

Privacy's Place: The Role of Civility and Community in a Technological Culture

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It is often claimed that if technology becomes too intrusive it can be reigned in by better technologies and laws that restrict access. This article argues through a series of propositions and observations why these standard solutions will invariably fall short, and why civility—and the placed communities out of which civility arises—is our best hope against technological assaults on privacy. The article ends with a brief discussion of what sorts of personal and professional commitments a civil culture entails.

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When critics worry about the capacity for technology to assault one's privacy, they use examples from banking, medicine, and the Internal Revenue Service to get our attention. But technology is everywhere in our culture, and so too is its capacity to invade our privacy. Not long ago I was in our local video rental store for the weekly Saturday visit to rent two videos: one for the kids and one for my wife and me. We live in a small town and I know the store's owner, though not well. While I was paying for the videos he called up our account number on his computer, punched in some information, and then joked about what kids movies we had rented in the last year and how often. It was a joke we shared.

The owner of this prosperous business is successful, in part, because he is able to use the data he collects on his computer to make decisions about what videos—and how many—to buy, what specials to offer, and about how to increase sales. He and his employees could, however, use the computer data in other, less

professional, ways that invade customer privacy. The technology makes this possible, and there are no laws prohibiting, for example, a student employee from seeing if any of his college professors rent adult movies and using that information in a practical joke or, more seriously, as part of a sexual harassment charge. There is no code of ethics that governs the behavior of video-store owners and their employees. And there are no laws protecting my video-renting privacy, adding new meaning to the phrase "let the buyer beware."

All that's left is the hope—and in a small town like mine, a reasonable expectation—that the privacy of one's purchases is respected. This hope does not—and as I shall argue later, cannot—spring from any new gadget or law, but from the very civility and community that small towns and villages are capable of producing. Respecting privacy is an act of civility, and civility is a community affair.

There is a growing literature that extols the importance of placed human communities in mitigating against the assaults of modern life: from rootlessness, to invasions of privacy, to the loss of civic involvement (see Vitek & Jackson, 1996). The geographer Curry (this issue), for example, claimed that Geographic Information Systems (GIS), in their technological ability to create placeless, abstract, and representational worlds, threaten the very possibility of privacy. "The ability to identify with a particular place or group is fundamental to the development of a sense of identity, and . . . a sense of privacy is a critical element in that identity" (p. 260). GIS replace place with space, and human communities with "statistical relationships." They undercut both privacy and the unique and specific qualities of place and community.

Place, not space, states Curry, is privacy's arena. If the relation between privacy and place is symbiotic, as Curry seems to argue, then the destruction of either privacy or place destroys them both.

At first glance this claim about the importance of placed communities in protecting privacy may seem paradoxical. The Enlightenment, with its focus on individualism, personal liberty, and autonomy, was a reaction against the oppressive hierarchies, customs, and practices that defined community relationships in medieval Europe. The United States is populated largely by an immigrant population that sought to escape traditional communities and customs in favor of America's unfettered individualism. And contemporary small towns have never been known for their capacity to keep a secret or respect another's privacy. Communities do not protect our privacy; privacy, and the laws and technologies that make it possible, protect us from our communities. Indeed, critics of privacy-invasive technologies frequently call for either stricter laws limiting the use or transmission of certain types of information or better technologies that limit the misuse of private information.

I offer the following propositions as a counterargument to these legal and technological "solutions" to the assaults on privacy, and as a defense of Curry's claim about the importance of place in protecting privacy.

1. The technologies in question (by-and-large, computer technologies) reflect the industrial values that produced them; namely: quarterly profits, efficiency, consumption, speed, information, and mechanization. The average life of an Apple Computer product is 18 months. Microsoft spent \$150,000,000 dollars on the advertising campaign for Windows '95. These technologies reflect our culture's "technological determinism" (Berry, 1992, p. 131); if it's technological, it's good.
2. Better technology cannot guarantee our privacy because ethical questions raised about a technology's impact are rarely asked in the industrial paradigm, and then only after the technology is already in place, and can be replaced with additional technology, which brings with it new ethical challenges, new technology, and so forth. Technologies, and the corporations that produce them, drive the debate, and ethicists unwittingly help the economy.
3. It is both the explicit and implicit policy of the federal government to support American industry generally, and specifically the computer/information industries, including universities.
4. The federal government is a primary customer of this technology. How, and how often this technology is used is largely secret.
5. The U.S. Constitution has as its two central tenets the protection of individual liberty and the pursuit of happiness (material happiness) through the promotion of commerce (Kemmis, 1990, pp. 9-23; Sullivan, 1982).
6. It is, therefore, not in the best economic or political interest of our government to completely curtail this technology, and most attempts to do so are half-hearted or easily defeated by shouts of "Censorship!" the clarion call against all attempts to erode the rights to liberty and the pursuit of happiness.
7. The technologies in question both assault and exalt our privacy. I can now do my banking and shopping without coming into contact with others. I can be anonymous on the Internet or have many aliases. I can get a college education without leaving home or coming into direct contact with a teacher. I can live in a world that I create, complete with my own endings. The people who visit the adult section in every video store are assured more privacy than they had when they entered and exited adult theaters.
8. Paradoxically, this sort of technologically induced cyber (or virtual) privacy is self-defeating and unprotectable.
9. Privacy is a communal act. An act is private precisely because it excludes others (and hence, presupposes others). And an act remains private only so long as its private nature is respected by others. My privacy depends upon the capacity of others to recognize and respect private acts. We cannot defend our privacy in a world that neither recognizes it nor respects it. Hence, virtual privacy is inherently indefensible.
10. Privacy is both learned and protected in a community setting of shared practices, stories, standards, and places. Any parent knows that small children must learn how to be private and how to respect privacy. These lessons are learned both

in the home and in the community at large: at school, church, civic functions, and the playground. They are the lessons of civility.

