Don’t Look:
Essays on the Morality of Privacy

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1. Introduction

David is a famous fashion model. Everybody believes that he must be one of the most beautiful humans ever to have lived. When David enters a room, people tend to stop whatever they are doing, just look at him, and admire his beauty.

One day, the Head of Government gets a brilliant idea—or so she thinks—from reading a well-argued treatise on utilitarianism. Having realized how everyone derives enormous amounts of pleasure from gazing at David, she proposes the creation of a new television channel dedicated solely to broadcasting David's beauty. Despite the fact that the Head of Government is perfectly aware that David would not want his life to be broadcasted in this way, she asks some civil servants to record David non-consensually on a continuous basis and broadcast it. Being thoroughly convinced that utilitarianism holds true and having made reasonably precise calculations regarding the resulting balance of pleasure and pain, the Head of Government thinks it is permissible to sacrifice David's interests for the sake of the greater good.[1]

The story about David triggers numerous moral questions. Perhaps the most obvious is: Is the Head of Government acting in a morally permissible manner in sacrificing David's interests for the sake of the greater good? Sadly, I shall not attempt to answer this question—so let's set it aside for now.[2] More modestly, my ambition here is to discuss some of the moral complaint(s) that I suspect many would judge David to have were the Head of Government to carry out her utilitarian plan. While there might be some disagreement on this point, I suspect that many would feel David to have been wronged; or at least that he has some compelling reason(s) to find the resulting situation regrettable. I shall take the soundness of this reaction for granted and ask: What, if anything, would justify such reactions? Even more specifically, some would claim that the Head of Government is wronging David, because the broadcasting scheme "violates David's privacy."[3] Others would use the notion "invades

[1] For the sake of vividness, one might at least in some ways liken David's resulting predicament to that experienced by Truman Burbank in the 1998 movie *The Truman Show*.

[2] Among other things, answering this question would require engaging with some tricky questions about how we ought to aggregate competing claims (cp. Horton 2020).

[3] Or, depending on how we individuate wrongs, "sets events in motion that ultimately bring about a wronging of David."

David's privacy" or "violates David's *right to privacy*." I shall treat these formulations as roughly interchangeable ways of presenting the same moral complaint—in my ears, at least, such assertions are not devoid of moral content—and assume that it can be given a rational basis.[4] This dissertation, then, is about improving our understanding of the nature of this moral complaint. The research question reads as follows:

> Research Question (RQ): When and why are privacy violations morally objectionable?

But why should we care about having an adequate answer to this RQ (which, strictly speaking, is two questions)? Let me start with some practical reasons as to why we should care before considering some claims internal to the relevant scholarly literature expressing the need for an answer to the RQ.

One reason—which I suspect should have some uptake for politically minded theorists—is that states are currently (and probably always have been) in the business of collecting intelligence about their respective subjects. The state cannot simply work properly without the ability and permission to collect intelligence.[5] Think of a state having to collect taxes, run a (reasonably just) penal system, or deliver social services without having relevant intelligence about the relevant subjects. Things could obviously *in principle* be carried out by way of competent guessing or coin-flipping, but I suspect few would find doing so attractive. So while David's predicament is special in certain ways, it is also remarkably common in the sense that his predicament is member of a much larger set of predicaments in which states collect, rely on, and disseminate intelligence for a large variety of purposes.[6] When recognizing that such intelligence-collecting conduct can both be morally permissible

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[4] Compare for instance: "I suggest, then, that we look at some specific, imaginary cases in which people would say, 'There, in that case, the right to privacy has been violated,' and ask ourselves precisely why this would be said, and what, if anything, would justify saying it" (Thomson 1975: 295–6).

[5] Marmor (2015) suggests that the contours of the right to privacy might be determined by legitimate public interests: "If you have a beach house or a bank account in the Cayman Islands, the tax authorities should know about it, whether you like it or not. Naturally, it is difficult to draw the line; the legitimate public interest in our material possessions is extensive and varied" (p. 11).

[6] David's case involves wrongful broadcasting. As I see things, broadcasting is merely a special case of surveillance, but one need not agree that broadcasting is necessarily a case of surveillance to accept that broadcasting can violate privacy. So this is one way of seeing why my dissertation is not, strictly speaking, about the morality of

(think of Marmor's tax authority example cited in fn. 5) and morally *im*permissible (David's predicament), we would ideally want to know what sets the former and the latter apart in a manner that explains their difference in moral valence. An answer to the "why"-part of the RQ should give us this. For reference, call this question the Explanatory Question.

With the Explanatory Question answered, we can in turn proceed to answering the "when"-part of my RQ. To those drawn toward "applied" or "practical" ethics, answering the "when"-question gives them directly what they are after, to wit, an answer to how we may go about without wrongfully violating others' privacy; or, in other words, do better by the standards of morality. Call this question the Duties Question.

A word of caution before proceeding: while *one* underlying motivation of the project is understanding what constitutes permissible intelligence-collection (for states), none of the manuscripts comprising this dissertation has an explicitly "statist" focus. By contrast, the questions I address in the manuscripts are all posed more generally as questions about the structure of morality as it applies to moral agents (without the added qualification that these agents are necessarily states). Since states are admittedly morally special in several ways, some of the views I put forth in the manuscripts that make up this dissertation might be patently inapplicable—or need substantive reworking in order to apply—to the question of how states ought to act. While this might strike some as an obvious shortcoming of the dissertation, I find the move justifiable. To understand the moral importance of privacy, I hold that we should start by addressing a much broader question about the structure of first-order morality. In the best case, the efforts we put into answering this broader question might help us to understand how special kinds of moral agents—states being one case in point—ought to act.

So much for the practical considerations. While practical significance might be a necessary condition for being justified in writing a dissertation on some subject matter[7], it is clearly not a sufficient condition. Let us then consider the case for thinking that there is a need for another dissertation on the objectionableness of privacy violations.

Two legal scholars in 1890—Samuel Warren and Louis Brandeis—were arguably the first to articulate the idea that there should exist such a thing as a

"surveillance" in any direct sense. For a good discussion of the concept of surveillance, a concept which has received scant systematic attention from analytical philosophers, see Thomsen (2019).

[7] Full disclosure: I do not think this is the case.

(in their case, "legal") "right to privacy."[8] Their claim was very much a practical response to technological developments:

> Recent inventions and business methods call attention to the next step which must be taken for the protection of the person, and for securing to the individual what Judge Cooley calls the right "to be let alone." Instantaneous photographs and newspaper enterprise have invaded the sacred precincts of private and domestic life; and numerous mechanical devices threaten to make good the prediction that "what is whispered in the closet shall be proclaimed from the house-tops"[9] (Warren & Brandeis 1890: 195).

Citing Warren and Brandeis helps to illustrate the fact that privacy has been a subject of scholarly attention (philosophically and legally) for quite some time. Their piece also nicely illustrates how the scholarship on this topic is often "problem-driven" and motivated by technological innovation. At least one of the papers comprising this dissertation takes a similar "problem-driven" approach and tries to assess how privacy is affected by recent technological innovations in predictive technologies and so-called "big data analytics."

For present purposes at least, we can now set Warren and Brandeis aside as a piece of history, as their substantive view on the right to privacy enjoys little uptake in the current philosophical literature. And after all, what I need is not a justification of the claim that some scholars *at some point in time* deemed privacy a subject worthy of interest.[10] By contrast, I must defend that *currently*—more than 100 years after this discussion began—a subject remains that is deemed (and can *justifiably be deemed*) worthy of interest. Here is some evidence; first, that the Explanatory Question is deemed worthy of interest. Marmor (2015) writes:

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[8] Admittedly, the terms "public" and "private" go all the way back (if not even further) to ancient philosophy. But as far as I can tell, few scholars seem to think that the current literature on privacy descends from that, cp. DeCew (2018).

[9] Warren and Brandeis were concerned with the advent of so-called "snapshot" photography and the resulting possibilities for easily and quickly capturing and disseminating pictures. Previously, photography had been a much more tedious enterprise, where an exposure required several minutes, and the technology was not widely available to the masses; see, e.g., Ford, C., Steinorth, K., (1988).

[10] To complete this thumbnail history, it is worthwhile pointing out that philosophers—as opposed to legal scholars—first started taking serious interest in the right to privacy roughly 80 years later, in the 1970s. See Bok (1989); Fried (1970); Gerstein (1978); Rachels (1975); Scanlon (1975); Schoeman (1984); Thomson (1975); Pennock and Chapman (1971).

> The right to privacy is a curious kind of right. Most people think that we have a general right to privacy. But when you look at the kind of issues that lawyers and philosophers label as concerns about privacy, you see widely differing views about the scope of the right and the kind of cases that fall under its purview. Consequently, it has become difficult to articulate the underlying interest that the right to privacy is there to protect—so much so that some philosophers have come to doubt that there is any underlying interest protected by it (p. 3).[11]

Marmor articulates the thought—and I largely agree—that a lack of clarity exists concerning what interests justify privacy rights. One might want to deny that Marmor is addressing the Explanatory Question in this quote (and in his paper more generally). In support of this idea, one might note that he does not say *directly* that he is concerned with explaining what makes privacy violations morally objectionable. However, a more careful reading will reveal that Marmor *is* concerned with explaining what makes it morally objectionable violating a specific kind of *right* (the right to privacy). To answer this question, Marmor assumes a version of the so-called "interest theory" of rights according to which we can explain why we people have rights, and why it is wrongful to violate such rights, with reference to the existence of certain prior morally relevant interests (see Marmor 2015; Raz 1986; Owens 2012 chapter 2). It turns out, then, that Marmor *is* addressing the Explanatory Question. He is just addressing it under a specific view on what form this explanation must take.

With this qualification in mind, we can appreciate that Marmor and I are both addressing a question—the Explanatory Question—already influentially addressed in 1975 by Thomson.[12] Her paper begins with the bold claim that "Perhaps the most striking thing about the right to privacy is that nobody

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[11] Things are more complicated than as presented here, because the disagreement Marmor describes as one disagreement is better described as disagreements ranging over separable questions. To disambiguate, then, we can distinguish between Conceptual Questions (What is "privacy?" What is "the right to privacy?" What is a "privacy violation?") and *normative questions* (What moral considerations ground privacy rights? What renders privacy violations objectionable, when they are?). Secondly, it is worth highlighting that Marmor assumes that the question is explaining what the *right to* privacy is and what makes such *rights violations* objectionable. By contrast, my RQ is thinner in that it does not assume that the relevant kinds of wrongs are rights violations. My Explanatory Question is the *Normative Question* mentioned above, but I must take a stand in some of the manuscripts on the Conceptual Question to be able to answer the Explanatory Question.

[12] And arguably even earlier by legal scholars; see Prosser (1960). As far as I can tell, Thomson does not, *pace* Marmor, discuss the question assuming the interest theory of rights.

seems to have any very clear idea what it is" (1975: 295), by which she seems to imply that nobody seems to have a very clear idea about what explains what makes it the case that privacy violations are morally wrongful.[13]

My manuscripts 1 and 2 address this question and offer partial answers to the Explanatory Question.

