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Social Networking Sites
in the Surveillance Society

Critical Privacy Studies and the Internet

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Abstract: *Although there is much public talk about privacy, it seems that there is no definite answer; rather, ambiguous concepts of what privacy is and what indeed privacy in peril is. The overall aim of this paper is to clarify how privacy is defined in the academic literature, what the different concepts of privacy have in common, what distinguish them from one another, and what advantages and disadvantages such definitions have. This contribution contains a systematic discussion of the state of the art of privacy studies by establishing a typology of existing privacy definitions and discussing commonalties and differences. In this paper, it is argued that the existing literature is insufficient for studying privacy (on the Internet). In contrast, a critical contribution to privacy avoids pitfalls of the existing literature and strives for the development of theoretical and empirical research methods in order to focus on privacy in the context of domination, asymmetrical power relations, resource control, social struggles, and exploitation.*

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1. Introduction

There is much public talk about privacy. The following collected news clips indicate this development:

> *"EU Seeks Tougher Online Code In Bid to Safeguard Private Data. The European Union proposed new privacy rights for citizens sharing personal data with websites such as Facebook and Google." (The Wall Street Journal, November 5, 2010)*

> *"Facebook tool shows location. Millions of Facebook users have been warned to check their privacy settings after the social network launched a tool to let friends reveal your location." (The Sun, September 17, 2010)*

> *"Google accepts privacy leaks. Google Inc. admitted for the first time its Street View cars around the world accidentally collected more personal data than previously disclosed – including complete emails and passwords – potentially breathing new life into probes in various countries." (The Times of India, October 23, 2010)*

These examples point out how important the topic of privacy has become for the media and for our daily lives. The media often alert that privacy seems to be under attack and vanishing especially caused by the emergence of new information and communication technologies such as the Internet. For instance, Web 2.0 activities such as creating profiles and sharing ideas on Facebook, announcing personal messages on Twitter, uploading or watching videos on YouTube, and writing personal entries on Blogger, enable the collection, analyses, and sale of personal data by commercial web platforms. Nevertheless, what is actually meant with the term privacy? Although there is much public talk about privacy, it seems that there is no definite answer; rather, ambiguous concepts of what privacy is and what indeed privacy in peril is.

The overall aim of this paper is to clarify how privacy is defined in the academic literature, what the different concepts of privacy have in common, what distinguish them from one another, and what advantages and disadvantages such definitions have in order to clarify if there is a gap in the existing literature. For doing so, section two, three, and four contain a systematic discussion of the state of the art of privacy studies by establishing a typology of existing privacy definitions and discussing commonalties and differences. For analysing the literature on a more abstract level and identifying advantages and disadvantages, it is essential to discuss commonalties and differences and to find certain typologies. Finally, section five gives a summary and makes some propositions for a critical contribution to privacy.

"Privacy is a social relation" (Lyon 1994, 184) and therefore a social phenomenon. In order to establish a typology of privacy definitions, it makes sense to make use of

social theory. According to Fuchs (2008, 40), social theories can be classified according to how they deal with the relationship of social structures and social actors: Individualistic and subjectivistic theorists such as Weber, Mead, and Habermas argue that society is constituted by social actors. Structuralistic and functionalistic theorists such as Durkheim, Merton, Parsons, and Luhmann highlight the constraints of social structure on the individual. Individualistic social theories underestimate the constraining effects of social structures and structuralistic social theories do not consider agencies in an appropriate way (Fuchs 2008, 40f.). Therefore, it is crucial to elaborate an integrative approach in order to solve the foundational problem of sociology of how social structures and actors are related (Fuchs 2008, 49). Primarily based on Hegel, Marx, Marcuse, Giddens, and Bourdieu, Fuchs develops an integrative approach, which considers the relationship of society (object) and individual (subject) as mutual in order to bridge the gap between individualistic and structuralistic social theories. Integrative approaches "try to avoid one-sided solutions of this foundational problem of sociology and conceive the relationship of actors and structures as a mutual one" (Fuchs 2008, 41). Regardless whether someone agrees with Fuchs approach or not, this treatment indicates that social theories deal either with social structures, or/and with social actors.

These findings allow distinguishing structuralistic, individualistic, and integrative approaches of defining privacy that can be used for constructing a typology of the existing privacy literature:

Structuralistic definitions of privacy understand privacy as a specific social structure, a moral or legal right, which is used to enable someone's ability to limit or restrict others from access to persons or information (restricted access definition of privacy). Structuralistic definitions of privacy make one or more of the following assumptions:

- Privacy is a (moral and/or legal) right (rights-based conception of privacy).
- Privacy includes the freedom from unwarranted intrusion (non-intrusion).
- Privacy should be protected; for example, by law or certain "zones".
- Restrictions of privacy are violations.
- Privacy should be defined in a normative way.
- Full privacy can only be reached if there is no contact to other social actors.

