

## The Era of New Media: The Construction of Ecological Ethics Concerning Privacy With the “Carnival” and “Panoptic Gaze” as Its Background

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### Abstract

New media refers to the forms of transmitting information through which information and services are offered to customers by using digital technology, network technology and mobile technology through such terminals as computers, mobile phones and digital televisions. In the era of new media, the subjects participating in privacy disclosure are diversified, the scope of privacy disclosure becomes larger, the attitude involved in privacy exposure tends to be rude, and the negative influence of privacy exposure is irreversible. Under such circumstances, it is not sufficient to address the problem of privacy disclosure only by means of law, ecological ethical privacy featuring market supervision, self-discipline, public consciousness and social tolerance should be established in deed.

**Key words:** Carnival; Gaze; New media; Privacy; Ecological ethics

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### INTRODUCTION

New media, whose name was proposed by Goldmark (1967) working at the Technology Research Institute of CBS, refers to a form of media which provides customers with information and services by using digital technology,

network technology and mobile technology through such terminals as computers, mobile phones and digital televisions.

### 1. FEATURES OF PRIVACY DISCLOSURE IN THE ERA OF NEW MEDIA

The terms “privacy” is derived from the Latin word “Privatus” whose meaning is “away from public life”. So it can also be interpreted as “being alone or being in an undisturbed condition”. “Right to privacy” refers to a human right enjoyed by a natural person whose personal life shall not be disturbed, whose private information and secrets shall be protected by law and shall not be illegally intruded, utilized or disclosed. The right to privacy also involves the right to determine whether the privacy is to be disclosed to others by the owner himself as well as to determine the scope and extent of privacy disclosure. With the advent of new media age, privacy disclosure of individuals exhibits new features. The protection of privacy right is also in an increasingly complex situation.

#### 1.1 Diversified Subjects Participating in Disclosing Privacy

Currently, business organizations have been collecting the private information of consumers on a large scale. They are the main forces harming individual privacy and individuals’ privacy right. According to the results of the Research Center of Mobile Internet Data Security at Fudan University who has monitored 330 kinds of telephone apps operating under the Android system for six months, more than 58% of the apps have been involved in privacy disclosure<sup>1</sup>. Since the private information of individuals based on demography and statistics is of great

<sup>1</sup> 58 % of Android Apps Disclosing Users’ Privacy. Retrieved from <http://www.people.com.cn/24hour/n/2013/0316/c25408-20811561.html>

commercial value, some business tycoons related to the Internet have made advantage of technology and resources to collect and store individuals' private information worldwide. Also, they have used the information to make business decisions, advertise and market their products, and so on. In addition to the business community which takes advantage of its dominant position to disclose, semi-disclose or even secretly collect consumers' private information, some people in the circle of entertainment also voluntarily expose their privacy in order to seek the attention of the public. Moreover, in order to create sensationalism, the press circle has tried to dig up gossips. Even individuals themselves have submitted their private information in social network website. In this sense, the subjects participating in disclosing privacy in the era of new media have shown a diversified trend, which is different from the situation in the era of traditional media.

### 1.2 Comprehensive Scope of Privacy Disclosure

The main technical reason contributing to the comprehensive scope of privacy disclosure today is the remarkable improvement of search engine services. Web surfing records, search traces, and information relevant to email, QQ, MSN, microblogging, wechat, social networking sites, online shopping, and e-banking could be all integrated via associated technology, resulting in full disclosure of individual privacy. Through a search engine, individual's name, home address, living area, circle of friends, as well as his recent and future living arrangements could be obtained. You can also acquire some private information presented in the way of "multimedia" including the voice messages in wechat, photos used in different networks, and video images used to record individual's daily life and to record the activities organized by companies. What is more disturbing is that people who have intruded the privacy of individuals can go deep into the sounds, texts, graphics, and videos, thus analyze and speculate about the various kinds of information hidden behind these materials. As a result, the scope of privacy disclosure in the era of new media is broader; private information that has been disclosed is comprehensive; the means of privacy disclosure is richer; and the disclosed privacy is more profound.

