Privacy Boundaries: Stories of Protecting Personal Autonomy in the Information Age

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English Abstract

In 1890, lawyers Samuel Warren and Louis Brandeis conceived of a "sacred" right, the right to "be let alone." They argued for this right as a measure of "retreat from the world" for protection of an individual's "inviolate personality." Their argument was born in response to intrusions made possible with technological developments in printing and photography. For over a 100-year period, the concept of privacy has received attention from a multi-disciplinary collection of scholars. Despite this significant attention, however, relatively little consideration has been paid to conceptualizations of privacy in the everyday. My dissertation utilizes the focus group method to access individuals' stories about privacy in everyday lives. The unit of the story is important because it contains rich connotative language, imbued with meaning. My method of analysis is inspired primarily by Michel de Certeau and Clifford Geertz. This analysis reveals four significant themes, all linking back to Warren and Brandeis's original conceptualization in thinking about privacy in the everyday: it is associated with fears, it is considered a defence against surveillance, it is conceived of in metaphorical terms as a protective boundary, and it protects personal information and individual autonomy. This dissertation explores how individuals articulate these themes. It finds that individuals apply the language of space as a framework in which to believe their privacy is protected from surveillance.

French Abstract

En 1980, les avocats Samuel Warren et Louis Brandeis ont conçus d'un droit "sacré", le droit "d'être laissé tranquille". Ils ont argumenter pour ce droit comme étant moyen de "se retirer du monde" au fin de la protection de la personnalité inviolée de l'individu. Leur argument a été né en réaction contre les intrusions rendues possibles par les développements technologiques en imprimerie et en photographie. Pour une période de plus de 100 ans, le concept de "l'intimité, ou la vie privée" a reçue l'attention d'une collection multidisciplinaire d'académiques. Cependant, en dépit de cette attention importante, relativement peu de considération a été consacrée aux conceptualisations de "l'intimité" quotidienne. Mon mémoire emploi une méthode basée sur le groupe de discussion pour accéder des histoires d'individus sur le sujet de l'intimité dans les vies quotidiennes. L'élément de l'histoire est important car il contient une riche langue allusive, imbue de signification. Ma méthode d'analyse est inspirée principalement par Michel de Certeau et Clifford Geertz. Cette analyse fait connaître quatre thèmes importants qui se relis tous à la conceptualisation originale de Warren et Brandeis en relation à la pensée de l'intimité dans la vie quotidienne : elle est reliée à la crainte, elle est considérée comme defence contre la surveillance, elle est conçue en termes métaphoriques comme une frontière protectrice, et elle protége l'information personnel et l'autonomie individuelle. Ce mémoire explore comment les individus énoncent ces thèmes. Il trouve que les individus emploient une langue d'espace comme cadre dans laquelle ils croient que leur intimité est protégée contre la surveillance.

Acknowledgements

This dissertation project has been years in the making. It has involved a number of stages, in which I drew on different resources. Of course there are too many names to mention, for so many of my colleagues, friends, relatives, and others have contributed in some way or another. There are, however, some names that cannot go unmentioned, for these individuals have contributed significantly and without them the project outcome would have been quite different. The first and most significant contributor to this dissertation is my advisor, Professor Sheryl Hamilton. Sheryl once wrote that her job was to help me "in theory." While she guided my study of theory, she helped me immensely in practice. Sheryl's sense of humour and optimism, coupled with her erudite judgement guided my research and writing through both smooth and rough periods. When Sheryl moved from McGill to take up the Canada Research Chair in Communication, Law and Governance at Carleton University, she generously remained my advisor, and we made use of various technologies to stay in touch: speaking over the telephone, sending writings by email and Canada Post, and meeting together in Ottawa. Sheryl, I am grateful for your guidance.

At times my words have been belaboured by excess verbiage. With the help of editors Tracy Lowe and Michael Assouline, these long-winded ramblings were cut into more concise and readable segments. I am grateful to both for their commitment to concision with style; and you, the reader, will be as well. Samuel Godfrey and Pamela Hutchison, thank you for your kindness and generosity in loaning me your beach house, and your

assistance in setting it up for me to conduct the focus group interviews. Although I am bound by the McGill University ethics policy not to name them here, I must acknowledge my anonymous focus group participants, and the contacts who brought them to me. Without them, this research could not have been possible. You have taught me, and enabled me to carry your ideas to others.

I am thankful for the Quebec Government's FCAR grant. This generous financial award enabled me to travel to Victoria, B.C., to conduct the focus groups and, after that, to focus on the data-analysis and the writing of my dissertation. Thanks to my musical accompanists: The Michael Nyman Band, Dizzy Gillespie, John McLaughlin, Dave Douglass, John Zorn, Stevie Wonder, Wayne Shorter, Pink Floyd, and Radiohead. Although we have never met, I cannot underestimate the inspiration your art has given me.

My dissertation is dedicated to Linda Frimer, my mother and mentor. Thank you for teaching me to live by my values, to acknowledge others and to recognize my duty to contribute to their well-being, and that life can always be magical. I will never forget your advice, to "live life as though it is a work of art!" I would like to give a final thank you to my two other guiding lights, both of whom passed away in the years that I assembled this dissertation. I would like to honour my Nona, Alegra Dayan, and my grade-one teacher and soul-friend, Rachel BenRon. To both of you, thank you for the gift of your presence.

1. Understanding Privacy in the Everyday

> It appears that privacy is central to the attainment of individual goals under every theory of the individual that has ever captured man's imagination (Gavison, 1980: 445).[1]

Privacy is an important feature and concern of contemporary life. The very mention of the word triggers feelings of confusion, fear, and urgency in many people. To study the meanings given to the concept of "privacy" in North America today is to embark upon the study of information technology, power in relationships, personal space, and personal autonomy. To ask how people experience privacy is to ask how they experience technology and how they imagine the self at this particular historical moment. To study privacy today is to ask what it means to be an individual in the information age.

Protecting the integrity of personal information has become increasingly important in the context of evolving technology and the growing potential for abuse of this information in the wrong hands. Privacy, far from being so simple as a sign scrawled with "private property," is actually considered as the domain of self. Individuals in the Information Age perceive this domain of self to be shrinking as they scramble to protect their personal space and sense of autonomous identity. Privacy is connected to many ideas related to the concept of self: "dignity" (Bloustein), "moral capital" (Fried), "moral title" and "ritual" (Reiman). Legal scholar Ernst Van Den Haag speaks of privacy as an abstract state, calling it "a negative liberty," Weinstein calls it a "condition," and psychologist Roger Ingham describes privacy as a "non-behaviour." In the language of privacy we also find fascinating mechanistic metaphors. Professor of

communication studies, Oscar Gandy, writes of "gears of the machine" of society and professor of law Charles Fried considers privacy the "oxygen necessary for combustion." Scholars Ernst and Schwartz; Sissela Bok, professor of population and development studies; Lubor Velecky, professor of philosophy; and sociologist Joseph Bensman use the language of "protection" to conceptualize privacy as a safeguard for individual identity. Warren and Brandeis describe privacy as protection for the "inviolate personality"; Arnold Simmel, professor of Public Law and Government, Alan Westin, and lawyers Warren and Brandeis speak of privacy in terms of "sacredness" and something to "retreat to." In more cryptic terms, professor of religious studies, Carl Schneider claims that privacy is a "guarantee to life's mystery," providing people with protective "escape."

Contextualizing this Study

I first entered the study of privacy at the peak of the dot-com boom when I served as Communications Officer for an Internet start-up company. The company's mission was to build on-line medical support groups to connect people suffering from chronic illness, providing them with a forum to discuss their conditions, swap helpful advice, and share their stories. My job responsibilities included the fielding of customer inquiries, and I remember being astonished by the quantity of inquiries regarding privacy. Many customers demonstrated a deep concern for issues relating to protection of personal information and individual privacy. At the time, I had little knowledge of privacy issues. As an Internet entrepreneur, I had read widely about the importance of

private and secure networks vis-à-vis e-commerce, but I had not given much consideration to the social function and value of privacy.

When people would express concern over the protection of their privacy and of personal information they were entrusting to the company, my role was to direct these customers to the company's privacy statement. At the time, I did not consider the potential uses of the data our clients were being asked to surrender. However, it later became apparent that the company's founder was well aware of the financial rewards to be gained by selling exactly this kind of information. In fact, the company "privacy statement" was nothing more than a toothless piece of rhetoric effectively designed by the company's founder to dupe customers into revealing their personal information.

After directing members to this privacy statement, I found their concerns were easily quelled. Few customers stated that they would require a strong privacy policy as a prerequisite to divulging personal information. And even fewer noticed that, unlike a strong and enforceable policy, the statement meant nothing. Instead, most customers were content with the gesture, accepted the privacy statement and consented to revealing information of the most intimate nature to complete strangers. As the company grew, I found myself in control of vast databanks of information—people's full names and contact information, connecting them to pharmaceutical products and the diseases from which they suffered. I was in a position to know how often they logged onto the site, what they did while logged on, with whom they communicated, and exactly what they said—there were no real limitations on my company's use of

this information. Intuitively, I considered this problematic. I began to question how it could be that despite being concerned for their privacy, so many people would unwittingly place themselves in such a vulnerable position.

The more deeply I considered this question, the more I began to suspect that these conundrums revolved, in one way or another, around the question of meaning, of what people believe the concept of privacy to mean and, by extension, the role that it plays in their lives. I sought to understand just what is meant by the word privacy. Immediately deferring to the experts, I read works by all the reputed authorities on privacy: philosophers, legal theorists, political scientists, psychologists, and even architectural historians. What soon became apparent in the course of this study was that, despite the wealth of resources dedicated to the study of privacy, absolutely no one agrees on what exactly it is or does. Like a Rorschach ink blot, the word "privacy" appears to convey something different to each individual who considers it. Its definitions are most strongly characterized by being highly subjective in their meaning. The very fact that so many great minds have devoted so much effort to the simple definition of privacy suggests not only a genuine concern for the subject as a whole, but also clearly indicates the struggle inherent to defining privacy itself.

I began to discuss my project with the people I would meet in my daily interactions and it seemed that everyone had a concern for privacy. Several people fit into the aforementioned scenario, intuitively knowing that privacy is important, yet unable to pin it down with a denotative definition. Others I spoke with—bio-ethicists, lawyers,

doctors among them—all agreed on the absolute necessity of privacy, yet each of them defined privacy quite differently from the next. In effect, they were in agreement that something called privacy is important, yet in disagreement as to what this intangible quality actually is. What I found in common among all with whom I discussed my project was that although they hadn't memorized dictionary definitions of privacy, they could all tell me examples in which issues of privacy, as they understood it, arose. Some spoke of privacy in terms of personal anecdotes, others mentioned privacy issues they had seen in the narrative of a film, still others mentioned articles they had read. What struck me most in the course of these discussions was the wealth of connotative language, the use of analogy, symbolism, and metaphor to arrive at understandings of privacy. An analysis of these important symbols helps to clarify the ways in which people think about and use privacy to protect their sense of personal autonomy. It soon became clear to me that these personal narratives were the vehicles through which their ideas of privacy are conceived, shaped, reshaped, conveyed, and interpreted.

Every time I consider my former dot-com's founder's intentions, I am convinced of the social imperative of this study. He easily could have sold personal health information to insurance companies, discriminatory employers, the media, and countless faceless others. The potential for abuse and misuse of information due to vague privacy definitions and practices is immense. In the course of this study, I learned that the privacy problem cannot be identified by merely pointing at a few selected cases of information abuse. Instead, it must be approached by examining the pervasive sense of fear that strikes individuals at a very deep level.

The people I spoke with all agreed on the necessity of privacy, even though each individual defined privacy differently from the next. Although theorists from various disciplines have sought to define privacy, the term still presents itself with opaqueness, confusion, uncertainty, fear, and urgency. The lack of precision in understanding exacerbates this situation. I observed that people intuitively know that privacy is important, yet are generally unable to pin it down with a denotative definition. The dot-com company needed to know only enough to pay lip service in a superficial privacy statement but it certainly recognized the value of observing people and in collecting and using people's personal information. This combination results in a continuous power play over who controls people's personal information.

The Problem in Trying to Define Privacy

There are inherent problems in the attempts to date to define privacy. For example, the scholarship which, over the years, has looked at definitions of privacy, has almost invariably done so in terms of denotative language. This type of language explains ideal ways to conceive of and use privacy—chiefly in the language of rights—but it is inadequate for capturing the range of how people actually think of and creatively use privacy in their daily lives. Denotative definitions are necessary for establishing common rules of social conduct. At the denotative level, however, the everyday meanings of the word "privacy" do not always garner common understanding; the level of confusion over the word is well documented.[2]

Although there appears to be no agreed-upon definition of privacy, studies tend to base their operative definitions of privacy on the theoretical work of experts. While this body of knowledge is important, I sought to shift the focus of my research from legal and sociological representations of privacy, to everyday knowledge about privacy. I wanted to uncover how privacy is experienced by ordinary people in everyday contexts, people like those whom I communicated with while working at the dot-com. Michel de Certeau studied the modes of action of ordinary people; the dominated element in society. He highlights the importance of everyday practices, which otherwise go unnoticed, focusing on the "ordinary" individual and their uses of the regular ideas and things that fill their everyday life. De Certeau's choice of focus on the "everyday" is politically motivated, for in giving voice to the "ordinary" person, it offers to empower them. This dissertation will examine the concept of privacy in the context of real people's experience—interpreting what privacy means for them—in their daily lives.

This study does not attempt to define privacy; rather, through analyzing the language people use in stories of privacy, it examines how people creatively think about and actively make use of the concept of privacy in their daily lives. The goals of this research project are both theoretical and pragmatic in nature. To develop a richer understanding of the everyday interpretations and uses of privacy; to gain a deeper insight into contemporary cultural values and cultural practices as they are manifested through our understanding of privacy. This goal is to understand privacy as interpreted by, rather than for, regular people in everyday language and expose and reconcile possible divisions of knowledge of privacy between experts and local everyday

culture—between privacy in theory and privacy in action. Rather than a philosophical inquiry into the nature of privacy, as in most previous studies on privacy, this project seeks to draw an observational window into how privacy issues are played out in ordinary people's everyday lives. This research is particularly valuable in assessing the current beliefs governing privacy-related behaviour[3] as well as evaluating the morality of behaviour related to the revelation and use of private information.

My goal is to talk about privacy at this historical moment and in this particular geographic context, and to discuss what it means to ordinary people in everyday contexts. I draw on individual narratives and stories in order to examine the metaphorical language found in them. I compiled stories of privacy as a lived concept in the everyday, and I examine the connotative meanings of privacy by looking at the language people use in their stories of privacy. In this way, this study distinguishes itself from the conventional ways of approaching privacy meanings that emphasize the search for definition.

The Research Question

The dot-com story offers fundamental insights into contemporary thinking and behaviour around privacy. Although it is a particular story speaking of a specific group of people, some general extrapolations may be made. First, a significant number of people demonstrated concern for protecting their privacy, suggesting that people consider privacy an important personal and social value. I also notice a perception that this value is in need of protection. Second, people asked about measures taken to

protect their privacy, and acted based on the responses they were given which indicates that people are in the habit of carving out their own forms of privacy as "lived experience," and do not rely solely on legal measures to protect them.

This study examines the connotative language used in the discussion of privacy. Careful examination of this language includes: paying specific attention to metaphors and symbolism, discovering important variables relevant to the topic, and identifying relationships between ideas and practice. In the course of my research various themes emerged in the way people speak of privacy: they speak of fears and threats, they speak of boundaries, and they speak of protecting their personal autonomy. This dissertation asks how the language of space is discussed in terms of lived experience. The central thesis of this dissertation is that the language of space provides individuals with a framework in which to conceive of privacy as protected from surveillance. Using this language, members of my focus groups spoke of their personal information as safely ensconced in the space behind boundaries. Through the imagined concept of bounded space, individuals were able to enjoy a degree of privacy protection that they did not regard legal or technological measures to offer.

Privacy becomes a protection for personal autonomy when it is conceived in terms of the spatial metaphor of the boundary. What are the strategies people employ to carve out privacy as space—both physical and conceptual—in an increasingly complex social environment? I ask how individuals use this concept of privacy to protect themselves, and how people achieve moments of privacy in a world of complex social

relations. In this dissertation I ask, beyond the language of rights and technology, how do people think about and use privacy to protect their sense of personal autonomy? In examining fears associated with privacy, it examines the source of these fears, particularly in relation to the function that privacy plays in our lives. How is privacy conceived of as a form of protection and what exactly does it protect? In asking these basic questions, this dissertation reveals insight into how individuals experience themselves in technological society.

Relevance of the Question

Most previous studies of privacy meanings address specific technologies and the impact of surveillance technologies on privacy. These studies that base their operative definitions of privacy on the theoretical work of experts have never reached a consensus on the definition of privacy. And although this body of knowledge is important, I sought to shift the focus of my research from legal and sociological representations of privacy, to everyday knowledge about privacy. I wanted to uncover how ordinary people think about and actually experience privacy, in everyday contexts; people like those with whom I communicated while working at the dot-com.

As a communications student, I was interested in questioning the meaning-making around the term, "privacy." How do people use the term and why do they use it in that way? The first thing that struck me was the powerful sentiment of fear and anxiety that is associated with protecting one's privacy. I also noticed the prevalence of a particular metaphor used to describe privacy—that of the "boundary." Many of my participants

used the term outright. Others spoke in colourful language that invoked many metaphors that were also types of boundaries. What I found is that in lived experience, privacy is described in terms of imagined boundaries of the domain of self. The deeper I studied these concerns, the more I recognized that privacy appears to be part of a larger struggle for empowerment, and I began to see a binary relationship between concepts of surveillance and privacy. It occurred to me that somewhere in this inter-relationship there transpires a power-play over the domain of the self.

There are many reasons for the timeliness of this study; most derive from unique questions about the condition of contemporary life in North America. Social upheaval and the introduction of new information technologies, or new uses of old information technologies, raise questions of appropriate social conduct. People in my focus groups indicated a perception of diminishing status of religion and politics as vehicles of social power; these are also central factors. When old rules no longer apply and there appears to be no authority to establish new rules, individuals are left much to their own devices and have no meter with which to gauge appropriate conduct. Legal theorist H.J. McClosky claims that privacy questions should be considered "according to one's society and the period of the society" (McClosky, 1980: 28). This study on the meanings and uses of privacy lends current insight into cultural attitudes regarding social mores and organizational environments. These, in turn, affect the shaping of our laws. Anne Branscomb, a legal scholar specializing in information resource policy, wrote of privacy laws, "realistic legal rules depend upon a social consensus about what kind of behaviour is acceptable and what is not" (Branscomb, 1989: 408).

The study of privacy in terms of "lived experience" is largely a novel approach to the subject. Although there are some noteworthy exceptions, relatively few studies have been conducted in search of qualitative data examining how people use privacy.[4] Past research into privacy meanings have largely focused on the technologies of surveillance and legal definitions.[5] There has been relatively little research conducted on how people experience privacy in their everyday lives. This study supports a shift in the paradigm from looking at the role of technology to looking at the individual's conception and use of privacy, which has already begun primarily in the work of Oscar Gandy, Gary Marx, and John Gilliom.

The Roadmap

There are two central sections to this dissertation. The first section contains four chapters: the introduction to the problem of understanding privacy meanings, a history of approaches to this problem, a discussion of the methodology employed in engaging the problem, and a theoretical chapter on surveillance as a way to frame discussion on privacy. The introductory chapter, this current chapter, explains my entry point into the subject, and puts the study of privacy meanings and uses into context. It frames the research question and discusses its relevance.

In this chapter, I offer a personal anecdote. While working at the dot-com, and in later conversations, I noticed that people were definitely concerned about something. I observed that people made associations of fear and concern when they spoke about

privacy; however, they rarely went on to elaborate on these fears and concerns. There was little explanation as to the causes of these concerns, the potential effects of the lack of privacy, or forms of defence against them. I became curious. With fear and lack of knowledge about surveillance uses as two dominant themes in "ordinary" people's thinking about privacy, I became intrigued with the question of why people demonstrated such an interest in preserving their own sense of privacy. What are they protecting and who are they protecting it from? This chapter establishes a framework for the rest of the dissertation. It prepares the reader for questions that follow, such as how perceptions of power differences influence relationships, what are perceptions of the effects of information technologies, the amount of privacy we need or want for ourselves, and how we imagine ourselves in this particular historical moment. The answers to these questions stand out in the focus group data that I compiled and analyzed.

The second chapter in Section One, the history chapter, provides a discussion of the previous scholarship into this subject. It presents research on privacy as a response to social changes and technologies throughout three distinct historical periods (1880s, 1960s, and the present day). In each of these periods, two constants may be found: changes in information technology and radical social change. There are also two themes that run through these critical stages: first, that the concept of privacy is related to individual assertions of autonomy, and second, that anxiety over privacy is related to perceived loss of space (a certain kind of conceptual space, within which individuals may act freely and control their own personal information). These three periods are

particularly important, as they brought about changes in the way ordinary people regarded ideas of both social space and identity.

In the third chapter of Section One, the methodology chapter, I discuss the rationale for, and actual implementation of, my research methodology: the focus group. I discuss the value of stories as a unit of data for analysis. In my opening anecdote above, I explain that I was able to generate meanings of privacy from people who could not necessarily define it in denotative terms. These meanings were revealed through stories that people told me. I set out to construct a method of study that would bring me rich connotative meanings of privacy and I chose to uncover these stories through focus groups. This chapter explains my logic in selecting the focus group method as a means of uncovering people's stories about privacy. It discusses some of my experiences—both the successes and some of my difficulties—in conducting the focus groups. Lastly, the chapter provides my analytic framework, explaining how I went about analyzing the content of these focus groups.

The fourth and final chapter of Section One is the theoretical chapter. Focus group participants repeatedly spoke of privacy in response to surveillance and, as my research project developed, I discovered that I could not adequately deal with the subject of privacy meanings without also exploring the subject of surveillance. This chapter explores different forms of surveillance, how surveillance works, who conducts it, how surveillance is conducted, and to what end it serves. One lesson learned in this dissertation is that fears of privacy come in response to perceived threats of the

surveillance apparatus. The exploration of surveillance, therefore, provides a springboard from which to discuss privacy.

Section Two of this dissertation provides an examination and interpretation of the data. The first chapter in Section Two discusses a most glaring observation, that discussions of the concept of privacy inspire fears, yet these fears are generally undefined in concrete terms. Current privacy-related fears come in response to the practice of surveillance. There is a connection between the idea of others knowing about us, others having the ability to influence or control us, feeling that our sense of personal autonomy is being threatened, and the need or desire to protect that personal autonomy. Although there is a widely acknowledged feeling of a need to protect the sense of self, there is likewise a wide-spanning feeling of not knowing what or who we need to protect ourselves from. Although there are several ways to measure power, focus group participants pointed to fears of those with political and commercial power over them, particularly those with the interest and ability to conduct surveillance on them. Participants also spoke of concern about information technologies; they commonly spoke about technology as a semi-autonomous and seemingly unstoppable force.

The second chapter in this data analysis section reveals that privacy is spoken of as a boundary—an imagined spatial demarcation—with varying functionality and degrees of accessibility. The variability in privacy boundaries suggests two things about privacy: its variability helps to mediate interpersonal relationships, separating individuals from each other, and it reveals a way of thinking of the self in spatial terms.

This chapter explores how the idea of spatial boundaries contributes to a feeling of protection.

The third chapter in this Section Two investigates what these fears represent. When people speak of privacy-related fears, what exactly do they fear? I observe that participants expressed fears over protection, against surveillance practices used by political and economic authorities, of their personal autonomy. To answer this question it is necessary to look at control-based definitions of privacy, privacy as control of one's own personal information. According to this definition, privacy is in the control of one's own thoughts and actions as well as control of one's own self-definition and presentation. This sense of self and personal autonomy is expressed through the control of one's personal information release, control of one's independent thoughts and actions, and control of one's self-definition and self-presentation. Furthermore, this chapter explores the connection between ideas of information privacy and personal autonomy. It reveals that in the Information Age, when those under surveillance are viewed as information by those who conduct the surveillance,[6] personal autonomy is maintained through the control of one's personal information.

The fourth chapter in Section Two is about reference to personal space in discussions about privacy. Focus group participants gave considerable attention to the idea of privacy as personal space—largely through the metaphor of the boundary. First, I make the argument that fears over privacy appear to be precipitated by fear of loss of space (physical and conceptual). Second, I discuss the concept of the boundary as the

territorial zone marking off levels of personal information. I argue that a contest is fought over territory of the self (the demarcation of zones personal space). This chapter explores how people seek to protect themselves against surveillance, through thinking of privacy in spatial terms. It explores the implications behind thinking of boundaries as spatial metaphors and presents the concept of privacy as an aggregation of permeable boundaries of the self. I explain how the notion of privacy as space contributes to protection of personal autonomy. I explain how, as boundaries, privacy functions as a defence against surveillance. Surveillance is used on the offensive, to observe and know the various layers of the individual, while individuals seek privacy behind their imagined boundaries to protect their personal information and personal space, and ultimately to protect themselves.

Chapter 1 Endnotes

[1] Ruth Gavison, of the Israel Democracy Institute, claims that privacy frees individuals from physical access; prevents distraction in activities requiring concentration (learning, in particular; permits relaxation and intimacy; prevents discovery of knowledge about a person; promotes liberty of action by freeing a person from censure, ridicule, and pressure to conform; encourages people to dare more; and promotes mental health by relieving persons from pressure to conform (Gavison, 1980: 446-9).

[2] Some notable examples include: Judith Jarvis Thomson who argues that, "perhaps the most striking thing about...privacy is that nobody seems to have any clear idea what it is" (Thomson, 1975); Colin Bennett who believes that "semantic and philosophical analysis leaves us with the overwhelming sense that privacy is a deeply and essentially contested concept" (Bennett, 1996: 5); Authors of the Younger Report declare that "The concept of privacy cannot be satisfactorily defined" (Younger Report, 1972: para. 58); Hixon refers to J.B. Young who considers privacy, "like an elephant...more readily recognized than described" (Hixon, 52); The Calcutta Committee wrote that there is "little possibility of producing a precise or exhaustive definition of privacy" (Home Office, 1990: para. 3.4); David Flaherty has stated, "I am not going to address definitions of privacy...because the topic is such a quagmire" (Flaherty, Manitoba Journal 35); and Julie Inness claims that when considering privacy meanings, "we find chaos; the literature lacks an accepted account of privacy's definition and value" (Inness, 3).

[3] James Bogard argues this.

[4] Focus group methodology in privacy research is a much-neglected means of compiling data. Privacy has been treated through philosophical or legal theory lenses, generating studies rich in theory, employing the content analysis method of data compilation. Privacy has also been studied by anthropologists, observing cultural mores in the field, and psychologists, chiefly through controlled experiment.

[5] Perhaps the most prolific body of writing on how privacy is used has been produced by legal scholars. Their focus has been on rights. I want to address a scholarly interstice; the everyday uses of privacy.

[6] Individuals become defined by narrow and restrictive categories created in binary code 1s and 0s. This categorization is not just on the basis of what people are perceived to be, but also on what they are expected to be. The Panoptic sort therefore makes predictions on the parameters with which to categorize people.

2. History of Research into Privacy

Defining Privacy

Over the past century, the question of privacy has continually made itself felt in journalistic, fictional, and academic writing; most prominently during times of social upheaval. Privacy scholarship has largely been a struggle to define the term, yet scholars have failed to reach consensus on an abiding, universally accepted definition. In *Privacy and Freedom*, privacy expert, Westin, writes that "few values so fundamental to society as privacy have been left so undefined in social theory or have been the subject of such vague and confused writing" (Westin, 1967: 7). Despite lacking a unitary and single definition, the importance of "privacy" is well recognized and the concept itself has been both useful and meaningful throughout history. Attempts to define privacy are tied to paradigmatic shifts in communication technologies and notions of the self in society. New attempts to define the term return to the quintessential model fashioned at the end of the nineteenth century. The debate has historically been mostly legal and technological. Scholars working in law and technology have demonstrated that both areas offer means—legal and technological instruments—of protection for privacy. Both disciplines examine privacy as a possession and privacy as a state of being: having privacy and being private.

The concept of privacy has captured the attention of academics during several recent historical periods, often coinciding with turbulent social change. Some contemporary North American scholars argue that questions about the concept of privacy have only

recently found their way into the limelight. Professor of journalism Deckle McLean argues that although privacy has always been important, this importance has only recently been recognized as such. McLean believes that social trends have coalesced to raise privacy issues to their proper prominence (McLean, 1995: 3). Likewise, clinical psychotherapist Janna Malamud Smith, in *Private Matters: In Defense of the Personal Life*, argues that interest in privacy is a relatively recent development, having only emerged during the past few centuries" (Smith, 1997). Concern over privacy peaks in correlation to certain social and political events.

This chapter introduces the historical context in which the contemporary discourse on privacy in North America emerged, and traces the central contributions to its literature. Through a comparison of the ways in which scholars attempt to define, describe and demonstrate examples of privacy, this chapter reveals how the concept of privacy has evolved over the past century. This chapter presents an overview of these writings, identifying their main points and shedding light on the complex relationship between technology, personal autonomy, and privacy. Once we have examined what already has been written about the problem of understanding privacy, this study can be positioned in relation to its predecessors. Lastly, this chapter also explores some of the gaps in the academic study of privacy and address how this research contributes to filling in these gaps.

Historical Concepts of Privacy

One of the oldest sources of the notion of privacy as a necessity is found in the Judeo-Christian tradition. The notion of a personal God, who interacts directly with isolated individuals, radically affects our conception of the individual as an autonomous entity, requiring private relationships to communicate with God on a one-to-one basis (Bensman, 1979: 37). Although the word "privacy" is not explicitly used, the importance of this concept in the first book of the Bible, the book of Genesis, is noteworthy. "It is written that the Lord God called to the man, and said to him, 'where are you?'" Adam's reply speaks of his awareness of his own nakedness and his need to cover himself: "I heard the sound of you in the garden, and I was afraid, because I was naked; and I hid myself" (Holy Bible, Genesis, 3.9-11). This biblical story lends insight into what is perhaps the earliest framing of privacy in Western culture. It is noteworthy that this discussion takes place immediately after Adam has eaten the fruit of the tree of knowledge. After gaining knowledge and self-awareness, the first human being discovers that he is exposed; he feels vulnerable and seeks to cover, or protect, himself from external observation. The idea of privacy as protection from external observation is deeply entrenched in Western notions of knowledge, social relations, and ultimately, concepts of the individual. American sociologist Barrington Moore suggests that the Tenth Commandment, against the coveting of one's neighbour, also introduced the idea of private morality. "There was no privacy from God; every secret came to judgment" (Moore, 1984: 172-3).

Philosopher Hannah Arendt roots the current notion of privacy in a later time. She writes that what we call private today is "a sphere of intimacy whose beginnings we

may be able to trace back to late Roman [times] but whose peculiar manifolds and variety were certainly unknown to any period prior to the modern age" (Arendt, 1958: 38). Arendt notes that Aristotle made this very distinction when he distinguished between the public sphere of political activity (*polis*) and the private sphere associated with family and domestic life (*oikos*).

> In ancient feeling the private trait of privacy...was all-important....A man who lived only a private life...was not fully human. We no longer think primarily of deprivation when we use the word 'privacy,' and this is partly due to the enormous enrichment of the private sphere through modern individualism (Arendt, 1958, 38).

Bensman argues that this attention to privacy issues reflects changes in the conception of the individual which, very often, translated into greater recognitions of the role of the individual. Bensman writes of the Middle Ages, where the individual fit into a "relatively intense social network of a decentralized manorial system, [and] did not...develop the resources necessary to have a strong, conscious sense of himself" (Bensman, 1979: 29). He argues that the sense of individuation began to emerge in the Renaissance and during the Reformation (Bensman, 1979: 29). According to Bensman, during the Renaissance this gaining of self-awareness was limited to a small portion of the population. He writes that "the Renaissance was primarily an affair of the artist and the emerging bourgeoisie" (Bensman, 1979: 29). Arendt states that both the Renaissance and the Reformation opened individuals to previously unforeseeable quantities of information and knowledge. Concurrently, both encouraged an increased sense of individuation and, as a result, a more highly developed sense of privacy.

Social historian Lawrence Stone, in *The Family, Sex and Marriage in England 1500-1800*, suggests that the emergence of privacy as a fundamental human right reflects a radical change in human behaviour. He argues that the growing desire for physical privacy, in sixteenth and seventeenth century England, was a key factor in shifting the focus of communal life from neighbours and kin, to the protective comfort of the nuclear family unit. According to Stone, this massive shift from distance, deference and patriarchy to affective individualism was the most important change in mentality to have occurred possibly in the last 1,000 years of Western history.

Stone argues that emphasis on individual privacy also led to the physical withdrawal of the individual body and its waste products from contact with others. He holds that the fork, the handkerchief, and the nightdress arrived during the same historical period, and spread slowly together in the late seventeenth and early eighteenth centuries. At the same time, an emphasis on personal cleanliness led to the introduction of washbasins and portable bathtubs into the bedroom. Stone argues that the motive behind all these refinements of manners was a desire to separate one's body—including its juices and odors—from contact with other people. The effect of this was to achieve privacy in many aspects of one's personal activities, and generally to avoid offending others. At this time in history, privacy also served as a crucial and tangible form of protection against the Plague and other potential ailments.

The emphasis on privacy became physically evident in many ways, all of them revolutionary for their time. In housing, for example, individuals had access to more

money and increasingly sophisticated technologies for making glass and building staircases, says historian W. G. Hoskins (1953). He argues that householders began to modernize their dwellings, adding rooms and second floors to houses that formerly had been single-storeyed, one-room cottages. Hoskins attributes the great rebuilding that ensued to a sense of privacy among the masses that had formerly been enjoyed only by the powerful upper classes. He argues that privacy demands more rooms, devoted to specialized uses, and the result is a multiplicity of spatially designated zones: the Elizabethan yeoman's house had the kitchen, the buttery, the best parlour, two or three separate bedrooms, the servants' chamber, besides the truncated medieval hall now shorn of many of its functions. To achieve all this in a house of moderate size two floors were required, instead of one. Another historian, Lewis Mumford, adds that the first radical change, which was to destroy the form of the medieval dwelling house, was the development of a sense of privacy. Instead of a common hall and a small parlour or bower, which was good enough for the mediaeval farmer, householders wanted more rooms, each devoted to a specialized use, representing a withdrawal from the common life. One can see this desire for withdrawal reflected, even in farmhouses, in the increasing use of the chair instead of the bench.

Before they occurred in Britain, similar changes had already taken place in Italy in the fifteenth century, and then in France. In the fifteenth and sixteenth centuries, the dwellings even of wealthier individuals afforded little privacy. Instead, they consisted of interlocking suites of rooms without corridors. To move from one room to another, one had to pass through other people's chambers. In the late seventeenth and

eighteenth centuries, however, house plans began to allocate space for corridors, which allowed for increased access without risk to privacy. Stone argues that there were two reasons for this: to obtain privacy for individual family members, and provide the family itself with some escape from the prying eyes and ears of the ubiquitous domestic servants. For the poor, however, privacy was not so easy to come by. Stone notes that entire families would live, work, eat and sleep in one or two rooms. With little privacy, especially in winter months, courting customs involved a practice called bundling, whereby a man would pay court to a woman and they would sleep in the same bed, fully clothed. Bundling, Stone notes, was practiced among working classes in Europe, the British Isles, North America, Scandinavia, the Netherlands, Germany, Switzerland and France until well into the nineteenth century.

Changes in notions of the individual coincide, naturally, with changes in the concept of the family. Over a period of several centuries, the family had gradually come to be seen as pre-eminently a private unit, a sanctuary from the outside world. As recently as the eighteenth century, before the new ideas of domesticity were widely accepted, families were more likely not to be seen as refuges from the invasion of the world, but as the centres of a populous society, the focal points of a crowded social life. Historian Philippe Aries has shown how closely the modern family is bound to the idea of privacy. American historian, Christopher Lasch (1979) argues that before these ideas took hold, masters, servants, and children worked, slept, and ate together without regard for distinctions of age or rank, or the need for "private space" with which to protect one's position or sense of individuality.

David Flaherty, former Privacy Minister of British Columbia and noted privacy historian, wrote his doctoral dissertation on privacy in early America. He writes that the early Americans conceived of privacy as primarily a property-based concept. Flaherty points out that, during the seventeenth century, many towns had laws prohibited people from living alone because of a Puritan belief that "vagrancy, pauperism, and social disorders were the anticipated consequences of single living" (Flaherty, 1971: 175). Conveniently, not only were people forced into cohabitation, but they were also simultaneously forced into surveillance. Professor of history, Helena Wall, observes that in colonial New England, neighbours assumed not only the right but the duty to supervise one another's lives (Wall, 1990). Despite these laws, people in early America took measures to protect their privacy. For example, people would ensure their privacy of the mail by sealing letters in wax or writing in code. Flaherty's study arrives at the conclusion, contrary to his initial thesis, that even in the distant past, North American interest in privacy has been considerable. His study demonstrates that this keen interest in protecting privacy was in fact a means of protecting individual reputations.

In the twentieth century, individual privacy remains a cherished if ill-defined cultural value throughout the Western world. In a celebrated study on the habits and patterns of life in a typical suburb, *Crestwood Heights* (1956), John Seeley, Alexander Sim, and Elizabeth Loosley found that suburban family members were less concerned about privacy from their neighbours than about privacy from each other. They observed a

notion among these residents that the home represents the only place with which to guard any inviolability of the private self. They describe the home as a psychological shelter. Since most individuals in Western society grow up in some sort of Western-style housing, we associate certain aspects of our homes with our own sense of privacy. The full meaning of a door, wall, window or stairway, for example, extends far beyond its function within a building. Ingham speaks of these technologies of division. He believes that, in contrast to the door, the wall symbolizes separation rather than separateness and denies the possibility of the encounter and withdrawal of social exchange. Ingham argues that people associate different technologies with different levels of privacy. Seeley, Sim, and Loosley note that this different thinking about various technologies of separation engenders different bahaviours. They write of differentiated behaviour around doors, which control access from the outside world to all areas of the house. Throughout this history, one may observe a convergence in movement toward individuation and the division of space. This division was made through the construction of various boundaries: for example, walls separating one room from the next and staircases separating the upper from the lower provided individuals with the space to develop their sense of personal autonomy.

Historically, the precise term "privacy" did not gain common currency in the tomes of literature on privacy in North America until the end of the nineteenth century. However, privacy has been a topic of significant concern and discussion throughout the past century, particularly with the introduction and popularizing of new communication technologies and fears that these might carry negative social-cultural impacts.

Throughout North American history, concerns with privacy peak at three distinct periods: the late nineteenth century, the 1960s, and the late 1990s to the present. These peak periods brought changes in thinking about social boundaries (some of these changes include class relations, race relations, sexuality, the power of religion, and the role of the state), and in each of these peaks two constants may be observed: changes in information technology and radical social change. Each of these periods coincides with historical events and technological developments in human history which, in one way or another, challenge accepted notions of the individual, conventional forms of human interaction and, by extension, challenge traditional notions of privacy. Each period is a time of fracture in which new technologies—new ways of doing things, new ways of communicating—are introduced and new "threats" emerge to challenge previous understandings of what it means to be a unique and autonomous individual. Accordingly, each period marks a large outpouring of interest in privacy, in scholarship, and journalism fueling the debate over what was considered private, public, and why.[7] In each period, we see an increase in the value of information and the pursuit of a definition of privacy, but theorists in each era return to refashion a model set out by Warren and Brandeis in the 1890s.

Talk of Privacy in the 1890s

The end of the nineteenth century was a time when the close-knit scrutiny of real villages began to give way to the anonymity of urban life, and influential writings connecting privacy to individual morality began to emerge. British legal philosopher

James Fitzjames Stephen wrote *Liberty, Equality, and Fraternity* (1873), proposing the central argument that a moral life requires certain privacies. He wrote about the central relationship of privacy to intimate aspects of a person's life, the importance of privacy in relationships between individuals (because privacy enables individuals to build trust or intimacy), the role of the individual in determining the release of private information, and that various sensual invasions constitute privacy violations (Stephen, 1873: 160).

1888 was the year that George Eastman perfected the Kodak box camera. Cameras were not in everyday use before this time; although cameras did exist before this time, they were cumbersome, expensive, volatile, of poor quality, and relatively inaccessible. Although printing had been around for a couple of centuries, it was not as ubiquitous—it was not as widespread, as easily distributed, and it therefore did not serve to promote literacy – as it does now. Widespread access to photographic and print technologies married natural human curiosities with propensities toward gossip. This union of easily accessible photographic and print technologies gave birth to the practice of a new kind of press devoted to reporting the scandalous details of people's lives rather than political and economic news. Photographers and journalists began focusing on the lives of the wealthy and the famous. In one incident they turned their lenses and pens on the wedding of the daughter of the prominent lawyer, Samuel Warren.

Warren, friendly with the *Harvard Law Journal* founder and future United States Supreme Court Justice, Louis Brandeis, was deeply concerned by this invasion. The two men viewed it as more than a mere personal affront. They construed this

experience, indeed the general practice of "yellow journalism,"[8] as a breach of a fundamental right. In response to this invasion, Warren and Brandeis collaborated to pen "The Right to Privacy" [9] and published it in the *Harvard Law Journal.* Warren and Brandeis articulate their argument: that the use of new technologies of information acquisition and dissemination ultimately served to complicate life; that devastating harm, "mental pain and distress," may result from invasion of privacy; that this harm may be more injurious than "mere bodily injury" or financial loss and may inflict harm on the self; that this harm may diminish both the lives of individuals and the well-being of society; and that a measure of privacy is necessary to protect the self (Warren and Brandeis, 1890: 196).

Warren and Brandeis argued that the right to privacy was based on a principle of "inviolate personality" (Warren and Brandeis, 1890: 195), which was part of a general right of immunity of the person, "the right to one's personality". The privacy protection they espoused refers to protection of peace of mind, and not intellectual property or items produced. Their privacy principle was part of common law and the protection of one's home as one's castle, but new technology made it important to explicitly and separately recognize this protection in the name of privacy.[10]

Warren and Brandeis (1890) interpreted the growing frequency of this type of breach as an indication of the breakdown of traditional social structures, aided by developments in information technology, and a violation of "sacred precincts of private and domestic life." They argued that repeated tolerance for prying into private lives can

corrupt a society by encouraging diversion of attention from political and economic concern, towards inflammatory personal gossip. They were careful not to blame the technology; Warren and Brandeis felt that the technologies, in and of themselves, were neutral. They pointed out, however, that the technologies enabled the speedy and widespread dissemination of photographs and journalism and they sought to employ privacy as a protection against measures which journalists, and others with access to potentially invasive technologies, would be willing to make.

In reference to people in the public eye, Warren and Brandeis write that privacy is necessary because:

> The intensity and complexity of life...have rendered necessary some retreat from the world, and man, under the refining influence of culture has become more sensitive to publicity, so that solitude and privacy have become more essential to the individual; but modern enterprise and invention have, through invasions upon his privacy, subjected him to mental pain and distress, far greater than could be inflicted by bodily injury (Warren and Brandeis, 1890: 196).

Their main concern is with the publication of materials that impinge on the private domains of one's personal life. The hallmark of this article is their claim that privacy constitutes a specific right; integrally connected to the concept of human moral dignity. They argued, after U.S. lawyer Thomas Cooley, who coined the term as the common law protected "right to privacy" (1879), that "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).

Warren and Brandeis established the framework for the concept of privacy as it is known today. When they speak of privacy as a "retreat from the world" they frame

privacy as a form of *spatial* distance. They write of the *right* to *control* one's personal information. And they consider privacy as *fundamental to the individual*, as inviolate personality. Additionally, they write of the role of privacy at the social level and the individual level, discussing its relationship to individual dignity as well as the negative effects of privacy intrusions on society in general.

Warren and Brandeis gleaned their concept of privacy from the study of over three hundred legal cases. They were also influenced by Cooley's concept of changes in the meaning of the right to life. It is possible, as well, that Warren and Brandeis were influenced by the aforementioned writings of Stephen. Additionally, we know that Warren and Brandeis were deeply religious men who understood privacy as sacrosanct. They write of privacy in religious terms, calling it "sacred" and connecting it to ideas of inviolate personality. Their framing of privacy agrees with the way the concept appears in the book of Genesis. Both stories suggest that privacy is linked to ideas of self-realization, self-definition, and the protection of some aspect of the self.