In comparison, individualistic approaches of defining privacy focus on the individual and understand privacy as control over information about oneself (limited control definition of privacy). Individualistic definitions of privacy make one or more of the following assumptions:

- Privacy is a personal interest (interest-based conception of privacy).
- Privacy includes the freedom from external interference in one's personal choices, decisions, and plans (non-interference).

- The degree of personal choice indicates how much privacy an individual has.
- Restrictions of privacy are losses.
- Privacy should be defined in a descriptive way.
- Full privacy is reached as long as the individual is able to choose which personalities should be disclosed.

Finally, integrative approaches of defining privacy try to combine individualistic and structuralistic notions into one concept. Integrative definitions do not only understand privacy as a worth protecting right, they also treat individual control as an important aspect (restricted access/limited control definition of privacy).

Structuralistic, individualistic, and integrative approaches of privacy will be outlined. The following three sections are therefore structured according to this distinction. The task of these sections is to give a representative, but still eclectic overview about different definitions of privacy.

2. Structuralistic Definitions of Privacy

Warren and Brandeis have provided a very influential structuralistic approach of privacy. When photographers and newspapers have emerged plentifully for more than 100 years, Warren and Brandeis (1890) published their seminal paper on privacy in the "Harvard Law Review". Warren and Brandeis recognized an invasion of individual privacy, because photographers and newspapers collect data of personal life. For the two authors, privacy is a legal right: "If we are correct in this conclusion, the existing law affords a principle which may be invoked to protect the privacy of the individual from invasion either by the too enterprising press, the photographer, or the possessor of any other modern device for recording or reproducing scenes or sounds." (Warren and Brandeis 1890, 206) The authors see the aim of law to protect privacy in order to guarantee the "right to an inviolate personality" (Warren and Brandeis 1890, 211) and the "right to be let alone" (Warren and Brandeis 1890, 193). Warren and Brandeis' notion can be classified into structuralistic approaches of defining privacy, because they have developed a rights-based conception of privacy.

Prosser (1960) has analysed the American law in the context of privacy since the Warren and Brandeis article. He concludes that there are four distinct kinds of invasion of four different interests by the law of privacy. These four torts are described as follows:

"1. Intrusion upon the plaintiff's seclusion or solitude, or into his private affairs.

2. Public disclosure of embarrassing private facts about the plaintiff.

3. Publicity which places the plaintiff in a false light in the public eye.

4. Appropriation the defendant's of the name or likeness." (Prosser 1960, 389)

Based on these findings, Prosser (1960, 392ff.) states that Warren and Brandeis' concept of privacy focuses on the disclosure of private data and therefore overlooks the other three kinds of invasions. Prosser criticizes Warren and Brandeis' legal claim and tries to widen the concept of privacy. Nevertheless, his understanding of privacy is still in the context of law and torts.

Scanlon (1975) claims a right to privacy. He argues that law and conventions should offer zones and territories in order to "being able to be free from … intrusions" (Scanlon 1975, 315). In addition, he states that "our conventions of privacy are motivated by our interests in being free from specific offensive observations and, more generally, in having a well-defined zone within which we need not be on the alert against possible observations" (Scanlon 1975, 320).

Also Gavison provides a structuralistic approach of privacy: For Gavison (1980), privacy is not an individual issue based on choice. Rather, privacy is understood as a "condition of life" (Gavison 1980, 425), which should be protected by law. In addition, her concept identifies losses of privacy (Gavison 1980, 424). "The legal system should make an explicit commitment to privacy as a value that should be considered in reaching legal results." (Gavison 1980, 424) For Gavison (1980, 428), privacy is "a limitation of others' access to an individual". She furthermore expresses "that an individual enjoys perfect privacy when he is completely inaccessible to others" (Gavison 1980, 428). In Gavison's understanding it therefore is impossible to reach full privacy.

In her feminist approach, Allen (1988, 4) states that "the definition of privacy adopted here is very similar to definitions advanced by other restricted-access theorists". Structuralistic definitions of privacy understand privacy as a specific social structure, a moral or legal right, which is used to enable someone's ability to limit or restrict others from access to persons or information (restricted access definition of privacy). For Allen (1988, 3), privacy "denotes a degree of inaccessibility of persons, their mental states, and information about them to the senses and surveillance devices of others".

Some structuralistic concepts make the assumption that privacy includes the freedom from unwarranted intrusion and that privacy should be protected. Bok (1983) discusses the relationship between privacy and secrecy. For Bok (1983, 10), "privacy is the condition of being protected from unwanted access by others". This includes access to personal information. Schoeman (1992, 22) defines privacy as "protecting individuals from the overreaching control of others". He furthermore states that "a person has privacy to the extent that others have limited access to information about him, limited access to the intimacies of his life, or limited access to his thoughts or his body" (Schoeman 1984, 3). Schoeman (1984, 3) prefers this form of defining privacy, because it leaves open the question whether privacy is a desirable state and it leaves open the possibility to discuss issues concerning abortion, birth control, and social freedom.

