

## **Privacy as a Social Mechanism for Maintaining Inconsistency Between Identities**

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Whereas in the past the issue of privacy has been examined from legal and philosophical perspectives, the present study attempts to examine the social mechanisms that define the boundaries of privacy by means of Social Representations Theory. Social representations simultaneously refer to the actions of both individual and group, and consequently belonging to several social groups means the coexistence of discrete and at times conflicting social representations. As long as the representations are not confronted with their dissonance and inconsistency – oftentimes due to privacy – they can coexist. The issue emerges in conflict situations wherein the individual has to choose a mode of action from several incompatible possibilities. The argument on which the present article is based is that privacy serves as a social mechanism whose purpose is to enable individuals to shift between inconsistent identities. We shall present three test cases to illustrate how society, by means of its agents, constantly sets and destroys boundaries of privacy. These

cases illuminate a complex system that functions in a dialectic of interrelations that apply pressure in two directions: the individual on society, and society on the individual. The innovation proposed in the present article is in viewing privacy as a mechanism for maintaining inconsistency between identities. Central to this is the shared interest of both group and individual to enable the coexistence of the individual's different identities, whose social representations are incompatible.

*Keywords: privacy, social representations, social identity, identity conflicts, social mechanism.*

The Book of Genesis relates that after Adam and Eve ate from the Tree of Knowledge, "...the eyes of them both were opened, and they knew that they were naked; and they sewed fig-leaves together, and made themselves girdles" (Gen., 3:7). Once their eyes were opened, their first act was to conceal their nakedness, in other words, to erect a buffer between themselves and the world. According to the Bible, privacy is not only the desire of the individual, and it is the responsibility of society as a whole to protect privacy as part of the perception of human dignity. In general terms, the right to privacy can be defined as every individual's right to preserve and protect his identity with regard to his body, thoughts, feelings, secrets, lifestyle, and intimate acts, and to choose which parts of his private domain can be accessed by others (Shwartz-Altshuler, 2012). Privacy is essentially the setting of boundaries, and issues concerning who defines them, where they are set, who sets them, and who protects them, have featured on the agenda since the concept of privacy was conceived.

From the time liberal democratic society recognized privacy as a value, there has been relatively broad agreement regarding its place and role in the social domain of human rights (Solove, 2007). However, although the concept is universally known and its usage is widespread and commonplace, privacy is an elusive concept: a small part of it is defined by law, while most of it is constantly being negotiated between the individual and himself, between the individual and the group, between the group and the authorities, and between the authorities and the individual. To a large degree definitions of privacy are contingent upon the context in which privacy is described (e.g., the legal system, the health system, culture, or interpersonal relations),

and consequently attempts to define it as a single, shared concept that is accepted by all researchers and scholars engaged in the subject, encounter considerable difficulties.

The extensive body of research on the theoretical and practical foundations of privacy, especially in the sphere of the law (Birnhack, 2007, 2010; Rostholder, 2009), frequently refers to the beginnings of the privacy debate in modern society in the famous article written toward the end of the nineteenth century by Samuel Warren and Louis Brandeis (1890), in which they claimed that individuals have proprietary privacy rights to their personality as well, which they called “the right to be left alone”.

In most democracies today the right to privacy is protected under a series of laws that recognize the right of all individuals to privacy and family life, and stipulate that invasion of an individual’s private domain is not permissible without his consent. The law is obliged to implement the right to privacy in the numerous court rulings associated with it, but in legal theory, too, it is described as touching upon virtually every aspect of life: “This is a complex right that functions differently in different social, cultural, and economic circles, and the content of each circle is shaped according to the social context” (Birnhack, 2007:9).

Prosser (1960) examined seventy years of court decisions in which invasion of privacy had been at issue, and identified four categories in the hundreds of cases he reviewed: privacy in the public domain; using personal information for profit; publicizing private information; and presenting another in a false light. However, despite the comprehensive review, it soon transpired that even this division leaves the definition of privacy restricted and inadequate.

