

# THE GENTLE PRIVACY

Ways of being of the information society man

*Text by Rosario Imperiali d'Aflitto, Photos by Jasper James*

GentleBooklets



## **#2. THE GENTLE PRIVACY**

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*Text by Rosario Imperiali d'Afflitto*

*Photos by Jasper James*

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**GentleBooklets** It is a series of long-form articles written by different authors.

The booklets, designed for a quick read, feature texts and images. We have kindly asked to the authors to comment on the term “kindness.” Authors and photographers have donated their work.

The motivations behind the project are the same as those of Gentletude, the desire to spread awareness about the need for “kindness” in our society, a society too focused on personal success to remember the basics of everyday living and respect for the environment that hosts us.

Our decision to present these ideas in a series of publications is due to the awareness that, in order to stimulate people to think about these issues, it is necessary to present some concrete examples. In this case, the examples will be provided in the texts written by the authors



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## **THE GENTLE PRIVACY**

### **WAYS OF BEING OF THE INFORMATION SOCIETY MAN**

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#### **PRIVACY AND ME**

Some children are like clay to mold; others seem instead like already-finished artwork that needs only some embellishment of their physical appearance. When I was child, I was part of the former group.

My personality was resolute, firm, fighting, as if it found its origins in previous experiences. A strong identity, on which however were present some attitudes and inclinations that requested specific formative (or corrective?) interventions.

Among my behaviors, I remember a visceral curiosity for everything around me: objects, colors, places, animals, persons... but also opinions, conversations and secrets.

They were not real “secrets” indeed – not in the way adults mean “secrets” – They were rather personal

considerations or subjective evaluations expressed by grown-up people and which were not opportune to divulge - most of all to children, and to curious children in particular.

“Daddy, mummy, can I come?”-. My dream is confused with reality; I can’t recognize the contour yet. But I hear my mum and dad in their bed; it doesn’t happen to me so often, even if I sleep in the same bedroom. How pleasant to be in bed, “in the middle” of them.

Psychoanalysis explains that the child grows up and develops between the oneiric symbol of his mother, as the attraction of the Thing of Pleasure, and his father’s expression of interdiction, containing pleasure without bounds, as the ethical symbol of responsibility and donation of desire. Dad and mum, two coral reefs that lull me in this sea of peace and harmony with life, where I learn to savour sensations and feelings, of which I know neither the name nor the peculiarities.

“You know that mummy and daddy said that you...”-,  
The mischief is done.

I was telling our maid – with a little boast and a sense of complicity – what my parents said when we all were in the double bed. Little things about Nunzia, but things that should remain there, inside the walls of that bedroom, without escaping through passages, especially in



the direction of the kitchen.

Our Nunzia, she was almost a nanny and I was very attached to her. To share with her what I found out (“Do you see that I’m a grown-up, me too?”); seemed to me an opportunity not to miss, going up the stairs of adults’ consideration “two steps by two”. That was one of my first crashes.

“Now you come with me and make your apologies to Nunzia.” Daddy is keeping me by the hand, perhaps he is hugging me, but it isn’t a tender embrace of protection. Instead it is the physical manifestation of his authority and I feel it unequivocally. He is the severe pater familias, determined to restore order in the situation I upset. My dad was cutting into my pride and the wound is still present, after almost half of a century. I live with a sense of reserve and I experience its value as an instrument to respect the Other.

Perhaps this is the reason why I welcomed with enthusiasm the so-called privacy law, when I was adult. It is a set of rules which, if I knew it in time, would avoid my hard-earned childhood experience.

## **TODAY'S PRIVACY**

Taking a closer look, what we today generally call “privacy” is a matter technically far, but instrumentally close, to my personal experience. It is the correct use of acquired information, to guarantee the respect and the dignity to whom information pertains. In jargon we refer to “treatment” and “personal data” but, if I understood the point of the matter in time, I would have avoided the reprimand of my childhood.

The birth of the concept of privacy, actually, is associated with an event similar to my personal experience, because the essential was the same: “what is whispered in the closet shall be proclaimed from the house-tops.” (Warren & Brandeis, *The Right to Privacy*, Harvard Law Review, 1890).

The trouble at the basis of the privacy question is that “Triviality destroys at once robustness of thought and delicacy of feeling. No enthusiasm can flourish, no generous impulse can survive under its blighting influence.” (Warren & Brandeis, *The Right to Privacy*, Harvard Law Review, 1890).

## **BETWEEN CONFORMITY AND ABSOLUTE VALUE**

The idea of “kindness” swings between the extremes of

conformity and of absolute value.

From the rules of etiquette we shift to the pole of respect and civic sense.

A pendulum that swings dangerously, there is danger for the maintenance of the meaning of the term and also for the serious consideration of its value.

