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"WE THE BIG BROTHER" OR THE CURIOUS INCIDENT OF THE CAMERA IN THE KITCHEN

by

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"We the Big Brother"
Or The Curious Incident of the Camera in the Kitchen

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Abstract

Last summer, a member of the Rationality Center at the Hebrew University of Jerusalem installed a closed-circuit TV camera in the Center's kitchen. An email explained that the camera was installed in an effort to keep the kitchen clean. By the time the camera was removed, a week later, the members of the Center exchanged close to 120 emails among themselves, expressing their opinions for and against the camera and discussing related issues.

Taking off from this exchange, I explore the surprisingly rich set of normative concerns touched upon by the kitchen-camera incident. These include a host of issues regarding people's polarized attitudes toward public surveillance, the problem of the invasive gaze and the argument that "if you have nothing to hide you have nothing to worry," the efficacy of disciplining behavior through sanctions along with the problems related to shaming sanctions, the notion of privacy and its arguable relevance to the kitchen case, and more. Special attention is given to the notion of cleanness and to its related norms.

In an epilogue, I offer some reflections in the wake of the incident. I find that it is precisely the smallness, concreteness and seeming triviality of this incident that helps bring a large set of interconnected, vexing normative concerns into sharper relief.

1. The Incident

Last summer, on June 28, 2007, a senior member of the Center for the Study of Rationality at the Hebrew University of Jerusalem, together with one of the staff, installed a closed-circuit TV camera in the Center kitchen. An email was sent to all the members, explaining that the camera was installed in an effort to solve the problem of occasional messiness in the kitchen; "Please do your part to keep the kitchen tidy," it said.

Within minutes, a response was circulated, expressing dismay: "I find this very offensive! [--] What kind of idea is this??" As it happens, this message turned out to have been the first in a torrent of emails. Lively exchanges of views among the members of the Center have occurred in the past, but there has never been a case quite like this one. Within a week, some 115 emails were circulated using the "cen-mem" mailing list of the Center; this number does not include many additional messages that were sent as personal responses to just one member, sometimes Cc-ing a few others in a kind of closed-loop little side exchange.

The topics that exercised people quickly diverged and multiplied. From a mere expression of opinion for or against the camera in the kitchen, people started worrying about a wider range of issues. Among the wide range of issues involved, I note, first off, the effectiveness of electronic surveillance and its morality, and the difference between being watched by a person and being watched by a camera. Other issues include the methods and the cost of punishing a member of an academic community, the humiliation involved in cleaning after oneself as compared with cleaning after someone else, the problems regarding mechanisms for changing people's behavior, the dignity of the caught perpetrator vis-à-vis the dignity of those charged with the task of monitoring, and more. An important issue is the nature and status of a university research center as a community, and whether the kitchen of such a center is closer to being a clear case of a public space (like, say, an airport) or to being a clear case of a private space (such as one's home).

A different set of issues relates to the appropriate process a university research center should adopt for settling such a matter: should it be a democratic vote, letting the majority opinion prevail? If so, do all center members get to vote or should the vote be open only to those who regularly use the kitchen? Or, given the university's hierarchical structure and the governance schema behind it, might this not be a matter for the center's director to decide – if indeed a sub-unit of the university has authority to install a CCTV in the first place? (The comparison between a university research center and pirate ships came up in this connection: many pirate clans are known to have operated as limited democracies, electing and replacing their captains, in contrast to traditional societies of the time.)

Some members felt strongly that the principled moral objection, even if voiced by a small minority of Center members, ought to be accorded effective veto power overriding the majority opinion, whichever way arrived at. Others felt strongly that the intense feelings of even one regular kitchen user whose cleanness sensibilities are offended by the occasional dirtiness of the kitchen constitute good enough reason to go along with the idea of the camera.

The curious incident of the kitchen camera affords us a valuable, and in some respects hilarious, opportunity to reflect upon this set of issues. It is the smallness, concreteness and seeming triviality of this incident that help bring this large set of interconnected, vexing normative concerns into sharper relief. I regard the incident as a sort of peeping-hole through which a large canvas, richly painted, reveals itself. In this essay, I try to delineate the main contours of the intricate painting that emerges, while constantly remaining aware of and referring back to the peeping-hole itself – namely, the kitchen-camera case – that gives us the particular perspective from which this exploration is undertaken.

A week after the installment of the camera, on July 5, I, as the director of the Center, ordered the removal of the camera. While my own position against the camera is argued for in what follows, this essay is nevertheless an attempt to canvass the set of issues touched upon by the kitchen-camera case in as even-handed a manner as I was capable of.

Here is a précis of the main theses of this paper, in a condensed form (in the order in which they appear in the article; not rank-ordered by interest or importance):

- Acquiescence with public surveillance that addresses security concerns does not commit one to acquiescing with surveillance meant to address other concerns, such as cleanness.
- The problem with surveillance is not the fact that everything you do may be watched by someone, but rather the fact that there is someone who may watch everything you do.
- Even if, strictly speaking, no violation of privacy occurs in a CCTV-monitored kitchen, one can still reasonably object to the surveillance on broader privacy-related grounds. There is more to privacy than wanting to hide.
- Independent objections to the surveillance stem from the camera's potential "chilling effects" on Center members, from the punitive intention behind its installment, and from the dis-proportionality between the negative ramifications of the use of this device and the good that is expected to ensue.
- Confronting kitchen transgressors with proof of their misdeed is an act of shaming. Shaming sanctions involve a non-trivial and problematic set of costs: to the culprits, to the individual enforcers, and to the community as a whole.
- The design of human response to the introduction of a novel technological device has its limits; people do not always respond in the way those responsible for the introduction of the device intended them to respond. Unanticipated chain reactions may bring about unintended consequences that misfire, and sometimes backfire.
- Zero-tolerance toward cleanness offenders is unacceptable within the context of an academic community.
- The cleanness norm enjoins us to leave a place not-less clean than it was when we entered it; as such, this norm is a special case of the norm of considerateness.
- The tendency to undervalue cleanness-related norms is gender related, as cleaning activities are generally associated with women.
- On the rare occasion that an academic community must make a decision that touches upon deeply held beliefs of some of its members, the question whether majority rule prevails remains open.
- The kitchen camera case touched a basic chord in many people's minds. This chord seems connected to some basic sensibilities determining people's essential life choices and core convictions.

The extensive email exchange among the members of the Center that took place during the week between the installation of the camera and its removal, serves me as an invaluable source and resource. Repeatedly drawing on it, I scatter quotes from it throughout the paper, under fictitious names.

2. Background: the Center

The Center for the Study of Rationality is an academic research center within the Hebrew University of Jerusalem. Close to forty academics, holding full-time positions in a variety of HU departments, are members in the Center, in addition to and alongside their regular departmental appointments. Bound together by their interest in

interactive, strategic behavior and by loose adherence to the conceptual framework and methods of Game Theory, the members come from more than ten different departments (economics, mathematics, computer science, statistics, psychology, business administration, biology, philosophy, law, sociology and education, by latest count). In addition, the Center has about 32 students, enrolled in its graduate program, and a small administrative staff of five people (not all of them full time positions).[1]

Occupying the top floor of a lovely building it shares with the HU Institute for Advanced Studies, the Center is a hub of academic activity, conducted in all of its usual forms: lectures and seminars, conferences and colloquia, workshops and study tours; many guests from other Israeli universities and from abroad take part in these activities as well. The Center offers office space for about twenty researchers, as well as cubicles, desks and computers for its graduate students. Its premises include additional facilities and public spaces such as a lecture hall, a seminar room, a spacious common room and a small library, their users being the Center members, guests, students and staff – all in the service of the ultimate purpose of the Center, multi-disciplinary research.

Last but not least: one of the Center facilities, and a hub of activity in its own right, is a well-equipped little kitchen. Much beloved and primarily frequented for its excellent espresso machine and a more or less constant supply of cookies, the kitchen also has a refrigerator, toaster, microwave oven, sink and a hot- and cold-water machine. It is supplied with washing-up paraphernalia, and is even equipped with a unique little contraption, a two-cup dishwasher.

The maintenance staff of the building cleans the kitchen every morning, five days a week. The upkeep of a clean kitchen throughout the day is in the hands of its users. Most users comply with the norm that one is to clean up after oneself, most of the time. From time to time, however, a crisis episode occurs in the kitchen: it is left messy and dirty, sometimes quite seriously so.

3. Surveillance

> *The real discussion should be about why a bunch of intelligent, well educated, and probably well-meaning people in the Center of Rationality (no less!) cannot run their affairs without surveillance. I find it remarkable.* [Jonathan, 5 July 2007, 20:46]

Cameras Everywhere

In recent years, people everywhere are growing increasingly accustomed to public surveillance. At airports and malls, in banks and supermarkets, in trains and subways, at the entrance to office buildings and to apartment buildings, closed-circuit television cameras are ubiquitous. In some cities more than in others (in London, it seems, more so than in most), many of the residents' daily steps are being watched and recorded, to

[1] For more: www.ratio.huji.ac.il

the point that people's private lives are monitored and may be reconstructed to an unprecedented degree of accuracy and detail. The threat of international terrorism has certainly changed many aspects of daily life all over the world. People's attitude to this reality of mounting surveillance varies, from acceptance, reluctant or otherwise, through benign indifference, to searing resentment.

What is the appropriate reaction to the circumstance of near-ubiquitous surveillance?

Here are two contrasting possibilities. First, it seems reasonable to say that if we are becoming increasingly used – whether willingly or reluctantly – to being increasingly watched by cameras, why should we care if even more cameras are being installed in ever more venues? Seen in this light, a monitoring camera in a university research-center kitchenette seems hardly a reason to get incensed. All-the-more-so since the camera is meant to serve the indisputable good purpose of keeping the kitchen clean, and moreover, to help eradicate a-social free riding behavior. In the words of one of the early email reactions: "Why would anyone who agrees to unmanned police patrol cars with cameras object to a camera patrolling the community kitchen?" [Joel, 29 Jun 2007, 10:05]

The second, converse, reaction is prima facie at least as reasonable. It asserts that, given the unfortunate circumstance of almost ubiquitous cameras, we should do everything in our individual power to draw some lines wherever possible: we should enlist ourselves to the cause of the rearguard battle to protect as much as we can of the shrinking private space around each of us.

Thus, while used by now to being monitored in banks, department stores or airports, many of us find the idea of surveillance cameras in the cubicles of the toilets of these very institutions a travesty; let alone in the privacy of our own bathrooms at home. (Perhaps we recoil less, however, at the idea of cameras in the toilets of the high-security wards of certain jails). How do we feel about closed-circuit television in the workplace? We may not have entirely clear intuitions where to locate the workplace on the spectrum that lies between the two poles, of the public space on the one hand and the private home on the other. Our intuitions may depend in part on the size and the type of the workplace (for example, on whether it is a public or a private outfit, or on whether or not it services members of the public).