Readings in the body of privacy literature demonstrate the astonishingly significant and widespread impact of Warren and Brandeis' theory. Professor of philosophy, Ferdinand Schoeman states "there was no explicit and sustained legal discussion of the right to privacy until the article by Warren and Brandeis in 1890" (Schoeman, 1984: 1). Legal scholar Ruth Gavison calls it "the most influential law review article ever written, an essay that single-handedly created a tort and an awareness of the need for legal remedies for invasions of privacy" (Gavison, 1980: 438). "The Right to Privacy" is

perhaps the most essential, most quoted, and most respected of all writings on privacy. Not only did it introduce privacy discourse to North America, it remains paradigmatic, framing the issues for subsequent writings on privacy. It is therefore important to consider its key points: protection, self-definition, media technology, and surveillance, in the course of this study.

Thus, the history of academic discourse on privacy in North America began with a story about journalists crashing a wedding, employing invasive technologies to capture and disseminate images of famous individuals for the watchful public. With the development of new technologies, such as photography and the social changes that would promote its use as a means of surveillance, the idea of a right to privacy was entered into public consciousness. However, little more was written on privacy—the notion of it, its importance, its relevance, its meaning, nor its significance—during this period. Legal scholar Priscilla Regan writes that after Warren and Brandeis, "privacy was not again a major topic of philosophical interest in the United States until the 1960s" (Regan, 1995: 26).

Talk of Privacy in the 1960s

The 1960s were a time of general mistrust of, and protest against, authority. The main threats to individual privacy were seen to emanate from political powers. The breakdown of the public's trust in government authority led to a breakdown of these institutions of authority. Government scandals, such as Watergate, "dirty tricks" campaigns, and anti-war protests vigorously challenged the moral position of

leadership and authority. Sociologist Gary Marx describes circumstances which "made clear the dangers of a secret police and the ease with which the state could engage in practices abhorrent to a free society" (Marx, 1988: xviii). Loss of trust in, and general attitude changes toward, these fundamental layers of society's bedrock caused individuals to fear for their privacy and sense of individual autonomy.

Professor of Comparative Literature George Steiner identifies some of the concerns characteristic of this time: "urban mass technology...uniformities of our economic and political choices...electronic media...sociological [and] psychological...intrusions and controls" (Steiner, 1967: 74). The 1960s were also a time of enormous social upheaval worldwide. Sociologist Gini Graham Scott (1995) argues that the mid-1960s were characterized by a growing anti-establishment political consciousness, reflected in the counterculture and protest movements that swept the country. Student unrest, the civil rights movement, and protests against the Vietnam War moved people to challenge their political leadership. Technological advancements were made in computing and data-storage. The birth control pill had inspired a 'sexual revolution.' Women's Liberation and Gay Liberation movements were growing in momentum and strength. Advanced life-support and other medical technologies raised questions about the limits of human mortality. Increasing numbers of private investigators were employed to track the activities of private citizens, and fear of communism still hung heavily over the western hemisphere. Scott writes that in the 1960s, there occurred a "struggle to define the boundaries between self and community" (Scott, 1995: 3). This was coupled with an "explosion in surveillance technology" and a breakdown in "traditional

institutions—like the family, religion, and the educational system...so the traditional social controls and relationships that keep people connected with and accountable to one another became weaker" (Scott, 1995: 53-54).

A veritable explosion in new technologies provided a catalyst for extreme shifting of social and technological limitations and boundaries. During this period, governments justified their use of newly fashioned surveillance technologies and employed an increasing number of private investigators to combat against the perceived 'Red Scare.' This led to a growing concern over the emergence of government data banks in the late 1960s and 1970s, when governments first took advantage of mainframe computers for routine administrative purposes. Smith reminds us of many significant developments: the first commercially successful computer, the IBM 360; the increasing proliferation of the Social Security Number as a personal identifier; a general societal mistrust of government, fuelled by the Vietnam War; and a proposal for a National Data Centre to combine various federal agencies' databanks in a central repository (Smith, 1994: 10). The impact of live television[11] ushered in a new era of technology, which, in turn, posed new threats to privacy, and accordingly, new threats to the self. The advent and market proliferation of the mainframe computer and the IBM 360 enabled extensive record-keeping systems, and the creation of data profiles (Culnan and Milberg, 1999; Bennett, 1992; Westin and Baker, 1972; Rule, McAdam, Stearns, and Uglow: 1980, 12).

Scott describes the 1960s as a time underscored by a breakdown in traditional institutions. Her argument refers to the family, religion, and educational systems. She writes that the "traditional social controls and relationships that keep people connected with and accountable to one another became weaker" (Scott, 1995: 53-54). With this historical backdrop, a new wave of privacy literature emerged. Rule, McAdam, Stearns, and Uglow write that before the 1960s, although there were disputes over many aspects of the handling of personal information, there seemed to be no public sensitivity to privacy in a global sense (Rule, McAdam, Stearns, and Uglow, 1980: 52).

In the social and political context of the late 1960s to the early 1970s, the next monumental treatises on privacy emerged. In 1969, Dean William Prosser wrote his famous law journal article, "Privacy." Prosser set out to synthesize and circumscribe the emerging body of privacy cases within tort law. His close analysis revealed that four precise interests had emerged within the penumbra of privacy law: intrusion on a person's seclusion, solitude, or private affairs; public discourse of embarrassing private facts on an individual; publicity, or placing one in false light in the public eye; and appropriation of one's likeness for the advantage of another (Prosser; 1969: 389). Prosser's findings further the idea that the concept of privacy has been used by the courts as Warren and Brandeis had intended it: as an instrument of individual protection. Prosser also notes changes in the application of the privacy right, since originally outlined by Warren and Brandeis.[12] Significantly, he observes that the first interest—protection for a person's seclusion, solitude, or private affairs—had grown to encompass intrusions beyond the physical. Such protections include privacy over

information about oneself: protection from unwarranted searches, eavesdropping, surveillance, and appropriation and misuses of one's identification and communications. Whereas in 1890, Warren and Brandeis wrote of privacy as "sacred" and connected to ideas of "inviolate personality," Prosser wrote in 1960 that privacy is tied to legalistic ideas of protection of reputation, avoidance of emotional distress, and protection of property.

In response to Prosser's article, Professor Edward Bloustein wrote "Privacy as an Aspect of Human Dignity: An Answer to Dean Prosser" (1964). Bloustein argues that a common thread may be found among the diverse collection of privacy cases. He supports Warren and Brandeis' argument that privacy cases are connected by a single value: protection for the "inviolate personality." According to Bloustein, the value of the inviolate personality protects individual dignity, autonomy, integrity, self-determination, self-expression, and independence. Bloustein argues that each of Prosser's four categories functions as a protection against intrusions to one's integrity and self-determination. He makes the case that privacy invasion is tantamount to assault on human dignity. Bloustein's writing sought to restore the sanctity of privacy that Warren and Brandeis claimed for it. He wrote that the values at stake in privacy violations are, in fact, fundamental human values. For Bloustein, talk of privacy is integral to talk of morality. He argues that Warren and Brandeis' notion of privacy as a protection of "inviolate personality" amounts to a protection of individual integrity, personal uniqueness, and personal autonomy. In respect for these values, he continues, a unified privacy issue emerges. While Prosser argued that privacy was merely a

collection of legal interests, Bloustein contends that it is something more fundamental to the inviolate personality.

Social critic Vance Packard's *The Naked Society* (1964) commented on the threats to privacy posed by new technologies such as computerized filing, current surveillance techniques, and methods for influencing human behavior. He cautioned against twentieth century innovations that threatened to drain American life of privacy and autonomy: social control by large, impersonal employers; pressure on companies to scrutinize customer choices in a sophisticated manner in order to compete for market share; galloping advances in electronic technology; and the McCarthy-era adoption of a pervasive security mentality in both government and business.

Alan Westin's highly influential *Privacy and Freedom* was also published during this period, in 1967. Westin defines privacy in individualistic terms.[13] He writes of four basic states of privacy: solitude, intimacy, anonymity, and reserve, as they describe the individual in relation to society. Westin recognizes the social value of privacy particularly in its facility to provide the foundation for religious tolerance, scholarly investigations, the integrity of the electoral system, and limits on police power (Westin, 1967: 24-25). He argues, "privacy is an irreducibly critical element in the operation of individuals, groups, and government in a democratic system with a liberal culture" (Westin, 1967: 368). According to Westin, privacy, in its various forms, supports individual freedoms. It may be viewed as a protection for the individual, to maintain control over information about oneself and to determine one's own individuation,

within an invasive social system. He sets out one of the most cogent definitions for privacy, as the ability to determine for ourselves "when, how, and to what extent information about [us] is communicated to others" (Westin, 7: 1967).

Talk of Privacy Today

At the start of the 20th century, 10 percent of the earth's population lived in cities. By the end of this decade, 50 percent will be urban dwellers. By 2015, there will be 58 metropolitan areas with more than 5 million inhabitants each. In Canada today twenty-three percent of the population live alone, a choice that Flaherty (1972) points out, was simply not practical, and indeed illegal, in early Massachusetts.

The amount of privacy enjoyed by a particular society fluctuates throughout history. Van Den Haag does not state conclusively that privacy has diminished, yet he suggests that this is a possibility. He writes that "privacy—at least that aspect of it which entitles each person not to participate in the activities of others, or to suffer the intrusion of these activities in his private domain—is likely to shrink greatly" (Van Den Haag, 1971: 162). Van Den Haag implies that privacy is not a constant social variable and, as such, it may wax and wane in intensity throughout history.

Contemporary society has witnessed the colonization of time, space and physical borders. The ability to discover and track varied forms of individual information across physical barriers and locations and over time has significantly increased. The effect of such new communications technologies, appearing at times of fracture, has been both

to impinge on self-autonomy, and to create, or contribute to, a perception of loss of space. Throughout the history of writing on privacy, with the introduction of new communications technologies, a distinct pattern emerges in the clamor of fearful discussion. In 1990, for example, Westin conducted an influential study across the United States in which he discovered that 70% of the public expressed concern about threats to personal privacy, compared with 64% of the public in 1978. Nearly 71% of the public agreed with the statement that individuals have lost all control over how personal information is circulated and used by companies (Louis Harris & Associates, 1990).

Richard Mason asks rhetorically, "what is driving this growing focus on privacy?" He attempts to answer his question, "the forces are twofold: 1) new technological capabilities make new applications possible, and 2) the value of information is increasing" (in Smith, 1994: 7). Simson Garfinkel's, *Database Nation: The Death of Privacy in the 21st Century*, outlines the laws and policies that make these mechanisms possible and explains the commercial appetites that motivate the relentless corporate mining of the mountains of consumer data. Developments in thinking on privacy coincide with the implementation of new communications technologies, which impose shifts in our thinking about space and time. When we talk about distance, we almost always mean the space between objects or locations in the physical world; however, where space was once considered permanent, it now feels transitory. Privacy assumes the role of protectorate of this physical and conceptual space.

North American society is currently in another period of rupture. Instead of securing our information with digital signatures and encryption, we install anti-virus programs and firewalls on our email systems. We know that our cell-phone conversations could be monitored, and shield the keystrokes as we punch our PINs into automated cash machines. We worry about key-loggers and wonder at every turn if our privacy is being invaded, and, if so, what the consequences might be to our physical safety, our financial security, and our reputation.

The meanings of privacy have always been defined according to tensions with media technologies and notions of self. New communication technologies also tend to collapse our perceptions of time and space, in that the transmission of large amounts of information can be sent across vast distances almost instantaneously. There is a relationship between the fears over loss of privacy and fears of perceived loss of space. Current privacy theory, from the 1990s to today, largely reiterates the 1960s arguments based on the 1890 Warren and Brandeis model of protection, self-definition, media technology, and surveillance.

Perceived threats to privacy, in the form of personal space, have developed in part from the rapid growth of the modern city. As we move towards urbanization, we live in closer quarters and more information about us becomes visible to the watchful eyes of our neighbours. The "intensity and complexity of life" that Warren and Brandeis spoke of is a reference to this rapid urban growth, coupled with the weakening of community bonds and moral norms, as well as the perception of increased emphasis on individual

aspirations. They wrote in response to the social context whereby such violations were permitted and, in some cases, encouraged.

Development of the city is related to the emerging notion of the individual. Bensman writes that "in primitive agrarian societies....the individual did not exist [an a unique and autonomous entity] but only as a member of a family, subject to the role demands incumbent upon him by virtue of the position of his family and his own position in that family (Bensman, 1979: 39). Bensman writes that

> the breakdown of feudalism, the rise of the Italian city-state, and the emergence of a new bourgeoisie, together with the rediscovery of the values of classical art and literature, resulted—again for a few—in the celebration of individualism, of creativity, of privacy; and with the rise of the bourgeoisie, new and larger classes began to create a new ceremonialism and ritualism in which public roles began to take on, in many respects, charade-like character (Bensman, 1979: 38).

Thus, Bensman argues, "the development of public roles is closely related to both the development of complex systems of stratification and the emergence of the city" (Bensman, 1979: 38). Terry Thomas writes, "the growth of the market economy to replace the feudal economy, coupled with the growth of cities and population, led to a realignment of thinking of the 'private' and the 'public.' The new individualism led to private property, the private ownership of the means of production, and the new ideas on the notion of a private life" (Thomas, 1995: 3).

The argument is often made that privacy is a diminished value in our contemporary society. "Chances of privacy diminish roughly (and unevenly) as crowding increases" (Van Den Haag, 1971: 162). Several similar arguments hold that urbanization is a chief

cause of this loss. "Concentrated in metropolitan areas...physical distances among residences will be shortened as will distances among work places" (Van Den Haag, 1971: 162). Some measure of privacy is essential to the learning process. In crowded urban housing developments, with little privacy, children cannot get their homework done. Under crowded conditions people are less likely to become significant to one another; each person relates to the crowd. The effect is isolation, a "lonely crowd" of people who have few ties to one another, and whose ties come too easily undone (Van Den Haag, 1971: 163). The process of urbanization demonstrates that privacy, when understood spatially, becomes a class-based issue. The irony is that instead of bringing people closer together, the psychological effect of diminished privacy may in fact lead to apathy and alienation in human relations. The loss of privacy is not offset by a greater sense of community or by more friendly mutual involvement. When people's personal space is impinged upon, Van Den Haag notes that the effect of this privacy loss is often alienation, mutual indifference, and even hostility. Little mutual involvement is desired. Others are felt as impositions on one's senses, as irritations. City dwellers become unresponsive, because of the multiplicity and frequency of transitory contacts and stimuli to which crowdedness exposes them (Van Den Haag, 1971: 163). Interestingly, David Flaherty's logic has quite a different interpretation. He warns against overgeneralization. While he agrees that heavy urbanization has raised privacy concerns, he reminds us that these very concerns were also evident in village-life. Flaherty (1971) points out, in his study of privacy among the Puritan settlers of New England, that small villages were not bastions of privacy. They were gossip-

ridden and heavily governed by intrusive rules, such as the injunctions promoting the surveillance of one's neighbours and against living alone.

The notion that human beings are to be respected as autonomous and independent beings with unique aims to fulfill, and not as property of a state, represents a cornerstone of Western liberal ideology. In order to adhere to this tenet, it is necessary that certain personal facts about our lives are, for the most part, ours alone to know. Philosopher John Stuart Mill points out the necessity of a realm of privacy in enabling an individual to develop attributes of individuality and creativity. These attributes, in turn, benefit the long-run social utility (Mill, 1859). Privacy is necessary to protect one's autonomy, independence, individual goals, and creativity. When a perception that these conditions are threatened exists, as we have seen with the implementation of new communications technologies, interest in privacy increases. This relationship between privacy and human individuality has been primarily explored through questions of privacy as an indispensable form of protection, a protective guarantee of the self in its many manifestations including self-awareness, self-development, self-expression, self-presentation, and self-definition.

Historical changes demonstrate a shifting role for the individual. Bensman argues that privacy issues reflect changes in the individual. He explains the emergence of privacy concerns as one of greater recognition of the individual. Individuals, in some ways, are freer now than ever before, both morally and tactically, to make or remake themselves. Some identities that historically tended to be largely inherited, such as social status or

religion, can more easily be changed. Other identities are more culturally legitimate, such as divorce and homosexuality, with a subsequent decline in traditional stigmas and the need to be protected. Even seemingly permanent physical attributes such as gender, height, body shape or facial appearance can be altered, whether by hormones or surgery. This ties to the emergence of a more protean self, and the self as a commodity and an object to be worked on, just as one would work on a plot of land or carve a block of wood. This is aided by the expansion of non-face-to-face interaction through telephones and the Internet. Identities are becoming relatively less unitary, homogeneous, fixed and enduring, as the modernist idea of being able to choose who we are continues to expand, along with globalization processes.[14]

The Unwanted Gaze: The Destruction of Privacy in America by Jeffrey Rosen bemoans what he calls "the erosion of privacy, at home, at work, and in cyberspace" (Rosen, 2000). His book is a lamentation on the perceived loss of privacy in North America. Rosen argues that we have seen a loss of privacy, from two centuries ago when courts held that diaries and other personal papers were an individual's personal property and could not be used as evidence against him, to recent events of public exposure such as intimate details of the lives of public figures.

The ways people use new technologies have enduring effects on our world because new technologies alter the way we function within our world, sometimes bringing radical change into our daily lives. Just a few of these applications and consequences include: hastening otherwise time-consuming activities; replacing human workers;

compiling, analyzing, and storing massive quantities of data; and mitigating the constraints of physical place and time. In performing these new functions, changes in technology have inspired people to continually reconsider our ever-changing notions of the social constructions around space and time. Ursula Franklin writes that "these activities have altered profoundly the relationships of people to nature, to each other, and their communities" (Franklin, 1990: viii).[15] Franklin argues that the impact of these changes in technology is so profound that people experience "a very drastic change in what it means today to be human–what it means to be a woman, a child, a man; to be rich or poor; to be an insider or an outsider—compared with what all this meant in the past" (Franklin, 1990: 4).

The computer is arguably the most influential technological force of change in our time, enabling the increased mobility and speed of information movement that we now take for granted. With it come concepts such as the paperless office, faster processing speeds, decreased data-storage costs, the Internet, and information-decentralization precipitated by the miniturization of computing technologies. The effect has been to move information from mainframe computers to personal desktop and laptop computers. Information is often stored on hard drives, floppy disks, local area network servers, intranets, and the Internet.

This development in information use and storage poses privacy problems of several varieties, beginning with the quantity of information which can be consolidated and stored inexpensively, compactly, and efficiently, for an indefinite period of time.

Whereas human memories have the good sense to forget unsavoury information from time to time, computers do not. Secondly, the electronic doors behind which this information is kept under electronic lock and key are there for the picking by those who know how. The digitization of information combined with the democratization of the computer makes for complex security issues. Not only are the doors and locks imaginary and almost impossible to hide, but the traces left by those who breach these locks are so faint that they can be impossible to track. Philosopher Arthur Miller writes:

> ... it's the computer, the oversell of the computer, the constant movement to numerology, in the sixties, that started the apprehension among all sorts of people, that somehow their right of privacy, their right of individuality, their right of autonomy, their sense of self, their notions of control over themselves and their fortunes, was threatened (Miller, 1985: 372).

"Flexibility" has become the mantra of corporate offices. With modular cubicles, furniture on wheels, and wireless technologies, the office has become an environment that could be endlessly reconfigured.

Jeffrey Rosen (2000) argues that North Americans today have far more privacy in the anonymity of big-city life than was earlier available in gossip-ridden small towns. Employers today are also much more restricted than they once were in the questions they can legally put to job applicants about their family and medical backgrounds and possible arrest records. Rosen himself notes another gain for privacy: the Internet has made it easier for people in a variety of professions to work in their homes, where, free from the observation of others, they can opt for "informal dress (or undress), sloppy sitting, mumbling, and other self-involved behaviour such as dancing around the living

room" (Rosen, 2000). Thus, the same technology which presents the opportunity for predators to violate personal privacy through information theft offers a whole new level of privacy in the workplace.

In the 1960s, Social Security Cards were also becoming increasingly widespread (Smith, 1994: 10).[16] For the first time in history, the linking of these to personal computerized records became a serious concern. Arthur Miller writes, "we had barely any organized law of privacy prior to the computer" (in Hickman, 371). He writes that "sensitivity about privacy started to take a gradual and then escalating upward turn with the development of electronic data processing" (in Hickman, 371). In 1980 James Rule, Douglas McAdam, Linda Stearns, and David Uglow posited that the increased privacy concerns of the 1960s and 1970s were a result of the new information demands on organizations created by the spread of computers and other electronic aids to information gathering and storage (Rule, McAdam, Stearns, and Uglow, 1980: 12).

> Relational database techniques, personal computers, and expanded telecommunications networks made information more readily available. In addition, faster processing speeds and cheaper storage costs made many new applications feasible. As corporations and the government began to take advantage of these new technological possibilities, privacy advocates began to attract the attention of legislators (Smith, 1994: 12).

It is well documented that the perceived threats posed by new computerized record keeping systems, particularly the ability of organizations to compile computerized personal profiles, helped to bring privacy to the public's attention beginning again in the 1960s (Culnan and Milberg, 1999; Bennett, 1992; Westin and Baker, 1972).

Questions about how computers are implicated in the loss of privacy centered mostly around what was to be done with the information which was being gathered and stored.

> Computerization is robbing individuals of the ability to monitor and control the ways information about them is used....The foundation is being laid for a dossier society, in which computers could be used to infer individuals' lifestyles, habits, whereabouts, and associations, from data collected in ordinary consumer transactions....As computerization becomes more pervasive, the potential for these problems will grow dramatically (Chaum, 1985: 1030).

New technology also changes the nature of surveillance. "Many of the great innovations of the so-called Industrial Revolution, the telegraph, the telephone, the camera, were initially seen as highly invasive of personal privacy, perhaps leading to the end of private life" (Siepp, 1978). Privacy concerns grow when technologies are perceived to threaten people's sense of personal-autonomy. Warren and Brandeis wrote their piece in 1890, two years after George Eastman perfected the "Kodak" box camera and made it accessible to the masses. The article responded to photographers' use of the flash camera in a socially intrusive role that would become known as "paparazzi". Over the next one hundred years, surveillance techniques grew to include moving pictures, sound recordings, telephone wire-tapping and Internet stalking. With each new generation of surveillance techniques, perceived and imagined fears for privacy have grown.

Future of Privacy Theory

William Bogard claims that social understandings, laws, and technologies do not all advance at the same speed. He suggests that privacy laws do not reflect current social reality. Bogard notes that conceptual thinking—about the effects and social changes incurred by the introduction of new technologies, and new uses for old technologies—

lags about ten years behind the material production and social institution of these technologies.[17] Thus, there is bound to be a certain amount of tension and discrepancy playing out between privacy in theory and privacy in action. Bogard writes, "technology always manages to stay well ahead of any legal efforts to control it" (Bogard, 1996: 128). Previous studies are by necessity limited in their temporal scope. While they may accurately portray the experiences of a past population,[18] we are currently experiencing a new wave of interest in privacy. The struggle to define privacy proceeds. Despite significant contributions in continuing privacy research there remains little variation on century-old themes: protection systems; self-definition; technology; surveillance.

Urban planning, epidemiology, and public health rely on demographic understandings of the public, therefore demographic studies are essential for healthy urbanization. Requirements for privacy are also key factors in understanding the needs of large groups of people living in concentrated spaces. While published privacy theory is catching up to the legal and technical advancements of the past decade, it would be useful for social planners to understand the immediate fears and expectations of the average individual regarding their fundamental needs and rights to privacy. It is these everyday understandings of privacy that are missing from the literature, both current and historical. *Privacy Boundaries: Stories of Protecting Personal Autonomy in the Information Age* will shed light on this largely unexplored area of privacy research, through the theories and stories of ordinary people dealing with privacy issues in their everyday lives.

Chapter 2 Endnotes

[7] These periods are characterized by intense publication of highly significant and prolific writings, legal dicta and legislation. A number of surveys, at least from the latter two of these three periods, indicate rising evidence of social interest in the concept of privacy that coincides with these three periods.
[8] The term "yellow journalism" which became popular in the 1890s, describes the sensationalized, melodramatic, and sometimes manufactured dramatization of events that proliferated in Joseph Pulitzer's *New York World* and William Randolph Hearst's *New York Journal.* The word was originally coined to describe R.F. Outcault's popular comic, "Hogan's Alley," which featured a yellow-dressed character named "the yellow kid."
[9] The term "right to privacy" appears in an article written by E.L. Godkin, and published in *Scribner's* in 1890.
[10] Warren and Brandeis thus laid the foundation for a concept of privacy that has come to be known as control over information about oneself.
[11] Live television changed the way that news was disseminated. Live television news coverage enabled Americans to view authority in a different light. American audiences watched police clubbing demonstrators at the Chicago convention as well as the Tet Offensive battle in Vietnam.
[12] Warren and Brandeis wrote their opinions about what they felt should be considered a privacy right while Prosser described what the courts protected over 70 years since the publication of Warren and Brandeis' paper.
[13] Westin also makes the observation that privacy is not restricted to human beings. According to his findings it is sought after by several species of animals (Westin, 1967).
[14] Sex-change operations are at one extreme. But more common are the new identities created through the increased intermarriage of ethnically, racially, religiously and nationally distinct groups. An increase in children of mixed marriages, those holding dual-citizenship, immigration, tourism and communities in cyberspace illustrate this. New categories for marginal, hybrid and anomalous groups will appear. Some examples include the millions of Americans who, as products of a mixed marriage, consider themselves both Christian and Jewish, white and black, or Asian and Hispanic.
[15] These technologies have created massive boundary shifts, "drastic change in what it means to be human—what it means to be a woman, a child, a man; to be rich or poor; to be an insider or an outsider—compared to what all this meant in the past" (Franklin, 1990: 4).
[16] At this time the Fair Credit Reporting Act (1970); the Study by the United States Department of Health, Education, and Welfare (1973); and the Privacy Act (1974) were undertaken. During this time, government capacities for information collection and storage were vastly increasing. Alarming proposals for a National Data Centre, to combine various federal agencies' databanks in a central repository, were put forth. Personal identification cards were becoming widespread and commonplace. Jeff Smith, writes of Social Security cards (Social Insurance cards in Canada) becoming increasingly prolific in the United States at this time (Smith, 1994: 10).
[17] Bogard cites the United States Office of Technology Assessment, which estimates that current privacy legislation is approximately two generations behind new technologies.
[18] It can be argued that the most comprehensive study on the meanings of privacy is Alan Westin's 1967 work.

3. Methodology

During my experience at the dot-com company (discussed in the opening anecdote of this dissertation), and in informal discussions soon after, I learned that people agree on the necessity of privacy, yet they had difficulty providing me with a definition of the term. I found that despite their general difficulty, or inability, to define privacy outright, regular people were all able to tell me stories about privacy. It was in these stories that I recognized their understandings of the term's meanings. The majority of previous studies address specific technologies and the impact of surveillance technologies on privacy. Past studies of privacy meanings have focused on defining privacy, in relation to specific laws and technologies, through legal and formal theory. Ferdinand Schoeman suggests that, rather than try to define privacy, it is more beneficial to try to "understand privacy by characterizing the contexts in which it arises or is invoked as a concern" (Schoeman, 1984: 11). Schoeman suggests that we can better understand the value of privacy by considering our nature as individuals, what moves us to desire or require privacy, and what we lose without it. There is little research on how the concept of privacy is practiced as an everyday lived experience in this particular historic period. In his 2001 book, *Overseers of the Poor*, John Gilliom identified a glaring hole in privacy scholarship. He wrote about the importance of studying "not just what some of the problems with privacy are, but, more importantly, what some of the silences of the current debate are. What and who is missing" (Gilliom, 16: 2001)? Gilliom issued a call for the study of ordinary people in their everyday struggles with privacy and surveillance. This dissertation attempts to answer that call. It began with the question

of how ordinary people actually perceive and use privacy. In my opening anecdote I observed that although people were in agreement about the importance of privacy, and in disagreement about the definition of privacy, people were able to share insight about their understandings of privacy through the stories they told. This study analyzes those stories.

This chapter is a discussion of the research methodology that guided this study. The chapter begins with a discussion of the initial assumptions at the root of this study. I address questions about the kind of data that I sought to gather and the thinking that inspired it. After setting out the kind of data sought—stories told in focus groups—I explain the study's design; how I set out to acquire this data. In this chapter I explain my rationale for this current study. I then describe and explain the uses and means of collecting stories, and conducting focus groups for this study. Next, I share some of my experience, while conducting focus groups for this study; both moments of success and complications. Last, I introduce and describe my framework for analyzing the data.

Research Question

Stories encapsulate cultural meaning. Embedded in the sediment of stories are clues to how cultures choose to represent themselves. It is through stories that cultures reflect, define, and remake themselves. Clifford Geertz argues that meaning-making is the central, as well as essential, human function. Literary critic Henry Louis Gates suggests that story-telling is our most poignant form of making meaning. Cultural theorist

Michel de Certeau (1984) argues that stories "articulate our existences" and that human beings, as social animals, are "defined by stories." Cultural theorist Fredrick Jameson (1981) considers storytelling the central function of the human mind.

This contribution will bring fresh insight into the evaluation of accepted wisdom on the subject of privacy meanings in North American culture. It will contribute to making assessments of the merits of current meanings associated with privacy (based on theories developed primarily in the 1890s and 1960s) and the ethics of information use. Writer on Canadian culture, Robert Fulford, states that "Stories are...the junctures where facts and feelings meet" (Fulford, 1999: 9). In my opening story, I deduce that although people cannot always provide a denotative definition for privacy, everyone has stories in which they express what privacy means to them. In uncovering these stories, insight is gained as to how privacy is discussed in everyday language. In the examination of these stories, privacy's various social constructions are revealed. These cultural meanings operate at both denotative and connotative levels. At the level of denotation, stories provide facts. They answer questions about what happened, to whom, and in what context. At the connotative level, stories speak through a variety of symbolic codes.[19] I have mentioned that although people may not have memorized dictionary definitions of privacy, they all could tell me stories in which issues of privacy, as they understood it, arose. In such cases, these people told stories rich in connotative language.

Initial Assumptions

Before elaborating on the use of focus groups as a data collection method, a discussion of my own personal assumptions is in order. The logic of this study is premised on these assumptions. This research methodology is premised on ideas of pluralism, relativism, and subjectivity, giving prominence to human agency and imagination. The story is used as the basic data unit under analysis. Personal stories are appealing because they are subjective, and rooted in time, place, personal experience, and their perspective-ridden character. Because of this subjective nature, the interpretation of stories is always personal, partial, and dynamic.

This project begins with the assumption that the analysis of stories may bring insight into cultural representations and interpretations with particular reference to questions of privacy. In order to study the connotative meanings derived from everyday privacy-related stories, I employ Geertz's ideas on the interpretation of metaphor and symbol. Geertz appraises culture as a text to be read and interpreted. Geertz compares the method of one who accepts a semiotic view of culture with the method of the literary critique analyzing a text. "Analysis, then, is sorting out the structures of signification—what Ryle called 'established codes'—and determining their social ground or import...like trying to read a manuscript" (Geertz, 1973: 9-10). This text, Geertz argues, is understood through the symbolic forms by which people make interpretive sense of themselves.

Process Design

This study aims to contribute to the body of knowledge of privacy meanings in four ways. First, it shifts the focus of analysis from denotative language to connotative language. There are inherent problems in previous research on the meanings of privacy. The scholarship, over the years, has looked at definitions of privacy, and almost invariably done so in terms of denotative language. This type of language explains *ideal* ways to conceive of and use privacy—chiefly in the language of rights—but it is inadequate for capturing the range of how people *actually* think of and creatively use privacy in their daily-lived experience. Denotative definitions are necessary for establishing common rules of social conduct. At the denotative level, however, the everyday meanings of the word "privacy" do not always garner common understanding; the level of confusion over the word is well documented.[20] Rather than join the chorus with yet another attempt at an idealized definition of privacy, this study examines how people think of and creatively use privacy in their daily-lived experience.

The majority of previous research on privacy meanings has been text-based. Philosophers, legal theorists, psychologists, historians, and sociologists have applied theories specific to their disciplinary toolkits to the study of the meanings people ascribe to privacy. Through the use of survey-based research, a large amount of quantitative data has been compiled on ordinary private citizens. The change in method promises to yield different results. Third, this project moves the research lens from the technology and its relationship to conceptions of privacy, to the people who are affected by this and who are looking at their own definitions and experiences of

privacy. Fourth, rather than focus on the language of experts, this research focuses on the everyday meanings, uses, and protections that people give to privacy.

Stories

Stories take particular forms, according to where, when, by and to whom they are being told. The story is therefore custom-made according to the story-teller's conceptions of what the particular focus group and researcher will understand. In order to make stories meaningful to the participants' audience, resources from a storyteller's cultural context are supplied.[21] As a researcher I lack direct access into someone else's experience; accordingly, my closest access is to spoken representations of others' experiences. In their recounting of their personal experiences, individual participants choose to emphasize certain aspects and disregard others. George Herbert Mead (1934) argued that meaning is created through the process of interaction and interpretation. In my interpretation of what I am told of participants' experiences, I actively construct my own meanings.

In the process of analysis and interpretation of this material I hope to come to a context-specific description of the everyday meanings of privacy. When Geertz justified his interpretation of symbol in the study of culture he wrote that cultural analysis is "not an experimental science in search of law but an interpretive one in search of meaning" (Geertz, 1973: 5). Geertz analyzed qualitative ethnographic data that he observed through his use of the participant observation technique. The data in this dissertation was collected in focus group sessions. Notwithstanding the use of a different data-collection methodology, the data-analysis below follows Geertz's logic.

Major themes and symbols that emerge are examined with the intention of uncovering their deeper meanings.

Stories betray a human propensity to organize the material of events (past, present, and future) in order to extract some kind of meaning or sense out of them. Geertz argues that human beings are "symbolizing, conceptualizing, meaning-seeking" animals. He writes that human beings have an inherent need to make sense out of experience, and to give it form and order.

The analysis of stories in order to examine cultural phenomena may provide insight into how cultures choose to represent their fears, identities, and means of protection. People construct their identities and self-narratives from building blocks available in their common culture, above and beyond their individual experience. Stories may be read as static representations, or snapshots, of inner identities that are constantly in flux. In this respect, culture may be understood as the meaning system of a society and the study of stories provides clues about this culture and what makes it tick.

I focus on users of stories. These are ordinary people who both tell stories and interpret those stories that they hear. By focusing on these people, I draw attention to the state of culture that is both produced and revealed in their exchange. I am interested in stories for the cultural messages they contain. In his Massey Lecture, *The Triumph of Narrative*, Robert Fulford remarks, "there is no way to give us an understanding of any society, including our own, except through the stock of stories which constitute its

initial dramatic resources" (Fulford, 1990: 33). The study of these tensions and conflicts reveals that they may be viewed as a reflection of our cultural concerns. Fulford states that "we can be sure that if we know a story well enough to tell it, then it carries meaning for us" (Fulford, 1990: 6). To understand these meanings requires analysis.

Geertz argued that culture is ever-changing and historically evolving. He believed each culture to be a text comprised of interwoven strands of symbol systems. These symbol systems are composed of individual symbolic forms. Geertz, furthermore, believed that culture, the composite of these symbolic forms, is socially constituted. As such, it enables individuals to comprehend, express, and make interpretive sense of themselves. It also enables them to act in accordance with these interpretations. Stories can be interpreted in a variety of ways. Story data is a manifestation of the wealth of such material and the range of sensitivities of different readers.[22] The study of stories can bring some insight into questions of privacy in today's North American culture. Through understanding stories of privacy we can deepen our understanding of our culture. This deeper understanding is necessary in order to make sense of relationships between surveillance, technology, self-autonomy, and boundaries, in the fears over privacy in our current culture.

Historian Hayden White writes about the process of translating "knowing into telling." He considers that stories are a means of "fashioning human experience into a form assimilable to structures of meaning" (White, 1981: 1-2). Through language, individuals may share experience. This study is constructed to derive knowledge of

how experiences of privacy are interpreted by my focus group participants. It uses stories as a methodological tool to access ordinary people's experiences of privacy, in order to understand how they conceptualize, describe, and experience privacy in their daily lives.

The concept of "story" brings with it a host of definitions. Aristotle writes that stories contain a beginning, middle, and end. Within this shape, however, something has to happen for a story to unfold. Narrative researcher Catherine Kohler Riessman writes that "sequence is necessary" (Riessman, 1993: 17).[23] Stories are nuggets of information that are bounded as context-based sequences of events, used by individuals to create order and convey meaning. Social and literary critic Roland Barthes writes that stories appear in a variety of forms, including "myth, legend, fable, tale, novella, epic, history, tragedy, drama, comedy, mime, painting...stained-glass windows, cinema, comics, news items, [and] conversation" (Barthes, 1974: 251).

This research is exclusively based on oral stories. Walter Ong compares the oral and literate modes of storytelling. He compares ideas of linearity to episodic storytelling in the two modes. A written story requires careful attention to the linear plot structure. An oral story, however, requires more attention to episodic structure and flashback and other episodic techniques (Ong, 1982: 144).[24] Although I documented oral stories, I found that the stories I sought out were presented in both linear and episodic fashion. At times singular stories were threaded throughout entire focus group sessions, appearing at differing points of discussion. While I observed stories told in both forms, the data chapters that follow present this material in categorical units.

Focus Groups

Stories have been studied from a number of perspectives, including: contents;[25] structure;[26] style of speech;[27] affective characteristics; and motives, attitudes, and beliefs of the narrator, or narrator's cognitive level. Each of these approaches may be justified according to the kind of questions a researcher seeks to answer and the kind of data one wishes to analyze.[28] Approaches to textual analysis include: semiotics, hermeneutics, conversational and discourse analysis, and textual approaches. This particular study examines story content that is specific to the oral mode of storytelling within the focus group context. I gathered groups of ordinary people to share their stories about privacy. From these stories, I sought to learn about culture.

There are few examples in which the focus group method has been used to study privacy. The most notable of these include studies by Oscar Gandy and Gary Marx. Gandy's method

> recruited a number of individuals to participate in group interviews around the subject of privacy. [He] produced a short videotape which described a day in the life of a young woman, and revealed the ways in which she left a trail of personal information about her as she traveled, worked, shopped, and enjoyed the conveniences of her home (Gandy, 1989: 69).

This videotape served as the stimulus for nearly two hours of focused discussion. Marx (1988) deployed the focus group methodology in his study on police surveillance. The focus of Marx's study is the intended and unintended results of surveillance technologies used by police. He interviewed agents in United States organizations such

as the Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms and members of the Department of Justice, as well as nine police departments.

Both studies were highly effective in generating rich data about how people experience privacy and surveillance in their everyday lives. As such, they inspire this study which seeks to uncover the same sort of data. Furthermore, the under-representation of focus group studies on the subject of privacy suggests that future studies in this area will bear the prospect of yielding novel data. Gandy writes, "our uncertainty about the nature of public concerns about privacy is due in part to the limitations inherent in the questions asked..." (Gandy, 1993: 126). The practice of overlooking focus groups in favour of techniques such as the questionnaire, survey, or controlled experiment, has naturally restricted findings by the limitations of these methods.

The data at the core of this dissertation is derived from focus groups that I conducted specifically for this study. My central purpose in these group discussions was to elicit everyday stories from participants—oral stories that characterize their thoughts and feelings about, and uses of, privacy. This research gathered specific information of a qualitative nature—people's experiences and perceptions of privacy and its connotations—through the unit of the story.

My interest is the study of everyday interpretations made by ordinary people. I sought to find meaningful and textured data, the kind that would be impossible to generate with a quantitative study such as a survey or a questionnaire. I wanted to elicit personal

anecdotes that participants associated with privacy, access both "everyday" and "connotative" language to learn the practices of everyday uses of privacy, and learn about people's feelings, perceptions, attitudes, and opinions towards the concept of privacy. The focus group methodology is ideal for these purposes, due to its sensitivity to the subjective nature of the topic. To the extent that it requires the interviewer to set up the discussion forum, the focus group is contrived; however, natural discussion does arise when participants relax and become comfortable in the group setting.

In their groundbreaking focus group-based research, communications scholars Tamar Liebes and Elihu Katz wrote of the focus group as a way to conceive of people[29] in terms of their relations to each other, rather than as isolated individuals. Although based on individuals, focus groups can generate data about the larger social picture. The focus groups that I conducted set out to work at two levels: to explore individuals' inner thoughts, and to extrapolate about their larger social context. The privacy-related stories I collected are gateways into deeper questions about how people negotiate their social landscape. They describe: the sense of self in society; individuality, identity and autonomy; trust, security, and secrecy; the interplay between culture and technology; the binary relationship between public and private; and other concepts associated with privacy. By asking about a culture's fears over privacy, I ask about the culture's concerns, values[30] and coping mechanisms.

Research Process

After determining that I wanted to acquire privacy-related stories through focus groups, I set out to: write my interview discussion guide (see Appendix E), select an interview time and venue, recruit participants, choose participants, compose focus groups, conduct the focus groups, determine the total size of my data sample, and begin data analysis.

The challenge in composing my interview grid was to find a way to elicit participants' stories while minimizing my involvement. I deliberately constructed an interview grid that would enable me to ask as few questions as possible without leaving the interviews entirely unstructured. I began my focus group interviews with some preliminary questions designed to put participants into the framework of thinking about privacy. First, I asked participants to "draw privacy." This enabled me to access participants' initial ideas of privacy, before thinking much on the topic and before discussing it with other participants. My next goal was to try to get a sense of the context in which thinking of privacy arises. I asked my participants how often the concept of privacy comes up in daily life. I asked them to describe the contexts in which it arises and to tell me how often they think about issues relating to privacy, and what these issues are. I wanted to get a sense of the vocabulary used in talking about privacy. I asked about conversations about privacy: when was the last time they discussed a privacy-related issue; who had they discussed it with; what was that issue; and what is the major privacy issue of the past, present, and future. Additionally, I asked participants to make value assessments about privacy, such as: Is privacy a good or a bad thing? Can you

imagine a world without privacy? I concluded by asking participants to share stories about privacy. It was these stories that formed the basis of my data.

Ethnographer and audience researcher, Ien Ang, suggests that explicit attention to the following questions is central to an interviewer's ability to foster an open and permissive space: "How did the researcher find and get on with the interviewees? How did the interviews themselves take place?" (Ang, 1996: 83-84). When I selected an interview time and venue, my main concern was to establish an environment that would create an atmosphere of trust in which participants would feel comfortable speaking their minds. I chose to conduct interviews in the early evening, after participants work or school day. The driving principle behind selecting a venue was my desire to create an open, permissive, and trustworthy environment in an accessible location. I needed a quiet, informal, warm setting that invited people to share their personal stories. I conducted my focus groups in a beach house in Victoria, British Columbia. With its wood paneled walls and cozy fireplace, it proved the ideal setting to inspire free-flowing discussion.

In setting up my focus groups, I avoided people whom I knew directly,[31] recruiting instead friends or acquaintances of my own personal contacts. In order to maintain professional distance, I interviewed people whom I had not previously met. I told as many people as I could that I was in the process of putting together focus groups for my dissertation and I was interested in having them ask people they knew if they would be interested in participating. I also asked my friends and acquaintances to allow me to

contact their acquaintances through email. My plan was, first, to introduce my project to their contacts; second, to obtain their contacts' permission for me to communicate with them about the project; and third, to obtain direct email addresses.

After speaking over the telephone or receiving a reply to my soliciting email, I generated a list of interested participants. I then grouped these people, separating those who came to me from the same source. On meeting the participants, and prior to interviewing them, I learned more about their demographic backgrounds (see Appendix C for the questionnaire that I drew up for this purpose). Although I did not seek participants from a specific demographic group, I found that most of these people were urban and well educated, having completed at least high school and some post-secondary education, and many had graduate degrees. I interviewed females and males of different age groups, in a wide range of occupational areas. These people had varying levels of responsibility and power in their own lives: married and single, parents of young children or adults, employers and employees, people from large families and people from small families, healthy people and those in poor health.

According to Liebes and Katz (1990), the strength of the focus group is based on "the assumption that the small group...is a key to understanding the mediating process via which [stories] enter into the culture" (Liebes and Katz, 1990: 28). For the participant, a small group size allows for a safer environment that better facilitates discussion and ensures adequate talk time for each participant. Liebes and Katz believe that through

such discussion, stories move from people's minds, to enter their surrounding culture.[32] I found that a small group size allows for fewer variables, and is easier to conduct.

I conducted one set of 12 interviews, each interview containing about four participants (some with more and others with fewer participants), with a total of 42 participants; each interview took place over approximately two hours. My logic in composing groups of this size was to provide each participant with just less than twenty minutes to recount his or her stories and ideas. I felt that this was a sufficient amount of time to both maintain participant interest and acquire my necessary story data. Because my interest is in studying current attitudes rather than the evolution of these attitudes, I chose to meet with my groups for single sessions, rather than conduct repeated meetings with a panel over a prolonged duration.