11. Privacy and civility are linked in placed communities. Think of a wedding ceremony and reception. It is common knowledge to all but the youngest guests that the newly married couple will be sexually engaged later that evening. Provocative outfits are given as gifts, jokes are made, garter belts are removed, thrown, and placed on another's leg. Though all of the guests know what will happen later in the evening, the act itself remains private.

The same can be said for certain types of information that is sought after by outsiders. Not long ago one of my college professors and her husband became the center of a national news story. Their street was clogged with media trucks, and reporters looking for information swarmed the neighborhood and the college campus where she teaches. To my knowledge the media came up empty. Her privacy was protected, and could only be protected, by the civility displayed by her neighbors and colleagues. Such civility must be learned before it can be practiced.

12. Placed communities are the "missing middle" in American society, providing what neither individualism nor federalism can: namely, a sense of belonging to a place and with others that promotes affection, restraint, and propriety; values essential for both the practice and respect of privacy (Berry, 1992; Kemmis, 1990).

13. It is too soon to tell whether virtual communities will offer a similar "missing middle," and whether these computer-generated communities will create civility or simply rely on and consume the civility already acquired by its users. It is hard to imagine how the lessons of affection, restraint, and propriety can be learned in a community or loose collection of anonymous, unknown, and unknowable users. The photos of Tanya Harding's honeymoon evening, for example, are available on the Internet. No law prohibits our looking at them, nor does there exist a technology that blocks them out.

14. Civility is Ms. Harding's best hope, and ours, against technological assaults on privacy.

The aforementioned propositions entail a different set of solutions than the usual call for stricter laws and for technologies that restrict access or protect privacy. If privacy entails civility, and civility entails a placed community setting, then, at the personal level, each of us needs to recognize ourselves as belonging to a place and to a community. We must begin the process of becoming natives to a place (see Berry, 1992; Jackson, 1994; Vitek & Jackson, 1996). This will require a set of skills and fluencies that most of us have forgotten, rejected, or never learned. At the very least we will have to learn to stay put and to learn the local geography, history, and ecology; to get to know our neighbors; and to participate fully in our locality's or region's civic life.

Professionally—and here I am referring to the academic profession generally, and to philosophy professors specifically—some changes are required as well. If civility is a central value in a culture that values both democracy and privacy, then

educators, especially those in the liberal arts, have an added incentive to explore the concepts of civility, citizenship, community, and place. Indeed, the critical role of a liberal arts education in a democracy is to produce thoughtful, reflective, civic-minded, privacy-respecting citizens.

Philosophers might begin by revisiting the canon and exploring the literature of civic humanism or republicanism. Most of us have read Aristotle, but what about Montesquieu, de Tocqueville, Harrington, Machiavelli (his *Discourses on the First Decade of Livy*, 1531/1983), or contemporary authors like Daniel Kemmis, Robert Putnam, Amatai Etzioni, Charles Taylor, and William Sullivan? With the exception of Aristotle, it was not until after I completed my formal philosophical training that I came into contact with civic humanism. Where were these books—and their proponents—hiding?

We should also avoid abstract or made-up examples, and instead focus on complex examples and problems drawn either from literature (Vitek, 1992, 1993) or from local experience and knowledge (Zencey, 1996). We need to help prepare students to solve real problems, not problems that make our theories look good or opposing theories look silly.

We should also resist the professional privatizations created by academic specialties, subspecialties, and jargon; as well as the point-counterpoint methodology often employed in introductory philosophy courses. The former encourages students to see the university not as a community of learning, but a series of well-defended islands of esoteric knowledge. The latter unintentionally creates an "anything goes" relativism in our students. Both erode our capacity to be civil.

We should, finally, come to think of our academic specialties as hobbies to be enjoyed and shared, but not as the central purpose of our teaching and research. What I am proposing is that all liberal arts faculty at all levels see their central role in higher education as teaching courses in general education for the purpose of instilling and promoting citizenship. (At the graduate level professors would teach students how to teach these general education courses.) One would still have a specialty, and perhaps even a subspecialty, and courses in these specialties would still be taught, but the traditional balance between, and emphasis given, electives and introductory courses would be reversed.

Such changes may seem radical or naive. They will certainly not come about without structural changes in higher education. They will probably not come about at all. But until we contribute professionally and personally to the rediscovery of place and community, as well as to the reassertion of community standards of civility—defined and practiced, of course, in a society shaped by the Enlightenment and the U.S. Constitution—technological assaults on privacy will have no formidable foe.

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