An attempt to demarcate and define privacy can also be found in Gavison (1988). She posits that privacy covers three spheres: physical invasion of the individual’s space or body; purchasing, using, and publicizing the individual’s private information; and the individual’s right to anonymity. The innovation proposed in the present article is an observation of privacy issues from the perspective of social psychology in general, and Social Representations Theory in particular. This approach examines the boundaries of privacy in the context of the individual’s identity boundaries in society, and how society and the individual jointly set these boundaries, change them, and reset them, adopting social control mechanisms, which are also temporary.

### **MULTIPLE IDENTITIES IN MODERN SOCIETY**

Social identity is the way in which the individual perceives himself in the context of his relationships with others. It is the combination of the 'I' and the 'we', and expands the self beyond the individual to include other members of the group as well (Smith & Mackie, 1995). This social identity weaves together the individual's knowledge of society, of ideas, and of others, including a broad understanding of numerous life aspects, and enables him to feel secure and accord meaning to his actions and life events. Social identity is the consensual basis for the ways the individual should act (Turner, 1991), and is how the group conveys sameness to its members beyond the level of consciousness of individuals (Brewer, 2001; Haslam, Oakes, Reynolds, & Turner, 1999; Tajfel & Turner, 1986).

In the late 1950s, Goffman (1959), one of the prominent sociologists of the time, described social situations wherein participants protect their identity and that of their partners in social interaction by concealing parts of their personality. He compared identities in different situations to the theatre, where an individual portrays a character that matches the audience's expectations. He also noted situations wherein a group of people (e.g., salespeople in a store) play a social role vis-à-vis another group (customers). According to Goffman, a group's existence is linked to the over-communication of some facts and the under-communication of others. It is society that expects its members to withhold information about themselves that is inconsistent with the social image perceived by the 'audience'. Thus for example, an individual who holds a senior position in a chemical plant that pollutes the environment can at the same time be a social activist for environmental quality. It is in the interest of each of the two groups not to know about the individual's identity in the other group. Goffman does not draw a distinction between situations wherein the character portrayal serves only the actor, and situations wherein it serves both actor and audience. In his view, staging cues and stage sets help to preserve the consistency of the portrayed character with that which the 'team' is interested in portraying.

With the rise of democratic liberalism, basic human rights were determined, including protection of human rights and freedoms. State and government were described as a necessary evil, and human rights were primarily typified by placing restrictions on government against violating property, life, and freedom. The legislation of the right to privacy was a kind of declaration on the notion of privacy that aimed to restrict government and society against

invading the life of the individual (Rostholder, 2009). Protected rights were perceived as a value that the state must protect. Tolerance of the individual's diverse choices brought with it the possibility for the development of personal pluralism, and today an individual can simultaneously hold several identities which at times may seem incompatible.

### **Theory of Social Representations: The Individual is the Social**

The term 'social representations', which was proposed by Moscovici (1961, 1993a, 1984), describes social representation as systems of values, ideas, and work methods whose aim is to create order that enables people to find their way in the social world. The individual perceives social reality by classifying people, constructing entire 'theories' about the world (overt and covert), and explanations for the behavior he sees around him. Implementing this intuitive knowledge as though it were part of the laws of reality, influences social occurrences within interpersonal relationships (Moscovici, 1984).

According to Social Representations Theory, the boundaries between the 'I' and the 'other' are defined through a series of beliefs, practices, and a pragmatic and symbolic discourse, and each representation is dependent upon dynamic social interactions, and changes in a social process. Since social representations are shared by individuals living in the same society, they enable them to communicate with one another on the basis of a uniform code of values, norms, social concepts, and a similar view of the world and the events taking place in it, and serve as a kind of 'practical guide' for members of the group. Social representations shared by group members are therefore the basis and foundation that construct the social identity of each group (Ben-Asher, Wagner, & Orr, 2006).