Preferring the least structure possible in my interviews, I asked very few questions, in a loose and free flowing style. While allowing the natural flow of conversation, I was careful to keep my participants focused on the discussion of privacy, yet guarded against leading them into telling me what they assumed I wanted to hear.[33] I stressed that my point in conducting this research was not to persuade or to lead people into proving my hypothesis, but rather to learn what others believe (see Appendix E). My objective was to give my participants as much control as possible while keeping the discussion on-track. I placed two central demands on my participants: mutual respect and a focus on storytelling.

Professor of Social Psychology Elliot Mishler (1986) argues that the most fertile data can be found in elaborations offered freely by interviewees, rather than answers in response to structured questions. I wanted to give the groups liberty to explore and recount their own stories. Because I was looking to make interpretive claims, and I wanted to influence participants as little as possible, I posed open-ended questions, to provide the opportunity for longer, deeper, answers as opposed to a simple "yes" or a "no."[34] I was careful to avoid making judgments, and to control body language that might communicate approval or disapproval about the participants' contributions. I never introduced my notions of the language of privacy (related concepts such as surveillance, for example) or led participants in a particular direction (with the exception of keeping them on topic). My role was, as Peter Lunt and professor of media studies Sonia Livingstone (1992), suggest, to occasionally prod, provoke, or reorient the discussion. I maintained focus, while allowing the group sufficient leeway to run itself and explore the natural course of the discussion.

I adhere to a principle espoused by Lunt and Livingstone, that "for any given category of people discussing a particular topic there are only so many stories to be told. Hence one should continue to run new groups until the last group has nothing new to add, but merely repeats previous contributions" (Lunt and Livingstone, 1992: 83). My group discussions were conducted until I began to identify trends and patterns in perceptions.[35]

After collecting the stories, I transcribed all of the raw data from these video-taped interviews. Hundreds of pages later, I found myself with a massive amount of material. I read this material over and over, categorizing it and drawing relational maps.

Upon sitting down to the work of analysis, I was immediately confronted with a significant question: how much detail should my transcripts include? Do I preserve the collected stories in their entirety as holistic entities, or do I fracture them into categorical segments? I did not handle this question lightly. The act of preserving stories in their original form and presenting readers with entire stories is one that privileges the *narration*. However, I chose to fracture the stories into discrete nuggets, in order to privilege their *analysis*.[36] While I broke apart utterances and selected abstractions from the complete texts of these stories, according to my discretion, I attempted to honour the integrity of the teller's storyline. I paid close attention, for example, to beginnings and endings.[37]

There are both weaknesses and strengths associated with the use of categorical units to construct coherent texts from shards of fragmented discourse. The problem that arises when readers are denied access to much of the story is that they cannot choose alternative readings of the data. However, I chose to break down the texts in the hope of making it easier for the reader to follow and understand my analysis. This approach seems appropriate for the research of a problem that is shared by a group of people. A holistic approach might be more appropriate for a study on a particular person. Additionally, although the unit of data collected was the story, I am interested in the

metaphorical language found within the stories. A categorical approach is appropriate for homing in on the metaphors used in discussing privacy.

I studied the material, looking for recurring themes within the discussions. I found that participants were generally fearful when they thought about privacy; they tended to speak of privacy as some kind of protective boundary. In discussing privacy, participants spoke of personal-autonomy. I found that the fears raised were out of concern that loss of privacy could negatively impact their free self-autonomy. These themes comprised my analytic grid.

Research Complications and Ethical Issues

Although I assumed that not paying participants (I supplied candies and cookies instead) could be problematic, I was pleasantly surprised when participants thanked me for giving them the opportunity to share their ideas and stories and to hear those of others. Participants were generally quite pleased with the opportunity to hear others and to be heard. Other complications, however, many of which I had not anticipated, arose.

There are certain concerns with conducting open-ended and relatively unstructured focus groups. The strength of this technique is to generate creative data, based on natural conversation flow and participants' free-thinking. The weaknesses of this technique are worth noting, as my research was not free of these.

Despite stating my requirements of "mutual respect and storytelling," neither requirement was always adhered to. When participants veered away from telling stories they tended to remain on the topic of privacy. These diversions were sometimes useful, bearing insight that could only be gained in the reflection about the meaning of a particular story. At times these diversions provided opportunity for the participants to discuss among themselves. When these diversions led to constructive group discussion they were welcomed. At times, as participants became impassioned in the discussion of a subject of real concern to them, these inter-group discussions sparked disagreement. I welcomed arguments among the groups as long as they were conducted with mutual respect. There were two occasions, however, when I had to intervene as it became clear that this mutual respect was not present and the discussions became disruptive and uncomfortable arguments.

Another problem generated from conducting open-ended and relatively unstructured focus groups is in the messiness of the data. I found that, even when participants did present their stories, data tended to meander. Stories about one subject tended to drift into other subjects. Although natural conversation flow was actually an objective of mine, and by this measure the focus groups were a success, it generated data that was sometimes difficult to comprehend. With so many ideas in one story, and often within one sentence, careful triage was necessary to separate the central ideas from those of less significance. As a result, the material required several reads before the central themes began to emerge and precision was required in homing in on the central points within the data.

A problem of balancing the outspoken with the soft-spoken occurred. I found that in some of my focus groups one particular individual would attempt to lead the discussion, while it was equally common to have other individuals who were relatively silent. In such cases I attempted to encourage input from the quiet participants, by occasionally asking for their opinions.

In setting up the focus groups I clearly mentioned the starting times; however, four participants arrived late for their sessions. On the surface this may not appear to be a major concern, at least not great enough to mention in a dissertation, but the problem of late arrivals proved highly disruptive. When an individual would arrive late the entire discussion flow would be halted, as I would have to pause the camera to introduce the focus group concept to the late participant, make introductions with the other participants, and provide a questionnaire and consent form. Other focus group members would sometimes lose their train of thought, lose discussion time, and the general mood of intimacy was broken. As a result, participants often became more withdrawn and less forthcoming with the introduction of late participants.

My decision to use electronic audio and video recording equipment required some deliberation. Although I understand that video equipment may be difficult to use during the interview—because it requires a constant reframing of the speaking subject—this difficulty is offset by the retrieval of richer data, including facial expressions and hand gestures. Furthermore, and perhaps more important, it would be impossible to maintain a verbatim transcript while listening to what is being said and guiding the discussion. A

verbatim transcript is required, for the rich data it will produce.[38] Jotting notes by hand is impractical as the time and effort required to take down handwritten notes can disrupt the flow of focus group discussion.

Perhaps ironically, the act of conducting research into human subjects inevitably raises privacy concerns. Gandy writes that "a concern about the use of personal information can only be addressed by gathering personal information through interviews of individuals" (Gandy, 1989: 66). In the process of establishing the research design I considered some ethical issues that may arise whenever research is conducted on human subjects. One concern appeared in the form of the information acquired; although people came together to share their individual stories, it is my obligation to maintain confidentiality in this respect. As a result, this dissertation contains only pseudonyms in place of the actual names of those who participated in my research. Another potential issue concerned my recording method. In designing the consent release form I was careful to allow for individuals to reserve the option of how they wished to be recorded: "Both sound recordings and video images of me, only sound recordings of me, or only video images of me" (see Appendix D).

In telling the story, there are unavoidable gaps between the experience, the recounting of the experience, the reception and recording of the experience, the analysis and interpretation of the experience, and the reader's observations and meanings. The first problem is that we are confounded by imprecise language, which leaves every text open to multiple readings. Next is the problem that texts are context-based. Stories are biased at their source. They come from individuals who bring with them their range of

cultural experience "baggage" while recounting their stories. Geertz (1973) writes of a supposed Indian story that the world rests on a platform on an elephant's back, which rests on the back of a turtle, which rests on another turtle, which rested on "turtles all the way down." The point is that our stories are deeply colored by what turtles we have: knowledge resting on knowledge, resting on other bits of knowledge, all the way down. In both eliciting and analyzing stories, it is important to consider the backgrounds of those who tell them and the contexts in which they are told. On this point, literary critic Edward Said asks

> whether indeed there can be a true representation of anything, or whether any and all representations, because they are representations, are embedded first in the language and then in the culture, institutions, and political ambience of the representor. If the latter alternative is the correct one (as I believe it is), then we must be prepared to accept the fact that a representation is *eo ipso* implicated, intertwined, embedded, interwoven with a great many other things besides the 'truth,' which is itself a representation (Said: 1979, 272-273).

Those who believe that knowledge is a form of power might see an inherent power imbalance in the interview form. One side asks the questions while the other provides answers. Certainly, this imputed power imbalance stands to transfer an element of bias in favour of the interviewer. One strength of the focus group technique is that it works towards leveling the playing field. By interviewing groups of people at once, the moderator finds himself in the minority of a one-to-many ratio and thus may attempt to offset the power accrued from the position of information acquirer. A focus-group interview mitigates the moderator's power vis-à-vis the interviewed party. The moderator remains in the position of asking the questions and gaining insight into the

participants' minds, but for the interviewees, there is power in numbers. Accordingly, by interviewing groups of people at once, I attempted to limit my own influence.

A necessary caution concerns the problem of bias. The act of one person drawing information from another may be viewed as a flow of power from the person giving the information to the person receiving it. This point is all the more poignant in considering the sensitive nature of privacy stories. Ian Ang writes of Foucault's teachings that "the production of knowledge is always bound up in a network of power relations" (Ang, 1989: 97). Power is an issue of which every focus group moderator must be wary. Moderator influence over participants is an unavoidable occurrence. However, it is necessary to keep this influence in check. Undue influence, on the part of the moderator, can affect focus group findings. Accordingly, as moderator, I vigorously attempted to level the playing field. I mitigated my influence through a combination of three main techniques: open question framing, understanding of the moderator-participant relationship as one of roles, and conducting multiple interviews. Lunt and Livingstone suggest paying close heed to the following questions:

> Does it matter that some people say very little? Should one encourage hesitant or difficult opinions, or aim for easy and confident opinions? How should the moderator respond to dominant or distracting opinions? These are not just methodological issues. Consensus, diversity, or disagreement may be presumed by the theoretical framework of the research and will affect the conclusions to be drawn (Lunt and Livingstone, 1992: 83).

People who seek to use the focus group as a platform to claim disproportionate attention, at the expense of other group members, can be particularly difficult. Some researchers caution against the problem of creating a false consensus. Paulis (1989)

writes of people in groups displaying a propensity to either move toward a consensus or to shift toward unrepresentative extremes (Paulis, 1989: 93). Egregious loudmouths endanger focus groups by creating an atmosphere where this choice becomes increasingly likely. In my past experience, such an individual requires careful handling, and other group members must be encouraged to make their voices heard. Such individuals are rare, and over a number of groups, their influence becomes less prominent. Although I was fortunate not to confront an egregious loudmouth, I did find that some of my groups were populated by extremely reticent and shy characters. In these I struck a balance between giving these people equal opportunity to speak and respecting their prerogative to maintain their privacy.

The focus group setup is highly role-based. The role of participants is to discuss an issue. The role of the moderator is to ensure that the discussion remains on the issue at hand, while eliciting a wide range of opinions. To do this, a moderator must both encourage contributions from reticent participants and prevent disruption and diversion. Many researchers believe that the fruits of the research should not be perceived as going solely to the researcher. Ultimately, everyone involved deserves to benefit from the time and commitment they invest. Silverman suggests that when participants are viewed as consultants, rather than as objects of research, a feeling of mutual respect emerges. But this feeling is not equivalent to the payback received by the moderator. On a personal note, I have found that one form of compensation that participants derive is the satisfaction of being listened to, to be given the opportunity to speak their mind and to be genuinely heard. People appreciate being heard. They appreciate the opportunity to articulate their ideas in a group setting. And they appreciate learning

from the exchange of ideas. In addition to conducting a respectful session, I will honour participants by presenting each with a completed copy of my dissertation.[39] Silverman supports this win-win approach to focus groups. He writes, "if interviewees are to be viewed as subjects who actively construct the features of their cognitive world, then one should try to obtain intersubjective depth between both sides so that a deep mutual understanding can be achieved" (Silverman: 1993, 94-95).

Analytic Framework

It is not necessary that data supplied by a focus group be factually true in order to be valid. Fictitious stories are not necessarily false to one's experience, and prevarications and misrepresentations may still inform about a particular culture. Stories are necessarily reconstructions. What matters is not what *actually* happened, but what the participant *says* happened. In neither my story collection nor my analysis do I make any effort to determine whether the stories I collect are factually true or false. Even fantastic tales reflect the experience of their creators and receivers. Stories that are obviously fictitious can reflect elements of reality. To understand a culture's symbols it is important to ask not about their veracity, but about their social importance. Whatever their relationship to fact, their veracity is in the meaning they express. Therefore, I study and interpret individual stories to gain access into the participant's culture, social world, and systems of meaning.[40]

I seek to make interpretations on representations. The end-goal of this study is to arrive at a workable argument, not a measurable and provable one. Concepts of verification

and procedures for establishing validity (from the experimental model) rely on realist assumptions and are largely irrelevant to my study. A personal record is not meant to be read as an exact record of what happened nor as a mirror to a world "out there." My study therefore cannot apply the ability to replicate results as a criterion for evaluation.

Geertz writes that

> Cultural analysis is intrinsically incomplete. And, worse than that, the more deeply it goes the less complete it is... There are a number of ways of escaping this—turning culture into folklore and collecting it, turning it into traits and counting it, turning it into institutions and classifying it, turning it into structures and toying with it. But they are escapes. The fact is that to commit oneself to a semiotic concept of culture and an interpretive approach to the study of it is to commit oneself to a view [that is] 'essentially contestable' (Geertz, 1973: 29).

Geertz argues that all cultural interpretation is essentially contestable, for two reasons. First, such analysis is intrinsically incomplete. Second, meaning and interpretation are themselves indeterminate. My research is premised on the belief that there is no single absolute *truth* in human reality and, therefore, not just one correct reading or *interpretation* of a text. The data sought in this study is of a qualitative nature and, as such, lends itself to interpretive claims. The interpretive claims I make are of a specific group of participants. My ability to generalize is limited, largely because of the inherent characteristics of my data; as I have shown, privacy is a subjectively experienced phenomenon. Accordingly, different notions of privacy vary according to individuals. In my analysis I speak of patterns—the correlations of commonality and variation—and I make extrapolations from these. The goal is simply to transcribe

social discourse, turning a passing event into an account; guessing at meanings is implied in the interpretations behind the transcriptions.

Geertz (1973) submits that intimate encounters with specific cultural representatives yield local knowledge, providing context-specific research data. Extrapolations made from such local knowledge enable the yield of a more comprehensive view of the culture under study. Stories told in focus groups—the discussions of particular groups of people, located in a particular temporal-spatial context—can bring insight into the cultural *zeitgeist* at a fixed moment in time. Geertz writes that, while culture is the sum of what people do and believe, it is not static, and stories told by these cultures are in flux. Riessman contributes that "all texts stand on moving ground" (Riessman, 1993: 15).[41] Stories inform about culture as it is perceived in particular snapshots at specific time and space configurations. Cultures develop and change through time and the stories that people tell represent ever-changing high-tide markers tracking these movements. When a particular story is recorded and transcribed, as in the case of the oral stories I recorded, a text will remain.[42] My focus on individual stories was intended to reveal important knowledge of my participants' cultural context. The stories that I collected depict privacy as a mobile concept with distinct applications to different people at different times.

This particular chapter is a discussion of the focus group methodology I employed to derive my data and the logic that determined the evolution of this study. When my research expanded, I conducted focus groups. During the data compilation process,

three significant themes repeatedly emerged. Later, when the data was studied, it became clear that three themes dominated participants' thinking about privacy. These themes are: fear over unknown uses of personal information, privacy as some form of protection for self-autonomy, and privacy conceptualized, with a spatial metaphor, as some form of boundary. This dissertation is driven by the search for meaning in the fears around the concept of privacy. What are people afraid of and what do they do to protect themselves? One of the first things I learned in observing people in my focus groups was that they respond to fears of technology by seeking privacy. This study focuses on ordinary people interpreting and using privacy, through the use of boundaries, to carve out their own domain in their efforts to protect their sense of self. It is based on the analysis of stories collected in focus groups, on the broad topic of privacy.

Chapter 3 Endnotes

[19] Earlier I argue that, although there is a rich history of thinking on privacy, there remains no agreed upon definition as to what the term actually means. Although Carl Jung's symbol interpretation focused on the unconscious- and dream-state, he offers a definition of "symbol" that operates on material of the conscious mind. He states that terms are endowed with a multiplicity of meanings, often beyond human comprehension. Language is "never precisely defined or fully explained" (Jung, 1978: 4), thus it is necessary to employ symbolic language to limit these meanings. Jung writes, "what we call a symbol is a term, a name, or even a picture that may be familiar in daily life, yet that possesses specific connotations in addition to its conventional and obvious meaning. It implies something vague, unknown, or hidden from us" (Jung, 1987: 3). Joel Charon defines a symbol as "any object, mode of conduct, or word toward which we act as if it were something else. Whatever the symbol stands for constitutes its meanings" (Charon, 1979: 40). People create, manipulate, and use symbols in construction of their perceived realities. By extension, human interaction is conducted through the exchange of these symbols, and their associated meanings. George Herbert Mead understood the individual as functioning within a context of shared meanings that are communicated through the language of symbols. He spoke about the uses of symbols in shaping and conveying meaning, "the means whereby individuals can indicate to one another what their responses to objects will be and hence what the meaning of objects are" (Mead, 1972: 122).

[20] Some notable examples include: Judith Jarvis Thomson who argues that, "perhaps the most striking thing about...privacy is that nobody seems to have any clear idea what it is" (Thomson, 1975); Colin Bennett who believes that "semantic and philosophical analysis leaves us with the overwhelming sense that privacy is a deeply and essentially contested concept" (Bennett, 1996: 5); Authors of the Younger Report declare that "The concept of privacy cannot be satisfactorily defined" (Younger Report, 1972: para. 58); Hixon refers to J.B. Young who considers privacy, "like an elephant...more readily recognized than described" (Hixon, 1987: 52); The Calcutta Committee wrote that there is "little possibility of producing a precise or exhaustive definition of privacy" (Home Office, 1990: para. 3.4); David Flaherty has stated, "I am not going to address definitions of privacy...because the topic is such a quagmire" (Flaherty, 1988, 35); and Julie Inness claims that when considering privacy meanings, "we find chaos; the literature lacks an accepted account of privacy's definition and value" (Inness, 1992: 3).

[21] One example of this, found in the material below, is found in a story told by one focus group participant named Dave. Although he recounts an experience in Africa, he does so with Canadian references.

[22] Stories are ubiqùitous in our world. Berger (1997) writes that "every day we swim in a sea of stories and tales...from our earliest days to our deaths." Alverdo et al say, "Everything is narrated—the match, the birth, the funeral, the meal, what so and so said about such and such, yesterday, today and possibilities for tomorrow" (1987, 120). Telling stories is natural; we all tell stories and we are all told stories. It seems to be a universal human activity, one of the first forms of discourse learned as a child (Nelson, 1989) and used throughout life by people of all backgrounds and settings. Lecturer in cultural theory and analysis Martin McQuillan holds that stories are "both the minimal unit of meaning and the cognitive process which makes meaning possible" (McQuillan, 11).

[23] Although the purpose of this study is not to examine the mechanics of story structure, it is interesting to note debate over the concept of sequence in this context. Michaels (1981) argues that sequence is the progression of themes. He claims that it is the story's theme that moves it forward. Arthur Asa Berger (1997), who writes that "stories tell about things that have happened or are happening, to people....a story contains a sequence of events...[they] take place within or over...some kind of time period." He argues that stories require a sequence of events. Young (1987) would agree with Berger. He claims that one event causes another. He argues that this explains why stories need not always be presented in chronological fashion. In contrast, Labov and Waletzky (1967) argue that stories follow a chronological sequence. They hold that narrative drive is created by continually asking the question "and then what happened?"

[24] Story planning is another reason why these two modes of story delivery rarely follow the same structural conventions. The written story, before the story is even told, can be laid out on paper, in the form of an outline, with a beginning, middle and end, in front of the writer. The oral storyteller creates

his roadmap during his trip. "The effect of print in maximizing sense of isolation and closure is evident. What is inside the text and the mind is a complete unit, self contained" (Ong, 1982: 150).

[25] Lieblich, Tuval-Mashiach, and Zilber are pioneers in the content-driven approach to the study of stories.

[26] The study of a story through analysis of form, or plot-structure, is often called the structural approach. This is the tradition from which major works by Claude Levi-Strauss, Alverado, Bordwell and Thompson, Stam, Propp, and Todorov emerged. Burke paraphrased the central logic of this approach when he argued that all stories are structured, and may be analyzed according to act, scene, agent, agency, and purpose (Burke, 1945). On a practical level, the study of story form may be well implemented to learn how respondents in interviews construct their stories, as modalities to impose order on the flow of experience, and to make sense of events and actions in their lives.

[27] James Paul Gee analyzes how a story is said. He looks at changes in pitch, pauses, intonation, and other mechanisms of speech (Gee, 1991).

[28] In determining one's research approach, Riessman suggests the following question: what aspects of the narrative constitute the basis for interpretation (Riessman, 1993)

[29] The subjects of their study were conceived of as "viewers," from the audience of Dallas.

[30] Stories can be employed to learn about a culture's values. Robert Fulford recalls his reading of After Virtue, in which Alasdair MacIntyre writes that humans create their sense of what matters, and how they should act, by referring consciously or unconsciously to the stories they have learned (Fulford, 1999, 33). Fulford considers that "...stories inevitably demand ethical understanding. There is no such thing as just a story. A story is always charged with meaning, otherwise it is not a story, merely a sequence of events" (Fulford, 1999, 6). Historian Louis O. Mink says that "any situation in which choice is possible...is a moral situation" (Mink, 237). By the same token, White connects stories to a social system's values. He writes that "Every historical narrative has as its latent or manifest purpose the desire to moralize the events which it treats....Storytelling...is intimately related to, if not a function of, the impulse to moralize reality, that is, to identify it with the social system that is the source of any morality that we can imagine" (White, 1981: 14).

[31] Having been born and raised in Vancouver and resided in both Toronto and Montreal, Victoria offered the opportunity for me to conduct this research with groups of complete strangers. There was never a concern that I might have previously met my participants.

[32] Liebes and Katz write about discussion of a television program, Dallas, whereas my focus is on everyday stories. By the same token, my focus group provided insight into the convergence of knowledge about privacy and understanding how the concept is negotiated in our culture.

[33] At the outset of my interviews I informed participants that I wanted them to tell me what they want to tell me, not what they thought I wanted them to tell me. I was wary of the danger that the participants might provide answers that they think I want to hear.

[34] I also believe that open-ended questions are the most likely kind to encourage storytelling. This leads me to the next point. In an interview, one of the most difficult types of information to draw out from people is their stories. It is extremely rare that someone, without priming, will respond to the question, "tell me a story about X," with a story about X. The response to such a question will likely resemble one of the following: "what do you mean," "can you elaborate," or "I can't think of anything off the top of my head." To contend with this, I have developed a discussion guide (see appendix for full text), with warm-up exercises to launch people on thinking of their privacy stories. This was done with careful regard for the problem of bias, discussed later in this section. Following story-geared warm-up exercises, my only other means of getting at stories was the use of highly contextualized probes. In response to ideas people would mention, I would follow up with a statement like: "tell me about that" or "did that happen to you or someone you know."

[35] Lunt and Livingstone argue this point on the question of measuring the value or quality of a research project. They point out that "one could argue...that the exhaustion of the various things to be said on a given topic is part of the content validity of the method, offering a notion of reliability..." (Lunt and Livingstone, 1992: 92).

[36] This act required sensitivity. I am aware that the act of imposing my own authority by inserting unnatural stops and starts on a text may have consequences as deep as reshaping the meaning of the text. The act of determining when other people's stories begin and end is one of authorial proportions. By

cutting out a preamble or striking out a coda, I transcend the fine boundary between reader and writer. As story analyst, I become implicated in the construction of stories.

[37] At times, these stories were marked by story conventions that included beginnings such as, "let me begin" or "a long time ago" and endings like "that's the way it happened."

[38] Transcripts are not fully equivalent to spoken discourse. They exclude the gestures, gaze and other nonverbal aspects of communication that carry meaning in conversation.

[39] I took participants' email addresses, in order to email them with an executive summary of the research. In that email I will offer to send participants the entire document, if they would like to read it in addition to the executive summary. Most of them were enthusiastic about the idea. My intention in beginning with sending an executive summary is to benefit the participant, not overwhelming them with a large document. However, it is also to restrict the number of copies circulating out there, so that portions of it may be published at a later date.

[40] I do not take stories as complete and accurate representations of reality, yet I recognize them as potential vehicles of truths. In any case, the stories arrived at cannot be thought of as global truths; neither are they falsehoods. Stories may be regarded as subjective fictions, true to an individual's cultural knowledge. If one of my participants were to lie to me, this would not corrupt the data. Regardless of whether stories are true, they still are meaningful. Clifford has stated that "ethnographic truths are...inherently partial—committed and incomplete" (Clifford, 1986: 7). Here their "truths" are to be judged, according to Fisher (1987), by the narrative's inner coherence and its fidelity to the logic of narratives of human action. Riessman refers to the Personal Narratives Group, which writes that "Unlike the Truth of the scientific ideal, the truths of personal narratives are neither open to proof nor self-evident" (Riessman, 1989: 261). Language is too imprecise and context-based to convey one's meaning precisely to the recipient. The Personal Narratives Group writes that "when talking about their lives, people lie sometimes, forget a lot, exaggerate, become confused, and get things wrong. Yet they are revealing truths. These truths don't reveal the past as it actually was; they give us instead the truths of our experiences" (Riessman, 1989: 261). Margaret Atwood has written that "it's impossible to say a thing exactly the way it was, because what you say can never be exact, you always have to leave something out, there are too many parts, sides, crosscurrents, nuances; too many gestures, which could mean this or that, too many shapes which can never be fully described, too many flavours, in the air or on the tongue, half-colours too many" (Atwood, 144).

[41] Others have written on the temporal constraints intrinsic to narrative research. Communications Professors Malcolm Sillars and Bruce Gronbeck put it another way. They write "there can be no final meaning attached to signs because they are constantly changing according to context" (Sillars and Gronbeck, 215). Similar arguments are made by Clifford (1986), Clifford and Marcus (1986), and Sosnoski (1991).

[42] Ong says that one great distinction between oral and written stories is that oral stories do not leave the residue of text behind them. In this study, however, I videotape and transcribe oral stories, providing them with a fixed presence on tape and paper.

4. Surveillance Theory

During my focus groups, the idea of surveillance continuously arose. I learned that participants think of privacy in relation to surveillance. Participants frequently spoke about feeling a need for privacy, when they felt vulnerable to surveillance. They spoke of surveillance as impinging on their personal space and the freedoms they require to be themselves. How is it that individuals can come to feel such threats as a result of being surveilled? With the frequency with which participants spoke of surveillance, I found that an exploration into theory of surveillance necessary in order to understand what privacy means to focus group participants.

Is our North American society creeping toward the creation of a surveillance society? Simon Davies, the Director-General of Privacy International, has given some serious thought to the stages through which surveillance systems pass: "As a society becomes larger and more complex, as its links with other nations grow, and as its technological capacity increases, it is normal for it to creep up the surveillance scale" (Davies, 1992: 18). He breaks the evolution of a surveillance society into five stages. Stage One consists of restricted surveillance, which would only exist in the minimalist night watchman state. In Stage Two, the conditional surveillance would exist only after adequate debate and the introduction of appropriate safeguards. In the third stage, the routine surveillance would exist in three principal areas: law enforcement, taxation, and government benefits. In Stage Four, mass surveillance is a zone of enforced, interactive and punitive surveillance in which "most, if not all, aspects of people's movements,

transactions, interactions and associations" are monitored. Finally, total surveillance occurs when "people show an Orwellian willingness to support government control" (Davies, 1992: 19-20). Davies argues that many developed countries have been rapidly creeping up to the fourth level of surveillance.

Surveillance occurs through a variety of means—from voyeurism to legitimate security systems and intelligence gathering. Each of these methods aims to observe and know a subject. Surveillance may affect people's behavior and self-expression, creating anxieties over privacy. Demonstrating knowledge of personal information about people limits their ability to define themselves by forcing them to define themselves according to predetermined criteria. Individuals become vulnerable when they lose privacy. Cellular phone conversations become insecure. Employers read employees' emails. Banks, mutual funds, and credit card companies sell personal details of individuals' financial records to marketers. Medical records may be sold to discriminating insurance companies and employers. There is the potential for income tax fraud, welfare fraud, credit card fraud, and identity theft.

This section on surveillance addresses the ways in which surveillance plays a part in determining one's self-definition. As odious as the above threats appear, surveillance raises other potential threats more fundamental to individual identities. However, the real impact of these threats, the real harm, is to privacy. The primary threat of surveillance, according to my thesis and to my respondents, is the loss of privacy that it engenders. Mark Poster states that the "mode of information...designates social

relations mediated by electronic communications systems which constitute new patterns of language" (Poster, 1990: 123). He argues that the technology of power both imposes a norm—disciplining subjects to participate by means of seemingly benign information acquisition, such as filling in forms, using credit cards, opting into affinity programs—and helps to constitute complementary selves for those subjects, the sum of their transactions. New individuals are created who bear the same names, but are digitally shorn of their human ambiguities and whose personalities are built artificially from matched data.

Above I note that throughout my research into the concept of privacy I repeatedly came across discussion of the concept of surveillance. I discovered that, although these concepts are not exact binary opposites, it is nearly impossible to accurately develop a discussion of one without at least exploring the other. This chapter is intended to shed light on the material I discovered while investigating the concept of privacy. I begin this chapter by introducing the concept of surveillance and its role in information-based society. This chapter explores important contributions by Max Weber, Michel Foucault, David Lyon, and Mark Poster, as well as others. Two models to explain the impacts of surveillance are explored: surveillance as social participation and as social control. This chapter demonstrates the fundamental role of surveillance in structuring much of our lives. Finally, this chapter explores the role of technology in promoting deeper surveillance and the effect of this surveillance on the individual's own sense of personal autonomy. Throughout this discussion the reader should note that surveillance

is generated from a variety of entities, comes in many forms, with differing intentions, and causes a variety of impacts.

Surveillance in History

Surveillance is a historical fact, yet it has evolved over time. One may read about surveillance conducted by Israelite spies in the Old Testament. The classic techniques of spies—shadowing, peeping, and bugging—endure the passage of time. Westin points out that imperial Rome employed spies for the same function as the systematic monitoring of citizen behaviour within the Stalinist and fascist systems (Westin, 1967). Yet spying is only one form of surveillance. Systematic record keeping by governments can be found in ancient and medieval times. Historian Charles Tilly (Tilly, 1975) and professor of military sociology Christopher Dandeker (Dandeker, 1990) are two scholars who argue that its rise is most closely associated with the development and bureaucratization of the modern nation-state. Their arguments continue that the expansion and institutionalization of state power since the sixteenth century brought with it the need for more complex, discriminating and formal record-keeping systems, many of which contained personal information.

Studies of surveillance among Puritan society in colonial New England demonstrate that surveillance was a regular feature of life in those societies. Wall writes that "neighbours assumed not only the right but the duty to supervise one another's lives" (Wall, 1990). Flaherty writes of the colonial Puritan enforcement of mandatory public confession at church services (Flaherty, 1972). Observation and accumulation of

information of personal behaviour has always been present, but important changes in surveillance arrived in the twentieth century. Information technologies enabled wider accumulation of information, at faster speeds, and over greater distances. Surveillance in the twentieth century is notable because the medium of surveillance shifted decisively from paper files and direct observation to computer files that comb data through a grid of electronic filters. Alexis de Tocqueville (1968) argues that modern mass democracies depend on an expanded range of administrative tasks and require the use of surveillance to maintain social control and punishment. He holds that democracy produces privatized citizens whose paramount concern is personal welfare. Accordingly, they become vulnerable to the strength of state institutions. As surveillance develops, so does anxiety about privacy.

Surveillance Society

Surveillance is conducted within a power relationship. It is driven by the following end-goals: to *observe* one's subject,[43] and to *know* one's subject[44]. Surveillance by observation is largely conducted for voyeuristic pleasure and security purposes. Surveillance by knowledge is primarily conducted to identify patterns in data in order to derive guidance for decision-making. Governments use surveillance for social control and risk avoidance, and to appear to protect their public. Businesses use surveillance for marketing intelligence, to sort people and identify their most valuable customers,[45] and to appear to protect their customers. Scholars have shed considerable light on the fears articulated above through theories about the concept of surveillance. James Rule (1980) broadly defines surveillance as "any systematic attention to a

person's life aimed at exerting influence over it." Gandy (1993) contributes to this understanding of surveillance by describing it as a sorting mechanism, and Michel Foucault writes about the flow of the Panopticon: the few watching the many.[46]

Surveillance is characterized as a one-way flow of information, with power and agency often seen as being carried along in this flow. Surveillance is a form of social control, and by extension, privacy is a means to guard one's freedom from this control. Surveillance threatens to encroach on one's space—conceptual and physical. It is the act of observing physical space and information. And it seeks to know another's conceptual space and struggle over self-definition. Surveillance objectifies people.

Panopticon

In 1791, British philosopher Jeremy Bentham published his plan for the Panopticon penitentiary. The Panopticon was to be a building in a semi-circular pattern featuring an inspection lodge at the centre, and surrounded by cells around the perimeter. Prisoners in individual cells would be open to the gaze of inspectors who could not be seen by the prisoners. With careful use of lighting and wooden blinds, officials who would be invisible to the inmates would maintain control through the pervasive sense by the prisoners that unseen eyes watched them. Bentham reasoned that prisoners, with nowhere to hide, nowhere to be private, and no way to know whether or not they were being watched, would assume that they were being watched and conduct themselves in an obedient manner (Bentham, 1843). The Panopticon was never built, but it brought the notion of constant surveillance into the public sphere.

The word "Panopticon" is a Greek neologism meaning "all-seeing place". Michael Ignatieff calls the Panopticon idea one of "omnipresent inspection" (Ignatieff, 2000: 78). Yamashita muses that "Bentham's Panopticon represented a secular parody of divine omniscience and the observer was also, like God, invisible" (Yamashita, 1998: 84). According to Bentham, "the more constantly the persons to be inspected are under the eyes of the persons who should inspect them, the more perfectly will the purpose of the establishment be attained" (Bentham, 1843: 40). Bentham advocated the uncertainty of the threat of being watched as a means of subordination.

Foucault employs the Panopticon model as a paradigm to explain how surveillance works in modern societies. He argues that the Panopticon was for empirical observation and classification, related to the rational production of social order. He also relates the theme of exploiting the uncertainty of being watched as a means of controlling subordinates to the unobtrusive monitoring that new electronic technologies enable. Foucault summarizes his understanding of the major effect of the Panopticon, saying that this is the sort of discipline imposed in modernity:

> ...to induce in the inmate a state of consciousness and permanent visibility that assures the automatic functioning of power. So to arrange things that the surveillance is permanent in its effects, even if it is discontinuous in its action; that the perfection of power should tend to render its actual exercise unnecessary; that this architectural apparatus should be a machine for creating and sustaining a power relation independent of the person who exercises it; in short, that the inmates should be caught up in a power situation of which they themselves are the bearers (Foucault, 1977: 201).

Foucault says that, in the Panopticon, the "formation of knowledge and the increase of power regularly reinforce each other in a circular process" (Foucault, 1977: 204). Foucault observes that surveillance becomes a means of replacing other means of power. As older, more costly, and violent forms of power fell into desuetude, they were superseded by "a subtle, calculated technology of subjection" (Foucault, 1977: 221). The subject of the Panopticon internalizes this gaze, never knowing whether or not they are under inspection and therefore always having to conduct themselves in complicity with the rules of those who control the gaze of the Panopticon.

Superpanopticon

Media theorist Mark Poster writes that surveillance in modern societies has grown into something beyond what even Foucault imagined: a "Superpanopticon," which now has no limitations. According to Poster, the technology of the Superpanopticon "designates social relations mediated by electronic communications systems" (Poster, 1990: 123). Poster makes his point by two arguments. First, he says, the Superpanopticon imposes a norm, disciplining its subjects to participate, by filling in forms, giving over their social insurance numbers, and using credit cards. On this point Poster holds that "the population participates in its own self-constitution as subjects in the normalizing gaze of the Superpanopticon" (Poster, 1990: 97).[47] Poster is talking about individuals having to define themselves within the parameters of the 1s and 0s of binary code. Poster's second argument is that the Superpanopticon reconstitutes new selves for subjects, which are, in fact, the sum of their transactions. These computer "selves" have a part to play in determining the life chances of their human namesakes. James Rule (1980)

argues that databases enable the reconstruction of the daily activities of any individual. Mark Poster writes:

> we see databases not as an invasion of privacy, as a threat to a centred individual, but as the multiplication of the individual, the constitution of an additional self, one that may be acted upon to the detriment of the 'real' self without that 'real' self ever being aware of what is happening (Poster, 1990: 97-98).

The subject, under the panopticon, is an individual with restricted capacities, fearful and submissive. Under the Superpanopticon, the subject may be considered one of many selves, being observed and manipulated by those who control the Superpanoptic gaze.

Panoptic Sort

Gandy writes of what he calls the panoptic sort. According to Gandy, the panoptic sort seeks to redefine individual human beings in accordance with the probing capabilities of surveillance technologies and according to the data that these technologies acquire. He describes the panoptic sort as a new strategic rationalism "which is designed to identify, classify, evaluate, and assign individuals on the basis of a remote, invisible, automatic, and comprehensive sensing of personhood" (Gandy, 1993: 3). Rule observes that the way people are classified determines the way they are treated. "The written records of one's life, in modern America and other developed countries, shape the treatments one receives by organizations" (Rule, McAdam, Stearns, and Uglow, 2). Dandeker argues that in the panoptic society, individuals are classified into compliance. He writes of the panopticon as a method of control which does not wait for its

offenders to act, but classifies and situates before any "event," producing not "good citizens" but a "docile, deviant population" (Dandeker; 1990, 27).

Gandy describes the panoptic sort as "a kind of high-tech, cybernetic triage through which individuals and groups are being sorted according to their presumed economic or political value" (Gandy, 1993: 1). He notes the increasing trend, in both business and government, to base important decisions on demographic research. Gandy argues that this sort of decision-making, which plays to the hand of the common denominator, discriminates against certain groups.

> ...matching and profiling make good economic sense to any organization trying to market goods, services, and, increasingly, political ideas. The...desire to avoid wasting time and resources on individuals, or even entire communities, where research and theory suggest that the probability of success is below some established threshold, or 'break-even point'...The consequences for participatory democracy, where entire segments of the population are excluded from participation in the debate—indeed, are not even informed that a debate affecting their lives is taking place—represents a serious concern (Gandy, 1989: 62).

The consequences of the panoptic sort are real and disturbing. People are being assessed and classified: people are being pigeonholed, limited, and excluded; groups are being branded, labeled, and named. In some cases this process predicts their behavior. In others, it is the actual determinate of both their options and their behavior.

Dataveillance

Gandy writes about the use of data collected over a period of time. He points out that data derived from the past is used for making interpretations, or predictions, on future expectations that do not exist, and may never exist; it is for creating expectations. The panopticon that Foucault, Gandy, and Poster write about relies heavily on the use of computer technology, specifically database technology. Computer scientist Roger Clarke argues that dataveillance, a new word that has been coined to describe surveillance that occurs not by direct visual or audio monitoring, but by the manipulation of personal data, replaces the kind of Big Brother direct visual or audio monitoring described by Orwell. Clarke writes, "ubiquitous two-way television à la *1984* has not arrived even though it is readily deliverable. It is unnecessary because dataveillance is technically and economically superior" (Clarke, 1989: 499). Professor, privacy consultant, and former British Columbia Privacy Commissioner, David Flaherty argues in his book, *Protecting Privacy in Surveillance Societies*, that Canada, along with Germany, Sweden, the United States, and France, is a surveillance society. He wrote that "individuals in the Western world are increasingly subject to surveillance through the use of databases in the public and private sectors" and that "these developments have negative implications for the quality of life in our societies and for the protection of human rights" (Flaherty, 1989: 1). New-era surveillance is intended to be preventative, sorting those who "might become" apart from those who "are." One example is anti-terrorism risk profiling. Database surveillance is panoptical, categorical (meant to control categories of people), disembodied, and mitigates spatial constraints (enables control from a distance). Surveillance of people's personal data can impact

how they choose to express their identity. It can create and impose expectations on an individual.

Dataveillance practices vary along five different dimensions. The first distinction is whether personal or mass dataveillance is being conducted. The former involves the analysis of the records of individuals who have already attracted attention; the latter begins with no *a priori* knowledge of the subjects who may warrant attention. The second consideration is whether the dataveillance is internal or external to the agency that initially collected the data. A third dimension determines whether the analysis is up-front or post-facto; that is, whether the check is made before or after an individual receives a government benefit or service. The fourth level considers whether the analysis is conducted on a single variable, or a multiple number of variables (such as when profiling occurs). The fifth aspect assesses whether the practices have a negative or positive impact on individuals (Marx and Reichman, 1984; Clarke, 1989; Bennett, 1992).

Previously, it was believed that individuals are entitled to know what others believe, and why, so that they may try to change misleading impressions and, on occasion, show why a decision about them ought not be based on reputation even if the reputation is justified. The databank is an offence to self-determination. We are subject to being acted upon by others because of conclusions about us that we are not aware of and whose effect we have no opportunity to counteract. No longer possessing the ability to change what is believed about an individual, people may suffer loss of control

over their own reputation. *The Economist* magazine writes that because the cost of storing and analyzing data is plummeting, almost any action will leave a near-permanent record. However ingeniously information-processing technology is used, it seems certain that threats to traditional notions of privacy will proliferate (*The Economist*, 1st May 1999).

The threat posed by dataveillance lies in how all the different pieces of information about an individual, stored in numerous databases, can be merged, sorted, and analyzed to create a personal profile, or data image, of that individual. It is possible not only to track a person's activities but also to sketch a fairly accurate picture of that person and their habits, enabling others to know them without ever meeting them, and without the person subject to the investigation ever knowing (Cavoukian, 1995: 51). The increasing use of databanks begs the question: if the intimate details of personal, everyday life circulate beyond our control within remote databases, where now is the human-centered self?

Impacts of Surveillance

There are two principal ways to understand the concept of surveillance: as social participation or as social control.

Social Participation

The argument that surveillance is a form of social participation considers that without surveillance there would be no way to ensure that all citizens are equally treated. To

exercise citizens' rights, individuals must first be identified. For example, before one can vote, one's name must appear on the electoral roll. Such arguments go on to claim that without surveillance, violence would be the only means of containing disorder. Surveillance systems are necessary for the orderly functioning of our complex society. For example, they ensure that individuals are paid correctly or receive appropriate welfare benefits, that terrorism and drug-trafficking are contained, that individuals are made aware of the latest consumer products, that citizens can be warned about health risks, that citizens are able to vote in elections, and that consumers are able to pay for goods and services with the convenience of plastic cards rather than cumbersome cash.

Those who advocate the benefits of surveillance argue that surveillance typically leads to enhanced productivity, and point out that it can lead to greater accountability and deterrence of undesirable actions. Surveillance leads directly to accountability when people are rewarded, punished, or counseled in relation to, and depending on, their behaviour. Surveillance can protect the consumer, and it can deter lawsuits. Surveillance can protect employees from unfair accusations, and it can mean job improvement as a result of feedback. Flaherty considers other potential advantages to newer forms of surveillance technology: nursing homes can keep track of elderly patients who would be at serious risk if they wandered off the property; a lost driver can use geo-positioning technology to find his or her way to the appropriate location; electronic readers can deduct tolls from cars as they speed along highways. Flaherty notes that these advantages continue to grow. In a few years' time, utilities might be able to monitor the performance of home appliances, sending repairmen or

replacements even before they break down; local supermarkets could check the contents of customers' refrigerators, compiling a shopping list as they run out of supplies of butter, cheese or milk; and office workers might check up on the children at home from their desktop computers.

New technologies that are introduced to the market, or old technologies are introduced with new uses, may be marketed as improvements that promise to make our lives easier. With these, however, one must consider the sacrifices. Personal privacy is a sacrifice that accompanies the introduction of surveillance technologies.

