

Female Autonomy and Privacy

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This talk seeks to expand the definition of privacy as it relates to aspects of contemporary life and describes how upholding the right to privacy can ensure the safety, prosperity, and autonomy of Women, Trans, and Gender diverse people.

General understanding of privacy exclusively focuses on personal information, physical property, and right to secrecy. Definitions must evolve over time to properly meet the moment they inhabit. In contemporary society where the ownership of ones' body is argued and all aspects of identity are policed, the boundaries we hold around ourselves and our personal information must be absolute and defined by the individual. Right to privacy, when interpreted as degree of access, mitigates outside interference and provides space to define individual existence socially, physically, and financially without unlawfully imposed constraint. This definition of privacy enables self actualization.

The United States constitution protects the right to privacy of the home (Third Amendment), privacy against unlawful search and seizure [of property] by the government (Fourth Amendment), and the right to protect one's own information (Fifth Amendment). These basic rights share in common protection against unlawful, forced publication of that which falls under the private. Placing 'the private' in opposition to 'the public'. By our expanded definition of privacy, invasions of privacy include surveillance, tampering with private property, and exploitation of personal information. Each one of these invasions impacts the ability to act autonomously.

Women have traditionally been confined to the private sphere, or the home. Their lives, decisions, and actions typically controlled by the men in their lives, fathers or husbands (patriarchal agents). Spousal abuse was not recognized as a federal crime until 1997. Until then the home was protected under the Third Amendment and spousal abuse, as well as spousal rape, was seen as a private family matter. The issue with this, in regard to our understanding of privacy and private property, is that in situations of spousal abuse committed by men against women it was assumed that women were the property of their husbands. However, one's body is their own property. And the assault or violation private property without consent of the owner is an invasion of privacy. This argument extends past spousal abuse and into all arenas where one's bodily autonomy is infringed upon.

Autonomy is self-government, the freedom to act independently. Right to privacy provides the boundaries necessary for all individuals to make their own decisions within their own domain, or property. Agency allows us to decide what personal information to share and actions to take, both of which create our identity.

Threats to privacy are often associated with state surveillance. As discussed in *From Oppression to Liberation - Reclaiming the Right to Privacy*, many individuals worry more about family members reading their personal messages than the state. Surveillance begins in the home. Family members are the first to encroach on developing identities by limiting the exploration of self. Social and political expectations of our communities influence these limitations. Social surveillance is the combination of societal influence and community enforcement, and refers not only to the observation of individuals but encourages the policing of them. Surveillance and control hinder the development of identity, individual agency, and ultimately ability to self-actualize.

Social surveillance and policing does not only take place in day to day life, but is a growing threat digitally. These platforms are used to express opinions, build community, and share professional development. Social policing of women on digital platforms has been a topic of conversation since their inception, typically concluding that harassment is the price to pay for their use. While these sites require agreement to certain terms and conditions, rarely do they include subjection to harassment. If existing on these platforms is a form of consent, it is an implied or forced consent. Placing the responsibility of negative experiences on the targeted individual is a form of victim blaming. Viewing the digital world as the public sphere, harassment of Women, Trans, and Gender diverse people is a form of punishment for entering the public sphere. Although this paper has discussed preserving and expanding the right to privacy for all, and it can be argued that individuals may create their own boundaries that limit the access or inclusion of certain peoples, that is specifically in relation to one's own property. Harassment in an attempt to exclude Women, Trans, and Gender diverse people from online platforms is limiting their right to self define as members of a broader community and is an invasion of privacy.

The right to privacy does not only protect conceptual manifestations of identity, this argument should also be applied to the individual as one's own private property.

The means of oppression are intersectional, our approach to dismantling them must be as well. In an ever evolving world, our understandings of our rights must evolve to keep up. The basic right to privacy, as interpreted in a contemporary world, protects Women, Trans, and Gender diverse peoples by restricting the reach of social surveillance to impact unlawful acts and not to advance patriarchal agendas.