How then do we feel about the university? A university has a variety of different kinds of "spaces". Think, for example, of classrooms, auditoria, administration buildings, cafeterias, dormitories, quads, lawns, etc. Certainly different rules apply to these different spaces. So how do we feel about a research center within the university, in particular? The relevant community here is not like a group of employees in a corporation. It is not like a family, either. It is, rather, an informal and collegiate collection of people similar, in some respects, to a social club: more a *Gesellschaft* than a *Gemeinschaft* (Tönnies 2001/1887) but not identical with either. The question of the appropriateness of surveillance – which is not security or crime-prevention oriented – within such a community is therefore rather troubling.

The type of space is perhaps not a good place to start. The purpose of the surveillance may provide a more promising starting point. After all, the reason we accept the ever stepped-up surveillance around us is because it is supposed to be in the service of

enhancing our security. The protection of life and property is a purpose we do not wish to argue with and will be willing to go a long way toward advancing. Surveillance in a university setting, however, might serve quite different aims. Academic cameras installed by management may divulge faculty members who do not show up for office hours or are late for class, those who are hostile toward students or behave improperly in committee meetings, and so on. No self-respecting academic institution, as far as I am aware, will accept these "big brother" purposes as justifying surveillance.

A camera in a research center's kitchen, however, is a different story altogether. The very first email that protested the installment of a camera in the Center kitchen as "very offensive," went on to explain: "Especially since this is meant to promote neatness, rather than to prevent theft." [Miri, 28 Jun 2007, 12:59]

The distinction between criminal and non-criminal activities seems to carry weight here. Objecting to surveillance that is meant to help catch people engaged in criminal activities, such as planting a bomb or robbing the cash register, is different from objecting to surveillance that is meant to help catch people engaged in non-criminal activities. This remains true regardless of how obnoxious these latter activities may be (at least in the eyes of some) – whether because of their free-riding nature or because of their intrinsic messiness. To return to the seemingly rhetorical question quoted above, "Why would anyone who agrees to unmanned police patrol cars with cameras object to a camera patrolling the community kitchen?" the answer is precisely that our agreement to (or acquiescence with) police surveillance that addresses our security concerns does not commit us to agreeing to surveillance addressing our cleanness concerns. We would thus certainly object to the police, let alone to police cameras, peeping into our bedroom windows.

Visual Surveillance

Security-oriented surveillance is not limited to visual monitoring. It may extend, for example, to eavesdropping and wiretapping, to mail and email scanning as well as to Internet inspection, and more. The range of the surveillance devices used in the US following the attacks on 9/11, 2001 was exposed to the public at the time of the enactment of the Patriot Act, occasioning heated debates. These debates highlighted the novel types of threats to public security as well as to individual safety posed by international terrorism. At the same time, they helped articulate the sensitivities concerning the price – in terms of human and civil rights – that may have to be paid if the new challenges are to be met.[2]

Is visual monitoring worse or less bad than, say, telephone wiretapping, inasmuch as their perceived infringements on privacy and other rights are concerned? This is an interesting and, I believe, understudied question but it need not detain us here. I shall however want to bring up questions that concern the comparison between several variations on the theme of visual surveillance.

"Little objection should be raised," said one email writer, "if someone were hired to sit all day long in the kitchen -- for two shekels a day -- in order to modify the

[2] For more see Nissenbaum (2004), p. 113.

colleagues' behavior to one that is desirable to the community that uses that kitchen." [Joel, 29 Jun 2007, 10:05] Suppose, then, that a "cleanness guard" sits in the Center's kitchen all day long. How does being watched by a person, while you prepare your coffee, relevantly compare with on-screen monitoring? Also, what precisely is imagined as the task of the cleanness guard? To remind people to wipe off the nozzle of the espresso machine and to wash their cups, or to warn them that they will be reported if they do not do so, or perhaps silently to write down a comprehensive log? Each of these tasks has different implications.

Another question concerns the relevant difference between the case in which the camera only transmits its pictures to computer screens in real time, and the case in which it records the images. Related to this is the question of who is charged with the task of monitoring the screen, or with viewing the recorded tapes. How comfortable will the Center members be with assigning this task to the Director, or to some other members on the Director's behalf, as compared, say, with charging the administrative staff with this responsibility? How comfortable with the task will be the persons charged with it? What is the line separating surveillance from voyeurism?

One interesting suggestion that came up in the exchange was to connect the computers of all of the members of the Center to the closed-circuit television camera in the kitchen. The thinking behind this suggestion is that in this way the surveillance will be carried out by all, or some, or none of the Center members, but not by any "central" authority, nor by the administrative staff.

4. "Reasonable Expectations of Privacy"

> *Altogether, I don't understand how the matter of privacy applies to a common kitchen. What would one want to do there 'privately?'* [Isaac, 4 July 2007, 00:19]

An academic kitchenette is not a private space in the sense in which one's own kitchen in one's own home is. You may enter your home kitchen in your underwear, if you so wish to; not so at the university. American law has a doctrine about "reasonable expectations of privacy," according to which unless there exists a "reasonable" expectation that what one does or says in a certain place will not be seen or heard by someone else, a surveillance operation by law enforcement authorities in that venue does not require a warrant or some other court order.[3] Importantly, neither the simple desire for privacy in a particular place, nor the fact that one took some steps to obtain it, entitles one reasonably to expect it. The question turns on how one establishes whether, in a given instance, one's expectation of privacy is "reasonable."

One criterion laid down for establishing reasonable expectations of privacy is "the degree of privacy afforded by certain buildings and/or places". (The other three criteria have to do with general legal principles, with the question whether there exists a vantage point from which *anyone*, not just a police officer, can see or hear what was

[3] This doctrine was developed in connection with the Fourth Amendment's protections (enacted in 1791) against "unreasonable searches and seizures." For more see LaFave (1996), Nissenbaum (2004), pp. 112, 117-8, *Katz v. United States*, 389 U.S. 347, 360–61 (1967), and also http://www.notbored.org/privacy.html.

going on, and with the sophistication and invasiveness of the surveillance technology employed). Thus, while reasonable at a public phone booth, the expectation of privacy is not reasonable on a public highway. Nor, it would seem, would the expectation of privacy be reasonable at an academic kitchenette.[4]

However, lawful search and seizure operation by local police conducted even without a warrant for purposes of law enforcement is far cry from surveillance activity conducted in a kitchenette of an academic center for the disciplinary purpose of catching the messy users. The latter purpose is unrelated to unlawful behavior, let alone to terrorist activities. Even if, according to traditional legal concepts, expectations of privacy are not reasonable in the Rationality Center's kitchen, and hence strictly speaking no violation of privacy can occur when the kitchen is monitored by closed-circuit television, one may still reasonably object to the surveillance on broader privacy-related grounds.

One such objection will be based on the chilling and inhibiting effects of the camera: 'chilling effects' is a legal term used mostly in the US to describe a situation where conduct in general, and speech in particular, is self-suppressed for fear of being penalized. (A standard example is the threat of a costly and lengthy lawsuit, which might prompt self-censorship and have a chilling effect on free speech.)

Another objection will be based on a recent theory, labeled "contextual integrity," according to which it is possible that violation of privacy occurs in a CCTV-monitored kitchen, depending on certain specific contextual features of the case. This approach tries to explain why the commonly accepted theoretical approaches to privacy, developed over the years to meet traditional privacy challenges, do not yield satisfactory conclusions in the case of public surveillance: public surveillance seems to fall entirely outside the range of application of the traditional approach to privacy protection that dominates contemporary public discussion. (See e.g. Gavison 1980)

Introduced by Helen Nissenbaum (2004) and further developed by her and others,[5] the theory is designed to articulate a framework for addressing the problem of public surveillance, aiming at a theoretical account of a right to privacy as it applies to information about people. It offers a model of informational privacy in terms of contextual integrity, defined as compatibility with two types of overarching norms – regarding information appropriateness and informational flow or distribution. The theory posits that whether or not a particular action violates the norms is a function of several specific contextual variables. When the machinery of this theory is applied in detail to the Rationality-Center kitchen, it appears to yield the conclusion that the installment of a closed-circuit television camera in it does constitute a violation of relevant norms; whether or not this constitutes violation of privacy depends, in the last analysis, on one's chosen definition of privacy.

[4] How about the privacy of a suicide attempt in public? In a landmark 2003 decision, the European Court of Human Rights has ruled that, "a British man's right to respect for his private life was violated when closed-circuit television footage of him attempting suicide was released to the media. The court awarded him damages of £7,800." (See: http://www.out-law.com/page-3290)

[5] See, e.g., "The Logic of Privacy", *The Economist*, January 4, 2007

5. "Nothing to Hide"

> *I see no reason for people to object to the camera in the kitchen, UNLESS THEY HAVE SOMETHING TO HIDE. And if they have something to hide, it should not be done in the common area.* [Alex, 4 July 2007, 12:42]
>
> *The idea that the people who object to the camera have something to hide is so preposterous that it could only cross the mind of one who thinks everything in life is a simple strategic game.* [Miri, 4 July 2007, 18:06]

As it turns out, the argument that if a person has nothing to hide, he or she should have no problem with surveillance, occurs not only to strategy minded, game-theory oriented people; it comes up frequently in a large variety of discussions of privacy issues. Thus, when governments engage in surveillance, many people believe that there is no threat to privacy unless the government uncovers unlawful activity – in which case no legitimate justification exists anyway to the claim that the activity remain private. "The 'nothing to hide' argument is one of the primary arguments made when balancing privacy against security. In its most compelling form, it is an argument that the privacy interest is generally minimal to trivial, thus making the balance against security concerns a foreordained victory for security." (Solove 2007)

The case here under discussion is not about security concerns. It is about keeping an academic kitchenette clean. Compared to national security, this concern may itself be branded "minimal to trivial," and as such it is not at all prima facie obvious that it trumps the privacy interest. Both concerns – privacy in the Center's kitchen as well as clean cups and surfaces in the Center's kitchen – may in fact be rather trivial, at least in comparison with the War on Terror.[6] But the symmetry between the two sets of concerns fails upon comparing what is at stake when neither is met: there is a relevant sense in which these concerns are not equally trivial in their breach. That is to say, the triviality of facing the circumstance of being photographed in the kitchen may not be comparable to the triviality of facing dirty cups or spilled coffee in the kitchen.

True, it is reasonable to get upset when entering a dirty kitchen and it may seem to be just as reasonable as getting upset when being watched while in the kitchen. However, a dirty kitchen is just that, a dirty kitchen: you know all there is to know about it or what is involved – but with surveillance, you do not. If filmed, you do not quite know what it was that you exposed in front of the camera, or how it will be interpreted or by whom; you also do not know whether or not there will be "secondary use" of these images[7], or when, by whom, or for what purpose. Both the cliché metaphor of opening a Pandora Box and the cliché metaphor of letting a genie out of the bottle apply here. Photographic images are on record and acquire a life of their own; one cannot fully control them even if one is under the illusion that one can.

Of relevance to these concerns is the following question, published in the weekly column "Readers Ask" of the weekend edition of the Israeli daily "Maariv" on August 24, 2007:

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[6] I return below (in Section 10) to the question of how high, or how low, the stakes involving cleanness are, when discussing gender stereotypes.

[7] 'Secondary use' refers to the use of data obtained for one purpose for a different and unrelated purpose without the person's consent.

