

## Wentworth Medal 2012 – ‘Privacy is Passé’

### **Outmoded and Eroded: Redefining Privacy and Publicness in the Age of New Media**

*Christopher Hedemann*

In an age of new media, where one billion opinions spew forth on Twitter each week and where almost one billion people broadcast their lives on Facebook, I find *Star Trek: First Contact* an instructive narrative. In that sci-fi classic, Captain Jean-Luc Picard must save his crew from the Borg, a collective of cybernetic organisms who operate like bees in a hive. They enslave other species by assimilating them into the Borg collective and replacing the faculty of individual thought with a connection to the hive consciousness. The surgically implanted high-tech gadgetry, synchronous, robotic movement, and vacant stare that accompany Borg assimilation are eerily reminiscent of the shuffling, zomboid masses that I see everyday on Sydney trains. Heads down, earphones in, swiping rhythmically at smartphones, they are connected to the new collective online, which commands ‘Disclose!’

Have we become enslaved by the newfangled new media? At our fingertips, we have a host of online platforms such as Facebook and Twitter, designed to help us share our lives with others. The agora of the twenty-first century is found online, and the rules are simple – the more you disclose, the more attention you will receive. This has led some to believe that a generation of new media users are slavishly self-violating their privacy en masse by disclosing intimate details in public. But we are different from the Borg in one crucial respect. As zomboid as we appear, as plugged in as we may be, we maintain an individual will and an agency in what we disclose and to whom.

The once obvious connection between privacy and isolation has lost its significance in a world where sharing is ubiquitous, and where mobile communication devices make us infinitely accessible via phone, text or email. Instead, privacy is the ability to include or exclude whom we want from our own networks and to control how our personal data is used. We can make new 'friends' with a single click, but we can 'de-friend' them with a second. As the number of people online grows and as surveillance technologies become more sophisticated, we must defend our right to have agency over personal information.

However, because privacy has increasingly become an issue which impacts whole societies instead of individuals, the means with which to defend privacy must also operate at the social level, at the level of the public. The ability of the public to engage in social and political issues is therefore a critical dilemma for the privacy debate.

I argue that the state of the public has been eroded by market values that have engendered a culture of disengagement and individualism. This has the dual effect of isolating citizens from their national polity and weakening our ability to deal with group problems that defy individual solutions. Recent events, including the Arab Spring, provide some hope that the new media will reengage us in the democratic process. It is only through building a strong public that we will be able to defend our right to privacy. Therefore, neither privacy nor publicness is passé; they are interdependent and both are necessary values in the age of new media.

### **PRIVACY AND PUBLICNESS REDEFINED**

The notion that privacy is eroded by online disclosure relies on an understanding of privacy made popular by Samuel Warren and Louis Brandeis in their 1890 seminal paper, which defended 'the right to be let alone'. Their

paper emphasises total seclusion or isolation as a reprieve from public exposure, an isolation which public disclosure would surely destroy. However, this concept does not capture the complexity of how privacy is negotiated online today.

Despite its unsuitability, the traditional definition of privacy has nevertheless persisted, causing many to believe that privacy is passé because disclosure is hip. Mark Zuckerberg, whose company Facebook is a central channel of increasing online disclosure, claimed that privacy is no longer a 'social norm' because social media users have become accustomed to sharing their lives with large audiences (Johnson). Zuckerberg is not alone in his belief; Google CEO Eric Schmidt agrees that the main threat to privacy is self-violation through online disclosure (Jarvis 115). Many do not question the logic that online disclosure has made privacy redundant, but have instead tried to explain it as the result of a generation of young people fluent in a technology that they do not understand (Melber).

Now that 'the *gadget* has permeated new millennium daily life, filled in the unproductive pores of the working day, [and] created human personalities permanently online' (Merryfield 13, emphasis in original), the definition of privacy as total isolation or seclusion no longer has much currency. Instead, a better definition of privacy in a networked society is the ability to have agency over personal information and how it is used (boyd, 'Dear Voyeur').

Teenagers on Facebook are acutely aware of the importance of privacy and are adept at using both coded language and platform-based tools such as blocking and privacy settings to control the meaning received by different online audiences (boyd and Marwick). Indeed the majority of Facebook users in all age categories, whether they are 18 or over 65, adjust their privacy settings and use strategies to control personal information (Madden).

Common privacy strategies used on Facebook include: de-tagging yourself in photos; creating multiple friendship groups each with different access to your

data; deleting your previous comments or the comments of others on your own page; and covertly de-friending existing friends (Madden).

