

The right to privacy and to the ownership of property; the right to public space

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The town promises safety and work, thus protecting some of the fundamentals of life. But it also offers dignity: an attribute which determines all the rest of its promises and which permeates them. In order to ensure this, the town has contributed to losing incandescent links to old personal servitudes, and other kind of magical links (irrational), encouraging their substitution for relationships of a different hue: rational, free, civil, individual, and often contractual. In so doing it contributed then to the development of the political dimension of the person, to inventing the citizen and citizenship: that quality of the human beings who, acting as public people and having a high respect for themselves, are concerned with issues of general interest and discuss them with other citizens, who, like them, are rooted in the reason they all share, freely and without fear, which in turn presupposed the recognition of the legal person of each individual with all its consequences. Among these, are the legal guarantees of this new personality, which are precisely those which are determined in articles 6-11 of the Declaration of 1948. Mumford, quoting Redfield, expressed it in the following way: "The refashioning of man was a task of the town". A refashioning in a particular form: as a citizen.

This separation between the medieval idea of society as an integral whole, which implies the invention of the town, spreads, to start with, in two important fields of application to town planning: claiming a space for the individual's privacy or the homes he or she belongs to (recognized later in the articles 12 and 16 of the Declaration of 1948), and claiming ownership as a guarantee of the same individual against the possible arbitrariness of the political authority (stated in the article 17). Both questions appear intimately related. Yet at the same time, they have to do with a certain way of showing the balance between what is public and what is private, which nowadays has a specific meaning, as we are dealing with a loss, which is not compensated.

For all this the town counted initially on an element which summarizes this tension: housing. This is one of the urban elements where the recognition of the individual interest is most clearly materialized. A space configured both as the area of private life and of own space. An area for each home which is inviolable and secret, "where one can abandon the arms and the defences which are convenient to have ready when venturing into the public space" and where what does not concern other people is kept, what nobody wants to show because it is something "too different from appearances". Privacy, though, only acquires its sense in relation to its antithesis: the public sphere. The fold has rarely to be absolute over all social aspects at once. This is why privacy, almost always, also requires the capacity for dialogue with what is public. It is the other side of the coin. Privacy is not so much avoiding, as searching for, interaction with the others: opening and closing.

The right to an inviolable space sheltered from arbitrariness, as a guarantee protecting the private life of its inhabitants, has an intimate relationship with another issue: that of ownership - as we are talking here of owned or rented housing, in the latter case what one owns is the money to pay the rent. We must remember that we are talking about owned housing. At the time, the right to have a propriety was discussed at large in the Commission for the Human Rights. Basically, the controversy was focused on the opposition between the individual and the collective interests. Independently of the simplifications carried out for reasons of political interests and of the ideological approaches to this controversy, enjoying the right of ownership is still related to the absence of discrimination. Although paradoxically we had to consider the right to have property as a guarantee of the individual freedom which preserves human dignity and have compared it with the reality of concentrating the ownership of the means of production the hands of a few, or with the limitless accumulation of richness by others. It is true that even the recognition of this right to property has coincided more and more with the necessities of the economic and social development of poor countries: the individual recognition of the right of ownership becomes once more a recognition of its social function. It is the basis of a realistic housing policy in all countries.

In any case, what is here private (private property, in all its forms) needs the complementation of what is public: that which is public as a guarantee of the value of that which is private. In fact, the appreciation or depreciation of real estate is decisively determined by the characteristics of the exterior space (location, existing infrastructures and proximity to services, the "social economic environment and the prestige of the area", etc).

Therefore, privacy and ownership are defined in relation to the public space (its complement and its condition, the condition of its value and interest), which is present as a guarantee of the rights to privacy and ownership. A complex and multidimensional space (with networks and services,

infrastructure and public buildings), according to how the general interest is defined at a given point in time. Thus only this space will give value to what is private and what is of one's own property. Only this open space, and not any other substitute which may be similar to it from the formal point of view, but whose access is somehow restricted or determined, can contribute to a liberating privacy. Therefore, the urban public space - in order to fulfil its function - must be clearly public, which allows the citizens to feel themselves fully fledged members of their society, their town: a space where the town recognizes itself. A space, which, on its own, is intrinsically balanced in all its coordinates, where any citizen registered there, with a right to vote (with political capacity), can feel it belongs to him or her. This is what Pierre Sansot meant in saying that it is "that space where nobody has to ask for permission to enter". As only thus - completely opened and essentially equivalent - will it be able to be the expression of all the society. It also must reach all homes directly, without mediation.

Recently, the public space is developing fast, although in a downwards direction. In fact, in the face of the economic, technological and political changes of the last decades the objective is to reduce its content. Thus, we are witnessing a process of privatization which will not stop. The data are convincing. We have already talked about how the privatization of certain streets has been agreed to (in the area of fortresses) or how the determination of the particular characteristics of not only its working space, but also its commercial areas, infrastructure and services of all kinds, are left to the private sector. This also includes the management of the infrastructures, of course. This is what has been called "second generation" privatization. It means a drastic cutting down of the characteristics of the urban space, and especially the loss of its homogeneous character, of its sense of equality, its sense of being the guarantee of a home town for all the citizens, without distinctions.

It is argued that this reduction of space for economic (the private sector is said to be more efficient), functional (Internet offers more communication) and political reasons (it is necessary to stop regulating in order to give construction firms more freedom of manoeuvre). Yet these are not convincing reasons. The supposed efficiency does not exist, if we look at the general economy. The functionality which can be conferred by the new system of telecommunications is complementary, and does not substitute the traditional space. The pretended freedom without rules is not freedom for everybody. These reasons, however, are very widespread, and they actually work. Thus, there is an emphasis on privatization, and on the building of urban areas, isolated from their immediate physical and social surroundings.

But this reduction of the public domain also has other consequences. In brief, they imply the reduction of "strong rational links" joined to that public space, which belong to the modern town and to the formation of other incandescent, irrational, new links to substitute them. They imply the irrational submission of the town to the techno-utopia, that promised land, determined by the single market and the new technologies of the "information society", which has become, from the United States, the all-explaining and legitimating techno-utopia of world capitalism" (Petrella). A new vassalage? Possibly.

It is an ideal which imposes itself through the irrational myth, that is, through indignity (devoid of reason). Polanyi has already spoken of the "almost mystic powers" which the self-regulating market is supposed to possess. Virilio warns us of the "capacity of suggestion" of cyberspace. Organizing oneself according to an irrational myth is dangerous, as it means the destruction of politics and can open a path, in the medium term, to a new fascism. So far, the idea of having an information society is not a social project, as it has no interest in the world as a whole but only in solvent markets, that is, about 1500 million people against the total 6000 million people who live on the planet. This means that it pursues class interests. It is worth recalling that the fascist crisis of the 20th century occurred through the exploitation of politics and the economy for class interests. Fascism perverts the individual, converts him or her into a being incapable of working as a responsible member of the political class, and where the reduction of the public space in the medium term, can take us to the reduction of citizenship (or the right to politics, the right to have a democracy). In this way human rights are limited: by means of a widening privacy and ownership - freeing, equitable and consistent - tending towards guaranteeing each of us the dignity of being a citizen.