In Parent's (1983a; 1983b) view, there is a violation of privacy when others gain personal information about an individual: "A person's privacy is diminished exactly to the degree that others possess this kind of knowledge about him." (Parent 1983a,

269). For Parent (1983b, 306), privacy can be defined "as the condition of not having undocumented personal information about oneself known by others". It can be argued that Parent suggests also a structuralistic approach of privacy, because these concepts tend to understand restrictions of privacy as violations.

In summary, structuralistic definitions of privacy understand privacy as a specific social structure, a moral or legal right, which is used to enable someone's ability to limit or restrict others from access to persons or information (restricted access definition of privacy). Structuralistic definitions of privacy assume that privacy is a right, or/and that privacy includes the freedom from unwarranted intrusion, or/and that privacy should be protected, or/and that restrictions of privacy are violations, or/and that privacy should be defined in a normative way, or/and that full privacy can only be reached if there is no contact to other social actors.

To a certain extent, structuralistic definitions suggests that the more access to persons or information is limited or restricted by a social structure such as the law, the more privacy people have. In other words: These approaches state that the more an individual information can be kept secret, the more privacy is fulfilled. For instance, in Gavison's (1980, 428) understanding, "an individual enjoys perfect privacy when he is completely inaccessible to others". She furthermore explains that "in perfect privacy no one has any information about X, no one pays any attention to X" (Gavison 1980, 428). On the Internet, especially Web 2.0 activities such as creating profiles, sharing ideas, announcing personal messages, uploading or watching videos, and writing personal entries on social networking sites are based on information, sharing, and attention. Regardless whether individuals are able to decide which personal information is available on the Internet and regardless whether individuals are able to choose for whom these information is available, for representatives of a structuralistic approach such as Gavison, these forms of information sharing are always restrictions of privacy and therefore should be avoided. For example, I want to upload some photos on my profile on a non-profit and non-commercial social networking platform such as Kaioo (owned by the non-profit organization OpenNetworX) in order to share them with my friends, have fun, and deepen our friendship. Furthermore in this example, I decide which photos should be shared, I choose with whom, and what my friends are able to do with these photos. In a structuralistic understanding, this is still a restriction and violation of privacy, which should be questioned and struggled against, because the more my information is kept secret, the more privacy is attained. Therefore, these approaches tend to underestimate the individual role of control and choice, which is also required for enjoying privacy (Tavani 2007, 9; 2008, 142). These approaches do not take into account that individuals can limit or restrict their access, because individuals are able to control the flow of personal information to a certain extent (Moor 1997, 31; Fried 1968, 482). In addition, individuals should be able to control the flow of personal information by themselves, because "different people may be given different levels of access for different kinds of information at different times" (Moor 1997, 31). Now, we move on to individualistic approaches of studying privacy.

3. Individualistic Definitions of Privacy

Individualistic approaches of defining privacy focus on the individual and understand privacy as control over information about oneself. Westin has provided a seminal individualistic notion of privacy. Westin (1967, 7; also 2003, 431) defines privacy as the "claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others". Similar, Froomkin (2000, 1463) uses informational privacy "as shorthand for the ability to control the acquisition or release of information about oneself". He argues that the easiest way to control personal information and databases is not to share it and to keep information to oneself (Froomkin 2000, 1463f.). For Froomkin (2000, 1466), privacy "encompasses ideas of bodily and social autonomy, of self-determination, and of the ability to create zones of intimacy and inclusion that define and shape our relationships with each other". Miller (1971, 25) defines privacy as "the individual's ability to control the circulation of information relating to him". Gerety (1977) mentions the importance of finding definitions of privacy. He states: "Privacy will be defined here as an autonomy or control over the intimacies of personal identity. Autonomy, identity, and intimacy are all necessary (and together normally sufficient) for the proper invocation of the concept of privacy. This definition is frankly normative. Its acceptance or rejection carries with it a set of at least preliminary conclusions about rights and wrongs." (Gerety 1977, 236)

Shils (1966, 282) says that "privacy exists where the persons whose actions engender or become the objects of information retain possession of that information, and any flow outward of that information from the persons to whom it refers (and who share it where more than one person is involved) occurs on the initiative of its possessors". This includes that other individuals are not able to possess the information, other individuals do not observe the action, nor do they receive information from records or other individuals (Shils 1966, 282). "Privacy in one of its aspects may therefore be defined as the existence of a boundary through which information does not flow from the persons who possess it to others." (Shils 1966, 282) For Shils (1966, 282), a violation of privacy is characterized by "the acquisition or transmission of information without the voluntary consent or initiative of those whose actions and words generate the information". As mentioned above, individualistic concepts of privacy understand privacy as control over individual-specific information by the individual himself/herself. Therefore, when Shils states that privacy occurs on the initiative of its possessors, it becomes clear that his notion can be seen in the context of individualistic approaches of privacy.

