

Book Review

Putting Privacy in Perspective: Exploring the Evolution and Implications of Privacy in U.S. Society

Authors: Michelle G. Hough (Business Administration, The Pennsylvania State University, PA, USA)

In Dr. Hough's book, a compelling case is made that the four kinds of Privacy she describes were not very much present in past societies. (Indeed, by focusing just solely upon three eras of life in the United States of America, denies the reader a fuller perspective on all this -- that Privacy was probably even more scant in 99% of human cultures across 20,000 years.)

Her assertion - that Privacy as we know it emerged as a property of industrial society - is something others have said (including myself). Still, the author does a good job of making this case with solid scholarship and fresh perspectives.

Dr. Hough also makes very clear that the loosening of control that enabled this naissance of privacy is now at an end. That the state and other elites (commercial, aristocratic, criminal etc) will soon be able to peer at us at least as thoroughly as the busybody gossip-tyrants of colonial New England villages ever did.

Where she fails -alas - is near the end, by automatically and reflexively connecting the following two sentences:

"As communication and information processing technologies improve by exponential leaps and bounds, the crisis of control that enabled our modern entitlement to privacy is being resolved. With its resolution, our ability to achieve solitude, intimacy, anonymity, and reserve is rapidly fading."

The first sentence is true. The second is an assertion, delivered with fatalistic surety that arises from the incompleteness of her perspective. Hough's problem is in her over-reliance upon Beniger's Crisis of Control as the *sole* root of the flowering of privacy in the industrial and contemporary eras. Neato theories have this pesky problem of oversimplification.

If privacy only emerged because elites lost old mechanisms of surveillance and control, then sure, the emergence of new technological means of surveillance would reverse the brief miracle of the last century or so, killing privacy's root and ending the fruit. But as we saw in Frederick Jackson Turner's "Closing of the American Frontier," outcomes don't always follow from implications.

I would have to suggest that Privacy emerged in the industrial era for added reasons, and foremost among these was the actual empowerment of the individual. This was an era of rising education, combined with ever-increasing portrayal in books and media of the dynamically independent individual or small alliances of individuals. The age of professionalism gave citizens easy access to attorneys and media, exposing to scrutiny those who might invade their privacy. Even more important, the most common propaganda theme in American mythology has been Suspicion of Authority (SoA) and this certainly propelled a sense of personal space and resistance toward invasiveness by powers.

Evolving law aided and abetted this transformation, establishing that individuals (including women) had standing in legal proceedings against the mighty. Tools of accountability became very often reciprocal.

Just this last year, courts ruled - and the Obama Administration reiterated - a citizen's absolute right to record his/her interactions with police. (Though it will be a few years' struggle before the police widely acquiesce.)

Alas, Dr. Hough portrays the rise in privacy as having been ONLY an emergent property of lack of control, and not also a property of confident citizenship. Hence it is no surprise that her conclusion is so dolorous and pessimistic. It does not occur to her that the empowerment trend, or enhancement of reciprocal accountability, or citizen access to powers of "sousveillance" might enable individuals to maintain some sovereignty over their own lives, even as elites augment their ability to see. The notion that transparency might cut both ways escapes her perception.

A clue can be found in the list of palliative laws that she recites. Most are attempts to restrict what the mighty can see... and I have deep familiarity with the European privacy regimes that Hough professes to admire. These are, alas, laughable. Pathetically, they pretend to protect citizens from eyes that will not be impeded. Elites will see. Show me one human society wherein they allowed themselves to be blinded.

But among the laws she cites is the Fair Credit Reporting Act, which is very very different. It is an act of empowerment, giving citizens a reciprocal power to look-back at authority. And it is this path that Dr. Hough fails to follow. Moreover, if I am right, this is an aspect of the industrial contemporary world that might be enhanced, keeping many good things -- like freedom and even a little bit of privacy -- alive. Hough attempts to paraphrase me making this point with the following: "Brin advocates for transparency, with a method of holding accountable those whose quest for transparency subsequently violates a more narrowly defined notion of privacy."

Alas, that paraphrasing is so convoluted and difficult for the reader to parse that I am not even sure Hough herself understands it. I doubt more than a few readers will even pause to grasp its meaning. But it contains the kernel of all hope for preserving freedom and (a little) privacy in the coming era.

Supposing that citizens are empowered with vast expansions of their OWN power to see, most pundits shiver and call THAT also a form of dystopia. All right, they admit, Big Brother might be stymied in such a world. But universal light would only mean that hundreds of millions of Little Brothers would unite to enforce conformity and oppress eccentricity and diversity in a manner similar to Cotton Mather's Boston. But it ain't necessarily so.

All it would take in such a transparent society, would be for a few values to be the principal ones fiercely defended: (1) appreciate diversity, (2) dislike judgmental haters, (3) watch out for bad things, but avert your gaze from the harmless and leave each other alone.

These values aren't utopian. They are precisely how Americans think right now! And the power of reciprocal accountability can be seen every time you go to a restaurant expecting to get some privacy, right in public. Because you easily CATCH any nearby people who stare and listen to your conversation, and they are deterred, because exposure as a voyeur is shameful.

In future you will be armed with detectors that will tell you when you are being watched. That empowerment might preserve some privacy - though perhaps not anonymity (I hope) - even in a hi-tech

era. But alas, it is a possibility that absolutely no other pundits or scholars will ever allow their minds to wrap around. It breaks the gloomy narrative, you see.

Such as the following five dour grouch-snarls:

"The repercussions of a constantly connected society, void of solitude, are momentous. The annihilation of solitude might just eradicate our ability to function as a moral society. In the absence of solitude, we face a bleak landscape of unoriginal thought, moral turpitude, and increasing greed and corruption. None of these bode well for the future of society.

"The societal consequences of the loss of intimacy, intertwined with a loss of trust, are untenable. Westin succinctly summarizes. —(W)ithout intimacy a basic need of human contact would not be met.

"Clearly, the loss of anonymity can have a stifling effect on innovation, spontaneity, creativity, and diversity; it degrades our sense of freedom and liberty; and it can lead to escalating tension between the government and the people it supposedly represents."

"Recall that reserve entails the creation of a psychological barrier against unwanted intrusion; this occurs when the individual's need to limit communication about himself is protected by the willing discretion of those surrounding him.

"Every time reserve is breached, it erodes an individual's control over his or her reputation. It doesn't matter whether the information is accurate, distorted, or patently false. When information about individuals is shared, there's simply no way to —take it back. And the hyper-efficiencies of modern technology enable instantaneous, widespread dissemination."

Sorry. I find these statements to be not up to the standards of scholarship that I enjoyed in the first 80% of the book. They are tendentious assertions and Dr. Hough should at least have exposed them to the scrutiny they deserve. Each of them is deeply flawed.

*Reviewed by David Brin, Scientist, Best-Selling Author and Tech-Futurist
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