What happens when an individual is simultaneously a member of several social groups? How do the social representations of one identity behave in an encounter with the social representations of another? This question takes us back to an early discussion Moscovici (1988) conducted on the concept of 'collective representations' coined by Durkheim (1989) in the early twentieth century. According to Moscovici, this concept is too static and does not allow reference to the tension and conflict typifying modern life. He claims that the word 'collective' was abandoned in favor of describing representations as social, due to the diverse forms of social representations in a group, which are sometimes incompatible.

Rose, Efraim, Jovchelovitch, and Morant (1995) contend that social consensus is the product of struggles between the social representations of several identities, usually when faced with the need to decide on a mode of action that is consistent with one identity and inconsistent with another. According to the researchers, social consensus is always dynamic, and its stability is threatened since it is suitable for a particular reality, and new action representation decisions will be required when it changes, in terms of updating the 'practical guide' that tells the individual how to act.

A dynamic of multiple social identities, some of which are prominent while others are more subtle (but which exist and are present), emerges from an example presented by Breakwell (1993). She describes how for fifty years the ethnic and religious social representations of the various peoples in the USSR were invisible, but once the communist regime collapsed, these identities reemerged and were accorded a central place in the social perceptions of the nations in the Commonwealth of Independent States. Thus, even when Soviet citizens defined themselves with a uniform national identity, their other national identities still existed.

The term 'polyphasia' expresses the coexistence of multiple fields of different and sometimes conflicting representations (Moscovici, 1985; Jovchelovitch, 2008; Friling, 2012), how an individual can contain contradictions and act in different ways in different situations. Beliefs and knowledge are constructed by means of social negotiation through personal interactions, shared history, shared culture, and shared practices. Since interaction between individuals in society and different social groups is dynamic and changing, different types of representations emerge that will not necessarily be consistent with one another. Therefore, polyphasia represents the simultaneous utilization of different kinds of knowledge within the contexts of a changing reality.

Identity is defined by means of the social representations shared by the group. Membership in groups whose social representations do not overlap expresses the coexistence of several identities. Consequently, every individual simultaneously holds several social representation systems (identities) that are not necessarily mutually consistent, which can result in contradictory personal choices. At times, for a particular length of time, one group of representations will gain prominence and dominance, while another that represents a different identity, remains in the shadows and does not gain expression. Thus for example, an individual

can live in luxury in an exclusive neighborhood, and at the same time be actively involved in improving living conditions in disadvantaged neighborhoods.

One of the arguments currently being voiced (Sammut, 2011; Moghaddam, 2010) contends that globalization has shattered the traditional categories of identity groups and social solidarity to a greater extent than modern society. Following the extensive preoccupation with the differences between pre-modern communal society and modern urban society, and the distinction proposed by German sociologist Tönnies at the end of the nineteenth century between *Gemeinschaft* (community typified by solidarity founded on close relationships and friendship) and *Gesellschaft* (association typified by a division of labor between individuals, and a relationship based on personal interests), we will argue that in the current globalization and online communication era, more than ever before identity groups are founded on functional relationships associated with work, interest, and specialization. Thus, online discussion groups enable individuals, at times from several different countries, to associate and communicate on the basis of a common subject, and with complete separation between different identities. In contrast with communities in the past, people today are connected primarily due to a sense of shared identity typified by personal choice in a constantly changing public space (Jovchelovitch, 2007), which enables the coexistence of (at times radically) different identity groups.

In the present article, we seek to contend that the aim of privacy is to enable incompatible representations to coexist without a struggle, and thus organize the individual's identities in a way that enables him to continue holding them without having to relinquish one in favor of another. Privacy, therefore, is a social mechanism that enables the simultaneous and at times paradoxical existence of several identities, without the individual or society being confronted with the inconsistency between them.

