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Social Networking Sites
in the Surveillance Society

The Political Economy of Privacy

Christian Fuchs

Abstract: *There are a lot of discussions about privacy in relation to contemporary communication systems (such as Facebook and other “social media” platforms), but discussions about privacy on the Internet in most cases miss a profound understanding of the notion of privacy and where this notion is coming from. This paper challenges the liberal notion of privacy and explores foundations of an alternative privacy conception. Based on Anthony Giddens’ theory of structuration, a typology of privacy definitions is elaborated. The notion of privacy fetishism is introduced for criticizing naturalistic accounts of privacy. The philosophy underlying classical critical political economy has advanced four elements of the critique of the liberal privacy concept that were partly taken up by Hannah Arendt and Jürgen Habermas in their theories of the public/private distinction: 1) privacy is a form of atomism that advances 2) possessive individualism that harms the public good and 3) legitimizes and reproduces the capitalist class structure and 4) capitalist patriarchy. Given these criticisms, the need for an alternative privacy concept is ascertained and it is argued that privacy rights should be differentiated according to the position individuals occupy in the power structure so that surveillance makes transparent wealth and income gaps and company’s profits and privacy protects workers and consumers from dominant interests.*

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1. Introduction

- How Privacy Vanishes Online“ (New York Times; March 16, 2010)
- “Critics Say Google Invades Privacy with New Service“ (New York Times; February 12, 2010)
- “Privacy No Longer A Social Norm, Says Facebook Founder“ (The Guardian; January 11, 2010)
- “Google’s Eric Schmidt: Privacy is Paramount“ (The Guardian; March 19, 2010)
- “Google Street View: Politicians Insist on Privacy” (Süddeutsche Zeitung; August 12, 2010).

These example newspaper clippings show that privacy is a much talked-about issue in the contemporary information society. The problem of discussions about privacy in the media and the public is frequently that a clear understanding of privacy is missing. Privacy tends to be conceived as a universal and always positive value. The downsides of privacy tend to be neglected. The task of this paper is to show some limits of the privacy concept by giving a critical political economy analysis of this notion. Such an approach is especially interested in uncovering the role of surplus value, exploitation, and class in the studied phenomena (Dussel 2008, 77; Negri 1991, 74).

Boudewijn de Bruin (2010) has argued for the “Liberal Value of Privacy“ (paper title). He held against privacy sceptics that privacy should be seen as an important value within liberal discourse. This is an inner-liberal debate, as most debates about the privacy concept are. My argument in this paper is somewhat different, provocative, and challenges the position of de Bruin and others. I argue that liberalism as such is problematic, that a liberal privacy concept has a legitimizing and ideological function in capitalism, and that as an alternative a socialist privacy concept is needed. Discussions about privacy and surveillance have too long been dominated by liberal positions. It is time to advance privacy concepts from Marxist and socialist points of view. De Bruin argues that “privacy is a liberal value, and it does outweigh other liberal values in certain cases“ (de Bruin 2010, 520). My argument in this paper will be that privacy as a liberal value has problematic implications, but that this does not mean one should abandon the notion in total, but define it in an alternative and differentiated way from a socialist and Marxist perspective.

In contrast to de Bruin, Mark Neocleous (2002) questions the liberal value of privacy. He characterizes the rise of this value as characteristic of the constitution of capitalism: “The idea that ‘privacy’ as a political virtue came about with the rise of capitalism, the consolidation of the state, and the gradual emergence of liberal democracy“ (Neocleous 2002, 86). More than that, he argues that privacy has ideological character in capitalism: “When it comes to companies known by the government to be breaking the law, secrecy must be maintained; under a regime of open government crimes committed by capital can be kept secret. [...] Liberalism's defense of privacy historically accompanied its defense of capital. [...] The ‘right to privacy’ in this sense

merely confirms the processes of individualization and commodification in which we find ourselves and which we should be struggling against“ (Neocleous 2002, 99, 104, 106). Privacy would therefore be “a concept that can just as easily be used by corporate power in its struggle to create a world after its own image“ (Neocleous 2002, 106). Secrecy and privacy is handled in a differentiated way by the state in capitalist society so that companies and corporate crimes are frequently protected from public scrutiny and public knowledge. Therefore the question arises how a socialist position on privacy exactly can look like. Is privacy a bourgeois value that is doomed to be ideological and that is incompatible with socialist politics?