Even with a firm idea of what considerations explain, or could be hypothesized to explain, what makes privacy violations objectionable, we must still determine *when* privacy violations are objectionable. Why, though, is the answer to the latter question not trivially entailed by our answer to the former question? One general reason for this is that something can be entailed by a view (or combination of views), but in a *non-obvious* way. In such cases, making such entailments obvious and explicit can be valuable. Another general reason is that some views may require pairing with additional premises to generate a deontic claim about what is permissible and what somebody ought to do (and so on) in some specific situation.[14] To appreciate the need to answer the Duties Question, consider the following quote by Rumbold and Wilson (2019):

> What are the duties, then, engendered by an individual's right to privacy? To date there has been surprisingly little discussion about this issue in the literature. However, to the extent that the question has been considered at all, writers have tended to characterize the duties generated by the right to privacy in terms of an obligation on the part of duty-bearers to refrain from doing something harmful or restrictive to right-bearers with respect to the domain covered by the right in question (p. 7).

One might reasonably question what amount of discussion is "surprisingly little," and whether "surprisingly little" means "insufficient," bearing in mind that issues surrounding the right to privacy have been discussed for more than

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[13] Many acts said to violate privacy involves observation. An—extrinsic to the privacy literature— reason for taking interest in the Explanatory Question is, if Frowe and Parry (2019) are right, that: "it is hard to articulate precisely what is wrong with merely looking at images of wrongdoing or images that have been wrongfully created or shared" (p. 107).

[14] A third reason is that there seems to be some "maneuvering space" between what is entailed by our best moral principles and the moral judgments we are inclined to endorse, as evidenced by the reflective equilibrium method, where "explanations" and "judgments" are both typically taken to have independent evidential force. A fourth reason is that we must make such assumptions to make sense of some of the claims made in the literature on privacy, such as the one by Rumbold and Wilson below.

a century.[15] For present purposes, however, the point is that some have, and some still see, a need to answer the Duties Question.[16] References aside, I make some more focused cases for why the specific questions about scope raised here are worthwhile discussing in the relevant manuscripts. Manuscripts 3 and 4, then, offer partial answers to the Duties Question.

In a nutshell, the aim of this dissertation is to i) shed some more light on why we should deem privacy violations objectionable and ii) say something about what this entails for what people ought (not) to do. Here is an overview of the four manuscripts comprising this dissertation:

1. Munch, L.A. (2020), The Right to Privacy, Control Over Self-Presentation, and Subsequent Harm. *Journal of Applied Philosophy* 37, pp. 141–54 (abb. "Subsequent Harm")
2. Privacy and Relationships, under review (abb. "Relationships")
3. Privacy Rights and "Naked" Statistical Evidence, online first in *Philosophical Studies*
4. How the Right to Privacy Engenders Direct Doxastic Duties, online first in *The Journal of Value Inquiry* (abb. "Doxastic Duties")

The remainder of the summary is structured as follows. In Chapter 2, I sketch the methodology underlying the manuscripts in the dissertation. Chapter 3 addresses three important substantive questions about the morality of privacy that I do not discuss explicitly in my manuscripts. I do this in the interest of showing how my work relates to, and is in some important ways independent of, the views one might take on these questions. In Chapter 4, I summarize my manuscripts 1 and 2 and indicate how they contribute to answering the Explanatory Question. More specifically, I defend the two following claims. First, I claim, *pace* a recent view put forth by Marmor (2015), that concerns about the abuse of information explain why some privacy violations are wrongful. Secondly, I develop a view on how a concern for social relationships can explain why some violations of privacy are morally objectionable. In so doing, I show why this view is preferable to extant accounts of how concerns for social relationships explain the wrongfulness of privacy violations. Chapter 4 summarizes how my manuscripts 3 and 4 contribute to deepening our understand-

[15] Cp. Allen (1988); Moore (2015); Spurgin (2019), who either contain or cite (or both) work on the right to privacy applied to numerous contexts, such as workplace privacy, the privacy rights of politicians.

[16] See, e.g., a recent paper by Pepper (2020), which makes a fascinating case for the claim that non-human animals also have a right to privacy.

ing of how we should be answering the Duties Question. In this chapter, I argue, first, that many of the accounts of why privacy violations are morally objectionable apply equally in cases where advanced statistical techniques are used to infer traits about people (a.k.a. "big data analytics"). Due to the conditionality of this argument, one might either derive from this that such analytics can be used to violate people's privacy rights or use this finding to cast doubt on any account of the badness of privacy violations that has this implication. Secondly, in Manuscript 4, I try to make a case for thinking that one cannot only violate privacy by acquiring evidence in certain ways, as the commonly endorsed view has it, but also that one can violate the privacy of others by virtue of the very act of believing some things to be the case about them. Chapter 5 concludes and is followed by Danish and English summaries.

2. Methodology

Suppose I want to convince you that racism is morally wrong. Setting aside for now the tricky questions of what the terms "moral" and "wrong" even mean, and what follows, if anything, from establishing that something is "morally wrong" (I shall merely assume that most people have an intuitive sense of the meaning of these terms)—one might reasonably wonder how I would go about doing just that.[17] Obviously, we might agree before the argument even begins; after all, many believe—consciously or otherwise—that racism *is* morally wrong. But this is not the interesting case, since in such cases you probably believe *irrespective* of my arguments. So, let us focus on the case in which you are unconvinced about the moral objectionableness of racism. And let us also assume that you are pretty smart, so you will not be convinced by arguments, which obviously rely on fallacious or dubious reasoning. How should I proceed?

One first—perhaps helpful—detail worth noting is that the proposition that I am trying to convince you is true is of a *normative* nature.[18] Such propositions are sometimes said to state what *ought to be the case* instead of stating what is *necessarily* or *actually* the case. But this is mostly a classificatory

[17] If the view known as "cognitivism" in meta-ethics is false, then there is no fact on the matter regarding the question of whether racism is morally wrong. This is the case because, according to non-cognitivism, moral propositions are not *truth-apt* in the sense that they cannot be true or false. And if moral propositions cannot be true of false, there cannot be a fact on the matter of whether racism is wrong, since this is a proposition purporting to say something about morality. If cognitivism is false, then slightly more effort is required to demonstrate why my work has value (in this case, for instance, I cannot plausibly say that I am trying to convince you of the *truth* that racism is wrong). For present purposes, I set this task aside, as many happen to be cognitivists, and this larger task would distract from the purposes of this project; cp. van Roojen (2018).

[18] List and Valentini (2016): "Political theory can easily be distinguished from (positive) political science. Political science addresses empirical and positive questions concerning politics and society (for an overview, see Goodin 2009). It seeks to describe and explain actual political phenomena, such as elections and electoral systems, voter behaviour, political-opinion formation, legislative and governmental behaviour, the interaction between the legislative, executive, and judicial branches of the state, and the stability or instability of different forms of government. Political theory, by contrast, addresses conceptual, normative, and evaluative questions, such as what a democracy is, how we ought to organize our political systems, and how to evaluate the desirability of policies" (p. 526).

point and does not directly help us answering the question at hand. Instead, we can start by exemplifying what will *not* help me in convincing you about the moral status of racism. For instance, I clearly cannot use the results from a survey, a regression analysis, or the results from my interviews (this is an inexhaustive list of the usual ways of going about when doing political science) to convince you that racism is morally objectionable.[19]

What, then, will do the job? An answer widely endorsed by political theorists starts by invoking the methodology typically known as "reflective equilibrium".[20] Simplifying somewhat, we have interests in knowing whether *i)* our theories are true and *ii)* whether specific (in some sense, "qualified") normative judgments are true.[21] As the thought goes, these judgments and theories can either be mutually supportive, consistent, or in outright tension with one another (suppose our best moral theory predicted that racism was *not* morally wrong; this would stand in striking contrast to what I take is many people's pre-theoretical feeling about the status of racism).[22] The idea is that if we can make these pieces "fit together" in a mutually supportive system, then this confers some "truth-indicating" status on the elements making up the resulting "system" or "equilibrium;" or so political theorists tend to believe or assume in their work.

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[19] Perhaps it is worth adding that normative propositions are not special in virtue of this. Think of questions such as "Is free will real?," "What is causality?," or "What is the square root of 292?" What survey results would serve as direct evidence for or against answers to these questions? None, I suspect!

[20] See Rawls 1971; Tersman 2018; Daniels 2003; Knight 2017.

[21] Again, depending on meta-ethical commitments, one might read "true" as a placeholder for something else entirely.

[22] A common question: *what* judgments and *who's* judgments? Certainly, not just *any kind* of moral judgment can confer truth or truth-like status on the elements making up some reflective equilibrium. To appreciate the need to answer this question, I suspect many would think that racist or sexist intuitions could not confer any truth or truth-like status on our theories, because these intuitions are simply wrong-headed. But if we think this, then we must tell a story about why such intuitions, in contrast to, say, the intuition that all people are moral equals (endorsed by many scholars of an egalitarian stripe), are somehow inadmissible. Various views exist on how we ought to answer this question. Rawls maintains that only "considered" judgments are admissible, while others take intuitions as "strict evidence" being hesitant to filter any intuitions away at all (Rawls 1971; see also List & Valentini 2016). I must admit that I know of no good, crisp answer to this question. For present purposes, then, I go with an (admittedly not very adequate!) view according to which the judgments that ought to form part of our reflective equilibrium are those that the relevant scholarly community are inclined to deem admissible.

In a nutshell, then, my tentative answer to how I would go about convincing the person currently suspending judgment on whether racism is morally wrong is "by using the method of reflective equilibrium." This provides a rather formal account of the methodology to which I commit in this dissertation. "Methods," however, is often identified with practical guidelines for how one can get from an initial state of ignorance to one of justified belief. And the remarks made above fall short of practical guidelines. Accordingly, I describe and justify my use of three practical guidelines in the following, describing how they can be seen as deployments of the method of reflective equilibrium and, most importantly, describe how my manuscripts make use of these practical guidelines to answer the RQ.

2.1. Thought experiments

When making arguments in political theory, it is common to rely on what is standardly referred to as "thought experiments." As an initial, rough characterization, thought experiments often assume the form of small vignettes (not unlike the example with David at the beginning of this summary, although this one is particularly, and perhaps unusually, rich in contextual detail) that are deployed to serve some argumentative purpose or elicit some response (e.g., moral judgment or conceptual judgment, or both) in the persons on the receiving end. These purposes can vary and I use thought experiments to multiple ends.

Thought experiments are sometimes deployed for the sole purpose of illustrating the implications of a view or an argument, with the thing that discharges the burden of proof—if one such burden must be discharged—being something else entirely. Call this the *presentational* use of thought experiments. I deem the presentational use of thought experiments, when done appropriately, to wit, when the thought experiment succeeds in serving a non-misleading presentational purpose, largely unsuspicious. The enterprise is non-suspicious because the function of the thought experiment is merely to draw our attention to an implication of some view that one could, in principle, recognize rather independently of the thought experiment. In "Subsequent Harm," for instance, I use several thought experiments to illustrate what follows from my view, *pace* my main interlocutor in that paper, Andrei Marmor.[23] Similarly, I rely on a thought experiment in "Doxastic Duties" to illustrate the practical implications of my view.