> "I am a student in the school's photography department. For an assigned project, one of my fellow students proposed to photograph people in an elevator, without their knowledge. I believe this would constitute a gross violation of their privacy, even though no intimate scenes are anticipated. My friend claims that as the photos are intended for an academic project only, and will not be displayed anywhere else in the world, no harm is involved. Who is right?"

The columnist's answer was given the large-print title BEWARE, A PHOTO HAS A LIFE OF ITS OWN. It said, in part,

> "From the moment a photo was taken it has a life of its own. It cannot be confined to an academic project. It cannot be assigned just one interpretation… Do not be mislead into thinking that the seemingly innocent photo of people in an elevator cannot start wandering into all sorts of areas and uses, some of which might involve the infringement of the privacy of the photographed persons, of their rights, of their good name, or more. Hence, refrain from carrying out this project."

I note that a key element in this contemplated camera-in-the-elevator project involves photographing people without their knowledge. This element does not apply in the camera-in-the-kitchen case that concerns us here. Other aspects of these two cases, however, as highlighted by the columnist's reply, are comparable. Most likely, no reasonable expectations of privacy (in the sense explained above) pertain to the case of the elevator or to the kitchen case either.

It may be well to pause and reflect a bit on the "nothing to hide" argument and on its relevance to the case in hand. In response to the seemingly compelling "If you've got noting to hide, you've got nothing to worry about" argument, people come up with a number of instinctive retorts. "This is not about something I want to hide: this is about it being none of your business," or "If you had nothing to hide you would not have curtains,"[8] are typical examples.

Concealment pertains not only to criminal acts. People are much preoccupied with concealing wrinkles on their faces or their loss of hair. Elton John had a perfectly just complaint against the paparazzi that showed him to the world without his wig. People's attitude to their private parts, intimate relationships, serious illnesses or the details of their bank accounts makes them want to shield all these from anyone's uninvited gaze. "Something to hide" is obviously taken by most people as a much broader category than wrongful doing or something to be ashamed of[9]; and what people want to protect as *personal* goes beyond what is strictly defined as *private*. The concept of intimacy indeed presupposes concealment: where everything is known and revealed to all, intimacy is precluded.

[8] Some guidebooks to Amsterdam, in their section about the famous Red Light District, talk of Calvinist open-curtain culture to show the world that nothing untoward is happening behind their front doors; the architecture of the many Dutch houses indeed allows for an uninterrupted view from front to back.

[9] For an opposite view, consider Richard Posner's (1998), according to which privacy consists of a person's "right to conceal discreditable facts about himself."

"We don't want to expose ourselves completely to strangers even if we don't fear their disapproval, hostility or disgust", says Thomas Nagel, in his insightful chapter on the larger topic of what he takes to be the importance of concealment as a condition of civilization. "The boundary between what we reveal and what we do not, and some control over that boundary, is among the most important attributes of our humanity." (2002, p. 4)

Surveillance of any sort can create chilling effects on people's conduct, inhibiting them from acting spontaneously and unselfconsciously, and reducing the range of behavior available to them for expressing themselves freely. Such effects are acknowledged as harmful in the political context, where free speech, free association, and other rights essential for democracy might be chilled.

The harmful effects will surely be at least as obvious and immediate in an academic context, where spontaneity, mutual trust and the free flow of ideas are all-important. Surveillance cameras are interventionist measures, the very introduction of which affects people's behavior (like a thermometer whose insertion into some liquid might affect its temperature). This certainly applies to conversations and jests at the proverbial water cooler – or at the coffee machine for that matter – in a university research center. "The 'nothing to hide' argument can ensnare, for it forces the debate to focus on its narrow understanding of privacy," says Solove in the concluding remarks of his article (2007, p. 23) There is more to privacy than wanting to hide; wanting to avoid uninvited gaze, moreover, extends beyond strict issues of privacy.

6. Being Watched

> *Cameras are feared more than people because people are there and you adjust your behavior*. [Rachel, 30 Jun 2007, 08:12]

Asymmetrical gaze

What difference does it make whether we are being watched by a person or by a camera? The question can be taken to relate to the difference in achieving the desired result, namely, to the comparative efficacy of the two methods: which of the two ensures a higher level of personal safety, or of cleanness in the kitchen. Or it can be taken to relate to the comparative sense of intrusion on the part of the person being watched: which method is felt to be less offensive, or less intrusive.

The Center member who proposed the notion (discussed above) of a cleanness guard in the kitchen went on to say, "After all, our 'privacy' is not violated when one watches us with his or her own eyes [--] while we prepare our coffee. Then why is watching how one prepares coffee with the aid of a CCTV camera a transgression on one's privacy?" [Joel, 3 Jul 2007, 11:15] In a response to this comment, another member wrote, "For me the difference between another person occasionally watching you and video monitoring is intuitively so obvious that I tend to regard these comments as absurd after-the-fact rationalizations of a hasty wrong opinion." [David, 4 Jul 2007, 11:05] An additional comment asserted, "Many people find cameras much more intrusive than the existence of a policeperson." [Amos, 29 Jun 2007, 22:13]

One difference concerns symmetry. When a person watches you, you can watch him or her back. When you know that you are being watched but cannot watch back, the symmetry is broken and an asymmetrical relationship is initiated, leading to an asymmetrical power structure with the potential to engender feelings of humiliation.

The apocryphal story of Susanna and the Elders is a case in point. The surreptitious gaze of the two lecherous old men directed at virtuous Susanna, who is bathing in the privacy of her own garden, had been vividly depicted by a string of Old Masters (from Altdorfer, Veronese, and Lotto to Tintoretto, Rubens, Van Dyck and Rembrandt, to mention but a few). These artists were sensitive not only to the beauty of Susanna's naked flesh but also to the humiliation inherent in her situation, her private space invaded by the stealthy stare of the elders.

The one-sided mirror – say between an employer's room and the employees' – provides another sort of example. Again, think of the quintessential scene from war movies, in which the sergeant major inspects the new recruit, moving his eyes over the rooky from top to bottom and back and forth, while the new recruit has to fix his gaze straight ahead. The asymmetry of gaze strongly attests to the asymmetry of power with all that it may occasion. Movies by directors like Kieslowski or Egoyan come to mind too for exploring with detail and fascination the theme of voyeurism, or the uninvited asymmetrical gaze, and its ramifications.[10]

The public space offers other types of examples of the difference between symmetrical and asymmetrical gaze, also involving the human eye rather than the camera. When you walk about in the mall or the municipal park, it is possible that each step you make is watched by someone. As long as the watchers are occasional passers-by, and you are at liberty to watch back, there is no problem; symmetry, or reciprocity, is not broken here. It does break, however, when it is one particular person who is watching your every step. When this happens, you are likely being followed. This is unpleasant, at the very least; it can be sinister, amounting to a case of stalking, or harassment, or worse.

The difference between the two cases can be shown by switching the order of the quantifiers. The benign case is, "For every step *s* that you make, there is – or there may be – a person P, such that P is watching *s*." The sinister case, in contrast, is, "There is a person P such that, for every step *s* that you make, P is watching *s*."[11]

Video monitoring is in many ways similar to this second case, in which you are being asymmetrically watched, or at least you may assume that you are being thus watched, all the time. Interestingly, one of the more creative suggestions brought up in the email exchange appears to have been aiming at mitigating this harsh effect of the video monitoring: "The camera could also be programmed to play a randomized strategy, monitoring only at random intervals for random durations, just as in real life." [Joel, 4 Jul 2007, 00:32] In addition, however, it is often the case that the video monitoring is equipped with a recording device as well, without warning anyone about it. Consider also that, once captured on tape, you may be watched over and over

[10] Some of the examples and the substance of the text here draw on Avishai Margalit (2001).
[11] Consider the lyrics of the well-known song of the "Police": "Every breath you take / Every move you make / Every bond you break / Every step you take / I'll be watching you." The beauty of the song notwithstanding, the situation it describes is uncomfortably close to stalking.

again. Both of these elements, voice recording and the possibility of replicated viewing, are serious aggravating circumstances that go beyond the issue of the asymmetrical gaze.

The Panopticon and Beyond

Much attention was given in recent years to Bentham's quaint notion of the *Panopticon* - a type of prison building whose design allows a God-like overseer to observe all prisoners without being seen by them, thus conveying a "sentiment of an invisible omniscience." In his own words, Bentham (1995/1787) described the Panopticon as "a new mode of obtaining power of mind over mind." Foucault, famously, used the idea of the Panopticon as a formative metaphor of the project of modernism, highlighting the visibility and vulnerability of the individual who is constantly under centralized systems of gaze. The image of the Panopticon thus stands for the total loss of privacy, equated with the total loss of protection from the unwanted gaze. Indeed Foucault took the idea of the Panopticon an important step further. He coined the term "*panopticism*" to denote the drive to *self*-monitoring through the belief that one is under constant scrutiny; he took this to be "both a driving force and a key symbol of the modernist project." (Wood 2003)[12]

In the subtitle to his treatise *Panopticon or the Inspection House*, Bentham mentions a list of establishments other than prisons, "in which Persons of any Description are to be kept under Inspection." Among them hospitals, madhouses and schools, also mentioned are "Houses of Industry and Work-Houses." As the proverbial locus of privacy, the home of course provides the starkest contrast to the Panopticon and to the other "inspection houses": home is meant to provide protection from any, and all, unwanted gaze.

Where on this spectrum should we locate the university – and an academic research center within the university especially? Do we want to see it as a "work-house" in Bentham's sense, thus closer to the penitentiary end of the spectrum, or rather as closer to the home end? As we saw, the question relates chiefly to the aspect of asymmetry between the observer and the observed, rather than to the technological difference between the human eye and the camera.

I take this occasion to note that the interface between my discussion of general issues raised by the kitchen camera case on the one hand, and their relevance to the specific case of the kitchen camera on the other, is delicate, indeed sometimes tenuous. Of course, the kitchen in the Rationality Center would not have become a panopticon had the camera remained, so it may strike one as an exaggeration to bring up the notion of the panopticon in this context. A similar feeling of disconnect may occur with regard to the discussion (above) of the chilling effects of the camera, or to the problem of shaming sanction discussed below, and possibly to further issues as well. I therefore reiterate the peeping-hole simile mentioned at the outset and point out that, rather than arguing for direct relevance, I take the incident of the kitchen camera as an

[12] Note that it is the word 'surveillance', rather than 'discipline', that occurs in the original title of Foucault's 1975 book, *Surveiller et Punir*.

opportunity to reflect upon a wide set of issues, bringing the normative concerns that they raise into sharper relief and suggesting some normative conclusions.

Here is a different tale that came up in the Kitchen-Camera exchange, about a camera in another academic kitchen.[13] It might throw a different light on the topic in hand.

> "If I remember correctly, the first web-cam was used exactly to monitor a shared coffee room in a university. It involved computer science students who didn't want to walk to a different floor to get coffee if the pot was empty. So they set up a camera via the Web, to be able to see whether the coffee pot was full. This didn't cause any discussion of privacy. Thus for example how many would object if a kitchen camera was simply connected to a screen in the hall on the other side of the floor, so that people can see when it is free?" [Ofer, 4 Jul 2007, 18:48]

The email message concludes: "It seems to me that the problem with the camera is not really the issue of privacy but rather of being 'checked upon'."