In the research literature, one finds many definitions of privacy. This makes it a rather complex concept. There are attempts that try to bring some order into this discourse by elaborating typologies that are in most cases not theoretically grounded. Therefore one task of this paper is to provide some meta-theoretical reflections about how a privacy typology can best be grounded (section 2). Critical political economy uncovers the limits and problems of certain categories. It positions phenomena in the contexts of power and capitalism and asks who benefits and who loses. Given such a framework, it is therefore necessary to discuss the limits of the privacy concept. This is in this paper done by first employing the Marxian notion of fetishism for challenging naturalizations of privacy (section 3). The concept of privacy fetishism will be introduced in this context. Then a more systematic critique of the modern privacy concept is elaborated that is grounded in the analyses of Karl Marx, Hannah Arendt, and Jürgen Habermas (section 4). The critical political economy approach reminds us that it is important not to see only positive aspects of privacy, but also its downsides. But such an analysis brings up the question if one should conclude that privacy is a purely bourgeois concept that should be abandoned or if it is possible to establish an alternative privacy concept that avoids the current limits. This question is outlined in the concluding section of this work (section 5).

2. The Privacy Concept

Tavani (2008) points out that privacy can be seen as unitary concept that stands on its own, as derivative concept that is derived from other concepts such as property, security, liberty, life, or freedom, or as multifaceted notion (see also: Schoeman 1984b, 5). James Moor (2000) speaks in this context of intrinsic and instrumental ways for justifying privacy. One could also speak of intrinsic and extrinsic justifications of privacy. The best known intrinsic justification of privacy is the one of Warren and Brandeis (1890), who see it as a distinct right of individuals, whereas Prosser (1960/1984) challenged the view of Warren and Brandeis and reduced privacy to freedom from mental distress, interest in reputation, and property rights in one's own identity.

Ferdinand Schoeman (1984b, 2f) distinguishes between definitions of privacy as 1) claim, entitlement, right, 2) the measure of control of an individual over personal information, intimacy, and visibility, 3) state or condition of limited access to an individual. Ken Gormley (1992, 1337f) discerns four types of privacy definitions: 1) pri-

vacy as an expression of one's personhood and personality, 2) privacy as autonomy, 3) privacy as citizens' ability to regulate information about themselves, 4) multidimensional notions of privacy. Daniel Solove (2008) says that there are six different privacy definitions: privacy as 1) the right to be left alone, 2) limited access to the self, 3) secrecy, 4) control over personal information, 5) personhood, 6) intimacy. Solove (2004) distinguishes between the following conceptions: 1) privacy as protection from Big Brother, 2) privacy as secrecy, 3) privacy as non-invasion, 4) privacy as control over information use. The problem of these privacy typologies is that they are arbitrary: there is no theoretical criterion used for distinguishing the differences between the categories. The different definitions are postulated, but not given theoretically grounds for. A theoretical criterion is missing that is used for distinguishing different ways of defining privacy. Providing such an analysis is a meta-theoretical task.

Anthony Giddens sees the "division between objectivism and subjectivism" (Giddens 1984, xx) as one of the central issues of social theory. Subjective approaches are oriented on human agents and their practices as primary object of analysis, objective approaches on social structures. Structures in this respect are institutionalized relationships that are stabilized across time and space (Giddens 1984, xxxi).

Herman Tavani (2008) distinguishes between restricted access theories, control theories, and restricted access/limited control theories of privacy. The restricted access theory of privacy sees privacy given if one is able to limit and restrict others from access to personal information and personal affairs (Tavani 2008, 142ff). The classical form of this definition is Warren's and Brandeis' notion of privacy: "Now the right to life has come to mean the right to enjoy life, - the right to be let alone" (Warren and Brandeis 1890, 193). They discussed this right especially in relation to newspapers and spoke of the "evil of invasion of privacy by the newspapers". Although some scholars argue that Warren's and Brandeis' (1890) paper is the source of the restricted access theory (for example: Bloustein 1964/1984; Schoeman 1984b; Rule 2007, 22; Solove 2008, 15f), the same concept was already formulated by John Stuart Mills 42 years before Warren and Brandeis in his 1848 book *Principles of political economy* (Mill 1965, 938): "That there is, or ought to be, some space in human existence thus entrenched 'around', and sacred from authoritative intrusion, no one who professes the smallest regard to human dignity will call in question: the point to be determined is, where the limit should be placed; how large a province of human life this reserved territory should include" (Mill 1965, 938). This circumstance shows the inherent connection of the modern privacy concept and liberal thought. Restricted access definitions of privacy can for example be found in the works of Allen (1988, 3), Bok (1983, 10), Gavison (1980, 428f), Nock (1993, 1), Schoeman (1992, 15, 106, 107f).