[23] For an excellent summary of how thought experiments can be non-productive (although this is subject to disagreement), see Elster (2011).

Why use thought experiments for presentational purposes? One straightforward reason is that philosophical views are often complex and difficult to grasp. Here, thought experiments (or "examples") might help to spell out the implications of complex views, thereby enabling us to assess these consequences.

Thought experiments sometimes also come in sets of two or more, where the reader is invited to reflect on whether they think these cases differ; for instance, in their moral quality. Such cases are sometimes called "contrast cases."[24] These sets of cases are usually crafted such that they are identical in every respect aside from one or a few differences. Contrast cases can also serve presentational purposes. In "Statistical," I structure the paper around two cases that only differ, I argue, with respect to the type of evidence acquired. I then go on to discuss whether this difference in quality matters morally from the perspective of privacy concerns. The distinctive merit of the contrast cases is that they allow us to focus on a single property and discuss its moral relevance without distraction; much like how a controlled experiment allows us to assess the causal effect of a single factor.[25]

Sometimes, however, contrast cases can also form an argument. Call this, unsurprisingly, the *argumentative use* of thought experiments. Kagan (1988) describes this use well:

> A very common form of argument proceeds by offering a pair of cases that differ only in terms of the factor in question. If we judge the two cases to be morally different, it is argued, this difference must arise from the different values of the given factor (everything else being held constant), and so the factor is shown to be morally relevant. If we judge the cases to be similar, on the other hand, despite the variation in the given factor, this shows that the factor is not actually morally relevant after all. Let us call the pair of cases offered for comparison *contrast cases* (since the argument turns on the presence or absence of a contrast in our judgments about the cases), and let us call arguments of this sort *contrast arguments* (pp. 5–6).

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[24] Kagan (1988).

[25] There is a clear analogy here to orthodox, causally oriented political science methodology. In a complex world where multiple causal effects can be expected to play out simultaneously, empirical scholars must devise increasingly sophisticated ways of testing the implications of their theories to ensure that their results are not confounded by other factors. In one sense, cleverly designed experiments and cleverly designed thought experiments serve the same purpose. The difference is merely whether we are interested in establishing what factors are *causing* some outcome or interested in establishing what factors *determine* a given moral judgment (or proposition).

As Kagan describes, thought experiments in the form of contrast cases can help us establishing *what* factors matter morally (in general), and *when* they matter (whether they have relevance for a particular moral judgement, such as the judgment that some case involves a "wrongful violation of privacy"). In this way, contrast cases can be used as arguments. I use contrast arguments on one occasion: In "Subsequent Harm," I use contrast cases to test whether a concern for harm drives our moral judgments about whether privacy is violated. In this case, the relevant "factor" (to use Kagan's terminology) is a concern for the harmful abuse of information and the "values" that this factor takes to be either "present" or "absent." I use this as evidence against Marmor's view that concerns about abuse of information are unrelated to judging whether there is a violation of privacy.

This concludes my overview over how I rely on thought experiments in the dissertation. Admittedly, the use of thought experiments is sometimes deemed suspicious. Notably, Jakob Elster has recently claimed that we cannot trust our moral intuitions in cases that are excessively "outlandish" (i.e., too different from our current experiences, too different from the experiences our moral psychology was designed to comprehend reliably, or simply unclear because, due to the "outlandishness" of the case, we are unable to fill in the blank spaces of the cases with details reliably). While this line of reasoning is intriguing, it is, I think, largely inapplicable in the present context. The reason is that none of my manuscripts—as far as I can tell—exploit thought experiments that are "outlandish" in the sense that Elster has in mind; and if I happen to do so, then my interlocutors are guilty of the very same crime, should it indeed be one such.[26]

2.2. Logical entailment

How should we understand the apparently metaphorical thought that, when doing political theory, the state of affairs for which we are aiming is a "reflec-

[26] In "Relationships" I briefly entertain the question of whether certain morally valuable entities could exist in a world without privacy. I do so because others have put forth views on this matter appealing explicitly or implicitly to such strikingly counterfactual worlds that *might* qualify as outlandish under Elster's definition. But I place no argumentative weight on intuitions about such cases. In "Subsequent Harm," I argue that we should be unconcerned about our privacy with regards to aliens who are hard-wired to be undisposed to abuse our personal information. Perhaps we cannot have reliable intuitions about our privacy interests with regards to such aliens, but notice that my argument here is a response to Marmor's view, who himself is guilty of appealing to alien-style cases.

tive equilibrium" in which the pieces comprising this "equilibrium" "fit together?" One promising answer is that we should understand such notions of "fit" or "misfit" in accordance with the rules of propositional logic.

Aside from the respectability that a propositional logic-based interpretation might confer on the method of reflective equilibrium under this interpretation, this interpretation is practically helpful. Since it gives us a clear idea about how one might go about doing political philosophy under the banner of "reflective equilibrium;" to wit, by relying on the inference rules known from propositional logic.[27]

Thus perceived, some of the manuscripts in this dissertation rely on familiar modes of inference. In "Doxastic Duties," for instance, I use the mode of inference known as "modus ponens" or "affirming the antecedent" to tease out hitherto overlooked implications of some of our commitments to privacy duties. Formally, such arguments run as follows:

1. If A, then B
2. A
3. Thus, B

Why use such modes of inference? Presentational purposes aside (it is a virtue, I think, to state one's arguments clearly, and relying explicitly on well-known modes of inference might help one to do just so), using such modes of inference makes sense, because, when done right, they come with what logicians sometimes refer to as "validity." Roughly, an argument is valid if it takes a form that renders it impossible for the premises being true and the conclusion being false.[28] Another way to say this is that the truth of the premises "guarantees" the truth of the conclusion. This is quite a feat!

This is no place to defend basic rules of propositional logic. For present purposes, I think it safe to assume their respectability. And if I have been successful in my efforts, this respectability should also be bestowed on the manuscripts in which these modes of inference are exploited.

2.3. Symmetry-based arguments

A third, and perhaps notable, way in which I deploy the method of reflective equilibrium in my manuscripts is by offering what one might call "symmetry arguments." In line with our commitment to achieving consistency between our moral principles and judgments, the following principle seems attractive:

[27] Cp., e.g., Smith (2020).
[28] Ibid.

> Parity: if X and Y (i.e., cases) are equivalent with regards to N morally relevant properties and there are no further morally relevant properties with regards to which they differ, then we ought to treat X and Y similarly.

Something in the vicinity of Parity appears to form a natural part of a reflective equilibrium, since it seems to be a failure of coherence to not treat cases that are morally equivalent in equivalent ways. I exploit Parity in "Doxastic Duties" and "Statistical." In these manuscripts, I ask how we should morally judge some tokens of two types of entities—belief-states and statistical inferences, respectively—if we are committed to the kind of things that privacy scholars tend to worry about when claiming that a moral right to privacy exists. I argue that the relevant commitments to privacy rights give us sufficient reason to be concerned with at least some belief-states and some statistical inferences. This reasoning relies on Parity: I show (or try to show) that there is no morally relevant difference between those things (acts, states of affairs) with which privacy scholars tend to be paradigmatically concerned ("X") and some belief-states and statistical inferences ("Y's"). If this symmetry holds, then we have consistency-based reasons to treat these cases similarly.

It is worth noting that such arguments often succeed in showing something interesting (that two cases are morally equivalent might be fully trivial in and of itself!) because of how they exploit how we tend to be particularly committed to one of the judgments that goes into the "parity-equation." In so doing, we can say something like, "look, you're thoroughly committed to judging X in this way; thus, you should judge Y similarly or revise your commitments."[29] I exploit this kind of reasoning in both "Statistical" and "Doxastic Duties." I start with paradigmatic cases thought by many to instantiate wrongful violations of privacy. I then show that if we explain the wrongfulness of these cases in certain ways, then we are also committed to the further judgments that I highlight.

Although symmetry arguments are common within political philosophy, they have certain shortcomings. Specifically, they are typically not *decisive*. They are indecisive because they always leave open the possibility that some person can come up with a new morally relevant factor with regards to which the cases under consideration differ. The gap left open in the argument depends on which factors have not been considered. Conversely, it is unclear whether *any* arguments within philosophy are ever decisive, strictly speaking, which shows that this concern might be somewhat overstated, since it seems

[29] Alternatively, one might (if this is interesting in the dialectical context) say something like: "I find Y unacceptable and thus I must reject my commitment to X." The equivalence works both ways, so to speak.

that for any imaginable argument, it is at least theoretically possible that counterarguments could come about that undermine it.

This concludes my presentation—and defense—of the methodology of this dissertation. Before turning to my substantive contributions in Chapters 4 and 5, I address three preliminary questions that seem important for discussion of the morality of privacy.

3. Preliminaries

Before turning to my work on the Explanatory Question and the Duties Question, it is worthwhile explicitly discussing three questions that will play an important foundational, though largely inexplicit, role in what is to come. For reference purposes, we can call these the "Wrong-makers Question," the "Conceptual Question," and "The Linkage Question," which I will discuss in turn.

Recall first the Explanatory Question: "Why are privacy violations objectionable, when they are?" It seems worthwhile to ask what kind of answer we might expect to give to this question. Specifically, we can distinguish *monistic* and *pluralistic* answers to the question. According to monistic views, there is *one type* of wrong-making property that explains why all privacy violations are morally objectionable. According to *pluralistic* views, privacy violations can be wrongful for multiple and distinctive reasons. The question of whether we should be monists of pluralists is what I call the "Wrong-makers Question."[30]

The answers we assume can be given to this question have practical significance for how we organize the resulting inquiry (and we must apparently assume an answer to the question precisely for that reason). If we favor Monism, answering the Explanatory Question turns into the challenging task of identifying necessary and sufficient conditions. If the objectionableness of all privacy violations can be explained by citing one type of wrong-making factor, it follows that this wrong-making factor is a necessary and sufficient condition for some privacy violation being wrongful. And answering the Explanatory Question entails identifying this necessary and sufficient condition (or set of necessary and jointly sufficient conditions).

If we favor Pluralism, our job becomes slightly easier in the sense that we are on the lookout for "merely" sufficient conditions, as we recognize that mul-

[30] In principle, we could also hold that "no" wrong-making factor *explains* why privacy violations are objectionable. On one interpretation, this view would amount to denying that wrongful privacy violations exist. According to another interpretation, we would hold that the wrongfulness of privacy violations is a non-explainable bedrock fact of morality. I must admit that I find neither of these views particularly attractive, nor do I see influential defenses of these ideas in the literature. I therefore ignore them, although these are certainly possible ways of answering the Wrong-makers Question.

tiple wrong-making factors might explain why privacy violations are objectionable. It follows from Pluralism that none of these wrong-making factors can be a necessary condition for the objectionableness of privacy violations.[31]

We are clearly dealing with a substantive question about the structure of morality, but since I will not answer this substantive question, it is worthwhile to state why it is reasonable to work under the assumption that one of the views is attractive.

