

Review of *The Known Citizen: A History of Privacy in Modern America*, by Sarah E. Igo (Harvard University Press, 2018), \$35.00 (hardcover), 592 pages, ISBN: 9780674737501

Brett Kavanaugh had an appointment with Dr. Strawberry on July 8, 1982 at 1:30 pm, according to the notes on his calendar from that summer.<sup>1</sup> Before this fall’s judicial confirmation hearings, likely few of us imagined that we would ever have such visibility into the intimate details of a Supreme Court justice’s private life. However, in divulging her most traumatic memories, Dr. Christine Blasey Ford called into question Kavanaugh’s decorous image and fitness for the bench. In response, Kavanaugh perhaps felt compelled to sacrifice the sanctity of his privacy, leveraging the power of full disclosure to try to salvage his public image. Regardless of how successful one considers his attempt, this choice illustrates the complicated trade-off between privacy and transparency and its implications for self-determination and control.

In her 2018 book, *The Known Citizen*, Vanderbilt history and law professor Sarah Igo traces the evolving conceptualization of “privacy” throughout American history. An accomplished intellectual and cultural historian,<sup>2</sup> she imbues the term with the many nuanced layers of meaning its ubiquity warrants. Ultimately, her work allows us to learn from the past and approach our modern privacy debates—as harrowing as they might be—with more wisdom, perspective, and agency.

### **A Right to be Let Alone**

In early American history, our conception of privacy was literal and thus limited, tied to property and the rights of white male landowners. With the close of the nineteenth century, however, a broader understanding of privacy—“the modern political claim” (p. 24)—started to take root. This is where Igo’s analysis begins.

The rise of a powerful press in the Victorian era, enabled by technological innovations like instantaneous photography, the typewriter, and the telegraph, introduced a new psychological dimension to the notion of privacy. Information could now spread rapidly, and tabloids could tarnish reputations through a simple photograph or article. Society’s most privileged were no longer insulated from unwanted intrusions. Motivated by such changes, Boston lawyers Samuel Warren and Louis Brandeis articulated a “right to privacy” in their 1890 work of that very name, defining it as “the right to one’s personality” (36) or “a right to be let alone” (35). “Simply to be revealed—” Igo writes, of their view, “to be known when one wished not to be—ought itself count as an actionable harm” (37). One’s sense of personhood, or one’s right to his/her own thoughts, feelings, and story, free from interference, became a commodity in need of protection.

From this early conception of privacy emerged an enduring paradox. Despite its “growing rhetorical availability” (51), as implied by the democratizing language of these claims to one’s “personality,” the social good of privacy has never been distributed equally. Government surveillance throughout the decades, in the forms of spying, wiretapping, tracking, and recording, disproportionately targeted poor communities, women, immigrants, racial minorities, sexual “deviants,” and other nonconformists. Igo explains, “Class and sexuality,

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<sup>1</sup> “READ: 1982 Calendar Entries from Brett Kavanaugh.” *CNN Politics*, 26 Sep. 2018, <https://www.cnn.com/2018/09/26/politics/brett-kavanaugh-1982-calendar/index.html>. Accessed 9 Nov. 2018.

<sup>2</sup> Read more about Igo: Blanding, Michael. “Open Secrets.” *Vanderbilt Magazine: Eye on Privacy*, Fall 2018, <https://vanderbilt.app.box.com/s/e3lvo1lstu2ac5yzfc4pwyupwr5581ep>. Accessed 19 Nov. 2018.

along with race, helped determine whose privacy mattered in the dominant political culture, all the way up to the Supreme Court” (157).