Restricted access theories conceive privacy as transsubjective, it is seen as an objective normative right or moral value that exists also if politics or human practices choose to implement mechanisms that reveal private facts in public or allow the public access to the private sphere of individuals. Privacy is considered as a moral structure that is aimed at protecting all humans. Therefore Mill conceives privacy as a circle around individuals: "There is a circle around every individual human being, which

no government, be it that of one, of a few, or of the many, ought to be permitted to overstep: there is a part of the life of every person who has come to years of discretion, within which the individuality of that person ought to reign uncontrolled either by any other individual or by the public collectively" (Mill 1965, 938). The restricted access theory of privacy is an objective theory in Giddens' terminology because it conceives privacy as a transindividual moral structure that exists as right and ethical imperative relatively independently of single human actions.

The control theory of privacy sees privacy as control and self-determination over information about oneself and over the access to one's personal affairs (Tavani 2008, 142ff). The most well known privacy theory of this kind was formulated by Alan Westin, who defined privacy as the "claim of individuals, groups or institutions to determine for themselves when, how, and to what extent information about them is communicated to others" (Westin 1967, 7). Other examples are the definitions given by Fried (1968/1984, 209), Froomkin (2000, 1464), Miller (1971, 25), Quinn (2006, 214), Schultz (2006, 108), Rule (2007, 3), Shils (1966, 281f), Solove (2004, 51), Spinnello (2006, 143). Control theories are focused on individual self-determination over privacy. Privacy is dependent on human action, individuals may choose to withhold or reveal a lot of information about themselves. Privacy in these theories is therefore variable, dynamic, and flexible, depending on the behaviour of individuals. Control theories of privacy are subjective theories in Giddens' terminology because they stress the dependence of privacy on human subjectivity and individual action and choosing.

The restricted access/limited control theory (RALC) of privacy tries to combine both concepts. It distinguishes "between the concept of privacy, which it defines in terms of restricted access, and the management of privacy, which is achieved via a system of limited controls for individuals" (Tavani 2008, 144). James H. Moor uses privacy on the one hand to "designate a situation in which people are protected from intrusion or observation", on the other hand speaks of "different zones of privacy", in which "one can decide how much personal information to keep private and how much to make public. (...) Different people may be given different levels of access for different kinds of information at different times" (Moor 2000, 207f; see also: Shade 2003, 278; Introna 2000, 190).

Giddens (1984) has tried to overcome the separation of subject and object in his theory of structuration by formulating the theorem of the duality of structure that connects subjects and objects of society dialectically by arguing that social structures are medium and outcome of social actions, they at the same time enable and constrain practices (Fuchs 2003a, 2003b). Applying this theorem to privacy gives a good description of the restricted access/limited control theory: control refers to the human agency level of privacy that enables the existence of a protective sphere, which enables humans to act in society with a degree of protection into their private affairs. Limited access refers to a moral structural sphere that protects individuals from privacy intrusion and enables them to act in society. The restricted access/limited control theory sees restricted access and individual control as mutually constitutive. In-

dividuals and society may choose to regulate privacy in certain ways, which is an aspect of subjectivity and action. Based on this action, a sphere of privacy of individuals that is protected from access to others may be set up that enables individuals to act in society, their private sphere, and the public based on privacy and data protection. Privacy control as human action may under certain circumstances or in given contexts (Nissenbaum 2010¹, Solove 2008²) then change the degree of access.

Theoretical criterion	Approach	Description
Subjectivism	Control	Privacy as individual control and self-determination of the access of others to one's private sphere.
Objectivism	Restricted access	Privacy as the right or norm of restricting others' access to one's personal affairs.
Subject/object-dialectic	Restricted access/control	Privacy as process, in which action regulates and manages the conditions of the private sphere and can thereby enable the existence of a protective sphere that allows individuals to act in society.

Table 1: A typology of privacy theories

For a critical analysis, it does not suffice to understand, which ways there are of defining privacy. It is also necessary to discuss the limits and problems of the privacy approach. For doing so, I will introduce the notion of privacy fetishism in the next section.

¹ Helen Nissenbaum (2010) understands privacy as contextual integrity. Contextual integrity is a heuristic that analyzes changes of information processes in specific contexts and flags departures from entrenched privacy practices as violations of contextual integrity. It then analyzes if these new practices have moral superiority and if the privacy violation is therefore morally legitimate (Nissenbaum 2010, 164, 182f). Nissenbaum mentions as relevant contexts education, health care, psychoanalysis, voting, employment, the legal system, religion, family, and the marketplace (Nissenbaum 2010, 130, 169-179).

² Solove (2008) argues that the family, the body, sex, the home, and communications are contexts of privacy.