Privacy, in the sense of agency, is not passé but is instead a crucial element of online networks. Agency over personal information reduces the ability of others to impose their will on us. It protects the fundamental freedom to access and contribute to the public realm without fear. Consider an American housewife who is investigating the possibility of abortion in the midst of a public campaign that seeks to restrict her ability to choose (McVeigh). Her access to information and support through online opinion pieces or forums of women in similar circumstances would be compromised if she thought her anonymity online was not secure, or that others might access her search history. It is not, as Schmidt has suggested, that we shouldn't be doing things that we don't want others to know about (*Inside the Mind of Google*). Instead, the online culture that makes Schmidt's and Zuckerberg's businesses so profitable is balanced precariously on the concept that we can control who knows our identity online, and there is a limit to who sees our Google searches and Facebook posts.

Privacy in the network society has undergone an additional shift in meaning – from an individual value to a social value. Even though privacy has conventionally been framed as an individual right, the ubiquity of technologies and online platforms makes it difficult for one person to be affected by a privacy incursion without it affecting the group (Bennet 486). Now, whole nations of people can have their privacy threatened as the 'governance of privacy is always under attack from powerful public and private interests eager to use the latest information technologies in the name of risk management or profit accumulation', (Bennet 493). For example, the Malaysian parliament, in an attempt to attack online anonymity, has recently voted to shift the burden of proof from the accuser to the accused. Owners of online accounts from which supposedly seditious comments are posted will now remain guilty until proven innocent (Theophilus).

I argue that because attacks on privacy are in fact social problems, the means with which to defend privacy must operate on the same level – collectively. The power of users to protest privacy abuses online is significant because the value of online platforms requires the consent and participation of vast user-communities. When governments change their laws to compromise the online anonymity of the public, as the Malaysian parliament has done, it is the *public* who must respond. Therefore the state of the public and its ability to defend privacy are crucial elements in the privacy debate. Although privacy academics and public policy makers have sought to develop social understandings of privacy that are suited to the network society (Bennet 488), there appears to be little discussion of the state of the public, or whether the meaning of publicness might also have changed.

Current privacy discourse lacks the language needed to defend agency in the network age precisely because it has neglected to consider and redefine publicness. Publicness sits quietly opposite the image of privacy as isolation and has taken on the corresponding opposite meaning of exposure. This definition of publicness is passé because it does not permit a critical discussion of the type of public that we are building online. Can a network truly be public if its users are segregated? If every individual in a network is fighting to protect his or her own interests, whom does the network serve? To answer these questions we must bring back into the privacy discussion a definition of publicness that incorporates public in the sense of shared purpose and the common good. Only by doing so can we critically examine the competing dynamics of publicness, which can both fortify privacy and assist in its erosion.

## **THE PUBLIC GOES TO MARKET**

The statement, 'privacy is passé', could indeed have been made by a new media mogul like Facebook's Zuckerberg. This approach has value to corporations that profit from personal data, because it mollifies the public and prevents dissent against the use of their data. The conflict between corporate and public interests is not only restricted to privacy, but is in fact part of a wider social phenomenon that has seen market values increasingly replace community values. It is important to understand these dynamics because they impact on the public's ability to engage with social issues like privacy.

The bedrock of modern competitive economies is that capital is mobile and the market is efficient so long as it is free and open. However, by commodifying local resources and exposing them on the global market, we can in fact lose control of resources that are inherently local and communal. Consider London's recent addition, the Shard, built in the centre of one of the city's poorest neighbourhoods, but 95 percent owned by the Qatari government (Chakraborty). Some apartments in the Shard are so expensive that there are only 25 to 50 potential buyers in the world (Chakraborty). This curio for the wealthy is not a one-off but is just one case in a marked trend toward privatisation of public space, which divides communities and promotes a culture of distrust (Minton).

The power of democracy is increasingly usurped by the power of corporations, which control public agendas through powerful lobbies, monopoly of the mass media, and the threat of taking their capital offshore. The result is that politicians 'no longer control interest rates, the exchange rate, or wages, prices or industries that were once protected or even owned by government' (Tingle 60). Governments try to claw back control and popularity by dealing with multinational issues such as climate change with traditional political principles that seek to maximise the interests of the nation-state or even the interests of individual political actors (Castells 41).

These approaches are objectively ineffectual because global problems like climate change require multilateral solutions. Such shifts in power have left us increasingly ineffective in tackling such problems.

Citizens have therefore lost faith in the ability of government to protect the common good. Few citizens participate actively in their own governance. Additionally, the loss of public services and spaces means that citizens must increasingly become self-reliant, so that a sense of community is replaced with the primacy of individual interests. As a result, the shape of the public is such that entire communities can now fail to question the meaning of social problems that affect them.