The last remark is telling. It suggests that the mere fact that a camera monitors the coffee-machine area, and incidentally the activity around it, may as such not be bothersome to people. It looks as if the idea that one's image and activities are projected onto a screen is not what one objects to in general; it also looks as if the violation of one's privacy is not what one objects to in particular. Indeed this case may help us pinpoint what it is that people do find objectionable in the case of the Rationality Center kitchen camera. In objecting to "being checked upon" people object, in the first place, to the intention, or the purpose, behind the installment of the camera. Secondly, people seem to be sensitive to the dis-proportionality of the surveillance device, relative to the purpose behind its installment.

The idea that a bunch of computer-science students, who want to spare themselves the trouble of walking to a different floor to get coffee if the pot was empty, should set up a web-cam for the purpose of monitoring the status of the pot, is likely to strike most people as fun and benign, justifying the installation of the camera. In contrast, to install a video camera as a means of surveillance intended to identify and to catch those who do not clean up behind them, and possibly to deter people from such behavior, is a very different matter. Disciplinary purposes, as well as the intention of controlling and altering behavior, raise a host of complex issues.

7. Disciplining Behavior

> *Confronting people who were spilling coffee and sugar or not cleaning their cups based on video records is not going to be a lovely scene*. [David, 29 Jun 2007, 09:25]

[13] See, e.g., http://www.guardian.co.uk/technology/2001/mar/07/education.highereducation

Peer Discipline

Consider the distinction between peer discipline and discipline by some central authority. In the case of monitoring the state of the coffee pot, all members of the relevant community had access to the camera on their computer screens and could do the monitoring whenever they pleased. The comparable situation in the case of the Rationality-Center kitchen would have been to connect the closed-circuit television to the computer screens of all members of the Center so that anyone could watch what goes on in the kitchen in real time. Indeed, such a suggestion was made by one of the contributors to the email exchange: that no central agency – such as the director, the administrative staff or a committee – would be charged with the disciplinary action but rather that the charge will be equally distributed among all Center members.

Attractive as one may find the idea of peer discipline, one must consider that if the charge of catching transgressors is distributive, it ends up being the responsibility of no one in particular. The effectiveness of this proposed solution may well be adversely affected as a result: depending on who happens to be watching their screens at the relevant time, catching the culprits becomes a matter of happenstance.

In addition, there is the more vexing question of the nature of the disciplinary action to be taken. Suppose you, a Center member, happen to be watching your screen, which is connected to the Center's kitchen closed-circuit television, and suppose you see a colleague messing up the sink or leaving the milk outside the fridge and the foam pipe un-wiped. What then?

If you are at the Center at the time, and if you are one of those who feel strongly about the kitchen's state of cleanliness, you might storm out of your office and shout at your colleague, shaming him or her on the spot. I know some among my Center colleagues who would act in just this way. Will everyone, though? I do not think so. Telling people off has a price; let alone shaming them. Besides, suppose you were watching your screen not at the office but while working at home. What then? Would you call someone at the Center and tell them? And who would you call – a friend, or the director, or the secretary? And what is the person you called expected to do with this information? Alternatively, perhaps you would make a mental note, to tell the offender off the next time you see them – and then either you stick by this or you do not. Or perhaps you would rather spread the word among some of your Center friends, by way of gossiping.

The point here is to bring home to us that the video camera as such does not clean the kitchen. Things need to happen in order for the kitchen to remain clean. If, based on an arrangement of peer discipline, the mere installment of the closed-circuit television is sufficient to deter transgression, well and good. But if it is not, or if the deterrence effect wears off after a while, then the Center community is going to face some troubling issues. These issues stem directly from the fact that the transgression in question does not involve unlawful or criminal behavior but rather censurable behavior that is considered sub-normative in a somewhat diffuse sense.

If people do not make it their habit to connect to the closed-circuit television, the solution offered by it is ineffective. It they do, they might find themselves having to

deal with phenomena such as recrimination, badmouthing, rumor spreading, whistle blowing, and shaming.

All of these constitute part of the price that the Center community might have to pay for the methods it chooses to use for catching the culprits, and for punishing them. The adverse effects on the working atmosphere within the Center, and the possible damage to the values essential to the fabric of the Center community, need to be balanced vis-à-vis the value to the Center community of a clean kitchen. If the achievement of cleanliness in the kitchen through the introduction of the camera is anyway in doubt, the question remains, whether the price is worth paying.

Taped records

There is yet an additional possibility. Suppose that the closed-circuit television not only transmits images in real time to everyone's monitors but also keeps a taped record of its transmissions. There can be no question that if everything that takes place in the kitchen is recorded, the potential effectiveness of the camera for disciplinary purposes increases significantly. This is so, by the way, regardless of whether the sanction is to be imposed by one's peers or by a central authority charged with the task. As soon as an episode occurs in which the kitchen is left dirty, it is in principle possible to go back to the tape of that particular time and discover who was remiss. Without the recording device there is no guarantee that anybody was watching during the time that the transgression episode occurred (and, even if they were, there is no guarantee what, if anything, they were going to do about what they saw). Of course, not only is it possible to discover who was remiss, but it is also possible to confront the wrongdoers with "proof" of their misdeeds.

This may sound like the ultimate solution and an end to the problem. Still, the increase in the potential effectiveness of the camera does not come without a price. Besides the obvious actual technical price, the price has to do, in the first place, with the fact that the very existence of the taped record cannot be taken lightly. It has implications of various sorts, and it imposes certain responsibilities on the Center and its director. As with ethics committees charged with approving experiments involving human subjects, some rules and regulations have to be decided upon and adopted ahead of time. These relate to questions such as who can see the tapes, how to prevent their misuse or abuse in general and access to them by non-approved parties in particular, how long they are to be kept, and more. Moreover, some second-order questions may also be found troubling: what are the correct procedures to settle the procedural questions that were just raised (e.g., who decides who can see the tapes, etc.). I am not suggesting that these issues are insurmountable; but I am saying that they are delicate matters, to be addressed with tact and firmness, as well as with due transparency.

Confronting the Culprit

The other aspect of the price relates to the act of confronting the transgressors with proof of their misdeeds. The proponents of the closed-circuit television device take the very fact that the camera makes such a confrontation act possible as the big advantage of this device, perhaps its biggest and most compelling one. However, we must note once again that the transgression in question is not a criminal offense or

felony. Nor is it even a disciplinary offense in the usual sense (like cheating in an exam). With a felony, things are relatively clear-cut: reporting it is required, its price-tag is known in advance and the procedure for handling it is well established. The police, the courts, and disciplinary tribunals of various sorts are all there to handle such cases.

What we have here, however, are misdeeds of a different, "softer" nature. The idea of using surveillance cameras (or polygraphs, for that matter) within the family is, to most people, unthinkable. Leaving a dirty sink behind, or spilling coffee on the floor and not wiping it off, are instances of a-social behavior. When they happen at home, you may tell your children off, even punish them. But already when it comes to your spouse, the question of telling him or her off – let alone punishing them – is not an altogether simple matter. Delicate family relationships and politics, and issues involving baggage from the past, are often complicating factors. (Ullmann-Margalit 2006) The family is a locus of intimacy, and not every case of justice infringement within the family is one that justifies the undoing of the family.

When the culprits are one's colleagues rather than one's family members, the issues one faces are comparably complex, perhaps even more so. The point, then, is that in the case in hand it may perhaps – in analogy to the case of the family – be better, and wiser, to hold back and not to react toward the wrongdoer, even if it is "not just." Moreover, it may be wrong to see the act of confronting a transgressor with proof of his or her misdeed as parallel to the clinching climax of a disciplinary procedure regarding a felonious act: it must be seen, rather, in a different light, namely, as an act of shaming.

8. Shaming

> *We also need a mechanism to deal with those who are "caught". I suggest that the first step will be a discreet conversation with [the Director] or somebody.* [Rachel, 30 Jun 2007, 14:25]
>
> *To treat a person who forgot to return the milk to the refrigerator as someone who is "caught" and who will, "as a first step," be summoned to a "discreet" conversation with the Director, is mind boggling.* [David, 30 Jun 2007, 21:59]

Shame and Shaming

Guilt and fear are sometimes characterized as "white" emotions; experienced in private, they make you go pale. An emotion is considered "red," in contrast, when it is liable to make you blush. An emotion is red, typically, when the gaze, or the opinion, of other people is involved. Humiliation is inherently a red emotion on this account, because humiliation always involves a second and often third parties.

Shame can be white: one can feel shame for one's past deeds and even thoughts, without any other person being present or involved in any way. The essence of private shame, I think, is when one lets oneself down, when one behaves in a way that falls short of one's own moral norms and expectations from oneself. Being ashamed involves wishing, counterfactually, that we did not behave as we did. Regret also

involves wishing a thing done undone. Shame differs from regret, however, in that regret is instrumental and calculative. I regret having said something when I realize that what I said has inauspicious consequences: that it leads people to vote for the opposition, for example. I am ashamed, privately, for having said something when I realize that what I said diminishes me in my own eyes, when I experience embarrassment and loss of self- respect. But when shame is connected, as it mostly is, with being seen – when it is experienced as if "the other sees all of me and all through me"(Williams 1993, p. 89)[14] – then it is considered a red emotion.

Shaming, in distinction from shame, is relational: it involves at least two people, one person putting another person to shame. As such, shaming is an act, not an emotion. More precisely, one person's act of shaming induces the emotion of shame in the other. Furthermore, it is a social act; it can also be public, when the act of shaming occurs in the presence of an audience, or of witnesses. Shame induced by a second party intrinsically involves elements of derision and contempt, and hence loss of dignity and humiliation (see Nussbaum 2004, Margalit 2006). In the presence of third parties – an audience – the public act of shaming exacerbates the humiliation, but the humiliating aspect of shaming is present even when there is no audience.

A well-known adage in the Mishna (the first written codification of the Jewish oral law from the first and second centuries), in tractate *Avot*, says that he who "whitens his friend's face in public" cannot expect to enter Kingdom Come, even if he was a righteous person throughout his life. The rich body of exegesis developed around this saying considers, inter alia, questions such as whether or not its original wording spoke of reddening rather than of whitening the friend's face, or whether 'friend' here refers to someone close or possibly to anyone. But a running theme in the voluminous discussions and interpretations of this adage is the recognition of the centrality of this commandment, which is compared in its importance to "Thou shall not kill:" to whiten someone's face is likened to spilling that person's blood.

Interestingly, the discussion of this particular saying occurs in the context of a seemingly contrasting biblical edict (*Leviticus* 19, 17): "thou shalt in any wise rebuke thy neighbour, and not suffer sin upon him." The great medieval Bible and Talmud commentator Rashi (Rabbi Shlomo Yitzhaqi, 1040-1105) interprets the ending of this commandment as a warning to take great care not to shame the other, even when you find it necessary to rebuke him. Later commentators recognize the incompatibility between the injunction to rebuke and the injunction to refrain from shaming, and in effect give primacy to the latter over the former, noting that "in our times" nobody is sufficiently worthy to be justified in rebuking their peers for their misdeeds and thus in taking the risk of shaming them. (Compare: "He that is without sin among you, let him first cast a stone at her." *John* 8, 7)

Shame Sanctions

The theme of shame sanctions has gained steady (and some say surprising) presence in the legal literature since the mid 1990's.[15] In "What is wrong with Inflicting Shame

[14] Note that the focus of Williams' discussion, as of many others discussions of shame, is the comparison between shame and guilt. My focus here, however, is on the public act of *shaming*, and therefore I have left guilt out of the discussion.