So, should we be monists or pluralists? From a pre-theoretical perspective, it is unclear whether we should be drawn toward Monism or Pluralism. Furthermore, some moral views restrict us on the matter. Take simple utilitarianism accompanied with a monistic axiology as a case in point. According to this view, the only existing wrong-making property is that of "not creating the greatest possible balance of pleasures over pains." If simple utilitarianism is true, then Monism is trivially true. However, since one can reasonably disagree about the truth of utilitarianism as well as general moral views that allow for a richer understanding of the wrong-making properties that exist, it seems as though we should not consult such general views to settle the matter (at least not in the first instance—perhaps, all things considered, we ought to favor simple utilitarianism).

Since I shall not be dealing explicitly with The Wrong-makers Question and only work under an assumption about how we should answer it, another, perhaps more helpful, way of asking the question becomes: does anybody seriously defend Monism? If nobody has managed to produce a good argument in favor of Monism and few seem to endorse it, perhaps we can safely assume Pluralism (at least until more evidence to the contrary is available). It certainly seems true that many scholars endorse Pluralism! To consider some of the clearer statements of this idea, Rachels writes:

> Why, exactly, is privacy important to us? There is no one simple answer to this question, since people have a number of interests that may be harmed by invasions of their privacy (Rachels (1975: 323); see also Gaukroger (2020)).

[31] In "Subsequent Harm," I discuss a contributory condition which is a "necessary condition light" or, put differently, a necessary condition that forms part of a factor that constitutes a sufficient condition.

Kappel (2013) writes:

> It seems unlikely that there would be one unified type of practical interest[32] that grounds privacy concerns. It rather seems that there is a variety of different reasons that might be relevant (p. 184).

Davis (2009) writes:

> Privacy desires have contingent connections to the desires for respect, dignity, love, friendship, trust, freedom, autonomy, democracy, religious piety, sexuality, modesty, honor, family life, etc.; connections that vary across cultures. It is the range and importance of the objects of the desires, the state of affairs, which are realized if the desires are fulfilled, to which privacy is contingently related that give moral grounding and thus, moral value to privacy (p. 466).

In fact, forming an opinion on the question of whether there are any serious defenses of Monism in the literature is no easy task. Marmor makes some remarks that could be interpreted as a version of Monism (and I am having a hard time identifying others in the literature expressing endorsement of this view), since he argues that there is one, and only one, interest that justifies the right to privacy and explains its proper scope:

> I will argue that there is a general right to privacy grounded in people's interest in having a reasonable measure of control over the ways in which they can present themselves (and what is theirs) to others. I will strive to show that this underlying interest justifies the right to privacy and explains its proper scope (2015: 4).

When diagnosing particular cases, for instance, he writes:

> What Bob the neighbor does that is wrong, even if he is otherwise an honest fellow, is invading Mary's privacy—that is, by manipulating her environment in ways that undermine her ability to control whether she shows her painting and to whom (2015: 17).

This may seem like a version of Monism: the wrongness of all violations of privacy can be explained by the fact that they set back some specific interest; to wit, an interest in having control over self-presentation. But things are un-

[32] One might think that Kappel, by using the notion of "practical interest," does not speak to the question at hand. However, seeing as how he classifies concerns for "fairness," "equality," and so on as "practical interests," it seems safe to think that by "practical interests," he means "moral interests" and not merely, say, "prudential interest" (ibid.).

clear. When Marmor addresses the question of *why* control over self-presentation is morally important, he cites multiple reasons for why this is the case (see Section II in Marmor 2015).[33] If deprivations of control over self-presentation are morally objectionable only if some further features are present, and these features might be different in kind, as Marmor indicates, then Marmor's view is really a version of Pluralism, even if Marmor is correct that all privacy violations involve a setback to the interest in control over self-presentation. Conversely, Marmor downplays the role of these ulterior interests when diagnosing the case as cited above. If Marmor is monist, this analysis is adequate, whereas his analysis is question-begging if he is pluralist (because his explanation of why Bob wrongs Mary is incomplete).[34] Hence, Marmor's view is genuinely unclear, even though some of his remarks seem to pull in the Monist direction. The important question, though, is whether Marmor produces any compelling argument in favor of Monism. I fail to see that he does, and, as a matter of fact, my "Subsequent Harm" also indirectly provides evidence in favor of the thought that Marmor would be well advised to refrain from endorsing Monism, because doing so would render his view extensionally inadequate.[35]

Let's take stock. Pluralism is commonly endorsed, and it is unclear that anybody has succeeded in producing a compelling argument in favor of Monism. As far as I am aware, few even endorse Monism explicitly. I think it is at least safe to assume Pluralism as we go along, and I shall do so accordingly. Of course, this does not by any means imply that we have come up with a definite answer to the Wrong-makers Question, but we have, it seems, arrived at a reasonable working assumption. For completeness, I also want to highlight that, aside from Manuscript 1, you need not grant me this assumption to accept the arguments I put forth in the manuscripts.

Consider next what I call the Conceptual Question, which runs as follows: What does "privacy" mean? This is a question that—understandably—has occupied philosophers considerably, and continues to do so.[36] I even think there

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[33] 2015: 7: "What people need, however, is to have some reasonable amount of control over the ways in which they present different aspects of themselves to others. And they need this control for a number of very important reasons".

[34] Additional evidence in favor of this interpretation can be derived from Marmor's (2015: 11) treatment of a so-called alien civilization case in which no interest aside from the interest in control over self-presentation is set back, and Marmor maintains that such cases could not possibly violate privacy.

[35] See Matheson 2008 for similar claims about the unattractive implications of monistic views.

[36] See Mainz & Uhrenfeldt 2020; Menges 2020; Macnish 2018 for recent work on this question.

is a case for claiming that this question has occupied scholars much more than has the question in which I am interested (although the Conceptual Question has often been raised due to an interest in the subsequently normative questions that could follow from answering this question).

It seems natural to think that our best account of what the term "privacy" means should have some bearing on what it means to "violate privacy," and so thereby, indirectly, have a bearing on how we explain what makes such violations objectionable. However, there is room for disagreement. In principle, our best account of "privacy violations" and "privacy" could turn out to reveal them to be completely unrelated notions. This could be the case, for instance, if we learn that normative and conceptual intuitions about privacy simply pull us in different and inconsistent directions. At any rate, this question of how these two concepts relate is a further substantive question, which we might call the "Linkage Question." I return to this question below.

My strategy is generally to remain maximally permissive in relation to how both of these questions should be answered, since I am interested in a question different from both: What makes privacy violations objectionable? And what follows from the moral commitments that such judgments reflect? In the best case, my claims should be robust over any possible view on the Conceptual Question and the "Linkage Question," but this is probably unattainable. However, it helps to give a brief overview over the state of the art within these debates and indicate how I plan to sidestep them.

There are many views on what "privacy" is. Some believe it to be a purely descriptive notion,[37] while others deem it an inherently normative (and/or moralized) notion.[38] As Mainz and Uhrenfeldt (2020) helpfully point out in a recent paper, "It is frustratingly difficult to determine which accounts [of privacy, LAUMU] are meant to be descriptive, which are meant to be normative, and which are both." I agree, and it is possible that some of this confusion has been caused by the fact that some scholars have indicated poorly whether they are interested in what *privacy* is (perhaps, a descriptive property) or what *the right to privacy* is[39] (which, in the case of moral rights, clearly is a normative property).[40] For my purposes, it matters not whether one thinks that privacy

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[37] For instance, Menges 2020; Kappel 2013; Rubel 2011; Davis 2009.

[38] For normative views, see e.g. Inness 1992; Moore 2013.

[39] Skopek 2020 defends this.

[40] Perhaps things are more complicated than I let them appear here. We can distinguish *moralized* and *non-moralized* accounts of X, and such accounts disagree on whether some moral judgment is a part of the thing that is defined. By contrast, we can reserve the distinction normative vs. non-normative for specifying whether one seeks to capture a deontic phenomenon (e.g., a "right') or a "natural" phenomenon (e.g., a bird). This gives us a matrix with four possible positions. Thus put, Mainz and

is a normative or non-normative concept. Laying my cards on the table, I find it intelligible to ask the question "is privacy valuable?," and so I tend to favor a descriptive concept since this question is unintelligible if one favors a normative conception. But even if one favors a normative concept of what "privacy" means, one still seems to owe an explicit account of what, if anything, renders "privacy violations" morally objectionable. For presentational purposes, then, having noted that we can safely set the question aside, I stick with the thought that privacy is a non-normative and non-moralized concept for presentational purposes: What it *means* for there to exist a state of privacy does not necessarily commit us to any moral judgment on the question.[41]

Most accounts of privacy understand it to be a relationship between three relata, such that.[42]

(1) A has privacy regarding P and with respect to B if and only if B does not stand in some relation, Z, to P.

Where A and B are agents, P is some content (e.g., information, fact, proposition).

Notice first that, for the sake of simplicity, I suppress the fact that there must be some further relation between A and P that is satisfied for A to have privacy. It is not obvious what this relationship is, and I do not think scholars have succeeded in producing a sufficiently clear answer. For example, proponents of "informational" accounts of privacy do not believe that all pieces of information are relevant to privacy, but only information that is relevantly "personal" because it says something specifically about A.[43] According to this view,

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Uhrenfeldt (2020) could be said to offer a normative and moralized account of the "right to privacy" (they seek to capture a deontic phenomenon and capturing this phenomenon in an account implies a moral judgment), whereas Moore (2013) seems to offer a moralized but non-normative account of "privacy" (Moore seeks to capture a natural property of the world, claiming that this property is necessarily valuable).

[41] Menges 2020 articulates this particularly well.

[42] See Rubel 2013, Blaauw 2013, Kappel 2013, Fallis 2013, Lippert-Rasmussen 2017 and others for such analyses.

[43] Cp. Rumbold & Wilson (2019: 7): "First, consider information that was never private to begin with. The color of the sky, for example, might be considered as one piece of eternally public information. According to this account, individuals have no justifiable claim over our action with regards to this kind of information because such information was never held by them in the requisite sense. Such information belongs to everyone and no one (picking up, perhaps, on the intuition that there is something 'proprietary' about privacy when it applies)".

"Lauritz is taking a shower every morning at 8 o'clock" is personal information, because it refers to an identifiable subject, whereas "somebody is taking a shower every morning at 8 o'clock" is not a piece of personal information.[44] In line with this way of thinking, Davis (2009) writes, "The concept of privacy does not apply to information that is not personal" (p. 458). For similar reasons, it seems, Marmor (2015) claims that *anonymous* information is irrelevant to privacy.[45] Others have highlighted that there seems to be something "proprietary" about privacy; to wit, that the contents relevant to privacy bear some "proprietary" relationship to some individual (see Marmor 2015; Rumbold & Wilson 2019; Scanlon 1975; Thomson 1975).[46] Finally, there are those who think that we must distinguish even further, as not even all personal information is relevant to privacy. According to such views, it is sometimes held that the information must also be "sensitive" in the sense of objectively deserving protection (see, e.g., Kappel 2013) or in the sense of being conventionally regarded as sensitive (Parent 1983). The latter can be thought of as a contextualist criterion for determining whether a piece of information is sensitive.

For my purposes, none of the claims I make presupposes accepting a specific view here (although I do rely on a sensitivity criterion as a technical term in "Subsequent Harm"), but the issue is worth flagging.[47]

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[44] It warrants mention that some of these ideas bear resemblance with the European General Data Protection Regulation, which also purports to regulate only personal information which is information referring to an identified or identifiable individual.