3. Privacy Fetishism

Etzioni (1999) stresses that it is a typical American liberal belief that strengthening privacy can cause no harm. He stresses that privacy can undermine common goods (public safety, public health). That privacy is not automatically a positive value has also been reflected in criticism of privacy. Critics of the privacy concept argue that it promotes an individual agenda and possessive individualism that can harm the public/common good (Bennett 2008, 9f; Bennett and Raab 2006, 14; Etzioni 1999; Gilliom 2001, 8, 121; Hongladarom 2007, 115; Lyon 1994, 296; Lyon 2007, 7, 174; Stalder 2002; Tavani 2008, 157f), that it can be used for legitimatizing domestic violence in families (Bennett and Raab 2006, 15; Lyon 1994, 16; Lyon 2001, 20; Quinn 2006, 214; Schoeman 1992, 13f; Tavani 2008, 157f; Wacks 2010, 36), that it can be used for planning and carrying out illegal or antisocial activities (Quinn 2006, 214; Schoeman 1984, 8), that it can conceal information in order to mislead and misrepresent the character of individuals and is therefore deceptive (Bennett and Raab 2006, 14; Schoeman 1984a, 403; Posner 1978/1984; Wasserstrom 1978/1984), that a separation of public and private life is problematic (Bennett and Raab 2006, 15; Lyon 2001, 20; Sewell and Barker 2007, 354f), that it advances a liberal notion of democracy that can be opposed by a participatory notion of democracy (Bennett and Raab 2006, 15). Privacy has also been criticized as Western-centric concept that does not exist in an individualistic form in non-Western societies (Burk 2007; Hongladarom 2007; Zureik and Harling Stalker 2010, 12). There have also been discussions of the concept of privacy based on ideology critique (Stahl 2007) and intercultural philosophy (see for example: Capurro 2005; Ess 2005).

These critiques show that the question is therefore not how privacy can be best protected, but in which cases whose privacy should be protected and in which cases it should not be protected. Many constitutional privacy regulations acknowledge the limits of privacy and private property and that unlimited property can harm the public good. So the fifth amendment of the US constitution says that no person shall “be deprived of life, liberty, or property”, but adds: “without due process of law”. It says that private property shall not “be taken for public use, without just compensation”. Article 14 (1) of the German *Grundgesetz* says that the “property and the right of inheritance shall be guaranteed” and adds: “(2) Property entails obligations. Its use shall also serve the public good. (3) Expropriation shall only be permissible for the public good”. Similarly, the Swedish Constitution (The Instrument of Government, Chapter 2) guarantees “the property of every citizen”, but adds that this is not the case when expropriation is “necessary to satisfy pressing public interests” (§18).

Liberal privacy theories typically talk about the positive qualities that privacy entails for humans or speak of it as an anthropological constant in all societies, without discussing the particular role of privacy in modern, capitalist society. Alan Westin (1967) on the one hand gives examples from anthropological literature of societies without privacy, but on the other hand in contradiction to his own examples claims that privacy is a universal phenomenon that can be found in sexual relations, house-

holds, personal encounter, religion, puberty, and that is related to gossip and curiosity.

Bloustein (1964/1984) argues that privacy is needed for protecting individual dignity, integrity, independence, freedom, and self-determination. For Westin (1967), privacy provides individual autonomy, emotional release, self-evaluation, and intimacy. Fried (1968/1984) sees privacy as a context that enables human respect, love, friendship and trust. Benn (1971/1984) says that privacy is a general principle needed for respect, freedom, and autonomy. For Rachel (1975/1984), privacy is needed for protecting individuals from competition and embarrassment. Gerstein (1978/1984) argues that intimacy cannot exist without privacy. For Gavison (1980), privacy protects freedom from physical access, liberty of action, freedom from censure and ridicule, and promotes mental health, autonomy, human relations, dignity, pluralism, tolerance, and democracy. Ferdinand Schoeman (1984a) argues that privacy enables social relationships, intimacy, personality, and personally validated objectives that are autonomously defined. Margulis (2003a, b) says that privacy enables autonomy, emotional release, self-evaluation, and protected communication. Solove (2008, 98) argues that privacy is a pluralistic value and provides a list of the values privacy has been associated with: autonomy, counterculture, creativity, democracy, eccentricity, dignity, freedom, freedom of thought, friendship, human relationships, imagination, independence, individuality, intimacy, psychological well-being, reputation, self-development. Given the preceding discussion, the following values can be added to this list: emotional release, Individual integrity, love, personality, pluralism, self-determination, respect, tolerance, self-evaluation, trust.

