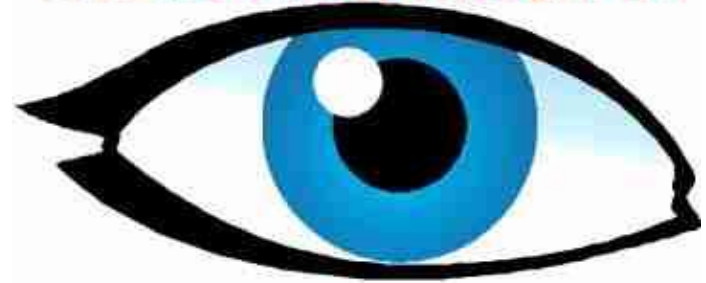


***Privacy,
Information
& Attention***

**SPRING QUARTER 2007
DR. JEFF JOHNSON
LECTURE FIFTEEN**

Coming Attractions

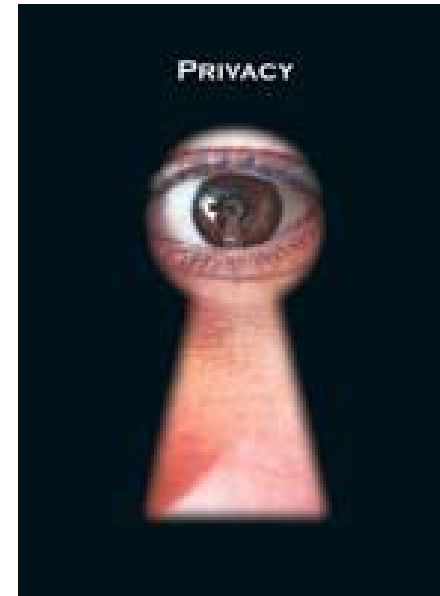
We Are Watching You



- **Exam Thursday**
 - Four questions, you answer any three
 - Relativism/realism
 - Utilitarianism-Kant
 - Feminist ethics
 - Prisoner's dilemma & secular natural law
 - Nature of privacy
 - Privacy cases & the Supreme Court
- **Peer review – Tues 5/22**
- **Spring Symposium – Wed 5/23**

COLLOQUIAL USES OF PRIVACY

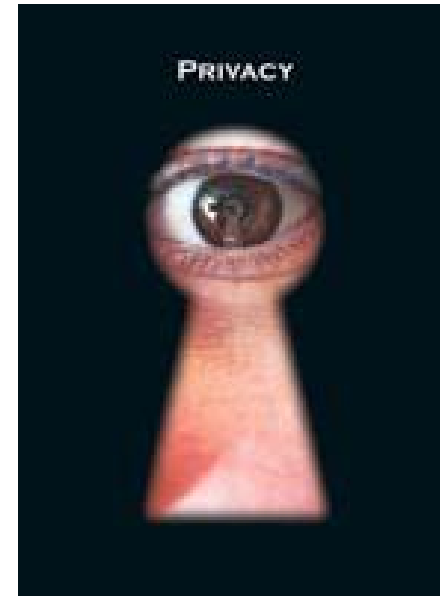
- **Illegitimate access to medical and financial records**
- **Illegitimate publication of this information**
- **Searching your office**
- **Failed searches**
- **Peeping Toms**
- **“The overbearing mentor”**



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

Competing Theories of Privacy

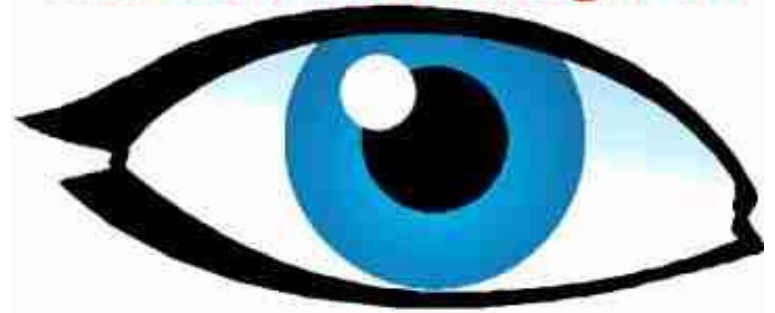
- Right to be let alone
- Control of personal information
- “None of your business”
- Immunity from the judgment of others
- Derivative hypothesis
- Cluster models
- Control of access by others