### 1.3 Higher Technological Means of Privacy Disclosure

Given the fact that the new media is based on digital technology and network technology, the updating of technologies probably indicates that the means of privacy disclosure will become richer, if not considering the factor of privacy control. For example, Google, the world's largest search engine company, removed the "Face Search" technology in 2011, because as long as the technology was widely promoted, a photo of any person in the street, taken with a good or hostile intention, could be used to search his private information by using the

computer at home without any difficulty. The private information includes all photos uploaded to the network, and then his name, relatives, friends, microblogging, work, and even his family and the home address could thus be dug out.<sup>2</sup> With the development of new technologies, an increasing amount of information related to individual privacy will be placed under the spotlight of technologies.

### 1.4 Rude Attitude Involved in Privacy Disclosure

The rude attitude consists of three aspects. First, the behaviors of collecting privacy on the part of commercial organizations are reckless and impudent. As is reported by the media in 2013, a high-tech spy software made in Germany was found in 25 countries' servers such as Canada, Mexico, Malaysia, and Vietnam. This kind of spy software can record keyboard input, eavesdropping network calls, and can activate a computer's microphone and camera turning the computer into a real-time monitoring equipment.<sup>3</sup> Second, the disclosure of privacy is nevertheless in the name of justice. Some behaviors of privacy disclosure, which should have been condemned due to the violation of law, fail to be noticed by the public, for they are holding the banner of "exposing information", "protest against unjustified things", and "press freedom". Third, it is difficult to identify who is responsible for privacy disclosure. The behavior of forwarding information on the Internet makes it hard to track the initial publisher, on the one hand; on the other hand, "postmodern ethics" dilemma proposed by Bauman will appear—the difficulty of finding the person who takes the ultimate responsibility in the collective assembly line work.

### 1.5 Irreversible Consequence of Privacy Disclosure

Compared with traditional media, new media is featured by complete coverage of information, without the limit of time and space, and can achieve the effect of instant global transmission. If decorated with a striking headline, a piece of news disclosed on the Internet could get a great amount of page hits in a short time, and could be freely forwarded by countless Internet users. What is more, the privacy that has been spread on a large scale and has infringed the right to privacy, could not only be spread over a variety of media terminal equipment, but also be stored by various search engine servers, which makes the records difficult to be deleted. This will become the "eternal pain" of the parties involved, and also, to some extent, will pollute the network environment.

Some scholars classify privacy disclosure into "factual/personal exposure", "visual exposure",

<sup>2</sup> Google Put off Releasing "Face Search" for Fear of Disclosing Privacy. Retrieved from [http://news.xinhuanet.com/2011-06/02/c\\_121486184.htm](http://news.xinhuanet.com/2011-06/02/c_121486184.htm)

<sup>3</sup> German Spy Software Invading 25 Countries. Retrieved from [http://news.xinhuanet.com/world/2013-03/15/c\\_115039496.htm](http://news.xinhuanet.com/world/2013-03/15/c_115039496.htm)

“exposure of identity and emotions”, and “exposure of preferences” (Karniel & Lavie-Dinur, 2012). Factual/personal exposure includes the exposure of marital status, income, health condition, educational background, work experience, biological information (fingerprint, retinal scan information, facial structure identification information, etc.); visual exposure includes the exposure of photographs, body parts, video clips, and so forth; exposure of identity and emotions involves personal opinions, ideas, feelings, principles, religious beliefs, and personal characteristics; exposure of preferences is mainly reflected on exposing preferences in terms of consumption. In the new media age, four types of privacy mentioned above are all likely to suffer from different forms of exposure.

## 2. “CARNIVAL” OF AND “PANOPTIC GAZE” ON PRIVACY IN THE ERA OF NEW MEDIA

Individuals and social community are associated with each other and are integrated as a whole. The disclosure of individual privacy is bound to affect the public attention of the whole society, to a certain extent, which will then gradually change the cultural psychology of the whole society. On the one hand, a “carnival” of privacy will be held; on the other hand, a “panoptic gaze” on privacy will be fixed.