Such analyses do not engage with actual and possible negative effects of privacy and the relationship of modern privacy to private property, capital accumulation, and social inequality. They give unhistorical accounts of privacy by arguing that privacy is a universal human principle that brings about positive qualities for individuals and society. They abstract from issues relating to the political economy of capitalism, such as exploitation and income/wealth inequality. But if there are negative aspects of modern privacy, such as the shielding of income gaps and of corporate crimes, then universalistic liberal privacy accounts are problematic because they neglect negative aspects and present modern values as characteristic for all societies. Karl Marx characterized the appearance of the "definite social relation between men themselves" as "the fantastic form of a relation between things" (Marx 1867, 167) as fetishistic thinking. Fetishism mistakes phenomena that are created by humans and have social and historical character as being natural and existing always and forever in all societies. Phenomena such as the commodity are declared to be "everlasting truths" (Marx 1867, 175, fn34). Theories of privacy that do not consider privacy as historical, that do not take into account the relation of privacy and capitalism or only stress its positive role, can based on Marx be characterized as privacy fetishism. In contrast to privacy fetishism, Moore (1984) argues based on anthropological and historical analyses of privacy that it is not an anthropological need "like the need for air, sleep, or nourishment" (Moore 1984, 71), but "a socially created need" that varies historically

(Moore 1984, 73). The desire for privacy, according to Moore, develops only in societies that have a public sphere that is characterized by complex social relationships that are seen as “disagreeable or threatening obligation” (Moore 1984, 72). Moore argues that this situation is the result of stratified societies, in which there are winners and losers. The alternative would be the “direct participation in decisions affecting daily lives” (Moore 1984, 79).

This discussion reminds us that it is important to contextualize privacy. If it is indeed true that we live in a capitalist society, as the recent world economic crisis has again made clear, then it is important to analyse privacy in the context of the political economy of capitalism. The next section will cover this topic.

4. The Limits of Privacy in Capitalism

Privacy has been characterized as a value that is typical for liberal worldviews (Bennett and Raab 2006, 4, 17; Etzioni 1999; Moore 1984, 75f). It is therefore no surprise that John Stuart Mill has in his political economy introduced the notion of privacy in relation to private property. When discussing the conditions under which land should allowed to be transformed into private property, he speaks of the necessity of “the owner’s privacy against invasion” (Mill 1965, 232).

Karl Marx and Friedrich Engels worked out an early critique of liberal privacy concepts. This critique contains four central elements. The critique of privacy by Marx and Engels has not been covered in the literature in any details. Therefore the outline of this critique is deliberately strongly quotation-based in order to make their critique available in the form of a comprehensive overview.

1. There is no pure individual existence. All human existence is socially conditioned. By conceiving privacy as individual right, liberal privacy conceptions fail to grasp the social existence of humans.

Marx described the position of the relation of the private and the general in the theories of bourgeois political economists: “The economists express this as follows: Each pursues his private interest and only his private interest; and thereby serves the private interests of all, the general interest, without willing or knowing it. The real point is not that each individual's pursuit of his private interest promotes the totality of private interests, the general interest. One could just as well deduce from this abstract phrase that each individual reciprocally blocks the assertion of the others' interests, so that, instead of a general affirmation this war of all against all produces a general negation. The point is rather that private interest is itself already a socially determined interest, which can be achieved only within the conditions laid down by society and with the means provided by society; hence it is bound to the reproduction of these conditions and means. It is the interest of private persons; but its content, as well as the form and means of its realization, is given by social conditions independent of all” (Marx 1857/58, 156). So it is Marx’s argument that the notion of the private

in classical political economy is individualistic and neglects that all individual actions take place within and are conditioned by society.

2. The individualism advanced by liberal privacy theories results in egoism that harms the public good.

Marx furthermore stresses that modern society is not only based on individualism, but also on egoism (Marx 1843b, 235-237, 240). Liberty in bourgeois society “is the liberty of man viewed as an isolated monad, withdrawn into himself. [...] The practical application of the right of liberty is the right of private property” (Marx 1843b, 235). Modern society’s constitution would be the “constitution of private property” (Marx 1843a, 166). The right of private property in the means of production and to accumulate as much capital as one pleases, would harm the community and the social welfare of others who are by this process deprived of wealth: “The right of property is thus the right to enjoy and dispose one’s possessions as one wills, without regard for other men and independently of society. It is the right of self-interest” (Marx 1843b, 236). “Thus none of the so-called rights of men goes beyond the egoistic man, the man withdrawn into himself, his private interest and his private choice, and separated from the community as a member of civil society” (Marx 1843b, 236f). Marx further criticizes that the private accumulation of capital results in the concentration of capital and thereby of wealth: “Accumulation, where private property prevails, is the concentration of capital in the hands of a few” (Marx 1844, 41).