[15] E.g.: Kahan 1996, Massaro 1997, Eric Posner 2000.

Sanctions?," James Q. Whitman (1998) attests to his difficulty in articulating what is wrong with shame sanctions. "Obvious though it may seem that shame sanctions are objectionable, it is unexpectedly difficult to give a name to what troubles us" (p. 1058). He proceeds by trying to isolate the effects of shame sanctions on the public (or society, or the "crowd"), from their effects on the offender: the former Whitman finds wrong because they are politically dangerous, and the latter he finds wrong because they violate human dignity.

Public punishments with a strong element of spectacle for the spectators and shame for the offenders, like public whipping, flogging, dunking and branding, used to be an integral part of the old punishing traditions but have largely faded away. Sanctions involving the public display of the offender in addition to corporal violence were campaigned against, in the 19th century, as "indecent" or "brutalizing." The current American practice," says Whitman (p. 1056), "takes milder forms, such as requiring offenders to wear shirts describing their crimes, publishing the names of prostitutes' johns, or making offenders sit outside public courthouses wearing placards" (e.g. "I am a Drunk Driver"). Whitman himself is interested more in the effects of shaming sanctions, as applied by governments, on the crowd than he is interested in their effects on the sanctioned person.

When formal sanctions are at stake, applied within the framework of a country's legal system, this indeed is an important concern. But when informal sanctions are the issue, as applied within the framework of a loosely structured self-governing community like an academic center, the more pressing topic of concern is the effects of shame sanctions on the sanctioned person; their ripple effects on the center community as a whole is an important derivate concern.

Returning to the story of the Rationality-Center kitchen, we remind ourselves, first, that spilling coffee on the floor or leaving the foam pipe un-wiped is no crime and, second, that the closed-circuit television camera as such delivers no punishment and does not clean up. Suppose that a messing-up episode occurs in the kitchen and that it is captured by the camera. Suppose further that the culprit is identified, either because he or she is seen on screen by someone in real time, or because the tape is watched later by whoever is authorized to watch it. How do we envisage the disciplinary procedure that will ensue?

One might consider formal sanctions, like doing time or paying a fine or even banishment, or informal ones, comprising derision, contempt, avoidance, shunning, and more. Normally, in order for these to take effect, somebody has to take some direct measure with the culprit. It turns out that the vocabulary relating to the possible measures is surprisingly rich: the culprit may be scolded, rebuked, reprimanded, reproached, admonished, reproved, chided, told off, and more. (Paraphrasing Paul Simon, we might perhaps think of "Fifty Ways to Informally Sanction Your Colleague.")

Yet, the richness of this vocabulary notwithstanding, the range of these options is in practice quite limited, all of them falling under the description of shaming sanctions. Caught by a closed-circuit television camera, offenders are exposed red-handed, or dirty-handed – namely as engaged in behavior considered by their peers as non-normative, inappropriate and unbecoming. Note that the exposure here is quite literal:

one is seen misbehaving; perhaps one's misconduct is even broadcast on tape in the presence of others. The very exposure is meant to be, and to do, the condemnation.

Informal shaming sanctions have some idiosyncratic features. First, people's reactions to them typically fall into one of two extremes. Some people are more or less oblivious to them and find them easy to ignore; with respect to these people the effectiveness of such sanctions is nil. Others, in contrast, find them particularly hard to take, harsh and cripplingly diminishing of self-esteem. The effect of using shaming sanctions with respect to these people is likely to be overkill; this may, in some cases, lead to retaliatory actions by the shamed.

Second, there may be no way to control the enforcement of shame in the sense in which the enforcement of formal punishments (like incarceration or fine) may be controlled. To adopt a system of shaming thus amounts to giving up on the idea that a punishment ought to be measured and that there must be some guarantee of proportionality between sanction and misconduct . (Whitman 1998, p. 1091)[16]

Third, shaming sanctions seem to be particularly vulnerable to the phenomenon of diminishing effects. Harsh and crippling as some of us may experience them to be, they may prove to be such only on the very first time we experience them, becoming progressively blander on future occasions (somewhat in the spirit of the saying, "What doesn't kill you, makes you stronger.") This point relates in interesting ways to the previous one: while the administering of a shaming sanction for the first time may have overkill effect, with consequences that are difficult to control and predict, its repeated use may prove ineffectual.

Harel and Klement (2007[17]) argue that wide-ranging use of stigma in general erodes its effectiveness, and that the extensive use of shaming penalties in particular may undermine their deterrent effects. Entitled "The Economics of Stigma," the article arrives at the conclusion that shaming penalties lose their effectiveness if used extensively, and argue that this conclusion derives from the rationality of individuals (both of law-abiding citizens and of offenders), rather than from their psychological makeup. Policy makers should be alerted, therefore, that the level of deterrence feasible through stigma might prove to be lower than expected. Moreover, since shaming penalties in particular acquire most of their deterrent effects from broadcasting their imposition, increasing the shame involved may backfire in that it may decrease rather than increase the associated deterrence.

Shaming penalties, as was pointed out already, are psychologically costly to the culprits in that they identify the culprits and disseminate information about them. These costs may be harsh, with social consequences attached to them like isolation and alienation. “The consequences of shaming penalties are extremely unpleasant. Those who lose the respect of their peers often suffer a crippling diminishment of self-esteem.” (Braudway 2004, p. 80) But stigmatization imposes costs on the enforcers too. In order for it to work, stigma relies on the active cooperation of individuals who must incur costs in privately sanctioning the offenders: the

[16] Kahan and E. Posner (1999, p. 386) also make the point that the stigmatizing effects may often be too large or too small, and thus they do not render themselves easily to achieving the desired results.
[17] Harel is a Center member who took an active part in the email exchange.

effectiveness of private sanctions is based on the willingness of individuals to incur such costs. "Other things being equal," say Harel and Klement, "the larger the costs private enforcers incur in the imposition of private sanctions, the less the willingness of private enforcers to stigmatize, and consequently, the less effective stigma becomes." Assessing the costs borne by private enforcers is crucial therefore for predicting the effectiveness of the proposed scheme of stigmatization.

These comments have a bearing on our kitchen case. The Center, as a community, must be concerned with the possibility that some of its members will become peeved, even humiliated, qua victims of the effects of rebuke-induced shaming. It must also be concerned with the question of who should be charged with delivering the rebuke. On the system of peer discipline, a situation may well develop that some, perhaps most, members shirk this unpleasant task – with the unsavory consequence that only one or two or three "baddies" do the police-work on behalf of the entire community. On the non-peer system of discipline, the punishment, in whatever form, will have to be delivered by the Center Director, or possibly by somebody to whom this task is delegated by the Director. Is it right and fair to charge the director of an academic center with this sort of responsibility? (And should a camera record the sanctioning proceedings too, to assure fairness and non-abuse of power, in the spirit of "who will guard the guardians?")

In any case, the Center community will have to face the consequences affecting morale and esprit de corp, of its newly acquired status and self-image as a surveillance community, with everything that this implies.

9. Changing People's Behavior

> *Game theory teaches us that one can modify people's behavior with the right incentives.* [Alex, 6 Jul 2007, 10:51]
>
> *We put the camera, and if that does not work, then I suggest a high voltage fence as the next step...* [Andre, 3 Jul 2007, 10:23]

Deterrence and Its Limits

The idea behind installing a closed-circuit television camera in the Rationality Center's kitchen was that this device would help assure a clean kitchen. Indeed, the pronouncements of some of the proponents of the camera attest not just to their hope that the device will help solve the problem but to their conviction that it will. ("If we want to continue having a kitchen, the camera is the price we must pay." [Isaac, 4 Jul 2007, 00:19])

Let us try to probe the thinking behind this conviction. Clearly, no one expects the camera itself to clean up behind those who leave the kitchen dirty. So one line of thinking is, surely, that the mere presence of the camera – accompanied by prominently displayed notices proclaiming, "This Place is Monitored 24x7 by a closed-circuit television" – would provide sufficient deterrence to potential culprits to guarantee enduring cleanliness in the kitchen. The other, complementary, line of thinking is presumably that, if transgression occurs, then once the culprits are caught

and disciplined, and once this news is properly advertised among Center members, the phenomena of the un-wiped steaming pipe, untidy sink and milk cartons left outside the fridge and garbage on the floors will finally be eliminated.

Deterrence certainly has some effect – up to a point. We remind ourselves that even if the effect is initially strong it tends to wear off after a while, and besides, its effect can never be so strong as to "solve" the problem entirely: it may at best reduce it somewhat. (I return to the issue of the efficacy of the camera at more detail below.) In addition, the type of behavior that the camera is intended to boost – namely, cleaning up after oneself – belongs to the less-than-fully-conscious instances of behavior, or near-automatic habits that, as such, are notoriously unsusceptible to change through the influence of incentives or disincentives. In any case, it must be clear even to the most ardent proponents of the camera that sustained cleanness in the kitchen cannot rely on the camera's deterrence effect alone.

Providing a different angle on deterrence, one contributor to the email exchange pointed out that "in some experiments by behavioral economists, merely having a poster of a face with big eyes on the wall markedly improved compliance with norms of generosity." [Gabriel, 29 Jun 2007, 11:17] An elegant study backing up this statement (Bateson, Nettle and Roberts 2006) set out to examine the effect of an image of watching eyes on contributions to an "honesty box," collecting money for tea and coffee in the common room of an academic unit. It turns out that "people paid nearly three times as much for their drinks when eyes were displayed rather than a control image." (p. 412) In contrast to the somewhat forbidding, disciplinary connotations of the idea of *being watched* in the context of the *panopticon* discussed above, the authors of this study use their finding to underline "the importance of cues of being watched, and hence reputational concerns, on human cooperative behavior." (*ibid*.)

Causal Chains

Having acknowledged the limited validity of the deterrence-effect argument, let us probe the complementary argument, namely that the camera makes it possible to catch the culprits. The links that connect the catching of the culprits with a clean kitchen are, presumably, the following two assumptions: first, that disciplining the culprits will cure their own future behavior and second, that when the disciplinary measures are broadcast, all other members will be goaded into cleaning up after themselves as well. With what degree of confidence are we entitled to expect people's behavior to improve as result of disciplining measures?

Changing people's behavior is a notoriously complex business. In a sense, this is what much of social science is about; certainly, this is what education is mostly about. Psychologists and priests, criminologists and political activist, sales persons and advertising agencies – all of these and many others deal daily with the problem of affecting and changing people's behavior. The methods they come up with range widely over persuasion, propaganda, brainwashing, coercion, conditioning, manipulation, formal and informal sanctions, incentives and disincentives, carrots and sticks. In an open society, the choice may be somewhat restricted.