[45] Marmor offers no argument in defense of this claim, one might add. See Manson & O'Neill (2007) for criticism of this idea. Davis (2009) and Parent (1983) say that privacy only covers "sensitive" information, while Matheson (2007) claims that privacy only concerns "empirical" information. Specifically with respect to Davis and Parent's views, I must admit that I do not feel the pressure toward thinking that it is odd to say that A lost privacy about some piece of information, even though the information was trivial or non-sensitive.

[46] In "Statistical," I offer some cases that seem like privacy cases but arguably fail to elicit the "proprietary intuition."

[47] Full disclosure: I see no reason to think that privacy should necessarily range over "sensitive" or even "personal" information. Marmor (2015) discusses a case in which an X-ray system used in some airports can be used to gaze at people's naked bodies without identifying them. Marmor's intuition is that doing such things could not possibly violate people's privacy rights because the people that are scanned remain anonymous. By contrast, I have no qualms with thinking that such techniques could be used to violate people's privacy, and even deprive them of privacy, conceptually speaking, even though they remain anonymous throughout. If your intuitions align with mine, we have a counterexample to at least the personal information-criterion discussed above.

Let me then unpack the generalized account offered above. Starting with A and B, these are typically assumed to be individual human agents. Although some believe that groups of agents can have, fail to have, acquire, and/or lose[48] privacy.[49] Relatedly, one could also ask whether non-sentient beings (e.g., machines) could cause a loss of privacy.[50] Setting such questions aside—I only deal with humans—this view implies, attractively to some, that A can enjoy privacy regarding some content with respect to some person and lack privacy regarding the same content with regards to others.

Consider next P, which denotes the type of contents that privacy concerns. This question of how to understand P is subject to significant disagreement. Some have thought that the property of privacy ranges over multiple contents.[51] Rössler (2005), for instance, claims the existence of "decisional privacy" (P = decision), "local privacy" (P = physical space), and "informational privacy" (P = piece of information), which are strikingly different yet, according to her, all belonging to the genus "privacy."[52] This might reflect the idea that there are multiple senses in which one can be "left alone" (Warren and Brandeis describe the right to privacy as the "right to be left alone").[53] While I do not personally find such analyses compelling, I can remain non-committal for present purposes. Weaker, I merely want to make the point that if one favors such views, then my work only concerns part of what privacy is. But I see no problem in restraining one's focus—the scope of a single dissertation is limited—so I can safely remain non-committal on whether we should accept a broad analysis of privacy regarding the P-component.[54]

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[48] Some would question the idea that privacy necessarily can be "lost;" see Menges 2020: "whether sharing privacy involves diminishing privacy depends on the nature of privacy. If privacy is more like intimacy, then we can share it without losing it (see, e.g., Gerstein 1978; Inness 1992). If privacy is more like secrecy, then sharing it, plausibly, involves losing it. At this point it is unclear whether privacy is more like intimacy or like secrecy or like both" (p. 5).

[49] Loi & Christen 2020; Davis 2009.

[50] For rejection of this claim, see Macnish (2020); Skopek (2020). Fallis (2013) apparently endorses the claim that non-sentient beings can bring about losses of privacy.

[51] Here, I merely ignore "non-universal" accounts of what it means to be in a state of privacy, such as the "family resemblance" account offered by Solove (2008).

[52] See also Allen (1988), Gavison (1980), and Powers (1996), who helpfully show why such views are not compelling.

[53] Cp. Thomson (1975).

[54] *Although* I tacitly assume that there is only one sense in which one might say that "privacy was violated". Perhaps this assumption is mistaken, and we are, if the broad analysis is correct, dealing with multiple types of wrongs corresponding to different

As hinted toward, my manuscripts are most naturally taken as being concerned with "informational" privacy. Or, to articulate the point in a slightly more convoluted manner: it seems as though many who have thought privacy violations morally objectionable and have sought to explain this have focused on how, in the relevant cases, there is—or is likely to be—an uptake of information that would not otherwise have occurred and that this uptake seems important in explaining what makes such violations objectionable. I pursue this line of reasoning in most of my manuscripts. The reason I find it important to make the slightly more convoluted point is that, strictly speaking, it does not follow from this that I am committed to the claim that privacy is "informational privacy." To make the point as clear as possible: Should it turn out that privacy is not plausibly spelled out as "informational privacy," my manuscripts still succeed in producing substantive and novel claims about the structure of morality. It would only follow that this work would be misleadingly declared as about "privacy" as opposed to, say, work in "information ethics" or the "ethics of secrecy." Incidentally, it might be worth noting that, as far as I am aware, nobody has analyzed the concept "informational privacy" relying on anything but an intuitive account of what "information" is (in and of itself, this is a controversial philosophical question).[55] Indeed, in Menges' recent paper (2020), privacy is said to concern the "flow of information," which, in my mind, seems to be a notion requiring further analysis.

Back to unpacking (1). A has privacy (with regards to B and some contents) if and only if B does not stand in some relation, Z, to P. What is the nature of this relation? As a first approximation, if one is drawn to the notion of "informational privacy," it seems to be the relationship (between some piece of information and a subject being capable of possessing this information) of "having information." But what does this mean? Suppose I have a book in my pocket full of information that I have yet to read; there is a sense in which I *have* information—the information is in my possession and readily available in the same sense that I could "have a piece of property" or "have a bonbon in my pocket" in my possession and readily available—but there is also a sense in which I *don't* have the information, since I have yet to "acquaint" myself with the contents of the book.[56] Although this is far from decisive evidence,

types of privacy that can be violated. In response to this possible objection, I would say that my scope is even further restricted than what I indicate in the main text.

[55] For an overview, see Adriaans (2020).

[56] One might wonder if it is possible to have information within one's mind that is similarly "non-acquainted," or whether information outside of one's mind sometimes satisfies the requirements for being relevantly "acquainted" (cp. Lippert-Ras-

judging from the cases that people have in mind when discussing privacy, they seem to think that the example above does not qualify as "having information" in the relevant sense and that, by implication, such cases are not examples of cases in which privacy losses occur.[57] At any rate, since the more expansive interpretation is clearly the controversial one, I offend nobody by relying on the less expansive view according to which we should endorse a narrow interpretation of what it means to "have information."

A natural suggestion, then, is that Z should be interpreted as some *psychological relationship*; to wit, B's mind standing in some relation to the relevant contents, P (i.e., "being informed" of P).[58] At any rate, this could be taken to be what is missing in the pocket-book example. In fact, numerous scholars have recently claimed that it is the absence of some attitude regarding the relevant contents, P (the attitude of justified belief), which instantiates privacy. Conversely, according to this view, coming to justifiably believe that P instantiates a loss of privacy.[59] On such views, privacy is not only psychological; more specifically, it is an *epistemic* notion. This is the view upon which I rely in my manuscripts, although, as previously highlighted, my claims do not stand or fall with this assumption.[60]

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mussen 2017). Perhaps one might have reason to doubt the distinction implicitly invoked if one is drawn toward the so-called "extended mind thesis;" see Clark & Chalmers (1998).

[57] Notice that this consideration is orthogonal to the question of whether privacy is a form of "non-access" of a form of "control" (see Macnish 2018 for recent discussion of this), although I have seen nobody make this point clearly, as control views are often attributed the (to some, absurd) implication that one can lose privacy without there being acquisition of information in a narrow sense (see Thomson 1975; Macnish 2018). However, nothing prevents proponents of access-accounts from endorsing a broad interpretation of what it means to "access information."

[58] See, e.g., Powers (1996) according to whom privacy is "cognitive inaccess." One problem with Powers' view is that it seems possible to pay cognitive attention to things (this is one way Powers understands cognitive inaccess), say, by introspection, that does not obviously diminish other people's privacy. At least I don't feel it natural to think that my privacy changes depending on whether other people actively recall the information about me they have stored in their minds. But Powers never defines cognitive inaccess explicitly, relying instead on an intuitive account of delimiting the cognitive.

[59] Blaauw (2013); Kappel (2013); Fallis (2013) Matheson (2007). On such views, "information" is usually interpreted as necessarily truthful, as it is commonly claimed that privacy is "factive;" one can only lose privacy with regards to true propositions (see Le Morvan 2015 for discussion and rejection of this).

[60] Famously, there is a long-standing disagreement between proponents of so-called "access" accounts and "control" accounts of privacy (Menges 2020 for a recent over-

The epistemic account is not beyond reasonable doubt. Let me therefore highlight some of its possible shortcomings to cast light on the assumptions in my manuscripts. First, it seems as though the epistemic account possibly has unattractive implications in what we can call "consecutive cases" and "misleading background evidence-cases." To appreciate the former, consider

> Re-watching. A steals and watches a videotape depicting B naked. The next day, A watches the tape again.

Suppose that, prior to this, A had no justified beliefs about what B's naked body looks like. Plausibly, when A watches the video, he gains justified beliefs about this subject matter—the videotape provides excellent evidence—and the epistemic account correctly predicts a loss of privacy. Suppose further that he learns all there is to learn from the video, evidentially speaking. Nevertheless, some might feel that there is a further loss of privacy when A watches again the next day. The epistemic account cannot accommodate this result, as no new justified beliefs are, or could be, acquired. One possible response is that this analysis fails to differentiate between the descriptive notion of having privacy and the normative notion of violating privacy.[61] Perhaps, one might say, A violates privacy every time he watches the tape, and this is what drives our intuitions about Re-watching. Suitably interpreted, there is a loss of privacy only the first time A watches, but a violation of privacy both times. It is worth highlighting that this response commits the proponent of the epistemic view to a specific view on the Linkage Question; to wit, a *loss of privacy* is not a necessary condition for a *violation of privacy*. It also seems to follow that if we want to explain why A's consecutive watching is objectionable as a violation of privacy, we cannot appeal to the notion of belief-acquisition (or prospective belief-acquisition) as a step in this explanation.

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view). The view I rely on here is plausibly seen as an access-view, with "justified belief" being what it means to have successfully accessed something. However, depending on how one fleshes out the notion of "control" in the control account, the view on which I rely is also compatible with some control accounts, such as Menges' source-control account. Since "effective-control" views on privacy are usually the more expansive views (see, e.g., Fried 1968), the safest assumption for my purposes is to rely on the narrow view.

[61] A version of this possible counterexample can be answered under reliance on time-indexes, to wit, that there is a difference between the kind of information you can acquire by, say, observing somebody at t1 and observing somebody at t2. However, no such answer is available for the video because it is implausible that video information—in virtue of being a static recording—can be time-indexed in such ways with the result that we should think that the informational content differs; see, e.g., Davis (2009).

Consecutive cases are not the only possible source of problems; consider that to which we might refer as "misleading background evidence-cases".[62]

> [...] it could be that, when Cliff tells him that Norm has a tattoo on his butt, Sam cannot believe his ears. (Norm just does not seem like the sort of person that would get a tattoo.) Even though Sam does not believe that Norm has a tattoo, it seems that Norm has lost his privacy about the tattoo with respect to Sam (Fallis 2013: 165).