### 2.1 New Media and the “Carnival” of Privacy

In the new media age, people are likely to see the private information of others who do not want to share. For example, when turning on the TV, you can see the host reporting a variety of gossips constantly; when you open the computer, you will find that the screen is flooded with “breaking news” and private information exposed by others; if turning on the telephone, you will receive similar messages from time to time. Besides, all sorts of screens (including the TV screen, computer screen and telephone screen) will be inundated with various terms related to privacy disclosure such as “mistress” and “young model”. Under the circumstances of manipulation in commercial organizations, paparazzo’ secret shooting, and privacy disclosure by malicious hackers as well as by individuals intentionally or unintentionally, privacy has become one of the “public topics”, so that people have been reading, talking about, commenting, criticizing and abusing others’ privacy. Clinton was impeached because of privacy disclosure; Gan Lulu became a celebrity on the Internet by means of advocating privacy in a high profile; Zhao Hongxia was teased as an “anti-corruption” hero due to exposing other’s privacy. From a social perspective, if individual privacy is regarded as amusement, and if negative privacy is overexposed, the legal and moral consciousness of the people will be undermined. Also, people will be guided towards the “grey area” of the

society where negative social cognition, social emotional and social behavior will be established.

### 2.2 New Media and “Panoptic Gaze” on Privacy

The idea of “surveillance space” was put forward by Foucault, which is one of the hot topics in the new media age. According to the idea, a “surveillance society” tends to be developed in the era of new media which is also a psychological space where individual behavior is panoptically gazed. The development of such a psychological space is mainly caused by the fact that “continuous monitoring” has been replaced by a “non-continuous monitoring”. In his book *Surveillance Society: Everyday Life Monitoring*, Lyon holds that we will leave electronic trail to the living, working, and entertainment environment, or in the space that we walk through as consumers, workers, and citizens. Compared with the non-continuous monitoring a few decades ago, the current monitoring systems were increasingly integrating individuals, organizations, and the country (Kirstie, 2001). In this sense, in the new media age, the legal “skynet” set by the public security department and traffic management department, as well as the business information records made by the education and finance departments, coupled with the illegal privacy collection by commercial organizations and hackers’ intrusion on privacy have led to the fact that individuals are monitored in terms of their daily activities, so that a “panoptic gaze” on privacy has been fixed, which throws people in a stressful condition.

## 3. REFLECTION ON PRIVACY FROM THE PERSPECTIVE OF ECOLOGICAL ETHICS

When it comes to privacy, the idea of protecting privacy comes forth, which is also the tendency of the current research on privacy. In fact, the protection of privacy right could only solve the problems caused by passive privacy disclosure, but it can not deal with the problems caused by active privacy disclosure and by the “edge ball” phenomenon in privacy disclosure. On the basis of a comprehensive analysis of the complexity of privacy disclosure and privacy intrusion in the new media era, the writer suggests establishing an ecological ethical privacy concept.

### 3.1 Legal Limits on Privacy Protection in the New Media Age

It should be affirmed that law is the most effective means to protect the right to privacy. Since the 1980s, provisions concerning privacy protection have been gradually included in China’s laws, but the existing laws and institutions can not effectively meet the demand from the people for privacy protection. And with the progress of the new media and the development of media technology, some privacy disclosure problems can not be fully solved by means of law. The details are as follows:



Firstly, the complexity of active privacy disclosure has resulted in some behaviors beyond the legal constraints. In the book *New Media Ethics: Information, Social Norms and Media Technologies*, Bruce indicates that the new media has exceeded the scope of law enforcement in some areas. For example, some children have the experience of exchanging “pornographic pictures” with friends, which is equivalent to the phenomenon that “If you show me yours, I’ll show you mine” on the Internet. Bruce poses a question whether using new technologies to repeat the behavior of young people which is commonly seen since ancient times—sexual exploration—and accusing them of committing a crime is contrary to the ethics. If so, the result will be that the law of protecting children from pornography industry will be applied to children’s pornographic behavior. Brett believes that it is necessary to carefully distinguish between ethics and law in the case of disclosing young people’s privacy, he also argues that we should not only taken into account pornography, but also consider the whole phenomenon that young people tend to explore sex (Bullard, 2012).

