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## The Rhetoric of Privacy

ON JANUARY 6, 1995, DEBATE ON Capitol Hill in Washington, DC was riveted upon the issue of privacy. The focus of the debate was not a new telecommunications bill nor a civil liberties argument heard in the Supreme Court. The event that raised the tenor of outrage and defensiveness beyond the normal roar in the US Capitol was the use of the word "bitch" by Mrs. Kathleen Gingrich, the mother of the Republican Speaker of the House Newt Gingrich. The day before, Mrs. Gingrich was interviewed for the CBS news show *Eye to Eye with Connie Chung*. In the interview, Chung asked Mrs. Gingrich about her son's opinion of President Clinton. Mrs. Gingrich replied: "The only thing he ever told me is that he's smart ...." She then added, "I can't tell you what he said about Hillary." Chung leaned forward, and in a lowered voice said, "Why don't you just whisper it to me, just between you and me?" Mrs. Gingrich leaned closer and whispered, "She's a bitch."<sup>1</sup> The following morning, an indignant Speaker Gingrich demanded an apology calling Chung's act "unprofessional and frankly pretty despicable to go to a mother ... not in public life, and say 'whisper to me' and then share it with the country."<sup>2</sup> Significantly, Speaker Gingrich's call for an apology was made before the interview was aired.

Mrs. Gingrich's comment caught the attention of the public and remained in the media's focus for sometime. During the debate, Chung's professionalism as a journalist was called into question and her show *Eye to Eye* disappeared. Speaker Gingrich's leadership was questioned as were the ethics of CBS News. Even Mrs.

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<sup>1</sup> Kathleen Gingrich, Interview with Connie Chung, *Eye to Eye with Connie Chung*, CBS, 5 Jan. 1995.

<sup>2</sup> Elizabeth Jensen, "Gingrich Attacks Chung's Interview with His Mother," *Wall Street Journal* 5 Jan. 1995: B6.

Gingrich was put in question, as many wondered how someone surrounded by cameras and microphones could presume privacy. However, the statement itself was not questioned. The possibility that Mrs. Gingrich's utterance did not accurately represent her son's opinion, or the possibility that Speaker Gingrich did not hold this opinion was not considered. Caught on tape, in what Mrs. Gingrich apparently thought was a confidential moment, the word spoke for itself.

The unquestioned truth of the word "bitch" is an example of what privacy provides. The axiomatics of privacy, as they have historically evolved in various interrogative discourses, allow investigators such as Chung a point of departure in search of hidden truths. In the pursuit of truth, privacy must be invaded because that is where truth resides. The truth of a sinner is in the mysterious soul, the truth of a psychotic is in the unconscious, and the truth of the Speaker of the House lies, in part, is in his private conversations with his mother. The opinion of Speaker Gingrich as reported by his mother was not questioned because privacy, according to these same axiomatics, also validates as truthful what is drawn from private topographies and carried to the public arena. What was questioned, by both sides of the debate, was the location, demarcation and confines of privacy.

In this essay, I will argue that privacy is not dependent upon physical enclosures, such as a confessional, or virtual isolation, such as a telephone line. Privacy is and always has been a rhetorical organization of space. In the service of the pursuit of truth, the rhetorical inscription of privacy not only provides a limited topography in which ideas, things and beings may be examined and thereby constituted as subject in discourse; the assertion of a private place allows for further topographical designations within private domains that may contain truths not yet known. Architecture, appropriately, provides an example of rhetorically constructed privacy and its potential to constitute things, beings and space.

As Edward T. Hall writes in *The Hidden Dimension*, prior to the eighteenth century one entered or exited a room in a European home by moving from or to another room. No rooms had a fixed function. "Members of the family had no privacy as we know it today. There were no spaces that were sacred or specialized."<sup>3</sup>

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<sup>3</sup> Edward T. Hall, *The Hidden Dimension* (Garden City, NY: Doubleday, 1966) 97.

However, in the eighteenth century, homes began to take on the spatial organization that is now common in Europe and America. The difference, states Hall, was corridors.

Rooms were arranged to open into a corridor or a hall, like houses into a street. No longer did the occupants pass through one room into another. Relieved of the Grand Station atmosphere and protected by new spaces, the family pattern began to stabilize and was expressed further in the form of the house. (98)

The designated public corridors allowed for a new differentiation of domestic space, and in a sense created new rooms. Thereafter, open sleeping chambers became private bedrooms containing behaviours and possessions that slowly evolved as private. Once a given room was designated as the private property of an individual, specific spaces within the room, such as a cabinet, could be inscribed as even more private. The rooms themselves did not necessarily change, but the way they were defined, what they contained, how rooms were entered and who was permitted access did change.