Social Control

Max Weber and Michel Foucault argue a position contrary to the participation thesis, characterizing surveillance as a form of social control. For Weber, surveillance is akin to an "iron cage of bureaucratic rationality". Foucault maintains that the use of surveillance has ushered in the "disciplinary society". Much of the central work on surveillance has concentrated its analysis on the public sector.[48] These scholars tend to explain the rise in surveillance as primarily a function of the modern bureaucratic organization. Central to this organizational design is the collection, organization, classification, manipulation and control of information. Political scientist, Colin Bennett, points out that "when focused on the state, the roots of the problem tend to reside in the Weberian theory of rationalization, rather than in Marxist ... perspectives" (Bennett, 1992: 14).

Gandy argues, in *The Panoptic Sort* (1992), that surveillance practices bring implications for social control in both public and private sectors. Gandy argues—along with Gary Marx, Jaques Ellul, Anthony Giddens, Max Weber, and Michel Foucault—that surveillance is a disciplinary function that continually seeks to identify, classify and evaluate individuals according to ever more refined and discriminating forms of personal data. Surveillance can curb an individual's behavior. According to Gandy, surveillance is "an attempt to rationalize and control areas of social existence previously thought to be private, personal, or privileged" (Gandy, 1989: 60). Gandy writes of surveillance as a social sorting mechanism. He writes, "the Panoptic sort is a difference machine that sorts individuals into categories and classes on the basis of routine measurements. It is a discriminatory technique that allocates options and opportunities on the basis of those measures and the administrative models that they inform" (Gandy, 1992: 15).[49] Gary Marx (1988) highlights the need to guard against the subtle manipulations of surveillance technology, arguing that under a different government, seemingly benign surveillance devices could be used against citizens with the "wrong" political views or lifestyles.[50]

Ubiquity of Surveillance

Foucault discusses the ubiquity of surveillance in the broader context of discipline within society. He argues that modern society is a "disciplinary society" in which techniques and strategies of power always make themselves present. He notes that surveillance practices bear distinct similarities, despite the different institutions in which they are employed, whether in factories, armies, schools, or prisons. He further

argues that surveillance extends into the "capillary" level of organizations, deep into the fabric of social life. Yamashita tracks the growth of public- and private-sector surveillance, stating that "ever since modern governments started to register births, marriages, and deaths, and ever since modern businesses began to monitor work and keep accurate records of employees' pay and progress, surveillance has been expanding" (Yamashita, 1998: 4-5).

> More and more decisions about us are being made on the basis of files...Decision-making is less and less based on a face-to-face dynamic. We don't deal, as we once did, on the frontier and in the rural environment at the turn of the century, across the table, with a banker, or a credit grantor, or an admissions office, or a governmental agency (Miller, 1985: 373).

Information collection is becoming a necessary component of decision-making. The impulse for this collection seems so strong that one may ask: how much information is necessary? American Senator Sam Ervin, the architect of the United States 1974 *Privacy Act*, claimed that "officials at every level of our national life who make decisions about people for limited purposes seem possessed by a desire to know the 'total man' by gathering every possible bit of information about him" (Ervin, 1971: 138). As individuals go through their lives, they generate digital footprints, otherwise called data-trails. Evan Hendricks, editor of the *Privacy Times*, writes, "you go through life dropping little bits of data about yourself everywhere. Following right after you are big vacuum cleaners sucking them up" (Hendricks, 1994: 21). Director of Health Privacy Project Georgetown University, Janlori Goldman refers to Arthur Miller's description of a "womb to tomb" dossier that is collected through "a distributed and largely unregulated network" (Goldman, 2000: 98).[51]

Westin questions how the institutions of a liberal society are to protect privacy against the dangerous and intrusive threats from new technologies. In *The Electronic Eye* (1994), David Lyon argues that surveillance cannot be reduced to one social or political process. He argues that it was "late in the day [before] sociology started to recognize surveillance as a central dimension of modernity, an institution in its own right, not reducible to capitalism, the nation-state or even bureaucracy" (Lyon, 1994: 219). Rule's interest in the study of surveillance is in the changing impact and nature of social control and disciplinary practice. From this perspective, the processing of personal data by private and public institutions is a way to shed light upon broader social and technological forces.

Surveillance, as a form of social control embedded in modern power structures, is practiced by both politically and economically focused entities. Gandy warns that potential ramifications of this increased surveillance will include the loss of privacy, resulting in a breakdown of trust, and a rise in political alienation and muting of opinion. He writes that surveillance stands to:

> ...threaten the demise of any reasonable 'expectation of privacy' in our daily lives. At the same time, this growing anxiety about government and commercial surveillance threatens our willingness to share ideas with others. This lack of trust contributes to a widespread downward spiral in political participation and the restricted expression of collective resistance (Gandy, 1989: 59).

In 1890 Warren and Brandeis observed that surveillance threatens to weaken our social structures. The threat of being under constant watch detracts from an individual's

interest and ability to fully participate in society. The fear of being seen as a dissenter can prevent an individual from acting in accordance with his or her beliefs. Surveillance threatens to silence dissenting opinion and dull its expression.

Information-Gathering Technology

One theme running through focus group discussions is that fear of the unknown is somehow related to the fear of technology, rather than specified people or organizations that might wish to use their personal information. In some of the examples above, there is some mention of technology—with some particular technologies cited—as contributing to privacy concerns. Technology in the broad sense of the word is indicted; specific technologies are rarely mentioned.

It was Westin who first situated debate about privacy within the political forum. Since Westin's writing, in the 1960s, discussion of the implications of new technologies on privacy has comprised a conversation about the relationship between technological forces and human choice—whether organizational or individual. The analysis of new communications technologies is frequently accompanied by reflections about the nature of the "technological imperative." In this context, the promotion of greater privacy is directly dependent on the ability of individual decision-makers to control these wider structural forces. This debate spins on the question: are social outcomes shaped by technical structure or by human agency?

> I call these extractive technologies. I think they have unique elements, and I think they, in some ways, parallel what you see in a maximum-security prison, and those techniques of the prison are diffusing into the broader society. I ask whether we are not becoming a maximum-

> security society—such a society is transparent and porous, information leakage is rampant. (Westin, CFP conference, 1992)

Modern societies find themselves at important junctures *vis-à-vis* the implementation of new communications technologies. At a 1992 Computers, Freedom, and Privacy conference entitled *Computers in the Workplace: Elysium or Panoptical?*, Westin commented on the current state of social freedoms in the face of new implementations of computer technologies:

> When you have an area that is undergoing profound change, conflict of values, and tensions in terms of competing interests, it becomes a dangerous time for technological applications, because either the technological applications will be used to enforce the older standards that are in disarray and breaking up, or they may be used to prefer one or another of the competing interests before there has been a social consensus on just how that area ought to perform in...society. And I'd like to suggest to you that that's exactly the situation in which we find ourselves as we think about computers...in the next decade. (Westin, CFP conference, 1992)

The loss of privacy also relates to security concerns in personal computing. Computers, which generally contain vast amounts of private information, are continually at risk of malfunctioning or being breached and abused. Scholars of computer ethics, Tom Forester and Perry Morrison, enumerate a litany of social problems associated with this risk: the unauthorized use of hardware, the theft of software, disputed rights to products, the use of computers to commit fraud, the phenomena of hacking and data theft, sabotage in the form of viruses, responsibility for the reliability of output, and the degradation of work (Forester and Morrison, 1990: 4).

Flaherty argues that:

> At present, data protection agencies are in many ways functioning as legitimators of new technology. For the most part, their licensing and advisory functions have not prevented the introduction of threatening new technologies, such as machine-readable identity cards or innumerable forms of enhanced data banks; they act rather as shapers of marginal changes in the operating rules for such instruments of public surveillance (Flaherty, 1989: 384).

When personal information is stored *en masse* within vast databases, invariably problems arise. There is the potential problem posed by the use of incorrect data; human error always looms in the creation of databases. Databases with incorrect information about individuals are difficult to change and incorrectly represent that individual to the information-holding organization, as well as any subsequent organizations that receive the information. Flaherty warns that it will become simple "to amass information that may not be correct or appropriate on individuals. Once such databases exist it becomes almost impossible [either to change or] to control access to them" (Flaherty, 231). However, whether a database contains personal information that is correct or incorrect, the prospect of that information falling into the wrong hands poses a grave threat. Fried writes of "the danger of the information, the opportunity presented for harassment, the inevitable involvement of persons as to whom no basis for supervision exists, the use of material monitored by the government for unauthorized purposes, [and] the danger to political expression and association" (Fried, 1990: 53). All of these dangers are present when personal information is easily amassed and moved from organization to organization.

Many of the fears over the uses of technology and potential abuses of personal information, along with who gets access to that information, result from lack of

knowledge. These fears and this lack of knowledge were repeatedly iterated during my focus group interviews. In fact, they began to stand out as one of the central components of the focus group discussions. Participants in these groups speak of these fears in relation to their Internet use. Jane speaks about Internet cookies:

> Do you guys know what cookies are? There are like good cookies and bad cookies. The bad cookies, you can download all the information on your computer, especially if you have a digital connection because it's a lot faster. Hypothetically, just by visiting a website you could be giving away all your personal information.

Samantha speaks of the feeling of "being watched" while on, and via, the Internet. She equates Internet use with a relaxing of boundaries leading to loss of privacy, describing a feeling of being watched—even at home.

> And the Internet is scary. Sometimes I get the feeling that when I'm out there on the Internet, I'm being watched by somebody. And that just creeps me right out. Just that feeling of being watched! You just don't know if someone is watching you or not. They have the control. And it's so easy to lower my guard because it's just a box in front of me and I can just detach very easily. But I don't want to because that detachment can lead to all kinds of processes where I'll lose my sense of privacy and become careless with my boundaries.

A different participant also mentioned this feeling of being exposed while accessing the Internet in a closed room. The fear here is that technology may be used as a tool by those who are empowered to observe those who are weakened.

Jennifer adds:

> The first thing that comes to mind when I think about technology is the camera—the image. There can be so many different [Jennifers] in the world, but my image is so obviously me. That could be the crux where things turn into being a bigger issue in society. On the Internet there's these little remote battery-powered video cameras that are being promoted all over the net; everywhere you go, they seem to pop up. They are advertised both as security and as fun because you can put

> them in places where people won't know and watch the action. And they'll have this image of a woman taking off her shirt or something. It's always a woman.

Common surveillance devices such as tape recorders and cameras have been greatly reduced in both price and size. Flaherty notes that as the costs of miniaturization, automation, and telecommunication continue to plummet, the incentives to apply such nefarious forms of invasion of privacy will further proliferate. Technologies are becoming smaller, less expensive, easier to use, and more de-centralized. They are also sustaining significant changes, including great reductions in the costs of storage, processing, and transmission of information, and significant growth in the power of graphics systems to display the results of multivariate analyses. Westin comments that use of these technologies in the service of surveillance is:

> hemorrhaging barriers and boundaries, be they distance, darkness, time, walls, windows, even skin, which have been fundamental to our conception of liberty, privacy, and individuality. Actions, thoughts, feelings, pasts, even futures are increasingly visible. The line between the public and private is weakened, observation seems constant, more goes on permanent record, whether we will this or not, whether we know this or not, the merging of different kinds of data, etc. (Westin, CFP conference, 1992).

This feeling of being weakened in the face of those wielding increasingly powerful technologies has been framed as a battle between opposing forces. The drive to maintain privacy is framed as the reaction to the fear of technologies that can invade privacy. Debbie certainly expresses this sentiment.

> It seems to me that there's more and more technology that can invade your privacy and so there's more of a drive to maintain it. I keep on going back to security cameras and security perimeters. If you go to a rich neighborhood in a third world country, they'll have dogs and really tall brick fences with broken glass on the top. That's a bit of a security thing, to protect their belongings. But it's also a bit of a privacy thing. In

> some ways, it's ironic. The more technology we get, the more we place our privacy in jeopardy —with the government or banks or large corporations—so we almost create the things that can be used to gain information about us because it's bettering someone's bottom line or the government's sense of security.

Through the use of communication technologies, a few people can now monitor a great many. Additionally, as Foucault and Poster point out, people become partners in their own monitoring. Westin demonstrates that:

> Surveillance systems are increasingly triggered when a person uses the telephone, or computer, enters and leaves a controlled area, takes a magnetically marked item through a checkpoint. There's a focus on engineering behaviour prevention, or soft control. The case of just work monitoring: the focus is on certain attributes which are relevant that I think alter the social contract and involve the fact that the monitoring can be done remotely, that it is invisible. That it is potentially omnipresent, it's not episodic, that it covers more areas, that it can be stored, accessed, and analyzed. That it is done increasingly and disproportionately by machines. It isn't personal, it isn't place-specific, and also, interestingly, it's kind of a democratization of surveillance. It goes across occupations—it isn't just clerical personnel, but it's lawyers, architects, and university settings (Westin, CFP conference, 1992).

Poster warns of the possible threats to privacy that accompany these developments. He writes, "the quantitative advances in the technologies of surveillance result in a qualitative change in the microphysics of power" (Poster, 1990: 93).

Jane, concerned with imagined nefarious uses of her personal information, discusses her fears in relation to telephone banking and credit card use. She speaks with unease of entering her "codes" into a telephone and exposing her credit card number. She is not speaking of specific examples, but rather of fears related to unknown or imagined information uses.

> I do telephone banking. I find it kind of scary, entering all of my information codes. Just yesterday, I realized that my credit card number is on my receipt. That means that if I were to leave my receipt somewhere, someone could use my number. That's definitely scary.

In Marx's study of undercover police surveillance he demonstrates that the combined changes in communications technologies, social values and the law have encouraged covert and deceptive police techniques with a variety of intended and unintended consequences. The range of new surveillance practices that Marx discusses demonstrates that surveillance technologies are changing. They are less encumbered by distance, darkness, and physical barriers. They are able to stored, retrieved, combined, analyzed, and communicated data records with the great storage and retrieval capacity. To those conducting surveillance, these technologies are more economical and they promote decentralized self-policing, triggering a shift from identifying specific suspects to categorical suspicion. To subjects under observation, these surveillance technologies are often not visible. Individuals are frequently less aware of when they are being observed, however they are aware that they may be observed at any time.

Surveillance in the private sector appears primarily in new forms of marketing and demographic intelligence.[52] Management professor Mary Culnan, focusing on privacy and electronic marketing, notes that changes in the fundamental nature of marketing have led to shifts in thinking about privacy (Culnan, 1999). There is a clear trend away from mass-advertising and toward more targeted, direct marketing strategies. Gandy points out that this new breed of marketing is based on the collection, sorting, and manipulation of personal information.

> Personal information is necessary for the coordination of the capitalist system in all its spheres of activity: production, distribution, consumption, and governance. Personal information has become the essential lubricant which keeps the gears of the [capitalist] machine from slowly grinding to a halt (Gandy, 1989: 60).

Specific psychographic and demographic techniques have enabled the profiling and analysis of increasing amounts of personal behaviours, interests, and proclivities (Smith, 1994: 76-77). Direct marketers argue that they can only reduce the nuisance value of "junkmail" by collecting and sorting more precise and accurate data about individual consumers" (Bennett, 1992: 22).

Determinism and Function Creep

Questions of technological determinism and the role of human choice in influencing the public and private sectors have rarely directly addressed privacy-related issues. However, the study of privacy in relation to technological development raises issues relevant to the debate over determinism. When focus group participants spoke of technology in their expression of their privacy-related fears, they focused on fear, not of specific technologies, but of the general omnipotence of technologies. In some cases, they directed the expression of these fears at powerful entities. But in other cases, participants suggested that technology might have a life of its own. Could it be that participants subscribe to fears of technology in its own right?

The debate over technological determinism and human control is not new. Sociologist Jacques Ellul argues that technology is an autonomous or deterministic force. In his introduction to Ellul's *The Technological Society*, Robert Merton makes a powerful

argument for "function creep". He writes that "the essential point, according to Ellul, is that technique produces all this without plan; no one wills it or arranges that it be so. It is a response to the 'laws of development' of technique" (Ellul, 1964: 6). The key idea behind function creep is that, when new technologies are implemented, they take on new courses of life, often involving uses quite different from those for which they were originally intended. Technologies may be shaped by the conscious and autonomous decisions of political agents. However, technologies may also be shaped by existing organizational norms or standard operating procedures. The ultimate impact of communications technology will be based on the relationship between technological developments, political decisions, and existent organizational norms and practices.[53]

Marx (1988) writes about surveillance practices by undercover police. He demonstrates that the combined changes in communications technologies, social values and the law have encouraged covert and deceptive police techniques with a variety of intended and unintended consequences. Marx contributes to the discussion of function creep by showing how, over time, the use of these technologies has brought undercover law officers to employ the very practices used by the law-breakers they seek to punish. Marx argues that surveillance has become penetrating and intrusive in ways that previously were imagined only in fiction, including such techniques as computer matching and profiling, and detailed long-range audio and video surveillance (including various forms of truth detection).

Those who oppose the technological determinist argument contend that the problem stems from the human propensity toward the acquisition and enhancement of power. In other words, human forces are behind the implementation of surveillance technologies. One theme in my focus groups, reminiscent of the panopticon model, was that these human forces work anonymously, allowing themselves to be masked behind the technologies they use. The argument continues that the impacts of new technologies are promoted by larger economic, political, and cultural processes that already exist within modern societies. Bennett writes that technology sets boundaries to achievements, but within those limits, human choice and conflict have considerable latitude (Bennett, 1992: 64). Flaherty writes of the motivations for civil servants to seek data on individuals. He believes that such data helps them to design and evaluate programs, to augment their prestige and power, and to use the latest hardware and software (Flaherty, 1989: 13). He adds that although this data is not sought explicitly in order to conduct surveillance, this is the net effect.

Whether or not surveillance technologies self-perpetuate is a question that can be left to the technological determinism debate. However, it is generally agreed that there are two fundamental problems with surveillance: information glut, and its potential effect on one's sense of self. Gandy points out a problem with a select few watching the many, making categorical prescriptions, based on disembodied data sets, for the purpose of control from a distance. He argues that although the interpretations made are imagined, real decisions, that affect real people, are made according to the data derived.

Ordinary people can pay the price for deficiencies in technology. One such example is in the problem of information glut. Although organizations possess tremendous data-collection resources, this data are largely not understood. This was certainly the case in the September 11th investigations, where the data collection capacity far exceeded the analysis capacity. Also, a number of problems relating surveillance to one's sense of self have been noted. Mark Poster points out that surveillance transforms individual identity into a collection of disembodied identities, with a trail of freeze-dried data. This categorization imposes identities, stripping individuals of self-determination. All sorts of problems are bred by this mass categorization. There is a huge margin of error in databases. People are often mischaracterized and denied self-determination—with no knowledge that the database exists and no ability to change (to correct) the information. A completely innocent person may be incorrectly labeled a "terrorist," with no chance of proving innocence to change the label. Gandy contributes that this categorization reduces individuals into commodified subjects, whose human value is reduced to their market value. Finally, former Privacy Commissioner of Canada, George Radwanski (2001), and others point out that in surveillance one's natural behavior and freedom of expression are curbed, through fear of being watched.

The very goal of surveillance is to empower the already powerful equipping them with the means to observe and predict the behaviour of those who are less powerful. Ultimately, surveillance is a means of control. While for the powerful, surveillance operates as a tool to control, it is feared by those with less power. To those with less

power, surveillance poses a threat to their sense of personal autonomy. One entity's efforts to control another, which desires self-control, creates a need to defend against this external control. This defence is expressed as the exercise of privacy. What is interesting is that there are a variety of intentions and means behind the surveillance motivation. Some voyeurs observe for entertainment while spies observe to acquire sensitive information. Likewise, there are different kinds of defence needs, and therefore different ways of thinking of privacy.

Chapter 4 Endnotes

[43] Denezin writes of scopophilia, the love of looking.
[44] Oscar Gandy argues that surveillance for the sake of knowledge discovery is a project of classification. It is an ongoing compilation, category construction, and search for relationships or correlations. This is a search for relationships of people in space and across time.
[45] Gandy, conference paper.
[46]Thomas Matheson, contrariwise, writes of the Synopticon; the many watching the few. This idea is promoted by a handful of others, albeit using different terminology. Prominent among these are Zygmunt Bauman and Hal Neidzviki, writing on the "Reverse-Panopticon."
[47] Foucault also makes the point about the ubiquitous and everyday nature of power relations, in which individuals unwittingly subscribe to their own surveillance within the Panopticon.
[48] James Rule, Gary Marx, Roger Clarke, Simon Davies are known as the major theorists to take up this topic. These theorists argue from the position that the way personal information is dealt with depends on the wider structure of the state; no matter the technological, economic and bureaucratic forces.
[49] His analysis leads him to the conclusion that real consumer choice can only be implemented through "opt-in" rather than "opt-out" options.
[50] John Shattuck, Assistant Secretary of State for Democracy, Human Rights, and Labour in the Clinton Administration, observes that the knowledge stored in the databank leads to awesome powers, and mentions that, as a form of social control, surveillance may substitute for violence. This is the case precisely because of the power of the information within the databank. Shattuck observes that "power may come out of the barrel of a gun, but far more power comes out of a computer databank, particularly if the information in it relates to people who do not know that it has been collected of them and they cannot challenge its accuracy of use" (Shattuck, 1977).
[51]"We generate digital footprints as we use the Internet (the World-Wide Web, as we send out email, or as we use our credit cards). Detailed profiles of individuals are due to the growth in capacity of intelligent software. There are now quite extraordinary data-mining algorithms, developed largely by banks, that will allow them to surf through all of the personal data held by the Royal Bank, or the Bank of Montreal...and will profile your financial and commercial transactions almost completely....Often...data mining operations are not transparent to us, and we have not consented to them." (Flaherty, 226)
[52] Attention is also given to discussion of the role of surveillance in the workplace. According to one 1997 survey by the American Management Association of 900 large companies, nearly two-thirds admitted to some form of electronic surveillance of their own workers (Economist, 1st May 1999). In one particular company, Pacific South West Airlines, the main computer records exactly how long each of their 400 reservation clerks spends on every call and how much time passes before each clerk picks up their next one. Workers earn negative points for such interactions as repeatedly spending more than an average of 109 seconds handling a call and taking more than 12 minutes in bathroom trips beyond the total one-hour allocation they have for lunch and coffee breaks. If employees accrue more than 37 points in any single year, they can lose their jobs (Forester and Morrison, 1990: 102).
[53] Similar to Ursula Franklin, Gandy believes that "information technology is more than the computers which store information, or the high speed digital networks which link them. It is also the analytical models which help to describe, explain, and predict the behaviour of individuals, firms, groups, and even nations in order to produce temporary advantage for economic and political actors" (Gandy, 1989: 60).

5. Privacy Inspires Fears

The very mention of the word "privacy" is often met with feelings of anxiety and powerlessness. This observation is perhaps the most glaring finding in my focus groups. In loosely defined discussions of privacy, focus group participants repeatedly offered stories in which they feared for their privacy, and thoughts in general about fears of having their privacy compromised. In my opening story, people showed concern when they asked about my company's privacy policy. They showed an inclination to protect their privacy and a basic lack of trust in my dot-com, a company perceived as capable of wielding power over them. The hypotheses that I developed while at that company were confirmed in my focus group interviews. People associate privacy with fears. As you will see, fears surrounding the potential use of information technologies to violate one's privacy are felt at a very fundamental level, as they impact one's sense of self. They suggest that an individual's sense of personal autonomy is under threat, so the fears represent a drive for self-protection. These fears are also indicative of a basic lack of trust in existing power structures. My focus group data supports all of these hypotheses.

I observed that participants generally had trouble defining the fear, but mentioned the existence of powerful entities with surveillance incentives and technology. I also observed a relationship between these fears and ideas of personal autonomy. This relationship is explored in Chapter 7. In this chapter, I observe that people feel powerless against stronger entities—public and private sector interest groups—and

surveillance technologies, and fear that their ability to protect their personal-autonomy is weakening.

Whether articulated or not, the fears revealed during focus group discussions are based on very real concerns. But what exactly is being threatened? Who do these participants fear? In order to try to understand the source of this fear, Chapter 5 explores points in which participants hint at the sources and motivation behind assaults on their privacy. Although there are few examples of this, participants do speak of powerful unknown entities and powerful known entities found within the public and private sector. The fact that individuals generally fear those with more power than themselves should be noted, as it underscores this entire discussion. People are afraid precisely because they feel powerless and because they lack precise knowledge of who is doing what with their information. This chapter examines that fear: who is feared, specifically what is feared, the types of privacy assaults, and how people talk about these fears. It reveals that there are different kinds of fears, all of which strike at different levels. Threats to privacy may come from a variety of sources. Some threats are perceived to be worse than others.

Fear of Privacy Assaults

What is the threat; what do people say they are afraid of? In observing the fears, we see that people are afraid of a number of things. Participants are afraid of losing control over their personal information, or having it altered without their consent or ability to correct it; this problem is compounded by the fact that individuals generally lack information about what range of things can be done with their personal information. In

speaking in general terms about the concept of privacy, some participants articulated fears that the loss of privacy can endanger their personal well-being and safety. Other focus group participants, however, argue that privacy itself empowers those stronger entities who threaten their well-being and safety. Either way, privacy fears are associated with personal well-being and safety. But there is more to these fears. Participants also fear for their freedom of thought and action. Specifically, they fear that this freedom may be restricted if their privacy is weakened.

Control and Integrity of Personal Information

Participants shared stories in which losing control of one's personal information led to such dramatic consequences as the loss of one's identity to even infighting within families. When people lose control over their information, others gain access to it, manipulating and disseminating it as they please. Arthur recounts a narrative from a popular American film about a woman whose identity is stolen from her.

> I'm thinking about a movie, *The Net* with Sandra Bullock. It was such a scary movie because it was so realistic. The film's premise is that a woman has her identity stolen on the Internet. The thieves belong to this sophisticated network and they are able to access just about every record on her. They end up deleting all of her major records, to the point at which no organization has any proof of her existence. What makes it worse is that her mother has some sort of mental illness and she doesn't recognize her own daughter. And so this protagonist has nobody in her life. She's all alone, having to prove who she is; which turns out to be a rather impossible task because nobody wants to believe her. An interesting sub-theme in the film is that people prefer to accept computer records than a person's word. And so she finds it terribly impossible to convey her true identity. With all of this, she's also got to flee from the evil network. This task is complicated by the fact that the network has technologies that help them track her down. This film wasn't a typical horror film, but it was one of the scariest films I've ever seen. It was so realistic. We hear about identity theft all the time. It's a common occurrence. This sort of thing must really be happening. And

> what are we supposed to do, stop using the Internet? Are we supposed to just stop living like normal people and go back to the Dark Ages?

There are a few points in Arthur's telling of this story that help to explain people's fears about losing control of their personal information. Arthur explains what can happen as a result of having one's personal information in unknown hands. In this example, an individual's own information is beyond her grasp. These concerns began to arise as the use of computers increased in the late 1960s. She can no longer claim to be who she has been throughout her life. This example raises the question of identity: how is it created and determined? Is identity a question of simply "who we say we are" or is it a complex kaleidoscope of computer records, or a careful merging of both? It also raises the issue of trust. In that particular narrative, the protagonist has nobody to trust and nobody will trust her. Somehow, in the elimination of privacy, the erasure of those boundaries determining who has control over what, created an atmosphere of paranoia in which the main character grows increasingly isolated. It is understandable that this particular narrative underscores fears about privacy.

In the next story, Debbie talks about losing control over her personal information. She had been nominated for an award and when one member of her family learned the news, the relative spread the word throughout much of her extended family. However, one particular relative was unintentionally left outside the loop, and this created a serious change in the dynamic of their relationship.

> Sometimes I'd rather people not know certain things about me. I come from this large and complicated family. We have a habit of passing rumours and playing broken telephone with them. One time, and I remember it clearly, I had entered this competition and I found out that I had been short-listed, but I didn't actually win the award. I mentioned it,

> in passing, to a cousin and didn't think much of it. I was waiting eagerly to hear the final results, but before I knew anything a group of family members had arranged to celebrate with me. They invited me for a surprise dinner in quite a lovely restaurant. It was touching, but I really didn't feel ready to celebrate at that point. I remember feeling edgy and nervous that whole evening. Then, when I got home, I found a disturbing voicemail from my younger sister. She wanted to know why I had left her out and had chosen not to share my success with her. But in my mind, I hadn't even had success. I was merely short-listed. She went off about how I wasn't a good sister and that I loved my cousins more than her. I tell you, it would have been so much more simple if I just hadn't mentioned anything to my cousin. I mean, it wasn't a secret and I surely would have told my family, but I could have spared a lot of hurt feelings if I had told everyone when I felt ready. This is the sort of thing that happens when I speak about things before I'm fully prepared. I'm afraid of hurting people. In fact, it's the same reason I didn't tell my family that I was pregnant until I absolutely had to; because I was afraid of leaving someone out and having a whole family fiasco.

In losing control over an aspect of her information, Debbie lost control over her relationship with her sister. Maintaining control over our personal information makes it easier for us to enjoy the types of relationships we create. It does this not only by allowing individuals to draw boundaries around themselves and interact with others as they see fit but also by controlling the face they present to the world.

People fear the loss of ability to define themselves. Arthur's mention of *The Net* is a case in point. But what we often fail to recognize is that this fear is not limited to Hollywood films, but is manifested continually, in people's everyday lives. Dave speaks about expectations made of him.

> I was always good at school and everybody knew it. At school, I would receive prizes and scholarships. So everyone was shocked when I told them that I didn't plan to continue with university and become a doctor, like my father. It was like I was expected to continue, even though I really was opposed to it. I'm ashamed to admit it, but I actually intentionally failed my exams in grade twelve. I was afraid that otherwise I would have to go university and I really didn't want to. So I

> chose to fail because I was afraid of what my family expected of me. I'm still afraid of not living up to expectations and letting people down....Back to the point, I guess privacy is about not having to do what is expected of you. I guess that if I were to have entered those exam rooms and given them my best, and still rejected the idea of university—if I could do that then I would have kept my privacy. I guess I would have kept a lot of things.

Dave's frustration stemmed from his inability to freely define himself as he saw fit. In order to follow his own design, Dave made an enormous sacrifice. By deliberately failing his exams, Dave dispelled external expectations of him. Dave chose to do something which, in retrospect, he finds shameful but which, at the time, seemed preferable to sacrificing the privacy inherent in being able to make autonomous decisions about one's life. Dave's fear came from the external judgments and expectations made of him. He spoke of his fears over the clash between what others wanted for him and what he wanted for himself. In a society where the panoptic sort which Gandy speaks of is operating, this clash between judgments, expectations, and predictions becomes even more apparent.

Lack of knowledge about what can be done with their information

Participants expressed fears that some powerful interests could gain access to and gather their personal information. They also spoke of the fear of not knowing what could potentially be done with this information, once it is gathered. Heather states, for example, that

> when I'm on the Internet, I think who can get my information? How much can be found out about me when I log onto certain web sites? I'm concerned about certain things like when I've gone into my email account for example, sometimes I see a warning message that just says 'security zone.' But sometimes that security zone warning doesn't come up. I wonder, why am I not in a security zone? Just not understanding

> how my mail is being protected is bothersome. I wish I knew what all of this meant. Maybe then I wouldn't be so concerned.

Heather is disturbed when she doesn't see security messages during her Internet use. This is despite admitting that she doesn't know what a security message is for and, in another part of the discussion, she admits to not knowing what to do if there's a problem with her computer. Nonetheless, she is concerned. Heather's story is reminiscent of some of the responses I received at the dot-com company, described in my opening anecdote. These people were concerned with protecting their privacy, but unable to articulate the threats. Also in Heather's group discussion, John brought up the problem of Internet privacy, but connected it to his Social Insurance Number.

> Internet is a big privacy concern. But also, giving out my Social Insurance Number if they ask for it on job applications and stuff like that. I don't like giving that out unless I know I've got the job. I think about what people can do with it... but I don't know what they can do with it! This makes me nervous. I'd like to know more about what they can do with that information.

In both examples, Heather and John express concern about their lack of knowledge over what can be done with their personal information. Both also express a reluctance to giving out their personal information.

This lack of knowledge is a part of how the panopticon operates. People who may be under constant surveillance are never certain of whether the gaze is directed at them, or even what is being done with those observations. This lack of knowledge about what can be done and the concern that it generates lead the mind to wander and imagine the worst.

In the panoptic society that Foucault writes about, individual subjects are oppressed by their lack of knowledge. Because they have no measure to gauge whether or not they are being observed at any given moment, they must always behave as though they are. Likewise, when participants discuss their fears they indicate that many of these result from lack of knowledge about what is done with information about them. Some of these participants mention words like "research" or "data-mining," but even in these cases, most do not demonstrate a clear understanding of how their personal information is actually used in those processes. In most cases, though, participants just indicated that they had no idea what is being done with their personal information. Some participants imagined the worst, mentioning dramatic scenarios such as brainwashing and terrorism. Others spoke of their mystification with experts who manipulate their data. Rodger says, "I don't even know how to reformat my hard drive, do you really expect me to know what they're doing when they data-mine my account?"

Personal Well-being and Safety

The focus groups exhibited a pervasive concern with their own physical safety in relation to the subject of privacy. This theme was most prevalent when participants spoke of international terrorist organizations, such as al-Qaida and the Tamil Tigers, or the "paparazzi." Participants spoke of their anxiety with regard to these bodies, not only for their capacity of killing but also, to my surprise, for their role in collecting surveillance material. Julie spoke of her fears of terrorist acts and how that has affected her own evaluation of what she needs in terms of privacy.

> I don't even want to hear about privacy. If you ask me, privacy is a scary subject...it's scary because it clears the way for nasty people to do nasty things. And, because they have privacy, nobody knows what

> they're planning to do. I was in New York just after the attack. I remember there was a lot of talk. Nobody really understood how to comprehend what had happened. But there was a lot of talk, everywhere, about how we needed change. We needed to get ready to give up some of our freedoms. I remember people talking about the need for more and more security cameras, and guards, and tighter control over immigration records. And I remember thinking that I'm ready. If that's what it will take to keep me safe, if less freedom is what it will take to keep my children alive, then I'm ready. And one of those freedoms that they were talking about was the freedom of privacy. I'm ready to give up my privacy in order to deal with terrorists. If you ask me, privacy is part of the problem. It was because of privacy that those people were able to carry on in America and then go right on ahead and blow up the towers.

Julie argues that privacy protects powerful organizations with violent intentions. When she thinks about privacy she becomes angry and, to some extent, she blames privacy for enabling terrorists to plan and carry out their attacks. Julie was not alone in connecting her privacy fears to terrorists. In fact, this connection was made in nearly half of the groups. Of course, these ideas would appear in a different form. One participant spoke of her reluctance to donate money to an African charity, for fear that records in her own country would implicate her with that group and that she would be labeled as a supporter of terrorism. Another participant spoke of her own reluctance to express dissenting opinions in public, out of fear of being labeled a terrorist. This silencing of opposition, for fear of being connected to terrorist groups, ultimately stifles public discourse. Oliver tells a story about how such fears have stifled discourse within his own ethnic community.

> I immigrated to Canada, but I'm still very connected to my [ethnic] community. There are many aspects to this connection. One of these is that it is very difficult to maintain a sense of privacy. In my community it seems that everyone always knows each other's business. And if we try to keep our business from certain people, then we're branded as traitors or, at least, as suspicious. There are times when I'm called to give my opinion, but I always have to be careful because if I say the

> wrong thing—and in my case there is a right and a wrong thing, and people will somehow hear me if I say the wrong thing—then I'm putting my own well-being at risk. I don't know that I'd be beaten; it has happened, but I think the problem is more that I'll be sanctioned and boycotted within my community and life will become difficult for my family. I've seen it before. In my position you learn very quickly that privacy is something to keep close to your heart. One needs to be very very careful when opening one's mouth.

Daryl spoke of privacy as a protection, even a survival technique:

> Privacy is a boundary that protects my livelihood, all my survival skills—everything I hold dear, whether it be something I do physically or mentally. If someone can tap into how I survive, then they can also sabotage it as well.

Upon first consideration, one might not often accuse the paparazzi of being a particularly harmful segment of society. But one participant, Michael, spoke about the paparazzi's overt and extreme forms of surveillance of the Princess of Wales.

> Sure she was a princess, but her life wasn't all that glamorous. At any moment the paparazzi could be watching. At any moment someone could be watching to snap a cheap photo of her. She was always being watched; if not by her royal guards, then by the media. At any moment there could be a camera watching over her. Her death was because of the paparazzi. They were chasing after her. She was just trying to get away. All she wanted was a few moments of privacy.

People speak of privacy as touching many aspects of their lives. People speak of it in relation to their personal safety. They speak of groups and incidents that have taken lives. People also speak of it in relation to their livelihood and their family's well-being. The fears associated with privacy strike deep chords and people speak about privacy in very solemn terms.

Freedom of Thought and Action

A common theme among focus groups was to speak of their fears for freedom of their thoughts and actions. Several participants spoke of George Orwell's *1984,* in which the "thought police" prohibit individuals from sharing intimacy together, or keeping any private thought, feeling, or action from the state. The connection between intimacy and privacy came up as several participants expressed concern that a lack of privacy could result in weakened bonds with others.

Daryl tells a story about having his personal journal read by his partner without his consent. After this experience, he is afraid to keep another journal.

> I'm afraid to keep a journal. I mean there have been times in my life when I've written in a journal, but after what's happened I just don't see the point....Okay, the story goes like this. I was dating this young lady who was a real whopper. I mean she had an active imagination and she would yell, boy could she yell, and get all worked up. I used to write about my thoughts. Now I loved her very much at the time, but one day she just found my journal and she decided that it would be a good idea to see what I wrote about her. Of course I didn't write about how much I loved her. Hell, I knew that. The point of the diary was for me to write stuff that I didn't know—like how to deal with her when she got all worked up. Next thing I knew she was telling me that I was a sorry son-of-a-bitch and that she was sorry she ever met me and I didn't know why.

It is interesting to note that Daryl understands his journal as a place to work out his thoughts. In his story, he states that he knew he loved his girlfriend, but that he used the journal as a place to scratch out his ideas. The thought of having these personal thoughts invaded again is enough to keep him from keeping another journal and to speak about the experience as something to fear.

Some of these fears are even related to the stuff of science fiction. Oscar talks about an Arnold Schwarzenegger film called *Total Recall* (1990). In this film, simulated experiences are implanted into customers' minds and their bodies feel as if they are actually having those experiences but their real body is strapped into a comfortable chair.

> There's this company somewhere in the U.S., but definitely in the future, that develops a technology that enables them to enter into people's minds and create experiences for them. These experiences are so real that the person actually believes he's experiencing them and any effects that he feels, while undergoing the experience, carry over into his regular life.

Although Oscar admits that this story is entirely fantasy, he argues that science is moving in that direction and it may very well be that, one day, scientists are able to enter people's minds to implant ideas. This same sort of thinking was commonly expressed with a pressing sense of alarm within the focus groups. In one of many discussions about brainwashing, one participant exclaimed that he was "terrified" to think about the brainwashing capabilities available to governments. Other participants agreed and added that governments are also capable of creating false memories as well as reprogramming individuals. In a reference to another clearly influential work of popular entertainment, John added, "just like Nikita!" Nikita is a story—a television series based on a film—about a woman who loses her memory. Her mind is reprogrammed and she is trained and used to assassinate people.

When participants indicated fear for their privacy, they associated this fear with being able to exercise their right to independent thought and action. If one is being

continually monitored, or if the boundaries to one's personal space (including one's thoughts) are being violated, it would be difficult for that person to feel as if his/her thoughts are actually their own; a person cannot be said to think and act for himself without a degree of privacy.

Fear of the Powerful

Participants were rarely able to identify the source of their fear. Nevertheless, the focus groups often indicated that they were clearly afraid that some aspect of their personal privacy was being threatened. Participants had trouble defining their fears, which generally stemmed from concerns about potential abuses—real and imagined—of private information. Individuals consistently referred to the concept of powerful government and corporate entities with surveillance technology and their incentives to use it; they expressed considerable fear over having their personal information tampered with. These fears often pointed to some kind of loss of power, and there appeared to be a relationship between the fears and the concept of personal autonomy.

While participants were quick to identify that the issue of privacy raised fears, these fears were often not subsequently articulated in very complex ways. For instance, few participants were able to elaborate on who or what inspired their fears. On the whole, participants demonstrated concerns about having their privacy violated. These concerns tended to focus on imagined abuses rather than examples of actual violations. Furthermore, these imagined abuses were often not identified, explained, or proven. This obvious omission of reasons at the base of these concerns was nearly as predominant a theme as the mention of fear itself. Several participants admitted to

being wary of giving out personal information because of fear and anxiety over what could be done with this information. The lack of information that is generally available about data mining and its potential uses, combined with personal feelings of powerlessness in this scenario are key components in the overall escalation of this fear. I wanted to know more. I wanted to understand what people are afraid of and how they protect themselves against this fear.

Unknown Entities

One reason the concept of privacy inspires fear is that it raises the idea that while privacy can protect the individual, it can also protect other, more powerful, entities; at once, privacy protects both the weak and the powerful. This theme runs throughout the focus group data; someone is stronger: watching and controlling, and someone is weaker: being watched and controlled. It emerges in a variety of forms. Gregg offers an example:

> It isn't enough to say that privacy is a good thing and that it protects me. We all know that privacy is a good thing and it does protect me, but there are others who also know that privacy is a good thing and that it can protect them too. I'm not going to tell you that they're my enemies, but some of these people would like to harm me in some way. Some of them would like to take my money, others want to smear my reputation, others just want to watch me. When I look to privacy to protect me from them, they look to privacy to ensure that I can't follow up on what they're doing. And sometimes I wonder if their privacy is worth more than mine. It seems to me that if neither of us had privacy, neither of us would be stronger than the other. But because we both have privacy, I end up getting screwed.

In a comment which captures the essence of the focus group sentiment, Gregg speaks of his relative powerlessness in comparison to more powerful entities which, typically,

he still doesn't name. While he speaks of privacy as something that protects himself, he also speaks of it as protecting those more powerful entities, which he fears.

While participants felt relatively powerless, they expressed many of their fears in abstract terms. They often argued that those with economic wealth are able to secure more privacy than those without. Focus group participants identified a lack of trust in relationships characterized by a difference in power. These fears are motivated, at least in part, by concern that they will find themselves in a much weaker position in their relationships with certain external entities and against the technologies these entities can employ. Robert characterized the relationship between privacy and power when he said, "[Privacy] protects power. It certainly protects property. But it also protects individuality."

Fears of unknown entities cause participants to feel weak against more powerful and faceless organizations. This lack of power breeds a lack of trust. Karen states:

> We all know that there are companies that have all sorts of information on us. So, if we were to start demanding transparency, we wouldn't know which direction to look in. And if we were to get answers, we wouldn't know when to draw the line because we wouldn't trust what we see. People will tell us that they will be completely open about what information they have on us, and what they are doing with this information, but we still won't believe them. I would say it is almost impossible to trust.

It is precisely this lack of trust that leads people to feel the need to protect themselves, specifically to protect their sense of personal autonomy, from those whom they perceive as holding power over them, not to mention from the impact of information

technologies, which some perceive as taking on lives of their own. Robert tells the story of a hidden camera, and how its uses far exceeded those for which it was originally intended:

> My friend told me a story about a pin-sized camera that was jammed into the overhead heating vent in the bathroom of a hotel room. Apparently, the man who set it up there was trying to tape himself to send a video back to his girlfriend. But the man forgot about the camera and a hotel employee found it. The hotel employee started using the camera to tape naked guests as they were about to shower. Then, someone found the tapes and put them on the Internet. It's crazy how that happened. And before anybody knew it, there were these nude videos all over the Internet. That freaks me out. Seriously, I don't even want to get naked in hotel bathrooms anymore.

Technology aside, participants expressed fears that some powerful interests could gain access to and gather their personal information. Specific examples included: the possibility of inadvertently revealing information to a telemarketer or through the Internet; the lack of understanding of how email protection works; and the requirement to supply a Social Insurance Number for a job application. They further identified fears surrounding not knowing what can be done with this information, once it is gathered. Sandy states that "I see all these other things about people reading my emails and listening to my phone calls as issues that are important for society to address and decide what is appropriate and what is inappropriate."

Corporations manipulate our personal information to try to predict and affect what we do. For many, the most insidious and unnerving aspect of this is that, since we don't know the specifics of how and when this happens, we are powerless to do anything about it. Barbara tells the story of a mysterious phone call.

> Just the other night I was sitting at home, having dinner with my family and the phone rang. It was a long-distance call, so I answered it. I thought it might have been my brother in Wyoming. Instead it was a salesman. He knew my name and he knew that I would be home at that time. I don't know how he knew about me, but I didn't like that. It made me wonder what else he knows and what else other people know about me.