Secondly, the judgment of whether privacy disclosure behaviors are beyond the legal constraints is dependent on the degree of groups’ (ethnic groups) sensitivity to private disclosure. As is shown by Yuval Karniel’s studies, although some social network users are aware of their privacy, they are still ready to expose and share privacy due to the collective spirit of the groups they belong to, which emphasizes the sharing of community, emotions and materials (Karniel & Lavie-Dinur, 2012). The privacy disclosure in social networks is not only related to the “agreement” or “tacit approval” between individual and the networks, or between individual and individual, but is also affected by groups’ (ethnic groups’) cultural psychology. Although some may be involved in infringement of laws, it is not suitable to monitor and punish them with strict laws.

Thirdly, what makes the situation more complicated is that the entertainment circle makes use of legal and regulatory gaps to walk around the edge of privacy to make publicity, package products, and promote activities beyond the constraints of the law. Take the private pictures and video as an example. What kind of scales need to be used to interpret those which are “vulgar”, “indecent” and “obscene”, respectively. Even though the law has clarified three criteria, publishers of such privacy information still can avoid the legal constraints. They could spread “the naked” in the name of “body art”; they can use “mosaic” to cross over the legal constraint that private parts shall not be exposed.

Fourthly, harm caused by privacy disclosure on victims could not be avoided only by using the means of law. Due to the different social roles of individuals, the impact of the same kind of privacy exposure varies across individuals. If an “indecent” videos of ordinary people are disclosed, they will receive criticism from relatives

and friends at most; however, if the videos belong to senior officials, this will exert negative influence to the future of the officials; more importantly, it will undermine the image of the party, government and country. From the perspective of individuals, everyone is undergoing a process of growth, but privacy exposure will make him or her labeled with negative mark and will fix him or her for the mistakes made in the past.

### **3.2 Construction of Ecological Ethics Concerning Privacy Control in the New Media Age**

The reason why we propose to control privacy rather than only to protect privacy is that it is not enough only to protect privacy without supervise the behaviors of malicious and deliberate privacy exposure in the new media era when privacy disclosure is rampantly developing. The concept of ecological ethical privacy is a combination of privacy protection and privacy control, proposed on the basis of the complexity of privacy disclosure and with the reliance on market regulation, self-regulation of industry, and individuals’ self-discipline.

The construction of ecological ethical privacy needs to distinguish between legitimacy and illegitimacy of collecting privacy. In his book *Electronic Eye: the Rise of Surveillance Society*, Lyon touches upon issues relation to technology, monitoring, and privacy. And he concludes that the telecommunications networks which spread information between different databases, computers that collect, store, and match data, as well as the statistical techniques which make data significant and widely-used have helped marketers to manipulate the consumption behaviors of consumers. According to Lyon, monitoring is not only a global phenomenon, but is also linked with our identities as consumers and citizens (Burton, 1995). So it is reasonable that the subversion and anti-social behaviors that are not conducive to the stability and unity of the country are being monitored by national institutions. Such surveillance is on a rational and legal basis in any country, even in western countries which pride themselves on democracy and freedom. Also, even if we are monitored in a legitimate manner, a counter-balancing system should be established. As is believed by western scholars, monitoring has two faces: care and control. No one can deny that the use of surveillance technology can reduce such behaviors as theft, fraud, kidnapping and other misfortunes, and few people can deny that monitoring can protect people from unnecessary harm; therefore, it is important to keep a balance between care and control in surveillance society (Kirstie, 2001).

To some extent, the behaviors of collecting privacy in the business world are relatively cunning. Although “cookies” have been widely used by service providers on the Internet to protect users’ privacy, users are rarely aware of the fact that their privacy has been disclosed through such cookies because of their ignorance of the existence of privacy technology (Pierson & Heyman,

