

Chapter IX

Information Privacy in a Surveillance State: A Perspective from Thailand

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ABSTRACT

This chapter examines information privacy as manifested and understood in Thai society. Multidisciplinary perspectives—philosophical, anthropological, historical, legal, policy-oriented, and communicative—are used to explore information privacy, which arguably is emerging as an ethic in Thailand. While the diffusion of ICTs along with the country's aspiration toward an information society may have given rise to this conceptual emergence, the longstanding surveillance that characterizes the Thai state is reckoned to be a major hindrance to a meaningful realization of this ethic in Thai society.

BUDDHISM AND PRIVACY: AN INCONGRUENCE (?)

In studying normative concepts in Thai society, many scholars, foreign as well as local, have turned to one preeminently potent philosophical force that has shaped Thai culture for centuries: Buddhism. Thailand is a predominantly Buddhist culture with more than 95% of the population professing the religion. As far as the ethic of privacy is concerned, Buddhism may shed some light on the existence or lack of it in Thai society, as will be discussed.

By some philosophical accounts, Buddhism is said to bear resemblance to liberalism, upon which

the theory of privacy originally was founded. This is with particular regard to both philosophies' emphases on the individual capacity to seek and attain emancipation. However, the two philosophical traditions diverge in their goals and concepts of human emancipation in accordance with the different social contexts in which they evolve. While liberalism emphasizes emancipation as the creation of individuals who struggle to achieve rights and freedom in secular and material terms, Buddhism teaches the transience of matter and being and encourages individuals to discard material belongings and worldly comforts in order to achieve spiritual freedom, as embodied in the ultimate condition of nirvana.

Likewise, on a philosophical plane, privacy appears to be incongruent with Buddhism in at least two important ways. First, the philosophical environment of Buddhism is anchored in the idea of interrelatedness rather than in a model of the individual vs. the society or the state. In this regard, the problem is the relationship between the inner and the outer rather than the private vs. the public. The fact that Buddha himself left the household life behind to seek enlightenment may indicate that Buddhism leaves the liberal problematique behind or is fundamentally indifferent to it.

Second, unlike liberalism, which focuses on individualism, natural rights, and human dignity, Buddhist thinking sees the obsession with one's individual self and one's possessions, material or not, as the root cause of suffering. Emancipation, according to Buddhist teaching, means disillusionment with and relinquishing of preoccupation with the self and worldly desires. Therefore, individuality can be seen as both the beginning and the end to human emancipation in Buddhism.

To put it another way, Buddhist philosophy operates on a different level from that of liberalism. Aside from its relatively modest contribution to promoting rights-oriented political culture, Buddhism also pays little attention to physical freedom, which is a crucial basis for privacy.

In any case, it ought to be noted that these philosophical interpretations are filtered mainly from classical Buddhist teaching, which may not necessarily reflect the behavior of relatively secularized Buddhists in contemporary Thai society.

ANTHROPOLOGICAL EVIDENCE OF PRIVACY IN THAI SOCIETY

The Thai language does not have a word for privacy but refers to it by descriptively translating it from English as *khwam pen suan tua* or *khwam pen yu suan tua*, meaning "the state of being private."

According to a prominent Thai anthropologist,¹ the Thai public-private divide is inherently distinct from that of the West. Citing the example of an interior design of traditional Thai houses in the Northeast, this anthropologist points out how the room that is considered most private—the spirit room—can be shared by all members of the family. This spirit room, he explains, usually is located at the center or in the least accessible corner (from outsiders) in the house and is considered a sacred space that needs to be protected from outside intervention. Meanwhile, this room also is designated as a space where all family members perform religious rituals and functions together, since it is where the ancestral shrines and the ashes of ancestors are kept. What this signifies, he says, is that the traditional Thai concept of privacy is fundamentally collectivistic. It is the kind of privacy that is shared by intimate members of the household. By this token, individualistic privacy is said to have no place in traditional Thai culture.

Similar to this interpretation is an anthropological study at a local university, which finds privacy implications in the evolution of house forms and habitation patterns of Thai peasants in the Central Region over the past 100 years. When peasants first settled in this region, their habitation units featured a large common space, which was used for several purposes (social rituals, workspace, and playground) and relatively small living space (kitchen and sleeping areas). Most of these traditional houses do not have separate bedrooms, since family members usually sleep together in one big central room. Most of the common space, regarded as social space, was located outdoors so that neighbors could join in the activities.

But as the capitalist economy grew and took over the peasant community, traditional farming was no longer adequate to cope with the modern way of life. Many farmers became migrant laborers in the city, and new farming technologies were adopted by those who still farmed to increase

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