Privacy in domestic architecture came about because corridors made it possible to enter a specific room without passing through other rooms. This is not the common understanding of corridors and their function. Corridors simply seem to be the natural way to enter a room or to move from one room to another. However, as Hall argues above, expectations of privacy did not bring about corridors; public corridors made a place for expectations of privacy and brought about a change in domestic architecture. In the same way, I would argue, our expectations of an individual's inner existence, and what is held within, did not bring about our current understanding of privacy. Rather, it was the public pursuit of truth that bought about notions of personal privacy and internal, private places. Privacy is not a location or demarcation that lies in wait for a speaker and an listener. Privacy is a rhetorical assertion, and in the hands of a physician, psychologist, or journalist, privacy assists the pursuit of knowledge.

However, the evolution of privacy and the attendant axiomatics did not materialize overnight. The correlation between spontaneous, authentic speech and private space (a correlation

that underwrites the interview as a public distraction and a research tool) emerged as it has because philosophic, religious and scientific investigations have, from the very beginning, perceived being, identity and knowledge in terms of space. In the pages that follow, I will examine the rhetorical deployment of privacy in Plato's *Phaedrus*—a fount of Western philosophy and heuristics. I will then turn to Catholic confession as a demonstration of the projection of private space into the subject in question. Finally, I will return to the modern axiomatics of privacy as demonstrated in the Chung/Gingrich interview.

Socrates meets Phaedrus just outside the city walls and begins the conversation by asking Phaedrus how he has been passing his time. Upon hearing that Phaedrus has been studying under Lysias, Socrates states, "if your walk takes you to Megara ... I certainly won't be left behind."<sup>4</sup> Socrates is eager to hear the speech of Lysias, which Phaedrus has been practising, and Phaedrus' thoughts on the topic. But Phaedrus is not immediately forthcoming, and Socrates notes Phaedrus' hesitancy (228c1–3). Eventually, Phaedrus relents, saying "the best thing is to speak just as I can, since it seems to me that you do not intend to let me go until I speak" (228c6–9). But before he permits Phaedrus to hold forth with what he has learned of love from Lysias, Socrates redirects Phaedrus away from Athens into the country following the Ilissus (229a1).

From the very beginning of Plato's *Phaedrus*, it is clear that Socrates and Phaedrus are happy to see each other and eager to talk about the speech and thoughts Phaedrus had just gleaned from Lysias, and yet their discussion is delayed until the two walk to and sit beneath a plane tree. Considering that few of Plato's dialogues spend as much time scene-setting as the *Phaedrus*,<sup>5</sup> a number of questions come to mind. Why does Plato orient Socrates and Phaedrus, at first near the city and then beneath an isolated plane tree? Why must the two friends leave the city and why must they travel to the privacy of the plane tree? Finally, is all this walking merely stagecraft for the talking?

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<sup>4</sup> Plato, *Phaedrus*, trans. C.J. Rowe (Wiltshire, England: Aris & Phillips, 1988) 227d5.

<sup>5</sup> Only in the *Protagoras*, *Phaedo* and the *Symposium* does Plato spend as much time describing time and setting with as much detail as he does in the *Phaedrus*. The *Charmides*, *Ion*, *Gorgias*, *Cratylus* and *Philebus* contain little if any information indicating the time and place.

These questions can best be answered by keeping in mind Socrates' purpose, as demonstrated by Plato, and the purpose of the *Phaedrus*. The *Phaedrus* is an attempt to carry the message of Socrates to a larger audience. Socrates' purpose, as demonstrated by the *Phaedrus*, is to teach Phaedrus to be a philosopher by instilling in him a love of wisdom. Both these objectives, an understanding of what a philosopher is and an understanding of what a philosopher pursues, are achieved as a result of the assertion of a private place. The plane tree is a demonstration of the rhetorical assertion of a private place within a public space.

The two settle beneath a plane tree in the open country, and their conversational tone and discursive behaviour become intimate. Phaedrus drops his pose and the two speak as friends and lovers, Socrates flirting and Phaedrus flattering, unconcerned that anyone may be listening. The privacy of the plane tree provides each with a sense of security. Removed from the streets and ears of Athens, Socrates and Phaedrus are free to talk openly. They need not worry about offending Lysias, the sophists or other political groups, and they are free from the challenges and accusations heard in the city. The intimate space of the plane tree also allows Socrates and Phaedrus to focus on the ideas that pass between them; they are not led from their thoughts, examinations or arguments by other voices. The shadow of the tree, a private pedagogical place, is differentiated from the space of the city, a contentious political space.