The focus groups indicated that a significant amount of these fears grew out of suspicions that individuals tend to harbour about those who are potentially more powerful than us.

Who are these others, and what do they seek to do with our personal information? Most of my focus group participants did not specify answers, or even entertain the question. Those who attempted to identify the "other" refrained from in-depth elaboration. Jane's thoughts provide an example:

> When I think about all the times I feel like someone could be watching me, like when I'm on the Internet, when I enter a store and I pass through a scanner or I see mirrors and security cameras, my mind starts to wander. I don't know why someone could be watching and I don't know what they would want to do with what they see. But I always think that they must be watching me for a reason. There must be something that they can do to justify what they're doing. Why else would they spend so much time watching me?

The lack of information about data mining and its potential uses, combined with personal feelings of powerlessness in this scenario, are key components in the overall escalation of this fear. This lack of concrete identification of the source of the perceived threat creates an atmosphere of anxiety and fear, particularly of groups representing powerful entities that are capable of inflicting serious harm on an individual. Although participants did not identify the powerful entities whom they fear,

they did discuss some of these in general terms. Participants said they feel weak against powerful entities that amass large amounts of data about them. They mentioned the paparazzi, terrorists, identity thieves, businesses, and government.

Known Entities

Different entities–individuals, organizations, companies—are motivated to observe people for different reasons, and have different levels of access to an individual's personal information. Consumers are clearly in a relationship of inequality to larger organizations who have more resources and are positioned to know more things about individual members of the public than members of the public are able to know about them. Participants fear that those with enough power to collect their personal information will exert even more power over them once they have this information.

Power can be perceived in relative terms. Dave assumes that the poor have less power than the rich and that, against a large corporation or government, regular individuals are poorer and therefore powerless:

> People that are relatively powerless in society: People who are relatively poor, the kind of people who are disadvantaged in society, the kind of people who the police pick on, the kind of people who Big Brother and the state pick on—these people have much less privacy. They have much less ability to defend themselves and, for them, the laws that protect privacy are critical because they don't have any power to assert private rights through power. So they need society to define their rights for them and I think that's pretty important.

The idea that individuals are comparatively weak and controlled emerges in discussions of corporate uses of information. Several participants suggested that

privacy operates according to some sort of power continuum, whereby those with less power are more vulnerable to others, and therefore less able to protect or control information about themselves. Andre tells the story of a group of poor individuals who were required to provide fingerprints in order to receive social benefits. Several of the individuals had criminal records, and therefore had to decide between forfeiting their privacy in order to seek assistance to buy food and shelter, or forfeiting the benefits in order to maintain their privacy:

> The more money you have, the more rights you have, including more right to privacy, and the more people will bend to your needs instead of somebody else's. Right now, with policies like these, we're creating a system in which if you don't have money, and you need social assistance, you have to give up a form of privacy in order to collect something that is your right as declared by the province.

While the specific example describes the experience of people with low or no income, the theme is relevant for nearly all individuals since, against large faceless corporations and government entities, nearly everyone is smaller and weaker. After Andre told this story there was a pall of silence across the room. The participants then began to share their own stories and comments illustrating ways in which privacy can protect the powerful. While nobody in the group was surprised by Andre's story, they all agreed that there was something unjust about the way the poor are treated and to some extent, while none of them spoke of having to provide fingerprints, they all identified with the powerlessness of poor. One participant, John, added that he felt it was often the case that he had to sacrifice his privacy in order to participate in society. He spoke about his experiences with photo-radar.

> Everyday is a new set of experiences in seeing my privacy stripped away. Just about everywhere I look somebody's trying to break in and

> see what I'm up to. Just driving down the street, for example, minding my own bee's wax I have to watch myself otherwise I'm going to get a photo mailed to me. They can photograph me while I'm driving. They get you with the driver's license plate and all the information: the date, your license number, speed, everything. But that's what it takes to be able to drive in this city. I sort of have to say 'okay, I know they're watching even when I'm just driving down the street.' That's only the half of it that we know!

Patricia Boling states, "we have witnessed a blurring and confusion of public and private as categories with the emergence of hybrid institutions (private corporations that are contracted to carry out public functions, huge multinational corporations that elude state regulation) and new issues that are both private and public" (Boling, 1996: 37).

Public Sector

Arguments that public-sector surveillance is on the increase are plentiful. George Orwell saw surveillance as dominated by the state, not private companies. Gary Marx sees a correlation between incremental changes in technology, social values, and law. He argues that the increased use of bureaucratic technologies has led to the expansion of state powers and that these symbiotic changes—in technology, social values, and law—have encouraged police surveillance.

> There is no question that they have enabled the gathering of personal information. Records of this personal information may be divided into the following categories: administrative records (generated by a transaction with an agency, such as grant applications, income reports, welfare applications, marriage registrations, etc.); intelligence records serving an investigative purpose, such as police files; and statistical records (created through census or survey research methods) (U.S. HEW, 1973).

When participants spoke of their fears of government, they revealed variations on this theme of privacy imbalance, and illustrated the common belief that, while privacy may protect the individual, it also serves to protect more powerful entities. They spoke of governments as powerful entities without real limits to their authority—self-interested entities that demand one's trust, but do not always deserve it. One reason they feel powerless is that, while the government demands their personal information, government information is relatively difficult to access in return. Transparency does not run both ways, in this instance.

Keith suggests that the power disparity between individuals and government breeds apathy and servitude. As people become aware of the enormous amount of influence external bodies have over us, they tend to resign themselves to living their life and doing what they are told to do:

> You are supposed to put trust into this bureaucracy; into these organizations that run everything. Then, when you question that, or act to protect yourself, all of a sudden you're a terrorist; you've become something that's fighting the organization and you are bad. They are given this power, this overwhelming power, but when you look out for your own interests no one's there to help you, no one's there to give you the information you need. You can't find out what has happened or where to ask about it, and this is actually public information that is being censored. They are protecting their own interests in a sense, because it creates and perpetuates a power division between people. If you don't know that, then you are not going to do anything to stop it!

One discussion group began to talk about life imitating art. Participants suggested that life in the Western world might induce such eerie depictions as those shown in the entertainment media. These participants spoke of privacy-related fears as they are represented in movies, such as *Blade Runner* and *1984,* which immediately came to

mind for a large number of my participants. It is interesting to note that both of these films, with privacy as their central theme, are depictions of fears of government, specifically of life within police states. Jane speaks of one of the films, suggesting that when an individual's personal information becomes exposed to powerful entities (she is speaking of the police state), that person becomes vulnerable to being controlled by outside influences:

> When I think about movies like Blade Runner, nobody has any privacy. 'Big Brother' knows every single thing about everyone. And you have to steal, I mean steal—it's a crime—you have to steal moments of privacy. These movies depict societies where there's social pressure, legal pressure, all sorts of pressure out there, and people's lives are exposed.

Rebecca contributes to understanding this fear when speaking of the sense of urgency involved:

> Maybe that's already happening in Canada or the United States and we just don't know. Maybe there is a camera in the bathroom. You just don't know. All of a sudden, there are all these information-gathering entities focused on you.

In one focus group, Keith initiated a conversation about government data records. He noted the massive quantities of data that governments compile on individuals without these individuals even being aware of it. He suggests that in the hands of a corrupt regime, this information could become quite dangerous. Keith sees this as a threat to privacy, in that he believes this data could infringe on individuals' abilities to make personal decisions:

> These personal profiles in databanks, they store an enormous amount of information about us. And we don't even think about it. But if that information were put in the hands of some dictator, then it would be very troubling. Then we would have lost the right to make what we perceive to be personal decisions.

Oscar added to Keith's observation that his fears run deeper with regard to what could be done with information about himself some time in the future. At this point, the discussion drifted to the topic of discrimination and persecution. Oscar told the story of a woman he knows who went for genetic testing and, in the process, "gave away her genetic code." Oscar suggested that because the woman had provided the doctors with her genetic information, she had forever subjected her children and other future generations to potential discrimination and harm. Oscar's fears have historical resonance; he spoke of the Holocaust and conjectured that future discrimination could be based on genetic code. Margaret added that genetic discrimination was precisely the sub-theme of *Gattaca* (1997), a video she had recently rented.

> It was a story about two men. One of the men dreamt of becoming a pilot, but he was of inferior genes. The other man came from a good genetic background; he was allowed to become a pilot, but he was wheelchair bound as the result of an accident and he really didn't even have a desire to be a pilot. The two decide to team up to give one of the men the other's identity. They get involved in an elaborate lie. For the man who didn't have the right genetic background to gain access to fly, he had to pretend he was the other man.

Margaret's point in mentioning this story is that she fears that when personal information is held by unknown entities with a great deal of power, human beings can become the target of discrimination. The example of this film, *Gattaca*, demonstrates what can happen when human bodies become data. The film is set in the future, in a time when advanced technologies are used to determine a person's identity, and people are divided into categories of "valid" or "invalid." Karen suggested that one day people with dissenting opinions could lose their privacy and be discriminated against. She decried the role of modern-day surveillance technology in affecting one's decision-making capacity:

> Our government is going to be using all this sophisticated equipment to do scanning. It's going to be hell for people who are just trying to give a dissenting point of view.

Private Sector

While participants feared potential abuses of their personal information by governing bodies, they also indicated fear of information abuses by corporations. In the focus groups, the same people who feared the private sector also indicated fears of the public sector. An individual's attitude toward public sector surveillance will vary, depending on one's culture and experience with differing authorities. On the whole, the people who participated in my focus groups were more fearful of information collected within the private sector than in the public sector.

Ellen is one of the few who sees no reason for concern. Without contradicting Keith's idea about the potential for the abuse of personal information in the hands of a corrupt company, she argues that she doubts that anything will be done with the data because the data interpreters are too ineffective to actually make meaningful sense of it:

> Large corporations are completely inept. Look at [company name]: Now there's a corporation that has enormous abilities to tap in and find out a huge amount of personal information from the data that they have. But they can't even get their bills right; about 32% of [company name]'s bills are inaccurate. As far as I'm concerned, the jury is out as to whether or not these large organizations can actually use this stuff in the way that people are dreading.

To illustrate the ineptitude of large corporations, Ellen shares a personal story of some of her troubles with a large corporation that could not reconcile their data records with the facts on the ground:

> To give you an example of this ineptitude, [company name] moved a service and then claimed that they hadn't because their records didn't show that they had. We told them it was a physical fact, but they argued that it was impossible because their records didn't indicate it. So we went on with this argument for some time; it was Kafkaesque. Eventually everything was worked out, but in the process I witnessed firsthand the ineffectiveness of large corporations. After this experience, I'm not certain of a reason to fear the motives of these large corporations.

Although Ellen argues that large corporations may be too inept to make efficient use of the personal data that they collect, she adds that this ineptitude itself is troubling. For example, such corporations are apt to make mistakes in which they confuse, misuse, or lose control of the personal information that they collect.

> I don't know about the *1984* scenario where the big powers will know everything about everybody. I'm not sure that they'll be able to retrieve the material in a meaningful way without screw-ups, and that in itself concerns me most of all.

Some participants fear the profit motive that underlies a corporation's use of an individual's information. Jenni shares a story about this:

> I just had a thing with the credit card company where they claimed I bought something in ladies' wear. I haven't been into ladies' wear for five or ten years, you know. I paid them for the item, but that left no motivation for them to research into how it got onto my account, because they got what they wanted. Where is my security in that? Who is to say they won't tell me to pay for something else as well?

In recent years, a number of scholars have been writing about the relationship between surveillance and capitalism. Chief lobbyist for the United States Telecom Association, Michael Rubin (1998), suggests that the "forces of change" behind the recent massive expansion of administrative surveillance in the United States "boils down to one factor: money." With the increasing rate and size of financial transactions, people seek to limit the risks these transactions could pose. Professor of sociology Frank Webster and

professor of communications Kevin Robins speak of "cybernetic capitalism" (1986), while Rob Kling, professor of information systems and information science, and Jonathon Allen speak of "information capitalism" (1996). Gandy sees the "global capitalist system" as guided by "the panoptic sort," which uses new technologies to assign different economic values to different sectors of a given population (1993).

Privacy consultant Miyo Yamashita writes of the relationship between surveillance and capitalism. She holds that the thrust and impetus of surveillance is invariably connected with the capitalist drive for greater profit. She writes about the "constant renewal of technologies to facilitate greater efficiency and productivity, to exporting efforts directed to managing production, to more recent attempts to manage consumption" (Yamashita, 1998: 8).

Surveillance in the private sector appears primarily in new forms of marketing and demographic intelligence.[54] Management professor Mary Culnan, focusing on privacy and electronic marketing, notes that changes in the fundamental nature of marketing have led to shifts in thinking about privacy. There is a clear trend away from mass advertising and toward more targeted, direct-marketing strategies. Gandy points out that this new breed of marketing is based on the collection, sorting, and manipulation of personal information:

> Personal information is necessary for the coordination of the capitalist system in all its spheres of activity: production, distribution, consumption, and governance. Personal information has become the

> essential lubricant which keeps the gears of the [capitalist] machine from slowly grinding to a halt (Gandy, 1989: 60).

Specific psychographic and demographic techniques have enabled the profiling and analysis of increasing amounts of personal behaviours, interests, and proclivities (Smith, 1994: 76-7). Direct-marketers make the argument that they can only reduce the nuisance value of "junk-mail" by collecting and sorting more precise and accurate data about individual consumers (Bennett, 1992: 22).

In investigating what participants say about what bodies they fear most, I find it instructive to return to the previous chapter. Participants are fearful of surveillance by unspecified others. Although they lack full knowledge of who these people are or what they are capable of doing, participants remain fearful. The previous chapter contains a discussion on the panopticon and superpanopticon that I find useful in explaining this fear. Perhaps Foucault and Poster are correct when they argue that ours is a time in which people are convinced they live under ever-present observation.

Addressing the Fears

How do people talk about their fears in relation to privacy? This section looks specifically at descriptions, from both the focus groups and scholarly literature, of people's fears around privacy. Flaherty writes that one doesn't need to be able to define privacy to know that one's privacy has been violated. But by looking at what people see is lost, a greater understanding of privacy may be gained, both by delineating what constitutes a privacy loss and describing its effects.

Focus group participants were most concerned about "losing" their privacy. The following are a few examples: Sandy told a story about having to use a public computer, and forgetting to delete her passwords. In her story, although she found no evidence of anyone accessing her files, she spent the following days in a state of panic, thinking about what someone could do if they were to access her files. She said that, in such a case, she would "lose" her privacy. Ranan tells the story about being naked in his private cabin at a camp. Inadvertently, someone had seen him through an open window and apologized for having done so. When he recounted the story he described his "loss" of privacy. Andre gave a different story. He describes a very embarrassing moment in his life.

> I have a story about losing my privacy.... I had been responsible for firing an employee and there was a lot of disagreement as to whether or not she deserved to be let go. That very week I had to deliver a speech. I dictated it and had one of the girls type it up for me. We didn't have a lot of security on the computer network and so I have no idea who it was, but somebody must have gotten in there. They changed a few words in my speech and while I was reading it, I read out those words. Not only was it embarrassing to go off topic like that, but the words themselves were highly inappropriate. Of course I was just so nervous to be giving the speech in the first place that I didn't even notice that they shouldn't be there. And I didn't suspect anything. So I read them and I made a complete fool of myself. Since then, I've never trusted anybody on my computer network. Who knows, maybe it was someone from outside the office. I try not to use computers whenever possible.

In the stories above, participants describe "losing" their privacy. They conceptualize privacy as a possession to be owned or lost. In each of the stories above, this loss of privacy involves losing control of their personal information. Schafer and Parker each argue that a privacy loss arises from a loss of control of personal information. In making this argument Schafer cites the following example.

> If the door of the school's changing room should be accidentally blown open before the student has finished dressing, others may discover that he wears Superman underwear. No one has violated his right to privacy. But he has lost control over personal information about himself and has...suffered a loss of privacy (Schafer, 1980: 10-11).

The underlying issue here is the question of loss of power. People are fearful because they believe they have less power than those who seek to conduct surveillance on them. People feel powerless against stronger entities and technologies, and fear that their personal autonomy is somehow in jeopardy. These fears are motivated, at least in part, by concern that they find themselves weakened in their relationships with certain external entities and against the technologies these entities employ. While participants were quick to identify the fact that the concept of personal privacy raises fears, they were often unable to articulate these fears in complex ways. Few participants elaborated on who or what instills their fears. Their concerns tended to focus on imagined abuses rather than examples of actual violations. Furthermore, these imagined abuses were often not identified, explained, or proven. Individuals believe they are comparatively weak and controlled. Several participants suggested that privacy operates according to some sort of power continuum, whereby those with less power are more vulnerable to others, and therefore less able to protect their control over information. The idea is that when an individual's personal information becomes exposed to powerful entities, that person becomes vulnerable to being controlled by outside influences.

Surveillance occurs through a variety of means—from voyeurism to legitimate security systems and intelligence gathering. Each of these methods aims to observe and know a subject. Surveillance may affect people's behaviour and self-expression. The self-consciousness of being observed may unintentionally alter the subject's behaviour and create anxieties over privacy. As Poster argues above, demonstrating knowledge of personal information about people limits their ability to define themselves by forcing them to define themselves according to predetermined criteria. The study of the fears that people associate with privacy lends credence to Foucault's idea of panoptic society. In Bentham's design, people have no idea whether they are being watched at any point in time. They have no idea what is being done with the information collected on them. As a result, they have no choice but to remain continually on their "best behaviour."

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6. Privacy as Boundaries

Delineating self from other

The opening anecdote, in the introduction of this dissertation, exposes a problem in the way people understand privacy. I observed a problem with denotative definitions of privacy. Despite the great body of academic writing on the problem of defining privacy, discussed in Chapter 2, my studies have shown that people do not necessarily draw on these definitions in negotiating their own meanings for the term. I argued that fixed denotative language does not always accurately describe the meanings that people ascribe to privacy. While people intuitively know what privacy is, they cannot always describe it according to denotative definitions. I observe that people make their own meanings of privacy. I argue that while denotative meanings are important, privacy must also be understood on the level of connotative meanings; specifically, an analysis of symbol. In my introduction I investigate why it is necessary to ask about the underlying messages behind fears over privacy. In this chapter I explore the everyday meanings that people ascribe to privacy. I observe that individuals speak of privacy with conceptual language that describes privacy's protective nature and conjures notions of space; they spoke of privacy in terms of boundaries. Analyzing these important symbols contributes to understandings of how people think about and use privacy to protect their sense of personal autonomy.

In conducting focus groups I discovered that participants commonly referred to privacy with the language of boundaries. This chapter is an investigation into the meaning of

the boundary metaphor. What is it about the concept of the boundary that describes privacy? And what feature of privacy does the boundary represent? In readings on privacy I discovered that the metaphor of the boundary is also used by scholars who attempt to describe privacy. This chapter begins with a discussion of how scholars use the metaphor of the boundary to describe aspects of privacy. They do so to highlight its distinguishing character. Boundaries distinguish, or separate, one entity from another. In some way, privacy enables similar separation; the example is offered that privacy acts as a boundary to separate information that defines an autonomous self from others who may seek to access that information. This chapter examines ideas about privacy as an informational boundary of the self. Next, it examines the various types of boundaries indicated by focus group participants. Participants spoke of privacy with colorful boundary metaphors—some of these included 'no trespassing' sign, a line, a level, a shield, a wall, a fence, skin, a womb, a curtain, a window, and a house and garden—what do these different metaphors indicate? What kinds of boundaries are they describing and why? In examining the different images of boundaries put forth by various focus group participants, it becomes evident that although privacy may be conceptualized as a boundary it cannot be held to only one definition of boundary. Participants describe privacy as a variety of different kinds of boundaries because they actually conceive of it as a changing boundary, according to the differing needs. This idea may be difficult to fathom at present; however, it will be clarified within this and the following chapters.

A boundary is a point of demarcation. Different people have different ideas as to what is separated by various boundaries. We create boundaries—whether they are tangible, technical, human, or imaginary—in order to establish the privacy that protects our individual identities. The idea of privacy exists as an imaginary boundary of the self. The concept of selfhood has boundaries that are necessary for establishing the parameters of the self as an autonomous entity.

The idea of privacy as a boundary is expressed by focus group participants and by privacy experts. To what extent are these people actually speaking of the same thing? Gary Marx classifies privacy boundaries in five categories: clothes that protect parts of the body from nakedness; observable facial expressions, statements or behaviours that protect inner thoughts and feelings; walls, closed doors, darkness, and spatial distance that provide the assumption of non-observability; skin and body orifices that serve respectively as protective shells or gates into the body; and directed communications such as a sealed letter, telephone and e-mail messages left in private mailboxes, in contrast to an open message on a bulletin board or yelling to someone across the room (Marx, 1999: 48-49). Simmel provides slightly more definition in his categorization of boundaries. He distinguishes between boundaries of the "self," "family," and "social organizations." Simmel writes that "what is needed for the protection of privacy is a universal agreement on the proper boundaries of the self, the family, and any other social organization; and having found this solution, to embody it in law" (in Pennock and Chapman, 1971: 86).

Simmel writes, "we get to be what we are by progressively differentiating ourselves from others" (in Pennock and Chapman, 1971: 72). He writes of the process of individuation, and the basic human need for boundaries to separate the self from the other. The self exists as an independent whole precisely because it is distinct and apart from the larger society.

> It is in part because the self needs periodic consensual validation from others that its sense of separateness from them is painful and it must lower its boundaries occasionally. On the other hand, it is because there can be no self without some boundaries, no self without some difference from...others, that the self sometimes seeks out and sharpens tensions with others....The maintenance of the highly developed self entails an endemic rift between self and society (in Pennock and Chapman, 1971: 74).

Who are these others? Gini Graham Scott and Zygmunt Bauman provide general notions. Scott writes of a "struggle to define the boundaries between self and community" (Scott, 3). Bauman writes,

> on the one hand, the individual needs to establish a stable and defensible difference between one's own person and the wider, impersonal and impenetrable social world outside. On the other hand, however, such a difference, precisely to be stable and reliable, needs social affirmation and must be obtained in a form which also enjoys social approval. Individuality depends on social conformity (Bauman, 1991: 201).

Here the notion of a boundary is used as a means of protection for self-definition. The difference is the boundary. This boundary must be socially affirmed. To be an individual one must have this affirmation.

Boundaries cannot exist in isolation from the entities they bound; they separate two entities or two parts of the same entity that are contiguous with each other. Some

boundaries are sharp, while others are fuzzy and indeterminate; the exact location of a boundary is often unclear. Where is the boundary line that separates a cloud from the rest of the sky? Can there be any hair on a bald head? How tall is "tall"? John Austin asks "where...exactly is the surface of a cat" (Austin, 1962: 100)? Michael Tye said "there is no line that sharply divides the matter composing Everest from the matter outside of it. Everest's boundaries are fuzzy" (Tye, 1990: 535). Leonardo da Vinci asked what divides the atmosphere from the water: air or water? What happens when we dive into the water? What are the boundaries of physical objects? There are imaginary entities surrounding swarms of subatomic particles. Their exact shape and location involve a degree of arbitrariness. The boundaries around the concept of privacy are equally fuzzy.

Theorists who apply the logic of the boundary to questions of privacy consider that it provides a means of distinguishing the self from others; however, all are vague in their description of these others. Priscilla Regan describes privacy as a "boundary that shields the individual from others" (Regan, 1995: 24) and a "boundary between an individual and all other individuals" (Regan, 1995: 43). Regan's use of the word "shields" suggests her belief that in creating a distinction between the self and other, privacy somehow protects the self. An individual's first encounter with the concept of privacy, says social anthropologist Clothaire Rapaille, occurs in early childhood, when a child finally earns the right to close the door on the rest of his or her family and create a private space. He speaks of doors and private spaces as deeply rooted in an individual's earliest childhood memories.

In order to protect privacy it is necessary to protect boundaries; agreement on layers of separation is necessary. Boundaries may be understood at various levels. What part of the self is being separated from the others? Simmel writes of "individual definitions of self [which] collectively become part of the social definition of the individual" as a means of setting apart discrete social entities. While Simmel speaks of boundaries separating the self from others, he also speaks of finer lines that separate various layers of the self. Simmel writes that "it is only in the conflict over the boundaries of the self that individuality develops, that the self gets its definition" (in Pennock and Chapman, 1971: 87). The notion of individuality can be seen in a collection of layers of the self, each layer protectively separated by boundaries. Bogard (1996) agrees that defining one's boundaries contributes to finding room to assert one's self-definition. Bogard says that privacy boundaries are defined by "difference, distance, and distinction..." In this separation from others, individuals may find room to define themselves. Focus group participant Karen identifies this directly. In commenting on her ideas of when privacy is compromised, she states:

> I think a little bit of sense of self. There are some things about us in society that we don't necessarily want the world to know. There might be a part of ourselves, a dark shadowy side. There might be a goofy silly side. But there might be something that we just want for us. So if that's all the sudden out there it does feel like a little bit of the self has been exposed.

Karen tells about her desire to control the information about herself, including her thoughts, that she wishes to share with others. She speaks about various components of her identity, the "dark shadowy side" and the "goofy silly side." Although she may

wish to share these components with some, she may not wish to share them with everyone.

Ellen compares her experiences as a young girl with her experiences today as a woman. She speaks of the role of technology in shrouding her information from others and therefore granting her more privacy. Ellen puts forth a convincing argument that in at least three separate domains—at the bank, on the telephone, and with the mail—technology has afforded people greater privacy.

> When I was a young girl and went to the bank, I think the teller knew everything I was taking out of the bank. And she might tell her friends, oh gosh she took out three withdrawals over the week. Luckily for me the automatic teller doesn't know or doesn't make judgments how many times I make withdrawals. We've moved forward in privacy in that regard. Remember in a small town, when we were young. When you wanted to make a phone call you'd tell the operator "hello, get me Susie" and you were on a party line. So you would have people listening in on your phone calls. You couldn't make a private call. The operator was the biggest gossip in town. She could listen in on any of your calls. And when I did the switchboard in my dad's office as a teenager I could listen to any call in the company if I wanted to. You would always listen to the first few sentences of the calls to make sure you had connected the right people, especially if you were as incompetent as I was. There was a lot less privacy on the phone. And you didn't type your own letter and mail it. You would give it to your secretary to type it. None of the men could type. So they rarely wrote a private letter. And then a lot of the transactions in the men's lives were mediated through women. So they didn't have privacy because they didn't do a whole bunch of things that were not appropriate for men to do.

Ellen spoke of how technology enabled her to separate her personal information from people whom she would ordinarily come into contact with. She saw, in this separation, greater privacy for herself. Ellen's stories touched off a discussion among members of her group. After hearing Ellen's story, these focus group members (mostly younger

than her and without memory of dealings with bank tellers, telephone operators, and secretaries to type their letters) paused and expressed that they had previously thought of technology as solely an impediment to privacy.

In another group, Dave told a story which supports the premise of Ellen's story. Dave tells about a past experience of a small town in which everyone knew each other's financial worth.

> When we moved to the farm I introduced my wife to the people we bought the farm from. I was talking to the farmer's wife. She said, "Oh, you must be the richest people in the township." And what did Mrs. Sinclair say in response? "No, we're the second!" As if you should know that, right. Because everybody knew who was first, and who was second, and who was third, and who was fourth, and so on. Now we just don't have access to those records. I think one thing we can say about technology is that actually people know less about their neighbours than they did in the past.

In Dave's story, as in Ellen's, technology has functioned to form a boundary between people's personal information and others who may wish to access it.

Privacy is maintained in the act of excluding others from access to one's personal information. It is about control and protection. John summarizes a story with the following:

> For me, privacy gives me the feeling of protection of the self. I just feel like when I have a lack of privacy, that I am not protecting myself, I feel stretched out, that other people can take what is a part of me, or mine. When I contain my privacy then I control my own self, and my own interests, it's protectionary. I feel like I can be myself without having to, like even in social interaction you are changing yourself to some degree.

His words are supported by scholar, Van Den Haag, who argues that "privacy is the exclusive access of a person (or other legal entity) to a realm of his own. The right to privacy entitles one to exclude others from (a) watching, (b) utilizing, (c) invading (intruding upon, or in other ways affecting) his private realm" (Van Den Haag, 1971: 149). He further writes, "privacy is the exclusive right to dispose of access to one's proper (private) domain" (Van Den Haag, 1971: 151).

Above, we see examples of the concept of privacy represented as a boundary; separating the individual's personal information from access to others. In Karen's example, she speaks of separating information about her identity from others, while Ellen and Dave speak of separation of information that is less fundamental, yet still potentially important. While the three individuals all speak about boundaries, these boundaries need not all accomplish the same thing.

Access to Self

John says that "for me a boundary defines availability. Like your journal, that's not something that should be available." Privacy can be characterized through three independent but interrelated ways: through secrecy, when no one has information about oneself; through anonymity, when no one pays attention to oneself; and through solitude, when no one has physical access to oneself. Roberta shares the story of an experience when she felt privacy through secrecy.

> I was traveling through Europe with a friend who I liked a lot, but I knew she had a big mouth and just couldn't keep a secret. During our month away I met a gorgeous Portuguese man, Pedro. I had a boyfriend back in Canada, but things weren't going very well with him. In fact, he

> had cheated on me and I was feeling very hurt and upset. I was really attracted to Pedro and when he started making passes at me I could hardly contain myself. I remember my friend would watch and I just knew she was looking for something to gossip about. But I didn't give her anything. Anyways, I remember my last night in Portugal. We all went out and my friend ended up going home with one of the guys, so I invited Pedro over and it was magical. It was just perfect. But I didn't want my friend to know, because I was sure she'd tell everyone and at that point I still wasn't sure about what to do with my boyfriend in Canada. So, I just didn't tell my friend. I kept it a secret all these years. And it felt great! That's how I kept my privacy and I was able to work out my feelings about my boyfriend; without anybody else interfering. In the end, I ended up breaking up with him though.

Roberta's secrecy enabled her to withold information that would have likely altered her relationship with her boyfriend in Canada. By maintaining her secrecy, effectively a boundary between her personal information and her travelling companion, she was able to process her own thoughts and act accordingly. Rodger tells of maintaining his privacy though anonymity. He had written an inflammatory letter to the editor of his community newspaper and he signed it "anonymous," because of its inflamatory content. To his surprise, the letter was published and it generated a stir in the community. Although he captured the sentiment of some members of the community, he was "thankful to remain anonymous throught the whole ordeal" because if people had known that he penned that letter, he comments, he may have lost his job. Jenn gives the story of finding privacy in solitude. She had just failed a major exam and she felt, at the time, that her life plans had been derailed.

> Talking to people, even though they had my best interests in mind, was just not something I wanted to do. You have to understand, I felt horrible. I was ashamed of myself and I felt completely lost. What was I going to do? How was I supposed to face those people? How was I supposed to face myself? I remember going for a long walk. Instead of taking the bus home, like I was supposed to, I just went to the beach and started walking. I must have walked for hours that night. I ended up

> walking all the way home; after all sorts of detours. I just needed privacy and to cut myself off from the rest of the world. Something worked that night because when I woke up the next day I was ready to deal with everyone and I felt better about myself. I just needed time on my own, without everyone trying to console me.

In all of the above stories, the protagonists define their privacy through their inaccessibility. When they are out of reach—whether it be their secret information about what they had done, an anonymous letter they had written, or by removing themselves physically—they are able to gain a sense of privacy. In this privacy, it is interesting to note, they resolve certain issues. Roberta was able to determine what she wanted from her relationship with her boyfriend, Rodger was able to state his opinions without repercussion, and Jenn was able to collect herself and face herself, as well as those who care about her.

Mark tells of his experience working with special needs children. He speaks of their need for privacy boundaries; to provide them with the feeling of autonomy and personal space. He speaks of their role in providing autonomy.

> I work with special needs kids in schools. That's learning and behavioural assistance and mental...the whole spectrum. The dynamic that goes on between the students and the teachers in that setting is one in which the privacy of these students is invaded. Students do everything they can do to maintain their privacy. They'll say things like 'I don't want you to know what I'm working on' or 'I know what needs to be done on my part and I'm going to do everything I can to keep that a secret from you. I want to keep that because that's sort of my space and my thing' and that a lot of the teacher's assistants are pushing to get in and say 'I have the right to look through your notebooks.' I have the right to do this. So there's definitely a lot of what's mine is mine dynamic around privacy here. Here are questions of autonomy and boundaries of personal space. Being able to determine the course of their own learning and their own lives. They are, in that sense, trying to define their identity.

Privacy is spoken of as something which may guarantee personal space, or may regulate one's relationship with the outside world.

The above participants are joined by scholars who characterize privacy in terms of access. They conceptualize of a boundary between the observer and the observed, and breaches of this boundary constitute breaches of privacy. In this paradigm, privacy is seen when one controls information about themselves and can restrict access to others. Privacy is described as exclusive access of a person to a realm of his or her own. Bok (1982) argues that privacy protects us from unwanted access by others—either physical access or personal information or attention. Ruth Gavison (1980) defends this more expansive view of privacy in greater detail, arguing that interests in privacy are related to concerns over accessibility to others, that is, what others know about us, the extent to which they have physical access to us, and the extent to which we are the subject of the attention of others. Thus the concept of privacy is best understood as a concern for limited accessibility; one has perfect privacy when one is completely inaccessible to others. Gavison views the concept of privacy as a system of concepts, all part of the notion of accessibility. She believes the concept is also coherent because of privacy's related functions, namely "the promotion of liberty, autonomy, selfhood, human relations, and furthering the existence of a free society" (Gavison, 1980: 347).

Anita Allen (1988) also characterizes privacy as denoting a degree of inaccessibility of persons, their mental states, and information about them to the senses and surveillance of others. She views seclusion, solitude, secrecy, confidentiality, and anonymity as

forms of privacy. She also urges that privacy is required by the liberal ideals of personhood, and the participation of citizens as equals. While her view appears to be similar to Gavison's, Allen suggests her restricted access view is broader than Gavison's. This is in part because Allen emphasizes that in public and private, women experience privacy losses that are unique to their gender. Noting that privacy is neither a presumptive moral evil nor an unquestionable moral good, Allen nevertheless defends more extensive privacy protection for women in morality and the law. Using examples such as sexual harassment, victim anonymity in rape cases, and reproductive freedom, Allen emphasizes the moral significance of extending privacy protection for women. In some ways her account can be viewed as one reply to the feminist critique of privacy, allowing that privacy can be a shield for abuse, but can also be so valuable for women that privacy protection should be enhanced, not diminished.

In the consideration of privacy as inaccessibility, the value of the concept of boundaries becomes clear. It is in thinking of privacy as boundaries that individuals' personal information becomes under their control and inaccessible to others.

Boundary Indicators

Boundaries reflect, to various degrees, the organizing activity of our intellect and our social practices. Robert takes a deeper look at the imaginary nature of boundaries:

> I guess boundaries are ideas—metaphysical, not physical. I mean, think about trying to protect yourself from corporations trying to gather your files and sell the stuff. It's going way beyond anything that you and I can do. It's governed by motivations of profit and nothing substantial like a fence or a statue even. I suppose it's their notion of how to

> operate. You can do whatever you can persuade people to believe is the proper thing. It's very sociological.

Keith states that when an individual tries to maintain privacy he must reify it, and to do so requires the construction of imagined boundaries.

At the outset of the focus group interviews, participants were asked to draw "privacy." Although they were not prompted to do so, focus group participants' drawings emphasized the concept of boundaries. The specific images that people evoked in their drawings of privacy included a 'no trespassing' sign, a line, a level, a shield, a wall, a fence, skin, a womb, a curtain, a window, and a house and garden. The symbols used to describe boundaries suggest that these boundaries hold varying degrees of permeability. Below is an analysis of the predominant boundary symbols that were found in these focus groups.

What are the various boundaries that participants speak about? The focus group participants described three primary ways to envision subjectively-defined, imagined boundaries: through temporal-spatial alignment, senses, and defined roles.

Temporal-spatial alignment

Throughout our lives, data is collected on various aspects of our identity. Earlier in this dissertation I discuss Evan Hendriks' remark about individuals going through life dropping little bits of data about themselves, and about data-sucking vacuum cleaners following behind in their paths. These data-trails can be repackaged. When spliced

together, with disregard to chronology, the separate elements of personal biography may be skewed to tell differing narratives. Mark tells a story about how records of one night of mischief unjustly damaged his reputation years later.

> One night, when I was about fourteen, I went out with some friends and we trashed some cars at the high-school parking lot. I was young and I needed to rebel, so we just went around the lot tearing the deckles off cars and I think one of us smashed a headlight. We ended up getting caught and my parents made me pay for the repairs. A few years later, when I transferred to the high school, the principal called me into his office and gave me a talking-to. He told me that he knew what I had done, that I had better watch myself, and that he was going to keep an eye on me. He must have told some of the teachers, maybe it was their cars that I had vandalized, because I remember getting nasty stares from them. It completely started me off on the wrong foot. Later, I wondered how they got that information. They must have had old computer records on me. And it was completely unfair to judge me for what I had done so long before. At the point that I transferred to the high school I was an honours student and I wanted nothing of that sort of rebellion. I had even paid for the repairs. But I was being judged, not on who I was at the time, but on what I had done before. And I'm sure it was because of some computer record they had on me. Otherwise, how else would they have known?

The temporal-spatial boundary addresses the ways in which information is used over the distances of time and space. It depends on technological capacities to store, manipulate, and edit information. Marx writes, "even though the individual may have no clear interest in protecting any single aspect (age, education, religion, education, or occupation), the picture significantly changes when a mosaic can be created from many diverse pieces. The sum becomes much greater than the individual parts" (Marx, 1999: 49).[55] Sandy tells a story that highlights the power of this data-collection. When seemingly disparate shards of information are collected, the complete assemblage can suddenly describe individuals. Dorothy tells the story of her experiences, in the market

research department of a company, collecting and using personal information about her customers.

> I was working in the market research department at a local cell phone company and we were in the process of creating customer profiles, but we were missing one critical piece of data. We didn't know our customers ages. Because we knew their billing address we knew where they lived, and so we had some idea of their income and ethnicity. We knew their calling patterns, and so much more, but we just didn't know how old they were and our boss identified this as a major problem. I remember brainstorming for weeks, just thinking about how to find out our customers' ages. At one meeting we spoke about how much this information was worth and my boss suggested that he'd be willing to pay dearly for it because with that information we would have a major competitive advantage. Then it hit us, we would offer a program, giving people free calling on their birthday. Our customers registered for the program by giving us their year of birth. We were able to match that against all of the other information we had on them. We developed advertising materials to target them with great precision, and all of the sudden we saw vast improvements in our bottom line.

Marx argues that knowledge of past and present, used to predict the future, may "alter the traditional meaning of time and the information protection it offered" (Marx, 1999: 49). This represents a point made by Mark Poster in his discussion of the Superpanopticon. Poster's argument concerns the creation, storage, and use of digital personalities.

"New boundaries of the self are being forged, and new types of boundary become important" (Simmel, 1971: 76). The temporal-spatial boundary raises questions over how information is used over the distances of time and space. This category is dependent on technological capacities to store, manipulate, and edit information. There is clearly a problem in the compilation of individual nuggets of personal information, but perhaps greater problems concern the shelf-life and uses of this information. The

shelf-life problem occurs when information—to be treated as ephemeral and transitory—that should have been discarded is kept or sold (Marx, 1999: 50). Goldman (2000) argues that nearly all known information about people is used, without their approval, for different purposes than for which it was initially gathered.

When information is collected over time, it can be brought together to reveal a strong composite picture of what an individual is like. It can inform about what that person has done in the past (the products and services used, places frequented, number of repeated experiences, prices or fees paid, and more), what a person is like in the present, and predict what that person will be like or desire or need in the future. Mark illustrates that the collection and use of "freeze-dried" information over time can be unfairly used to prejudice individuals. Dorothy shows that it is highly sought after. She observes that with enough of the right information on a person, a company becomes more knowledgeable about its various customers and highly persuasive in making its sales pitch.

When focus group participants spoke about protecting their information, they spoke about two distinct kinds of spatial boundary: fixed and mobile. Fixed boundaries are metaphors of permanence, designed as unmoving structures. Among my focus group participants, the most common of these included the house and garden, the room in a house, the "no trespassing" sign, lines, and the fence and wall. Such boundaries convey protection of privacy that is meant to be impenetrable. The following begins with a

discussion on these fixed boundary metaphors, and then moves on to develop and explain the metaphor of the mobile boundary.

Ellen describes privacy boundaries with a fixed metaphor. She likened privacy to a house with a garden. In this metaphor, both the house and garden represent bounded space that allows for different levels of intimacy.

> My privacy in my metaphor is the house with the curtains and the garden, and no one can overlook this garden. You let in whom you choose. Although you do have windows in the house, and there's a certain potential for people to peer in, you control those windows. Should you choose to close the curtains, people will not be looking in. If you choose to leave the curtains open, you're accepting their surveillance. I would accept having much less privacy in the garden. And I would demand much more privacy in my house. When I get into my bedroom I want even more privacy. And actually going into my closet, which in my house is one of the few rooms without any windows, and closing the door to my closet, I could have total privacy. In my house I'm able to control the amount of privacy and in my normal life I'm quite open. So I personally share more information about myself that do a lot of people, because it is our duty to help each other and tell the truth in the world and if more people know more about how we really are that's the most generous thing we can do for each other. So I won't request a lot of privacy. But should I want it, I have the power to seize it, when I want it. And of course I want to respect other people's houses and not go into the door unless they invite me and not look into the window unless they have left the curtains up.

Ellen describes the journey from the entrance of the house to the master bedroom as an increasingly deeper penetration into her privacy, suggesting a comparison to a progressively deeper penetration of the imagined layers of the self. Ellen's idea of a house and garden enables her to determine how much information she wants to share with others; she controls who enters her space and how much of her private activity they see. The house and garden allow for something that rigid boundaries such as the

shield of armor and the wall and fence do not: variation. While the rigid metaphors describe a boundary that is meant to be impenetrable, the house and garden describe something that is open to some and closed to others.

Florence describes privacy as one room within her house:

> Mine is a little room; there is a person sitting on the couch watching TV, and there is no computer there. I didn't draw any windows in the room, so no one can look into it. I just imagine myself to be the person looking out, just watching the television, seeing the outside world through the television, but not letting anyone inside my space. I feel most comfortable, most private, in an enclosed room, but it's also kind of scary because I can't get out.

Florence's acceptance of selected technology, for example a television but not a computer, suggests that her feelings of privacy are tailored to the specific context in which technology is used. She designed her private space with no windows, so that she cannot be observed, yet she takes comfort from observing the outside world through the television. Complete segregation from the outside world scares her and makes her feel trapped. Again, we see the necessity for some kind of flow; privacy's boundaries must not be closed with a hermetic seal.

Although not boundaries themselves, signs that indicate "No Trespassing" mark off accessible from inaccessible territory, identifying boundaries which, when crossed without permission, may be perceived as violations. Participants indicated that the act of trespassing, or the unauthorized entry into one's property, is a means of transgressing one's privacy. This notion that privacy protects a sort of property—whether physical (spatial property) or intellectual (that of ideas)—is articulated by a

number of participants. Jenni states that "privacy is 'no trespassing' signs, protecting private property." While agreeing to the idea that privacy separates property, Ranan describes privacy as artificial, saying that privacy "puts artificial barriers up and is based on fear. It breeds disconnection. So I would draw a big fence, with a 'no trespassing' sign.... A fence that divides people, based on artificial ideas, not based on any realities. It's a mindset." Samantha reiterates this idea, suggesting that such property is imagined and, with the turn of a sign, can be simply reinterpreted:

> I really like the song by Woody Guthrie, "This Land Is Your Land." What a lot of people don't know is that, in concerts, he comes with signs that say "no trespassing." And on the other side it's blank and he turns it around for everybody. It's like by turning around that sign he makes it open for everyone to share; no longer closed off for just a few. The land becomes open to all.

Tracy's thinking about privacy evolved as she tried to draw it in symbolic form. She began with thinking of privacy as "happy space," but her thinking soon evolved to the idea of privacy as control of personal space and to protection in relationships.

> I did little sketches, and they did change, they changed a lot. My very first sketch was a circle, it was just an image that came to mind. Another one was a smiley face, a happy smiley face; I thought privacy is a happy space: I have an armchair, and a bathtub and a book. Then later, I started drawing in a pair of gloves, because when you touch things you don't leave a fingerprint. I have cash here, so you pay with cash, not a credit card. Then I drew a 'no trespassing' sign and a tree. So it shifted from a more personal, private enjoyment of quiet time, where you are in control of your space, to being more protective in terms of your relationship to the outside world, your participation.

