

interferences with privacy will be delineated just as hosts of similar conflicts have been resolved in the past.

Although the claim to private personality has yet to reach its destined stature in our law,<sup>7</sup> it has become a moral imperative of our times. Reflecting the ethical values of our civilization, it flows, as do most of our values, from our concept of the essential dignity and worth of the individual. In discussing this concept in 1958, Pope Pius XII made the following perceptive observations:

There is a large portion of his inner world which the person discloses to a few confidential friends and shields against the intrusion of others. Certain [other] matters are kept secret at any price and in regard to anyone. Finally, there are other matters which the person is unable to consider.<sup>8</sup>

Pope Pius then concluded:

And just as it is illicit to appropriate another's goods or to make an attempt on his bodily integrity, without his consent, so it is not permissible to enter into his inner domain against his will, whatever is the technique or method used.<sup>9</sup>

While Pope Pius' ethics and logic seem persuasive, it is nonetheless a fact that the protections afforded private personality are not yet comparable to those granted private property.

The rules for the protection of private property—whether in ideas, creative works, goods or real estate—have over many decades received extensive legislative and judicial attention. These rules are imbedded in the common law and they have often been elaborately developed, as in our systems of copyright and patent law. Moreover, the manner of the taking of private property for a paramount public purpose has been a matter of intense and continuing national concern. Early evidence of the reverence with which private property has been viewed is found in the constitutional provisions against “unreasonable searches and seizures,”<sup>10</sup> against the quartering of soldiers “in any house without the consent of the Owner,”<sup>11</sup> against the deprivation of property without due process of law, and against the taking of “private property . . . for public use, without just compensation.”<sup>12</sup> These

7. By contrast with American legal development, it has been said that “. . . the trend in the foreign legislation is towards an outspoken protection of the rights of personality. We find the expression of this common concern in the Civil Code of Liechtenstein (1926), in the Italian (1942) and Greek (1946) codes, in the reformed Japanese code (1948) and the recent Egyptian and Philippine codes, and in a project of law in the German Federal Republic.” Janssens, *European Law Includes Rights of Personality*, Va. L. Weekly, April 29, 1965, p. 1. See also Krause, *The Right to Privacy in Germany—Pointers for American Legislation?*, 1965 DUKE L.J. 481.

8. Address to the Congress of the International Association of Applied Psychology, April 10, 1958.

9. *Ibid.*

10. U.S. CONST. amend. IV.

11. U.S. CONST. amend. III.

12. U.S. CONST. amend. V.