A forms no justified belief on the relevant matter because his background evidence makes him non-responsive to the information presented to him. If one has the intuition that Norm loses privacy with respect to Sam, "justified belief" cannot be what undermines privacy, since there is no new belief, at least according to the conventional understandings of this notion.[63] Furthermore, although I think that testimony can violate privacy, let us assume this not to be the case, meaning that the response offered to the former case seems unavailable.[64] How might we respond to such cases?

One possibility, recently floated by Skopek (2020), is that cases such as the Cliff–Norm case do not threaten the thought that privacy is to be construed as an epistemic notion; rather, the example merely reflects puzzles that are purely "epistemic" in nature, arising precisely from this commitment. As the thought goes, if privacy is an epistemic notion, it is unsurprising that theoretical problems known from these literatures reoccur in the context of privacy.

For instance, some have argued that it is possible to have *beliefless* knowledge (Silva 2019). To the extent that this thought is plausible (this is a mere hypothesis at this point, and my aim is not to defend the epistemic account on this point), we might expect that there could be losses of privacy without belief (in light of the thought that, according to the view under consideration, privacy and knowledge are both epistemic states). Similarly, or so Skopek (2020) and others argue, it makes sense to pose questions that are

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[62] Fallis (2013: 165).

[63] Here, one might object that this case is not best described as a case where A lacks belief, but that A instead has *conflicting beliefs*, cp. Byrne (2016). Notice though, that this analysis presupposes a non-standard account of belief that diverges from the view that belief is what one represents to be the case.

[64] "In all of these cases, even though there is no belief (or at least no new belief) about personal facts, a cognitive agent is still appropriately causally connected to a personal fact. In particular, a cognitive agent arguably perceives Norm's tattoo at least in an attenuated sense. Thus, unlike truth, belief may not be necessary for a loss of privacy. Admittedly, belief is often important when it comes to a loss of privacy" (Fallis 2013: 165).

distinctively associated with the justification-component for epistemic attitudes in the context of privacy. For instance, one might ask whether having reasons and evidence supporting a belief, famously associated with *internalist* views on justification, serves to bring about losses of privacy; or if a reliable process or that the fact caused the evidence (regardless of what reasons and evidence a subject takes herself to have), famously associated with *externalist* views on justification, can bring about losses of privacy.[65] At any rate, if no such efforts will prove successful, and such oddities cannot be made sense of by resources familiar from epistemology, Fallis would appear to have succeeded in producing a counterexample to the epistemic account of privacy.

None of this amounts to a decisive argument for or against the epistemic account of privacy; in fact, I suspect that this is a field ripe for further inquiry. However, the remarks made above amount to stating what appears to be a defensible view; or weaker, a view deemed defensible by numerous scholars, and this is what matters for my purposes, especially given the fact that I do not engage directly with the Conceptual Question.

Finally, let me pay some explicit attention to the Linkage Question. Recall that I am concerned with *privacy violations*. How does this relate to the notion of "privacy?" Two plausible (but incompatible) views emerge.[66]

(2) Connectedness: a privacy loss (or, broader, change in a state of privacy)[67] is a necessary condition for a violation of privacy

(3) Disconnectedness: a privacy loss is *not* a necessary condition for a violation of privacy

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[65] Fallis (2013) defends the claim that a causal connection to some fact serves to make a private fact non-private. Thus, his answer is that privacy is lost when some agent stands in some relevant causal-evidential connection to some fact. More precisely, he combines an externalist account of justification with the claim that privacy ranges of facts, apparently eschewing the belief-requirement. Skopek (2020), by contrast, aims for a pluralist conception according to which a loss of privacy requires "epistemic warrant," stressing that such warrant might have multiple mutually non-reducible sources.

[66] We could also endorse a stronger variant of Connectedness according to which a privacy loss is a *necessary and sufficient* condition for a privacy violation. But this view comes into conflict with the, to my mind, attractive implication that one can lose privacy in non-objectionable ways (see my discussion of the Conceptual Question).

[67] Incidentally, if one endorses (2), it is unclear why one should not think that an act that *increases* privacy could sometimes be considered a wrongful violation of privacy (this explains the "or change in state of privacy"-option). This would at least appear to be a conceptual possibility, although I have not seen anyone defend this proposal.

Connectedness could be taken to be endorsed by Fallis, although it receives no defense. He (2013) writes "Something more than epistemic access to a personal fact is required in order for a loss of privacy to count as a privacy violation" (p. 156).[68] In contrast, Disconnectedness is explicitly endorsed by Kappel (2013) and Skopek (2020: 2208–09). Kappel (2013) writes: "There can be privacy diminishments without privacy wrongs [privacy violations, LAUMU] or privacy harms, and privacy wrongs without privacy diminishments" (p. 190).[69] Less explicitly—at least regarding the question at hand—many (Blaauw 2013; Marmor; Scanlon 1975; Thomson 1975) claim that privacy violations depend on "how some information was accessed." As far as I can tell, this is compatible with both views, since it does not follow from the fact that privacy violations depend on access that they do not also depend on "uptake" in the form of a loss of privacy.[70]

I do not think scholars have paid sufficient attention to the Linkage Question, and I cannot hope to settle the issue here.[71] But here is at least one *prima facie* reason for finding Connectedness attractive and one for finding Discon-

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[68] Although, strictly speaking, Fallis' remarks are consistent with thinking that there are cases where there is no epistemic access but a violation of privacy. Maybe all Fallis is saying is that epistemic access by itself cannot be sufficient for a privacy violation.

[69] Kappel (2013) also indicates that the questions I have discussed here may not be too important in and of themselves: "To some extent, these choices are terminological decisions to be made. As indicated, our decisions will influence the epistemic properties of the notions used to characterise our privacy concerns, and this is why they might be of relevance to the general question of the epistemological dimensions of privacy. But while it may be practically important to characterise the epistemic states and the epistemic pathways that we worry about in privacy concerns, it may not be too important how we fit these pieces into a conceptual scheme for characterising privacy concerns, as long as we are clear about what we are doing" (p. 191).

[70] *However*, if "access" is interpreted along the lines of the epistemic account (say, as "epistemic access"), then it follows that one cannot access information (relevant to privacy) without there being a loss of privacy. On this view, claiming that privacy violations "depend on how some information was accessed" amounts to endorsing Connectedness.

[71] See Véliz (n.d.) for a compelling and novel argument in favor of Disconnectedness. On her view, we ought to endorse Disconnectedness because, according to our folk intuitions, the right to privacy is not really a right to "privacy" but instead a right to so-called "robust" privacy (where robustness is understood along the lines of the Republican tradition of thought). Thus, our intuitive moral judgments reveal that our descriptive intuitions about "privacy" and our moral intuitions about the right to privacy come apart.

nectedness attractive. *First* (in favor of Connectedness), one might find Disconnectedness disturbing due to how it renders the relationship between privacy "states" and privacy "violations" rather puzzling. One might reasonably ask: If privacy violations do not partly depend on what privacy *is*, in what sense are they violations of *privacy*—as opposed to, say, violations of something else?[72] Thus, Disconnectedness could appear awkward, which might push us toward Connectedness. On the other hand, things can also be said in favor of Disconnectedness. If it turns out that our best analysis of what privacy *is* reveals it to be, say, epistemic, it is unsurprising that there would be something like a loose fit between states of privacy and privacy violations. One reason why is this: people can respond in all sorts of random ways to obtaining information (e.g., they might fail to form a justified belief when confronted with adequate evidence, or even fail to recognize that they are presented with information).[73] And if we require an "appropriate" response to evidence in order to let something count as a violation of privacy, then we might be requiring too much, since we thereby accept the view that privacy violations require not only a loss of privacy but *also* that the violating agent acts in an epistemically responsible manner.[74] This, in turn, might require taking on board too demanding success requirements for something to count as a violation of privacy.[75] Since there seems, at least at the face of things, to be such a thing as epistemically irresponsible agents violating privacy, proponents of the epistemic view might have compelling ways to fend off the challenge that motivated endorsing Connectedness above.[76]

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[72] Lundgren (2020) makes some remarks that seem to suggest that he endorses Connectedness for this reason: "if privacy is not best conceptualized as control account, but a so-called "right to privacy" is, then, that right is not a right to privacy, but a right to something else" (p. 166).

[73] Cp. for instance Kappel for such examples.

[74] This reveals what a proponent of Disconnectedness must offer, since I take it that Connectedness is more compelling, pre-theoretically speaking: A general explanation of why we should not think there is a very strict fit between what privacy is taken to be and what determines whether something is a violation of privacy.

[75] Here, one might also reasonably ask about the weight of intuitions. As far as I can tell, intuitions about "violations of privacy" (cp. Warren & Brandeis 1890) precede intuitions about what it means to be in a state of privacy, since the former is discussed much earlier than the latter. It is also possible that intuitions about states of privacy and intuitions about privacy violations simply pull in incompatible directions.

[76] One might say: "So much the worse for the epistemic account." Perhaps this merely shows that privacy depends *not* on epistemic states, but something else. Here are some plausible candidates: "perception" and/or "cognition." The latter is defended

Here is a case in which whether we endorse Connectedness or Disconnectedness seems to matter—when we keep the idea that privacy is epistemic fixed.[77] Consider:

> Shower. A covertly observes B in the shower. A already knows perfectly well (A has a maximally justified belief) what B's body looks like. (Assume that A has seen B's naked body beforehand in permissible ways).

There is no loss of privacy in this case on the epistemic account since it was lost prior to A observing B. Thus, proponents of the combination of views that is Connectedness and the epistemic account of privacy *cannot* say there is a privacy violation in Shower. This is the case because, following Connectedness, a *loss of privacy* is a necessary condition for a *violation of privacy*. By contrast, proponents of the epistemic view on privacy and Disconnectedness can say there is a violation of privacy in this case. This seems attractive to me; if there is such a thing as violating privacy, it should certainly be applicable in cases such as Shower. Obviously, there are at least two things to do at this point to relieve the tension: One can either affirm Disconnectedness, or one can retain Connectedness and revise one's view on what privacy *is*.

How, if at all, am I committed on this question? Since my RQ concerns what explains why privacy violations are morally objectionable and what this entails "in practice", I do not need to commit myself directly to a view on the Linkage Question. However, some of the explanations I discuss in my papers seem to require taking a view on this matter. In manuscript 1, I assume the truth of the claim that the *prospects* for bringing about justified beliefs can explain why some privacy violations are objectionable (as we saw above, we cannot explain the wrongfulness in Shower in this manner, since this case appears objectionable but there is no prospect for acquiring new justified beliefs)[78]. For instance, I claim that in some cases we can explain the objectionableness of privacy violations with reference to the fact that the privacy-violating conduct *risks* uncovering evidence that would justify beliefs that can

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by Powers (1996). In a manuscript that did not make the cut for this dissertation, I defend the claim that privacy is "non-perception" (Munch, unpublished manuscript).

[77] Other, non-epistemic views on what privacy is (and, by implication, what constitutes a loss of privacy) will need to rely on other cases to demonstrate the difference between these two views. This is partly what makes this question complicated to assess.