### **THE OTHER**

Although a certain theoretical indeterminacy belongs to the term “kindness”, there’s a common trait, its essence, in every phase of the conceptual oscillation: the relation with the Other.

Kindness can’t reveal itself in our own identity; it implies a comparison with that which is outside ourselves: a movement from inside ourselves to outside ourselves.

Our way to be kind shows we have already moved outside from certainty, from the comfort of our known depths, in the direction of the unknown, of the uncertain. And going further: kindness fills with qualitative contents the hiatus between Me and the Other.

Kindness, in fact, reveals itself and blooms as a qualitative element of our identity relation with the Other.

Kindness is the quality of our aptitude towards our neighbour; it shows our predisposition towards necessities and expectations of the Other. It is affectionate respect.

## **KINDNESS, BEFORE AND AFTER**

So, if “kindness” is the quality of our manner to be ourselves in the relation with the Other, it needs a premise and a conclusion. The premise is a part of the field of our identity, namely one of the two subjective profiles of the comparison, which gives place to kindness.

As a matter of fact, kindness presupposes the awareness of the Ego that originates this relation, in order to not deteriorate it into a formalism without significance and to avoid the risk of conveying a provocative feeling to the Other. We are truly kind when we are aware of our Ego and we intentionally relate to the Other, placing his necessities and expectations before ours.

Moreover, the awareness of our Ego implies an environment respectful to human dignity and freedom.

Because dignity it's the precondition for freedom. For this reason it is said that dignity is an innate right of every person to be respected and ethically treated. When dignity is protected, it is allowed to individuals to maintain their self-control, and this is the precondition for the free manifestation of identity and of a becoming personality.

Therefore the equal balance between our expectations and those of the other, a balance of comprehension and willingness, are the guidelines to be a kind person.



What comes afterwards – the afterword of kindness, to say so – is distinguished by respect, ethics and reserve. Respect is the aptitudinal presupposition for kind relationships: that is the reflection of others' expectations in us, to take their expectations into consideration.

Ethics are the field of the gentle relation: otherwise this relation degenerates in a conveniently gratifying way. Reserve is the route to confidence, which allows the Other to be at ease and to open himself to the relationship started with kindness.

### **PERSONALITY AND KINDNESS**

Recalling my childhood anecdote, it clearly appears that although I was normally a gentle young boy – with respect to my dear Nunzia most of all – the context of my relationship with her couldn't bring real "kindness", because of my lack of identity awareness and my inability to correctly understand the concepts of "respect" and "reserve".

This is comprehensible in respect to a child, but it permits us to specify that "kindness" is a personal aptitude with qualitative value, based on precise principles and values. It is neither the fruit of a formal convention nor the expression of a mere inclination to conform oneself to good manners. "Kindness" is a fundamental ingre-

dient of our social life which, nevertheless, cannot be prescribed by law, because it is part of human values – as are dignity, reserve and ethics.

Regulation cannot impose “kindness”, like a legal duty, but it aims to remove all the obstacles to free manifestations of kindness. So the constitutions of democratic societies defend man’s absolute rights, with the purpose of guaranteeing a social background that permits the development of human values.

The Italian Constitution, for example, extends the warranties to social groups where the individual personality develops: to say that the Constitution safeguards the rights and the fundamental freedoms with the aim to facilitate a harmonious improvement of the relation between Me and the Other.

### **KINDNESS AND PRIVACY**

We have yet to answer the question about the connection between “kindness” and the “correct use of personal information” – otherwise called “privacy”.

I have referred above to the existence of a “preparatory phase” and of a “conclusive phase” pertaining to kindness, only to affirm that this qualitative aptitude requires precise presuppositions (dignity, identity, free-

