

Chapter VIII

Analysis and Justification of Privacy from a Buddhist Perspective

Soraj Hongladarom
Chulalongkorn University, Thailand

ABSTRACT

The perspective of various Buddhist traditions offers an illuminating insight into the nature and justification of the concept of privacy in information ethics. This chapter begins by outlining the major literature in the West that deals with the issue. What has emerged in the literature is a common assumption of a separately existing individual whose privacy needs to be protected. Then I present the thoughts of two Buddhist thinkers, Nagasena (1894) and Nagarjuna (1995), who are representatives of the two major traditions: Theravada and Mahayana, respectively. The two Buddhist saints agree that the concept of privacy is a construct, since it presupposes the inherently existing individual, which runs contrary to the basic Buddhist tenet of no-self. However, this does not mean that there can be no analysis and justification of privacy in Buddhism, because there is the distinction between two views regarding reality—the conventional and the ultimate views. Both are indispensable.

INTRODUCTION

Privacy has become a key issue in today's information society. It is well-known that the power of information technology is such that information about an individual or, indeed, the entire population now can be easily obtained and manipulated. This can bring about tremendous convenience and benefit, such as when one puts an ATM card into a machine and gets out money, or when one does

business with public authorities and can avoid the hassles involved in a seemingly endless amount of paper and filings. However, it is also well-known that the potential for misuse of the information is a real one. In Thailand, there has been much discussion about the government's plan to issue a digital national identification card to each citizen. This idea is not new in Thailand, as each citizen has been accustomed to having a national ID card for a long time. What is new is the digital nature

of the new type of card, called a *smart card*, which will be implanted with a microchip and supposedly will contain much more information about the cardholder than before. There were talks about putting such information as health records (so the holder does not have to bring along all of his or her health information and medical history when seeing a doctor anywhere in the country), tax ID number (for convenience when contacting the Revenue Department), and other forms of information in one card so that Thai citizens do not have to carry too many cards in their wallets. While clearly offering conveniences of this sort, it is equally clear that there is the tremendous potential for authorities to use this huge database in ways that may not be in accordance with the rights and privacy of the population.

This situation is exacerbated by the fact that Thailand still does not have a specific law protecting personal information. Thus, in principle, the government can decide to do whatever it wants with the information contained in the smart cards. Examples of such misuse are discrimination against certain population groups, such as minority ethnic groups, or perhaps those who are more liable to get certain diseases that would put a heavy burden on the public health service system. It is conceivable that the health records, should they be contained in the smart cards, might lead to a situation in which citizens are denied their rights or are discriminated against. This can happen when the health records in their cards show that they are more likely to contract certain diseases than the general population and, thus, may have to pay more for their insurance, and so forth.

Another serious potential misuse is to use the information and communication technologies for surveillance purposes. The political unrest in southern Thailand has led some politicians to voice their opinions that closed circuit cameras should be installed in key places so that, in the event of violence, the culprits could be identified. In cyberspace itself, there have been talks

of recruiting a number of volunteers who would prowl cyberspace searching for Web sites or e-mail messages containing unlawful content. It is only a short distance from these good intentions to turn into actions that could destroy civil liberties and individual rights of the people. All this was not even conceivable a few decades ago, but with the proliferation of information and communication technologies, these actions are not only possible but are being performed in certain places.

The threat of these misuses of information underscores the need for a sustained reflection on the nature of privacy and its justification. What, in fact, is privacy? What is being guarded when one wants the government to curb its power of gaining information? Another related set of questions is: What justifies the need that privacy of individuals be protected? What kind of principle lies behind the justification attempt? It is the purpose of this chapter to begin to investigate these questions through the Buddhist perspective, especially that of Mahayana Buddhism. The reason I believe the Buddhist perspective is important in this area is that Buddhism has a very interesting claim to make about the self and the individual on whose concept the whole idea of privacy depends. Furthermore, Buddhist ethics also have quite a lot to say in the area of information ethics, especially regarding privacy. As Buddhism finds itself in the early 21st century, where there are widespread potentials to violate an individual's privacy, Buddhism has to find a way to accommodate itself in the new environment and to provide answers to the normative questions that naturally emerge. Hence, at least in Buddhist cultures, one stands in need of answers from the Buddhist tradition that could provide effective guidelines on these matters.

Here is what I would like to accomplish in this chapter: Nagasena and Nagarjuna, two Buddhist saints whose writings form the very basis of both Theravada and Mahayana Buddhism, have a very interesting concept of the self (or lack thereof, as we shall see), which can be applied to contempo-

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