

(This is a lecture James Rachels gave at a conference in Cape Town, South Africa, in August of 1999. It has never been published.)

## **Sex and Personal Privacy**

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*Synopsis.* People typically regard their sex lives as private, even when their sexual behavior is perfectly “normal” and they have nothing to hide. What is it about sex that makes us so concerned with privacy? And why is privacy so important to us? These questions are connected, in a surprising way, with a further issue: what sort of ethic, if any, is required to govern our sexual behavior? Because of the way in which sex is a private matter, it may turn out that there is no specifically sexual ethic.

### **1. Introduction**

In my city of Birmingham there lives a couple, Dennis and Vicki Covington. They are writers. She is a novelist; he writes mostly nonfiction. Recently they published a book, sort of a joint autobiography, about their life together, specifically, about their marriage. In it, they describe their alcoholism and drug use, her abortion, and their numerous and ongoing adulterous affairs—the book begins with the wife of one of Vicki’s lovers knocking on the front

door of the Covington home and angrily confronting her in front of the her two teen-aged daughters.

The book has sold well nationally. One reviewer called it “brave and honest”; another called it “pathetic.”

It has caused quite a stir in Birmingham, partly because the Covingtons are fundamentalist Baptists.

But generally, everyone is aghast at all the personal revelations.

And of course it wasn't the liquor or the drugs that caused all the fuss—it was the sexual revelations.

There are some things about yourself that you just don't broadcast—especially, things about sex.

The book is such a blatant violation of the usual norms of personal privacy—both the Covingtons' own privacy, and the privacy of the other people portrayed in the book.

Even Dennis Covington seems to have some sense of this. “I want to head off this idea that our family is proper matter for public discourse,” he told a reporter who interviewed him about the book.

I want to discuss the relation between sex and privacy. But before getting started, I want to emphasize how puzzling the subject is. Or, how puzzling our attitudes are, where sex is concerned.

You may think we're all very sophisticated, and we can talk about sex as much as we want without anybody being shocked or embarrassed. But that is true only if we keep the discussion abstract—only if we don't make it personal.

- Consider this. If I told you that I like spinach but I don't care for asparagus, it would be unremarkable. But if I told you some comparable facts about my sexual preferences—I like to do it this way but not that—you'd be shocked. Even if the content of what I revealed was perfectly common and ordinary, even if the preferences I described were shared by 98% of heterosexual men.
- If I told you I had sex with my wife the night before leaving for South Africa, that would be a very peculiar thing for me to reveal. Even though it would be a very common and unremarkable sort of fact.
- If I illustrated my talk tonight with stories of my extra-marital affairs . . . well, you see what I mean.
- You may think I'm describing the recent attitudes of people in one culture. But I'm not. The “detumescing effect” of public exposure is cited by Saint Augustine as proof that something has gone wrong with human sexuality—Adam, in Eden, would not have found public exposure

embarrassing and so would have been able to perform sexually even if others were watching.

This is all very puzzling because we have conventions of reticence about matters that are so common and unremarkable.

It could turn out that this is just an odd psychological fact about us. But it could be that our attitudes about personal privacy are connected in some systematic way with our deeper values, or with more general facts about the conditions of human life.

## **2. Theories about Why Privacy is Important**

Philosophical discussions of privacy might focus on either (a) what privacy is, or (b) why it is important.

Obviously, the two cannot be entirely separated.

If you take a broad view of what privacy is, including lots of different things, then your account of why privacy is important must explain why all those different things are important. But if you take a narrow view of what privacy is, including fewer things, then your account of why privacy is important will need to explain only why that smaller number of things is important.

A problem: People differ in what they want to keep private. (Financial matters, for example. And, I have a friend who thinks nothing of telling casual acquaintances the details of his medical problems.) There seems to be a sort of relativism about “what’s private.” If you think a certain sort of thing is private, and I don’t, is one of us wrong? I will have something more to say about this later.

So what do we want from a theory of privacy? Not norms that would say: we ought to keep such-and-such private; it’s wrong to not to keep so-and-so private; like how it’s wrong to have an abortion.