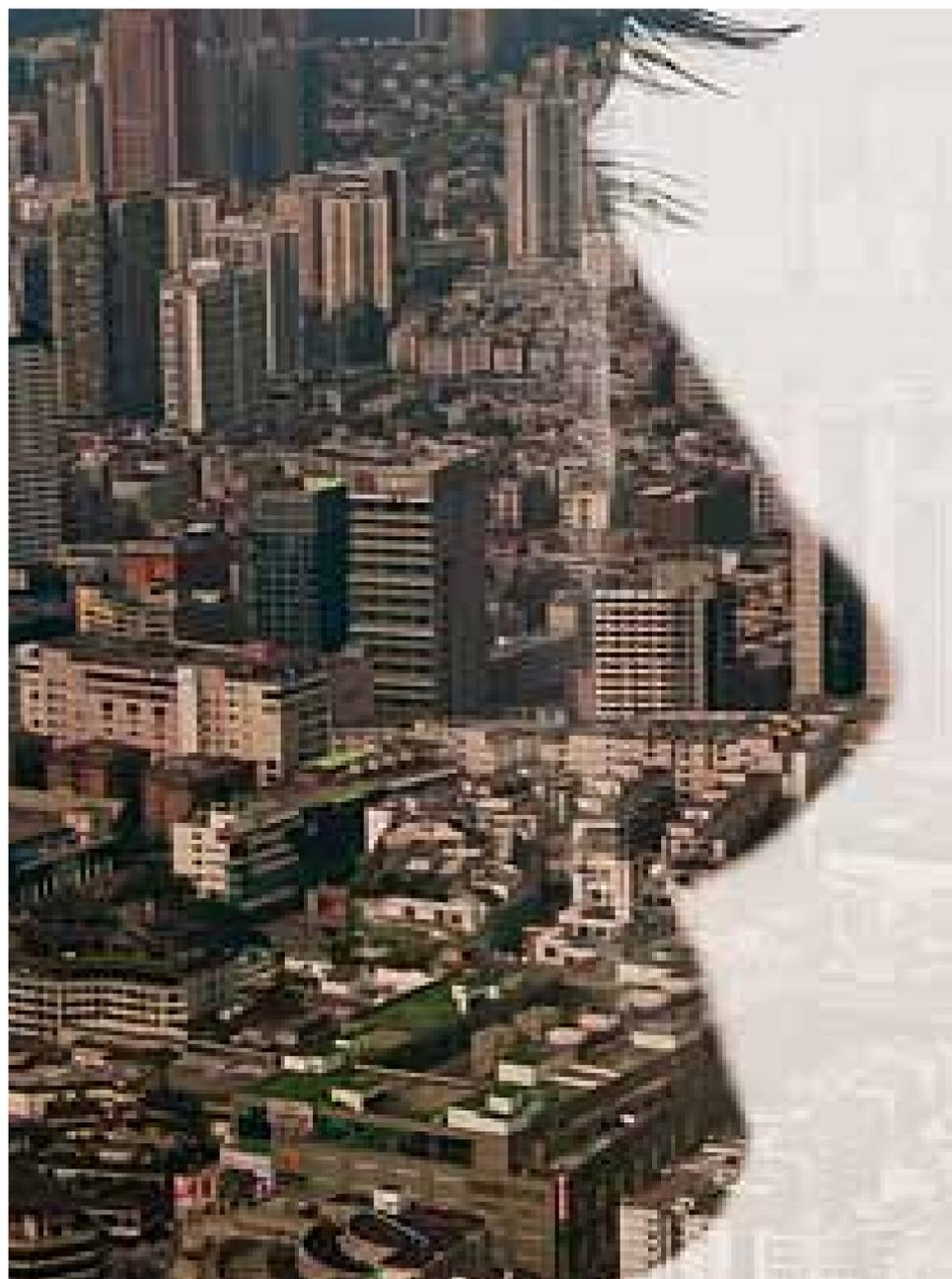
dom, personality) and it is expressed with as many clear components (respect, ethics, reserve).

It is possible to add some considerations about a “third, central or intermediate phase”, the one during which a “gentle attitude” manifests. Kindness emerges when there is, in general and among the interested parties, communicability, mutual willingness, approachability from the one to the other, fair manners, reserve on transmitted and acquired information, and equilibrium.

Well, the previously described perspective coincides with the description of “data privacy”, and so “kindness” and “privacy” appear as two elements in a symbiotic connection. Going back to this three-phase approach, I consider it possible to affirm that the rules supporting the privacy are also the cornerstones to all three phases mentioned above. Therefore these rules also assume the value of prerequisite and a factor of facilitation for the free manifestation of kindness.

### **PRIVACY “IN NEGATIVE”**

The issue of the quoted article written by Warren and Brandeis in 1890, consolidated the theory which looked at privacy as the “the right to be let alone”. The original thesis, also based on the etymological meaning of the term, induced only to interpret it “in negative”.



Privacy was mainly seen as the right to stay out of the group, to not be disturbed. It was the freedom of being able to close on one's self and to not take part in someone else's initiative.

Indubitably, a similar freedom is included among human faculties but, with such negative value, it couldn't receive much attentions in terms of national and international regulations: in the same way the right to food considers also its opposite (to refuse food) and the right to movement considers at the same time the right to remain stable.

In brief, where there is "the plus" there is also "the minus", but the legislator especially takes care of regulating "the plus", because it may come up against obstacles if there aren't specific warranties.

Otherwise, "the minus" is regulated only in particular cases, especially when there is the risk that it could conflict with other fundamental values and rights. (It is enough to think about the connection between healthcare rights, healthcare freedom and compulsory medical treatment).

### **"THE RIGHT TO BE LET ALONE"**

When privacy is seen in its positive meaning, there is effective symbiosis with kindness.