Also Fried (1968; see also 1990) suggests an individualistic approach of privacy. He argues that privacy is necessarily related to individual development in order to form personal relationships involving respect, love, friendship, and trust. For Fried (1968, 477), privacy is an essential condition for interpersonal relationships and central for individuals in order to have a moral and social personality. "It is my thesis that privacy is not just one possible means among others to insure some other value, but that it

is necessarily related to ends and relations of the most fundamental sort: respect, love, friendship and trust. Privacy is not merely a good technique for furthering these fundamental relations; rather without privacy they are simply inconceivable." (Fried 1968, 477) Privacy therefore is not just a "defensive right" for Fried (1968, 490); rather, an aspect of social order for intimate relations by which individuals control access to their information. "Privacy is not simply an absence of information about us in the minds of others; rather it is the control we have over information about ourselves. … Privacy, thus, is control over knowledge about oneself." (Fried 1968, 482f.)

Similar to Fried, Gerstein (1970; 1978) studies privacy in the context of intimate relationships and focuses on the individual. He analyses the connection between privacy and intimacy, arguing that intimacy is impossible without privacy. He understands privacy as a condition for intimacy. For Gerstein (1970, 90), privacy is "a special sort of information, a sort of information which it is particularly important for the individual to be able to control". In addition, Gerstein (1970, 89) highlights "the right of privacy not as an absolute rule but as a principle which would establish privacy as a value of great significance, not to be interfered with lightly by governmental authority."

Likewise, Rachels (1975) tries to answer the question why privacy is important to us. He stresses that privacy is necessary in order to maintain different forms of social relationships. Therefore, he wants to give "an account of the value of privacy based on the idea that there is a close connection between our ability to control who has access to us and to information about us, and our ability to create and maintain different sorts of social relationships with different people." (Rachels 1984, 326) Because Rachels advances the idea that privacy has to do with the individual ability to control, his notion can be classified as individualistic definition of privacy.

Murphy (1964) discusses theoretically and empirically the functions of social distance mechanisms such as privacy. Similar to Fried, Gerstein, and Rachels, for Murphy (1964, 1257), privacy is crucial for establishing social interactions and maintaining social relationships. In Murphy's view (1964, 1257), privacy is as important in personal relationships as it is in a person's public role, because of the ambivalence of individuals in intimate relationships. "An area of privacy, then, is maintained by all, and reserve and restraint are common, though not constant, factors in all social relationships. Society could not perdure if people knew too much of one another, and one may also ask … if the individual could endure as a social person under the burden of complete self-awareness." (Murphy 1964, 1257) Privacy is for Murphy a personal interest needed to establish social interactions and to maintain social relationships. In my point of view, Murphy's notion of privacy can be understood as an individualistic approach, because he tends to argue toward an interest-based conception of privacy.

Posner (1981) tries to elaborate an economic theory of privacy. He discusses different definitions of privacy and concludes: "The first meaning of privacy set out above – privacy as concealment of information – seems the most interesting from an economic standpoint." (Posner 1981, 405) Posner (1978, 19) furthermore clarifies that he understands privacy as withholding and concealment of information in a personal context. Also Posner's view can be classified as individualistic understanding of

privacy, because the individual requires control over information about oneself in order to guarantee the stated withholding and concealment of information.

DeCew (1986) discusses numerous definitions of privacy of the existing literature and suggests an interest-based conception of privacy: "Since the literature on privacy uses rights terminology I must accommodate that. But because I am making no claim about a theory of rights, whenever possible I shall refer to privacy as an interest (which can be invaded), by which I mean something it would be a good thing to have, leaving open how extensively it ought to be protected." (DeCew 1986, 147) In addition, when DeCew (1986, 170) argues for a broad conception of privacy, she considers privacy as "information control and control over decision-making".

To sum up: Individualistic definitions of privacy focus on the individual and understand privacy as control over information about oneself. They assume that privacy is a personal interest, or/and privacy includes the freedom from external interference in one's personal choices, decisions, and plans, or/and the degree of personal choice indicates how much privacy an individual has, or/and restrictions of privacy are losses, or/and privacy should be defined in a descriptive way, or/and full privacy is reached as long as the individual is able to choose which personalities should be disclosed.