We want an understanding of how keeping something private might be important to a reasonable person.

Three kinds of theory about the importance of privacy:

1. THE CONVENTIONAL EXPLANATION: PRIVACY IS IMPORTANT BECAUSE IT ENABLES US TO KEEP OUR SECRETS.

“Secrets” has sinister sound— but the idea is, there are things that would be harmful to us, or detrimental to us in some way, for other people to know, and privacy is important because it protects us from that kind of harm.

It looks like this plays into the hands of the enemies of privacy. When we complain about some measure that threatens our privacy, they ask “What are you afraid of, if you have nothing to hide?” But the answer is that everyone does have things to hide, and there’s nothing wrong with that.

Some ways in which we might be harmed by a loss of privacy:

(a) Privacy is sometimes necessary to protect people's interests in competitive situations.

(b) In other cases someone may want to keep some aspect of his life or behavior private simply because it would be embarrassing for other people to know about it. Suppose you knew how many movies I see each year.

(c) There are already companies springing up—such as Medical Systems Information, Inc., in Boston—that specialize in selling information on individuals to insurance companies. To show how easily computer experts can obtain such information, one researcher recently produced the supposedly confidential medical records of the governor of Massachusetts.

All this seems correct. But there's a problem. This sort of account cannot explain the privacy of sex.

Can we explain why I don't want to tell you about my sex life when it is perfectly conventional? Or why I don't want to be watched? If we can't do that, then we don't have a good theory of privacy.

- sex life is paradigm of something that's private

- conventional explanations of why privacy is important cannot account for sex
- this is reverse of usual situation: usually, accounts are developed to fit paradigm cases and then trouble comes from fringe cases.

## 2. THE IDEA THAT THERE IS A “CORE PERSON” THAT NEEDS TO BE PROTECTED.

Alan Westin speaks of “a series of ‘zones’ or ‘regions’ . . . leading to a ‘core self’.”

This idea fits well with the common thought that there is a “real” me that few people know. (And that the face I show to the world is a kind of calculated disguise?)

Problems:

1. Why are some aspects of one’s personality closer to the core than others?
2. What interest do I have in keeping the core confidential?
3. Are we really stuck with the idea that the faces we show the world are some sort of phony disguise?

Thomas Nagel has a version of this view that answers the first two questions, has trouble with the third.

This is Nagel's view:

We start from the fact that each of us has an inner life of thoughts and attitudes that it would be disastrous to make public.

There is much more going on inside us all the time than we are willing to express, and civilization would be impossible if we could all read each other's minds. (Nagel)

We don't expose everything we are thinking (we have a "public face") in order to avoid chaos and disaster in our dealings with other people.

I know a man who confessed that almost every time he meets a woman he "sizes her up."

So we construct a "public face" that we present to the world. The public face consists of those aspects of ourselves that we choose to reveal—the things that we want other people to see, respond to, deal with.

This explains which aspects of ourselves are "closer to the core." (The aspects that would be most disruptive to reveal.) Also, it's obvious why we have an interest in keeping the core confidential.

But we still have the “phony disguise” problem. He can explain the non-phoniness of polite conversation. “I enjoyed your paper,” “I’m fine today,” and so on. But what about the fact that I don’t swear around my mother-in-law? Leading her to think that I’m not a swearer?

Nagel’s explanation of why sex is essentially private:

But most of us, when sexually engaged, do not wish to be seen by anyone but our partners; full sexual expression and release leave us entirely vulnerable and without a publicly presentable “face.” Sex transgresses these protective boundaries, breaks us open, and exposes the uncontrolled and unpresentable creature underneath; that is its essence. We need privacy in order not to have to integrate our sexuality in its fullest expression with the controlled surface we present to the world. (Nagel)

Problem with this: it just doesn’t sound right. This makes it seem that I want my sex life to be private because I’m such a beast in the bedroom. But look: I don’t want you to know very simple facts about my sex life: how often my wife and I do it, things like that. The explanation of that can’t be that I am an “uncontrolled and unpresentable creature.”