The intimate relations demonstrated by the dialogue beneath the plane tree is a crucial aspect of Socratic pedagogy; however, Socrates' instruction of Phaedrus is not simply limited to good conversation in a private place. The Socratic dialogue, and it could be argued Greek education of the time, depended upon intimate relations and a discourse of interrogation and exposition. A student under Socrates' tutelage did not simply listen and learn. As Plato demonstrates in the *Phaedrus*, Socrates strokes and provokes Phaedrus to state deeply held opinions, ideas and beliefs. Socrates then directs the conversation, by many means, leading Phaedrus to the conclusion that his beliefs and positions, as instructed by Lysias, either have no rational basis, are composed of unclear terms or lead to unanticipated results with irrational implications. The objective of Socratic pedagogy, as detailed in Socrates' final speech, was for a student to recognize in his teacher the desire of beauty and truth (252c–53c). This in turn would awaken in the mind of the

student unrealized knowledge and memories of the way things truly are—the ideals glimpsed by the soul as it circled beneath the heavens prior to the appropriation of a mortal body (250a–b). Socrates' pedagogy relied on the elicitation and evaluation of unexamined beliefs, permitting the recall of hidden or unrealized knowledge. A hunger for methods of detecting and perceiving beauty was, in this way, transmitted from the teacher to the student. The privacy of the plane tree made this type of examination and revision of personal beliefs palatable if not pleasurable (253c2–6, 258e).

To lead Phaedrus to become a true lover of wisdom, Socrates is portrayed as asserting a private place which encouraged an open and frank dialogue. Such a conversation could not easily occur in a public arena composed of many voices expressing discordant desires or convergent voices enforcing unquestioned norms. As the *Apology* shows, a large arena of many voices does not permit the interrogator to develop an intimate sense of rapport with a large group, or a jury of 500 as in the case of Socrates. In fact, according to Plato and Xenophon, it was Socrates' intimate style of instruction that caused suspicion among the citizens of Athens and led to his trial and execution.

The city and citizens of Athens, seemingly distant, function as the larger topographical context for both Socrates the teacher of Phaedrus as well as for Plato the chronicler of Socrates. The city of Athens was for Socrates a hostile environment ethically, philosophically and politically. Socrates was seen by the Athenians as the source of ill wind, spreading disruption and disorder.<sup>6</sup> After

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<sup>6</sup> In the *Symposium*, Alcibiades accuses Socrates of seducing young boys and then refusing to return their affections, and of overwhelming and carrying away listeners with mystical, nefarious arguments. See Plato, *Symposium*, trans. Tom Griffith (Berkeley: U of California P, 1986) 222b2–6, 215c10–d4. The most serious charges were those brought by Meletus, which led to Socrates' conviction and execution. Xenophon records the accusations of Meletus as follows: "Socrates is guilty of rejecting the gods acknowledged by the state and of brining in strange deities: he is also guilty of corrupting the youth." See Xenophon, *Xenophon: Memorabilia and Oeconomicus*, trans. E.C. Marchant (London: Heinemann, 1923) 1.1.1. Plato reinterprets the accusation in the *Apology*, drawing upon the slander that had been spread through the city for many years previous: "Socrates does injustice and is meddling, by investigating the things under the earth and the heavenly things, and by making weaker speech the stronger, and by teaching others these same things." See Plato, *Apology of Socrates*, trans. Thomas G. West (Ithaca, NY: Cornell UP, 1979) 19b3–c1.

Socrates' death, Plato found himself in the same hostile city that destroyed his teacher and threatened his own philosophical investigation and teaching. As a result, he wrote the *Phaedrus* in an attempt, according to R. Hackforth, "to vindicate the pursuit of philosophy ... as the true culture of the soul" and an attempt to propose "a reformed rhetoric" in the hostile climes of Athens.<sup>7</sup> Within the topography of the *Phaedrus*, the ideals expressed by Lysias' teaching, speech, and rhetorical style represent the political and philosophical status quo of Athens. The walk of Socrates and Phaedrus appears to place distance between them and the city. Intimacy, protection and focused discourse are the benefits of the privacy enjoyed beneath the plane tree. However, it is not the tree nor their remote location which affords privacy, and the privacy they enjoy is not complete. The ideology and rhetoric of the city, which initially appears to have been left behind, move as easily from the public space to the privacy of the plane tree as do Socrates and Phaedrus.

While the shadow of the plane tree provides a sense of intimacy, it is only a sense brought about by an artificial inscription of a private place within a larger public space. Socrates and Phaedrus are still in the public space of the city, and the shadow of the plane tree cannot exclude the laws, debates, and the sentiments of Athens. No manner of discourse can occur outside the social arena, for it is the social frame that makes communication, even in a private manner, possible.<sup>8</sup> Phaedrus and Socrates use the language of the city, abide by its norms of propriety and draw upon the debates

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<sup>7</sup> *Plato's Phaedrus* (Cambridge: Cambridge UP, 1982) 9.

<sup>8</sup> The cicadas who sing in the branches of the tree and look down upon the two signify the public exposure of Socrates and Phaedrus. Before the Muses were born, the cicadas were men, and when the Muses brought song into the world these men sang endlessly, some to their death, because they ignored their appetites. G.R.F. Ferrari sees the myth of the cicadas as significant and summarizes Socrates' recounting of the myth: "The Muses turned them [singing men] into the first cicadas so that they could sing all day without food or drink and at the end of their days appear before them with an account of who honored which of them among men on earth. So if we want a good report to reach Calliope and Urania, the philosophic Muses, we had better not flag in the heat but push on with our fine talk" (258e6–59d8). See Ferrari, *Listening to the Cicadas*, (Cambridge: Cambridge UP, 1987) 26. Socrates and Phaedrus are observed by even the insects, who inform the Muses, and this recognition by Socrates spurs him on to keep their discussion lively and honourable to the philosophic Muses. It would seem no place is private.

and sentiments occurring within the city even as they sit at some distance from the city. The distant city, or the distant reader, is in fact the intended audience for their seemingly private discourse. The assertion of private space serves the student and teacher engaged in the pursuit of truth, but the assertion of private space in the *Phaedrus* also serves Plato in his attempt to establish the truth of Socrates for the benefit of the larger public audience.