Individualistic definitions suggest that the more the individual has control over her/his information, the more privacy he/she enjoys. This includes that if a person is not able to control his/her information anymore, but some other people or organisation may do so, privacy is restricted. On the Internet, Web 2.0 activities such as creating profiles and sharing ideas on Facebook, announcing personal messages on Twitter, uploading or watching videos on YouTube, and writing personal entries on Blogger, enables the collection, analyses, and sale of personal data by commercial web platforms. If I want to share information on commercial social networking sites, I do not have control over my information anymore, because web platforms are allowed to use my information as well in order to generate profit. Representatives of an individualistic approach such as Froomkin (2000, 1463) state that "the most effective way of controlling information about oneself is not to share it in the first place". Therefore, in an individualistic understanding, the only opportunity to keep control over his/her information and to enjoy privacy, is not using such web platforms. This view ignores that it might cause new problems, because it could result in less fun, less social contacts, less satisfaction, a deepening of information inequality, and social exclusion (Fuchs 2009, 13). My point of view is that one opportunity for users having control over their personal information on such platforms is to foster international data protection regulations in order to hinder the collection, analyses, and sale of personal data by commercial web platforms. Individualistic privacy definitions tend to underestimate the constraining effects of social structures, which restrict the individual control over information (Tavani 2007, 9; 2008, 143). These approaches do not take into account that having full control over personal information cannot be reached in modern society (Moor 1997, 31) and that enclosing information might create new problems. Now, we move on to integrative approaches of studying privacy

(a combination of individualistic and structuralistic approaches of studying privacy).

4. Integrative Definitions of Privacy

Reiman (1976) argues that privacy is essential to the development of personhood and therefore necessary to the creation of human beings. He understands the notion of privacy on the one hand as a right and on the other hand as an interest: For Reiman (1976, 32), privacy is "an important interest in simply being able to restrict information about, and observation of, myself regardless of what may be done with that information or the results of that observation". In contrast, for Reiman (1976, 44), privacy is also "a right which protects my capacity to enter into intimate relations, not because it protects my reserve of generally withheld information, but because it enables me to make the commitment that underlies caring as my commitment uniquely conveyed by my thoughts and witnessed by my actions". Therefore, it can be argued that Reiman's approach is a combination of structuralistic and individualistic notions of privacy. In his paper "Privacy, Intimacy, and Personhood", Reiman (1976, 38) concludes that he is looking for a "fundamental interest, connected to personhood, which provides a basis for a right to privacy to which all human beings are entitled (even those in solitary confinement) and which does not go so far as to claim a right never to be observed (even on crowded streets)".

Moor (1997, 31) combines structuralistic and individualistic notions in his "control/restricted access conception of privacy". For Moor (1997, 30ff.), the term privacy should be used "to designate a situation in which people are protected from intrusion or observation by natural or physical circumstances" on the one hand and to "give individuals as much personal choice as possible" on the other hand. Moor (1997, 32) furthermore argues that it is important to study privacy in terms of a control/restricted access theory of privacy, "because this conception encourages informed consent as much as possible and fosters the development of practical, fine grained, and sensitive policies for protecting privacy when it is not."

Tavani (2007; 2008) criticizes both structuralistic and individualistic notions of privacy. Based on Moor's concept of privacy, Tavani (2008, 144) mentions in his restricted access/limited control theory (RALC) "the importance of setting up zones that enable individuals to limit or restrict others from accessing their personal information" on the one hand and identifies "the important role that individual control plays in privacy theory" on the other hand. Tavani's notion does not only understand privacy as a legal right, which should be protected, it also treats individual control as an important aspect. In Tavani's (2007, 19) understanding, the restricted access/limited control theory, "in differentiating normative from descriptive aspects of privacy, enabled us to distinguish between the condition of privacy and a right to privacy and between a loss of privacy (in a descriptive sense) and a violation or invasion of privacy (in a normative sense)".

In summary, integrative definitions of privacy try to combine individualistic and structuralistic notions into one concept. Integrative definitions consider both privacy as a right that should be protected and as form of individual control.