### **SOCIETY SETS THE BOUNDARIES OF PRIVACY**

We shall illustrate privacy as serving the incomprehensible coexistence of two conflicting identities by means of a story related in Arnon Goldfinger's documentary film, *The Flat* (Israel, 2011). The film follows the director as he is clearing out the contents of his grandmother's apartment and discovers family secrets, including evidence of a close personal relationship between a Nazi officer and his grandparents. The friendship between the two families lasted for

several decades, even though the Nazi officer played an active role in the murder of masses of Jews, including family members of his grandparents, who knew about their friend's military past and ignored it in their annual get-togethers. The director's mother recounts that in her childhood there were clear boundaries regarding what questions could and could not be asked: "They didn't tell me anything, and I didn't ask". The film illustrates the possibility of alternately functioning with conflicting identities – the daughter of Jewish Holocaust survivors, and a close friend of a former Nazi officer and his family – and it is the boundaries of privacy between the identities that enable her to do so.

In the following section, we will present two test cases – one from the US and the other from Israel. The two cases illustrate how society sets privacy boundaries in order to enable the existence of 'incompatible' social identities, each of which possesses social value. We shall see how the social mechanisms that shape privacy boundaries are dynamic and in constant negotiation – the product of values, culture, and interests founded on social profit and loss. In both cases, the line separating the private and public is not a boundary of politeness or cultural custom, but is established in law, and both present a tension-filled encounter between several public and personal identities that clash when society has an interest in their existence despite their incompatibility. The first case is the 'Don't Ask, Don't Tell' policy formulated in American military law by former US Presidents Carter and Clinton, which President Obama repealed in 2009. The second is Israel's policy on the rehabilitation of IDF widows (which was repealed in May 2009). It should be noted that the examples focus on legal expressions of privacy, which is extensively documented.

### **1. 'Don't Ask, Don't Tell'**

The US Army has a long and bumpy history of contending with the issue of homosexuals serving in its ranks. Since the 1950s, the Uniform Code of Military Justice (Secretary of Defense, 1950) has stipulated that engaging in sodomy (as defined by the law) constitutes grounds for court martial, and President Carter asserted that "Homosexuality is incompatible with military service". This statement was translated into official US Department of Defense policy in 1981, whereby displays of homosexuality (including non-sexual acts) would lead to dishonorable discharge, or in other words, discharge without rights. In this context the arguments against homosexuality

were clearly associated with identity: in President Carter's words, such acts are incompatible with the image of a soldier. There was a price to pay for this perception of the soldier's image, and based on the partial information that exists it is evident that during World War Two and the Korean War thousands of soldiers were dishonorably discharged for homosexuality (Bérubé, 1990). In addition to the personal implications for the soldiers themselves and their comrades, discharges on this scope impact manpower quotas, and reduce fitness levels and recruiting potential. Since the military chose to pay the price, it may be assumed that the value accorded to the heterosexual image of the soldier was greater.

However, vigorously facing the soldier identity was the civilian identity. In the US (like Israel), military service is a track to social mobility, and consequently the right to serve is a public resource like the right to attend school and college. Equal rights in general, and access to public resources in particular, are an important element in American civilian identity, and in this context it is sufficient to mention the second sentence of the US Declaration of Independence, which opens with the words: "We hold these truths to be self-evident, that all men are created equal".

The position based on the principle of equality became a major subject of debate in President Clinton's 1991 presidential campaign, and a solution was needed that would enable America's democratic society to preserve the value inherent in a society that grants equal opportunity to every individual, as well as the value inherent in the image of a heterosexual soldier (a soldier is a 'macho man'). The solution conceived to enable the two incompatible identities to coexist was 'not knowing': if the military doesn't 'know' that soldiers serving in its ranks are homosexual, it will not have to instigate proceedings against them, and consequently efforts must be made to ensure that the military remains 'ignorant' of their sexual identity. The military must refrain from instigating investigations into its soldiers' sexual orientation, and soldiers must refrain from revealing their sexual orientation to the military authorities. This solution was dubbed 'Don't Ask, Don't Tell' (DADT). In this case we find an explicit policy on keeping information confidential in order to enable the two identities to coexist – the heterosexual soldier, and the civilian who does not draw a distinction between people based on their sexual orientation (Graham, 2003).