It is significant that Socrates finds Phaedrus just outside the city with the words of Lysias ringing in his ears. Phaedrus is more than merely a friend Socrates happens upon during his walk. Plato constructs Phaedrus as a student who carries the speech of Lysias, composed of commonly held beliefs and sentiments, and the teachings handed down from Lysias, which echo the political and philosophical thinking of Athens. In short, Phaedrus is pulled from the public space of the city of Athens as a representative of the citizens Plato hopes to persuade. When Socrates meets Phaedrus and entices him into a walk and a talk, he is enticing the Athenian citizenry, which Plato engages as a student within the Socratic dialogue of the *Phaedrus*. One wonders why Plato bothers with the walk from Athens, but one does not question the privacy of Socrates and Phaedrus. The city is not so much left as it is ignored when privacy is asserted. As stated above, the city cannot be forgotten or excused from the privacy of the plane tree as the ideology and rhetoric of the city are present in the cloaked speech of Lysias and the citizens are present in Phaedrus. However, the opposite is also true. The individual voice and private words spoken by Socrates beneath the plane tree cannot be retained within the shadow of the plane tree, because the border that differentiates is rhetorical.

With all that has been written about the *Phaedrus*, it is easy to overlook the space in which Socrates and Phaedrus speak and the effects of this space upon the discourse. The privacy of the plane tree is a rhetorical assertion, but an immensely powerful one. Socrates projects an enveloping private place marked by a change in conversational tone and discursive behaviour. Within the private, quiet place, Socrates constructs and conditions a discourse, a questioning dialogue, and he constructs and conditions the subjects of discourse, the philosopher, student and ethical citizen. As Socrates draws a private topography around himself and Phaedrus, so the pedagogical dialogue may commence, Plato projects privacy, though the conduit of Phaedrus, which envelops the reader. The quality of privacy for Socrates and Phaedrus is the



same as that for Plato and the reader, because privacy does not depend upon physical enclosure or isolated space.<sup>9</sup> Within this space, Plato constructs a discourse, a defence of Socratic pedagogy, and a subject, the Philosopher Socrates. In short, the Socratic dialogue, from which so much of Western thought and philosophy have been derived, constitutes knowledge, ethics and philosophy as a subject of discourse in a carefully defined, rhetorically asserted, private place.

Whether the living breathing Socrates ever meet the real Phaedrus beneath a plane tree, or whether this was purely a bit of creative writing on the part of Plato, is not relevant. What is evident is that a private place which rhetorically distances discordant voices and the distractions of the larger public arena is a necessary condition of a Socratic dialogue's discovery of truth. Even if this distancing is purely a rhetorical convenience for a teacher or a rhetorical ploy for a writer, other real dialogues also commence the investigation of truth by first inscribing a private place within a public space. The Catholic confession is one such dialogue. Unlike the *Phaedrus*, which concerns issues of public debate, confession places much more intimate issues in question such as faith, sin and the soul. To investigate the hidden soul and leverage its closely held contents from the penitent, the Catholic Church, in 1215, asserted and formalized the private place of confession. Though confession is often associated with a specific location such as a confessional chamber within a Church, the external manifestation of confession is not its most significant trait. Just as the designation of a private bedroom allowed for further designations of even more private spaces within (such as a dressing cabinet), so the Catholic Church formalized the sacrosanct privacy of confessional discourse and located within it the even more private topography of the soul. Confession also provided the rhetorical procedures necessary for

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<sup>9</sup> The open qualities of the private place asserted by Socrates correlates with the qualities of the information sought and how it is held by the subject in question, *Phaedrus*. In the case of the *Phaedrus*, the information initially sought by Socrates is publicly held and best accessed through dialogue. The unrealized information is initially hidden, or perhaps dormant is a better word. However, it is not information that is embarrassing or shameful and therefore held tightly by the subject in question. As we shall see, the case of confession and psychoanalysis is quite different. The information pursued by a priest or analyst is of a different quality, differently held; and as a result the private place of discourse is formulated and maintained differently.

the penetration and examination of an individual's interiority.<sup>10</sup> As a result, one of the modern axioms of privacy instructs that real truth lies deep within the individual.