On the one hand, these concepts recognize the constraining effects of social structures, which restrict the individual control over information. On the other hand, they also consider the individual role of control and choice, which is also required for having privacy. Integrative notions take into account that having full control over personal information cannot be reached, but that individuals can limit or restrict their access because they are able to control the flow of personal information to a certain extent. In short, integrative approaches of studying privacy try to avoid structuralistic and individualistic pitfalls. Nevertheless, many authors have advanced critique of the concept of privacy in general (Gouldner 1976, 103; Lyon 1994, 179-198; 2001, 20-23; 2007, 174ff.; Gilliom 2001, 121-125; Etzioni 1999, 183-215; Bennett and Raab 2006, 14-17; Ogura 2006, 277-280; Fuchs 2010, 174f.). Privacy is a modern concept of liberal democracy and is used in order to justify liberty from public intervention (Lyon 1994, 185). In the liberal understanding of privacy, the sovereign individual should have freedom to seek his/her own interests without interference and those interests are primarily interpreted as property interests and private ownership rights (Fuchs 2010, 174; Lyon 1994, 186ff.). Therefore, the concept of privacy fits neatly into the concept of private property (Fuchs 2010, 174; Lyon 1994, 186; Ogura 2006, 278). The debate of privacy advances the idea of possessive and self-protective individualism (Gouldner 1976, 103; Lyon 2001, 21). Possessive individualism means that the individual is proprietor of his/her own person, capabilities, potentialities, and capacities (Macpherson 1990, 3). In the understanding of possessive individualism, the nature of human is that everyone is the owner of himself/herself and that the individual is not part of a larger social whole. The human essence is considered as being the proprietorship of himself/herself and the overall aim of society in liberal democracy is considered as being the protection of this property (Macpherson 1990, 3). In addition, individuals are seen as being related as proprietors and therefore society is considered as consisting of relations of proprietors. The actual outcome of such an understanding in reality is a competitive and possessive market society (Macpherson 1990, 271). The idea of possessive individualism can be summarized with the following propositions:

> *"(i) What makes a man human is freedom from dependence on the wills of others.*
>
> *(ii) Freedom from dependence on others means freedom from any relations with others except those relations which the individual enters voluntarily with a view to his own interest.*
>
> *(iii) The individual is essentially the proprietor of his own person and capacities, for which he owes nothing to society. …*
>
> *(iv) Although the individual cannot alienate the whole of his property in his own person, he may alienate his capacity to labour.*
>
> *(v) Human society consists of a series of market relations. …*

(vi) Since freedom from the wills of others is what makes a man human, each individual's freedom can rightfully be limited only by such obligations and rules as are necessary to secure the same freedom for others.

(vii) Political society is a human contrivance for the protection of the individual's property in his person and goods, and (therefore) for the maintenance of orderly relations of exchange between individuals regarded as proprietors of themselves." *(Macpherson 1990, 263f.)*

Privacy concepts advance the idea of possessive individualism in order to define the private individual embedded in a system of a competitive market society (Gouldner 1976, 103; Lyon 2007, 174). In a market society, primarily economic and political actors are a threat to privacy, undertake surveillance and exercise violence in order to control certain behaviours of people (Castells 2001, 173f.; Fuchs 2008, 268ff.; 2010, 174ff.; Turow 2006, 118; Andrejevic 2007, 242f.). Corporations control the economic behaviour of people and coerce individuals in order to make them produce or buy specific commodities for accumulating profit and for guaranteeing the production of surplus value.

For instance, according to the American Management Association and the ePolicy Institute (2008) that undertake an annual quantitative survey about electronic monitoring and surveillance with approximately 300 US companies, "more than one fourth of employers have fired workers for misusing e-mail and nearly one third have fired employees for misusing the Internet". More than 40% of the studied companies monitor e-mail traffic of their workers, and 66% of the corporations monitor Internet connections. In addition, most companies use software to block non-work related websites such as sexual or pornographic sites, game sites, social networking sites, entertainment sites, shopping sites, and sport sites. The American Management Association and the ePolicy Institute (2008) also stress that companies track "content, keystrokes, and time spent at the keyboard ... store and review computer files ... monitor the blogosphere to see what is being written about the company, and ... monitor social networking sites". Furthermore, about 30% of the companies were also firing employees for non-work related email and Internet usage such as "inappropriate or offensive language" and "viewing, downloading, or uploading inappropriate/offensive content" (American Management Association and the ePolicy Institute 2008).

A further example can be given that makes clear that in a market society corporations pose privacy threats and surveill the economic behaviour of people: The New Yorker risk consulting company Kroll undertakes off- and online pre-employment screening on a large-scale level. Kroll is an operating unit of the insurance and professional services firm Marsh & McLennan, which is the 694th biggest company worldwide (Forbes 2010). Kroll's revenues of 2008 were US$ 866 million (Kroll 2010). Kroll offers background screening services of new job applicants for companies and government agencies in order to check information such as address histories, education and employment histories, media coverage, credit reports, civil and bankruptcy

records, criminal records, driving histories, liens and judgment histories, and professional licenses and certifications (Kroll 2010). If Kroll realizes a company's application procedure, the job candidates have to fill out a detailed questionnaire on the Internet as part of their application, which is sent invisibly to Kroll (Searle 2006, 343). "Kroll has pioneered a secure Internet-based system that collects information from job candidates and provides clients with project updates and final reports. Kroll's Applicant Submission System allows job candidates to fill out a detailed questionnaire online and submit it securely to Kroll." (Kroll 2010) In order to investigate job candidates, Kroll "searches primary sources (including electronic resources), visits courthouses throughout the country to retrieve and review public documents, and conducts telephone interviews with a job candidate's professional and personal references" (Kroll 2010) In order to collect as many information as possible, Kroll also poses as a legal authority in these telephone interviews (Searle 2006, 345). Kroll is a threat to the job candidates' privacy, because the applicants assume their personal information is only shared with the company, where they are applying, but the candidates do not know that their information is sent to Kroll. In addition, this example can be seen as a restriction of applicants' privacy, because Kroll investigates personal information also illegitimate and provides this information to their entrepreneurial clients.