This policy served American society's needs through two administrations – Democratic (Clinton), and Republican (George W. Bush) – which included two wars, in Iraq and Afghanistan. However, in 2010 public opinion polls began indicating that 67% of Americans support equal and unconcealed military service (Gallup Survey, 2010). It further transpired that the silencing policy had a serious impact on serving homosexuals, for they could not respond to incidents of abuse associated with their sexual orientation for fear of dismissal (in at least one case, the abuse resulted in murder). President Obama made the subject a campaign issue, and after being elected he had the policy repealed.

From a social identity perspective, the DADT policy played a positive role from the point of view of equal rights activists: it constituted a declaration that homosexuals were serving in the military. That being the case, the soldier identity lost its heterosexual orientation, for there was no longer any point in assuming that the proportion of homosexuals in the military is significantly lower than in the general population. Once the soldier identity lost its heterosexual signifier, there was no longer anything to trigger clashes between the two identities. The DADT policy lost its justification, and was abandoned.

## **2. Rehabilitating War Widows**

The State of Israel's obligation and responsibility toward IDF widows was formulated back in the 1950s. The purpose of the laws was to financially rehabilitate those who were either adversely affected as a result of military activity or lost a family member in combat. However, an IDF widow's entitlement to a pension was conditional upon her not remarrying. The establishment did not provide reasons for this stipulation, but it may be assumed that her identity as an IDF widow might be impaired if she were to start a new family. Since the establishment of the State of Israel, and especially since the Six-Day War (1967), the IDF widow's public status, her presence at memorial ceremonies, and prominence in the public discourse have positioned her as an 'agent of commemoration' and part of Israel's commemoration, heroism and patriotism discourse (Ben-Asher & Lebel, 2010).

The revocation of an IDF widow's pension rights once she remarries resulted in many widows concealing new intimate relationships over the years, and refraining from remarrying for fear of losing their pensions. They also kept their public appearances beside a new partner to a

minimum, fearing public criticism over what was perceived as a ‘desecration of the fallen’, and as the widow rebelling against the role demands placed on her, which accorded her a single role: widowhood (Lebel, 2011). Shamgar-Handelman (1986) explains this articulately in her description of the widow being turned into a client who is obliged to maintain unique behaviors in exchange for her public status and entitlement for support from the bureaucratic-establishment arena.

A number of social, political, and institutional processes took place in Israel in the late 1990s (including a toning down of the glorification ethos of ‘fallen soldiers’), and as a result of pressure exerted by a large number of IDF widows, the political arena began being exposed to the voices of social representations that protested against the republican equation, on one side of which are financial benefits and symbolic inclusion in the ‘IDF widows’ group and the ‘Israeli family of bereavement’, and on the other, the widows refraining from remarrying (Ben-Asher & Lebel, 2010). It should be noted that keeping a new intimate relationship secret is inconsistent with the professional understanding, which was indicated in a 1970s study (Amir & Sharon, 1979), that marriage and starting a new family are an important component in the widows’ rehabilitation.

The new winds and changes in the social discourse in the middle of the first decade of the twenty-first century gained public expression in the mass media. Thus for example, one of the widows who led the IDF widows’ struggle to amend the Fallen Soldiers’ Families (Pensions and Rehabilitation) Law, declared:

*“In Israel’s reality, IDF widows did not go on demonstrations, but we found roundabout ways that became the accepted norm and were done openly, not in hiding. I know of more than one widow who was told by her rehabilitation worker: Hallo, don’t be, pardon me, an idiot and lose all your rights”* (Kol Yisrael, Reshet Aleph, May 3, 2006, 15:00; see also Heruti-Sover, 2006).

