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The Privacy Parenthesis: the digital transformation of the private sphere

The "Snowdon Revelations" that revealed the extent of surveillance of everyday citizens in everyday life have been a focal event for discussion on the mediation of privacy itself in the digital age. As technological development moves towards the everyday integration of things in the "Internet of Everything", this chapter focuses upon the shifting sense of privacy in spaces that were once considered "private" in light of the extraordinary levels of data collection continuing unabated in everyday life. To do this, I use the metaphor of parenthesis as a way of conceptualising the 'seperateness' of the private sphere from other spheres of human activity. The use of parenthesis here is in a dual articulation; parenthesis articulates both the separate nature of the private and problematizes the modern conception of privacy as a separate, private space linked to property ownership that is being challenged by digital media. Discussions on the "end of privacy" can be assimilated into this metaphor; in essence, this approach rejects the claim to an end of privacy but argues that privacy itself (here, the very nature of what lies in parenthesis) is changing from a spatial privacy to another, non-spatial form.

The fundamental logic and essence of big data, to transform everyday objects and entities into sites of data production for quantitative analysis, sits uneasily with any notion of privacy in a "traditional" spatial sense. The desire to realise these futures for the logics of efficiency and control is in a tense relationship with very concept of private space and private citizenship. Indeed, the use of computational technique (to borrow the usage from Ellul, 1973) and the ontotheological status of computation in society (see Berry, 2011; 2014) both predicts and necessitates an invasion and structural change of private space in order for such a computational worldview to operate. The all-pervasive data mining and data processing that is the essential element of computation requires a coding of activities that translates the activities of the private sphere that can be encoded to be coded into data, and for that data to be processed. It is true that data protection and other legal constraints work to shape the kind of activity permitted (and to hide and obfuscate activities that are not permitted). However, the acceptance of the digital into the private and the normalisation of the relationship between digital devices, software and the activities of the private sphere have reduced such protection to post-hoc solutions that ignore the reality that the private sphere has been transformed by the presence of this technology. Therefore, this chapter argues that a fundamental aspect of the private – its separateness – has been compromised by the emergence, use and proliferation of digital technology, and that the result of this is a re-spatialisation of the private away from the spatial and into the phenomenological, behavioural, epistemological and practical. This

marks a major departure from the changes to privacy in previous epochs, which have privileged its spatial differentness.

Drawing on Arendt's exegesis of the development of the private sphere and notions of different epochs of the private sphere and their importance in citizenship, this chapter argues that the comparison between the privacy desired by critics of the current situation and the privacy afforded to persons in the digital world constitute a dialectic that reveals an emerging - but currently undefined - epoch of private space and the private sphere. The private has always been a separate sphere, delineated by spatial and affective factors that gave it clear difference from the political, social and public domains. The computational logic of digital media, with industrial level big data collection fuelling algorithmic governance of spaces and citizens, is fundamentally incompatible with the private sphere as detached from the public sphere (Papacharissi, 2010). These big data practices are exemplified by the proliferation of social media in the home and as an everyday practice in any spaces that allow for mobile communication, the nascent Internet of Things, the emergence of technologies of the quantified self and the industrial data harvesting of Government and security agencies, along with private enterprises. Being watched and watching others (veillance) through continuous connectivity and opaque algorithmic functioning of computational devices in what was termed private space is a familiar current situation. This continual veillance (or autoveillance) forces a transparency or openness upon spaces and places that were once considered private. The effect of this presence of technologies that reformat everyday life into data and the desire of private and Governmental organisations (through processes and techniques of veillance that create transparency) to accrue, store and process this data to understand the data subject have irrevocably altered both the meaning and phenomena of privacy. However, claims to the "death of privacy" simplify the unfolding processes of remediation that are underway. The logic of computation, as a particular manifestation of the current moment of late capitalism, does not eliminate privacy through forced transparency but instead repositions and re-spatialises privacy as an affordance of living in a digitally-infused world that is realised through individual practices and orientations. The points of contestation and resistance are scaled at the individual rather than societal level and constitute a negotiation with the expectations of being-digital in the world.