Also the example of Google and DoubleClick can be outlined: According to the top sites of the web by Alexa Internet, Google has the most visits on the Internet. Google uses a wide range of methods in order to collect data on its users, namely click tracking (to log clicks of users), log files (to store server requests), JavaScript and web bugs (to check users visits), as well as cookies (to record individual actions) (Stalder and Mayer 2009, 102). DoubleClick is one of the main projects of Google (Google 2008). It is a global leader in ad serving and has developed sophisticated methods in order to collect, analyse, and assess huge amounts of users' data on the Internet (Campbell and Carlson 2002, 596f.). Google (2007; 2008) acquired DoubleClick in 2008 for US$ 3.1 billion. DoubleClick is headquartered in New York City. It was found in 1996 and works for leading digital publishers, marketers, and agencies around the world such as About, Durex, Ford, Friendster, Optimedia, Scripps, and MTV (DoubleClick). Ad serving companies such as DoubleClick use methods by placing advertisements on websites and analysing their efficiency. DoubleClick develops and provides Internet ad serving services that are sold primarily to advertisers and publishers. DoubleClick collects personal data on many websites, sells this data, and supports targeted advertising. DoubleClick's main product is known as DART (Dynamic Advertising, Reporting, and Targeting). DART is an ad serving programme working with a complex algorithm and is primarily developed for publishers and advertisers and is sold as product, which ensures that "you get the right message, to the right person, at the right time, on the right device" (DoubleClick). This example can be seen as a threat to online users' privacy, because Google and DoubleClick collect invisible personal information of online users and undertake analyses of individual behaviour on the Internet. The collection of personal information and the analyses of individual behav-

iour includes; for instance, which websites users visit immediately before and after the analysed site, how long and how often users are on this site, where users are located, as well as what users do on this site.

Corporations and state institutions are the most powerful actors in society and are able to undertake mass-surveillance extensively and intensively, because available resources decide surveillance dimensions. In the modern production process, primarily electronic surveillance is used to document and control workers' behaviour and communication for guaranteeing the production of surplus value. The commodification of privacy is important for enabling targeted advertising that is used for accumulating profit. State institutions have intensified and extended state surveillance of citizens in order to combat the threat of terrorism (Gandy 2003, 26-41; Lyon 2003). Therefore, one can assume that corporations and state institutions are the main actors in modern surveillance societies and surveillance is a crucial element for modern societies.

In conclusion, integrative definitions claim that privacy is an important value for modern society. These privacy concepts advance the idea of possessive individualism in order to define the private individual embedded in a system of a competitive market society. In a market society, the commodification of privacy is important in order to enable targeted advertising that is used for accumulating profit. Hence, economic actors undertake surveillance in order to threat privacy. In modern society, there is a contradiction between privacy on the one hand and surveillance on the other hand (Fuchs 2010, 175). Therefore, the privacy ideal of integrative definitions comes into conflict with surveillance actions. These privacy concepts claim privacy as a crucial value within a society that is not able to fulfil this value. The existing definitions of privacy do not recognize the contradiction between privacy and surveillance in modern society and do not give answers to this foundational problem.

5. Conclusion

The overall aim of this chapter was to clarify how privacy is defined in the academic literature, what the different concepts of privacy have in common, what distinguish them from one another, and what advantages and disadvantages such definitions have. For doing so, section two, three, and four contained a systematic discussion of the state of the art of how to define privacy by establishing a typology of the existing literature. The following table summarizes the results.

Foundations of Privacy Studies				
		Structuralistic Definitions of Privacy	*Individualistic Definitions of Privacy*	*Integrative Definitions of Privacy*
Structuralistic Definitions of Privacy	Structuralistic approaches of defining privacy understand privacy as a specific social structure, a moral or legal right, which is used to enable someone's ability to limit or restrict others from access to persons or information (restricted access definition of privacy).	*Warren and Brandeis (1890), Gavison (1980), Allen (1988), Bok (1983), Parent (1983a; 1983b), Prosser (1960), Schoeman (1984; 1992), Scanlon (1975)*		
Individualistic definitions of Privacy	Individualistic approaches of defining privacy focus on the individual and understand privacy as control over information about oneself (limited control definition of privacy).		*Westin (1967; 2003), Shils (1966), Fried (1968; 1990), Gerstein (1970; 1978), Froomkin (2000), Miller (1971), Rachels (1975), Murphy (1964), Posner (1978; 1981), Gerety (1977), DeCew (1986)*	
Integrative Definitions of Privacy	Integrative approaches of defining privacy try to combine individualistic and structuralistic notions into one concept. Integra-			*Reiman (1976), Moor (1997), Tavani (2007; 2008)*

tive approaches
consider both
privacy as a right
that should be
protected and as
individual con-
trol of personal
information (re-
stricted ac-
cess/limited
control definition
of privacy).