Similar to the topography of the *Phaedrus*, the private place of confession was marked by a change in conversational tone and discursive behaviour. In his fourteenth-century penitential manual, the *Judica Me Deus*, Richard Rolle instructs priests to receive the penitent with humility, gravity and devotion.<sup>11</sup> The sinner must be taught to come "humbly before the priest for confession, throwing himself down, should say, 'Sir priest, who are the minister of Christ, I come here to God and to you, penitent and seeking counsel about my sins'" (97). Rolle advises the priest to comfort and exhort

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<sup>10</sup> Though spontaneous and free confession was uncommon in the early Church, both public and private confession were sporadically practised. But by the eighth century, Christians were expected to confess, publicly or privately, at specific intervals during the ecclesiastical year. In 1215, under the influence of Irish monasteries and Irish missionaries, the Fourth Council of the Lateran decreed that in all of Western Christendom the laity were to be taught to make private confession at regular intervals, typically once a year. Due to the isolation of the average parish priest from the centres of learning, the manner and conduct during confession varied greatly. As a result, a great many books of canonical law and penitential manuals came into service for the parish priests. Penitential handbooks such as the *Judica Me Deus* are the only available path into the rhetoric of practical auricular confession, because priests were and are bound to inviolable secrecy concerning sins revealed and revelations made during sacramental confession. See John Philip Daly, Introduction, *An Edition of the Judica Me Deus of Richard Rolle* (Salzburg: Institut für Anglistik und Amerikanistik, Universität Salzburg, 1984) xix–xx. Subsequent references are to this edition, translated by Daly.

<sup>11</sup> I have chosen the *Judica* because it is a practical handbook derived from, and on occasion a verbatim copy of, the *Oculus Sacerdotis*, a fourteenth-century manual of pastoral theology for priests written by William of Pagula, born in 1285 at Yorkshire and died in 1331 (Daly xii). The *Oculus Sacerdotis* was one of the most influential manuals of its time. Because of its efforts to normalize the sacraments, its rigorous theological content, and its exhaustive inclusion of Church legislation, it earned a significant following during the fourteenth and fifteenth centuries (Daly xiii). The *Oculus Sacerdotis* is a long work of three books written at different times. It was expensive, rare, and because of its intellectual tone, difficult for the poor parish priest to access. For this reason, it was often reduced to short, practical handbooks such as the equally influential *Judica*. The *Judica*, written by Richard Rolle in the early fourteenth century, was used as a field manual intended to educate and guide the common parish priest in the execution of the sacraments. Because of its extensive use, the *Judica* became an important and influential practical handbook by which the theology and penitential procedures were formalized and known.

when hearing confession, and to “be a diligent investigator, and that he [the priest] wisely draw from the sinner by questioning what he [the penitent] perhaps is unaware of” (100). With these brief injunctions, Rolle defines the topology of Catholic, auricular confession—a sacred place in which a serious and humble tone is enforced by the priest who guides and elicits the penitent.<sup>12</sup>

Intimacy beyond the prying ears of others was absolutely necessary for both priest and penitent. A violation of the Seal of Confession by a priest was a violation of divine law with serious consequences.<sup>13</sup> More important, the intimacy and solemnity of confession eased hesitation and moved the penitent to “humility and true contrition of the heart” thereby assisting in securing a good and complete confession.<sup>14</sup> The dangers of an incomplete confession were manifold. The penitent risked “the terrors of judgment and the pains of hell” if he or she failed to confess mortal sins.<sup>15</sup> Also, if a penitent withheld a mortal sin during a confession, the absolution granted by the priest was void despite the penitent’s belief that absolution had been granted.<sup>16</sup> The priest unaware of

<sup>12</sup> Modern confession is associated with a specific physical topography, an enclosed place, sometimes a wooden cabinet within a Church called a confessional. However, physical confessionals came into use after the second half of the sixteenth century, more than 300 years after the Fourth Council of the Lateran obligated all believers to practise regular confession. During the fourteenth and fifteenth centuries, most confessions were heard within a Church, though this was not required. Priests were instructed to hear confession in an open and public place in sight of all, so as to avoid any suspicion of evil. See Thomas Tentler, *Sin and Confession on the Eve of the Reformation* (New Jersey: Princeton UP, 1977) 82. Early confession was practised in plain sight, but the conversation between priest and penitent was hushed so as not to embarrass the penitent and maintain the secrecy of the confession.

<sup>13</sup> The Fourth Lateran Council decreed: “he who dare to reveal a sin made known to him in the tribunal of penance shall not only be deposed from the priestly office, but shall moreover be subjected to close confinement in a monastery and the performance of perpetual penance.” See “Penance,” *The Catholic Encyclopedia*, 1911 ed. 629. However, the priest is not the only one potentially bound by the Seal of Confession. Interpreters who translate a confession on behalf of a penitent to a priest, or individuals who unintentionally overhear the words of the confession, are also bound to secrecy. Some theologians suggest that even the penitent is bound to secrecy.

<sup>14</sup> Rolle, *Judica* 97.

<sup>15</sup> *Judica* 98.