Parenthetic structure of privacy historically – the ‘bracketing away’ of the private

Arendt's extensive argument on the development of the private in *The Human Condition* contextualises the bracketing off of the private that this chapter argues is a structural necessity of privacy that computation and computational technique threatens. While human life is always rooted in being with others (an observation rooted in Heideggerian thought and the concept of *mitsein*) (Arendt, 1991: 22), the private sphere serves to delineate activities into specific spheres of human action. Away from the private sphere, the politics sphere was the Greek instantiation of public life, and the social

sphere (the coming together of people for a specific purpose that was non-political) a development of Roman society (Arendt, 1991: 23). The political and social stand in a direct opposition to the "natural association" whose centre is the home (Arendt, 1991: 24). In the Greek city-state, being social with others was not a "human" characteristic; the rise of the city-state gave rise to a distinction between the political and public, and of all human activities only action and speech constituted political action out of which rose human affairs (at least for Plato and Aristotle). The distinction between the private and the public sphere corresponds to the distinction between the household and political spheres, with the social sphere emerging in the modern age. Arendt makes much of the observation that freedom (and therefore the political being-with) was critical to Eudemonia, as freedom is essential to the achievement of the state of flourishing. With equality in the polis, historically it can be seen that the private was seen as a state of being that is significantly inferior to the public life – indeed, a state of privation compared to the public life, separated from and without the virtue of a life in public.

Such conceptions of the public life in this history are, of course, deeply problematic. A patriarchal polis of the one outlined in Arendt's account is not desirable in the modern age. However, it serves to illustrate how the private sphere was both constructed by a comparative position with the political and seen as less desirable than the political. Through the Enlightenment and into modernity, the separateness of the private sphere is maintained while its status goes from privation to superiority over the public. This change in status begins with the structure of the family being absorbed across society (Arendt, 1991: 40), and the notion of a harmonious society that emerges from the structure of the household (Arendt, 1991: 44). The growth of the behavioural sciences (anthropology, sociology, politics) work to normalise this domination of the household, and legitimise the structures of the private in society (arguments familiar in the work of Heidegger, Foucault and others). The effect of this is to transform labour into the defining characteristic of public life, as politics spans the private and public spheres. This transformation of the public sphere (into a commons) is signified by the visible: dependent upon appearance and perceptions rather than actions and speech. Most critically though, the private sphere became held in property which results in wealth. Arendt argues that wealth had never been sacred to the common man before modernity (Arendt, 1991: 61), but the rise of the social sphere coincided with the private care for property that made wealth into a public concern. Society became organised around the concerns of property owners that demanded protection from the "public" because of this wealth. While private possessions and wealth may have undermined the prestige of the public sphere, they have also served to maintain the separation between the two even though the private has ascended to a position of dominance over the public. The parenthesis of the private sphere is spatial, political, economic and affective in that the conventions and logics of the private inform the politics and expectations of other spheres of human activity.

While the perception of the private over time has varied from privation to dominance in society according to Arendt's account, the separateness of this sphere has always been maintained. Habermas

(1992) famously laments the structural transformation of the public sphere to a debased version of its former self, partially thanks to the advent and use of electronic media. It can be argued that at the time Habermas identifies this debasement occurring to the bourgeoisie public sphere, a similar transformation begins with the private sphere through the same influence. The structural transformation of the public sphere involved the intermingling of the private and public to such an extent that the domains of the private (economy, family, affect and emotion) became part of that public sphere to the detriment of the bourgeoisie sphere of rational, critical debate. In parallel, the separate nature of the private sphere was affectively altered by the dissolution of the parenthesis between private and public too, obtrusively bringing the concerns of public life into the private sphere (Papacharissi, 2010).

The Digital erasing of the bracket

The parenthetical metaphor used here to describe the private sphere implies a separation from the public and social spheres, while maintaining an affective relationship on those spheres. To describe the dissolution of this parenthesis, I follow a line of thought which posits that the dominance of the morality and politics of the private over the public spheres could not be destroyed by a removal of privacy alone. To achieve this alteration of the private, there must be another set of concerns that replace the private as the key structuring ideas for the public sphere. As White (2015: 44) argues, it is difficult to conceive of the public and political spheres of today without the private. White argues that the shift of epistemological authority from the archives and libraries of the public sphere to the databanks of the internet accessible in the private has fundamentally altered the balance of power and the boundaries between the spheres (2015: 56). The emergence of networked, digital technologies that reorganise human affairs along a logic of computational (or ‘big’) data processing pose the transformative threat to this historically developed private parenthesis (Papacharissi, 2010). While digital devices seamlessly integrate themselves into everyday life, the presence of digital technology in everyday life itself alters the perception of what is private in a pragmatic sense.