### 3. PRIVACY AS NECESSARY FOR MAINTAINING A VARIETY OF PERSONAL RELATIONSHIPS.

Knowledge about someone’s private life can affect your interactions with them.

Compare my relationship with Dennis Covington, a man with whom I am mildly acquainted, with my relationship with other acquaintances. Now that I know all these things about Dennis—things about which I have definite opinions—I cannot see him without thinking about these things and having these opinions intrude. (I do not say anything about these opinions, but they are there. As he is remarking about the weather, I'm thinking: "You really did it with the sculptor in the art department!")

On the other hand, I am sure that I have other acquaintances who have private lives that are just as messy and Dennis's, but because I don't know about it, I don't form any judgments and my relationship with them is not cluttered by such thoughts and feelings.

Money—knowing someone's financial situation changes our relation. We feel superior or inferior or robustly equal; we feel pity or envy; and so on. Feelings of unfairness about our respective positions might become very strong. (Maybe we should not have such feelings. But people do. So in a perfect world such information might not be private. But in our world it is.)

But there is a deeper and more systematic relationship between privacy and personal relationships.

Types of relationships: husband, mother, co-worker, friend, casual acquaintance.

Recently there has been a lot written about the nature of personal relationships. Partly due to rise of virtue theory—writing about the virtues associated with different roles—and partly due to feminist concerns. But here’s an idea that is not sufficient appreciated: that having a variety of personal relationships requires privacy.

The idea is that there is a close connection between our ability to control who has access to us and to information about us, and our ability to create and maintain different sorts of social relationships with different people. According to this account, privacy is necessary if we are to maintain the variety of social relationships with other people that we want to have, and that is why it is important to us.

There are different patterns of behavior associated with the different relationships.

What you may know about me, and the access you have to me, is *definitive* of my relationship with you. This is a matter of *what it means* to be a friend, a husband, a co-worker, and so on.

If I could not keep my interactions with people separate, and if I could not control the nature and amount of access they have to me, I could not maintain different relationships with them. This explains why I need privacy with my friends, my wife, and so on.

This solves the “phony face” problem—the reason I behave differently with my wife than with my friends is not that I’m showing my true self to one and

putting on a phony face for the other. I behave differently with these people because I have different relationships with them.

It also explains why some things are “none of your business.” Whether a fact about me is any of your business just depends on your relationship with me.

Casual acquaintances don't know about one another's sex lives. So this is the source of my discomfort with Dennis Covington.

Remember the idea that there is “a series of ‘zones’ or ‘regions’ . . . leading to a ‘core self’.” What makes an aspect of personality closer to the core? On this view, the core is what one reveals to the fewest people.

Remember the problem about the “relativism” of what's private? (What one person regards as private, another person doesn't mind exposing?) Here's one way of explaining this. People differ in how they want to structure their relationships with other people. They differ in how they use the available materials for constructing various sorts of relationships.

Remember my friend who tells just everybody the details of his medical problems. Normally, this is something that you might reserve for close friends, and the fact that you tell this sort of thing to your friends is partly what *makes* them your friends. By recounting his medical woes to everyone, my friend deprives himself of a resource that he could use in creating close friendships.

We can think of it like this. We have materials we can use to create relationships with other people. The materials are access to us and to information about us. The kind of access we grant, and the kind of information we disclose, helps to determine the sort of relationship it is. The details of one's experiences, in connection with something about which one is deeply concerned—that's the sort of information that goes with friendship. The man who discloses this information casually, to everyone, uses up a resource. It's no longer available as part of friendship.

### **3. Do we need a sexual ethic?**

I don't want to know about your sex life. First, if I know, it changes my relation to you.

Second, if I know, I'll make a judgment about it. My attitudes come into play.

A matter can be private in this sense: not only do I not know about your sex-life; I take no interest in it and I make no judgments about it—it's none of my business, whether the "business" is knowing, advising, controlling, or judging.

Because of the private nature of sex, we need no sexual ethic—no ethic that we use to judge people generally.

We can dispense with various repressive moralistic ideas about sex not so much because they are wrong as because they aren't needed.

If I don't know about your sex life, if I have no business making judgments about it, then I don't need standards for judging it.