If the public does not stand up for privacy, then who will? Not corporations, because privacy inhibits the ability of corporations to make profits. The government might, but can it respond appropriately if the public has become disengaged from politics? I do not pretend to have answers to these questions. However, just as there are contemporary forces that erode publicness, there are forces that can strengthen publicness as well. There is a sign that new media may provide communities with the opportunity to reconnect and to act with collective strength in ways that were not previously possible.

### **NEW MEDIA FOR A NEW PUBLIC**

By accessing new media networks that connect the local with the global, citizens can relate local agendas to global forces (Castells 49). In the 2011 Egyptian uprisings, visual media recorded by local protestors gave a sense of urgency and global legitimacy to the movement that intensified its impact in Egypt and across the Middle East. While new media did not create the sense of community in Tahrir Square, it undeniably helped to galvanise the uprisings and enabled them to develop a strength that united Coptic and Muslim Egyptians against the ruling regime – at least in the short term (Alexander).

The alarming speed at which new media can gather momentum in online networks means that an individual's story or opinion can challenge power by connecting with the shared experiences of multiple people. After the 2011 London riots, Prime Minister David Cameron claimed the unrest was 'criminality, pure and simple' (BBC News). He attributed the riots to the 'moral decline' in British society (Cameron), rather than acknowledging that it was cuts in social spending and a racially discriminatory police force that so clearly played a part in the riots (Lewis et al.). In the midst of this, Mauro Demetrio was able to record on his mobile phone an exchange with police, who assaulted him and racially abused him in the back of a police van in the wake of the riots. While authorities initially rejected Demetrio's charge against the police officers, the chief crown prosecutor allowed the charges to be brought because the case was 'in the public interest' and 'necessary in order to maintain confidence in the criminal justice system' (Lewis, 'Police Officer Accused'). Demetrio's recording of that event and its publication via mainstream media networks (Lewis, 'Police Face Racism Scandal') helped his case connect with a growing public awareness of race, poverty, and police brutality that the Prime Minister had tried to silence.

We need to remain realistic about the democratic potential of new media. There is the danger that existing political disengagement will simply reinforce itself online (Smith et al.), or that the Internet may simply help 'the weird find the weird and get weirder' (Schwarz). As people seek out others who share their ideas instead of tolerating debate, the digital commons may polarise opinion and further fragment communities across ideological boundaries (Baym 96-97). Anders Behring Breivik, for instance, who in 2011 killed over 80 people in Norway, was motivated by an ideology of Islamophobia and separatism. He attempted to use blog postings before the massacre and his subsequent courtroom appearance to connect with others who identified with his beliefs (Kellner 16). The new media can therefore both contribute to or



undermine the democratic potential of a community; it depends ultimately on how the platforms are used.

At the very least, new media moguls like Zuckerberg should understand the multi-directional nature of their platforms. In 2006 when Facebook attempted to change the way the personal information was displayed via a new system called News Feeds, disgruntled users created multiple protest groups on Facebook, including one 700,000 strong group called 'Students Against Facebook News Feeds' (boyd, 'Facebook's Privacy Trainwreck'). Less than three days after the launch of News Feeds, Zuckerberg apologised and introduced new privacy settings that are so frequently used to control privacy on Facebook today. The public, in other words, has shown the ability to defend privacy by using the tools of new media against itself.

### **ENSLAVED OR ENLIGHTENED?**

Privacy is not passé. The belief that self-disclosure online has caused privacy to go out of fashion relies on an understanding which constructs privacy as total isolation. Privacy is in fact the agency to control personal information, and is a crucial aspect of our ability to access and contribute to the public sphere online.

Threats to privacy are social problems that require social solutions. There is a very real possibility that the online public will be inadequate and unable to generate those social solutions if the erosion of public services and spaces pushes citizens increasingly towards individualism and disengagement from political processes. An understanding of the shape of the public online is therefore fundamental to the privacy debate.

Whether or not the new media will provide tools for communities to participate more actively in their governance depends on how those tools are used – to unite or to fragment. If new media networks encourage

collaborating for the defence of the public good, then perhaps publicness will truly be a hallmark of the twenty-first century, and strong and unified online communities will have the clout to protect privacy against corporate interests.

If, however, networks are used simply to give more airtime to ideologies that silence injustices and contribute to community fragmentation, then the future public will be a contradictory one. This would be a public in which the network is alive but the community is dead, in which political action online dilutes or polarises its effects, and in which an already significant erosion of the public sphere would continue. Like the Borg, we would be slaves to the network, but with one crucial difference – the network would serve not the many but the few. If privacy continued to have value in such a future, we would lack the means to enforce it.

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