<sup>16</sup> Mortal sin, which must be confessed, is distinguished from venial sin, which need not be confessed. My discussion concerns the confession and suppression of mortal sin.

the penitent's private sin would have admitted an unworthy soul to the altar to partake of the Eucharist, compounding the penitent's sin "and so their ignorance would be damnable."<sup>17</sup>

Due to the gravity of the situation, a priest could not simply rely on the penitent to expose his or her sins, because the penitent might be unaware of a sin, unaware of the gravity of a sin or simply reticent to speak. Therefore, the priest had to take an active role as a spiritual physician or surgeon. Rolle draws upon the medical metaphors common to penitential handbooks when he describes the priest's obligations:

the spiritual doctor, knowing the evils of the sick, and carefully considering causes and their diversity, can see clearly what sort of diverse remedies are to be given for the different faults .... Judicial power demands this that he be a diligent investigator, and that he wisely draw from the sinner by questioning what he perhaps is unaware of.<sup>18</sup>

The comparisons between a priest and physician extend beyond the assertion of a private place of examination. Like a physician who pokes, prods and perhaps even enters the body in an attempt to uncover hidden causes of illness, the penitential manuals armed the priest with various interrogative techniques. When confronted with a hesitant, resistant or ignorant parishioner, Rolle advises the priest to say,

Perhaps, my dear son, you do not remember now everything that you did, and so I shall question you, and you be careful lest you presume to conceal anything at the suggestion of the devil. And therefore I shall explain to you the seven deadly sins .... And if you feel that you have fallen in any of these, and are smeared or wounded, see that you do not remain silent.<sup>19</sup>

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<sup>17</sup> *Judica* 100.

<sup>18</sup> *Judica* 100.

<sup>19</sup> *Judica* 100.

The more stubborn the obstructions to confession, the more desperate the need to vent the penitent and transform sinful thoughts and experiences into discourse. The pressure of this obligation led to the creation of specialized questioning. Questions were not only guided by the seven deadly sins; sample questions suited to the obstructive tendencies of certain groups, determined by age, class, and heritage, were also offered by penitential manuals.<sup>20</sup> Because so many permutations of sin and temptation were possible, interrogative procedures and model questions are the most prominent feature of penitential handbooks.<sup>21</sup>

Within the privacy of the confessional, the thoughts and experiences expressed by the penitent were and are protected by the boundaries asserted by the priest, and these boundaries have been aggressively maintained. During the middle ages, the Seal of Confession was signified by priests wearing keys around their necks to show the newly converted that confessions were as safe as if kept under lock and key.<sup>22</sup> Confidence in the inviolability of confession was crucial, as hesitancy to speak for fear of embarrassment or shame was not merely obstructive; in confession, reluctance to speak endangers the soul.

Confession not only provided a sacred, secure space of discourse; the systematic, intrusive and exhaustive interrogation of the priest also transformed the private thoughts, memories and beliefs of the penitent into a discourse. The thoughts and experiences of an individual may seem to be inherently private, so too the soul by the sheer fact of its incorporeal seclusion. However, the internal privacy of a parishioner was the result of the Church's teachings and rhetorical assertion of confessional privacy. Constituted to respond to specific obligations and interrogations, the

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<sup>20</sup> Interestingly, the guidance offered by Rolle and other penitential handbook authors echoes the basic interrogative practices used by modern journalists:

Let the priest attend to the circumstances of sin. They are:  
Who? what? where? why? and when?  
Through whom? and how many times?  
Let everyone pay attention to these  
In giving medicine to a soul. (*Judica* 100)

<sup>21</sup> See Tentler, *Sin and Confession* 88. Of the *Judica's* fourteen translated pages concerning confession, nine offer questioning strategies tailored to specific sins and individuals such criminals, clerics and kings.

<sup>22</sup> Quentin Donoghue and Linda Shapiro, *Bless Me, Father, For I Have Sinned: Catholics Speak Out About Confession* (Toronto: McClelland & Stewart, 1984) 198.

interiority of a parishioner was accessible only by a priest with the authority of the Church within confession. And as a parishioner may not be fully aware of the contents of their memory and the status of the soul, not even the penitent had the same access as a priest. With such access, the priest, guided by confessional manuals, interrogated the interiority of the penitent for specific thoughts, memories and beliefs. As a result, portions of the penitent's experience and thinking, portions which were decreed as sinful and shameful, became private and could only be revealed within confession. In this way, the private confessional demarcated the privacy of the parishioner's interior existence and the soul's contents, and the priest served much as a corridor for the Church to enter the private regions of the parishioner. In short, within the asserted private topography of confession, the interior of the penitent became private and yet subject to the view and interpretation of the priest. However, once a discourse emerges, even a sacrosanct discourse, it is difficult to restrict it to specific relations or locations.