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

JUDGMENT OF OTHERS

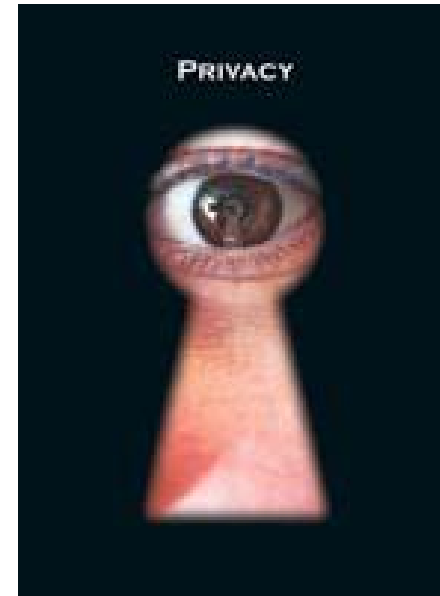
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- **Parent's paper**
- **Casual comment**
- **“Privacy and the Judgment of others”**
- **Do we care about information, *per se*?**
- **We care about what other will do with it**
- **We care about being judged**

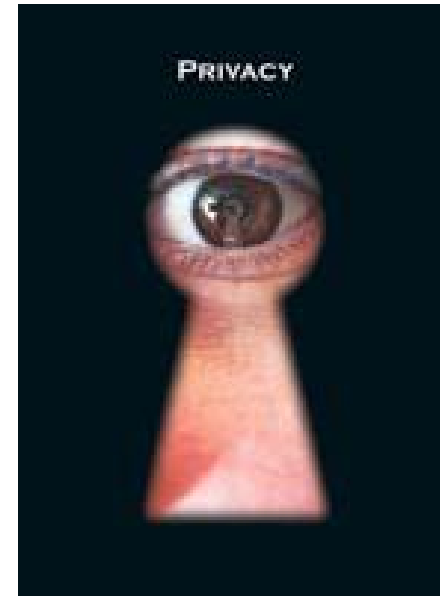
Focused Attention of Others

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



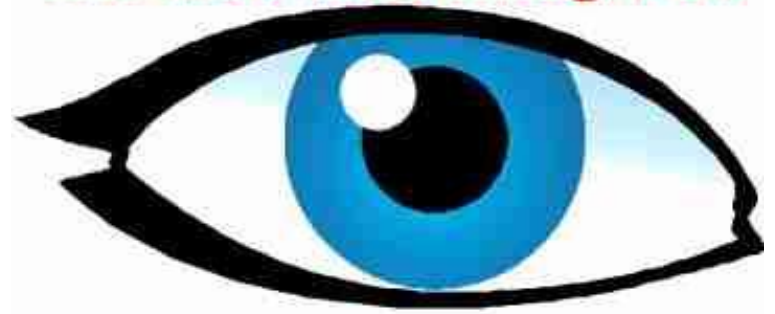
Legal Privacy

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



CASE AGAINST PRIVACY

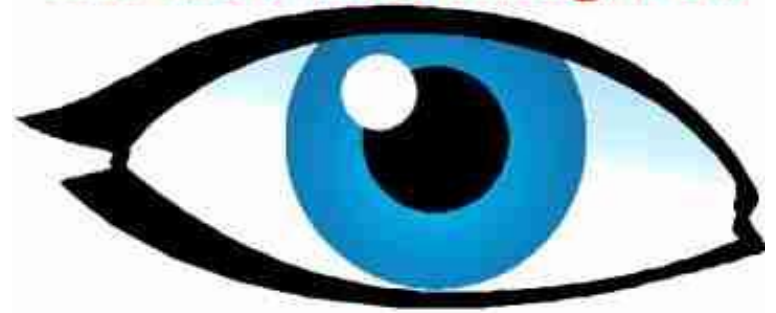
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- “Invitation to anti-social lawlessness”
- Mischaracterized insights
- Balancing
- Preserving privacy may be costly
- Is it worth it?
- Need a better understanding of privacy

FUNCTION OF PRIVACY

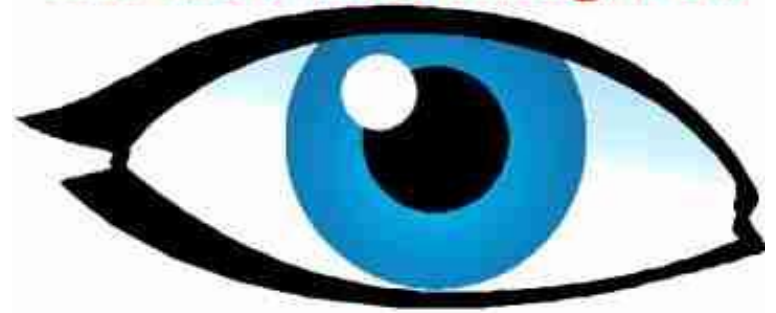
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- **Functional justifications**
- **Freedom and liberty**
- **Moral capital**
- **Respect for persons**
 - **Unknown privacy violations**
 - **Autonomy**

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**