Chapter XXXII
Privacy, Contingency, Identity, and the Group

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ABSTRACT

The chapter argues that there is a way to justify privacy without relying on the metaphysical assumption of an independently existing self or person, which is normally taken to underlie personal identity. The topic of privacy is an important one in technoethics because advances in science and technology today have resulted in threats to privacy. I propose furthermore that privacy is a contingent matter, and that this conception is more convenient in helping us understand the complex issues surrounding deliberating thoughtfully about privacy in many dimensions. It is the very contingency of privacy that makes it malleable enough to serve our purposes. Basically, the argument is that it is possible for there to be a society where individuals there do not have any privacy at all, but they are still autonomous moral agents. This argument has some close affinities with the Buddhist perspective, though in this chapter I do not intend to presuppose it. Then I discuss the issue of group privacy. This is a rather neglected issue in the literature, but group privacy has become more important now that contemporary genomics and bioinformatics have the power to manipulate large amount of population data, which could lead to discrimination. The proposed conception of privacy is more suitable for justifying group privacy than the one that presupposes the inherently existing individual.

INTRODUCTION

Privacy has become a primary concern in many circles nowadays. The increasingly pervasive use of electronic and information technologies has resulted in more sophisticated tools that are used for surveillance and data mining, which threaten privacy rights of citizens. Furthermore, privacy has become a concern not only in the West, but also in Asia, where there has been significant economic growth in recent decades. This concern has led many scholars to ponder on how the concept of

privacy and its implementation could be justified, especially in the context of the East where privacy is generally perceived to be a part of the modern West where Asia has had no exact counterpart, a situation that prompted many papers on how privacy could be justified in Asian contexts (E.g., Ess, 2005; Lü, 2005; Kitiyadisai, 2005; Rananand, 2007; Nakada and Tamura, 2005; Hongladarom, 2007). What I would like to accomplish in this chapter is related to those attempts; however, the chapter is not intended as another contribution to how privacy is to be justified or even criticized from the Asian perspective. It is instead an attempt to map out the conceptual terrain of privacy without relying too heavily on the literature of the traditions of Asia, which in fact has been my concern elsewhere (Hongladarom, 2007). That is to say, I intend what follows in the chapter to be generally applicable in most cultural contexts. This should not be taken to be an argument for the supremacy of one culture over others; rather my concern is to find out a common ground that should be acceptable for all cultures, without privileging one over another.

The overall aim of this chapter is, then, to present a philosophical analysis and justification of privacy that differs from what is available in most literature on the topic. The topic is of direct relevance to technoethics, conceived of as an investigation of the ethical implications of science and technology, because these advances have resulted in actual and potential violation of privacy of either individuals or groups of them. It is well known that current technologies, such as genetic databanking, smart ID cards, and others have made it possible to collect, store, and systematize a vast amount of information related to particular individuals. In Thailand, for example, the previous government introduced what is called 'smart ID cards' (Thailand introduces national ID with biometric technology, 2007). Basically these are supposed to function as identification cards for each and every Thai citizen, which has been around in Thailand for decades. However, in recent years the government ordered that a new type of card be issued with a microchip, which is capable of storing a very large amount of information. The rationale was that this new type of card would facilitate interaction with public agencies, as important information that is required for an individual to contact the government would be stored in the microchip, eliminating the need to carry a number of paper documents. However, since the card identifies an individual citizen, it is conceivable that deeper level of individual information might be stored in the card, enhancing the possibility that the government or the authorities might use the resulting huge database in profiling or perhaps discriminating one group against others in one way or another, and so on, thus undermining the privacy of the individuals. Many research works have in fact been done on the Thai smart ID cards, and its potential for misuse.[1]

The idea to be presented here is that there is an area within and surrounding an individual and indeed group of individuals that should be protected, and that the boundary demarcating the area is an imaginative line, much like the longitudes and latitudes are. In the chapter, I show that the idea of privacy is strongly related to the philosophical concepts of identity, either that of an individual or to a group.[2] Privacy is connected to identity because it does not seem *at first sight* to make much sense in saying that there is a privacy to an individual while the identity of that individual changes through time. In other words, privacy *seems* to presuppose a rather strict identity of an individual. Without such a strict identity, it would be hard, or so it seems, to identify whose privacy should be protected.

However, I don't believe that privacy does in fact rely on such a strict identity of the individual. If it is the case that an individual is constituted by a set of information that together describes his or her identity vis-à-vis other individuals, then there does not have to be a 'core set' of information such that the core uniquely identifies the individual at all times. That is, the individual does not seem