It seems that the social worker, a representative of the state, found herself instructing the widow how to set the boundary between private and public. Privacy was found to be an effective practice for organizing the incompatibility between the national identity, which demanded that the widow remain in her current status, and the rehabilitation policy, which viewed forming a new intimate

relationship as an appropriate and positive act in the widows' rehabilitation process. Thus, the establishment, which has the ability to grant benefits and enforce social norms, was influenced by conflicting interests: the continued existence of the ethos concerning public servants, and assisting in the widows' rehabilitation. Creating norms associated with the non-transfer of private information concerning an intimate relationship, in other words setting a boundary of privacy, enabled the coexistence of these conflicting interests (Paryente & Orr, 2010; Ben-Asher, 2003).

The two cases described above illustrate how privacy is not only a social representation, as argued by Oetzel and Gonja (2011), but a system of representations functioning as a social mechanism. It is in society's interest to have boundaries of privacy between the identities, for they allow different and even conflicting expectations to be placed on individuals, each of which society views as possessing value in itself.

### **Preserving the Boundaries of Privacy in the Face of Information Technology and the Internet**

It is virtually impossible nowadays to engage in the issue of privacy without mentioning the place of information technology in this context. Commercial companies mine for information in private databanks for commercial use, concurrently with the activities of individuals themselves, who breach the boundaries of their privacy on public Facebook walls, and other social networks and media. Births or marriage proposals are broadcast live, and conversely, suicides or divorce disputes – everything is seemingly wide open and permissible. Most consumers are prepared to share their personal details with others if they know they can reap some kind of benefit. The main functions for which people are prepared to relinquish their privacy are access to transport channels (flights, trains, and buses), going into public sites (stadiums, airports, and so forth), border control, and access to internet accounts. Another example of an interest in disclosure can be found on Facebook: individuals who disclose personal information gain high social capital, since the attention of surfers is gained according to the degree to which individuals are prepared to reveal personal information. The better you are at telling heartrending stories, the more you gain in 'The Pain Olympics', and the greater the social identification you receive from friends on the web.

It seems that in this clash of titans, the boundary between public and private, between the desire to share and the need to protect against exposure, is unclear, and is reexamined each time anew according to changing situations. Birnhack (2005, 2010) defines this state of technology as freedom, and sometimes even as anarchy. Yet he also claims that although technology threatens privacy, it also develops the means to protect it. Technological reality always precedes imagination, and the social codes restricting technology when it is used to mine and cross-reference data, and extract new information about people's lifestyle and behavior, are usually defined retrospectively. The following example, which will also be explained by means of Social Representations Theory, illustrates the fragility of the boundaries between private and public in the modern technology era.

### **How Target Figured Out a Teen Girl Was Pregnant Before Her Father Did**

Target is the third-largest retail chain in the US. Like other chains, Target specializes in consumer market segmentation, and its statistics department collects information about its customers with the aim of increasing its profits. Target's statisticians have thus transformed the computerized databank of customer purchases into strategic information. But what happens when Target's research department identifies interests that are in the private domain?

A *New York Times* article (February 9, 2012) described how in the course of data analysis conducted by Target's experts in the context of their customer's shopping habits, a pattern emerged of increased purchases of unscented lotion coupled with increased purchases of supplements like calcium, magnesium, and zinc. They came to the conclusion that there was a high probability that these customers were pregnant women in their first trimester. After further analysis, Target's analysts identified twenty-five products the purchase of which indicates a reasonable possibility of pregnancy. They were able to estimate the woman's due date so that Target could mail coupons timed to very specific stages of the woman's pregnancy and after giving birth.

One day a man walked into a Target store and demanded to see the manager. "My daughter got this in the mail!" he said, showing him advertisements for maternity clothing, nursery furniture, and pictures of smiling infants. "She's still in high school, and you're sending her coupons for baby clothes and cribs? Are you trying to encourage her to get pregnant?" The

manager apologized, explaining it as a possible error in Target's consumer market segmentation. He called the customer's home a few days later to apologize again. Abashed, the father replied, "It turns out there's been some activities in my house I haven't been completely aware of. Jenny's due in August..."