During the World Wars, for instance, immigrants and racial minorities were closely watched, “in the name of patriotism and national security” (48). In the Cold War era, this extended to suspected radicals: artists, actor, atheists, and intellectuals who did not fit dominant norms. In the 1950s and 60s, the sex lives of women, gay men, and welfare recipients were not considered private domain—each eliciting a disturbing degree of government scrutiny. Even when privacy emerged as a constitutional right with *Griswold v. Connecticut* in 1965 and *Roe v. Wade* in 1973, it served in practice to facilitate decisional autonomy, rather than equal protection. Though not the focus of Igo’s study, it is still the case today that, due to prosecutorial discretion, surveillance is discriminatory. Law enforcement has far more eyes and ears in low-income areas to police petty street crimes, than it does in corporate boardrooms, where gross corruption, fraud, and theft go unchecked. Igo makes clear, however, that privacy is not always desirable. The “right to be let alone” can both be a merit and a burden. To be shrouded—to be *unknown* when one wishes not to be—ought to itself count as an equally actionable harm as being revealed. Again, as Igo demonstrates, it is marginalized groups who more often suffer the costs of invisibility.

With the New Deal and the expanding public benefit programs of the 1930s and 40s, being “known” to the government began to confer certain benefits. Though citizens were initially uneasy with the idea of registering with the administrative state, Igo points out that “Social Security made the rewards of identification manifest” (59). Further, “Given that not all workers were covered and most black workers were not, the SSN could be prized as a badge of a particularly coveted form of economic citizenship” (88). Those who could not register—immigrants and minorities—were denied this recognition of personhood. Instead, they often were tracked and recorded in the criminal justice system, as a number or fingerprint.

Not only did invisibility mean that certain groups’ needs were ignored, but when forced, it required certain groups to suppress their identities. In her chapter on “confidentiality and consent,” Igo examines Laud Humphreys’ sociological studies of 1970s tearooms. The designation of these public restrooms as covert meeting places for male homosexual encounters illustrates the extent to which gay men were forced into privacy. Their obscuration contributed to their oppression. In fact, it is exposure—the coming-out movements of the 1970s—that ultimately liberated and empowered the gay community. Reviewer Sue Halpern cogently remarks, “Coming out was a repudiation of a particular kind of imposed privacy in which individuals were forced to hide their sexuality” (93).<sup>3</sup> In Igo’s words, “public visibility was the key to sexual privacy and thus full citizenship” (299). Visibility was similarly central to the 1970s women’s movement. Forced to hide their bodies and their desires, women were imprisoned in their privacy. It was only in revealing their stories, their experiences of abuse, oppression, and violation, that such injustice could be exposed, active citizenship attained, and true privacy achieved.

### **From Violation to Liberation: Reclaiming Privacy through Exposure**

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<sup>3</sup> Halpern, Sue. “The Known Known.” Review of *The Known Citizen*, by Sarah Igo. *The New York Review of Books*, 17 Sep. 2018, <https://www.nybooks.com/articles/2018/09/27/privacy-technology-known-known/>. Accessed 16 Nov. 2018.

This attainment of privacy through exposure suggests a second paradox central to the privacy debate and explains the seemingly contradictory desires for seclusion and self-display. Our inclination to close ourselves off from the outside world is ingrained in the American experience: our wariness of a “Big Brother” state, our discomfort with corporations and agencies collecting our personal data, and our dream of owning our own home where what we own, do, and believe—from guns to religion to money—is no one else’s business. At the same time, however, we have always been eager to disclose and discuss intimate aspects of our lives. This was present as early as the nineteenth century. Igo explains, “as the rapid emergence of the ‘Kodak fiend’ and the eager readers of the illustrated weeklies implied, fear of intrusion was always only one side of the coin. A desire to transgress settled boundaries, in order both to discover and disclose was the other” (40).

The latter desire has seemed to intensify over time. The rise of the personal memoir and reality TV in the 1990s brought about a “confessional culture.” Therapy groups, televised talk shows, and “tell-all” books bought into the belief that personal transformation and emotional closure could be achieved through revelation or the airing of one’s inner thoughts. The desire to share our stories publically has become even more pronounced in the past two decades with the explosion of blogs and social media. Instead of nervously watching our backs, we invite people to follow us; we try to increase our “views” and “likes.” Many of us even ache for fame—not necessarily the kind associated with talent or achievement, but just to be seen, like the Kardashians, “Real Housewives” stars, and “Jersey Shore” denizens. As Igo points out, perhaps larger than Americans’ fear of being watched is our fear that “no one is watching” (361).