The expression "to be let alone" is more convincingly

interpreted if it is used to refer to contemporary information society; rather than identifying the right to cut oneself off, it reveals the reasons of why one wants to protect himself by external solicitations (often not requested and unwelcome).

Those solicitations cause turmoil and general tumultuousness, in which any man cannot orient himself very well. In the commercial field, this situation finds expression in the more aggressive forms of modern marketing strategies, which aim to create a consumer's condition of fetishistic dependence on the desire's object (product/brand).

The strategy is based on an impulsive circularity (need/purchase) that brings the consumer's continuous dissatisfaction. But also in other fields, "the right to be let alone" assumes the positive traits of the right to dispose of the necessary quiet, to allow free development of one's own reasoning (identity), for free choice (conscious freedom).

### **A NOT SELFISH DIMENSION**

Privacy – to answer these exigencies – defends the individual dimension (dignity and identity) so that everyone may develop his own social dimension without conditioning or discrimination.

From this, we understand that the “right”, which sustains it, is within State’s interests to have a harmonious development of its social tissue. And the “right to privacy” doesn’t possess a selfish value only circumscribed to one’s own interest, as is sometimes said.

Moreover, the economic sector also benefits from the protection of human personality’s strengths: this is not a solution suggested by a willingly co-operative spirit but by a utilitarian aim.

Because the economy grows by taking advantage of human talents and these develop all the more as an individual’s identity develops harmoniously with his personality - if the personality has the chance to argue in the social life.

So, economic life should find his own barycentre in the human being, and privacy is one of the instruments to achieve this objective.

Privacy regulation, in conclusion, permits everyone to rely on a “protective aura”, a sort of “diving suit” to protect from noise, which offers discretionary power to choose when to take part in the news banquet and when to remain outside. In this way we can preserve, for our advantage, some personal spaces of reflection or silence.

To get these results, privacy laws are structured to pro-



tect dignity, personal identity and individual discretion.

### **DIGNITY, IDENTITY, PERSONALITY**

I have already disclosed that the citizen is allowed to be himself by guaranteeing dignity and human freedom.

Personal identity is the condition in which a subject is aware of his own thoughts and actions in time, that is when the person admits these thoughts and actions as referable to his own so much to constitute his essence, “the self”.

Thoughts and actions, when stratified in time, give structure to the essential and univocal qualities of everyone. And this makes each individual unique, exactly because he brings essential qualities that set him apart from others. The ego’s uniqueness is a typical manifestation of human dignity lived with freedom.

The free evolution of personality permits the revelation of talents and one’s contribution to the economic development of the collectivity.

### **NOISE ANXIETY**

The noise, which gnaws on our quiet of being citizens of the information society, is like a wild beast that devours kindness. It is an avalanche of sounds, voices, images, excessive excitement and information that ro-

ckets inexorably and overflows beyond reality, in qualitative and quantitative terms.

The volume increases – both as sound level and as quantitative dimension – and, at the same time, it overwhelms the person with a riot of blinding flashes.

The craze generated by such a noise is related to strong feelings which are only exterior and imposed by someone else, and it dampens gentle interior emotions. This craze cancels the perception of our own energies, it makes it impossible to listen to our “inner voices.”

In the grip of noise, we are constantly imbalanced and outside ourselves, forgetful of our intimate identity and without interest in regaining it.

Deafened by the din, we cruise like automatons in a surreal dimension, and we become in our turn dealers of the same sound drug of which we are victims.

We all are at the same time victims and executioners, induced to a constant overexposure of ourselves, bargaining our privacy for a dish of ephemeral notoriety.

And so, into the unwholesome circularity of all this fuss, any expression of kindness becomes arid because, with it, we also lose our personal identity.

The thundering noise of sounds and distractions doesn't permit us to listen to the other, his points of view,

his uncertainties and desires; and we are no more able to listen ourselves, our real needs, the intimacy of our being.

Everything has to be necessarily pronounced with a stentorian voice, with the arrogant behavior of self-assertion, because the kinder whisper of sharing is overshadowed by the noise's intrusiveness.

Kindness, therefore, also means to reduce the volume of noise pollution around us, of hackneyed phrases, of stereotyped preconceptions, of unjustified discrimination.

We must make ourselves permeated by kindness in order to return to the habit of listening, with an attitude of welcoming, rather than standing out.

**This is what “privacy” has taught me, and with this background I would return to that double bed and make treasure of my parents’ confidences.**

## The Gentle Privacy





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## **GENTLETUDE**

Gentletude is a neologism, which brings together the word “gentle” with the concept of “attitude.”

It pursues the aims of a better world, purified from violence, arrogance and rudeness. A world where we care and pay attention to the other, and balance good sense and equilibrated competitiveness.

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