



## Book Review

**Rule, James B. 2007. *Privacy in Peril*. Oxford: Oxford University Press.**

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## Hille Koskela

Department of Social Policy, University of Helsinki, Finland. <mailto:hille.koskela@helsinki.fi>

James Rule takes up the timely issue of privacy in the age of global terrorism and post 9/11 forms of social control. He presents the history of information gathering in the United States, and places privacy into its new context of *The Patriot Act*. Here, 9/11 is understood as a turning point, after which the political economy of private information has been largely driven by the culture of fear. The rhetoric of security is used to legitimate possible invasions of privacy. Rule discusses the use of personal data from a range of points of view – from social security numbers to identity cards, from wiretapping to tracking, and from medical care to credit files. According to Rule, surveillance expands by feeding itself, in other words, the “socio-logic” of surveillance is to grow (18).

The book is structured around two major fields of data gathering: the authorities and market forces. Legislation plays a central role here, and Rule describes the development of American privacy laws from the 14<sup>th</sup> century to the present day and builds international comparison with four other countries: Great Britain, Australia, Canada and France. Nevertheless, the book is very American, which is most apparent in the repeated reference to “our nation.”

This American orientation is the book’s weakness as well as its strength. The international comparisons remains rather thin, especially since there is only one non-Anglophone country included, and since the cases are general, non-historical and culturally quite thin. The use of social security numbers and ID-cards, for example, vary enormously around the world but the book does not really grasp these differences. However, it is precisely the American voice which gives the book its strongest argument. In the section on “personal data in the marketplace” this becomes clear for the reader in terms of how some information gathering procedures which are part of everyday life in European countries have faced strong resistance in the US, while the marketing of data in America has been extremely unconstrained. For example, CCTV surveillance in public urban spaces is widespread in Europe but has repeatedly been voted down in many American cities. In contrast, direct marketing in the United States has loose reins. For a European reader it is striking to learn that it was as late as 2003 that the US established a national “do not call” register for those who wish to avoid direct telephone marketing. As Rule accurately states, “this country [i.e. the US, *sic.*] has the least effective public measures to control commercial exchange of personal data of any prosperous democracy” (97). In America, personal information is, above all, a *commodity*, and since 9/11 government investigators have been among the most eager consumers.

Rule asks us to consider “how far is too far?” (146) in information gathering. The question is problematic if the frame is set as in this book. To focus on the authorities and market forces reveals only part of the story. Regulation, in this approach, comes to be seen as the only way in which to protect privacy. The government is to assume a central role in protecting privacy, despite the fact that it is the same government that is so eager to consume data. This dual governmental role creates a Janus-like situation where the government has no clear or persistent aims. Given that security is increasingly perceived as a more important value than privacy, and one of the main roles of a government is to guarantee its citizens’

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safety, it is hardly likely that any government would set very tight limits on privacy. If we imagine intrusive systems counterpoised to regulative systems and “add fear” to the mix, the intrusive side is apt to win – as the war on terror has demonstrated.

Perhaps the question of limits needs to be re-formulated. The approach which sees privacy as something every person wants as a self-evident individual rather than collective value now seems quite old fashioned. It positions individuals as passive targets of invasion, and ignores any role they might play in revealing and hiding information. Individuals want more than to just be protected. The media – which Rule hardly mentions – plays a tremendous role in the economy of attention. Many individuals are now eager to divulge even highly private information in order to be noticed. The deliberate exposure of informational selves challenges privacy understood as a single-voiced positive value. Furthermore, individuals have always played an active role in surveillance as was most apparent in the Soviet Union, where control by the authorities was supported by individual informers.

Although Rule seldom refers directly to Foucault, the tone of the argument is quite Foucauldian: those who are “seen” lose power, those who observe, gain it and can use it as they may. As the overseers have been multiplied in recent years and the uses of information spread, the flows of power have become more difficult to identify. Rather than exclusively being targets of surveillance, people seek to play an active role in countering surveillance and modifying their identity. New technologies give individuals opportunities to gather and spread information in ways which were previously possible only for the authorities. People are watching and observing each other in ways which are so creative and wild that “the reasonable expectation of privacy” is fading fast. People – especially the younger generations – have learned how to fake and play with identities. Modified representations of the self are not perceived as immoral, but rather as opportunities which open up new social possibilities. I strongly support Rule's worries about discrimination and inequity, as they are actual and serious. Nevertheless, it is time to fully explore the tensions inherent in the fact that privacy is a positive value, and that identity can also be a playground.