



***Privacy &
Information***

**SPRING QUARTER 2007
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LECTURE FOURTEEN**

Privacy is the condition of not having undocumented personal knowledge of one possessed by others. A person's privacy is diminished exactly to the degree that others possess this kind of knowledge about him.

. . . [P]ersonal information . . . [should] be understood to consist of facts about a person which most individuals in a given society do not want widely known about themselves.

Suspicion

Surveillance

Flu

***Failed Attempts to
Gather Information***

**Information?
Not at work?
Sloppy?**

**Does my
outrage have
anything to do
with
information?**

Text

[W]hen a peeping Tom looks in a person's window for the second time, it is conceivable that he might acquire absolutely no new information about the victim. Despite this failure, the peeping Tom clearly violates the victim's privacy with the second, as well as the first, inspection. When he is charged with the second violation, he cannot escape with the explanation, "I've seen it all before!" [Inness]

Consider a man who knows his wife's body very well but is now divorced from her and spying on her as she takes a bath. It is difficult to deny that her privacy is being invaded. [DeCew]

**Sex in our
culture**

**Julie Inness'
example**

**Judy DeCew's
example**

Sex & Nudity

**Documented
information?**

**Information
at all?**

**What's really
important**

**James
Rachels**

**Over-bearing
mentor
counter-
example**

**You share
your news**

None of Your Business

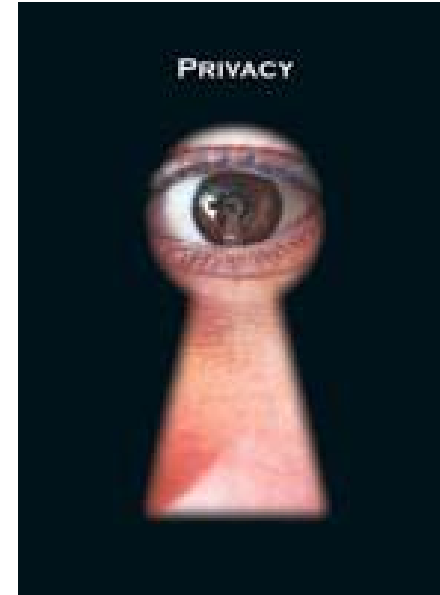
**I give an
honest
reaction**

**My failure to
let go of it**

**None of my
business**

COLLOQUIAL USES OF PRIVACY

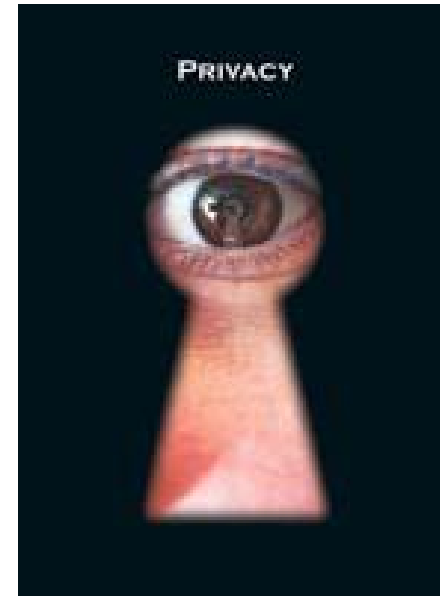
- **Illegitimate access to medical and financial records**
- **Illegitimate publication of this information**
- **Searching your office**
- **Failed searches**
- **Peeping Toms**
- **“The overbearing mentor”**



- **“Our park bench”**
- **Illegitimate state searches**
- **State interference with an intimate and “fundamentally important” personal decision**

Competing Theories of Privacy

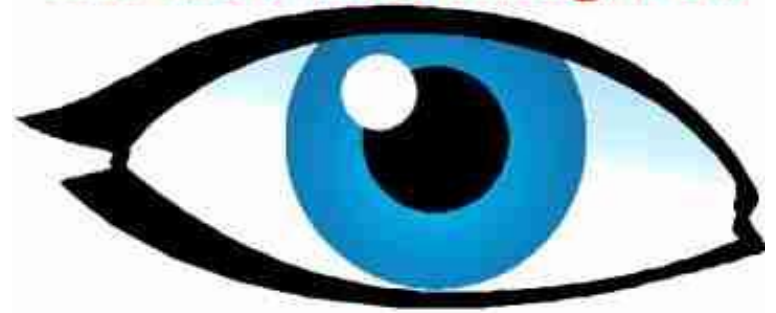
- Right to be let alone
- Control of personal information
- “None of your business”
- Immunity from the judgment of others
- Derivative hypothesis
- Cluster models
- Control of access by others



- Intimacy
- Illegitimate concern of others
- Immunity from illegitimate focused attention of others

JUDGMENT OF OTHERS

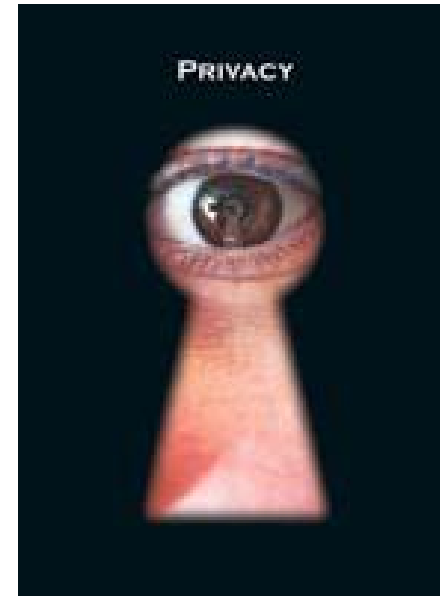
We Are Watching You



- **Parent's paper**
- **Casual comment**
- **“Privacy and the Judgment of others”**
- **Do we care about information, *per se*?**
- **We care about what other will do with it**
- **We care about being judged**

