The Concept of Privacy

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Privacy is a territory that gets to "be our own" in an uneasy truce between ourselves and society.—Arnold Simmel

SCIENCE is amoral. That is, the systematic process of inquiry—including its methods of study and the resultant data—lies outside of the realm of value judgments of right or wrong. There is no tree of knowledge of Good and Evil. What there is, is Actuality—and our attempts to understand it better through scientific investigation. Decisions and actions can be evaluated as moral or immoral but, in itself, information simply exists. It is in the human use of the methods of inquiry and application of the findings that ethical dilemmas arise.

The increasing interest expressed by health professionals about the ethical issues of research and practice reflects both sensitivity to the consciousness-raising messages of the various civil rights movements and recognition of the tremendous impact of an increasingly sophisti-

0161-9268/80/0022-0025$2.00

cated technology. Such concern also testifies to the maturation of the professionals themselves. As they become less awed by the powers of technology they are more able to raise questions about their appropriate use.

A CHAMELEON CONCEPT

Privacy is a salient concern for health professionals, since matters of privacy are inherent in the interactions between them and their clients. For nursing, as a humanistic discipline whose practitioners care for their clients during many intimate and vulnerable moments, participation in the systematic inquiry into the phenomenon of privacy is a relevant responsibility. Moreover, since the hospital environment provides a laboratory of sorts in which invasion of privacy may be epidemic, nursing research that examines the relationships between variables within this context may be not only scientifically enlightening, but even ethically required of us as the discipline responsible for that 24-hour inpatient milieu.

But privacy is a chameleon concept. The Constitution assures Americans of the ideal of privacy as an equal right, and this ideal continues to be reflected in official statements: "The claim to privacy is fragile but persistent; it is as subtle and powerful as the need for personal dignity; it is a fundamental aspect of individual freedom and worth."[1(p8)] Yet our society indicates that privacy is an elitist symbol—for example, the private club, the private beach, the private secretary, the private practice. Is privacy a concept definitive enough to be studied empirically at this time? Beardsley addresses its amorphous quality when she notes that statements about privacy tend to be descriptive rather than explanatory: "They do not answer the basic questions of why does privacy exist at all? What functions does it serve? Is it healthy or morbid? Where are its boundaries or zones?"[2(p58)]

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THE EVOLUTION OF PRIVACY

Clarification of the dimension of privacy is an essential preliminary to its empirical investigation. Its historical and cultural origins, including the sources of our modern notions of privacy as a legal right, as a social privilege and as a psychological function, need to be considered.

Etymology

The etymology of privacy is a point of departure for understanding the development of this concept. The words *privacy* and *private* are derived from the Latin *privo* which means "to deprive." Its original usage was the military term *private,* which meant literally "to be deprived of status or rank."[3] The stem of *privacy* is *priv,* as is the stem of the word *privilege,* which means a "favoring opportunity."[4] In 1702 Kersey defined *private* as "particular" or "secret," and *privilege* as "a private or particular law."[5]

Anthropology

But 1702 is relatively recent in human history, and there are indications of much earlier origins of this phenomenon. From their cross-cultural anthropological studies, Roberts and Gregor speculated that privacy is a neolithic emergent, since it was negatively correlated with gathering, hunting and fishing societies but more positively associated with herding and agricultural societies, even where there was little political integration.[6]

History

From a historical perspective, Rabkin traces the development of what he calls "inner space" through early and later Greek thought. He notes that the early Bronze Age Greek representations of self depict a series of parts joined together at joints, that the person referred to himself by his own name, and that there seemed to be no concept of the body as a whole. According to Rabkin, the significance of the body concept in later Greek thought is that it provided a container or "space" in which one lived. But this was a physical being who belonged to the state; person and community were fused. As Greek thought evolved, awareness that one was the agent of one's own thoughts and feeling—previously attributed to the gods—also developed. And the psyche, a container within a container, emerged.[7]

From these etymological, anthropological and historical examples, privacy can be postulated to be a psychosocial reality that exists within a matrix of political, technological, psychological and evolutionary phenomena. It is from this concept that the dimensions of privacy in our American culture will be explored.

A LEGAL RIGHT

In the legal realm, privacy as a right has been maturing through a process based on actual court cases. Privacy is thought to be an intangible property emerging from corporeal property and therefore a right to be protected by law.[8] Within the last two decades, the literature from these proceedings has multiplied as the law works its labyrinthian way from particular to precept.

Yet the legal decisions about alleged privacy invasions do little to define its nature. Gross refers to privacy as an "ill-defined embryonic notion" in comparison with "established legal concepts such as trespass, nuisance, defamation and others. . . . there appears to be no bounds to the areas in which privacy may be found and legal protection sought."[9] Beardsley claims that "the most dependable clue to the content of the norm of privacy in any given society is found in the nature of conduct held to violate privacy."[2] Therefore, from the legal perspective, the boundaries of privacy are defined by their disruption, leaving the essence of the concept to be determined by default.

Consonant with this view is the interpretation of the right of privacy as the right to limit publishing and entertainment media encroachment on the individual, the right to make basic decisions affecting one's own life without government control, and the right to be free of governmental and private surveillance.[10] The issues for current and future health practice and

research implied in that statement are considerable!