[78] I also discuss this view in manuscript 3 and 4 as well but take no view there on whether it should be regarded as "actualist" or "prospectivist", or both.

render people worse off in various ways. For instance—as is claimed in manuscript 1—in case the acquired beliefs motivate harmful conduct (as in the case of "information-abuse"). This explanation seems to presuppose Disconnectedness[79] (or, perhaps, gives us an independent reason to endorse Disconnectedness), since it allows that there is such a thing as wrongful privacy violations even in cases where no information ripe for abuse were *actually* uncovered (the wrong-making feature at stake is the mere risk of u/ncovering such information).

This might seem like an innocuous—perhaps even *attractive*—commitment to Disconnectedness. But there might be trouble in the vicinity once we add flesh to the remaining bones. Suppose, for instance, that we have independent reason to believe that Connectedness is true (perhaps we are convinced by the terminological point that things simply appear too untidy if we allow that there is such a things as privacy violations that does not depend on states of privacy). Suppose also that we want to retain the epistemic account of privacy. This puts significant pressure on the explanation I put forth in manuscript 1, since this explanation of what makes privacy violations wrongful is inconsistent with also accepting Connectedness and the epistemic account. The reason is that Connectedness demands that *all* violations of privacy involve a loss of privacy which we understand along the lines of the epistemic account. And the "prospective" view I offer in manuscript 1 holds that there is such a thing as violating privacy—by way of imposing the risk that sensitive information is uncovered—without there necessarily being a loss of privacy. Accordingly, something must be revised to render this picture consistent. Relatedly, if we accept Monism (as discussed previously) and Connectedness, this also makes us unable to consistently endorse the explanation I offer in manuscript 1. Finally, and relatedly, if we think Monism is true, and we concede that Shower involves a violation of privacy, then the explanation I put forth in manuscript 1 must be false.

As highlighted above, I cannot offer an assessment of how we should answer the Linkage Question. But I have hopefully conveyed the two following points: *Firstly*, since I rely on an epistemic account of what privacy is and are committed to an explanation of what makes privacy violations morally wrongful of the type discussed above, I cannot be neutral on the Linkage Question. I must either endorse Disconnectedness or revise my reliance on the epistemic account. However, as there is something to be said for both Disconnectedness and the epistemic account (and the judge is still out on both questions), I think this result is acceptable. *Secondly*—and this is a much more general point—when faced with examples such as Shower (and the intuition it pumps), my

[79] Or, as before, might motivate another account of what privacy *is*.

discussion reveals there to be at least four ways of rendering this finding consistent with our theoretical commitments (of course, this depends somewhat on what these prior commitments are; perhaps there is no tension in the first place). To wit, revise our view on any of the questions discussed in this chapter or the explanatory part of my RQ. If nothing else, this reveals that there is significant complexity to the question of how we should make sense of such examples that reaches way beyond the aim of this dissertation. Ideally, I think we should want a compelling answer to each of the questions I have discussed in this chapter as well as my RQ's. And, in line with the methodology of reflective equilibrium, we should want our answers to these questions to be either mutually supportive or at least consistent with each other. However, since my purposes is only answering the RQ, I can safely set this larger task aside.

Let me summarize my discussion of these three questions, with which I do not engage directly in my manuscripts. First, I argued that endorsing Pluralism as an answer to the Wrong-makers Question is not a particularly controversial assumption to make. This is important, because it justifies my occupation with identifying sufficient conditions for wrongdoing in "Subsequent Harm" and "Relationships," as opposed to taking a broader focus and identifying both necessary and sufficient conditions. Secondly, and with regards to the Conceptual Question, I have forwarded what seems to me a reasonably compelling *epistemic* account of what it means to be in a state of privacy, having noted that even if this account fails to persuade, my arguments might be untouched. Finally, I briefly discussed the Linkage Question, which, as far as I can tell, has received the least explicit attention in the literature of the three. I highlighted how the question might matter and how a certain combination of views might challenge some of the assumptions made in my manuscript. I have hopefully also managed to convey indirectly the message that the relationship between these three questions and the Explanatory Question—the question with which I am concerned (but not only concerned with)—is rather complex. Generally, I see it is a challenge for future work to determine how we should answer these questions.

Accordingly, let us proceed to discuss my work.

4. The Explanatory Question

This chapter summarizes my work on the Explanatory Question. The claims made can be summarized as follows: In Manuscript 1, I defend a novel view on how concerns about the abuse of information could matter to judging whether privacy is violated. According to this view, violations of privacy can be objectionable because they *risk* uncovering information that could be abused wrongfully and/or harmfully, thereby putting the subject that this information concerns at risk. In Manuscript 2, I offer a novel way of recasting the argument in favor of the so-called "relationship-based" view on the badness of privacy violations. I argue that some privacy violations are morally objectionable because they instantiate a failure to respect people's commitments to some of their social relationships.

4.1. Manuscript 1

According to an orthodox (and commonsensical) view in the privacy literature, concerns about abuse of information, roughly, the worry that the acquisition of information might bring agents to subsequently act in ways that are harmful and/or wrongful, explains why we have an interest in privacy and, by implication, why privacy violations are objectionable. As Gaukroger (2020) suggests,

> Being able to control who has access to personal information [the kind of morally entitled control seemingly following from the existence of a right to privacy, LAUMU] also protects individuals from a variety of crimes: identity theft, violence from an abusive ex-partner (by concealing your location), robbery (by concealing when you are away from your home), etc. These concerns address a legitimate fear that other people could be bad. Even an individual who has done nothing morally or legally wrong should fear her information falling into the hands of those who desire to do her harm (p. 420).

By hypothesis, if such fears were always unreasonable or the bad outcomes that Gaukroger highlights were inconceivable, such concerns could not be used to explain why some privacy violations are objectionable. In terms of the views of the folk, the thought that concerns about the abuse of information serve to ground privacy rights can be seen in the common phrase, "but you have nothing to hide, so why care about privacy?"[80] This way of putting things,

[80] For explicit discussion, see Solove (2007).

misguided or not, seems to suggest that a concern about *contents*—the information which in fact or likely could be uncovered as a part of an act that violates privacy—sits at the center of what matters when we are concerned about privacy.

The fact that this view constitutes an aspect of orthodoxy is important, because it reveals just how striking it is that Andrei Marmor appears to deny just this of reasoning in his 2015 paper:

> The concern about possible abuse of the information people might have about us pervades many of the privacy protections we have in law. The stringent protection of medical privacy, for example, is clearly motivated by the fear of abuse: we fear that employers, insurance companies, credit agencies, and others may rely on such information to our detriment. If you know that I have cancer, you might not give me a job or, if I already work for you, you may be reluctant to promote me. Most of these concerns, however, are not directly about matters of privacy; the interest they protect is an additional concern that is specific to the kinds of abuse of information that particular entities are suspected of (p. 16).

It seems plausible, or so I argue, to interpret Marmor as saying that there is a sense in which concerns about the abuse of information are not "directly about matters of privacy:". In other words, if we were to list all of the moral considerations that would qualify as relevant to making sense of "privacy concerns" and explaining why privacy violations are morally objectionable, concerns about the abuse of information would *not* be a member of this list.

Since Marmor's argument, if successful, would push us toward a revision of orthodoxy and thereby achieve much, it becomes important to assess his argument and produce compelling responses; not because revisioning in and of itself is problematic and therefore to be avoided, of course, but rather because it achieves much to scrutinize arguments that, if successful, require us to revise substantive parts of our body of apparently well-established knowledge about the structure of morality.

For that reason, roughly, "Subsequent Harm" is intended to refute Marmor's conclusion. In the manuscript, I take Marmor to be defending the following claim:

(4) An abuse concern is *not* a contributory condition for a violation of the right to privacy.

Marmor's argument proceeds largely by example.[81] Accordingly, part of the manuscript involves offering some alternative cases in which it would appear as though abuse concerns drive our inclinations to judge that some case involves a violation of privacy (recall my discussion of contrast cases in the methodology chapter). However, the paper also offers a principled account of how abuse concerns could matter to justifying the judgment that some cases involve violations of privacy, even where we, say, assume that no abusable content was uncovered. In such cases, I claim, abuse concerns might even have a role to play in that they point us toward *risky*, and therefore perhaps morally objectionable, conduct.[82] Abuse concerns might explain why it is wrong to attempt to deprive others of privacy, not because of what contents are in fact *acquired*, but because of what could *possibly* have been acquired.[83]

It seems worthwhile to expound further on what my argument achieves if successful. Returning to the Explanatory Question, my argument offers a novel defense of the claim that concerns for "Subsequent Harm" partially explain why at least some violations of privacy are morally objectionable. If I am correct, we have no compelling reason to think that the idea of being "concerned with privacy" does not also track, at least sometimes, concerns about the abuse of information; hence, orthodoxy might be saved.

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[81] Here, I merely ignore the fact that Marmor writes specifically about violations of privacy "rights," and my broader question concerns privacy violations *simpliciter*. Since we both see (setback to) interests as that which explains wrongdoing, this should be of no concern. See Cornell (2015) for discussion of the relationship between rights and wrongs.

[82] I have since learned that Scanlon's (2010: 41–3) view would have been helpful in spelling out my claims in this manuscript. According to Scanlon, discussing how it can be wrong to buy rat poison if one intends to poison one's wife (as it seems to be the killing that is objectionable, *not* the act of buying poison), one can do wrong by facilitating a step in a larger plan of wrongdoing, even though the step in and of itself is harmless. Hence, Scanlon sees no deep difference in buying rat poison to others while being perfectly aware that they are going to use it to do wrong (which seems objectionable), and buying the poison for oneself, being well-aware of one's own intentions. Similarly, I think it can be wrong to access, or trying to access, other people's private information in certain ways when this act plays a facilitating step in a larger plan that involves wrongdoing or harm.

[83] Since, as far as I can tell, none of the claims I put forth in "Subsequent Harm" is otherwise in deep theoretical tension with Marmor's original view, one might also think of the contribution of my paper as one of developing Marmor's account.

4.2. Manuscript 2

In Manuscript 2—"Relationships"—I seek to reconstruct a prominent account of what makes some violations of privacy morally objectionable. Broadly speaking, this account holds that a consideration for social relationships explains the objectionableness of some privacy violations (cp. Fried 1968; Gerstein 1978; Marmor 2015; Rachels 1975).

The manuscript begins with reflections on why we would want such an account. Primarily building on Rachels (1975), I argue that a successful relationship-based view must achieve numerous worthwhile things. Most importantly, it must make sense of the idea that the existence of certain social relationships grounds reasons and duties to preserve privacy. Rachels (1975) writes as follows:

> what about our feeling that certain facts about us are "simply nobody else's business?" Here, too, I think the answer requires reference to our relationships with people. If someone is our doctor, then it literally is his business to keep track of our health; if someone is our employer, then it literally is his business to know what salary we are paid; our financial dealings literally are the business of the people who extend us credit; and so on. In general, a fact about ourselves is someone's business if there is a specific social relationship between us which entitles them to know. We are often free to choose whether or not to enter into such relationships, and those who want to maintain as much privacy as possible will enter them only reluctantly. What we cannot do is accept such a social role with respect to another person and then expect to retain the same degree of privacy relative to him that we had before. Thus, if we are asked how much money we have in the bank, we cannot say, "It's none of your business," to our banker, to prospective creditors, or to our spouses, because their relationships with us do entitle them to know. But, at the risk of being boorish, we could say that to others with whom we have no such relationship (p. 331).