Table 1: Foundations of Privacy Studies

Structuralistic definitions of privacy understand privacy as a specific social structure, a moral or legal right, which is used to enable someone's ability to limit or restrict others from access to persons or information; for instance, they are represented by Warren and Brandeis, Parent, and Schoeman. In contrast, individualistic definitions of privacy focus on the individual and understand privacy as control over information about oneself; for example, representatives are Westin, DeCew, and Shils. Finally, integrative approaches of studying privacy try to combine individualistic and structuralistic notions into one concept; for instance, they are represented by Reiman, Moor, and Tavani.

Structuralistic definitions of privacy tend to underestimate the individual role of control and choice, which is also required for having privacy. These concepts do not take into account that individuals can limit or restrict their access, because individuals are able to control the flow of personal information to a certain extent. In contrast, individualistic approaches of defining privacy tend to underestimate the constraining effects of social structures, which restrict the individual control over information. These concepts do not take into account that having full control over her/his information cannot be reached nowadays and that enclosing information might create new problems. Although integrative approaches of studying privacy try to avoid structuralistic and individualistic pitfalls, these concepts see privacy as a crucial value within a society that is not able to fulfil this value. The privacy ideal of integrative definitions comes into conflict with surveillance actions. The existing approaches of defining privacy do not recognize the contradiction between privacy and surveillance in modern society and do not give answers to this foundational problem. In summary, the existing approaches of privacy are not fruitful for studying privacy. Therefore, the following treatment makes some propositions for a critical contribution to privacy that ought to be outlined more in detail in further research:

• Similar to integrative approaches, a critical (Horkheimer 1937, 245-294; Horkheimer and Marcuse 1937, 625-647) contribution to privacy is interested in com-

bining individualistic and structuralistic notions, but does not want to advance the ideas of liberal democracy, private ownership, and possessive individualism.

- A critical notion of privacy strives for the development of theoretical and empirical research methods in order to focus on privacy in the context of domination, asymmetrical power relations, resource control, social struggles, and exploitation.
- It asks who can obtain privacy and who benefits from the contradiction between privacy and surveillance in modern society. It critically analyses (a) the threats of privacy as important aspects for guaranteeing the production of surplus value and for accumulating profit on the one hand and (b) privacy protection of income inequality, property interests, as well as power and ownership structures on the other hand.
- A critical notion of privacy wants to overcome (a) privacy threats as well as (b) entrepreneurial privacy protection and privacy protection for other powerful actors in society in order to establish political processes and social transformations towards a participatory society.

For instance, a critical contribution to privacy makes an effort to the individual role of control and choice as well as to the constraining effects of social structures on Web 2.0 platforms and social networking sites such as Facebook, Twitter, MySpace, YouTube, and Blogger. (a) It furthermore investigates that Web 2.0 activities such as creating profiles and sharing ideas on Facebook, announcing personal messages on Twitter, uploading or watching videos on YouTube, and writing personal entries on Blogger, enables the collection, analyses, and sale of personal data by commercial web platforms. Web 2.0 applications and social software sites collect personal behaviour, preferences, and interests with the help of systematic and automated computer processes and sell these data to advertising agencies in order to guarantee the production of surplus value and to accumulate profit. A critical approach of privacy wants to deepen the knowledge of such privacy threats by its user. (b) In addition, to whom personal information are sold by commercial web platforms and how much these corporations such as Facebook earn with the sale of these data is not known to the public, because such transactions are treated as an aspect of corporation's privacy. One can assume that Facebook's business model is very successful and that the company earns a lot of money with the sale of users data, because according to the 2010 list of Forbes 400 richest people in America, the 26-year-old co-founder and CEO of Facebook, Mark Zuckerberg, is the 35th richest person. From 2008 to 2010, he could raise his wealth from US$ 1.5 billion to US$ 6.9 billion (Forbes 2010). A critical contribution to privacy strives to analyse such cases and wants to make them more public in order to deepen the knowledge of social inequality and property interests. A critical notion of privacy wants to put (a) privacy threats and (b) ownership structures of such commercial platforms into the larger context of societal problems in public discourse in order to establish political processes and social transformations towards a participatory society.

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