For Tracy, as with the other participants above, a "no trespassing" sign is a means of drawing a protective boundary around her personal information. This boundary

drawing is her means of thinking about privacy as a meaningful and useful protective concept.

Another important recurring symbol for privacy is that of the "line," or "level" dictating socially acceptable conduct. This concept is described as an imaginary line, which is crossed by going above or below it. Jessica tells the story in which she describes a "line of behavior," separating appropriate from appropriate conduct.

> I remember being in a school dormitory where the males and females had to share the washroom. There was one washroom per floor, it was big enough and could accommodate everyone, but it was just weird having to share with guys. I remember one time soon after moving into that dorm, I was in the washroom and some guys came in and they started acting inappropriately. They were using the urinals and they started talking about how they wanted to "get action" in the shower. They had no regard for how I felt, as a woman, having to listen to them. And I know they knew I was in there. Then they started looking over one of the bathroom stalls, while one of their friends was in it. It was complete disregard for my privacy! I know that because I heard it all. I thought, there's a line of behaviour and these guys had crossed it. It was awful, having to cover myself, and feeling quite threatened. I was all alone and had never experienced anything quite like that before.

Jessica regards the inappropriate conduct described in her story as a violation of her privacy. She argues that lewd talk and behaviour in the context above is a violation of her privacy. Interestingly, she also describes the feeling of being threatened as her privacy is violated.

It is interesting to note that this boundary metaphor was one of the more prevalent in the focus group participants' drawings. The image appeared in a number of ways. In some it separated cartoon-like captions with the word "ideas" or drawings of light-

bulbs (to indicate ideas) in them. In others, lines were drawn to separate the "good" from the "bad." One participant drew a line to separate herself from a collection of information technologies: a video camera, a still camera, a tape recorder, a computer. When this drawing was presented to other members of the group, there were a lot of nodding heads; participants seemed to agree that privacy could be represented as a line between information technologies and the individual.

It was common to see that discussions about the impact of technology raise the notion of levels of privacy. David shares some thoughts about how changes in technology may impact his "level" of privacy.

> I remember when I would sign my name to a Visa slip, and the clerk would have to check to verify my signature. That rarely happens anymore. Now, I just sign and that's enough. I think it's because there seems to be a change in how the technologies work. Now it is so common for people to make payments over the Internet, or by telephone, that nobody really cares about signing the Visa slip anymore. The thing to keep in mind is that all sorts of things like that are changing. Now we can buy things with credit cards, direct withdrawal, even over the Internet with Paypal. What does that mean for our credit? There are so many more ways that criminals could access our accounts to buy things. The technologies have changed and that's great. But I think there are a lot of ways that the levels are changing and it isn't good for our privacy. We no longer have to sign the Visa slip and that's only one example, but what's going to happen next? How are we going to prove who we are when someone tries to use our identification or bank card? The level is changing and I wonder if this is good for our privacy?

In another group, Sam describes this imaginary concept as a line dictating socially acceptable conduct, which is crossed by going above or below it.

> Technology just revolutionized privacy. It's so different now than it was 10 years ago. I was listening to this cheesy corporate American radio station a while ago and it was the morning show of one of these offensive Howard Stern-type guys in Seattle. And they had Tonya

> Harding, it was during the skating section of the Olympics, she's the one that attacked some other skater. They had her on as a guest as a kind of commentator. She's quite witty and tough actually. She was talking about the skating. It was very lowbrow. There was this whole thing that happened, where this Howard Stern-type opened the airwaves and people were calling up to talk about Tanya Harding's sex tapes that were circulating the Internet. All these guys who had listened to the show had all downloaded these and all watched these. The Howard Stern-type commentator had seen it as well. And she wasn't surprised that everyone had seen it. She didn't want to talk about it. She just kind of blew it off as a joke. But the whole context was that there were all these people listening on the radio and they had all seen her sex tapes it was so bizarre that her privacy level was completely crossed...it's a different world.

In his story about listening to the "Howard Stern-type radio commentator" interview Tonya Harding, and the callers mentioning her sex tapes that were circulating on the Internet, Sam says that "her privacy level was completely crossed." Dave describes a line as an imaginary limit to prying.

> What if a person is seeking to have his privacy invaded? Think of publicity. That British actor that got involved with a street prostitute, Hugh Grant. And the general response of the other publicity tribe was that he was really stupid to have done that. The public people have a totally different definition of privacy. Obviously, they're exposing themselves in innumerable ways, and yet they still attempt to draw a line beyond which their fans and photographers and what not aren't supposed to go.

In Dave's description, the idea of a line is juxtaposed to exposure. It implies drawing a line to prevent this exposure. The line represents an imaginary limit to prying, marking off the accessible from the inaccessible.

The image of the fence or wall separates inside from outside, or one from another. Both are used to mark off space differently than a gate symbol, representing extensions of

points at which no entry or exit is permitted. Typically, the fence and wall demarcate the space under the authority of one entity from that under the authority of another.

Clair suggests that people who are beyond access on the other side of a wall may feel protection from those who "can't get to" them.

> The more you have to protect, the more you need privacy laws. It's boundaries around the truth. The truth is that there are a lot of poor people in your town and you want to put up a fence to divide you from them. A fence is how people ensure their privacy. You can't get to this person because they're walled off.

Ranan describes privacy as a fence. Although he speaks disparagingly of privacy, he does acknowledge a connection between privacy and protection:

> I guess I don't really know what privacy is. I'm not such a big believer in that concept. I don't put too much energy into it and actually I have a little disdain for those who do, because it puts artificial barriers up and it's based on fear. It breeds disconnection. So I would draw a big fence, with a 'no trespassing' sign. And I would come from the other side of the fence and take a look at the back and just keep on walking. A fence that divides people is based on artificial ideas, not based on any realities. It's a mindset.

In arguing that privacy is based on "artificial ideas," Ranan argues that privacy exists only if people agree to its existence.

In his drawing of privacy, Howard drew a firewall separating his computer from the Internet. In his explanation of the drawing, he told the group that he understood the concept of a firewall to protect more than just his online behavior.

> As far as I'm concerned I just want a firewall to make a distinction between everything I do in life and the stuff I want to let some people

> know about. When you think about it, a firewall is just a little bitty thing, but it does a whole lot. It keeps my computer safe. I like to think about my privacy as an imaginary wall around me and my loved ones. I don't want anybody poking their way into that wall. Nope, that's where I make the difference between us and them. They can have their place. I need to have mine.

The purpose and function of both a fence and a wall is to divide territory. In the case of privacy, the fence or wall metaphor exists to divide what is inside (the self) from what is outside (the other). Fences and walls have similar properties. In theory, both are moveable, yet depending on the construction, moving a fence or wall may not be an easy task. A fence may be breathable. We are accustomed to seeing chain-link wire fencing or picket fencing. Walls tend to be solid, and therefore less breathable. However both fences and walls demonstrate the capacity for breathability in that either may support gates which may be opened. Some fences and walls are constructed according to many levels. Fences and walls at military demarcation zones, for example, are multi-layered, reflecting their multi-purpose design. These multi-layered fence systems are used to *impede unauthorized* vehicles and persons *from crossing into* the protected zone. The fence and wall are designed specifically to guard against particular types of threats.[56] Likewise, when privacy is conceived as fences and walls it is done so with specific design requirements in mind. There are certain kinds of privacy threats that are best responded to with a fence or wall. There are others that require a different boundary metaphor.

Participants who speak of privacy as a mobile boundary emphasize the fact that privacy cannot function as a "one size fits all" concept. The mobile metaphor depicts privacy as

a protective boundary to be used at specific points, but not necessarily used all of the time. When participants spoke of privacy as a mobile concept they primarily used the metaphors of the "shield," "curtain," and "window."

The notion of the shield brings to mind the division of space, with the express purpose of protection. Legal critic Richard Hixon suggests that privacy functions as a shield to protect against hostility and incoming information. He writes that "as individuals experience either too much information or a threat of the invasion of their private data, they reject the information and turn inward to shield themselves against intruders" (Hixon, 1987: 211). This idea is reiterated by Karen who argues that just thinking of privacy as a shield enabled her to establish boundaries for herself in regard to the information she accepted, and effectively close herself off from harm:

> I had the unfortunate experience of working with some really horrible people. I'm normally a very open person. And what people were doing, in response to my openness, was attacking me. I went to a psychologist to help get me through the day. We came up with some strategies, including this symbol of a shield that I could bring up whenever I wanted, from my belly. Whenever I felt I was being attacked, I just visualized this kind of silver shimmering shield. It sort of helped me establish that boundary and tell myself not to give in to the violation of that private limit.

Karen feels that, at certain times and for certain people, privacy must be invoked. She suggests that privacy is something to incite differently with different people, to separate defence from opposition. Karen speaks of privacy as a boundary that she can draw, only when needed, when she feels vulnerable. She draws this boundary by

withholding information. Her use of the word "shield" suggests that privacy functions as a protective boundary.

Mavis tells about her own conceptualization of privacy as a shield. She says that when she thinks of privacy as a shield, she's able to express herself without concern for what others may say or think.

> I feel a sense of privacy when I wear dark sunglasses, because nobody can see my eyes, or look me in the eyes. When I'm not feeling very outward I put a pair of sunglasses on and it's like this barrier that I can put around myself that makes me feel that I can take on the world. For me it's like personal space where I can just be inside myself and not really worry about what others think. If I'm not feeling that I'm ready to dance or something, I put a pair of sunglasses on and I rock the dance floor. It's like a shield.

Mavis, like Karen, uses the language of "protective barrier" in her description of privacy as a "shield." She speaks of putting a conceptual barrier around herself in which she is able to carve out some feeling of personal space, to be inside herself, without having to worry about what others think about her. She feels private even when physically in public, as though a layer of her self is covered. With freedom from judgment, she feels free to be herself, or at least to express herself, to "rock the dance floor." For both participants, a shield protects the inner contents from the outer. While one participant uses a shield symbol to protect herself from nasty comments made by co-workers, another speaks of her sunglasses shielding her from other people's opinions. Both symbols—one imaginary, one concrete—prevent that which is outside from penetrating the inside.

The curtain marks a protective physical separation from others. Flimsier than the shield, the curtain also represents an easily movable boundary. The purpose of the curtain, however, is to conceal information. Howard claims that behind a curtain one can be covert. Heather describes her idea of privacy as a special type of curtain that serves as a protective force field:

> I drew a picture of a curtain for privacy. Symbolically speaking, putting a curtain around yourself, cutting yourself off, not letting people in, means: don't look at me, I want to be private. Just saying the word works as an actual curtain drawn if you don't want someone to see you. Almost like a force field to protect yourself.

Heather's concern with being seen suggests a response to surveillance. The curtain separates her from those who want to conduct surveillance on her. Behind her easily movable curtain, Heather is able to conduct herself without being seen.

Ellen describes a vacation to Amsterdam in which she observed a lack of curtains in the windows of private homes.

> I was just remembering being in Amsterdam and walking along and noticing that there were all these apartments right at street level in Amsterdam with no curtains and you could look right in there. You could see how they furnished their houses, how many books they had. And sometimes you could see them having a cup of coffee. It was like an open window on their lives and I just thought it was wonderful and I couldn't stop looking and I didn't feel that I had invaded their lives, because they had chosen to live like that.

They chose to keep their windows open and she chose to look in. The act of one autonomous self giving permission to the other to "look in," and the other self acting on their own autonomous decision-making capacity to accept or reject this offer is the

information negotiation germane to functioning privacy. Karen contributes to this idea of curtains as a sort of privacy boundary, mediating relationships.

> I just loved Amsterdam; there was that feeling that there was nothing that needed to be hidden. It was such an egalitarian feeling place. There was nothing that needed to be protected because you weren't going to get robbed.

In drawing the conclusion that the residents had no need for protection, she assumes a premise that curtains function to both hide and protect. Like the shield, the curtains as a protective boundary are used only when there is a perceived threat. In the absence of curtains there is no protection; however, when the curtains are drawn, they are perceived to act as protective boundaries.

Participants who spoke of privacy as a window referred to this information exchange. Jenni understands privacy as a process of information exchange, whereby the observed is also an observer:

> I started out like Janice, with the idea of a curtain, then I thought of the idea of a blind, so I drew a window. I guess the idea was that the window was in a room, and on the other side of the window was another window. So I got the idea of drawing the blind down but, is it about your ability to look out into someone else's space, or someone else's ability to look into your space. Being on the inside or the outside of that privacy. So I guess voyeurism comes into it.

Although the window is permanently affixed within walls, it is classified as mobile because it functions as a boundary that can be easily opened and closed. The window is interesting further because, even when shut, it can restrict some information while allowing other bits of information. A clear glass window that is closed may restrict aural flow, but enable visual flow. In a way, the window metaphor may be compared to

that of the panopticon; even when the boundary of the window is made closed, the subject may still be viewable. Likewise, the subject living under the panopticon may choose to close off his boundaries, yet remain within the gaze of those with the means of panoptic control.

Sensory boundaries

Focus groups revealed that another form of boundary used to conceptualize privacy is that of the sensory boundary. Most prevalent of these is the notion of privacy as skin. Participants also spoke of privacy as a sort of skin that acts as another type of protective boundary. However, skin must breathe; on one level, skin keeps external matter out, but it also allows what is inside to come out. Participants like the skin symbol for privacy because, in order to function as a form of social protection, privacy must maintain a skin-like permeability. Julie says that "the skin has layers too. I don't like the armour idea. It's restricting. Does it let anything out?" Skin represents privacy insomuch as it is layered. Like armor, skin protects, but it also enables flow. Skin embraces change and privacy itself is always changing. Tracy demonstrates her agreement in her comparison of the skin to the armor metaphor:

> I like the idea of skin better than armor. Skin gives and takes. It stretches. It grows. Armor doesn't do that. It's restricting. I think your sense of privacy can always be evolving and changing. That's why no one can define it, because we're always changing and evolving.

Keith speaks of boundaries as categories that separate and determine how people treat each other. These are not solid and immovable. The skin symbol reflects the "flex" and "give" that participants demand from privacy.

> Privacy can be like skin in that it is flexible. But you're talking about civil society and these levels are divided into categories. Are they not boundaries? Do they not separate how we treat one another? These boundaries have that same sort of flex.

Heather speaks of boundaries and space. She chooses the skin symbol over he wall because skin allows for more permeability than a wall and it therefore captures the range of flow that privacy needs.

> At first, when you asked me to draw my picture of privacy, I thought of the Berlin Wall. So I have this contradictory thing where I have this boundary thing, but I also have this open space, without boundaries, as well. I suppose that's when privacy can become too extreme and hinder you: when you use it like the Berlin Wall and you don't want to bother to know what's on the other side of it. A shelter you can get trapped in. Or a womb that you eventually have to come out of. Or like a snail going in and out of armor. Wow! Maybe I have multiple personalities! But I'm partial to the skin symbol right now.

Her flippant speculation that she might have multiple personalities suggests that she presents different aspects of herself to different people, and therefore requires different levels of self-protection, depending on the context of the relationship. An example of privacy as a womb shows privacy as a particular kind of skin, separating two entities, one inside the other. It protects the inner entity, enabling some flow. Janice describes this when she says "in my drawing I'm floating in the skin. I'm protected within the skin. Kind of like a baby in a womb."

Sensory boundaries appeared in drawings about privacy. In drawings, skin also took prominence. When people felt their artistic abilities to fail them, they were careful to write the word, "skin" and to point an arrow to their drawing. Other sensory boundaries that appeared in the drawings included: the visual, bounding that which can be seen

from that which is shrouded and out of sight and the aural, bounding that which can be heard from that which is out of earshot.

Roles

The role boundary involves the exposing of information, based on the authority and function of social roles. Social borders are constructed around relationships between data collectors and their data subjects. Christian clerics receive confession; doctors and lawyers are privy to sensitive personal information; family members and friends are trusted to keep secrets; bureaucrats are entrusted to destroy confidential records after a certain period. John tells the story about giving confession to a priest:

> It was a bit odd, kind of like they show it in the movies, but this time I was the guy giving confession; rather than watching it. I knew I could trust him, but it was still sort of weird telling this man all of this stuff I had done in my private life. I mean, stuff I wouldn't tell a soul. And in a way it felt good to be able to tell him. But it also felt weird. A lot of the stuff I was telling him about wasn't even a big deal to me. And I'm sure he's heard a lot worse. But still, there was something about that experience that I'll always remember and I might even go back one day. I think I told him so much because I trusted him. And I didn't even trust *him*. It was *his position* as a priest that I put my trust into. It was because he was a priest that I told him stuff I wouldn't feel comfortable telling anybody else.

Marx writes that in such cases, violations of confidentiality constitute role-based breaches of privacy (Marx, 1999: 49). Sandy described roles in a legal and ethical context:

> Think about codes of ethics and statutes I always think of privacy as a way of getting along in society and seeing what other people think is and is not appropriate. Those are mores, they're porous. They're like the air you walk through. It's the concept. It's the mutually acceptable and agreeable context in which society decides and mediates privacy that ebbs and flows like an ocean. And that seems to me like a much more

> sophisticated take on it in an abstract sense. That ebb and flow of cultural context determines when privacy is breached.

Participants likened the experience of infringing on one's role-based boundaries as crossing an imaginary line of socially appropriate and inappropriate conduct.

One focus group discussion broke away into the theme of privacy in childhood. Penny made the point that as children develop they require more and more privacy. She argues that taking this privacy is a process of excluding others and, in doing so, acquiring power. By adulthood, in theory, a person has done enough excluding that they have established their own boundaries and defined their own privacy. She states:

> Privacy is connected to identity. As a baby you have no privacy. But then as you get older your identity forms. You gain independence and you take power by excluding others and you create boundaries and you want more and more privacy. The older you get the more you want, until you're an adult and you establish your own boundaries. Hopefully.

Florence was in agreement with Penny, but she added that it is not always best to give children too much privacy.

> I think as a child, you don't allow them much privacy in order to keep your eye on them. To make sure that there's no harm or that they're not in some kind of difficulty; emotionally or whatever, to make sure that they're not weeping about something. Keep checking on them.

Florence later argued that adults earn their privacy by proving to the world that they can handle it. Children, on the other hand, need to be watched until they develop responsibility.

Keith says that role-based privacy boundaries are subjectively defined. In a discussion about privacy boundaries in other cultures, Keith mentions First Nations people. He

says that in their culture, people don't always have the privacy to determine their own autonomous course.

> I've been wondering where boundaries are, where they're drawn. I think it depends on where you are in a culture and in which culture. I'm thinking of the First Nations people, for example. I think the group can decide that a particular person should be initiated into spirit dances and into the long house. That person can then be taken without their consent, and entered into periods of long training, and what some people would call brainwashing, to become a spirit dancer. This can happen even if he doesn't want to. And that person becomes a sort of public person.

Keith made this statement at a point in which his particular focus group was speaking about different cultural traits. The discussion turned into a comparison between privacy in an individual-based society versus privacy in a self-centered society. The group consensus was that privacy is experienced differently according to a person's cultural context. The group agreed that, because Western societies place a premium on individualism, they require far more privacy than others.

Individuals are granted varying degrees of access to other people's personal information or privacy, depending on their role in the social order. In the examples above, John shares personal information, which he chose not to share with other members of the focus group, with a priest. John mentions that he did not share the information with the priest because of any personal relationship with the man, but because he trusted the institution that the man represented in his role as priest. Likewise, Penny and Florence discuss the information-based roles that people are designated at various life-stages. They argue that adults are given more autonomy over their information than are children.

What Privacy Separates

Rodger suggests that privacy is a boundary that defines relationships. It separates one individual from the next.

> I think what it does is, it defines a relationship between yourself and something greater than you. So yourself and someone else, yourself and your family, yourself and your work, yourself and the state, I think that is usually where the boundaries are drawn.

There are scholars who write of privacy as separating private life from public life. Priscilla Regan defines "privacy—meaning some boundary between the individual and society or between what is, or should be, private and what is, or should be, public" (Regan, 1995: 43) as the boundary, not something protected by the boundary. Regan describes the place and function of privacy, when she writes of privacy as a "boundary between an individual and all other individuals" (Regan, 1995: 43) and a "boundary that shields the individual from others" (Regan, 1995: 24). Whereas Regan argues that privacy separates—in a protective way—the individual from others, here she specifies the others. Bennett uses similar language, arguing that boundary lines rest on what he calls "contentious notions of individual and state" (Bennett, 1992).

Simmel writes that privacy boundaries separate people from certain activities. It separates a person's sovereign space from the influence and observation of others. "Within...boundaries our own interests are sovereign, all initiative is ours, we are free to do our thing, insulated against outside influence and observation. This condition of

insulation is what we call privacy" (in Pennock and Chapman, 1971: 72). Dave would agree:

> When I'm at work I need to attend to the needs of my boss and my customers. It's always 'yes sir, yes ma'am.' And everyone sees what I'm doing. My boss likes to look in and make sure I'm keeping busy. Sometimes I shuffle papers or stand up while I'm on the phone, so he can see. Customers also like to see that I'm busy. So I'm always being watched and I always have to live up to everybody's expectations. But at home, that's where I can do whatever I want. For me, my home is my privacy boundary. I sit back with my shoes off and watch TV. When I'm at home, I drink beer and I relax. I can be myself. I don't need to go answering to nobody. But, you've got to work to pay the mortgage. So in a way, there's a need to give up some of my privacy in order to have it!

Like Ellen above, Dave constructs a metaphor of his home as his privacy boundary. Although not quite as elaborate in his description, Dave is careful to outline the benefits of this boundary. It puts him beyond the scope of those who wish to watch over him and it provides him with space to be himself. Privacy is marked off by the boundary. It is seen here as a condition of insulation over a protective zone. This zone separates the "sovereign" individual and, accordingly, enables individuation and self-definition.

The Differing Privacy Boundaries

Through their use of various symbols, focus group participants described privacy as boundaries. The variety of these boundaries—which have been classified from rigidity to fluidity—suggests that privacy functions in different ways, for different people, in different contexts. As a boundary, privacy clearly requires room for flow, or permeability. Privacy, as a boundary, is described as a form of protection for personal-

autonomy. It is imagined, subjective, indeterminate, moving, and context-based. Furthermore, privacy boundaries are imagined in spatial terms. Privacy becomes protection for personal-autonomy when it is conceived of in the spatial symbol of the boundary.

The "No Trespassing" sign marks inaccessible from accessible property. The use of this symbol brings to mind questions of property access. The examples speak of something that is owned, or controlled. These examples describe spatial property, privacy as a boundary of personal space. But property may also be intellectual, as in the stuff of ideas. Participants speak of privacy as a boundary that exists as long as people agree to its validity. Privacy is constantly being refashioned to suit each context. It may be easily changed, like turning around a "No Trespassing" sign. At its root, privacy is a protection in relationships. One participant, Tracy, noticed a shift in her thinking about privacy—from a "personal private enjoyment of quiet time" with control of her personal "space" to being "protective in terms of [her] relationship to the outside world." Those participants who used the symbol of the "line" or "level" remind us that privacy exists as a boundary within social relationships. Participants used this symbol to designate socially appropriate from socially inappropriate conduct. An individual marks off information, or parts of her self that she wished to allow some others to access. This social contract is imagined and maintained because parties agree not to cross it. Privacy boundary lines are not fixed, and can be easily crossed. Different relationships demand different lines.

The "shield" is a boundary that separates what is defended from possible threats. Since people are not always under threat, they do not always need to raise their shield. The shield symbol therefore demonstrates that privacy is used at specific times; Karen used privacy as a shield when she felt "open" and "attacked." She uses privacy as a protective barrier around her information and her self against those who threaten to harm her. The curtain and the window are symbols that offer different kinds of permeability. Both may be open or closed. When open, they may allow for certain flow. When closed they may prevent flow—although permitting some specific flow, as light may pass through some closed curtains and windows. The general function of the curtain and window is to restrict, or block, access. Jenn speaks of putting a curtain around herself as "cutting [herself] off, not letting people in." Another participant describes the curtain as a protective force field, which can be drawn to protect against threat. Participants speak of drawing a curtain as tantamount to drawing a boundary around one's space. In speaking of privacy as a curtain or window, participants speak of controlling their own information within an exchange of information that is conducted in everyday communication with others.

Another function of privacy is to separate. As a "fence," privacy marks off and makes inaccessible a person and property on one side from those on the other side. As a fence, privacy is thought about as a "mindset." It is said to be imagined and exists only as long as people agree to it.

In thinking of privacy as a shield or fence, certain implications are made. These boundaries are erected in order to divide and protect, and they imply a certain rigidity. Although a fence may provide crossing points, it carries rigid ideas about the role of privacy. The shield is also meant to be a rigid symbol for describing privacy. It enables some flow, because the shield of privacy is not always drawn. But when it is drawn, it has one primary function, to protect what is inside from what is outside. The "skin" symbol, on the other hand, while it separates, does allow some freedoms. One participant thinks of privacy as skin because it enables some "give and take," "stretch," and can "grow." In this way, privacy is a boundary that embraces change. To one participant, if privacy is thought of as a wall or as armor, privacy can be said to protect too much. People can become "hindered" and "trapped" in their own self-protection. Therefore, some participants were drawn to a symbol that both protects and enables flow. This symbol is the thinking of privacy as skin. In the final, most permeable, symbol for privacy as a boundary, privacy is described as a house and garden. In this symbol, the individual maintains control over how deep others may permeate her space. Each room represents a deeper level, or zone of space, which the individual controls and may open or close. Just as Ellen could invite people into her house, she could also share selected personal information with some and exclude others.

In summary, participants describe privacy as various forms of boundaries. They describe privacy as a boundary that separates; either distinct entities, or parts of the same entity. The function of the privacy boundary is to protect personal autonomy. It is understood as some sort of space set apart from another. This space is imagined.[57]

Privacy lines are generally socially agreed upon. The boundary may designate socially appropriate from inappropriate surveillance conduct, or it may just prevent access to certain personal information. These boundaries enable an individual to mark off parts of themselves and personal information that they wish to either share or withhold in relating to others. These boundaries offer different levels of permeability. Privacy as a boundary is constantly changing according to context. People erect different boundaries in different relationships, at different times. In some cases these boundaries are moveable—some examples of this include turning a sign, raising a shield, or closing a curtain or window—in other cases—such as the examples of the fence or wall—the boundary is more fixed. Other boundary symbols describe space within that allows for movement—skin is fixed, but it is layered and allows for various levels of penetration, and the house and garden offers various levels of depth. One can enter the garden and, although they may be inside, have far less access to another person who has been invited into the bedroom. Privacy boundaries are constructed to protect personal autonomy within relationships. They require variability because people present themselves differently—enabling exposure to different information and at different degrees—to different people.

In reading through the focus group data I was struck by the number of times the concept of privacy was described with the metaphor of the boundary. In analyzing their use of this metaphor, I observed one common theme: that all of these boundaries are designed to separate the self from the other. In further examination of this metaphor, however, I observed the difference in these boundaries—temporal, spatial, sensory, and

role-based. I was drawn to investigate the purpose of using so many different types of boundary metaphors. In observing the context of the conversations, I learned that participants conceive of different kinds of boundaries in order to respond to different sorts of privacy-related fears and threats. At times, people need privacy boundaries that are fixed and permanent, to give themselves the peace of mind to consider themselves protected from the constant assaults on their personal spaces. Yet people also need to be able to open themselves to the intimacy of loved ones, to share their ideas with colleagues, and access their bank account or computer files.

Chapter 6 Endnotes

[55] Ann Cavoukian, Privacy Commissioner of Ontario, argues that "The threat posed by dataveillance lies in how all the different pieces of information about you, stored in numerous databases, can be merged, sorted, and analyzed to create a personal profile, or data image, of you. It is possible not only to track your activities but also to sketch a fairly accurate picture of you and your habits, enabling others to 'know' you and your habits, without ever knowing you, and without you ever knowing (Cavoukian, 1995: 51).

[56] This particular fence is designed to stop the following: shootings, explosive charges, booby rigged and vehicles as well as smuggling of weapons and explosive charges. Accordingly, such fences are not designed to stop all forms of threat. Likewise, the fence metaphor designed to protect individual privacy is designed to protect against specific forms of privacy threat. For other threats, other boundaries are used.

[57] Boundaries are imagined. Simmel writes of the boundary of skin and of social situations. He writes of the subjective nature of boundaries—dependent on individual and cultural identity. Perhaps most important, he writes of boundaries as imaginary. Simmel is not the first to consider boundaries as imaginary. In 1911 Ambrose Bierce wrote of the boundary line as "an imaginary line between two [entities], separating the imaginary rights of one from the imaginary rights of the other" (Ambrose Bierce, The Devil's Dictionary 18, 1958 edition, 1911). According to this definition, a boundary functions to maintain social relations by demarcating zones. The idea that boundaries are imaginary, conceptual, intangible, and informal is constructive to understanding privacy as a boundary.

7. Information Privacy and Personal Autonomy

Concern for privacy is sometimes seen as concern for those fundamental aspects of our identity that can become known, without our consent. Rodger, a focus group member, tells the story of two identical twins, who were separated at birth but met again many years later, in adulthood. He says that despite years of being apart, they had similar character traits and proclivities. One group member, Julie, suggested that because of their similar characteristics and physiques, the twins did not have privacy from one-another. She pointed out that both twins share the same genetic code and would therefore be well positioned to know about each other's health issues. Another group member, Sam, took issue with Julie's suggestion. Sam argued that by Julie's criteria very few individuals would enjoy privacy because "everybody is related to someone else. By that definition, it would be impossible to have privacy from anyone sharing the same gene pool. I just can't accept that." Rodger also argued against Julie's position. However, his argument differs from the argument that Sam made; rather than focus on biology, Rodger bases his argument on lived experience. Rodger believes that the twins had privacy from each other because despite some similarities, their lives have taken different paths and their experiences are different. Rodger exclaimed to Julie,

> these men are more than just the sum of what their genes dictate. Each of them has had unique experiences. They may have started out in life with very similar bodies and mental wiring, but what they've done with them, how they've chosen to see their worlds, these differences are enormous. Each of them has private thoughts that the other cannot access. Sure, they share a number of traits, but they are separate identities.

Hyman Gross (1971) believes that one of the functions of privacy is to protect the fundamental aspects of one's identity. In Rodger's story above, despite certain similarities, there are aspects of the twins' identities that can only become known if one twin chooses to share it with the other. These are the aspects that Gross feels privacy protects:

> Awareness of all those things which characterize the person as he may become known: identity, appearance, traits of personality and character, talents, weaknesses, tastes, desires, habits, interests—in short, things which tell us who a person is and what he is like. The other kind of private matter is about our lives: what we've done, intend to do, are doing now, how we feel, what we have, what we need. Concern about privacy here is to restrict access to these matters (Gross, 1971: 172).

This chapter explores the everyday meanings that people ascribe to privacy, demonstrating individuals' use of language to describe privacy's protective nature. They see privacy as a protection, for personal autonomy and a sense of the self, against surveillance.

In numerous focus group discussions, participants spoke of privacy as a form of protection. What exactly does privacy protect? This chapter demonstrates the relationship between information privacy and personal autonomy, illustrating how control over an individual's personal information is, by extension, a form of protection for personal autonomy. During focus groups, participants were asked to speak about privacy; however, in the course of the discussion, many of them also chose to speak about a variety of related topics. This chapter demonstrates the relationship between information privacy and personal autonomy by examining how participants chose to speak about those related topics: personal autonomy, personal information, identity

theft, self definition and self presentation, decision-making and behaviour, freedom of thought, and self-expression.

Personal Autonomy

Janice tells a story about seeking privacy to engage in an inner dialogue. She speaks of privacy as a refuge in which she finds private space to care for herself and "determine [her] own worth."

> When I have privacy, I'm in tune with myself. My boss told me that I didn't deserve a raise, but when I have privacy I feel that I can determine my own worth. What I did was I told him that I needed a holiday and so I went away for a week. I took some private space alone from my colleagues and I thought it over. I thought about everything that I do in my position and I thought about my colleagues. I worked out a plan and I explained myself to my boss. I looked him right in the eye and I told him exactly what I do that nobody else in the office can do. I explained to him the benefits of giving me a raise and I suggested that I would be sad to leave if my contributions weren't recognized. A few hours later, he called me into his office. He told me that he found some room in the budget. If I didn't take the time to go away and think about my life there, then I'm not so sure I would have had that raise. For me, privacy is about getting away from it all and spending the time you need to care for yourself. It's about getting in touch with yourself and being realistic about where you are in life. It's about determining your own worth in any given situation.

Legal scholar Vincent Samar, and professor of philosophy Stanley Benn, argue that privacy is integral to autonomy (Samar, 1991: 86; Benn, 1978). Ingham states that "it is difficult for us to retain a sense of uniqueness, even of worth, unless there is something we retain for ourselves" (Ingham, 1978: 44). He draws a connection between privacy and one's own sense of self-worth. This point is further articulated by Edward Bloustein (1964), who argues that people completely subject to public scrutiny lose uniqueness, autonomy, and a sense of themselves. A strong danger in this is that such a

person loses himself and conforms to others' expectations. In contrast, when a person is protected by privacy, he has the freedom to be different from others, and to think and act creatively.

One focus group participant, Derek, tells the story of his experiences as a saxophone player. He says that his most creative periods of saxophone playing occurred when he had the most privacy. He attributes this creativity to a feeling of being in touch with himself. He speaks of writing in his journal and taking walks by himself. Additionally, he speaks of not listening to other band members. Derek draws a connection between his creativity, autonomy, and privacy.

> Whenever I played best, it was always when I had the greatest sense of privacy. I would always lock myself into the practice room for hours on end, but those periods when I would really play best were when I would also spend time processing my thoughts; when I would write in my journal and go for long walks by myself along the river. It strikes me that when I could get myself some privacy I could really focus on what I wanted to do with my saxophone. I could focus on my relationship with the instrument and think concertedly about what I wanted it to do. When I had privacy it was always just about me interpreting the notes in a way that was true to my senses. Sure, other band members would have something to say, but I was always at my best when I wouldn't listen. My best playing was when I was in touch and in charge of what I was doing. That's when I was most creative. There was an element of control over myself that I got from being private and I channeled it directly into my playing. Man, it was awesome!

Personal autonomy includes control of one's information, self-definition, and decision making (thoughts and actions) as well as personal space (boundaries themselves are imagined. They divide conceived space as well as physical space.

Autonomy concerns the independence and authenticity of one's thoughts, decisions, and actions. Autonomy, it is argued, is the ability of the individual to reflect wholly on oneself, to accept or reject one's values, connections, and self-defining features, and change such elements of one's life at will. Questions of autonomy are questions of power (who is exerting control over the individual) that include information about the individual, and their thoughts and actions within their personal space. Answers lie somewhere in the relationship between a person's power over their own thinking and acting, and the power of the forces that move them. Some of the forces that move us to act do not merely affect which actions we choose to perform; they undermine our autonomy. It would be impossible to govern oneself without some influence from external sources; however, the autonomous person is in command of the process of integrating these influences with the ways he thinks and acts upon them.

We are not only deeply enmeshed in cultural patterns and social relations but, in any number of ways, constituted by factors that lie beyond our reflective control yet structure our values, thoughts, and motivations. Fears surrounding the concept of privacy lead to anxieties over the sense of autonomous identity in the information age. Privacy is conceptualized as a protection for personal autonomy. Several of my participants have even stated this outright. Tracy, for example, says:

> I think what it does is it defines a relationship between yourself and something greater than you. It protects you: yourself and someone else, yourself and your family, yourself and your work, yourself and the state. I think that is usually where the boundaries are drawn. I think that would be the starting point.

Tracy contributes the insight that "it could be autonomy, it could be perception of that person's power." Privacy experts agree that each person's sense of privacy is an essential component of their individual agency and autonomy. Julie Inness, professor of philosophy, highlights the fact that the relationship between questions of individual autonomy and privacy become particularly relevant in the context of issues such as abortion, birth control, sexual proclivity, and freedom of conscience (Inness, 1992: 5).

A person has autonomy when they can claim authority to determine and enforce the rules and policies that govern their own life. Autonomy grants the individual the capacity to be their own person, and to live their life according to reasons and motives that are taken as their own and not the product of manipulation or distorting external forces. Oliver recounts the plot of a fictional work, and his own reflections about privacy. To Oliver, privacy is a state of listening to his own inner voice and following his heart. He's talking about taking authority of his own thoughts and actions. For Oliver, when he has privacy, he has autonomy.

> There's a story called *The Alchemist*, about a boy who travels the world on a quest. In the end he realizes that what he needs to do is follow his heart. When he follows his heart, the universe opens up for him and conspires to give him whatever he wants. I learned a lot from reading that story. I know that's what I need to do in life; I need to just follow my own heart and then the world will open up for me. I know in the moments that I say to hell with all the noise, I just want to listen to my own inner voice, I make decisions that really make sense to me.... That's it, that's when I'm experiencing privacy; when I follow my own inner voice and when I follow my heart. When I'm private I'm my own man. I don't have to answer to anybody. And I don't have to worry about what anybody is thinking. I just do what I need to do. I know there are limits to what I can handle and at the end of the day I need to pay attention to what my heart tells me.

The autonomous individual is directed by considerations, desires, conditions and characteristics that are not primarily imposed externally upon the individual, but can somehow be considered part of the authentic self.

Looking at all of the focus groups and scholarly writings on privacy and personal autonomy, I deduce that when an individual has personal autonomy, that person is said to have control over three basic domains: release of personal information, self-definition and self-presentation, and autonomous decision-making and behaviour. Gross describes the cross-over between these interdependent categories:

> [Privacy] includes awareness of all those things which characterize the person as he may become known—identity, appearance, traits of personality and character, talents, weaknesses, tastes, desires, habits, interests—things which tell us who a person is and what he is like. The other kind of private matter is about our lives: what we've done, intend to do, are doing now, how we feel, what we have, what we need. Concern about privacy here is to restrict access to these matters (Gross, 1971: 172).

I will now analyze each of these three domains in relation to the responses of my participants.

Personal Information

Gross understands privacy to be control over what information, and how much of it, an individual wishes to share with others. When an individual has privacy, that person may choose to give more or less access to their personal information. Ruth Gavison defines privacy as "the extent to which we are known to others, the extent to which others have physical access to us, and the extent to which we are the subject of others' attention" (in Schoeman, 1984: 379). As such, privacy is a form of information control, which offers variability of information release. An autonomous person—one with self-

governing capabilities—is free to select the information they wish to share with others, reflect upon and evaluate this information in order to make decisions, control their own self-definition, and act on these decisions based upon desires, values, and conditions which are, in some sense, their own. Definitions of privacy emphasizing control over information about oneself were defended by Warren and Brandeis and by William Prosser and are also endorsed by more recent commentators including Fried (1970) and Parent (1983).

Warren and Brandeis suggest that damages incurred in privacy transgressions that result in "mental pain and distress" may be more injurious than "mere bodily injury" (Warren and Brandeis, 1890: 196). They refer specifically to the publication of materials that impinge on the private domain of one's personal life as violations of "sacred precincts of private and domestic life" (Warren and Brandeis, 1890: 196).

Fried claims that privacy is "the control we have over information about ourselves" (Fried, 1970: 140). Arthur Miller defines privacy as an "individual's ability to control the circulation of information relating to him" (Miller, 1971). John, a focus group participant, speaks of his worries about the control he has over release of his personal information. Although he doesn't feel that he's a threat to anybody, he's still concerned—he even uses the word "paranoid"—that he may lose control over his personal information. His concern, in such a case, is that he may become vulnerable.

> I think it is important to put it into context. For me, I don't feel that I have many worries, I am not a political threat to anyone, I don't have that much money anyone could possibly take, and I am not a big target. But, on the whole I think it is a big concern. It could be the paranoid

> side of me; it could be the one who reads way too many conspiracy theories. But it's information that makes you vulnerable; you just don't know in what ways you could be manipulated. I worry about it. I think about it in the way I think about organic produce, why do we have to pay more money for food that's just normal? One day are we going to have to pay shit-loads of money, where privacy itself is starting to become a commodity. In order to fall away from being outside of whatever, web, the situation that you're in, it could be that much harder. You are penalized anyway for going to see a real teller, at a bank, instead of an ATM, they charge you more money for it, it takes longer. It's harder to get by now without having that electronic record of where you are and what you are doing every moment of the day. So I worry about it.

In assessing his relative power, John makes the equation that because he is not very powerful, he is not a threat, and therefore there is little reason to conduct surveillance on him. But, despite this, he is still concerned. Rosen argues that a fundamental aspect of privacy is that it supports the individual's need to exercise selectivity in personal information disclosure. He writes of privacy as enabling individuals the ability to control the face they choose to present to the world. In this way privacy functions to help people define themselves, or at least to define how others will perceive them.

Jessica offered an anecdote about losing control over her computer. She began to receive unsolicited pornographic emails from someone who, without her permission, altered the settings in her computer. Jessica was disturbed because someone, without her consent, had accessed and altered her information, violating her sense of control over this information.

> This is a fear that I have sometimes, because I have had problems with my e-mail account, because I get spammed. And one nasty teenage/child porn site keeps e-mailing me these messages. And I had my e-mail server plugged into one of those preview windows for a

> while, so it was automatically opening them, and it actually encrypted my web-browser so that my opening page, my home page became their site. And they did this thing so I can't even change it, I can't change it through Internet explorer anymore. I have to go into the registry of my computer and actually alter the information. It's this nasty little java script thing.

Howard also addresses the concern of potentially losing control over one's personal information. In a discussion about databanks in which organizations store data that they collect on people, he expresses fear about what can happen if someone else gains access to one's personal information. He acknowledges that vast amounts of personal data are known by others about him. He does not mention who these others are:

> These personal profiles in banks and databanks, they know an enormous amount of information about us. And we don't even think about it. It's part of the way we live and it doesn't seem to affect our daily life. But if that information were put in the hands of some dictator then it would be very troubling. Then we will have lost the right to make what we perceive to be personal decisions.

He suggests that, if the structure of power were to change, these databanks could be used against people. For Howard, it comes down to trust. He states that some in power may be trusted with others' personal information, while other groups may not be trusted. Mavis agreed in the importance of trust, but she also pointed out that different people trust different groups.

Dorothy explains that she doesn't always mind when other people know her personal information, but it's a matter of trusting those people who know.

> My children threw me a surprise party. I was touched. It had been so long since anybody has done that sort of thing. But there were a few things that sort of raised my attention. These had to do with my privacy. One of these things was that my children had to call my friends. To do

> this, they first had to locate my address book, then they looked through it, then they actually called these people and spoke with them about me. Later, when I thanked them, they told me that they were very happy to have planned it, but at times they felt uncomfortable. They didn't particularly enjoy looking through my drawers for my address book. I don't know, perhaps they came across something they would rather not have seen. They told me they felt uncomfortable about looking though my address book and choosing which friends to invite. And they admitted to feeling somewhat uncomfortable about calling my friends and 'scheming,' they used that word, behind my back. They felt that by not telling me that they had rummaged through my belongings and sorted through my personal things, that they had somehow violated my privacy.

Dorothy tells a story about the planning of her surprise party. In the process of this planning, her children accessed and looked through her personal information. They did not disclose having done so until after the fact. In their view, they had violated their mother's privacy. Velecky (1978) contributes the idea that privacy exists when the personal information that others have about an individual is permitted by that individual. Velecky argues that the lack of disclosure of critical information that is known about an individual is an invasion of that individual's privacy. He argues that if an individual is not told about, and does not give consent to, one institution passing his personal information on to another institution, then a privacy violation has occurred. Velecky understands the violation to have occurred as a result of the individual concerned being deprived of the opportunity to make a decision about others' sharing his personal information.

William Parent (1983) explains that he proposes to defend a view of privacy that is consistent with ordinary language and does not overlap or confuse the basic meanings of other fundamental terms. Parent defines privacy as the condition of not having

undocumented personal information known or possessed by others. He characterizes personal information as facts that most individuals choose not to reveal about themselves, such as facts about health, salary, weight, and sexual orientation. Sandy tells the story of a summer internship, working for a lawyer who frequently found his name in the newspapers.

> One summer I was interning with a lawyer and his name would appear in the newspapers, in relation to a few high-profile cases he was involved with. There were times when his name would appear unfavourably in the newspapers and I remember that I suggested that he sue or at least request an apology, but he told me not to worry. He agreed that it was troubling, but he said that there was nothing he could do. He said that if the papers wouldn't be allowed to write nasty things about him then they would have to write nasty things about someone else. He said that they were allowed to write just about whatever they wanted as long as they made it clear that they weren't just reporting fact. Over that summer I learned that there's a real difference between public and private information. The private stuff, you hold dear and don't let it get out. The public stuff is going to find its way into the newspapers and there's nothing to be done about it.