Indeed, telling one’s story has become more than just a cathartic practice. It has become a fundamental way for us to establish our identities, exercise self-determination, and reclaim the control that invasions of privacy threaten. Igo brilliantly explains this counterintuitive result: “Whether one was going to be known might be out of one’s hands.” This is especially true today with an Internet that records every moment of our lives in perpetuity. She continues, “for some confessional writers, however, telling one’s story was perhaps the best means of controlling the way in which one would be known” (324). If my story is going to be out there anyway, I might as well set the record straight, determining what my story says about me and where the boundaries will be drawn.

### **The Dilemma of the Known Citizen**

These insights hardly cover the full scope of Igo’s work, but they help to illustrate the heart of her argument. In a knowing society, where everything we do is watched and recorded, we all face a constant trade-off between privacy and transparency. Privacy can protect and liberate us, but exposure allows for convenience and social and political engagement—which, ironically, is often necessary for the full realization of autonomy and thus, privacy. To put it differently, privacy is a heavy weapon to wield. It is powerful and protective, but just how much weight we can bear—and how we bear it—varies.

With rapid technological advancement that captures our every move, from wearable fitness trackers to implanted devices, these questions seem more urgent than ever before, and talk of privacy has become ubiquitous in the media. Where Igo’s voice stands out, however, is in her ability to capture the many considerations and implications of privacy into a single, more tangible concept: the idea of being known. Inspired by the prescient 1940 poem, “The Unknown Citizen” by W. H. Auden,<sup>4</sup> Igo’s title becomes a compelling motif that evokes the contentious,

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<sup>4</sup> For full text of poem: [https://web.cn.edu/kwheeler/documents/Unknown\\_Citizen.pdf](https://web.cn.edu/kwheeler/documents/Unknown_Citizen.pdf)

blurred line between self and society. In a world where we are followed, tracked, and codified by our government, corporations, and neighbors, our lives are inevitably shaped by these external forces. Our decisions and sense of self, it suggests, are not entirely our own.

The strength of the “known citizen” motif is due in part to the impressive breadth of Igo’s work. She covers a century and a half of history and spans fields as diverse as law, art, technology, and psychometrics. Writing on a concept that touches just about everything, Igo manages to address almost everything, too. By examining many of the historical and present battlegrounds for privacy, she illustrates “the known citizen” framework’s universal applicability: how it can be used to understand the privacy trade-off in any setting. Astonishingly, though, Igo does not compromise on depth. Academics and everyday readers alike may appreciate her nearly 200 pages of “notes,” where she expands on details, clearly documents sources, and provides suggestions for further reading.

Nonetheless, as a retrospective, *The Known Citizen* still leaves us wondering—and maybe worrying—about the future of privacy and how these privacy questions play out in our own lives. Readers, newly aware of their status as “known citizens,” may start to see the privacy invasions everywhere. Our iPhones track where we are at all times and automatically share our location on social media. Our Facebook accounts deduce what kind of shoes we like and bombard us with advertisements. Even outside of the virtual world, there are constant affronts to our serenity, our right to be let alone: the holiday music playing in the grocery store, the security checkpoint at the airport, and the incessant sales calls and solicitations.

### **The Future of Privacy, in the Hands of the Known**

Igo’s ingenuity has attracted a number of other glowing reviews, and these reviewers, too, seem to grapple with the implications of being known. In using Igo’s analysis to speculate about the future, several hone in on a certain issue that elicits concern, such as corporate data collection, technological advancement that outpaces regulation, or political leadership that disregards privacy and the rule of law.<sup>5</sup> For me, the dilemma of the known citizen has prompted a new fear in the future of doctored realities.

As Igo demonstrates, the threat of false data is not new. The media has spread dangerous lies about both prominent figures and ordinary citizens for centuries. In the 1970s, problems with inaccurate records peaked, spurring new privacy legislation: the Privacy Act, the Family

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<sup>5</sup> Forrester, Katrina. “Known Unknowns.” Review of *The Known Citizen*, by Sarah Igo. *Harper’s Magazine*, Sep. 2018. <https://harpers.org/archive/2018/09/the-known-citizen-a-history-of-privacy-in-modern-america-sarah-igo-review/>. Accessed 6 Nov. 2018.