David Lyon notes that the liberal “conception of privacy connects neatly with private property. Mill’s sovereign individual were characterized by freedom to pursue their own interests without interference, by rational, calculating and self-motivated action in transforming nature to their own ends. This presupposes a highly competitive environment, in which one person’s freedom would impinge on another’s, hence the need to balance values like ‘privacy’ with others” (Lyon 1994, 186). Crawford Macpherson (1962) has termed this Marxian critique of liberalism the critique of possessive individualism. Possessive individualism is the “conception of the individual as essentially the proprietor of his own person or capacities, owing nothing to society for them” (Macpherson 1962, 3). According to Macpherson, it is the underlying worldview of liberal-democratic theory since John Locke and John Stuart Mill. The problem of the liberal notion of privacy and the private sphere is that relatively unhindered private accumulation of wealth, as the neoliberal regime of accumulation has shown since the 1970s, comes into conflict with social justice and is likely to result in strong socio-economic inequality. The ultimate result of Mill’s understanding of privacy is an extreme unequal distribution of wealth. So his privacy concept privileges the rich owning class at the expense of the non-owners of private property in the means of production.

3. The concepts of privacy and the private sphere are ideological foundations of the modern class structure.

Marx says that capitalism's "principle of individualism" and a constitution of state and society that guarantees the existence of classes is the attempt "to plunge man back into the limitations of his private sphere" (Marx 1843a, 147) and to thereby make him a "private human being" (Marx 1843a, 148). If the private sphere in modern society is connected to the notion of private property, then it is an inherent foundation of the class antagonism between capital and work: "But labor, the subjective essence of private property as exclusion of property, and capital, objective labor as exclusion of labor, constitute private property as its developed state of contradiction—hence a dynamic relationship moving inexorably to its resolution" (Marx 1844, 99). The capitalist mode of production is on the one hand based on the "socialization of labour" and "socially exploited and therefore communal means of production" (Marx 1867, 928). This social dimension of capitalism is circumvented by private ownership of the means of production: "Private property, as the antithesis to social, collective property, exists only where the means of labour and the external conditions of labour belong to private individuals" (Marx 1867, 927). "But modern bourgeois private property is the final and most complete expression of the system of producing and appropriating products, that is based on class antagonisms, on the exploitation of the many by the few" (Marx and Engels, 484).

4. There is an inherent connection of privacy, private property, and the patriarchal family.

Engels has stressed the inherent connection of the private sphere with private property and the patriarchal family. "The first class antithesis which appears in history [slavery] coincides with the development of the antagonism between man and woman in monogamian marriage, and the first class oppression with that of the female sex by the male. [...] The administration of the household lost its public character. It was no longer the concern of society. It became a private service. The wife became the first domestic servant, pushed out of participation in social production" (Engels 1891, 474, 480).

The Marxian analysis of the political economy of privacy was partly reflected in the works of Jürgen Habermas and Hannah Arendt.

Marx stresses that capitalism is based on a separation of the state and bourgeois society. The latter would be based on private property. Man "leads a double life. [...] In the political community he regards himself as communal being; but in civil society he is active as a private individual, treats other men as means, reduces himself to a means, and becomes the plaything of alien powers" (Marx 1843b, 225; see also: Marx 1843a, 90). This Marxian moment of analysis is a crucial element in Habermas' theory of the public sphere. During the course of the development of capitalism since the 19th century, the world of work and organization became a distinct sphere. With the rise of wage labour, industrialism, and the factory, the economy became to a certain degree disembedded from the private household (Habermas 1989, 152, 154; see also: Arendt 1958, 47, 68). Consumption became a central role of the private sphere: "On the other hand, the family now evolved even more into a consumer of income and

leisure time, into the recipient of publicly guaranteed compensations and support services. Private autonomy was maintained not so much in functions of control as in functions of consumption" (Habermas 1989, 156). Therefore privacy is for Habermas an illusionary ideology - "pseudo-privacy" (Habermas 1989, 157) - that in reality functions as community of consumers: "there arose the illusion of an intensified privacy in an interior domain whose scope had shrunk to compromise the conjugal family only insofar as it constituted a community of consumers" (Habermas 1989, 156). A central role of the private sphere in capitalism is also that it is a sphere of leisure: "Leisure behavior supplies the key to the floodlit privacy of the new sphere, to the externalization of what is declared to be the inner life" (Habermas 1989, 159). Expressed in other words, one can say that the role of the private sphere in capitalism as sphere of leisure and consumption that Habermas identifies is that it guarantees the reproduction of labour power so that it remains vital, productive, and exploitable. Habermas (1989, 124-129) stresses that for Marx the inherent principle of universal accessibility of the public sphere is undermined by the facts that in capitalism private property of the means of production is controlled by capitalists and workers are excluded from this ownership. The separation of the private from the public realm obstructs "what the idea of the bourgeois public sphere promised" (Habermas 1989, 125).