Using a closed-circuit television camera to catch a person who leaves an unclean kitchen surface or a dirty floor behind him and confronting him with the evidence of

his wrongdoing may have the desired effect of "teaching him a lesson," assuring that in future he will wipe the surface or the floor before leaving the kitchen. But then, it may not. Or it may have the desired effect for a while and then wear off: keep in mind that the social framework we are talking about here is a loose and informal association of peers, more like a social club than, say, a hierarchical workplace. The offender may take the disciplinary episode lightly and even be amused by it, but then again it may make him feel humiliated and turn him bitter and resentful, and possibly even vengeful. (Cf. the discussion of the idiosyncratic features of shaming sanctions above.) When his colleagues hear about this, some may indeed become more alert to their responsibilities when in the kitchen and play their part in raising the level of cleanness in it. But then, some may not.

Why do some people react one way and others the other? Under what conditions is one reaction likelier than the other one and by how much? These issues, as I have suggested, are the subject matter of complex social science. My comment here relates to a different, and somewhat puzzling, aspect of these concerns. Namely, that for several of the participants in the Kitchen Camera exchange the full success of the surveillance device was a sure thing: they perceived the connection between the particular means and the desired end as immediate, incontrovertible and apodictic. In these people's minds, the installment of a camera was more-or-less equated, as a matter of necessary truth and logical certainty, with the achievement of one hundred per cent cleanness in the Center's kitchen. Thus: "The dichotomy is not a false dichotomy; it's a real, practical one. If we want to keep the kitchen open -- AND I DO -- we either have the camera, or the administrative staff keeps cleaning it." [Isaac, 5 Jul 2007, 17:46][18]

In fact, the unbearable lightness of accepting this means-end connection was shared both by proponents of the camera, who saw the chain as an ultimate winning argument, and by some of its opponents as well, who had qualms with the normative aspects of the chain but not with its validity. Here is a telling comment about the combination of views regarding the connection between the anticipated efficacy of the camera device and its normative acceptability: "I suspect that the people who think this measure [i.e., the camera] is repugnant also don't think it will work, and the people who think it WILL work, don't find it repugnant." [Miri, 30 Jun 2007, 17:17]

But, surely, the presence of the camera may start altogether unanticipated chain reactions, bringing about unintended consequences. People do not always respond in the way they somebody designed them to respond: management, officials, or social planners generally. Their reaction to the closed-circuit television may diverge from the hoped-for causal reaction of improving their cleanness behavior in the kitchen.

For example, wishing to avoid close encounters with the camera – because they object to it, or because they do not want to risk being scolded for negligence or for whatever reason – some may refrain from returning their dirty coffee cups to the kitchen

[18] Note, too, that the causal (*not* logical) means-end connection here is not free of potential obstacles and glitches of a technical nature. We might think, for example, of the possibility that the view of the camera is blocked, supposing two or more people are in the kitchen at the same time, or that someone obstructs the view on purpose. Again, the quality of the tape might be bad, or nobody is monitoring the closed-circuit television when a transgression occurs (assuming no recording takes place), and so on.

altogether, leaving them instead all over the place. Indeed, they may move some of their food-related activity, such as preparing a lunchtime salad or having a snack, to the Center's common room or to some other common space, thus raising the general messiness level at the Center as well as spreading the mess around, to the dismay of all. Do we now install a camera in the common room as well? The design of human response to a novel technical device has its limits; sometimes it even backfires.

Still, while not fully efficacious and not free of unintended consequences, the closed-circuit television device may well yield, at least in some measure, the intended results. Whether through its deterrence effect or though its actual use, the camera can be expected to reduce the incidence of messiness episodes in the Center's kitchen. The question of the proportionality of introducing the camera as a disciplinary device, as well as the question of its broad moral – and morale – costs, needs to be weighed against a sober assessment of the anticipated results.

The Hand-Washing Case

An attempt by a respected Los Angeles medical doctor to improve his colleagues' cleanness-related behavior was reported recently by Stephen J. Dubner and Steven D. Levitt (of *Freakonomics* fame).[19] Many medical studies have shown, they say, that hospital doctors wash or disinfect their hands "in fewer than half the instances they should."

> So the hospital needed to devise some kind of incentive scheme that would increase compliance without alienating its doctors. In the beginning, the administrators gently cajoled the doctors with e-mail, faxes and posters. But none of that seemed to work.

The next phase consisted of positive incentives. For some six weeks, bottles of Purell, an alcohol-based disinfectant, were handed out at the hospital's parking lot to the arriving doctors. When this did not prove sufficiently effective either, a more appetizing "carrot" was offered: the idea was "to try to 'catch' a doctor who was washing up" and to give them a $10 Starbucks card as reward.

This time the hospital's efforts seemed to be working better, but still not well enough. Compliance did rise, as reported by the nurse-spies, but not to the level required by the Joint Commission on Accreditation of Healthcare Organizations that was about to inspect the hospital. In the end, it was something closer to a stick than to a carrot that did work. It was a "particularly disgusting photograph" distributed as a screen-saver to every doctor's computer in the hospital, of a doctor's hand, pressed to a Petri dish, cultured in the lab and found to contain "gobs of colonies of bacteria." Hand-hygiene compliance went up to near-100 percent.

“With people who have been in practice 25 or 30 or 40 years, it’s hard to change their behavior,” the authors quote the comment of the originator of the experiment, pointing out that this story "highlights how much effort can be required to solve a simple problem" of changing people's hand-washing behavior.

[19] Stephen J. Dubner and Steven D. Levitt, "Selling Soap," *The New York Times* (Magazine), September 24, 2006.

10. Cleanness

> *Cleaning kitchens -- or bathrooms, or other peoples' tushies -- is not a violation of "all notions of human dignity and decency and fairness."* [Miri, July 5, 2007 22:16]

In the hospital case, cleanness in general and hand-washing behavior in particular is critical. Noncompliance with this norm can be linked directly to a large number of deaths that occur each year, routinely attributed to so-called "hospital errors": the spread of bacterial infections is recognized as one of the leading errors. In the kitchen camera case, in contrast, the dirtiness, while unpleasant, is by no means critical. Cleanness serves no distinct instrumental purpose here. Nobody is going to die, or to be seriously harmed, by a sub-standard level of cleanness in the kitchen. The worst that can happen (in normal circumstances) is that upon entering the kitchen to prepare coffee, a Center member finds the place messier than he or she would wish it to be, or less clean than it was when they left it before. Occasionally they would find the kitchen seriously dirty, but everyone acknowledges that these occasions are infrequent. Besides, the place is in no real danger of deteriorating out of control because the following morning, five mornings a week, the cleaner arrives.

In the case of the hospital, compliance with the hand-hygiene norm has to be maintained at the 100 percent level, or very near it. Far from attesting to a dictatorial whim, a hospital policy of zero-tolerance toward transgressors is instrumentally justified. In the case of an academic kitchenette it is not reasonable to design policies, incentives and devices that will aim to attain – and to maintain – full compliance. To put it more bluntly, it seems to me that an academic community should not be tolerant toward the idea of zero-tolerance toward cleanness offenders in its kitchenette.

Ideas of pollution and dirt, observes Mary Douglas, work in the life of a community not only on the instrumental level but on another level too, which she refers to as the expressive, or symbolic (Douglas, 2002, pp. 3-4). Even if we acknowledge that insistence on a clean kitchen at the center serves no distinct instrumental purpose, it still does not follow that tolerance should be extended toward habitual offenders. Members of the community known habitually not to clean after themselves should not expect to be able to get away with this behavior.

Lapses, however, or occasional instances of absent-mindedness, should be tolerated. Occasional offenders caught on the spot are, by all means, to be told off by whoever happens to be there and to witness their lapse. But a machinery of spying, catching, confronting, shaming and sanctioning – all in the name of reaching one hundred percent cleanness in the kitchenette – is a bad idea. Bound to produce chilling effects, it is likely to backfire at the community itself. It may harm a spirit of camaraderie, impair general morale, and bring about an atmosphere of over self-consciousness, suspicion and mistrust.

Is cleaning humiliating?

Masses of people are employed in the cleaning businesses, living off other people's mess and dirtiness. People are paid to clean everything from dishes, floors, and houses

to cars, clothes, carpets and chimneys. Most people clean many of these things also without being paid, as part of their regular domestic chores. Often people have to clean other people, as in the case of babies, the elderly and the infirm, whether for pay or not. While cleaning jobs are oftentimes at the bottom of the scale in terms of pay and prestige, qua paying jobs they cannot be seen as humiliating.

To help get the issue in focus let us distinguish between cleaning after others and cleaning after oneself. Cleaning after other people as part of one's job (whether paid or volunteer), or cleaning after babies, the sick, or the elderly of one's own family, does not as a rule constitute a special problem. Let me refer to these as *exemption cases*. Cleaning after people who do not belong to the exemption categories, however, may give rise to an array of negative emotions. Depending on the circumstances, finding oneself in a situation of having to clean up somebody else's mess may arouse feelings ranging from mild annoyance and irritation to aggravation, frustration, insult, and indeed humiliation.

When casual guests at your home wash their hands and leave the bathroom-sink somewhat stained, you may barely take note of this as you rinse the sink clean. If they are overnight guests and leave their traces all over the place – bathroom, kitchen, bedroom and all – you may already be annoyed. And should they be houseguests for several days and expect from you not just common hospitality but in fact to be constantly cleaning up after them, then again, subject to considerations such as the degree of their closeness to you or the history of your relationship etc., you may well feel not only disappointment and anger but, on occasion, humiliation too.

Note that cleaning up after someone else, as such, cannot be considered humiliating. It is humiliating, however, when loss of dignity is involved. Whether loss of dignity occurs does not depend on the act of cleaning itself. It depends largely on the intentions and expectations involved: on whether or not you perceive that the other person expects and intends you to clean up after them, and, possibly, also on whether these intentions and expectations are systematic. In the non-exemption cases, to intend and to expect someone to clean after you is to indicate that you do not consider them your equals, or that you hold them in disregard. In normal circumstances, this is humiliating (Margalit, 1996). To expect this regularly and systematically may be all the more humiliating.

Going back to the Rationality-Center kitchen, a few observations are in order. First, the three female staff persons (the gender issue will be taken up briefly below) would quite routinely perform little cleaning-up chores upon entering the kitchen, like wiping off the sink or the coffee-machine steaming pipe, put soiled cups into the cup washer, or pick up trash from the floor. Second, most Center members knew that the staff were doing this; and third, as far as anyone knew, it had never been explicitly part of these staff persons' job description to do this.

In the extensive exchange of letters following the installment of the camera, members on both side of the argument expressed discomfort with this state of affairs. Many expressed the view that, regardless of how the camera dispute is resolved, the Center staff should not be *expected* to clean up after messy members. One went so far as to suggest that the Center is guilty of having humiliated its staff for years, concluding that as a Center we face a clear either-or choice – we either continue to humiliate our

staff, or else we install a camera. For fairness, however, I note that the personnel of the Center were not the only ones to perform clean-up chores after remiss kitchen users; occasionally this or the other Center member would do the same.