This idea is related to tolerance, but it isn't the same thing—I don't tolerate your conduct if I don't know about it.

This view presumes that it would be a good thing to have a society in which people conduct their sex lives privately in whatever way they see fit, without their conduct being exposed to the gaze or judgments of other people.

This is not the same as a society in which sex is a taboo subject—it might be a proper subject for novels, films, and psychological and sociological study. It's just that individuals may conduct this part of their lives privately.

#### **4. Sex Education**

Q: Why would we need a public sexual ethic?

A: Education of children

Where sex is concerned, the matters we regard as most private are rarely the objects of instruction—who you do it with, how often you do it, how you do it, and so on.

Instead, insofar as sex education involves moral values, it consists in imparting rules about matters such as respecting other people, developing loving relationships, honesty, loyalty and faithfulness. These precepts, of course, have much wider application than just to sex. They are general principles that apply to lots of things. If we emphasize them when we think about sex, it is because our sex lives provide especially good opportunities for hurting people, being deceitful, and so on.

In the United States, sex education has been a part of the public school curriculum for a long time.

1892 – The National Education Association started promoting the idea of sex education in the schools.

By 1922, the U. S. Public Health Service reported that more than half the high schools had some form of sex education, although the majority of the instruction was in a category called “emergency” sex education.

In that year, a high school principal responded to a U. S. Public Health Service inquiry regarding the need for sex education in the schools: “Need is great, as the ignorance of nature’s laws exempts no human from paying the penalty in full.”

The principals also cited the fact that kids don’t get such training at home, “where natural reticence leads to neglect.”

The principals were right, and on this score, not much has changed.

What sort of education happens at home? Parents may inform children at some point that the stork didn't bring them, and the rudiments of how babies are made might be nervously recounted. But that's about it. In the vast majority of cases, there is no attempt to address the multitude of other matters that come up in relation to sex.

In schools:

Tolerance

caring for others

responsible decision-making

gender equity

self-esteem

good body image

dynamics of family life

you are not a pervert if you experiment, if you masturbate

The curriculum has a definite non-judgmental cast—a reluctance to say that any sort of sexual life is better or worse than any other.

The emphasis is on helping students make decisions rather than promoting one sort of decision over another—whether to marry, for example.

“Our sexual uniqueness”—“what really matters is what you want to matter.” Bruess and Greenberg, p. 12.

One of the “objectives” of sex education is said to be the promotion of the “tolerance of human differences”—“We need to become aware of the multitude of difference among people. We need to get over using our own standards for other people and to stop trusting our conditioned responses for dealing with problems.” Bruess and Greenberg, p. 17.

The one matter where a public sexual ethic does seem necessary is: toleration of homosexuality. But even here, the message has to do with privacy, namely: it isn't our business with whom people sleep.

One recent study concluded that 11% of high school students are unsure of their sexual orientation.

All this sounds exactly like the kind of permissive approach that conservatives find so infuriating. They prefer a much more directive approach, that emphasizes such matters as:

Don't sleep around; postpone sex until you are more mature.

One striking thing is how ineffective such instruction is. Where sex is concerned, young people don't pay much attention to our advice (and evolutionary psychology can explain why). It's a specific instance of Hume's observation about people generally:

Whoever considers, without prejudice, the course of human actions, will find, that mankind are almost entirely guided by constitution and temper, and that general maxims have little influence . . . (Hume)

## 5. Conclusion

I described three theories of privacy. Which is correct? They are not competitors. They are related.

Humans, unlike other animals, have rich inner lives that cannot be exposed completely or “civilization would be impossible” as Nagel put it.

So we have to fashion public selves, faces we present to others.

But we don't just have one public face; we have many, and the face I show you depends on the nature of our relationship. Facts about myself, and access to myself, are the materials we use in creating our various relationships—different facts, different degrees of access, different relationships.

(In the course of fashioning our public faces, we fashion our relationships with one another.)

And at the same time, almost as an unintended byproduct, we develop means for protecting our secrets. So, if our project is to understand the value of privacy, protecting secrets turns out to be the least important matter, although it is the one that people talk about most often.

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