The presence of digital media that contribute to big data in everyday life results in an altered orientation to both everyday life and the processes of big data accrual and processing. Underpinning the data revolution in everyday life, van Dijck (2014: 197) describes the belief that people and behaviours can be known through the abstractive processes of quantification as “dataism”: an ideological position on epistemology of human behaviour, but one that is reliant on the premise that data itself is unproblematic. As Drucker (2011) argues, data is assumed to be a given but data itself collapses the critical distance between the phenomenal world and its interpretation. The effect of this is to undo the interpretive stance on which humanistic interpretation of the world is based, and offer a Cartesian view of self, where the self is divorced from the body which can be measured, disciplined and quantified. This positioning of the corporeal as something that can be quantified and objectified

has a similar interpretive turn for privacy. Instead of discreet spaces, private space is transformed into a measured, observed and surveilled space that has an altogether different character to the private space of modernity.

The kind of interpretive stance taken to the world is altered once data and its visualisation becomes a key part of understanding the world, and a change of the status and site of privacy is an effect of this change. Markham (2013) notes that data is assumed to be “beyond argument”, objective and unquestionable. Ruckenstein (2014: 68) argues that such an assumption (when considering technology that quantifies the body) affects one’s relationship to the body. For Dean (2010: 54), the product of this is “a gaze, or the perspective of another before the subject imagines itself”. This pre-eminent subjective gaze is the view from data harvesting and visualisation, not knowledge and reflection. In effect, digital technologies position users the user for the sake of the production of data on that user. The notion of a private self is therefore problematized; if knowledge of the position of the self in the world is the product of a computational gaze that provides data for analysis, then the idea that the subject of this (the self) can be outside this gaze is problematic. If the effect of the presence of computational digital media in everyday life is to comport one’s own orientation to self towards the objective, data influenced position then the environment and space one occupies can also be considered to be subject to this shift. In essence, an affected private self would see an accordingly affected private space and sphere.

If the essence of digital media technologies is the abstraction of environmental or human phenomena as data, then one effect is to hermeneutically position this information as an objective truth. Technologies that are part of the nascent "Internet of Things" or "Internet of Everything" enable data collection on an industrial scale through the close integration of networked technology to human activities. It is this continual data harvesting that is complicit in the collapse of the parenthesis of the private sphere. These technologies operate across all spheres of human action, and make no differentiation between public, social or private space. The collection of spatial data and data on activities that take place in spaces that were considered private affect a perceptual, phenomenological and structural change on the private sphere, a flattening of that sphere into the sphere of data collection. Berry (2014: 14) argues that such technology is indicative of the emergence of a new industrial internet, “a computational, real-time streaming ecology that is reconfigured in terms of digital flows, fluidities and movement”. The constant harvesting of information about everyday actions and the sharing and representation of that data can be seen as a form of capitalism of its own, such as in Foster and McChesney’s (2014) concept of surveillance capitalism. While a user may receive information on their behaviours that can assist in behavioural changes or adaptations, the information garnered from the total users of a device can be used in aggregated form to inform decision making, planning or predictions on behaviour and movement in emergent “smart cities” where “big data” informs the everyday management of the environment – and the private or public

nature of the space of activity is not a consideration. (Greenfield, 2013; Townsend, 2013). This transformation re-shapes the private, from separated from but affecting public activity to being enrolled in the public. If the collection, processing and presenting of data becomes the organising principle of the public sphere, subsuming the private in the process, then the private has been both displaced as the key concern of society and as the sphere that organises the function of other spheres in society.

