. Equality means that everybody must have the same entitlement to privacy. Reciprocity involves that any restriction or intrusion upon privacy – be it consensual or not – must enable mutual application/provide the possibility of

the same restriction or intrusion in return, in order to avoid power differentials. For example Hirshleifer (1980, 663) underlines that the “insistence on one's own rights is also part of a two-sided ethic involving willingness to concede corresponding rights to others, and even willingness to participate as a disinterested third-party enforcer against violators.”

Within a capitalist society, such claims for an equal and reciprocal right to privacy cannot be fulfilled. A liberal conception of privacy fails to meet its self-imposed conditions both within the political and the economic sphere. Within the political sphere privacy may be assessed as an equal right, grounded in the constitution or any other legal order or political resolution and may therefore be valid for all citizens. However, there are people without citizenship, thereby not being able to claim the same rights. Apart from casting their vote every once in a while, in a liberal democracy, citizens effectively have hardly any chance to participate and influence political decision-making. Moreover, liberal democracy lacks any sound mechanisms providing transparency and openness. Thereby the privacy of citizens may be violated, without giving them a chance to gain as much insight on behalf of the political actors or decision-making processes in return.

The capitalist economy is based on the distinction of, on the one hand, the proprietary class, and on the other hand the members of the working class, who are forced to sell their labour power. This fundamental inequality likewise frames any claim to privacy within the economic sphere. Someone applying for a job has to provide a lot of personal information. Elsewise he/she has to fear not getting any job at all. Similar, someone depending on a job, will unlikely insist upon his/her workplace privacy. Increasingly workers are forced to give up a huge part of their privacy when entering any employment relationship. They have no means to withdraw themselves from such privacy breach. Capitalist companies are organized privately, without allowing much operational participation on behalf of the workers. Though labour unions and work councils exist, their power is limited. Therefore workers are not entitled to any reciprocal form of privacy by exercising surveillance or control over capitalists.

Assuming that individuals within the socio-cultural sphere are not influenced by their status within other spheres (putting aside the interrelatedness of the different spheres for analysis here), privacy in the socio-cultural sphere can be based on equality as well as reciprocity, as long as the individuals acknowledge and value it.

This analysis shows that a liberal approach to privacy, claiming it to be an equal and universal right, cannot be achieved within the prevailing reality of a liberal capi-

talist society. Liberalism on the one hand postulates privacy as a fundamental liberal value, but liberal society through its own practices undercuts this value. Although it might be reasonable for analysis to examine privacy isolated in just one sphere, it should not be overlooked that all three spheres are closely interrelated. For example although having an amicable relationship with one's boss, it will lead to adverse consequences if one posts pictures on his/her Facebook profile of a party one attended, while officially called in sick to work.

The critical theory-framework adopted in this paper assesses the individual not as a single entity, guided by utilitarian principles, but as social being. Privacy is not an alienable or exploitable good at every individual's disposal. Whether or not the individual respects its own privacy, it is a socially embedded value and grounded in society as a whole. Any right to privacy must not absolve the individual from its obligation to society or as Marx (1844 in: MEW 1, 347) puts it: "The human right of freedom is not based on the connection of man with man, but rather on the separation of man from man. It is this right of separation, the right of the limited individual, limited unto himself [...]". In the *Preface to A Contribution to the Critique of Political Economy* (1959). Marx emphasizes: "My inquiry led me to the conclusion that neither legal relations nor political forms could be comprehended whether by themselves or on the basis of a so-called general development of the human mind, but that on the contrary they originate in the material conditions of life." He implies that any privacy right within liberal society, rooted within material reality, serves the interests of the ruling class. A right to privacy influenced by prevailing social inequalities cannot be claimed to be equal or provide the ground for any reciprocal demand due to the difference in power single actors maintain. True privacy can only be reached in a society based on fundamental equality of all people. By providing the basis for establishing meaningful relationships between people, privacy is an important social value. Within a society providing democratic participation to everybody as well as an accordingly participatory economy, privacy as a liberal safeguard for private property, as well as to keep ownership structures private or to allow for secret ballot may become unnecessary.

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