Greenberg, David. “How We Balance our Right to Privacy with our Collective Need for information.” Review of *The Known Citizen*, by Sarah Igo. *The Washington Post*, 8 June 2018, [https://www.washingtonpost.com/outlook/how-we-balance-our-right-to-privacy-with-our-collective-need-for-information/2018/06/08/cc283796-5850-11e8-858f-12becb4d6067\\_story.html?utm\\_term=.e3e0e3ebde09](https://www.washingtonpost.com/outlook/how-we-balance-our-right-to-privacy-with-our-collective-need-for-information/2018/06/08/cc283796-5850-11e8-858f-12becb4d6067_story.html?utm_term=.e3e0e3ebde09). Accessed 6 Nov. 2018.

Halpern, Sue. “The Known Known.” *The New York Review of Books*, 17 Sep. 2018, <https://www.nybooks.com/articles/2018/09/27/privacy-technology-known-known/>. Accessed 16 Nov. 2018.

Immerwahr, Daniel. “Privacy Settings.” *Dissent*, vol. 65, no. 4, 2018, pp. 6 – 10.

Menand, Louis. “Why Do We Care so Much About Privacy?” *The New Yorker*, 18 Jun. 2018, <https://www.newyorker.com/magazine/2018/06/18/why-do-we-care-so-much-about-privacy>. Accessed 11 Nov. 2018.

Educational Rights and Privacy Act (FERPA), and the Fair Credit Reporting Act (FCRA). As legal scholar Arthur R. Miller points out, in a society where one's "success or failure in life ultimately may turn on what other people put in their file," accuracy is paramount (242). Our records define and precede us, yet it can be difficult to validate and correct them. This speaks to what Igo eloquently calls "the individual actor's impotence in a records-based society" (242).

The threat of false data is, however, more pernicious today than ever before. By using our images, our usernames, and our voices, others can employ increasingly simple computer technology to create and then publicize false histories and happenings. This is "fake news" in its most toxic form—the ultimate violation of our autonomy, personhood, and privacy. In his piece on synthetic media (i.e., digitally synthesized or manipulated photos and videos), *New Yorker* contributor Joshua Rothman discusses this predicament with Hany Farid, a photo-forensic expert.<sup>6</sup> As Farid puts it, "There's something very, very powerful about the visual image. If you change the image, you change history...Historically [vision] has been very reliable...How much longer will that be true?" (36). One's impotence in a records-based society is dwarfed only by one's impotence in a post-truth, fabricated-records-based society. So what steps can we take to protect our likeness? How will we assert our own, truthful stories? In what ways will we have to reveal ourselves in order to establish the truth?

As *New Yorker* staff writer Louis Menand suggests in his book review, Igo does provide us with some general reassurance for such fears.<sup>7</sup> Privacy, she maintains, is not obsolete. All of these threats are new renditions of centuries-old concerns, and as we have done in the past, we will again adjust, redrawing the boundaries and redefining what privacy should look like in our brave, new world.

However, Igo's history should also impart to us a sense of agency. This is where most reviews—and even Igo's conclusion itself—stop short. We do not have to wait for these changes to happen, for the new privacy order to be determined. We do not have to write off a future of synthetic media as inevitable. In reflecting on the past and paying attention to the present, we can envision the future, and challenge our government, our corporations, and ourselves to honor the delicate balance between privacy and exposure. Wielding the weapon of privacy with foresight and intention, we can start to answer for ourselves Igo's crucial problematic: how and to what extent do I want to be known?

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<sup>6</sup> Rothman, Joshua. "Afterimage." *The New Yorker*, 12 Nov. 2018, pp. 34 – 44.

<sup>7</sup> Menand, Louis. "Why Do We Care so Much About Privacy?" *The New Yorker*, 18 Jun. 2018, <https://www.newyorker.com/magazine/2018/06/18/why-do-we-care-so-much-about-privacy>. Accessed 11 Nov. 2018.