Like the Socratic dialogue, the private place of the confession is inscribed within a larger public arena, the social community of the Church and the ear of God. It is an arena in which one's standing within the Church is marked by participation in, or exclusion from, the rituals and communion of the Church. In fact, the word *penitent* was originally applied only to those who were publicly excluded from the sacraments and required to perform public acts of penance.<sup>23</sup> However, to suggest that confession is public because public acts of penance could be assigned by a priest is to simplify unreasonably. Most penance was performed privately and the Seal of Confession veiled the utterances of both priest and penitent from the ears and eyes of others.

Nevertheless, the confessional is inscribed within a public space; in essence the confessional is always a public act. The larger public space and the community of the Church were manifest in confession in many ways. To confess is to seek reconciliation with God and the Church, which can only be achieved if an ordained priest within his jurisdiction has the 'power of the keys' to act as mediator between Christ and man to forgive sins.<sup>24</sup> Rolle reminds

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<sup>23</sup> "Penance," *Catholic Encyclopedia* 630.

<sup>24</sup> Pope Leo the Great (440–61), in writing to the Bishops of Campania explained the 'power of the keys' in this way: "The mediator between God and man, Christ Jesus, gave the rulers of the Church this power that they should impose penance

parishioners to acknowledge both the priest and God; “Sir priest, who are the minister of Christ, I come here to God and to you.”<sup>25</sup> Thus, confession is not a private act between a priest and penitent. A third party, God/Christ, is a necessary condition of the private conversation between the priest and penitent. For the faithful, confession is an act witnessed by God.

The private place of confession includes God, but it also includes other occupants of the large public space—the penitent’s fellow parishioners or the community of the Church. However, the community of the Church is not present *in persona* as Christ is believed to be; rather, the community witnesses the act of confession and the results of confession. Many penitential manuals make use of judicial metaphors, referring to confession as the “tribunal of penance,” in which the priest acts as judge determining guilt and sentence.<sup>26</sup> The public, its sentiments and expectations shaped by the teachings of the Church, was carried into confession in the mind of the penitent. Therefore, the penitent served as his or her own chief accuser and witness. For this reason, the Church did not need to enforce dictates or carefully record every vice of its parishioners. The parishioners themselves understood, even if on a basic level, the effects of sin upon their relationship with God, the Church and the community. The Community of the Church was provided with evidence of a rectified penitent in the form of dutiful completion of public penance (a rare occurrence), renewed participation in the sacraments, and by a change in the behaviour of the penitent. The result of an unsuccessful confession was equally apparent.

Though confession appears to be a secluded dialogue, the public space and those excluded permeate the privacy of confession. The ground upon which a priest and a parishioner stood during confession or during a simple greeting never really changed; only the names of the space changed. Still, this is no small thing. The ability to define and assert a private place of discourse enabled the assertion of accessible, interior privacy; and the ability to constitute hidden sins in need of public exposure made the sacrament of confession possible and the need for confession known.

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on those who confess and admit them when purified by salutary satisfaction to the communion of the sacraments through the gateway of reconciliation” (“Penance” 627).

<sup>25</sup> *Judica* 97.

<sup>26</sup> “Penance” 619.

The Church instituted confession to rectify the sinner to the Church and to God, and to impress upon believers the necessity of rectification. Whether by design or accident, the space and discourse of confession are conditioned by these objectives. Similar to the Socratic dialogue, Catholic confession is an assertion of a private place free of distraction where intimacy may emerge and truth may be taught. Unlike the dialogue of the *Phaedrus*, confession is also juridical—a place where sins are determined, investigated and judged according to the theology of Church. However, sins are not written upon the skin of believers. According to the Church, sins are carried in the soul and in memory. Unlike Socrates and Plato, the Church was not content with dialogue alone, but was obliged to plumb the interiority of the penitent. The Church could wait until the penitent came to deliver his or her thoughts and experiences, or the Church could go in after sin. The Fourth Council of the Lateran decree that confession was to be made annually, if not more frequently, and the formulation of confessional interrogation techniques is evidence that the second option was chosen.

To enter the soul of the parishioner where sin resides hidden, the Church had to create a private space where sins could be and would be revealed, the site of confession. Regimentation of confession not only provided regular access to the utterances of the penitent; the formalized questioning of confession asserted a private place within the penitent which allowed access by the Church's representative.<sup>27</sup> The more nefarious the sin, the greater the potential for shame and suppression, and the more important becomes the insistence upon inviolable discretion and the priest's skill at invasive interrogation. Over time, as parishioners internalized the procedures and expectations of confession, the Church established nothing less than an easement on the interior space of parishioners. Active interrogation grew less necessary as experienced penitents entered the confessional willingly to reveal thoughts and experiences.