Sandy notes the difference between public and private information, a difference supported by Parent. According to Parent, personal information that is documented and does not impinge on one's privacy is that which belongs to the public record; such as personal information in newspapers, court records, or other public documents. He argues that once information becomes part of the public record, any future release of the information does not constitute an invasion of privacy. Parent argues that privacy is lost only when others gain access to personal information that has not been released into the public about an individual.

Westin describes privacy as the ability to determine for ourselves when, how, and to what extent information about us is communicated to others (Westin, 1967: 7). Westin writes of privacy as a form of information control. Focus group participants spoke frequently of privacy as a form of protection for their personal information. They expressed the idea that privacy enabled them to control access to their personal information and determine what and how much they wished to share with others. Rebecca told us about how she subverts information-gatherers' attempts to access her personal information and maintains control over how much of her personal information she shares with these gatherers.

> When I go to the grocery store, or the drug store, they tell me that I can save money if I fill out forms and give them a special card every time I make a purchase. Of course I want to save money, but I really don't want them to keep track of everything I buy. What for, why do they need to know how many rolls of toilet paper I buy in a month, or what kind of toothbrush I buy from which store. It just isn't their business. In order to save the money and not tell them about me, I just made up a fake name and gave them completely fake details. They could think I'm 80 years old and a man for all I know. What matters is that I'm able to save money and my privacy. And I'm in control of what I tell them about myself.

By choosing not to share her personal information with the grocery and drug stores, Rebecca maintains control over when, how, and to what extent information about herself is communicated to these commercial entities. Jenni describes privacy in a similar way. She claims that personal information is not only about, but part of herself, and that to control access to her information is to control access to herself.

> Privacy should mean that something is mine, and no one else can access it. Like my journal, that's not something that should be available to anyone else. It's a possession, it's a part of me, like my identification, like my address, or my name or my birthday, or how I feel. Those are all things that are mine. They are my possessions; they are me as well.

I have already demonstrated that, for a large number of thinkers, loss of information control is tantamount to loss of privacy. It is interesting to note, likewise, that several thinkers consider this loss of information control to be tantamount to loss of personal autonomy. Ernst and Schwartz describe privacy as control of personal information dissemination. They argue that when one's personal information is intruded upon, that person has experienced a loss of privacy. They write that,

> [Privacy consists of being] protected from intrusion upon [one]self, his home, his family, his relationships and communications with others, his property and his business affairs, including intrusion by spying, prying, watching and besetting and the unauthorized overhearing...of spoken words (Ernst and Schwartz, 1962: 17).

Herbert McClosky argues that a privacy invasion occurs when information about private matters becomes available to others (McClosky, 1980: 305). He understands privacy as in the control of access to one's personal information. The loss of this control is the loss of privacy, therefore control of this information is the maintenance of privacy. In McClosky's opinion, restricting access to our personal information is one key way that we define ourselves and remain distinct entities.

Bok (1982) argues that privacy protects individuals from another's ability to access them. When individuals maintain control over access to their personal information, they become their own information gatekeeper. Bok calls this "the condition of being protected from unwanted access from others—either physical access, personal information, or attention. Claims to privacy are claims to control access to what one takes—however grandiosely—to be one's personal domain" (Bok, 1982: 11). The

ability to control access to one's personal information ultimately affords individuals self-protection. Ellen, from the focus groups, recalls her experience fighting for privacy from the observation and judgment of her family. With this privacy, she gained a feeling of freedom from their expectations and attempts by family members to influence her decisions.

> I grew up in this extended family and I would periodically get calls from some aunt who would say 'Ellen, I saw you downtown today and your lipstick was too bright so I really feel for your own good you need to know that that's not a complementary shade.' I was accustomed to this and I chose for unconscious reasons to go to university 2000 miles away in another city. And I can remember the feeling I had in my first week. It was beautiful one day when I lay down outside on the grass with my book and I thought no one knows me. No one cares that I'm lying on the grass. I'm completely private. I'm free.

When one is in control of his personal information, he is able to guard against external manipulation of it, and thus can protect its authenticity, but he may also guard against manipulation of facts. Several participants admitted to being wary of giving out personal information because of fear and anxiety over what can be done with this information. Clair contributed:

> That's just it, that's where it all starts to tie together. When you start talking about privacy as being a way to protect yourself, as a way of protecting your individual interests, then it ultimately comes down to freedom because what are you protecting yourself from? In order to do what? Why? I am not sure, but it usually has to do with feeling that sense of security and safety in terms of not having anyone come and manipulate the information about your identity, your bank account, whatever.

In many cases, fears over loss of privacy are related to fears of assaults on personal identity. Julie claims:

> A personality can be stolen by terrorist organizations across the world or, in fact, by any subversive organization. You may think you're dealing with a particular person and you're not dealing with that person. How can we be ourselves if we can't be sure who the other person is? Not being able to know who you're actually dealing with presents a real risk.

Some idea of who is on the other side, observing, and potentially manipulating one's personal data, can be inferred by looking into questions of what is being done with that data. Janice identifies a business motivation in gathering personal information, which she sees as "commodifiable". She identifies a concern that, because of its pecuniary value, information doesn't stay in one place. It passes from hand to hand as it is sold, and no one knows where it ends up or what will be done with it. She is concerned that, as information spreads about ordinary people, some other power, and not the individual, gains the ability to define that person's identity.

> I'm thinking about how electronic media create a system where your information is 'commodifiable'. These days, even if you buy a shirt somewhere, the people at the counter ask if I want to be on their 'shopper's list'. If I say 'yes,' then all of a sudden they sell my name to an information list, and it just moves around from there. Once the information is out, there is no reason that someone else couldn't take on my identity and claim to be me. After all, if we both have the same information, what makes my claim more legitimate than theirs?

Another participant, Mark, states that power over individual identity "gives those people the control to do what they want with that information," implying both a power imbalance and an unlimited use of personal information.

Identity theft

Linkages between ideas of personal autonomy and the control of personal information emerged when participants discussed identity theft. In their stories and remarks about

identity theft, participants exhibited immense fear. They tended to frame the practice of identity theft as the ultimate loss of autonomy. Starting from her assumption that privacy is a natural state of being, and something that we inherently have, Debbie moves on to argue that she fears losing it. She argues that with new information technologies, privacy concerns continue to increase. One such fear is that of losing control of one's identity, in the practice of "identity theft." She views identity theft as the ultimate loss of personal autonomy. The practice involves an impostor who wrongfully obtains another person's personal information and uses the information for their own personal gain, usually involving fraud or deception.

Identity theft is clearly a concern to many participants. Although none of these participants admitted to having been the victim of identity theft, most appeared to be well aware of the practice and many discussed stories of unauthorized persons having taken funds out of a person's bank, or having taken over their identities altogether, running up vast debts and committing crimes while using the victims' names. These stories indicate that losses resulting from identity theft exceed purely financial losses, affecting one's reputation in the community, one's credit record and creating emotional and psychological strain, not to mention the difficulties, or inconvenience, of trying to correct erroneous information for which the criminal is responsible. John tells a story of a case of identity theft that he had read about in the newspapers. Others from his group were familiar with this story.

> I heard about one case where the criminal used the victim's credit card information to get deep into debt. He went something like over $100,000 into credit card debt. The criminal bought several homes, motorcycles, and even guns in the victim's name. And then he called the

> victim to tell him what he was doing. If I remember correctly, the criminal even used the victim's name to qualify for a federal loan to buy a new home. The last I remember was that the criminal took the victim into bankruptcy. I don't know if the victim ever fully recovered. Can you imagine the damage that was done to that guy's credit history, to say nothing about his reputation.

Advanced technologies have enabled this practice, and there is a genuine fear of misappropriation of one's identity. Participants speak of the need for diligence in reputation management, for today's technologies enable one to experience the destruction of one's credit in both financial and social senses. Heather tells the story of a friend whose identity was stolen by an impostor who posed as her on the Internet.

> I have a friend who was being stalked on the Internet and the stalker was sending out e-mails in her name. She was a writer enlisting her name to various listservs, putting out offensive e-mails in her name, creating a persona that deeply damaged this friend. And that was a terrifying experience from which she was unable to completely recover. Just like when people steal your identity and start running up charges and ruin your credit. And many people, from what I've read, just can't get their credit back. Their credit has been destroyed and they suffer all the penalties of being a bad person, even though they've done nothing wrong.

There is the perception among the participants that it is easy for almost anybody—from potential thieves to public and private organizations—to assault one's identity. Participants regularly mention fear concerning what can be done with the information on their credit card, or with their social insurance number. Karen comments:

> You certainly have to have a credit card and some credit. But in some cases these people just commit crimes using another identity. All you need is a social insurance number. And they can commit crimes and give a criminal record to someone who's just going about their business.

How do people perceive the threat that technology enables on the individual identity? Debbie is concerned with preserving her identity and fears that her identity can be

somehow stolen, or misused. She imagines a myriad of potential misuses and demonstrates a fear of having her personal information "out there." Accordingly, she is concerned with potential use of technology to perpetuate the crime; she argues that it is necessary to be vigilant in protecting one's identity, for with one "slip" privacy may be gone. Debbie goes on to argue that when privacy is gone, it is gone for good.

> The one thing that speaks to my mind is to do with identity. Recently there was this shift in large department stores: instead of signing your name on the credit card slip, you sign your name on this electronic keypad. I think the Bay stores your signature in the central office. Which is so disturbing, not only could they easily store your credit card number, if they felt like it, they could then just print off your signature, or e-mail it or do whatever. I think I've done it, that's it. My signature is out there.
>
> There is a part of me that agrees with Jenni, and that has that anxiety factor. And there is a part of me that really agrees with Janice, and is just ready to forget about it. This could be a lot of stress, and I don't really want to think about these things. If I spend my life worrying about it, I'll probably give myself cancer. If it's meant to be, Big Brother will descend and my identity will be lost forever. I am not going to copyright my name or anything, my fingerprints, or my iris patterns. I am not willing to do that just yet.

This participant states her "anxiety" outright. She talks of "stress" associated with worry over privacy and uses the ominous terms "Big Brother" and "identity theft". She also speaks of personal identifiers—name, fingerprints, and iris—that signify a person's unique identity, suggesting that privacy is tied to her individual uniqueness. To those on the other side of the surveillance apparatus, her body is becoming code for them to read and interpret.

Palpable fear in discussions of privacy sheds light on the state of the self in an information society. The fear of losing control of one's self-definition is often

reiterated in relation to the use of technology. This fear foists an obligation of vigilance upon those who wish to protect themselves, to preserve their sense of autonomy. Rebecca commented on the damage that identity thieves can cause to her reputation.

> I think about these things, and I think about [the fact that] I am going to be a teacher. And there are all of these horrible stories, I mean sure there are people that really are child porn addicts and they are teaching and that is terrible. But at the same time if that information was ever to get out about me, that we'll look on my computer and find this history of free Lolita, blah, blah, blah. So suddenly I am a crazy pervert.

Rebecca fears that by tampering with her computer, identity thieves may portray her as someone she is not. By losing control over her personal information, Rebecca may be seen as a "crazy pervert" and even lose her job as a teacher. When Rebecca made this comment, others from her group joined in with an emotional mix of anger and frustration. The fear of having their identity stolen and misrepresented weighed heavily among these participants.

These quotations demonstrate a connection between ideas of loss of control over self-definition, belief in the potential for technology to be seriously misused (here, demonstrated by fear of the power of some unknown source behind the web site), and fear over the loss of one's privacy. Above, Jenni describes privacy as "a possession, it's a part of me, like my identification, like my address, or my name or my birthday, or how I feel. Those are all things that are mine. They are my possessions, it is me as well." According to Jenni, privacy is both something she has, under her possession, and a state of being, some component of her identity. In her examples, she speaks of her personal information: identification, address, name, birth date, and her feelings. There is a common belief that privacy is one of the fundamental components of humanity and

individual identity. The fear of loss of privacy is also closely linked to fear of losing one's individual humanity. Keith comments on the relationship between the concepts of humanity, individual identity, and privacy.

> I think that there have been a lot of studies that show that the simplest way to dehumanize somebody is to deprive them of privacy and sleep and clothing. And all those physical attributes that create their identity: clothing, sleep and privacy.

Keith speaks of privacy as one of the "attributes that create identity." He argues that when someone is deprived of their privacy, the effect is dehumanizing. This argument appears to reflect that of Warren and Brandeis, who claimed that privacy is central to thinking of human beings as inviolate personalities and necessary for individual dignity.

It soon became clear that without privacy, participants begin to see themselves, in the eyes of those who conduct surveillance, as information. Their bodies are considered code and their behaviour is watched and recorded, to be entered into and analyzed by computers.

Self-Definition and Self-Presentation

Privacy is that essential part of social practice whereby a society recognizes and communicates to the individual that his existence is rightfully his own. It includes one's ability to be identified accurately (not by someone else's actions using one's name), to determine one's sense of self, and to present oneself as desired. Privacy is considered a protection for self-development. If individuals are to become autonomous, creative, independent human beings, we require privacy. Reiman argues that privacy is

a "precondition for personhood" (Reiman, 1976: 38). Likewise, Schneider believes that "in order to become a self, persons need private space and a sense of their own inviolability" (Schneider, 1977: 74).

As indicated in the Chapter 2, Bloustein argues that privacy is an integral component of individual identity, autonomy, and self-respect. He suggests that privacy embodies "the principle of inviolate personality," claiming that privacy is the foundation of "the individual's independence, dignity, and integrity; [and that] it defines [one's] essence as a unique and self-determining being" (Bloustein, 1964: 971). This sentiment is articulated by another focus group member, Robert, who shares some personal details about his life.

> I know it may sound corny, but I sure am proud to live here in North America. There really aren't many places in the world where people are given respect and authority over their own destiny. In other places throughout Africa, the Middle East, Asia—just about everywhere else—people don't have the same sort of rights and freedoms. Privacy is just one of those rights that enable people to realize their individual potentials. I sure am thankful that my Dad emigrated from Morocco. Over there, people can't express themselves freely like we do here. Over there, the king is always watching. I know because I've been there. I have relatives there. Here in Canada I'm free. I can think what I want. I can write about my thoughts. I can even march in protest. I can do just about anything and know that I am true to myself. In fact, that's my identity; that's who I am. I'm a man who thinks this and that and writes and marches according to my thoughts. That's freedom, and it comes from being able to enjoy my privacy.

Robert takes pride in the fact that, in Canada, he is able to think, write, and protest according to his beliefs. He argues that in enjoying the privacy to think, write, and march, he is able to define his own identity. Privacy both preserves human dignity and enables individuals to define themselves. Irwin Altman, professor of psychology,

describes privacy as including many things, including a state of control over self-definition; room to evaluate oneself, others, and new situations; respect for the value of the self; and the enhancement of self-identity. Fried argues in "Privacy" (1968) that individuals are involved in a constant process of self-definition. As various thoughts appear in one's mind, discretion in selecting which of these to present, in which contexts, is necessary for an individual to define the sort of person they are: both for ourselves and for others. In order to make such decisions, we require privacy.

Stephen Margulis goes so far as to identify a connection between privacy and individual agency. He writes, "privacy, as a whole or in part, represents the control of transactions between person(s) and other(s), the ultimate aim of which is to enhance autonomy and/or to minimize vulnerability" (Margulis, 1977: 10). Daryl interrupted one focus group to encapsulate his thoughts about privacy. He commented on the fact that he had not done a lot of thinking specifically on privacy before, but over the course of the group discussion he realized that questions of privacy came to him on an almost daily basis. In his description, Daryl likened privacy to a computer password.

> I want to try to explain what I'm thinking about privacy at this point. I'm starting to think that privacy is a safeguard for things about us that we don't necessarily want certain people to know at certain times. It's like a computer password. I'll use it because I don't want people to get into my computer and see what I've been up to. It may be the case that I have nothing interesting inside that computer. But what matters is that I have the peace of mind that nobody is going to be able to look inside. With that safeguard, I can choose to unlock it at any time. But so long as I keep that password there, I can rest assured that nobody is going to be looking inside.

Perhaps what is most significant about Daryl's thinking about privacy is that it contains elements of information control. He speaks of privacy as "a safeguard for things about us that we don't necessarily want certain people to know." Daryl also speaks of privacy as providing him with "peace of mind that nobody is going to be able to look inside." By restricting access, he gains the feelings of security and minimizing vulnerability. Gandy writes, "when we can no longer control what is revealed about our capacities and limits, or even our feelings about forces in our lives, we suffer a loss of autonomy, our sense of self-worth, our dignity, and our willingness to join with others in struggle" (Gandy, 1989: 64). Gandy makes an interesting point when he writes about joining with others in a common struggle. He writes of the necessity of privacy to even want to be with other people.

McCloskey argues that privacy is necessary for an individual to be a full person. He writes that the greater the interference with a person's liberty, the more inclined we are to think of him as being rendered less than a full person. Complete interference in the form of control over his thoughts, decisions, actions, during the whole of his life, is incompatible with his remaining a person (McCloskey, 1980: 21). Robert Gerstein agrees, arguing that because privacy provides people with the conditions under which they can differentiate from others, it is central to the development of individuality (1978). He adds that privacy is a necessary condition for independent thought, reasoning that privacy protects the individual's capacity to come to terms with his own conscience, and to develop self-awareness.

There are moments in which the value of privacy is affirmed by its absence. Philosophers Jean-Paul Sartre (1956) and Stanley Benn (1971) touch on the relationship between privacy and self-awareness by considering the effect of loss of privacy. Flaherty supports this concept with his theory that particularly in the absence of privacy, one is able to recognize its importance (1988). Sartre argues that the absence of privacy is necessary for self-knowledge; to be the object of another's scrutiny is a necessary condition for knowing oneself (Sartre, 1953). Benn (1971) writes that an individual who is the object of scrutiny may gain a new consciousness of himself, as someone seen through another's eyes. He writes that, through the regard of another,

> the observed becomes aware of oneself as an object, knowable, having a determinate character, in principle predictable. His consciousness of pure freedom as subject, as originator and chooser, is at once assailed by it; he is fixed as something—with limited probabilities rather than infinite, indeterminate possibilities (Benn, 1971: 7).

Mavis also speaks about a process of fixing individuals as subjects with limited probabilities. She speaks of institutions that break people down. Mavis believes that people in these institutions (she mentions the military in the quotation below) are stripped of their individual autonomy. They construct a new sense of identity, based on the identity of the group.

> To state the obvious, to deny someone of their identity, to create a system whereby there is a certain uniformity of thought it's a very powerful tool for effecting change, for manipulating situations, for causing active change, I guess. And so there is sort of that Catch 22: the idea of military tactics, and what about people who want to reform criminals or young offenders, and want to send them to boot camp organization to break them down, you build them back up. And then they can do whatever you want.

Benn writes of individuals as independent agents with their own life projects and their own perspectives on them. Benn's writing concerns the need to respect the choices of others and their positions as independent, free-thinking, choosers. He argues that because we make rational choices from unique perspectives, our privacy interests must be respected.

Criminologist Jeffrey Reiman (1976) has explored the relationship between privacy and self-awareness by looking at what privacy gives those who have it, and by questioning the effect of losing it. He argues that privacy represents a social ritual by means of which one's "moral title" to his own existence is conferred. Reiman speaks of a moral title, arguing that privacy is that essential part of social practice whereby a society recognizes and communicates to the individual that his existence is rightfully his own. Smith argues that privacy entails the right to be known by a name of one's choice and not a number, the right to choose one's own hair and dress styles, the right to present one's distinct personality.

Privacy is considered a protection for an individual's autonomy over self-definition; one's ability to define who they are and how they want to be seen. As seen in this section, the idea that privacy as necessary for self-definition has been well developed (Regan, 1995: 24). Judge Richard Posner puts it best when he argues that people want to be able to control information about themselves, suppressing what might be thought shameful and disseminating what seems credible.

Decision-Making and Behaviour

Westin examines in detail what privacy does for the individual. He argues that privacy provides individuals in democratic societies with personal autonomy, emotional release, self-evaluation, and limited and protected communication (Westin, 1967: 31-32). Westin argues that privacy, particularly as information control, is about the individual making his own decisions—notwithstanding extraordinary exceptions in the interests of society—regarding "when and on what terms his acts should be revealed to the general public" (Westin, 1967: 42). Privacy provides individuals with control of their independent thought and action, and is interpreted as a protection for one's freedom to know and be oneself. Privacy enables individuals to govern themselves in congruence with their life-mission.

Reiman writes of an individual's moral title as the capacity to determine what about one's thoughts and body is experienced by others. Reiman regards this moral title as that which enables individuals to regard themselves as persons. Bok forms a similar argument, suggesting that, to some extent, the way we see ourselves in society is a product of the privacy we enjoy in life (Bok, 1982: 11). Ellen describes the yearning that people harbour in their private thoughts for a sense of autonomy, and speaks of privacy as a sort of freedom from oppression. This freedom grants autonomy and the ability to be oneself.

> If forced to choose, I would pick one ten minutes a month period of privacy over having a vote. It might be intellectually true that, with the vote, I could gain privacy legislation, but people's yearnings and longings and sense of themselves can be very strong. In a little village in Ghana we watched women conduct all of their lives outside, surrounded by other people totally in the public eye. The men went off into the bush or to different places, but the women remained, fulfilling the entire

> cycle of their day and their duties, without escape. And I can still see the scene of those women, pounding that fou-fou, and carrying their children, and drawing water, and all of the things that they did. And from the look on their faces, I could easily project that privacy is an essential need, like water, or food, or safety, not to be overlooked. Lack of privacy is a form of oppression. Just because you're poor and hungry and suffering from other ills doesn't mean that you don't long for those moments of privacy.

Samantha describes privacy as a right to think and act in accordance with one's desires. She describes this state as being "naked," with no need for cover.

> One thing that has been going through my mind is how privacy of the mind, privacy of the physical body, and privacy due to technology are all so different, but interconnected. The most private thing would be this person sitting naked on the couch not even caring, watching TV. That is the ultimate sense of privacy.

Keith speaks of the relationships between privacy, decision-making, and autonomous action and speech. He points out the fact that surveillance breeds expectations that can contribute to the reduction of one's autonomy. He gives examples of just how surveillance can lead to the curbing of one's autonomous expression and behaviour.

> This is partially a question of politics, but it's also a question of personal autonomy. The more you are monitored, the more expectations are created in the minds of the monitors, and the less autonomy you have to make decisions that are free of that overwhelming surveillance. Whether it be 1984 or the new terrorist law, you don't do certain things because it's all being recorded and you don't say certain things because it will all be heard. Your autonomy is reduced to some very narrow private circumstances. But I think that is simply not a political issue. It's a personal and psychological issue.

Keith later concedes that privacy does protect, but that it does so to varying degrees according to the individual context.

Ingham speaks of privacy as an individual's control over "determining for themselves how, when and to what extent certain aspects of their behaviour are determined by others." Here Ingham is writing about the individual's control of how one's behaviour is perceived. Information control may include information about oneself that one is not aware of. But this is also about decision-making. Julie Inness argues that the importance of privacy in decision-making is not over the transfer of information, but in the information itself. She writes of the role of privacy in guaranteeing the individual control over intimate "decisions concerning matters that draw their meaning and value from the agent's love, liking, and caring" (Inness, 1992: 140). Privacy guarantees autonomous decision-making within all nature of relationships.

Freedom of thought

To be autonomous, one must have freedom of thought. One participant speaks of the function of privacy in protecting one's freedom of thought. Samantha speaks of privacy as guarding her against potentially influential incoming ideas.

> I don't want to feel violated by outside information. I don't want my thoughts to be swayed by it. Whatever it be, media or the town gossip or whatever. I don't read newspapers or watch the news on TV. I can't let what's going on in the newspapers influence what's going on in my home or in my mind, to kind of invade my mental space. It's the same as floating in the sky. It's the same sort of space.

Keith and Ellen initiated a discussion on the idea of privacy as one's control of one's own thoughts. Keith began by stating that true privacy exists in the freedom of one's mind that, he says, cannot be manipulated.

> I was thinking that much of what we consider privacy to be is cultural conditioning that is not essential to who we are. One can be free in one's mind. The rest is really frivolity and trappings. Your freedom within can

> never be taken from you. I suppose there are degrees of encroachment on privacy, but they cannot take your mind.

Ellen pointed out that even the contents of one's mind are not impervious to outside influence. She stated that false memories and mind-distortion can be used to compromise an individual's privacy.

> You don't have to read science fiction. Brainwashing techniques are very sophisticated in terms of giving you false memories and distorting your mind. There are very sophisticated techniques that only the most extraordinary people can withstand.

Although of the literal act of "brainwashing" is an unlikely concern for most people, it is interesting to note that participants were compelled to speak of privacy invasion and control of personal autonomy with such ominous language. Keith spoke of involuntary reprogramming as an assault to the individual's autonomy:

> If you voluntarily choose to be reprogrammed for a different personality that's one thing, but if it's inflicted without consent, that's a supreme assault: to lose your own personality and to be reprogrammed as someone else. I was thinking that much of what we consider to be privacy is cultural conditioning. They're not essential to who we are.

Mavis suggested that freedom of speech can lead to idle banter:

> In places where there is less divisiveness, so there might start to be a group-think mentality. Changes happen. Things change and somehow, although there might be a lot of uniformity of thought, at least that uniformity leads to some consequence. Places like here where everyone has the rights to say what they want to say, think what they want to think, it's like we're all standing on our separate soap boxes and so nothing ever happens, nothing ever changes.

Neill suggests that a violation of the mind might be more severe than violations of the body, pointing out that "when someone is jailed...the body of that person is not itself transgressed, only its range of movement....But when the state examines or allows the

examination of private thoughts as spoken in a counseling session, it allows a mind to be violated directly" (Neill, 155). Neill writes of imprisonment as a restriction of both physical and conceptual space. She considers these both as personal space. Primo Levy (1986) similarly states that, as a concentration camp prisoner whose body was shackled, he was able to feel moments of freedom because his thoughts were his own. It was in ownership of his thoughts that he maintained his sense of self and drive for life. It is in the privacy of his mind that he maintained mental health and ultimately, life.

Self-expression

Privacy is also framed as a protection for self-expression. Edward Bloustein (1964) argues that individuals need privacy from others in order to guarantee their creativity. Bloustein suggests that privacy protects the freedom of creative thought, by looking at what stands to be lost when privacy is violated. He argues that one who is subject to public scrutiny, loses privacy, and accordingly loses one's sense of self and conforms to others' expectations. Like Westin, Bloustein connects the concepts of self-determination with those of freedom. It is noted above that Bloustein argues that a person who is completely subject to public scrutiny loses uniqueness, autonomy, and a sense of oneself and has no choice but to behave and to conform in accordance with others' expectations. Being independent from others is essential for our creativity.

Hyman Gross (1967), professor of law, holds that respect for privacy is required to safeguard our changes of mood and mind, and to promote growth of the person through self-discovery and criticism. We want to run the risk of making fools of ourselves and

be free to call ourselves fools, yet not be fools in the settled opinion of the world, convicted out of our own mouths. Privacy protects creativity. It insures our freedom to be comfortable making mistakes, learning about ourselves, from our mistakes. He cites Montaigne in calling for a buffer zone for the self—for error, self development, self definition.

> No quality embraces us purely and universally. If it did not seem crazy to talk to oneself, there is not a day when I would not be heard growling at myself: 'Confounded fool!' And yet I do not intend for that to be my definition.

Respect for privacy is required to safeguard our changes of mood and mind, and to promote growth of the person through self-discovery and criticism. We want to run the risk of making fools of ourselves and be free to call ourselves fools, yet not be fools in the settled opinion of the world, convicted out of our own mouths. The idea expressed here is that the virtuoso becomes a great musician by practicing in private. Sandy illustrates this point with a personal remark about requiring privacy while practicing and playing guitar.

> When I play guitar it makes a difference for me when no one's watching and when someone is watching. I notice when I'm playing in front of someone my breath is short even. I get more nervous. I want to challenge myself to not be and sometimes it's not even enjoyable because it's that something. I feel more comfortable doing a lot of things on my own. I guess there's a level where I don't want people to know how crazy I really am. You know?

During private practice a person may make mistakes and create cacophonous noises to be heard only by the musician. Without such privacy, and for whatever reason, that musician may feel uncomfortable about making unpleasant sounds and may

accordingly refrain from practice. Gross argues that privacy protects freedom of creative expression.

Bensman argues similarly to Gross. He states that privacy provides:

> ...a necessary attribute for the emergence of a self, for resistance to the total demands made upon the self by others—especially when there is a plurality of others making conflicting demands—and for the necessary adjustment of those aspects of self that do not find immediate social approval (Bensman, 1979: 65).

Focus group participants pointed out the connection between privacy and protection of individual agency. Heather states that lack of privacy is tantamount to lack of self-protection or complete vulnerability, and that privacy protects the freedom to be one's true self without changing to fit someone else's needs.

> I just feel like when I have a lack of privacy, that I am not protecting myself, I feel stretched out, that other people can take what is a part of me, or mine. When I contain my privacy then I control my own self, and my own interests. I feel like I can be myself without having to change, like even in social interaction you are changing yourself to some degree.

In Chapter 6, Dave speaks of special-needs children defining privacy boundaries to provide themselves with the feeling of autonomy and personal space. Privacy is spoken of as something which may guarantee personal space, or may regulate one's relationship with the outside world.

The concept of privacy, in North America today, is inextricably tied to ideas of information and personal autonomy. In a discussion of the role of privacy in differing cultures, Keith argued that in North American culture, privacy protects the individual self:

> I think privacy protects the self in the current culture. I'm trying to think of a culture where that's not the case. I suppose, prison camps, prisons, and very heavily populated cultures with a different sense of what is the self and how much privacy is needed. But I think in this current culture we have been raised with the expectation that the self needs a great deal of autonomy.

Conclusion

Focus group participants speak of privacy as a protection for those things that are fundamental to personal autonomy. Privacy protects our identities as individuals. It empowers individuals with independence and authenticity over their own thoughts, decisions, and actions, enabling an individual person to be a self-governing entity. When an individual has privacy, he has a degree of control over his information and he may determine what information he wishes to share with others. That person may try to reflect upon and evaluate this information. He may make his own decisions. He may control his own self-definition. He may control his thoughts, make his own decisions, and then choose to act on these decisions, in accordance with his own desires, values, and conditions.

8. Privacy Space in Relation to Privacy

This chapter develops the idea of privacy as a form of self-protection through examining the spatial metaphors used to describe it. Literature on the subject of privacy is rife with terms that imply space such as: sphere, zone, and room. Arendt speaks of a "sphere of intimacy," and Storr writes of "room to grow" (1988). To my surprise, the participants in my focus groups also devoted a considerable amount of attention to describing privacy as space. In analyzing the focus group data, a question arose: why so much talk of privacy in three-dimensional terms within the context of protecting abstract and immaterial ideas such as personal autonomy and information?

This chapter draws very strongly on a recent writing of one of the most important American scholars on privacy, from the 1960s and today, Sociologist Gary Marx, to discuss the metaphors of space that participants are using when they tell stories about privacy. Participants talk about their emotional responses to privacy issues, the role of technology in their lives, their relationships with others, the need to protect their sense of personal autonomy, self-determination, freedom, and power. Marx's theory brings all of these ideas together. When exploring participants' fears, I observed at least two ways in which participants think of space. Participants think of themselves as inhabiting a world in which personal and private space is continually decreasing; likewise, when people try to discuss privacy, the concept that many will use to describe it involves spatial metaphors.

Response to Perception of Decreasing Personal Space

Participants think of themselves as inhabiting a world of decreasing space. They spoke of Marshall McLuhan's notion of the Global Village, arguing that the world is getting smaller. They articulated the idea that information technologies conflate time and space due to their ability to transmit information across vast distances instantaneously as well as store large amounts of information in a small amount of space almost indefinitely. Whether or not it is true that information technologies actually conflate time and space is not of concern in this study. This study does not argue that space is diminishing, but it does note that people perceive it to be doing so. In this work of opinion and attitude research, what is important is how participants feel and talk about their experience of privacy. Accordingly, this perception, in itself, is very significant and must affect people's thoughts and behaviour with respect to their own sense of privacy. My goal is to explore how this sense of diminished space has changed the way people think about and act when it comes to questions of privacy.

It is not uncommon for individuals to speak of social situations and practices in spatial terms. We refer to "gaps" between individual's wealth or education. Metaphors of social space are commonly used in the on-line environment, where we speak of web sites, chat-rooms, and firewalls. The online environment has been interpreted and theorized as spatial and the notion of privacy is in a dynamic relationship with technology produced spaces. One participant, Robert, describes this relationship when he speaks of fears that computer technologies are decreasing the younger generation's sense of space.

> I watch my son on the computer. He sends e-mails and instant messages with his friends. They go into cyber-space together. What do they do? They talk. I gather it's mostly banter. When I was a young boy, we used to go and play on the streets. We would play in my mother's basement. We were active, we kept fit, and we were social. Now these qualities are being lost; rather than play together, I mean interact with each other, kids are interacting through a computer...talking and playing video games through a computer. They're living their lives inside the computer. There's no question about it, we are living more and more of our lives alone and on-line.... on one hand there are benefits: distances are shorter, people can communicate with each other no matter where they are, they can travel to visit each other much more quickly than when I was a boy. With a computer camera they can even see into each other's living rooms. But despite these shorter distances the kids are choosing to stay at home, by themselves, looking into a computer screen. I just can't see how they're going to stay healthy and develop healthy habits. I can't see how they're going to learn to socialize. Maybe that's why this generation needs to take Prozac.

Robert says that despite this feeling of reduced space, they are spending more and more time alone and on-line. He fears that the younger generation is becoming—both physically and socially—unhealthy. Robert says space is decreasing and he's afraid of the consequences. Robert says that despite a perception of a shrinking world—comfortable transportation, shorter travel times and familiar companies worldwide (such as Coca-Cola and KFC)—people still prefer to interact over the computer. He speaks of being "inside" the computer, and yet alone and on-line. It is interesting to note that in many participants' drawings of privacy the theme of being alone and on-line emerged. In one group, a debate emerged over the question of whether people have more or less privacy when they are on-line. Some participants argued that when one is on-line, one has a great deal of privacy because one is physically alone and nobody can see them (unless they point a camera at themselves). The other members of the group argued, quite vociferously, that in the state of being both physically alone and on-line, they are not enjoying privacy. They argued that it is impossible to be alone while on-

line because when on-line one encounters spyware, spybots, snoops, and viruses. They argued that to be on-line is to be under a state of continuous surveillance. One of the participants said, "when you're on-line you're always being watched!"

Some participants spoke of privacy in relation to a perception of decreasing conceptual space. Jane states that "when I need privacy, I make myself small. In my mind, I retreat into as small a space as possible. That's how I get out of harm's way." She speaks of retreating to a space in her mind. When Jane speaks of making herself small when she needs privacy, she is identifying a relationship between imaginary space and privacy. Barbara, likewise, draws a parallel between conceptual space and privacy. In describing her drawing of privacy, she discusses her relationship with her boyfriend (a controversial figure in the community, because he had been incarcerated for several years) and with her community. In this description she also describes how privacy works for her as an imagined protective space.

> I tend to deal with things by blocking them out. I'm not sure if that's always healthy. But blocking them out and then forgetting they happened is a survival sort of thing, a coping mechanism, so I can move on to the next thing. Just thinking about my boyfriend, knowing what I feel for him is all that matters. It's between the two of us and nobody else. And the past doesn't matter anymore. In my drawing, there are two sides divided by this line. On one side of the line there are all sorts of people with all sorts of opinions and they can say whatever they want. On the other side of the line is me. I'm just floating in peace and tranquility. I'm in my private space, where nobody can say anything. But when certain people cross over that line and come into my private space then I start to worry. And that's been happening more and more lately.

Within her community, Barbara finds herself constantly judged; but she finds a way of avoiding that through a "coping mechanism," her ability to carve out space for herself

to be free of external judgment and influence and to float in the sky, where she determines the extent and nature of her own relationships with others. On the other side of the metaphor, Barbara speaks of a feeling of claustrophobia and invasions into her space.

Ranan also spoke about this feeling of claustrophobia. He spoke of a feeling of having diminished personal space. He said that it used to be the case that people were more reticent to speak of certain subjects in public. Now, he says, "we just hear it all on the bus. You know, everyone is yelling every last detail about their sex life into their cellular telephones. I feel uncomfortable just riding the bus. I would get away from it, but there's nowhere to go." Jessica suggested that perhaps the openness of such talk was an effect of television programs. "Look at shows like Oprah and Jerry Springer. Everyone is talking about how they had sex with their ex-wife's dog. After a while, people feel that it's normal and proper to talk about that in public places." Daryl added that both "Clinton and Kennedy had affairs. Just look at which one got the press!"

Some participants spoke of privacy in relation to a perception of decreasing personal space around the body. Groups discussed ideas of decreased personal space in relation to subjects of abortion, rape, and medical operations, albeit with few personal anecdotes. Topics regarding fears related to privacy, space, and the body were perhaps the most restrained and impersonal of all topics discussed during the focus group discussions. I was surprised when some members told stories about sexual intercourse, medical dysfunctions, experiences in relationships, and illicit behavior in the group

setting. I take note, however, that participants were not similarly open in discussing their ideas of privacy, space, and the body. Despite the impersonal nature of the stories they told, participants did speak of fears related to perceptions of decreasing space and privacy of the body.

How, then, did participants describe their fears about privacy, the body, and a perception of decreasing space? Some participants spoke of the human aging process, suggesting that as a person grows their world becomes smaller conceptually, and that they require more privacy. Debbie argued, for example, that the process of aging is one in which individuals continually define their world. She argues that this process of definition is also one of limitation.

> Every time we define some area of knowledge, our world becomes more known, more contained. The more we know, the more we find ourselves wrapped up in our own minds; in our own cocoons of information. The more we know, the more we limit our world and the more privacy we need to keep our limited world safe. While we need to limit our world of knowledge in order to make it more manageable, it also becomes nicely packaged for data-collectors to come along and pick up the package.

Earlier, Florence argues that she is fearful of parents giving their children too much privacy. She argues that children, in order to be kept safe, should be under their parents' watch. Other participants spoke of clothing themselves as a way of gaining privacy of the body. Others referred to fears around physical privacy in terms similar to the biblical story of Adam and Eve covering their naked bodies. Margaret tells the following:

> I was on holiday in Nice, across the world. I figured that nobody would see me here. I can be private. I decided to take off my top and take some sun. Lo and behold a colleague of mine who had served with me on the

> Church board walked past with his family. I don't think he noticed me at the time; I dressed then ran after him. I couldn't even be private across the world. But it just goes to show you that our world is not as big as we often think of it. I mean who would have guessed that I would have seen him in Nice? I hardly ever see him here!

Margaret speaks about being private in a public place, noting that her privacy is disturbed only when she is about to be seen by someone whom she knows. She is not concerned at the thought of being seen by those whom she doesn't know. Here, Margaret speaks of her sense of shame. However, there is a deeper threat involved when information is repackaged. Margaret's colleague is capable of combining information he has on her in order to form a more complete picture. This colleague is in a position to place a name, occupation, address, church, and friendship affiliation, and more, in constructing a robust identity profile about her. A stranger, without such information, would not be able to do so. This threat is all the more intimidating when such information profiles are compiled by organizations, and often with shards of incorrect information. It is important to note that the thought of losing privacy causes Margaret to cover herself. The threat of being both observed and recognized causes her to alter her behaviour.

Participants who spoke of decreasing physical space often spoke of problems arising from urbanization. Some told stories about communities losing their green space. One participant began to sing "they paved paradise, and put up a parking lot." Although I tried to limit my own involvement as much as possible I couldn't help but ask how that song and the idea of losing green space was related to the idea of privacy. My question

started a lively discussion about nature as a place of refuge, and several participants described fears that urbanization is bringing the loss of refuge.

Jessica speaks of her feeling of diminished personal space, as a result of living in close quarters and not having a space of her own.

> I don't know how to be private anymore. It used to be that when I needed to be by myself I would just lock myself in my room. But now I live in a crowded apartment (who can afford to buy a house anymore?), and I don't really have anywhere to go. Everyone in my family sees me and there's really nowhere to be private at home. Sometimes I go for a walk, but I often run into people I know. Sometimes it's people I work with, customers, friends. When I feel I need my own space I just don't feel like going out in public. There's really nowhere for me to go. I have no more private space.

Jessica's argument is reminiscent of the problems described by Steiner in Chapter 2 of this dissertation. Urbanization has caused a reconsideration of privacy.

Some fears of a diminished sense of space come in response to information technologies. It is generally agreed that there are two fundamental problems with surveillance: information glut and its potential effect on one's sense of self. Oscar Gandy points out a problem with a select few watching the many, making categorical prescriptions based on disembodied data sets for the purpose of control from a distance. He argues that although the interpretations made are imagined, real decisions that affect real people are made according to the data derived.

One possible interpretation of this connection between privacy and space is that fear about one's privacy can be interpreted as a plea for spatial protection. According to

Simmel, to say we have privacy rights is to say that anyone attempting to cross our boundary is attempting to cross our self. He argues that

> Every assertion of our right to personal privacy is an assertion that anyone crossing a particular privacy boundary is transgressing against some portion of our self. Privacy boundaries, accordingly, are self-boundaries. The self may be an abstract psychological concept or a metaphysical one (in Pennock and Chapman, 1971: 72).

Simmel suggests that in constantly guarding their boundaries, people are guarding their privacy. Although the concept of the boundary is defined in a previous chapter, for the sake of clarity it is important to bear in mind the subtle distinction between boundaries and privacy. Boundaries are imagined lines that distinguish two spatial zones. Privacy is the controlled information in the zone of the self, behind the boundary line.

Simmel suggests that one can come to understand a society or culture by studying the boundaries that it erects. He writes of culturally established boundaries,

> The boundaries between men may be truce lines...the variety of social boundaries, to be seen not only in comparing what is typical in different cultures, but also what is typical in different social situations within our culture, not to mention the idiosyncrasies of small social units, all attest to the fact that social systems create these boundaries and define themselves by means of them. Most of these boundaries are not mere physical barriers; indeed, most physical barriers are boundaries only by virtue of socially shared prescriptions not to cross lines which are obstacles more by definition than because they offer any genuine physical resistance (in Pennock and Chapman, 1971: 83-84).

Through the study of these boundaries—their placement and their characteristics—it is possible to learn more about our culture. It is important to ask certain questions about the use of the boundary metaphor, a spatial metaphor, in addressing privacy fears. One might say that one's privacy, a largely subjective and imagined concept, is protected at

various levels by imagined boundaries. What about this fear has to do with space, what is gained by thinking of privacy as an imagined protective space? This chapter goes on to investigate the use of boundaries as spatial protection for privacy. It applies Marx's theory of concentric circles which represent boundaries and concludes that privacy is in the control of these layers, in the control of this information release. This chapter applies the concept of a boundary to everyday notions of privacy to explore how people actually think about and creatively use privacy to protect themselves from those behind the surveillance apparatus.

Boundaries Mark Off Controlled Space

Another way of looking at the anxiety around privacy is as a struggle over personal information-space. It may appear as a territorial struggle conjuring up metaphors of "war" and "battle." When we speak of privacy in terms of a war over the protection of personal space, we raise the level of anxiety and fear in this discussion. What makes people so fearful for their privacy, and how do these fears translate into a plea for spatial protection? On a theoretical level, what happens when an individual's privacy is subject to a perceived or actual threat or violation? For several of my focus group participants, answers to these questions naturally lead to the idea of boundaries, the points at which surveillance occurs. A boundary marks a separation. The concept of a boundary can be theorized in many different ways, each marking the separation in a different way, or a different separation. Marx attempts to map distinct layers of individual identity and personal space topographically. These layers are conceived in spatial terms, as levels of information (2003).

People protect themselves with the imagined construct of the boundary. Boundaries delineate space, they help categorize, and they separate. They imply that one thing needs to be separated from another. In the case of privacy boundaries, this separation is for the purposes of protection and distinction, to distinguish oneself as unique and autonomous by separating that individual's information from another's. On one side of the boundary are often powerful entities who seek to observe and to know the individual. On the other side of the boundary is the individual who seeks protection: to preserve his uniqueness, and personal autonomy.

Power Struggle and the Idea of Permeable Boundaries

This struggle for privacy is, in part, a struggle against surveillance. It is a defensive response to perceived encroachments into individuals' personal space, into their privacy. When entities from the public or private sector have the power to either push through or shift an individual's boundaries, they take away that individual's power to determine for himself how he wishes to share his information. They disempower an individual, affecting that person's ability to be, appear, present, and act as they wish. The individual presents different ideas of self to different people in different contexts, at different times. When an individual has privacy, they are in control of the information they present and these different selves that they present are reflections on how they choose to present themselves. As the individual self undergoes constant redefinition, one must constantly redraw and redefine new boundary lines. A good metaphor for conceptualizing this is that of a growing onion or the rings of a tree trunk.