Wilson (2012: 857) argues that processes of data production in cities are afforded legitimisation through processes of standardisation and objectification, and that these processes in turn are involved in the process of transduction of space (Dodge and Kitchin, 2011). While Wilson's argument concerns the physical characteristics of the city, rather than the processes that underlie human physical presence in the world, the two processes identified are useful in identifying the underlying logic underpinning digital technologies. Standardisation refers both to the use of standardised technological artefacts and standardised processes used in the abstraction and collection of data concerning a physical entity. Digital technologies are critical in the production, processing and furthering of data as an objectification of phenomena. Kittler's (1999: 158-68) argument that media structures "human affairs" through the production, processing, transmission and storage of data is useful in linking this to privacy. The standardisation of process through the concretisation of the form of the device and the standard encoding and storage of data is in itself a standardisation of the abstraction of data. Objectification is the product of this standardisation; the abstraction of data from the private sphere (such as activity on social media) objectifies information that was previously beyond public conspicuousness and presents that data in a form that can be operationalised. The creation and continuation of a data stream that shapes human affairs *a la* Kittler (1999: 158-68) in effect argues that the media device is responsible for an ordering of the human in the world. In the case of big data technologies in the private sphere, the ordering is threefold: the human perception of the world is reordered; the human perception of the private sphere is reordered through the alteration of the perception of the world and through the role of the digital media in private spaces; and subjective notions of private spatiality are altered as the user is enrolled into the role of connected consumer and data producer that comes from the use of digital media. Digital technology is both co-existing with the user in private spaces but also responsible for a transformation of the activities of people in private spaces that renders the private public, and erases the parenthesis of the private in a general flattening of all spheres of human activity as data-producing.

Remaking the bracket: the de-spatialisation of privacy

The presence of digital technologies in all spheres of everyday life, and the functioning of these technologies as data harvesting machines, performs a flattening of space that erodes the parenthesis of the private. The presence of data harvesting technologies in private space denies those spaces the

parenthetic apartness from public or social space, and flattens all spaces of human activity into a homogenised space for data production, collection and processing. However, the idea of the end of the parenthesis is by no means meant to signal the end of privacy. The panoptical vision of the digital world is contested and privacy is still a critical aspect of human experience. Concerns about the erosion of private space are not erroneous or hyperbolic, but they do fail to recognise that privacy has an affective as well as spatial dimension, and these aspects of privacy need to be attended to if we are to understand privacy in an age of ubiquitous computing. Here, I want to outline briefly three possible approaches to understanding privacy that acknowledge that privacy is becoming de-spatialised, but allows for the affective dimension of privacy to be acknowledged and the parenthesis to be reconsidered along affective, epistemological and phenomenological dimensions.

Firstly, privacy can be thought of as a function of focal practices of technology usage, following the work of Albert Borgmann (1984). Focal practices refer to the holistic usage of technologies where not only the technological aspect of the device is considered, but also the environment and the possibilities of understanding the situation through technology usage are considered. With regards to privacy, the use of the device in a situation where the user or other people are oriented towards privacy will result in particular practices of usage (or non-usage) which can characterise privacy in a performative sense. The focal practice of privacy will characterise privacy in a particular way, and an understanding of such practice will allow for a performative, behavioural, pragmatic concept of privacy in an age of digital ubiquity. Closely related to this, an understanding of a phenomenological orientation to computational devices (Idhe, 1990; Heidegger, 1977, Evans, 2015) can also help understand how deeply embodied technologies, and technologies that are present in private spaces but withdrawn from circumspection, can be encountered in a free manner. Here, technology is recognised as an ordering influence in the world, but its ordering of the world can be aligned to the aims and objectives of the user if that user takes the technology as a conduit to their own goals, rather than acting passively in the face of such technology. With regards to privacy, the understanding of the technology by the user and assimilation of the technology with the orientation to being-private are critical. This positions privacy as a mode of being, a bracketing off of the public world with technology rather than against it. In a similar manner, but with a very different basis and conceptualisation of the private, epistemologies of privacy (see Kitchin, 2014: 168-174) become very important. This refers to how privacy operates as a known condition of human existence, and indeed how well known the threats to the sanctity of the private sphere are amongst the technology-using public. Advocating self-responsibility with regards to knowledge about privacy is problematic due to the vast number of and largely hidden nature of techniques of data collection. An understanding of the levels of knowledge of these techniques allied to an understanding of how this knowledge impacts on behaviour would bring another contour to the understanding of privacy as an affective rather than spatial phenomenon.