Which boundary did Target breach in Jenny's case? Society is built on shared representations of beliefs and modes of action that are accepted as the norm. Although we do not know the full details, we can assume which representations clashed in Jenny's case. According to agreed social representations, a mother's role is first and foremost to take care of her baby, and consequently to stay at home with him for a certain period of time. Another shared representation views sixteen-year-old girls as high school students whose sole occupation is studying. Before her pregnancy, the girl held two social identities with different social representations: her behavior in the family setting was consistent with that of a high school student, and in her social circle with that of a free and liberated young woman. Each identity group has different representations: the girl's friends have no interest in how she helps her younger siblings, and her parents have no interest in her conversations with her girlfriends about the handsome young teacher who's just started teaching in her school. However, the representations of a high school student and of a liberated young woman are contradictory in their attitude toward the girl's sexuality. In the family circle her sexuality is supposed to be restrained, whereas in her social circle active sexuality is part of the perception of a liberated young woman. It was the privacy mechanism that enabled the girl's identities, beliefs, and their action representations to coexist in her. The contradiction between the social representations associated with teenage sexuality prevailing among adults and young people, and the boundaries of privacy employed to resolve this contradiction are described by Schalet (2011) in her book about parents and adolescents. In an interview one American girl, Kimberley, tells the researcher that she never received any sex education at home. She has a boyfriend and they have sex, but she believes it would be easier for her parents not to know, because they see her as a 'little princess'. In her opinion, her parents adopt a 'don't ask, don't tell' policy.

It may be assumed that Jenny refrained from telling anyone about her pregnancy for similar reasons, and that in both cases pressure was exerted in both social circles (family and peers) for conformity of the social representation: if the girl displays expressions of sexual

freedom – such as skimpy dress – in her home, her parents might place restrictions on her, and she will no longer be their ‘little princess’. And if she behaves conservatively in her social circle, she is liable to be perceived outside the group as being old-fashioned and ‘nerdy’. In both identity groups this pressure is not accidental. It stems from the need of the other group members to affirm their own identity, and the need of all the partners in the relationship to preserve the group’s shared representations. It is the boundaries of privacy that prevent the clash between the social representations of each identity.

In the Target case, when does the cover of privacy, which protected the girl and allowed her to choose the right time to disclose her pregnancy, expire? The argument is whether a wanted teenage pregnancy belongs to polemical representations – representations created in times of dispute or struggle between groups in society over the right way to act (Ben-Asher, 2003). Had Target mailed the coupons only after the baby was born, it may be assumed that the information would have been known to the girl’s surroundings, and would have become an accepted, hegemonic representation of new information grounded in previous knowledge. People around her would have said, “Jenny never stood a chance of graduating high school anyway”, or alternatively, “Jenny’s family is very supportive, and in spite of the new baby Jenny’ll graduate high school and go even further”.

The price the girl had to pay for appropriation of her privacy belongs to the prices people pay when the boundaries of their privacy are breached incidentally, and not out of malicious intent to break down the walls and invade the privacy of the other. In this case it was ostensibly done for the benefit of the customer, or as a ‘neutral’ business interest.

## **DISCUSSION**

The present article discusses how the boundaries of privacy are created – the information the individual allows to be disclosed, and the system of social pressures that appears in the form of sanctions or rewards in the negotiation over the extent and timing of disclosure. This is a complex system that functions in a dialectic of interrelations that apply pressure in two directions: the individual on society, and society on the individual. Sometimes the individual wants to breach the boundaries of privacy that society has set for him, whereas society imposes gatekeeper mechanisms on him in the form of boundaries; and sometimes society (or bodies

acting within it) tries to use force to breach the boundaries of privacy the individual has set for himself.