As the self changes, new layers, boundaries, are erected. The struggle for privacy is thus part of a larger, ongoing, struggle for self-definition, self-assertion, and individuation.

Relationships Described Through the Spatial Metaphor

Privacy provides the conceptual space individuals can choose the level of intimacy with which they wish to interact with the world. Priscilla Regan writes of privacy as "a boundary between individuals [that] involves not only physical space but also social space" (Regan, 1995: 44). Ingham writes of social rituals that allow for safe and non-private interaction; conversations about the weather or similarly safe topics. By engaging in such topics, individuals may engage in pleasant interactions while maintaining "social distance" (Ingham, 1978: 46-53). The mediation of this social distance is done when individuals make choices about how much, what information, and with whom they wish to share various levels of personal information. To a large extent, boundaries are made in relationships when individuals determine and mediate social distance according to the level of personal information they wish to share.

Like Regan, E.T. Hall wrote of privacy in terms of physical zones of distance (in Hixon, 1987: 69). He categorized these zones as: intimate, personal, social, and public, which he went so far as to measure out in absolute terms. For example, the "intimate" distance is zero to eighteen inches, the "personal" zone is eighteen inches to four feet, and so on. What is interesting about Hall's association between ideas of space and privacy is that he categorizes spatial zones according to levels of social interaction—intimate, personal, social, and public. However, Hall's analysis fails to take into

consideration the fact that these zones will vary enormously from individual to individual, from culture to culture.

Simmel argues that, in order to be an autonomous person, one must be open and vulnerable as well as draw a boundary around those to whom we open ourselves. Simmel holds that boundaries may encircle more than just one individual. He writes of information that is shared within a group. This information is separated by a boundary that distinguishes what is known by the group members and what is not known by those outside the group. Boundaries are necessary for enabling individuals to become who they are.

> We become what we are not only by establishing boundaries around ourselves but also by a periodic opening of these boundaries to nourishment, to learning, and to intimacy. But the opening of a boundary of the self may require a boundary farther out, a boundary around the group to which we are opening ourselves. Those whom we open ourselves in greatest intimacy also have the most intense influence on us, and it is independence from them as well as intimacy with them that may be needed to establish our individuality (in Pennock and Chapman, 1971: 81).

Information Privacy, Personal Autonomy, and Space

When Warren and Brandeis wrote of privacy as a "retreat from the world," they framed privacy in terms of spatial distance. This way of thinking of privacy is widely accepted. I observe a variety of different ways that the idea that privacy is related to the idea of space; privacy as a zone of conceptual space, privacy in relation to public spaces, living conditions, physical body space and the zone of privacy (which includes the

right to determine use of one's own body and the concept of clothing and privacy); language; and manners as forms of social space.

Van den Haag argues that privacy refers to "control over one's own psychic area, with such dimensions as living space, image, expression, communication (in Pennock and Chapman, 1971: 151). One focus group participant, Karen speaks of her psychic area as "room to grow" and "breathing space."

> What I do one day, who I am today, that isn't necessarily the person I'm going to be tomorrow. Take my political views, for example, I used to vote on the left. Now I vote on the right. I need to have private thoughts so that I can process my ideas and determine what their best expression will be. I need room to grow. On occasion, at major crossroads in my life, I need breathing space where I can explore my thoughts. I need to go deep inside myself, to process these thoughts and develop an approach to making them happen. If I am to live in a way that's true with who I am at any given period in my life then I'm going to have to go back into this space on occasion and figure out where I am and what I need to do next. Only when I can do that do I feel that I can be a fully functional and creative person. When I do that I feel ready to contribute to society.

Karen brings up two important points. First, that who she is today will not necessarily be the same as who she will be in the future. Although she is open to the possibilities of change, through the panoptic sort that Gandy talks about in Chapter 4, she may be pigeonholed into options that restrict her choices. Second, she speaks of privacy in terms of space. She speaks of needing room to grow. This theme is explored in depth by both Gerstein and Anthony Storr who also conceptualize privacy in spatial terms. Storr, writes of privacy as a sort of metaphysical room to grow. Storr writes that privacy is a prerequisite for solitude, the kind of solitude necessary for thinking and prayer.

> It appears...that some development of the capacity to be alone is necessary if the brain is to function at its best, and if the individual is to fulfill his highest potential....Learning, thinking, innovation, and maintaining contact with one's own inner world (Storr, 1988: 28).

He argues that some measure of private space is necessary for individual growth and maturity.

Others chose to focus on privacy in written space. In one of several discussions on private texts—including diaries, journals, e-mails, letters, and computer files—John speaks of privacy as imagined conceptual space. He speaks of his children's private writings, and of his determination not to "go into" this private space.

> I will never go in my kids' diaries; that's their private space. They give them to me knowing that I have a horror about looking into their private spaces and I'm afraid to ask personal questions, so afraid that I may err on the other side and appear to have no interest whatsoever.

John is concerned that his decision not to intrude upon his children's private space will cause him to appear disinterested in their lives. He speaks of his children giving him their diaries, inviting him to access their personal information but John chooses to avoid this information. At a later point in the conversation, John explains his reasoning for avoiding the personal information that his children offer him. He states,

> When I said earlier that I couldn't bear to look into someone's diary, it's a very emotional, a very irrational thing. It's an emotional feeling that to look into someone else's diary is ugly and painful. And even if they would never know, it wouldn't erase the ugly feeling that I would get. Privacy to me feels painful. I don't know what to extrapolate from that. It's just my nature to not want to invade someone else's privacy.

Typically, when one is seeking privacy one is putting up some kind of boundary and saying, don't come into my space. In this case, John is invited into this space, but still

refuses to enter. He can't fully explain his reasoning, but he is very candid in offering his feelings about such an experience. John describes the feeling of exposure to another individual's personal information as "emotional...ugly and painful."

Michael described something similar. He told the story of visiting prisoners in China. He describes their living conditions as degrading and inhuman. His reasoning for this description is that the prison cells are extremely small and overcrowded. In such conditions, individuals have no space for themselves. Without space, according to Michael, they are degraded and dehumanized.

> Visiting China, I was aghast, that the [name unclear] dormitory in Shanghai, that the prison for young people, there were four crowded into a room that would barely hold two double bunks. I don't know if they ever had any privacy. They were either in the room, working, on parade. I remember thinking that my perception was that somehow you have to accommodate that within yourself. There was no space, there was only inner space to fulfill the need for privacy.

Michael is saying that the denial of physical space is both degrading and inhuman but that, even in such dreadful conditions, individuals can preserve some dignity. When external space is denied to people, this dignity is manifested when they find privacy in their mental space.

In circumstances where space is extremely scarce, individual dignity is maintained by keeping privacy through the devices of manners and social etiquette. Participants describe warm and intimate relationships as "close," while colder and less intimate relationships are described as "distant." This observation applies to ideas of cultural space, living space, and the space of a "conceptual" space described in written text (as

described above by John). Karen describes a living arrangement in which she had to share an extremely small living space with her roommate.

> I used to share a very small apartment with a close friend. It was so small that we didn't always have all that much privacy from one another. But that apartment was all that we could afford and there simply was no other option. We devised ways to get around that problem. One of us would change, while the other one of us would use the bathroom. We never saw each other during these moments. If one of us needed space to ourselves, the other one of us would just know. It was implied in our body language. You know how you can just close yourself off when you don't want to be bothered. We understood each other and were sensitive to each other's needs. There were times when one of us would have company. The other one of us would usually be welcome to join in, but there were times when it would have been clearly inappropriate. On those rare occasions, we would just go into the other room, close the door and either turn up the television or stereo. We even had special spaces allocated for each other to put our private items; spaces in the bathroom, spaces in the kitchen, and spaces for our personal writings. In order to be able to live together we had to sort of create a lot of different rules for how to manage our living space. It wasn't always easy, but we managed to get along—even to become quite close—over that period of time.

In Karen's small living quarters, she and her roommate had to be creative in their uses of living space. In many cases they found private space through implied agreements on behaviour. This is evident in their reading of each other's body language as well as in other agreements they made: for one roommate to change while the other one showered, to put personal belongings in special places, and to raise the volume of their television or stereo in the presence of company.

Ingham argues that there is a relationship between an individual's control over their personal information (who has access to what information and when) to their feeling of personal autonomy. He gives the example of the power imbued in a representative of

the state, such as a police officer or customs official, to search an individual's pockets. Ingham describes having one's pockets searched as losing control over one's personal information. He argues that such an act reduces one's feeling of autonomy. Ingham writes of this power to invade one's personal space as tantamount to the power to invade one's privacy, and to assault that individual's sense of personal autonomy.

Other researchers have argued that privacy of the body is protected through the use of clothing. This way of viewing privacy examines how clothing—considered a privacy-promoting technology in the same way as stairs, walls, windows, locks, passwords—also promotes physical privacy. Beginning with the story of Adam and Eve, humans have, generally, sought privacy by covering their bodies. Was Eve's fig leaf the first technology of privacy? After all, it covered her as a second skin. Research on clothing-generated privacy has focused on the use of veils. Murphy argues that the veil reduces vulnerability to others by symbolically removing the person from easy interaction. He writes that the North African Tuareg males, for example, wear a veil as an expression of "privacy and withdrawal" (Murphy, 1964: 1265). Jane comments on privacy and clothing:

> I don't know how people wear those revealing bikinis, g-strings and thongs. Obviously, they lack modesty but I think there's more to it than that. They want to show something of themselves. I think the purpose of clothing is to cover the body. It protects the body. When there's too much sun, wear a swimsuit and a t-shirt. But clothing also protects the body in another way; in a more abstract and less physical way. When you wear clothing that actually covers you, nobody can see you. You won't have men leering at you in the same way. You won't be objectified.

Privacy, as described through concealing information about one's body, is a way to refrain from being objectified. Rather than being objectified, one who has privacy has a feeling of autonomy.

Ingham (1978) draws a link between personal autonomy, the possession of space, and the objects we regard within our own space. He argues that privacy of space is experienced as an extension of the individual and any unsanctioned access to that space feels like a personal violation. He writes of this relationship between space and personal autonomy, and the idea of affronts to one's control over their personal space as affronts to their sense of personal autonomy. Ingham writes of the personal-space individuals require in their homes, hotel rooms, and even a cupboard used by an individual living in an institution, or a drawer of treasures belonging to a child. He writes of a basic human need for such private spaces that are not 'contaminated' by observation by others. According to Ingham, such personal-spaces contribute to our sense of personal autonomy (Ingham, 1978: 49).

Participants commonly spoke of needing privacy in their living space. Michael spoke of the humiliation and dehumanization he witnessed in the overcrowded prisons he visited in China. Other participants spoke of the lack of privacy in certain living conditions and the role of the imagination and rituals within relationships in gaining a feeling of privacy and human dignity. Ellen spoke of the importance of imagined privacy in work camps and concentration camps.

> I've heard some stories about work camps and concentration camps where people are crammed into tiny spaces and their privacy is taken away. In some of the Japanese camps during World War II here in Canada, there were stories of how people had to use the bathroom in front of everybody else, and just the indignity of it because of the lack of privacy. And so what was happening was that people were finding ways to be more private than they otherwise would have been in a normal social situation so you become more enclosed on yourself; through the way you interact, your mannerisms, your behaviour, and who you talk to; what you say to each other. Because all your other, external, privacy is taken away.

Terry spoke of urbanization creating extremely close living conditions and the lack of privacy in everyday life in Japan.

> I read a lot of books about how you can have privacy in a Japanese house where those walls allow the passage of sound. In many cases in such houses there are many activities in which people pretend not to see. They just purposely don't see. They don't take on board what they see because it's culturally not acceptable to see certain things so they don't take it in and they don't see it. So they create privacy, if that's true. I only know what I've read. They create privacy for themselves and they have developed an extremely elaborate cultural tradition. My own experience with Japanese people is that their level of manners, what we would call manners in terms of respect for people's privacy is so nuanced, so subtle beyond what we are normally capable of doing. That's also another realm. My feeling is that that developed out of a need to give people their dignity and their privacy under very crowded conditions....It's for the other and for themselves because they're humiliated to see what they're not meant to see. The way I understood it is that if they humiliate someone, then they are humiliated for having humiliated them. It's best not to see it.

It is perhaps inappropriate to compare living in work camps and concentration camps to everyday living in Japanese urban centers, but in this comparison an essential point is made: when lacking physical privacy, people construct their own sense of privacy in the realm of the imagination; they create imagined boundaries, to separate what is theirs from what is their neighbours'.

The process of urbanization also demonstrates that privacy, when understood spatially, becomes a class-based issue. Wealthy people can afford to buy more space, physical space that acts as a buffer between themselves and the world. Conversely, in crowded urban housing developments, with little privacy, children cannot get their homework done. Some measure of privacy is thus essential for deep thought. This point is relevant to the one made by Storr, above, who feels similarly about the need for private space for prayer. Bensman writes that "genuine privacy in both rural and urban worlds is often a matter of simple economics. Privacy is achieved by the purchase of space" (Bensman, 1979: 31).

One way that privacy has been considered in spatial terms is as a conceptual sphere or zone where an individual may find retreat from the world. Westin argues that privacy is about the individual making one's own decisions—notwithstanding extraordinary exceptions in the interests of society—regarding "when and on what terms his acts should be revealed to the general public" (Westin, 1967: 42). Warren and Brandeis wrote of privacy as a "retreat from the world," framing it as a form of spatial distance:

> The intensity and complexity of life, antecedent upon advancing civilization, have rendered necessary some retreat from the world, and man, under the refining influence of culture, has become more sensitive to publicity so that solitude and privacy have become more essential to the individual (Warren and Brandeis, 1890: 196).

Warren and Brandeis argue in favour of such a zone. They argue that because of the intensity and complexity of modern life, it is crucial for individuals to have privacy as a form of reprieve and retreat from the world. They argue that individuals require a

measure of privacy in order to think about their role in this world. They hold that this zone of privacy is fundamental to the larger right to life and that "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). In Chapter 7 above, Gross ruminates on the importance of such a zone, when he cites Montaigne, on the importance of having the private space to consider oneself a "confounded fool," yet for the sentiment of that moment not to establish his definition.

Marx's Theory of Spatial Zones of Self

Marx attempts to topographically map distinct layers of individual identity and personal space. These layers are conceived in spatial terms, as concentric levels of information. Marx suggests it may be possible to categorize the informational components that make up an individual person. He conceives of unique individual identities as demarcated by layers of information. According to his framework, each layer is a territorial zone in which the level of access to personal information is related to personal space. He identifies five layers: individual, personal and private, intimate and sensitive, unique identity, and core identity. Marx's framework is a perfect illustration of how people think of space in abstract as well as physical terms. Marx focuses on the relationship between notions of space, privacy, and protection of the self. Each of Marx's layers are distinguished by boundary lines, at which there appear to be struggles for levels of personal information. When privacy is broken at one level, a more sensitive level is revealed. The struggle comes down to one's inclination to

preserve one's privacy on one side of the line against the other side of the boundary line: those who conduct surveillance.

Individuals are vigilant in guarding their various layers of self, deciding who gets access to what information. Marx's concentric layers of self are distinguished from one another by boundary lines, guarding their boundaries of self (2003). It is noted above that Simmel calls these boundaries "truce lines." It is at the boundary that battles are waged over access and control of personal-autonomy. The idea of boundaries around the self provides people with a way of thinking, to limit how much personal information they are willing to give out within their relationships. Different people have boundaries in different places and within different relationships. One participant made this point when he compared the information he would be willing to provide to a clerk at the passport office, with that he's willing to give to a stranger he may meet on the street.

To fully illustrate Marx's model, it is necessary to return to participants' spatial descriptions of privacy. In Chapter 6, above, participants speak of privacy as demarcated by boundaries. It is noted that these boundaries come in many forms; one, such as a shield, is raised in order to protect against a specific attack. Some boundaries come in layers. A window, for example, may have multiple panes of glass and can be dressed with any number of layers of drapes, curtains, blinds, and shutters – each layer represents a further level of bounded space. The house and garden, represents a more complicated picture. In this metaphor, an intruder must first pass through the garden

before arriving to the house. After arriving at the house, the intruder must gain entrance through the door, and then enter into successive rooms, gaining deeper access into personal information along the way. Fences and walls, however, are very different and each has a specific function in the protection of personal information, protecting against specific types of attacks. The skin metaphor is perhaps the most complex. Human skin is an ever-changing organ that contains many specialized cells and structures, functioning as a protective barrier that interfaces with a sometimes-hostile environment. The skin is comprised of three main layers: the epidermis, dermis, and subcutaneous tissue. Participants speak of privacy as protected by these various layers of boundaries. Just as these boundaries contain a number of complicated layers, with varying functions, so too do the boundaries discussed by focus group participants, and by Marx.

Conclusion

In this dissertation, borrowing Marx's theory of concentric circles around the self, I offer a platform for further study of the ethical uses of personal information. By understanding people's comfort levels and trust relationships, organizations conducting surveillance will be in a better position to make ethical choices about the way they choose to handle other people's personal information. The protection of privacy through technology and legal instruments is well documented. What is needed is an understanding of privacy in the everyday. How do people think about and talk about privacy in everyday practice. In asking this question, this dissertation reveals that privacy is understood as a kind of protection. It also reveals how people protect privacy

in the everyday. The questions I asked in focus groups were about what people think about privacy, what it means to them, how they saw their privacy violated, and what they did to get privacy.

In my focus groups, I noticed a great number of references to ideas of space, both physical and conceptual.[58] When participants talk about privacy, a great number of them speak of the concept in relation to surveillance. They speak of a contest in which two parties compete for control over information. One of these parties is generally represented by government or commercial entities, using surveillance technologies to observe people. The other is the individual person, struggling to maintain control of their information, so that he may release it on his own authority. This contest describes the way participants view privacy. It occurs on a constant basis and involves innumerable parties. Participants expressed that an individual is constantly besieged with forms of surveillance from every variety of organization. On the micro-level, this surveillance occurs at an individual's multiple boundary points. The boundary is where the individual chooses to mark a separation between the self and the other. It is over the boundary that the individual will attempt to block or permit the, flow of personal information. This contest over boundaries is a struggle for empowerment.

Participants spoke of the idea of the global village, arguing that technology, urbanization, and the Internet have made our world feel smaller. The argument is made that communication technologies effectively conflate time and space. Participants also argue that people are retreating from the physical world because of shrinking physical

space. They speak of urbanization and overpopulation, and living increasingly in cyberspace, "meeting" people they don't know. Shopping, playing games, research, banking, sex, political discussions, things that used to be private, are now not only more public, but also traceable, making it more and more difficult to live "offline." Participants argued that space—conceptual, body, and physical—is carved out as a resistance to encroachments on the self, and that technology creates the perception of limited space for the self. Changes in communication technology bring changes in notions of space.[59] Chapter 2, above, demonstrates that changes in communication technology also bring changes in notions of the self in society and this, in combination with social changes, brings people's attention to privacy concerns. Participants spoke of conceptual space, private space as characterized by ideas of one's psychic area, to develop and maintain self-autonomy. People perceive threats to their sense of self and identity which would affect their ability to act autonomously. Karen speaks of her need for "breathing space" and "room to grow" while John speaks of his concern not to "go into" his children's private writings.

Marx attempts to topographically map distinct layers of individual identity as spatial terms, namely levels of information. His theory describes spheres of intimacy and information, wherein each sphere, also described as "zone," is regarded as a deeper layer of personal information. Marx envisions a spatial metaphor that is coherent with the way focus group participants speak of privacy. In his scheme, Marx speaks of an individual self as comprised of concentric circles around a core. Each circle represents a new boundary line marking off a greater level of intimacy. Each circular layer

represents both the individual and the individual's information. His scheme is based on the idea of the individual as an information source, with each layer of the individual correlating to layers of personal information, which also represent degrees of personal autonomy. When those conducting surveillance gain deeper access into an individual's personal information, they penetrate another layer. Each layer takes up space (conceptual space), at each layer is a boundary and, the contest over space occurs at the boundaries which define each concentric layer. Each layer is guarded against surveillance, by boundaries. These boundaries are maintained by individual control of this information. When an individual loses control of this information not only is that person's privacy violated, but in losing this control that person also loses some degree of autonomy.

[58] This private space is conceived of in terms of property (Prosser) and the guarantee for the inviolate person (Bloustein).

[59] Intrusive technologies are 'creeping' into our everyday lives. They are increasingly employed to count, observe, and judge our activities. Some examples of these include: data mining, computer matching and profiling, photography, e-mail monitoring, voicemail monitoring, video surveillance, digital footprints, Internet cookies, geographic information systems (GIS), global positioning satellites (GPS), intelligent vehicle highway systems (IVHS), tracing technology placed under the skin, body samples, genetic databases, drug testing, HIV testing, polygraphs, biometrics identification, smart-cards, active badges, use of passwords, audit trails, identification cards, identification numbers, location monitoring, temperature monitoring, pulse rate monitoring, blood pressure monitoring, blood-alcohol level monitoring, intrusive telephones (caller ID, ADAD), wiretapping, voice-stress readings, and more.

9. Conclusion

Reflections on My Experience

In the above analysis of focus group discussions, I note themes in the way people speak of privacy: they speak of fears and threats, they speak of boundaries, and they speak of protecting their personal autonomy. Through an exploration of these themes it becomes clear that participants use the language of space to discuss privacy in lived experience. In this dissertation I demonstrate that the language of space provides individuals with a framework in which to conceive of privacy as being protected from surveillance. For example, with this language, focus group members spoke of their personal information as safely ensconced in the space behind boundaries. Through the imagined concept of bounded space, individuals were able to enjoy a degree of privacy protection that they did not regard legal or technological measures to offer.

My initial entrance into the study of privacy came when I was fielding customer inquiries at the dot-com company. It is important to reiterate my initial observations, for they were reinforced at many moments throughout this research project—both during the data-gathering phase, and during the analysis. At the dot-com, I remember interacting with people who were certain they had to protect their privacy, yet in the process of this interaction it became clear to me that very few of these people adequately understood how to protect it. Intuitively I recognized a problem. My research began in an informal manner with my initial curiosity about this problem. Without a set agenda, I sought to explore the concept of privacy, placing emphasis on understanding what the term means to people. This exploration was conducted on two

fronts: I began reading texts by authorities on privacy and I began asking ordinary people—people I would meet throughout my day at school or shopping, my colleagues, friends, and relatives—what they thought about privacy. I wanted to know was what privacy meant to them.

When I first began questioning people, I would ask them to "define privacy." To my surprise, I was met with confusion and frustration. Very few people were prepared to answer that question. At the same time, I was reading texts by privacy scholars, mostly on the subject of defining privacy. I observed a discrepancy. While scholars argue, largely in an abstract sense, over the definition of this term, ordinary people are unable to actually define it. It dawned on me that those people concerned about their information's privacy, while I was at the dot-com, were confused. They demonstrated a profound interest in safeguarding their privacy but, when I asked, they appeared unable to define it. My curiosity grew and I continued to ask people about privacy, but I began to change my language. Instead of requesting denotative definitions, I asked about meanings of privacy. I wanted to understand privacy in the "lived" sense; privacy as it is experienced in everyday life. People never demonstrated an inability to answer this question. In fact, they replied quite intelligently, with colourful connotative language, about privacy meanings. I observed that people were most expressive about privacy meanings when they responded with stories about privacy. It struck me that the debate over privacy, a concept so dear to them, was being waged outside of their purview.

I envisioned a project that would bring the debate back to ordinary people. With this thinking, this dissertation project was formally born. To approach privacy from a formal academic perspective that would give voice to ordinary people, I constructed a research program based on the focus group methodology. I gathered small groups of people together to discuss privacy in a rather informal and unstructured manner. This informality and lack of structure was intended to encourage natural discussion on the part of focus group participants, and to limit my influence as the group monitor. I recorded a rich collection of stories and commentary about ordinary people's perceptions of privacy today.

Participants expressed enthusiasm about this project. Many of these participants expressed that they were not accustomed to people taking interest in what they had to say about privacy. They were happy to be given the opportunity to talk about, and hear what others had to say about, privacy. Participants were generally surprised to learn that others, although they told different stories, felt similar to them: both about feeling excluded from debate over privacy and in fearing for their privacy.

In analyzing these stories I discovered that four dominant recurring themes were embedded within the various focus group discussions. These themes were: privacy as defence against surveillance; privacy as boundaries, and privacy as control—control over information, personal autonomy, and personal space. Perhaps most notable, however, was my finding that threaded through nearly every story about privacy was a pervasive sense of fear. This finding took me by surprise because in my readings of

scholarly works on privacy I did not encounter talk of fear. There was something about this sense of fear, however, that harkened back to my experience at the dot-com when people expressed grave concern about their privacy. Throughout this study I sought to answer the question: what does the language of fear reveal about privacy today? In responding to this question, my major observation was that people seek privacy as a protection, and they do so through use of the language of space. I observe that the language of space provides individuals with a framework in which to conceive of privacy as being protected from surveillance.

The layout of this dissertation reflects my findings. After introducing and providing contextual background for this study, I explain the history of how privacy has been observed since its first recorded use in North America. I demonstrate that the elements of thinking about privacy throughout history and today were laid out in this use. I am referring to Warren and Brandeis's use of the term to describe an individual's protection to a surveillance attack by journalists who were equipped with information technologies. These technologies, the camera and mass print, and others have been the subject of privacy scholarship henceforward. Warren and Brandeis felt so invaded by this surveillance attack that they were inspired to write an article calling for a law based on the "right to privacy." In this article, they allude to privacy as protection for autonomy and personal space. In the history chapter we learn that privacy is commonly viewed as an individual's control over his own personal information.

To my surprise, I found that participants could not discuss privacy without also discussing surveillance. Participants spoke of privacy as defence against surveillance. In this chapter I explored the concept of surveillance as a way to frame privacy: investigating various uses of surveillance through history, and asking who is behind surveillance. I determined that there are two primary surveillance functions: to observe and to know. I describe surveillance through what I call a contest model of a continual power play over who controls people's personal information. To understand this model one must use his imagination. Picture a boundary with two sides. One side is populated by people who want to observe and know their subject, and on the other side is the individual who wants to control his personal information—who he shares it with, how much he shares, and which aspects of this information he chooses to share. This image of a boundary is a recurring theme in the focus groups and is therefore treated in its own chapter.

An entire chapter is dedicated to the theme that pervaded all of my research, from my initial experience at the dot-com and throughout my focus groups. This theme is that of fear. In this chapter, I seek to understand who and what motivates privacy-related fears. In analyzing the focus group data I learned that participants fear their relative position against organizations that gather their information. Referring to the contest model, these people feel weak in protecting their personal information against those with an incentive to conduct surveillance on them and who have more power over them. Participants spoke of fearing organizations in the public and private sector, as well as identity thieves, terrorists, and the paparazzi. I searched for more specific mention of

those who motivate these fears, but I was unable to uncover these. In the focus groups, I found that several of these fears resulted from a general lack of knowledge, or understanding, about what is and can be done with individuals' personal information. This observation confirmed my initial observation about the sense of dire concern people expressed in correspondence with me, when I was employed at the dot-com. This chapter identifies the problem of fears associated with the concept of privacy. This is a current problem, rooted in the issues faced by contemporary North Americans. Individuals in the Information Age are continually wrestling with the introduction of new technologies with information-gathering capabilities, which conflate their ideas of personal space.

The image of the boundary frequently arose when people tried to explain what privacy does for them. Focus group participants repeatedly spoke of privacy as a form of protection. They spoke of privacy as a protection for their sense of personal space, and they spoke of privacy as a protection for their personal autonomy. When participants described how privacy protects them, they spoke of privacy as imagined boundaries. Boundaries separate. The separation described by my focus group participants concerns the demarcation between the self and the other. Participants were creative in their imagining of privacy as boundaries. They spoke of fences, separating the territory of the self (personal information), from others who were not privy to that individual's personal information. In this chapter I note that fences, and other similar metaphors, describe boundaries that are fixed and permanent. However, participants also spoke of movable boundaries. They spoke of specific situations in which they required special

boundaries. For such situations participants described boundaries, such as shields, which can be raised in order to protect against a limited threat, then lowered when the threat is gone and that protection is no longer required. In this chapter we learn that participants envision many kinds of boundaries to protect them against a variety of privacy-related fears and threats.

The third major theme that repeatedly emerged in the process of this research project concerned information privacy and personal autonomy. I observed a connection in the way people spoke about their personal information, in some cases even describing themselves as information, and the way they envision their authority as self-governors. The central argument in this chapter is that when individuals are in control over their own information, they are likewise in control over their thoughts and actions. When others control individuals' personal information, the individuals are more susceptible to changing their thoughts and behaviour to suit others' demands. Participants spoke about curbing their own behaviour and limiting their expression in response to feelings of being watched. They expressed that the result of surveillance is conformity according to what external authorities deem to be "best behaviour." In making the association between information privacy and personal autonomy, I observed that individuals fear being restricted from living up to their individual potential.

These themes are brought together in the question of space. In fact, I observe that the language of fear leads to language of self-protection and space. The next chapter in this dissertation concerns this language of space; specifically, to personal space. I observe

that fears over privacy result from fears over loss of personal space. I also observe that the people speak of boundaries with some idea of space in mind: the function of a boundary is to separate space. When applied to their personal information, focus group members spoke of privacy as protective space, or space beyond the access of those conducting surveillance. Gary Marx's depiction of the self as comprised of a series of concentric circles encapsulates these ideas. He speaks of circles of varying levels of information sensitivity. These circles occupy space (personal space). Many participants described the self as information. Participants spoke of such a picture of the self, wherein each concentric circle is marked off from the next by a privacy boundary. Some of these boundaries are solid and impermeable, others allow for breathability. Participants described different boundaries to protect them against different surveillance attacks.

With the use of the language of space, however, participants conceive of a framework in which to believe their privacy is being protected from surveillance. This dissertation has sought to develop a richer understanding of the everyday interpretations and uses of privacy. In this exploration I observe the tremendous value people place on their privacy and the fears they harbour with regard to safeguarding it. I observe the power of the imagination embedded in cultural practices—expressed through daily social rituals and power transactions within relationships—to construct boundaries that reify privacy.

Significant Findings and Future Research Directions

After having compiled and analyzed so many stories about privacy in everyday lived experience, I consider whether what ordinary people told me differed from what I read in scholarly books and articles. There was not a great difference in the way the ordinary people and experts spoke of privacy. In the text of this dissertation I quote both experts and ordinary people in relation to privacy and surveillance, boundaries and space, and information privacy and personal autonomy. Each of the themes that emerged in the focus groups is treated by privacy scholars as well. Additionally, focus group participants and privacy scholars both emphasized the role of technology in prying deeper, revealing more, processing and disseminating information quickly, with increased storage capacity, and being generally more invasive.

When I set out to conduct my research I intended to reconcile privacy in theory and privacy in action. My idea was to focus on the study of privacy from experts, to regular people in local everyday culture. Although I generated unique data that is not often seen in the study of privacy—a collection of stories about privacy in the everyday—my findings from focus group participants did not differ significantly from my findings from the scholarly community. I observed, however, that scholars chose to speak of privacy through denotative language, while ordinary people were more comfortable expressing their ideas in connotative language.

Although the bulk of what focus group participants and privacy scholars said was rather similar, I did observe some omissions. Focus group participants emphasized fears—they told stories about their fears, and about others' fears—while privacy

scholars hardly touched on the subject. Research investigating why this is the case is necessary. Specifically: why do participants emphasize fears while scholars do not? In my dissertation, I ask a similar question: what does the language of space do for individuals' feelings of privacy protection that laws and technologies do not?

Based on the research conducted in this dissertation, I can suppose that the two omissions are related. Perhaps participants speak of fears because they do not feel adequately protected by laws and technologies in their everyday lives. It is worth reiterating Bogard's caveat that legal instruments tend to lag behind social and technological developments by approximately ten years. That means that a surveillance practice and/or technology may be used against an individual for about ten years before laws regarding that practice and/or technology are even made and enforced. If Bogard is correct, it is therefore understandable that focus group participants chose to omit discussion of law when they spoke of privacy.

Furthermore, I observed an important omission in that there are areas that scholarship focuses on, while participants hardly speak about. Discussions of the role of laws and technologies in protecting privacy, for example, abundant in scholarly research on privacy, were relatively untouched by subjects in my focus group discussions. On the contrary, perhaps the scholars focus on laws and technologies because they believe these to be the only relevant means of protecting privacy. Privacy scholars are not unaware of concepts of boundaries and space as other instruments of protection. Chapter 6 of this dissertation demonstrates that privacy scholars are familiar with

relating the concept of boundaries to that of privacy, but they do so in a way removed from everyday experience. Scholarly texts only speak of privacy as a boundary; they do not study the actual boundaries that individuals imagine. Instead, these texts focus on laws and technologies; concepts that have a tangible nature which makes them more readily grasped than imagined concepts of boundaries and space. By omitting the study of actual boundaries, scholarly texts omit an essential concept in the everyday struggle against surveillance.

Aside from investigating these specific questions, this dissertation joins Gilliom in calling for more research focusing on how ordinary people regard and experience both surveillance and privacy within their everyday lives. In the focus groups that I conducted, participants remarked on feelings of isolation; for example, they didn't realize that others identified with them with regard to privacy-related fears. They were happy to discuss these concerns. These observations suggest some benefit in establishing dialogue about the subject of privacy in their everyday lives. In conducting focus groups, I observed that participants benefited from sharing ideas.

There is a need for ordinary people to engage in dialogue over the concept of privacy. The level of fears and anxiety that I encountered in my focus groups demonstrates that privacy concerns are not adequately addressed. Privacy scholars are engaged in debate about state-authored strategies to maintain surveillance mechanisms and the policy developments to safeguard privacy; such debate hinge on definitions of privacy. This debate will advance legal thinking on the subject, make assessments on the current

beliefs governing privacy-related behaviour, form the basis for evaluating the morality of behaviour related to the revelation and use of private information, and this thinking will trickle down to affect everyday life.

This debate alone, waged mostly in academic and legal circles, is not sufficient. This dissertation recognizes a need to engage ordinary people in this debate: to explore ways of dealing with privacy concerns, to distinguish real threats from those which are purely in the realm of science fiction, and to ease anxieties. This debate, over privacy in the everyday, is just as relevant as the one being conducted by scholars to those who are responsible for safeguarding individual privacy and those who are conducting surveillance on individuals. Perhaps most importantly, this debate is relevant to ordinary people who are actively drawing on privacy as a form of protection in their own everyday lives. The debate over privacy is one about a concept that affects the way they see themselves, as active participants in contemporary North America.

Did you grow up with siblings (how many)?

_____

Did you grow up in an urban or rural setting?

_____

Do you currently live in an urban or rural setting?

_____

Are you an employer or an employee?

_____

Are you responsible for a dependent?

_____

What is your state of health (rate on -1 to 5+ scale)?

_____

Appendix D

Consent Release

This form acknowledges that I.....(written name) have agreed to accept Michael Dayan's invitation to participate in his research project. I do so with the knowledge that Michael Dayan is a Ph.D. candidate in McGill University's department of Art History and Communication Studies and that this research project will comprise the bulk of the data used for Michael Dayan's dissertation.

I agree to participate in Michael Dayan's research on privacy in popular culture. I am aware that this research will be conducted through the use of focus groups, which will comprise no more than two hours of discussion time. Accordingly, I am aware that I will be asked to contribute my stories and ideas about privacy. I am aware that it is my prerogative to offer only those stories and ideas that I feel comfortable sharing and that I may remain silent or withdraw from the discussion at any point.

I hereby give consent to Michael Dayan to use the content of his focus group recordings consisting of,

A) Both sound recordings and video images of me,
B) Only sound recordings of me, or
C) Only video images of me

[Please circle your choice] taken on.....(date of focus group) for use in his dissertation. I understand that by circling my preferred recording method above, I am given the option of determining the capacity in which I wish to be in the video presentations.

In signing this notice of consent I agree to allow Michael Dayan to quote me directly (to draw on my words verbatim; not to directly identify me), on any matter discussed within the two-hour focus group discussion. I understand that all such quotations will be used for one of two purposes:

A) To be written in dissertation text, or
B) To be edited into video format

[Please circle the approved purpose].

By signing this consent form I also grant Michael Dayan the right to create a video-presentation to be shown at

A) academic conferences,
B) to his advisor and dissertation committee, and
C) in academic presentations at McGill University.

Appendix E

Focus Groups Interview Discussion Guidelines

The following section is the preamble with which I introduce my focus groups. I read it to group participants before the group discussions began.

Opening Preamble

[Read to groups]

I am conducting research on privacy. I am trying to learn the different stories people tell about privacy. I'm going to ask you to open your minds and think about all the different stories you can that concern privacy. I want to hear about stories that have happened to you, to someone you know, or maybe even stories you have heard about happening to someone else, whom you might have never met.

Before we begin, I want to suggest how this focus group can work. I gathered you all here today, because I'm interested in what each of *you* has to say. Each of your stories is not only valid, but important. I want to hear from each of you. It doesn't matter whether you think your stories are good or not, or what you think I want to hear. What matters is that they are *your* stories. I am not here to approve or disapprove of your stories: just to hear them.

I want to tell you a bit about my role as group monitor. My job here is just to keep you on track and to make sure that each of you gets a chance to say what's on your mind. You have full reign to choose and elaborate on stories and ideas related to privacy.

One issue, highly relevant to any study, perhaps with greater relevance for a study on privacy, is that of confidentiality. I want to take a moment to discuss my responsibility to keep your full name apart from what you say. I want to take a moment to give you my guarantee that I will not disclose your full name—during this discussion and in my presentation of it (only first names and pseudonyms will be used in this discussion)—along with any of the stories or tidbits you choose to share with me. At the same time, however, I want to caution you that I cannot guarantee that all group members will maintain this confidentiality. I would like to ask you to respect each other's confidentiality. While, like me, you may discuss these stories, I urge you not to do so in relation to the full names, if for some reason you should learn them, of your fellow group participants.

I hope you both enjoy and learn from the discussion we're about to have. Should you wish to withdraw from this research, at any time, it is your right to do so.

Opening Gambit

At the outset of the interview, interviewees will be offered a brief introduction to the group format and to other members, they will be asked to complete a short questionnaire on personal background,[2] and to sign a letter of agreement to have the texts published anonymously. My interviews will be structured so as to begin with a few warm-up exercises and to rapidly move to discuss stories.

Typical methods of stimulating focus group discussion include the presentation of relevant material, such as a scene from a television program, a press story, or photographs. The point of my opening devices will be to arouse interest, memory, and thought and evoke participants to share their stories. But the question, in my case, is how? What devices can I deploy, and how can I best make use of them, to launch my groups into fruitful discussion, while limiting undue influence on my part. My focus groups will begin with warm-up exercises.

Discussion Topics

Notes
SUMMARIZE
PROBE DEEPER "So what you're saying is...; Are you telling me that...; Are you suggesting something by..."
INVITE CORRECTIONS

First Names:

- Be certain to map (on paper) the seating arrangement, indicating participants' first names.
- At the outset, take a video-photo of each participant. Have them state their first name. This will enable me to keep track of who says what.

Safety Valve: If they can't come up with stories, discuss movies and books.

Time participants when sorting words.

Warming-up Exercises

1. Discussion: Privacy in daily life

Draw privacy. Drawing an abstract concept is always a challenge. If I were to draw the concept of "peace," for example, I might draw symbols such as a dove or an olive branch, maybe I'd draw an action such as a handshake. When I ask you to draw privacy, what will you draw?

[SUMMARIZE, PROBE DEEPER, and INVITE CORRECTIONS]

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[2] The purpose of this will be to collect demographic data.

Discussing Privacy

2. Talking About Privacy

Focus on Frequency. How often do you see the word privacy come up in your daily life? Describe the context. How often do you think about issues relating to privacy? What are these issues?

[SUMMARIZE, PROBE DEEPER, and INVITE CORRECTIONS]

When was the last time you discussed a privacy-related issue? *Who* did you discuss it with? *What* was that issue? What, in your opinion, is its *relation* to privacy?

What is the major privacy issue of the *Past? Present? Future?*

[SUMMARIZE, PROBE DEEPER, and INVITE CORRECTIONS]

Relevance. Is privacy a real concern today? Why?

Is privacy a good or a bad thing? Can you imagine a world without privacy?

[PROBE DEEPER]

Stories of Privacy

3. Privacy Stories

[Dig into the privacy treasure chest[3] and distribute artefacts]

Please recount your privacy story from the privacy treasure chest. On a deeper level, what is this story saying?

[SUMMARIZE, PROBE DEEPER (for personal stories), and INVITE CORRECTIONS]

[PROBE language for symbols and myths]

[Safety Valve: If no personal stories are shared move to discuss the following themes—hand out cards with the following words placed on each]

Would anyone like to share a privacy story that touches on any of these themes? Which theme? Why do you think this story touches this theme?

---

[3] My privacy treasure chest is a box containing cultural artifacts such as news clippings, booklets, locks, signs, and other physical items which will trigger stories.

[SUMMARIZE, PROBE DEEPER, and INVITE CORRECTIONS]

[PROBE language for symbols and myths]

[Safety Valve: If the group cannot come up with stories, discuss movies and books related to privacy; Bela Bela story in notes section; or Sting-Police Stories in notes section]

Wrapping-up

4. The Takeaway

What's going on here? Can we draw any conclusions about these stories? Do these stories point to common morals, principles, themes or ideas about what privacy is all about?

[SUMMARIZE, PROBE DEEPER, and INVITE CORRECTIONS]

After having had this opportunity to think deeply about privacy, and to hear other people's stories about it, how would you say your understanding of privacy has changed? How do you define privacy now? (OR what does privacy mean to you?)

[SUMMARIZE, PROBE DEEPER, and INVITE CORRECTIONS]

Safety Valves
[If stories are not generated, refer to the following to stimulate discussion.]

1. **Sting Stories**
Introduce the Police songs: "Message in a Bottle" (privacy v. solitude), "Don't Stand So Close to Me" (privacy and fame, questions of roles and ethics of power relationships), "Every Breath You Take." [4]

Discuss: the Police song, "Every Breath You Take." Mention that one "story" about that song considers that it is not in fact a love song, but a song about privacy. I will suggest that the lyrics are about technologies that impinge on privacy.

Every Breath You Take	[Breath Analyzer]
Every Move You Make	[Motion Detector]
Every Bond You Break	[Polygraph]
Every Step You Take	[Electronic Anklet]
Every Single Day	[Continuous Monitoring]
Every Word You Say	[Bugs, Wiretaps, Mikes]
Every Night You Stay	[Light Amplifier]
Every Vow You Break	[Voice Stress Analysis]

[4] This song adaptation is taken from Gary Marx (1988).

Every Smile You Fake	[Brain Wave Analysis]
Every Claim You Stake	[Computer Matching]
I'll Be Watching You	[Video Surveillance]

While speaking about the band the Police, I can mention the story that "Don't Stand So Close To Me" (I can play it) is about Sting, as a teacher, allegedly having an affair with his student (this is a story about fame and privacy). At this point, I will PROBE for story contributions.

2. Media Stories

Another means of eliciting stories may involve a discussion of the *Jerry Springer Show* or *Oprah* and ask for ideas about people who go on and talk about their private lives. Are they actors? Why would someone want to share his or her intimate details with the world? There are many examples that I could discuss: Reality TV: *Big Brother, Temptation Island, Survivor, Real World, Lofters*; Internet: Up-skirt cams, locker-room cams, dorm cams, Girl Cams (Jennifer Ringley receives over 500,00 hits per day); Reality Crime TV shows like *Cops, High Speed Chases, Emergency Room TV, Court TV—OJ Simpson*; *Dateline, Riki Lake, Jenny Jones, Jerry Springer, Sally Jessy Raphael, Oprah*; *Candid Camera, America's Funniest Home Videos*; and *"snuff" films, pornographic films.* I can choose examples of those who demonstrate a shared a desire to expose themselves (exhibitionists) and a willing and watchful audience (voyeurs).

[PROBE for stories]

3. Bella Bella Beach Bonfire Story

The administrator of a hospital in Balla Bella, BC ordered that hospital records that were scheduled for destruction be burned on the beach. Ordinarily such sensitive personal records would be shredded or incinerated. Eight boxes of confidential medical records were set on fire. The local fire department came along and doused the flames: fires are not allowed on public beaches. The soggy documents were soon carried out by the tide, and later washed up alongside the shoreline. People who helped scavenge the records were astonished to find all manner of their neighbors' medical records and even adoption documents. At the time, BC's privacy law did not even cover hospital records.

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