2011). According to the “Evaluation Report of Mobile Privacy Safety in 2013” released by DCCI Internet Data Center, 66% of smartphone apps will read users’ privacy data, and up to 34.5% of the apps have transgressed the right to privacy (Liu, 2013). If the individuals are told that mobile phones have been quietly disclosing their privacy to business organization, how much outrage will it cause? Obviously, the behaviors of commercial organizations using the dominant advantage in services to collect individuals’ privacy seem to comply with the law on the surface, but it is actually a legal detour and should be placed under more stringent regulatory laws. Furthermore, it should be included in regulatory system for the industry, and should be combined with the evaluation of corporate integrity. In accordance with the notes made by Zheng Xuan on *Mencius*, “*lun*” is equivalent to “order”, and the “order” is that all things are arranged according to a particular sequence. In this sense, “*lun*” is a provision of the relationships between people, and the “*lun li*” (ethics) is the principles used to deal with interpersonal relationships. The reason why commercial organizations arbitrarily collect consumers’ privacy is that consumers are not the subjects of ethics in the eyes of some commercial giants. As service providers, all commercial organizations should consider themselves as “humans” who should serve other “people” and should comply with the regulations on people’s behaviors when communicating with others.

The construction of ecological ethical privacy needs to be built on the basis of individuals’ self-discipline. Currently, the development of the new media system is not perfect, which lacks means to screen and examine information, resulting in inundation of miscellaneous information and false information in the whole society. Therefore, it is difficult for the information receivers to tell apart the intention of people who disclose privacy. Besides, some people or certain organizations, driven by various interests, make advantage of privacy to manipulate the public opinion, so that some Internet users tend to follow the public opinion without the knowledge of the facts. What is worse, they even become a nuisance to the parties concerned in the real society, thus turning into a tool for consensus violence and cyber-violence and ultimately undermining social justice and equity.

From a technical perspective, with the rise of mass self-communication and Web 2.0, a large number of network users start using such media as microblogging and wechat. It seems that they have the right to determine what kind of privacy will be exposed, but a great amount of consumers’ privacy online has been accumulated unconsciously (Pierson, 2012). To some extent, the self-discipline of ordinary Internet users is still relatively low in terms of privacy protection, which is well below the level of rational consciousness.

The construction of ecological ethical privacy also needs a tolerant and flexible social media environment.

As a natural person, the individual could control over private activities and private space, and has the privacy in terms of desire, disease, personal life that he or she does not want to disclose and does not want to put them under the focus of others. As a social person, in addition to the information needed to be made public in accordance with the relevant provisions, information concerning learning, work, and missions also need to disclose to some degree. The privacy of natural person and of social person is united in individual privacy, but the two are also different and well related. The subject of individual privacy is natural person. It protects the freedom and tranquility of individual’s spiritual pursuit, so it is a freedom right within the scope of moral rights; however, the privacy of social person needs to be released and publicized to a certain extent due to the concern with public interests. Since the privacy of natural person and that of social person are intertwined, it is sometimes difficult to make a distinction. In this sense, the privacy itself is complex and complicated. In an environment where privacy is easily exposed and immense harm is thus caused, members will tend to be on guard against each other and will not easily show trust. Faced with the behaviors of privacy disclosure which cause no serious consequences, we are suggested to be tolerant and show understanding, so that social harmony will be better promoted, and the trust between people will be developed in a sound manner.

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## CONCLUSION

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The paper is mainly centered on the background that people’s privacy is faced up with an unprecedented menace posed by the new media. Under this background, laws and regulations alone cannot meet the demand from people in terms of privacy protection. Besides, with the improvement of new media and the progress of media technology, some problems caused by privacy disclosure will be increasingly acute. In this sense, the writer attempts to solve the problem from the perspective of ecological ethics. And the writer proposes the concept of ecological ethical privacy and suggests privacy control, rather than only protecting privacy. The reason is that it is not enough only to protect privacy without supervise the behaviors of malicious and deliberate privacy exposure in the new media era when privacy disclosure is rampantly developing. The ecological ethical privacy is a combination of privacy protection and privacy control, proposed on the basis of the complexity of privacy disclosure and with the reliance on market regulation, self-regulation of industry, and individuals’ consciousness. Besides, the writer indicates that the construction of ecological ethical privacy also needs a tolerant and flexible social media environment. When we are faced with the behaviors of privacy disclosure which cause no serious consequences, it is suggested to be tolerant and

show understanding, so that social harmony will be better promoted, and the trust between people will be developed in a sound manner.

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