The Norm of Cleanness

The simplest and most straightforward way to understand the norm of cleanness is as a social norm that enjoins us to leave a place in a no-less-clean state than it was when we entered it. This applies to the private as well as to the public domain. Thus stated, I see the cleanness norm as a special case of the norm of considerateness, which generally enjoins us to take other people into account when we act, so as to decrease the discomfort to them that our own presence or behavior might entail.[20] For example, on a rainy day, a considerate driver will slow down when there are people on the sidewalk in order to minimize the splashing, or a considerate commuter will avoid exposing her fellow travelers to a noisy cell-phone chat. The note in the gym saying, "Be considerate of others: wipe down the machines after use" is an example of the cleanness norm qua special case of the considerateness norm.

Some people, sometimes, go beyond the call of the considerateness duty and act in a supererogatory way: they go out of their way to help others or to do others a favor. Regarding the cleanness case, such people would leave a place positively cleaner than it was when they entered it. In choosing to act this way, no loss of dignity is involved.

One of the participants in the Kitchen Camera exchange said the following: "I publicly pledge to always clean up after myself, and my guests, in the Center kitchen. I personally am adding the following, too: I will also clean the kitchen when necessary even if it is not my own mess." [Miri, July 5, 2007 22:16] The first part of this statement Miri explicitly framed as a challenge to every Center member to undertake the same pledge; indeed as put, it recapitulates the cleanness norm. It is a pledge to do one's part in what is essentially a mutual, semi-contractual community-wide norm of behavior. The second part is different. In committing to clean up not just after herself but after others too, she pledges to go beyond the call of duty and expresses a personal choice, possibly implying the hope that the force of the personal example will impress the others and that they will follow suit.

Taken conjointly, both parts of this statement serve to make a further point, namely, that cleaning up after others, when it is one's own choice to do so, does not have to be degrading or humiliating. As is the case with many Good Samaritan-like acts, this is a supererogatory act and, as such, it is laudable.

Personal cleanness

"Cleanliness is next to Godliness," goes a famous proverb. Cleanness in general and personal cleanness in particular is a heavily laden notion in our culture, invoking ideas of moral uprightness and of sexual and religious purity[21]. "Reflection on dirt involves reflection on the relation of order to disorder, being to non-being, form to

[20] Edna Ullmann-Margalit, "Considerateness" (unpublished manuscript).
[21] It is no accident that the Boy Scouts' tenth law "A Boy Scout is clean in his thoughts, words, and deeds" was originally phrased by Baden-Powell as "A scout is pure in thought, word and deed," with unmistakable sexual connotations regarding the dread sin of "self-abuse." (See Rosenthal, 1984)

formlessness, life to death," says Mary Douglas, and continues: "This is why an understanding of rules of purity is a sound entry to comparative religion." (2002, p. 7)

Disregarding the web of moral, religious and sexual connotations associated with cleanliness, let us focus our attention briefly on the norms of personal cleanness familiar to us from our culture. These relate to the cleanness of our body, hair and fingernails, to our body odor and mouth hygiene, as well as to the cleanness of our clothes, shoes and accessories, and much else besides. Personal cleanness norms also relate to our habitual behavior at table, or in the bathroom, kitchen and bedroom, etc. – whether in our own home, or in the homes of others, or (when relevant) in public places too.

There can be no question that, regarding norms and standards of personal cleanness, huge differences exist synchronically, between cultures; they exist diachronically too, within our own culture, at different historical periods. By way of example, consider the emphasis put by the counterculture of the 1960s and 1970s on drastically substandard, "non-bourgeois" norms of appearance, neatness and cleanness. Even when we disregard these kinds of differences and focus, for our purposes, on the here and now, there are still significant individual differences that are by-and-large tolerated within the vague boundaries of what our society considers socially acceptable cleanness.

Individuals differ sharply in their degree of personal hygiene. If challenged, each of us will probably be able to think of examples from our own circle of acquaintances, of meticulously clean people (and children thereof) as opposed to substandard ones, and also of meticulously clean homes as opposed to unclean ones. Ultimately, the cleanness standards that one adheres to are a highly personal matter, usually inculcated early in one's childhood and having much to do with one's upbringing and parental home model.

Moreover, even within one's own family standards may vary, sometimes acutely so. Spouses are liable to find themselves clashing over toothpaste stains in the bathroom sink, and the rebellion of adolescent kids often finds its expression in defying the home's cleanness standards. The extent to which family members will pursue and hound each other for perceived transgressions of this sort is determined not only by the personalities involved, but also by the power structure of the family within the larger framework of what we may refer to as family politics – an inevitably delicate and complex matter. (Ullmann-Margalit 2006)

It is difficult to change adult people's cleanness-related behavior and standards, perhaps even more difficult than to change people's behavior in general. To some extent at least, personal cleanness is entrenched in habits which, as "one sort of second nature" (Ryle 1949, pp. 41-42), are notoriously difficult to alter. At enormous expenditure, total institutions like prisons or the military do engage in changing and enforcing standards of personal cleanness, but these remain outside of our present concerns. It is generally not a good idea to be judgmental about people's cleanness-related behavior, although the phenomenon of dirty or messy people being shunned by some cannot perhaps be helped. Private employers may set their own standards for their employees' neatness of appearance and their degree of personal cleanness; in the public sector, this may be more complicated.

As an institution, the university in principle should serve as a model as far as the faculty's threshold of toleration regarding people's quirks and foibles is concerned; these attitudes should presumably also extend to colleagues who deviate, little or much, from prevailing standards of personal cleanness. One norm is nevertheless to be insisted upon in the lax-in-principle academic setting. It is the cleanness norm spelled out above, namely that one should leave a place not dirtier than one found it. Spelling out the norm does not however settle the question of how to handle those who breach it. What sanctions are to be imposed, who should administer them, etc. – these, in the academic setting, are delicate matters indeed.

Gender issues

In an offline, private, email correspondence, a (female) academic friend from the US, who was told the story of the Rationality Center Kitchen Camera, offered the following observations:

> "Unfortunately, I think that there is a gender issue running through the situation… I suspect that the community that uses this kitchenette includes some middle-aged or old, highly professionally successful and mathematically talented men who have never cleaned up after themselves. They have always had mothers, sisters, wives, or maids to do that. They find themselves in a situation in which they are expected to clean up after themselves, and they simply don't take that expectation seriously. Am I right about that?"

As it happens, the picture this friend formed of the typical Center kitchen user is not very accurate. The ages of the kitchen frequenters vary and, while they all tend to be professionally successful, they are not mostly mathematicians. Besides, it is not obviously clear that middle-aged or old people are worse in cleaning after themselves than younger people, and it is not obviously clear that professionally successful people are worse in cleaning after themselves than professionally less successful people. The friend may be right, however, in surmising that the majority among the kitchen users (and among Center members too) are males, but even so I do not think that they constitute an overwhelming majority, and I cannot vouch for their being used to "mothers, sisters, wives, or maids" habitually cleaning after them.

Still, the fact that the friend in question formed this image of our Center is telling, and it has interesting implications. She went on to say,

> "I suspect that the male prima donnas I've described above would prefer living with mess to cleaning up after themselves. The meticulous and responsible people in the community won't stand for brewing coffee while surrounded by other people's mess, and they will simply just clean up before brewing -- I suspect that most (but not all) of those meticulous and responsible people are women. For them, the stakes are not so low."

Gender stereotypes inevitably loom large, it seems, when dealing with issues of cleanliness. So, too, does the question of how high, or how low, are the stakes involved. In comparison with the stakes involved in surveillance occasioned by concerns of national security (fighting terrorism) or of personal safety (crime

prevention), there can be no question that the stakes in connection with safeguarding kitchen cleanness are lower. It would be a mistake however to infer from this that matters of cleanness, in and of themselves, are trifle and that the stakes they involve are inherently low. In my view, the valuable insight in the friend's comments cited above is that cleanness issues are generally taken to involve low stakes, and that this very fact is gender related (see, e.g. DeVault 1991). The importance of cleanness in general, and of cleanness-related norms in particular, is so often overlooked precisely because of the tendency to associate cleaning activities with women.

Regarding our kitchen case, the US friend might have formed a wrong and somewhat stereotypical image of the Center members. This image notwithstanding, she did capture something right about a gender connection, having to do with the Center *staff*. It is a fact that, over the years, the staff members had quite naturally picked up the cleaning slack whenever the occasion arose, even though this was never an explicit part of their job descriptions. Moreover, it is a fact that, over the years, the members of the Center had taken this as quite a natural state of affairs. These states of affairs would never have taken place had not the staff members in question been women.

11. Governance and Process

> *Let me suggest to conclude this lengthy and sometime heated debate by casting a vote (electronically) among the Center's members.* [Benny, 5 Jul 2007, 12:22]

How, and by whom, should the decision about the kitchen camera have been made? The way it actually happened was that a senior Center member, who had entered the kitchen and found it in a particularly disgusting mess, felt that he had finally "had it."[22] Set on an energetic problem-solving course, he went ahead and installed the camera, technically aided by two administrative staff persons. The office then immediately sent an email saying, "For your information we have installed a closed-circuit camera in the Center's kitchen. Please do your part to keep the kitchen tidy. Thank you for your cooperation."

In real time, Center members were not aware of what had actually taken place. Indeed, they probably imagined it quite differently. An early contribution to the email exchange expressed the following opinion: "We have a highly effective administration/staff team…If they have decided to put a camera in the kitchen, I am sure it was done after serious internal deliberation, and therefore we should all (and I do) support it. [Eli, 1 Jul 2007, 14:16] Several members expressed instant support for this position. Another put it thus: "I trust the management. If they felt that the situation calls for such an arrangement, which is not trivial, I trust them that the problem is real. The fact of the matter is that most places do not reach such a solution." [Rachel, 5 Jul 2007, 15:13]

[22] "I have had it with people leaving the milk out of the fridge, using half a liter of milk to make foam for one cup and then leaving the rest to spoil and stink there, spilling coffee and sugar everywhere and not cleaning, not washing their cups, throwing garbage on the floor, ... and the list just goes on and on." [Alex, 28 Jun 2007, 23:06]

It appears, then, that at least for some members it was perfectly acceptable that the management of the Center (director, executive committee or senior staff) should be making such a decision. Other members wondered whether the center has any authority to install a camera in the first place and whether the university administration should not have been consulted about the matter.[23] A democratic alternative to both the executive and the administration options is that the Center-wide community should decide the matter. Namely, first, a general agreement among them was to have been reached that the cleanness of the Center kitchen is indeed a problem they, as a collective, want solved; second, a mechanism for arriving at a solution must be agreed upon before one is reached and implemented. 'Agreed upon' might mean any number of techniques: majority vote, forming a kitchen committee to present options that would be voted on later, designating a special kitchen czar invested with full authority to solve the problem as he or she sees fit, assigning the responsibility to the Center director, etc.