Hannah Arendt (1958) reflects in her work the Marxian notion that the liberal privacy concept is atomistic and alienates humans from their social essence. She stresses that sociality is a fundamental human condition. Privacy is for her in modern society "a sphere of intimacy" (Arendt 1958, 38). For Arendt, the public realm is a sphere, where everything can be seen and heard by everybody (Arendt 1958, 50). It is "the common world" that "gathers us together and yet prevents our falling over each other" (Arendt 1958, 52). Privacy would be a sphere of deprivation, where humans are deprived of social relations and "the possibility of achieving something more permanent than life itself" (Arendt 1958, 58). "The privation of privacy lies in the absence of others" (Arendt 1958, 58). Arendt says that the relation between private and public is "manifest in its most elementary level in the question of private property" (Arendt 1958, 61). In modern society, as a result of private property the public would have become a function of the private and the private the only common concern left, a flight from the outer world into intimacy (Arendt 1958, 69). Labour and economic production, formerly part of private households, would have become public by being integrated into capitalist production.

The theories of Marx, Arendt, and Habermas have quite different political implications, but the three authors have in common that they stress the importance of addressing the notions of privacy and the public by analyzing their inherent connection to the political economy of capitalism.

Countries like Switzerland, Liechtenstein, Monaco, or Austria have a tradition of relative anonymity of bank accounts and transactions. Money as private property is seen as an aspect of privacy, about which no or only restricted information should be known to the public. In Switzerland, the bank secret is defined in the Federal Banking

Act (§47). The Swiss Bankers Association sees bank anonymity as a form of “financial privacy” (<http://www.swissbanking.org/en/home/qa-090313.htm>) that needs to be protected and of “privacy in relation to financial income and assets” (<http://www.swissbanking.org/en/home/dossier-bankkundengeheimnis/dossier-bankkundengeheimnis-themen-geheimnis.htm>). In most countries, information about income and the profits of companies (except for public companies) is treated as a secret, a form of financial privacy. The problems of secret bank accounts and transactions and the intransparency of richness and company are not only that secrecy can in the economy support tax evasion, black money, and money laundering, but that it masks wealth gaps. Financial privacy reflects the classical liberal account of privacy. So for example John Stuart Mill formulated a right of the propertied class to economic privacy as “the owner’s privacy against invasion” (Mill 1965, 232). Economic privacy in capitalism (the right to keep information about income, profits, bank transactions secret) protects the rich, companies, and wealthy. The anonymity of wealth, high incomes, and profits makes income and wealth gaps between the rich and the poor invisible and thereby ideologically helps legitimatizing and upholding these gaps. It can therefore be considered an ideological mechanism that helps reproducing and deepening inequality.

Privacy is in modern societies an ideal rooted in the Enlightenment. The rise of capitalism resulted in the idea that the private sphere should be separated from the public sphere and not accessible for the public and that therefore autonomy and anonymity of the individual is needed in the private sphere. The rise of the idea of privacy in modern society is connected to the rise of the central ideal of the freedom of private ownership. Private ownership is the idea that humans have the right to own as much wealth as they want, as long as it is inherited or acquired through individual achievements. There is an antagonism between private ownership and social equity in modern society. How much and what exactly a person owns is treated as an aspect of privacy in contemporary society. To keep ownership structures secret is a measure of precaution against the public questioning or the political and individual attack against private ownership. Capitalism requires anonymity and privacy in order to function. But full privacy is also not possible in modern society because strangers enter social relations that require trust or enable exchange. Building trust requires knowing certain data about other persons. It is therefore checked with the help of surveillance procedures if a stranger can be trusted. 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. The ideals of modernity (such as the freedom of ownership) also produce phenomena such as income and wealth inequality, poverty, unemployment, precarious living and working conditions. The establishment of trust, socio-economic differences, and corporate interests are three qualities of modernity that necessitate surveillance. Therefore, modernity on the one hand advances the ideal of a right to privacy, but on the other hand it must continuously advance surveillance that threat-

ens to undermine privacy rights. An antagonism between privacy ideals and surveillance is therefore constitutive for capitalism.

Liberal privacy discourse is highly individualistic, it is always focused on the individual and his/her freedoms. It separates public and private spheres. Privacy in capitalism can best be characterized as an antagonistic value that is one the one side upheld as a universal value for protecting private property, but is at the same time permanently undermined by corporate surveillance into the lives of workers and consumers for profit purposes. Capitalism protects privacy for the rich and companies, but at the same time legitimates privacy violations of consumers and citizens. It thereby undermines its own positing of privacy as universal value.

Given a critical analysis of the privacy concept, the question arises if the concept should best be abolished or if there is another way of coping with its limits. This question will be outlined in the concluding section.