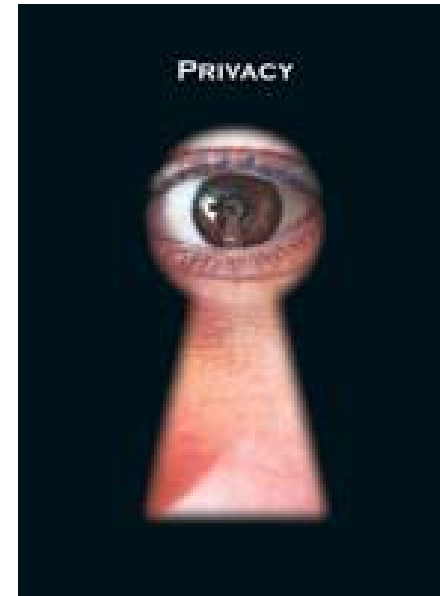
Focused Attention of Others

- **Cinema metaphor**
- **Counter-examples and explanation**
- **Information**
- **Voyeurism**
- **“Overbearing mentor”**
- **“Our park bench”**
- **Fourth Amendment privacy**
- **Due Process privacy**



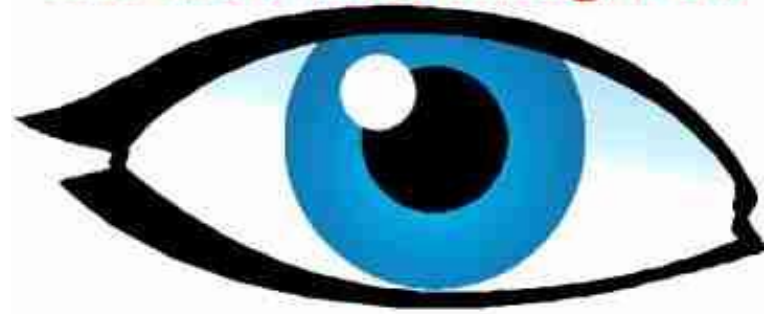
Legal Privacy

- **Statutory privacy**
- **Common law privacy – torts**
- **Constitutional privacy**
 - Fourth Amendment
 - Fourteenth Amendment
- **Equivocation?**
- **Attention of others**



CASE AGAINST PRIVACY

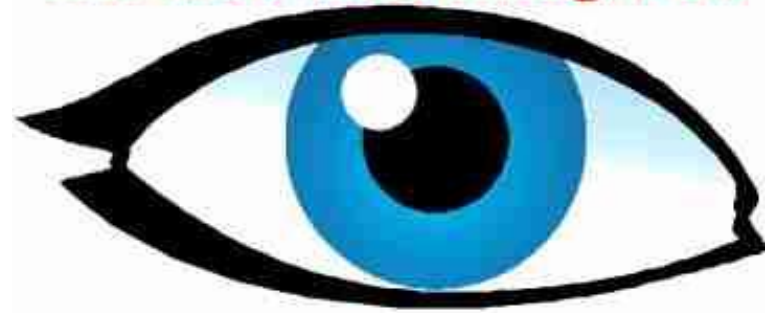
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- “Invitation to anti-social lawlessness”
- Mischaracterized insights
- Balancing
- Preserving privacy may be costly
- Is it worth it?
- Need a better understanding of privacy

FUNCTION OF PRIVACY

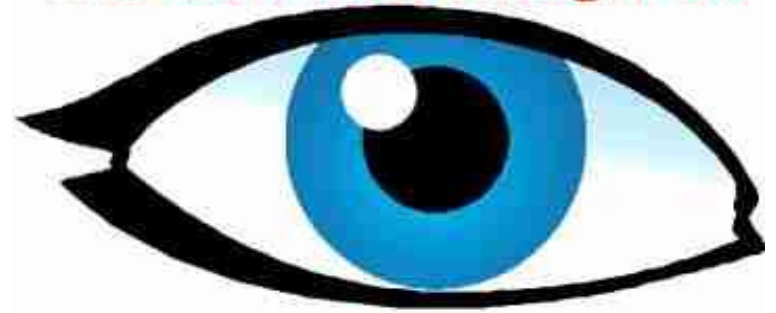
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- **Functional justifications**
- **Freedom and liberty**
- **Moral capital**
- **Respect for persons**
 - **Unknown privacy violations**
 - **Autonomy**

JOHNSON'S HYPOTHESIS

We Are Watching You



- **Symbolic interactionism**
- **Murphy's article**
- **Jeffrey Reiman's work**
- **The "generalized other"**
- **Immunity from judgment**
 - **Of others**
 - **Of ourselves**

Current Thoughts on the Normative Value of Privacy

- **Forward vs backward looking justifications**
- **Forward looking**
 - **Makes us happier**
 - Dinner thought-experiment
 - **Makes us freer**
- **Backward looking**
 - **Respect for persons**
 - Wrongful because it is painful
 - Painful because it is wrong
 - **Self-judgment**