These practices and knowledge-based attitudes to technology are in a continual tension with big data processes that are characterised by greater accessibility, usability and convenience. To 'turn away' from technology in an epistemological, phenomenological or behavioural sense is not a given, and the means and methods of how people do and will do this need to be understood in greater detail than present. Research that concentrates on how privacy has been violated can tell us only so much; how it is preserved after violation is the gap that needs to be filled. The private citizen of the data world is not yet an entity that is fully drawn; it is being moulded as the processes and presence of big data become both more apparent and more ingrained in everyday life. The idea of a space "away" from such processes becomes more fanciful by the day, and because of this the spatial parenthesis of private space is being challenged and removed. The affective dimension of privacy as the key to how to be private is the challenge on the horizon for understanding privacy in a world of big data; a new affective parenthesis of privacy.

Bibliography

- Arendt, H. (1999) *The Human Condition*. (1st ed). Chicago, IL: University of Chicago Press.
- Berry, D.M. (2011) *The philosophy of software: Code and mediation in the digital age*. Basingstoke, Hampshire: Palgrave Macmillan.
- Berry, D.M. (2015) *Critical theory and the digital*. United States: Bloomsbury Academic USA.
- Borgmann, A. (1984) *Technology and the Character of Contemporary Life: A Philosophical Enquiry*. Chicago, IL: University of Chicago Press.
- Ellul, J. (1973) *The technological society*. New York: Knopf Doubleday Publishing Group.
- Evans, L. (2015) *Locative social media: Place in the digital age*. United Kingdom: Palgrave Macmillan.
- Foster, J.B. and McChesney, R. (2014) *Surveillance capitalism*. Available at: <http://monthlyreview.org/2014/07/01/surveillance-capitalism/> (Accessed: 24 March 2016).
- Greenfield, A. (2013) *Against the smart city*. 10th ed.
- Habermas, J. (1992) *The structural transformation of the public sphere: An inquiry into a category of bourgeois society*. Cambridge: Polity Press.
- Heidegger, M. (1977) *Question Concerning Technology and Other Essays, Vol. 1* (Trans. Lovitt, W). New York: HarperCollins Publishers.
- Husserl, E. (1976) *Ideas: General introduction to pure phenomenology*. London: Humanities Press Intl.
- Ihde, D. (1990). *Technology and the Lifeworld: From garden to earth*, Bloomington and Indianapolis: Indiana University Press.
- Kitchin, R. and Dodge, M. (2011) *Code/space: Software and everyday life*. Cambridge, MA: MIT Press.

- Kitchin, R. (2014) *The data revolution: Big data, open data, data infrastructures and their consequences*. United Kingdom: Sage Publications.
- Kittler, F.A. (1999) *Gramophone, film, typewriter*. United States: Stanford University Press.
- Markham, A. (2013). Undermining “Data”: A Critical Examination of a Core Term in Scientific Inquiry. *First Monday*, 7 October, 18 (10). <http://uncommonculture.org/ojs/index.php/fm/article/view/4868/3749>.
- Papacharissi, Z. (2010) *A Private Sphere: Democracy in a digital age*. London: Polity.
- Ruckenstein, M. (2014). Visualized and Interacted Life: Personal Analytics and Engagements with Data Doubles. *Societies*, 4 (1): 68–84. doi:10.3390/soc4010068.
- Smythe, D.W. (1976) On the audience commodity and its work. In *Dependency Road: Communications, Capitalism, Consciousness, and Canada*, pp. 22–51. Norwood, NJ: Ablex, 1981
- Townsend, A.M. (2013) *Smart cities: Big data, civic hackers, and the quest for a new utopia*. New York, NY: W.W. Norton & Company.
- Van Dijck, J. (2014). Datafication, Dataism and Dataveillance: Big Data between Scientific Paradigm and Ideology. *Surveillance & Society*. 12 (2): 197–208.
- Wilson, M. W. (2011). Data matter(s): legitimacy, coding, and qualifications-of-life. *Environment and Planning D: Society and Space*, 29 (5), pp.857 – 872.
- White, A. (2015). *Digital Media and Society: Transforming Economics, Politics and Social Practice*. London: Palgrave Macmillan.