5. Conclusion: An Alternative Privacy Concept?

The discussion has shown that the major points of criticism of the modern privacy concept advanced by Marxian analysis is that are that privacy is frequently fetishized in liberal thought, thereby takes on an ideological character, and tries to mask negative consequences of capitalism. Marx and Engels have advanced four elements of the critique of the liberal privacy concept that were partly taken up by Arendt and Habermas: 1) privacy as atomism that advances 2) possessive individualism that harms the public good and 3) legitimizes and reproduces the capitalist class structure and 4) capitalist patriarchy.

Privacy in capitalism protects the rich, companies, and the wealthy. The anonymity of wealth, high incomes, and profits makes income and wealth gaps between the rich and the poor secrets and thereby ideologically helps legitimatizing and upholding these gaps. It can therefore be considered an ideological mechanism that helps reproducing and deepening inequality. It would nonetheless be a mistake to fully cancel off privacy rights and to dismiss them as bourgeois values.

I argue for going beyond a bourgeois notion of privacy and to advance a socialist notion of privacy that tries to strengthen the protection of consumers and citizens from corporate surveillance. Economic privacy is therefore posited as undesirable in those cases, where it protects the rich and capital from public accountability, but as desirable, where it tries to protect citizens from corporate surveillance. Public surveillance of the income of the rich and of companies and public mechanisms that make their wealth transparent are desirable for making wealth and income gaps in capitalism visible, whereas privacy protection for workers and consumers from corporate surveillance is also important. In a socialist privacy concept, existing liberal privacy values have therefore to be reversed. Whereas today we mainly find surveillance of the poor and of citizens who are not capital owners, a socialist privacy concept focuses on surveillance of capital and the rich in order to increase transparency and privacy protection of consumers and workers. A socialist privacy concept con-

ceives privacy as collective right of dominated and exploited groups that need to be protected from corporate domination that aims at gathering information about workers and consumers for accumulating capital, disciplining workers and consumers, and for increasing the productivity of capitalist production and advertising. The liberal conception and reality of privacy as individual right within capitalism protects the rich and the accumulation of ever more wealth from public knowledge. A socialist privacy concept as collective right of workers and consumers can protect humans from the misuse of their data by companies. The question therefore is: privacy for whom? Privacy for dominant groups in regard to secrecy of wealth and power can be problematic, whereas privacy at the bottom of the power pyramid for consumers and normal citizens can be a protection from dominant interests. Privacy rights should therefore be differentiated according to the position people and groups occupy in the power structure.

Etzioni (1999) stresses that liberal privacy concepts typically focus on privacy invasions by the state, but ignore privacy invasions by companies. The contemporary undermining of public goods by overstressing privacy rights would not be caused by the state, but rather stem “from the quest for profit by some private companies. Indeed, I find that these corporations now regularly amass detailed accounts about many aspects of the personal lives of millions of individuals, profiles of the kind that until just a few years ago could be compiled only by the likes of the East German Stasi. [...] Consumers, employees, even patients and children have little protection from marketeers, insurance companies, bankers, and corporate surveillance” (Etzioni 1999, 9f). The task of a socialist privacy conception is to go beyond the focus of privacy concepts as protection from state interference into private spheres, but to identify those cases, where political regulation is needed for the protection of the rights of consumers and workers.

Marx says that socialists do not want to put away the “‘private individual’ for the sake of the ‘general’, selfless man“, rather they “‘have *discovered* that throughout history the ‘general interest’ is created by individuals who are defined as ‘private persons’. They know that this contradiction is only a *seeming* one because one side of it, what is called the ‘general interest’, is constantly being produced by the other side, private interest, and in relation to the latter is by no means an independent force with an independent history – so that this contradiction is in practice constantly destroyed and reproduced“ (Marx and Engels 1846, 264). A socialist politics of privacy does not want to destroy individuality and the private realm, it only argues for the establishment of a true individuality that is enabled by general wealth and allows individuals a multitude of individual options in their lives that are not limited by class relations, scarcity, poverty, compulsory wage labour, or other forms of coercion.

If we understand capitalism as a system that is based on the private ownership of the means of production by the capitalist class, in which workers make use of these means in order to produce commodities that contain surplus value and are sold on the market in order to realize profit and accumulate capital, then it becomes clear that the relation of privacy and capitalism has been pointed out by some of the main

thinkers of modernity, including Karl Marx, Jürgen Habermas, and Hannah Arendt. Their works indicate that the rise of the modern notion of privacy is connected to the modern idea of private property. In most 20th century liberal theories of privacy, aspects of capitalism and class were ignored and there has been a focus on privacy as human right and form of freedom. Marx, Habermas, and Arendt remind us of the inherent negativity of the modern privacy concept and that it is not necessary to get rid of the privacy concept, but rather to redefine it in a way that advances the protection of consumers and employees from corporate exploitation and domination as collective right. It is time to break with the liberal tradition in privacy studies and to think about alternatives.

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