As Foucault noted in *The History of Sexuality*, the obligation to grant a priest, cum spiritual surgeon, access to interior space has

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<sup>27</sup> Significantly, the private place of confession includes the dialogue between priest and penitent and the penitent's soul, but it does not include the soul of the priest. The priest is a transitional figure: an interrogator whose obligation is to expose sin to the public (God and the Church community).



been so ritualized that resisting confession is now experienced as resisting liberation:

The obligation to confess is now relayed through so many different points, is so deeply ingrained in us, that we no longer perceive it as the effect of a power that constrains us; on the contrary, it seems to us that truth, lodged in our most secret nature, “demands” only to surface; that if it fails to do so, this is because a constraint holds it in place, the violence of a power weighs it down, and it can finally be articulated only at the price of a kind of liberation.<sup>28</sup>

The privacy that enveloped Socrates and Phaedrus provided a sense of security and stimulated a frank and open search for truth without restrictions. In confession, these same benefits are extended into the penitent, making the soul a place of discourse. The formative potential of confessional privacy not only constituted sin as a truth ‘that demands to surface,’ it also defined the obstructions to confession, such as pride, as sins that, again, require confession. The fear of judgement and embarrassment that served to oppress sin within the soul had no place within the sacrosanct conversation that bore the Seal of Confession. Beyond the ears of others, the privacy of confession stimulated a frank and open exploration of the soul, and as Foucault argues, the rhetorical penetration of a priest was experienced as a kind of liberation.

Though unperceived, as Foucault argues, the power of the Church is at play in the discourse of confession. The power to rhetorically construct private places such as the confessional is a manifestation of the power to construct public spaces such as a parish or a corridor. One does not enter the ultra-private place of the soul simply by departing a public space. An intermediary private place which can accommodate the Church’s representative and the subject of the priest’s pursuit, the parishioner, is necessary. A physical enclosure may contain priest and parishioner, but only a rhetorical assertion of privacy which conditions the discourse as

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<sup>28</sup> Michel Foucault, *The History of Sexuality*, vol. 1: Introduction, trans. Robert Hurley (New York: Vintage Books, 1978) 60.

sacrosanct can aid the priest's pursuit of truth and elicit from the parishioner the utterances that compose that truth. From such applications of power is derived one of the axioms of privacy: truth lies deep within the individual, and if it cannot be revealed publicly, it can and should be revealed privately.

The Socratic dialogue and Catholic confession are not the only sources of the axiomatics of privacy; however, both discourses are important points in the emergence of privacy as it is understood today. Other interrogative discourses such as psychoanalysis can be traced in the way privacy is projected into the ever more differentiated internal space of subjectivity (i.e. the conscious, subconscious and unconscious). And it is safe to say that the axiomatics of privacy will continue to emerge. Like all rhetorical products of language, privacy is fluid and serves the context and intentions of its deployment.

Fluid as it is, privacy is difficult to define. However, based on the interrogative discourses just discussed, it is possible to argue that the privacy is a rhetorical construction linked to the production of truth. Privacy is experienced as simply a place. However, the deployment of privacy is crucial to investigations of subjectivity and identity because it provides a place of departure and a topography in which to look. And having looked, we find that rhetorical constructions of privacy constitute subjects of discourse. Privacy validates what is carried from the private place, like an artifact from a cave, to the public space as authentic. Whether the discourse concerns the qualities of a philosopher, the permutations of sin or the opinions of a politician, privacy in the service of the pursuit of truth seems to function in consistent ways.

Returning to the question that was not asked which opened this essay, Mrs. Gingrich's statement was not questioned because it was perceived as true, and it was perceived as true because it was drawn from the privacy of the whisper and the depths of Mrs. Gingrich's mind. No further evidence of its truth is necessary. The trappings of the interview—the microphone pinned to a collar, the harsh lights and the videotaped images—mark the conversation as an accepted form of investigation which has the capability of examining the subject in question. In the case of the Chung / Gingrich interview, one more bit of evidence guaranteed the authenticity of the statement and made further questioning pointless. Chung leaned forward and invited Mrs. Gingrich to speak a truth that she stated she could not reveal. Mrs. Gingrich also leaned forward into an

even more intimate space, defined by Chung's whisper which shifted the conversational tone and discursive behaviour, and said, "she's a bitch." The close proximity of their two faces and the whisper did not create real seclusion, but it did establish rhetorical privacy. Informed, as we all are, by the axioms of privacy, Mrs. Gingrich ignored the intrusion of the cameras, lights and the public and spoke truth. Perhaps, as in Socrates' conversation beneath the plane tree, the public may have been Mrs. Gingrich's intended audience. Considering the health-care battle between the Republican and Democratic leadership of the time, the statement was a mild description of Gingrich's posture toward Hillary Clinton. And yet, that word held the attention of the United States.

Mrs. Gingrich's public utterance was not questioned, because the axiomatics of privacy revealed it as true. Significantly, it was Chung's use of the axiomatics of privacy and the public pursuit of knowledge by penetrating a mother that was questioned. Chung was criticized because, like a priest breaking the seal of confession, she spoke in public of private things. And yet the privacy she violated was of her own making. Privacy has always been in the service of the public disclosure of private information, and it has proved a powerful tool for the constitution of truth. Judging by the response of Speaker Gingrich, we fear the power of rhetoric to produce truth; judging by the fascination of the inquisitive public, we desire truth produced in rhetorically constructed private places.