

## Privacy and Personhood in a World Without Mystery

by Rafael Chodos

It will not do merely to complain about the widespread and outrageous invasions of privacy that citizens of the developed world constantly suffer, nor to legislate against them one by one. If we really want to fix the privacy problem we have to identify the underlying shift in society's attitudes towards what it means to be *a person*.

These invasions of our privacy come from government, which subjects our emails, our phone calls, our movements, our financial affairs, and many aspects of our behavior to meticulous surveillance. These invasions come from our employers, who monitor our performance and nonperformance in the workplace. They come from the marketplace, where the old adage, "know your customer," has been carried to extremes that could not have been imagined as recently as ten years ago. From grocery store loyalty cards and the "customer analytics" that they support to our credit card transaction histories and our web browsing histories—these data sources are now all collated and analyzed to allow prospective vendors to target us in their advertising ever more accurately. Our mere participation in the marketplace exposes us to a never-ending onslaught of intrusive appeals to purchase and to consume.

We may ask ourselves whether these invasions of privacy are something new, or whether they are merely contemporary versions of perennial patterns of social behavior. Naturally, the technology that supports information-gathering and analysis is quite new. But government surveillance has often been intense; before electronic eavesdropping was available, neighbors were enlisted to spy on each other and report to the intelligence-gathering bureaucracy. The sweatshops and factory floors of the nineteenth and early twentieth century did not allow any solitude or privacy in the first place, and supervisors constantly monitored the workplace. The consumer marketplace, however, does appear to have been a less monitored environment in the years leading up to the 1960s. Before credit cards became widespread, when most transactions were carried out with cash rather than bank checks, one could buy a vanilla ice cream cone without being solicited to buy vanilla milkshakes and related products because the purchase of the cone left no "tracks." It was the shift to credit cards and other "money substitutes" that facilitated the intense monitoring we take for granted today—and perhaps we should view that as something new.

But the real shift is something much, much deeper. It has to do with our conception of personhood and the notion of mystery as it relates to personhood.

### Judeo-Christian Conceptions of the Unknowable Self

Throughout history every person has been viewed as having a core or center that is ultimately unknowable. All the information that might be accumulated about that person was seen as a set of clues or hints about that core, but no matter how much information was accumulated, each person and all those who interacted with that person believed that there was something in the core, something at the center that could not be named or known: it was the mystery that animated

that person's whole being. That mystery was unknowable even to oneself: one might struggle to know oneself and yet never quite succeed.

The classical expression of this notion of the self is found in the Hebrew Bible's notion that no one can see God's face and live (Exodus 19, 33). It is of course curious that God speaks to Moses but does not allow Moses to see God's face; that hearing God's voice is a good thing but that seeing God's face leads to immediate death. This is because the voice is produced linearly and in context and does not reveal the full nature of the speaker. But to see the speaker face-to-face is to see God's whole being and its limits, and to peer into the window of the soul and the mystery at the core—and that is unavailable.

To the extent that the Hebrew Bible's notion of God is a projection of the human sense of self, it represents an advance over the polytheistic religions of the period: instead of the gods and goddesses being projections of parts of the self—such as beauty or wisdom (as were the Greek goddesses Athena and Aphrodite)—or merely characters in a narrative or placeholders in a hierarchy (like Isis and Osiris), the Hebrew Bible's God was a complete personality with a mystery at the core. The Hebrew Bible did not present a monotheistic world view; instead, God's first commandment was, "Thou shalt have no other gods before me." The implication is clear that God was one among many—but God was a special One; and God was unknowable, and God's face could not be seen.

### **Personhood and Profile Data**

The notion of the person as having a mystery at the core persisted throughout western history. But it is changing now. People now begin to think of themselves as the sum total of the information that is gathered about them: their DNA, their demographic information, their medical history, their transactional history, their "interests" and affiliations. Add all these up and, we are told, we have the totality of each person. And we, and the community in which we live, begin to buy into this new conception of personhood: we create our Facebook profiles, we fill out our job applications and our census forms, and we keep careful records of our purchases and expenditures and receipts. By the time our records are complete, we come to believe that we know ourselves. The information is no longer a pathway into the mystery. The mystery is gone, and the information we have is an access point to any information that may be missing.

We each begin to see ourselves this way, and the community also sees us this way. We are targeted as consumers via our information. Our medical care and preventive regimens, and soon our insurance programs, are constructed this way. Our dating services treat us this way. Our prospective employers treat us this way. And our governments treat us this way. Indeed all the enterprises with which we interact encounter us through a data profile, and they tailor their interactions with us to match the profile. And as the profiles become more and more elaborate, everyone involved begins to believe that they tell the whole story. If something is missing, or difficult to access, what is needed is more information.

It is Gottfried Leibniz's principle of "the identity of indiscernibles" all over again. So if it can be said of two particles that they are in the same place at the same time, and that all their qualities and properties are the same, then Leibniz argued they must indeed be the same particle. They would be "indiscernible" because no property would be true of one that was not also true of the other. But the notion that a person has a list of properties that can be measured in the same way as those of a particle is something that even Leibniz himself would have laughed at. Yet today, we are not laughing at this idea: we seem to believe it!

The sense of privacy disintegrates when the sense of mystery disintegrates: if we want our privacy back, we have to regain our sense of mystery. But the loss of the sense of mystery may be one of the great catastrophes of the postmodern period and it may not be reversible. Legislation by itself will never work.

And here is the irony of it: when the sense of mystery is displaced by the illusion of total information, the real bonds that hold the community together are not strengthened—they are weakened. For it is the sense of mystery that draws us into the never-ending enterprise of seeking to come closer to each other, and it is the sense of mystery that nurtures our sense of wonder and so inspires us to dance together in the space of shared imagination.



*Rafael Chodos (chodos.com) is a business litigation lawyer in Los Angeles and the author of The Jewish Attitude Towards Justice and Law (1984), The Law of Fiduciary Duties (2000), and Why on Earth Does God Have to Paint? (2009).*