A SOCIAL PRIVILEGE

Although it should be unnecessary to examine as a privilege that which is by law a right, commonplace observations support the contention that privacy is associated with status and status separation. A relationship between power and privilege has been postulated by Lenski in his second law of distribution, as follows: privilege is largely a function of power, and power determines the distribution of nearly all the surplus (of scarce goods) possessed by a society.[11] If this relationship exists, then one would expect to find privacy unevenly distributed among socioeconomic levels, its presence an attribute of affluence, its absence a correlate of control. The following excerpts serve to illustrate the cultural sanction of privacy as a commodity rather than as an equal right:

> Privacy is an object of exchange. It is bought and sold in hospitals, transportation facilities, hotels, theaters, and most conspicuously, in public restrooms. . . .[12]

And,

> Private patients were separated from one another. . . . The patients in these accommodations did not associate with each other *except on their own terms* . . . [In contrast,] patients in multiple bed rooms were acutely aware of suffering and death.[13] [emphasis added]

The final excerpt notes that research itself has violated the privacy of the poor.

> The first large-scale inquiries based on interviewing dealt with slum dwellers, Negroes, immigrants, juveniles on the margin of delinquency, persons with dubious moral standards, et al.—people regarded as not possessing the sensibilities which demand privacy or the moral dignity which requires its respect.[14]

Other authors have cited the affluence of society itself along with its increased industrialization, accelerated technology and sophisticated surveillance techniques as social forces that are undermining privacy.[15,16] But the threats to privacy posed by an affluent society and the notion of privacy as a privilege associated with status and money are not contradictory ideas, since an affluent society does not mean that all the individuals who live in it are affluent. There is a reasonable explanation for this paradox: if affluence and abundance of goods in a society lead to overcrowding in urban areas and increased risks to privacy as described, then privacy may be an increasingly scarce good, a luxury whose accessibility is a function of the power of the individual to purchase it. Within this context, this privacy could be studied as a corollary of Lenski's second law of distribution as previously explained.

A PSYCHOLOGICAL FUNCTION

Privacy as a legal right, privacy as a social privilege; but why be concerned with privacy at all? Is it a human need like sleep or love? The positions on privacy as a psychological need or function can be roughly classified into three groups: (1) those who consider privacy to be an antisocial anachronism, (2) those who think privacy to be a necessary defense mechanism against the pressures of society

and (3) those who believe privacy to be a vital condition for personal growth.

Proponents of the first position represent what Weinstein has called a reductionist view. Such views interpret a demand for privacy or removal from the larger group as dysfunctional, a "fall from the perfection of tribal wholeness . . . [a loss of the] primal experience of fullness."[17(p89-93)] In this view, the consequences of individual privacy on the well-being of the group is of primary concern. Privacy is seen as dysfunctional and as implying a structural inadequacy in the individual.

The second group also assumes a structural inadequacy, but this group ascribes it to the social relations system rather than to the individual. The following excerpt typifies this functionalist point of view:

> Indeed, we retreat to privacy when our expressions of individuality might be too much for our fellow citizens. But that is not the only use we have for privacy. In privacy we can develop, over time, a firmer, better constructed and more integrated position in opposition to dominant social pressures.[18]

Accordingly then, privacy is considered a palliative and a restorative, an opportunity to escape from social stress and to build a stronger defense against its pressures.

In contrast, the third group considers privacy to be germane to the self-actualizing process rather than a retreat due to failure or a withdrawal for repairs. The voluntary, positive aspects of privacy are emphasized: "Privacy, like alienation, loneliness, ostracism and isolation, is a condition of being-apart-from-others. However, alienation is suffered, loneliness is dreaded, ostracism and isolation are borne with resignation or panic, while privacy is sought after."[17(p88)] In the absence of meaningful others or personal purpose only alienation or isolation—but not privacy—can ensue. For privacy requires that there be relevant others from whom one wishes to be apart in order to engage in some fulfilling endeavor. It implies both an appreciation of intimacy and a well-defined self able to enjoy being involved with itself: "Privacy provides the moral context or medium in which arise the higher forms of personal relations, the intimately inviolate and sacred."[19] In summary, privacy is a vehicle in which one travels toward transcendance.

RESEARCH IMPLICATIONS

These three perspectives on the psychological aspects of privacy in addition to the legal, social, and historical dimensions contribute to a broad interpretation of the phenomenon. Still, the concept eludes closure. One reason for this lack of a holistic understanding may be that these dimensions are not additive; privacy includes all of them and yet is something more. "Privacy is the exclusive access of a person to a realm of his own."[20] And where is that realm? What are its generic properties and its delimitations? How can individual privacy zones be assessed? What behaviors indicate deficiencies? What conditions foster the capacity to enjoy and benefit from privacy? Under what conditions is privacy sought? What are the relationships between privacy and creativity, between privacy and perceived locus of control?

Such questions need to be explored in

empirical studies. Typically, research concerned with issues of privacy has focused on related spatial concepts such as territory,[21] interpersonal distance and visual exposure.[22] But research about space and overcrowding that focuses on avoidance patterns appears to be based on an ecological model of space used in studying the effects of overcrowding in animals.[23(p8-11)] The validity of that conceptual model for studying the meaning of human response is questionable.

Perhaps a more relevant framework for investigating the human experience of privacy could be developed from the four functions of privacy postulated by Westin as personal autonomy, emotional release, self-evaluation and limited and protected communication.[23(p32-39)] Moreover, scientific understanding of the nature of privacy might be better advanced through field studies that employ a wide range of descriptive and phenomenological methodologies.

A further caution is warranted. Research into the nature of privacy precipitates an ironic dilemma: when privacy is investigated, to some extent it is also invaded. Considerations such as informed consent, protocols for protection of human subjects and avoidance of sampling only those persons who are used to having privacy disrupted might help to minimize unnecessary risks.

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But the validity of scientific study depends upon freedom of inquiry. "Behavioral science is obligated to explore all aspects of human behavior to the degree that such inquiry contributes to improved understanding of the nature of man and society."[1(p10)] Improved understanding of the nature of privacy is essential to improved understanding of human nature. And improved understanding of human nature is intrinsic to the theoretical foundations of nursing science.

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