Presented with a similar problem, different communities and different workplaces would find either the executive option or the democratic option (in one of its versions) more suitable. It is an interesting question, which option fits an academic community such as the Rationality Center. Basing himself on proper governance principles and theories, at least to one member it was very clear that the answer to this question must be the executive:

> A sub-unit of an organization is not a democracy, and its director need not abide by a majority rule… The only duty of a director is to run his or her unit well, sometimes against the wishes of the majority... The Center is not a pirate ship owned by its members… The university governance [has] clear and continuous chains of command… Since you [namely me, EUM] were nominated by the Hebrew University administration to direct the Center, you are, indeed, authorized to decide on the camera issue, unless overruled by someone higher up the HU administrative hierarchy. [Joel,6 Jul 2007, 00:42; 13:00][24]

Others felt that the democratic option was more suitable for the Center. But here too there was no agreement as to whether all should be assigned equal weights. "Those who hold offices in [the building] should be assigned more votes than those who do not; four-to-one, say? Let's debate now this ratio, take the vote, and finalize." [Joel, 5 Jul 2007, 18:28] Another member suggested a secret ballot, "to compensate for the status quo effect: the camera has been installed (and therefore this is the status quo

[23] In the wake of the kitchen-camera incidence, a Center member sent a letter to the president and to the legal adviser of the HU, asking them what the HU policy is regarding the installation of CCTV by individual units of the university, if indeed such a policy exists. Ten days later a memorandum was circulated by the Secretary to the Administration, addressed to all schools, departments and units, announcing that it is strictly forbidden to install cameras within the premises of the university and that any request to do so requires appropriate coordination and special permission.

[24] Intriguingly, the person who wrote that had suggested, in an earlier message, to take a vote. He prefaced the quoted passages with the comment/apology: "Indeed, my previous call for a vote was a mistake, inconsistent with what I have been teaching in the last few years." For more on the pirate-ship analogy, see Casey (1992).

now)." [Yoav, 5 Jul 2007, 14:42] Reacting to these messages, one member quipped: "I enthusiastically abstain." [Emanuel, 5 Jul 2007, 15:39]

If the executive option prevails, then the director (or a body on the director's behalf) decides one way or the other, and this settles the matter. But let us suppose democracy is opted for, and a general discussion takes place among Center members about the pros and cons of the camera in the kitchen.

Clearly, if the outcome of the discussion is that aversion to electronic self-surveillance is overwhelmingly stronger than the desire to catch those who violate the cleanness norm, then the camera solution will not be decided upon. Judging from the contributions to the email exchange, however, it is not clear that this would have been the likely result in the case of the Rationality Center, had such a general discussion taken place. What happens however if there is a majority in favor of the camera, but no unanimity? In particular, what if those who object to the camera, while in a minority, feel very strongly about this, their objection based on deeply held principles? Should the majority simply overrule this minority? Is this case to be decided by the counting of votes, or is this a case in which veto power might be granted to the opposition, no matter how small?

I find this question troubling. It is troubling to me partly because I suspect that, had my own opinion been pro-camera, I might probably not have seen the point of even raising this question in the first place, and partly because I do not have a proper grip on the arguments that might justify vetoing rather than voting. As citizens, most of us take it for granted that the polity is to go by majority rule even about issues which, to some segments of the citizenry, pertain to defining commitments and convictions (for example, abortion in the US, or sovereignty over Jerusalem in Israel). However, regarding smaller groups, semi-formal and voluntary associations this might be less clear-cut.

How do we think in this connection about a small, semi-formal and voluntary academic community, organized as a university research center? In all likelihood, layers of common background beliefs and shared worldviews bind such a community together, transcending differences along political or religious dimensions. Also, in all likelihood such a community is only rarely called upon to take a decision that touches upon the deepest beliefs of its members. So on the rare occasion that it must make such a decision, is it to be taken for granted that majority rule prevails? Is the ardent and deeply felt desire on the part of the majority of members of an academic community to be able to make their coffee in a clean kitchen comparable to the deeply held desire on the part of the minority that the community that they belong to not turn into a surveillance community? I leave this question hanging in the air, because I do not know how to ground it.[25]

12. Epilogue

[25] Consider a different case where the question of majority rule may be troubling: a group of people is traveling in a car. Some find the air in the car stifling and want the window open for fresh air, the others get chilled when the window is open and want it kept closed. What is to be done?

> *I don't think that Rabelais or Swift or Waugh could have invented something as hilarious as the discussion that took place here. Keep up the good work, folks.* [Jonathan, 1 Jul 2007, 10:00]

Over the ensuing few months, I had the occasion to tell various people the story of the Curious Incident of the Camera in the Kitchen. The idea of an academic community acting as its own Big Brother in the name of kitchen cleanliness variously regales and appalls the listeners. Questions invariably asked are what happened after the removal of the camera and how clean is the kitchen now; people are also generally curious about the lessons that can be drawn from this incident.

In the immediate period following the camera-kitchen debate, the kitchen at the Rationality Center has been reasonably clean. I am not aware of any single episode occurring during this period of real messiness, like the one that was the direct trigger for the installment of the camera in late June. This is trivially attributable to a combination of circumstances. First, the camera debate took place during the summer vacation, when the level of activity at the Center is lower than during the school year. Second, as it happens, at the end of the summer break the academic year did not open because of a semester-long general strike in all Israeli universities. So in a sense the usual level of activity at the Center, and the habitual hustle and bustle that takes place there, have not been fully resumed ever since the week of the stormy email exchange.

In addition, there is the effect of the email exchange itself, as predicted by one of its participants already before the removal of the camera: "Now that we all have had this discussion, [--] it seems to me that everyone is going to make an effort also without the camera." [Rebecca, 4 Jul 2007, 19:04] That is to say, the exchange itself likely helped heighten people's awareness, at least during these months, with regard to the kitchen-cleanness norm and to their personal responsibilities in this matter; there is no telling, however, how long this effect will last. Finally, this article itself, once published as a Discussion Paper of the Rationality Center and discussed among its members, is likely to maintain people's heightened awareness for a while longer.

So while it is a fact that so far so good, we do not seem entitled to conclude much from this fact. At the same time, it should be pointed out that had the camera stayed on, much the same result is probably to have been expected: people would have been likely to clean up after themselves and the kitchen would likely have remained relatively clean. The so-called "Hawthorne Effect," according to which a short-term improvement in people's behavior follows the introduction of interventionist methods probably applies here. It may indeed apply equally regarding each of the alternative situations we are considering: the one, brought about by an operating closed-circuit television camera and the other, brought about by an intense email exchange in which most members of the Center participate.

A number of additional measures were taken at the Center kitchen, following the removal of the camera. The doorstopper was removed, too, so that the kitchen door now slams shut and can only be opened with a key: this reduces the chance that unauthorized persons will use the kitchen. The key itself is now going to be replaced with a more sophisticated, non-duplicable one. Center members, staff and students will each be given a new, numbered key and, upon receipt, will be asked to sign a form specifying the cleaning-up expectations and pledging to "keep the kitchen clean

and leave it at least as clean as it was when I entered it." It was felt that this is a reasonable, not boy-scouts-like, way of making all members of the Center community, both current and future ones, aware of their kitchen-related responsibilities, and of extracting a personal pledge from each. Also, in a brilliant move, one Center member put up a big sign next to the electric fan on the kitchen wall, proclaiming, tongue-in-cheek, "CLOSED-CIRCUIT FAN IN OPERATION." He thereby succeeded not only in producing good-natured smiles but also in artfully reminding people of the camera-note-that-was and, vicariously, in gently nudging them to clean up. (The idea of a prominent poster with an image of watching eyes has not been tried yet.)

I believe that these are steps in the right direction; there may well be others. At the same time, I am under no illusion that they will solve the problem entirely and put the matter to rest.

What are my lessons from this incident? In addition to the theses, listed at the outset and elaborated throughout the paper, I would like to highlight two lessons. The first has to do with the notion of the solution.

At some point in the debate, an opponent of the camera proclaimed, "A dirty kitchen is disgusting. A camera-surveyed kitchen is repugnant. On balance, I am not sure the solution is better than the problem." [Miri, Jul 3, 2007 16:03] I believe that this solution is indeed worse than the problem. As I have acted against this solution, many Center members felt it was incumbent upon me, qua director, to come up with another, "definitive" solution. After the removal of the camera, a couple of angry emails directed at me personally demanded of me to "provide a practical solution on how the kitchen will be kept clean." [Alex, 6 Jul 2007, 10:51]

Reflecting on the matter I realize that much hangs on what one means by a solution here, or on what one's expectations from a "solution" are. It is wrong to expect a solution to yield measures that will insure that no dirty episode ever occurs in the Center kitchen again. I believe that, given some reasonable constraints, no such measures are available. And if one adheres to no constraints and goes ahead to adopt "ultimate solution" measures and to implement them, their likely dis-proportionality to the problem will be such that a fatal blow might be dealt to the very nature, self-image and ethos of the community whose wellbeing is meant to be promoted by a clean kitchen.

My sense is that the case in hand may belong to the kind of cases psychotherapists sometimes encounter, where the best they can offer their patients is a deeper and fuller understanding of the problem they face, as well as ways to live with that problem. Not all problems in the domain of human relationships can be "solved", completely. Perhaps if we focus on the notion of the 'problem' here rather than on the 'solution,' we shall realize that we might be making some progress toward solving the problem – or perhaps toward resolving it – by relaxing our own standards of cleanliness in the kitchen. Perhaps the solution here lies with teaching ourselves to live with the problem, namely with teaching ourselves to live with somewhat lower standards of cleanness in the Center Kitchen, and with wiping up after others, occasionally, and with placating ourselves with the thought that by the next morning the place will be clean again.

A second lesson derives from a striking observation about the email exchange. It is that most Center members seem to have made up their minds about the issue at stake instinctively and instantaneously. In a way, it may be said that people's instincts were made up before their minds were. This contrasts rather sharply with people's attitude to many moral dilemmas, over which they find themselves agonizing what their opinion is, or should be.

The corollary observation is that, in putting forward their view, most members felt that the natural light of obviousness (so to speak) is on their side, seemingly unaware of the potential validity, or even legitimacy, of the opposite attitude. People on each side of the argument tended to see the alternative to their own view as ridiculous, disingenuous, or even perverse.

Here is how the Center member who was responsible for installing the camera reflected upon the exchange, some time after the removal of the camera:

> The surprising thing that I have learned from the kitchen camera debate is the fact that people have such extremely polarized positions (even people who have known each other and shared working space and environment for more than 15 years ...). Moreover, for some people (on both sides of the argument) these positions were […] "innate" and "intrinsic" and […] clear to the point that they do not need explanation at all. (On the other hand, the opposite side's position looked "outrageous"). A good lesson on extrapolating from personal introspections... [Alex, 31 Jul 2007, 11:46]

So the insight here is that instances of public surveillance are troublesome because they "drive opponents into seemingly irreconcilable stances" (Nissenbaum 2004, p. 101). The new methods of gathering information drive some people into indignation, holding that public surveillance can constitute a violation of privacy, while others remain unconvinced and even puzzled by what they consider a mere dislike of new technologies and practices. It seems that traditional theoretical frameworks, whether of privacy or others, fail to come to grips with these conflicting attitudes and stances.

I end with the speculation that, for whatever reason, the kitchen camera affair touched upon a basic chord in many people's minds. This chord, moreover, seems connected to some of the basic sensibilities determining people's fundamental life choices and core convictions, mostly on social issues. Perhaps for this reason it was never a realistic expectation that the people involved, or some of them, might change their minds as result of the kitchen camera exchange.

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