Social representations simultaneously refer to the actions of the individual and the actions of the group, and consequently simultaneously belonging to several social groups means the coexistence of discrete and at times conflicting social representations. As long as the representations are not confronted with their dissonance and inconsistency – oftentimes due to privacy – they can coexist. The issue emerges in conflict situations wherein the individual has to choose a mode of action from several incompatible possibilities. At times the preferences are clear, but at others it is difficult to predict which identity will be chosen, or which identity is the more important.

Unlike previous perceptions whereby the individual possesses a ‘true self’ and a ‘false self’ (Winnicott, 1965, 1971; Holinger, 2009), and the role of the ‘false self’ is to protect the ‘true self’ by concealing it, we contend that the purpose of being able to simultaneously live with different identities that are concealed in certain situations, is not only to protect the individual from society, but also to protect society’s hegemonic character, which is presented by means of shared social representations.

Most of the studies on privacy in the past have examined it from the perspective of the rights of the individual. The innovation proposed in this article is in viewing privacy as a social mechanism, as an arrangement that works to preserve the existence of different identities and social order. Whereas the legal approach addresses privacy as an independent value, our approach is that privacy is a social mechanism that is constantly being redefined in accordance with changing social circumstances. Goffman (1959) asserts that secrets possess a dual character in society: they include the facts that are concealed, as well as their very concealment. He draws a distinction between strategic secrets associated with intentions, like secrets that businesspeople or the military keep in order to prevent the other party from being prepared, and ‘internal’ secrets that belong to the individual as a group member.

Goffman understood the importance of secrets: controlling secrets defines the group, and also serves as a tool. He did not, however, draw a distinction between situations wherein keeping a secret is only in the group’s interest (salespeople and customers), and situations wherein

keeping a secret is in the interest of both the keepers of the secret and the audience. Goffman uses an analogy of the explicit presentation that includes actors, audience, and behind the scenes.

With reference to the concept of privacy presented in this article, audience and actors alike demand the preservation of the secret. If the illusion (the stage sets) collapses, the audience will be adversely affected as will the actors themselves.

The first two cases we presented describe privacy as a mechanism that serves social interests, and its functioning as occurring in the face of incompatibility between conflicting hegemonic identity representations. Thus, the soldier with the homosexual identity also preserves the identity of the soldier as a 'macho man', as well as the identity of the civilian who chooses his sexual orientation. In the example of the IDF widows who lost their husbands in national military activity, it is evident that society wanted their rehabilitation, and at the same time also wanted to see them as 'living monuments', a reminder of the heroism of the fallen soldiers, and the state's gratitude for the sacrifice made by the individual for society. The fact that the laws on homosexuals serving in the US Army, and on IDF widows remarrying, were changed is an indication that just as the social representations that define identities are dynamic, thus too the boundaries of privacy as they are expressed in law change in accordance with complex social circumstances, and what was once private can become public.

The Target case illustrates how a commercial company's interest in matching its products to the customer and his needs (a legitimate interest that at times even possesses social and economic value without there being a contradiction between them) unintentionally violates the interest of privacy. Birnhack (2010) presents a similar example in his description of the technological development of the cookie, which made surfing the internet very easy, but also became a means of tracking and violating privacy. Rostholder (2009) contends that it is the tension between the individual and society that creates the need to decide on the line where the public domain ends and privacy begins. We believe that this tension is immanent and cannot be decided, and should be accepted as stemming from a dynamic social reality in both the social and technological spheres.

The innovation proposed here is in viewing privacy as a mechanism for maintaining inconsistency between identities. A variety of identities is required in modern, liberal Western society, identities which are often contradictory, non-coherent, and clashing, although they need

social legitimacy as well. The privacy mechanisms society creates thus enable the individual to maintain the necessary separation and hold conflicting identities, and consequently protecting privacy is not only in the individual's interest, but in society's as well.

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