Although Rachels only uses a few examples to develop this thought, he highlights something at the end of the quote that I find extremely important: the existence of certain relationships appears to change the moral landscape with regards to which privacy-affecting actions are appropriate and permissible (clearly, verbal inquiry seems to be a way to try to learn things about others, which might be a way of diminishing privacy under the epistemic account, although it might easily fail if others fail to cooperate). In a nutshell, a successful relationship-based account of the wrongness of privacy violations should explain what is going on in such cases.

The paper argues that no extant account satisfyingly explains how, precisely, the existence of social relationships grounds duties to preserve privacy. Quite surprisingly, I also show how even Rachels' own—admittedly sparsely

developed—argument in favor of this view fails. This leads me to formulate a novel casting of the argument in favor of the relationship-based view.

I call my account the "respect (for relationships) view." Importantly, I am not the first to claim that a failure of "giving respect" can explain the objectionableness of some privacy violations. Such views are floated in Fried (1968) and defended in Benn (1984) and Taylor (2002). What I do that is new, by contrast, is to point out how our commitments to social relationships serve to ground certain respect-based considerations in favor of restricting our conduct when such conduct would bring about losses of privacy. Roughly, I argue that when people are committed to a social relationship, depending on the precise nature of the relationship, they are committed to a certain set of social norms that governs this relationship (think of the norms of friendship, a case in point where the existence of the relationship implies that there are parties committed to the norms of friendship). When people are committed to such social norms, they are in turn committed to the view that relevantly positioned agents ought to act in accordance with these norms.[84] Since such norm-commitments involve the exercise of agency, and since we are sometimes required to restrict our conduct in light of such commitments in order to respect how others exercise their agency, I argue that such failures to respect people's exercise of agency can explain the objectionableness of privacy violations.[85]

Hence, the contribution of this manuscript lies in articulating how—precisely—the existence of social relationships grounds duties to accommodate privacy interests in a way that does justice to the thoughts offered by the example in the Rachels quote cited above.

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[84] According to the view I defend, endorsement of a norm need not entail a commitment. So, when I watch a television show depicting the knights code, and I endorse this code of conduct (I find it attractive and sincerely believe that if I found myself in this context where such a codex applied, I should act in accordance with this norm), I might endorse this code of conduct without being "committed" to it in the relevant sense for my purposes.

[85] "Respecting exercises of agency" sounds a lot like "respecting autonomy." And it is a common claim in the privacy literature that respect for autonomy explains the objectionableness of privacy violations (Rössler, 2005). How, then, is my argument distinct from such autonomy-based accounts? It is distinct in that I articulate how our commitments to social relationships, more precisely the norms that are constitutively endorsed as part of being a party of such relationships, involve choices that are worthy of respect. So, there is a sense in which I am happy to grant that my claim could be defended on "respect for autonomy" grounds, since the important achievement of paper is showing how some such concerns are also, in a morally significant way, "relationship-based."

What is the broader significance of this contribution, aside from the fact that it directly supplies a substantive partial answer to the Explanatory Question? First, it is independently important to demonstrate that a relationship-based defense of the objectionableness of privacy violations can be cast in a manner that simply bypasses some prominent objections mounted against extant views within this family (see, e.g., Davis 2009; Innes 1992; Lippert-Rasmussen 2017; Reiman 1975). Secondly, the account I defend might be significant in that, by hypothesis, it points toward a general framework for thinking about the objectionableness of privacy violations irrespective of whether they are grounded in social relationships. Perhaps all privacy violations can ultimately be explained as failures to constrain one's behavior due to people's commitments to socially constructed norms.[86]

[86] Kappel (2013), Nissenbaum (2009) and Scanlon (1975) defend claims in the vicinity of this view, although Scanlon also seems to allow that some violations of privacy are "non-conventionalized" wrongs.

5. The Duties Question

This chapter summarizes my work with the Duties Question. The claims I make in this chapter can be summarized as follows: I defend the revisionary view that some of the considerations standardly taken to ground privacy rights have more expansive implications than as indicated in the extant literature. In Manuscript 3, I offer a new argument for the claim—admittedly already endorsed, but insufficiently argued for, by a handful of scholars—that privacy rights plausibly restrict our permissions to draw inferences about others from what is sometimes referred to as "correlational" or "statistical" evidence. In Manuscript 4, I defend the striking possibility that—given the admittedly controversial truth of some broad-scoped claims within epistemology—privacy rights could have a *direct* bearing on what we ought to believe.

5.1. Manuscript 3

Since the Duties Question asks when privacy violations are objectionable, it makes sense to offer an overview over the types of acts that are standardly taken to be the kind of act-types that can instantiate privacy violations and then indicate how my work enriches this picture. Of course, one could summarize answers to the Duties Question in other ways. But a focus on act-types happens to prove helpful to spell out just how my work contributes to our understanding of when we ought to restrict our conduct due to concerns for avoiding morally objectionable violations of privacy.

Here, then, is a general sketch of the act-types typically claimed to instantiate privacy violations. It is sometimes thought to instantiate a violation of privacy to

I. acquire evidence in certain ways (as when A X-ray's B's safe and perceives the outputs of the device)[87]
II. pass on evidence in certain ways (as when A gives testimony to B about P)[88]

[87] See Thomson (1975), Scanlon (1975), Marmor (2015) and many others for discussion of such cases. I here understand "acquire information" in the narrow sense, as discussed in Chapter 3.

[88] See especially Rumbold & Wilson (2019) for discussion of such cases. Depending on its formulation, it might or might not include cases of the following type: "IIa Bring *other* people into a position from which they acquire evidence in certain ways, but where one does not oneself pass on this evidence" (say, A forces B to observe C's private affairs). I have seen no discussion of such cases in the literature,

III. make it the case that people entertain false beliefs to the effect that they themselves disseminate or become inclined to disseminate evidence that they would not, absent such treatment, have disseminated (as when A hides in a shrubbery in a public park and B, taking himself to be alone, tells C about P)[89]

One might wonder if these categories are distinct (but it is not really a problem if they are not). Although evidence-acquisition (I) typically results when evidence is passed on (II), this does not prove that these are not distinct categories for present purposes, since there is a difference between locating the wrongdoing in the act of *acquiring* evidence and locating the wrongdoing in the act of *passing on* evidence. Suppose I pass on a secret to C that I heard from A and had otherwise promised to keep. Suppose I just burst out the information without noticing C beforehand. It seems correct to say that the wrongdoing lies with me passing on the evidence and not with C having his evidence-acquisition faculties (i.e., his ears) attuned to what I have to say. By Contrast, when A X-ray's my personal safe against my will, it seems very much like the wrongdoing consists of him acquiring evidence in this specific way.

One might wonder whether III is distinctive. Conversely, it might be said to be a special case of I, because A is engaged in the business of acquiring evidence in a specific way that involves exploiting the fact that C takes himself to be alone. Conversely, there is clearly more to it than merely acquiring evidence, since A also deliberately keeps C in the dark about certain states of affairs (the fact that he is peeping). I leave it open whether III should be regarded a distinctive type of whether it is best seen as a subtype of I.

I have deliberatively decided not to include some highly controversial items on the list. For instance, if one is convinced by some versions of the so-called "control" account of privacy, it seems to follow that some acts that deprive others of the control to decide whether evidence is disseminated, irrespective of whether evidence is *actually* or *likely to be* disseminated, might instantiate privacy violations. Since this judgment turns on a controversial question that has become only more controversial recently—namely, whether the control account of privacy is true—I shall not focus on such types of cases presently.[90]

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however, but they seem possible and intuitively like the type of cases that could violate privacy.

[89] See especially Marmor (2015) for discussion of such cases.

[90] Thomson (1975) famously objects that this view would entail, implausibly, that *coming to possess* an X-ray device, as opposed to *deploying* an X-ray device with the purpose of achieving information, would violate privacy. This is the case because

This is not supposed to constitute an exhaustive list of the act-types that privacy violations could possibly range over. It is, however, supposed to constitute a list of the act-types that privacy scholars *typically* have had in mind when explicitly spelling out what the moral duties following from their views might look like in practice.[91] One way to see this is that the act-types I–III are typically taken as the stable paradigmatic cases from which a general account of, say, the coverage offered by the right to privacy can be inferred. Any answer to the Duties Question that does not enable us to explain the datum[92] that some tokens of these act-types are sometimes morally impermissible would be in objectionable tension with the commonsensical view on what kind of acts are rendered morally impermissible due to concerns for avoiding violations of privacy.[93]

Manuscript 3 focuses on a type of cases that in some ways are analogous to Type I cases, but in other ways differ remarkably from them. Now, it is safe to say that scholars interested in Type I cases have mostly focused on what we might call "direct" acquisition cases. These cases are "direct" in the specific sense that information in such cases is acquired because some agent's perceptive faculties are brought into direct (or almost direct) contact with the relevant "fact," such as when A "sees" P, "hears" P, and so on. I say "almost direct," as opposed to direct *simpliciter*, because it seems very natural to generalize this thought to, say, Thomson-style cases (1975) in which A amplifies his perceptive faculties, and so violates B's privacy, using an X-ray device. And, by extension, cases in which A uses some fancy device to enhance his listening-

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merely having the device entails that somebody has lost control over their personal information (since they cannot control whether the device is used). To Thomson, and many others, it does not seem right to say that that privacy is violated when somebody acquires an X-ray device and thereby gains the power to deploy it without others being able to control this; privacy is only violated when the device is *actually* used. Thus, the control-view faces an objection from *reductio* (cp. Macnish 2018; Menges 2020; Lundgren 2020; Mainz & Uhrenfeldt 2020 for extended discussion).

[91] Some also make claims about what these types of cases could *not* look like. Mainz and Uhrenfeldt (2020), for instance, claim that it cannot possibly constitute a violation of privacy to block or hinder one's evidence-acquiring faculties. but if one endorses Disconnectedness and, say, a view in the vicinity of Marmor's (2015) account, it is unclear why this would necessarily follow.

[92] People uncomfortable with using the notion "datum" in the context of moral claims might instead replace this notion with, say, a Rawlsian idea of "considered judgments" or something such.

[93] Some claim that *using* information and *aggregating* information in certain ways can violate privacy. See Skopek (2020) for criticism of this idea.

capabilities (e.g., wiretapping), thereby violating B's privacy. Clearly, the relationship between A's perceptive faculties and that which is perceived is not "direct"—it is mediated by a device—but it comes awfully close to "direct."

A less, but not completely, unappreciated point in the literature, however, is that there also seem to be "indirect" ways of acquiring information (see, e.g., Fallis 2013; Gavison 1980; Rumbold & Wilson 2019; Ryberg 2017; Skopek 2020). Think, for instance, of competent deduction from known premises; in such cases, information (the conclusion of the deduction) is acquired in ways that are strikingly different from the "perception"-based cases discussed by Thomson and many others. Clearly, they are neither Type II nor III cases. What is unclear, however, is how we should think of *such* acts from the perspective of privacy concerns. Are such ways of acting ever apt to constitute a violation of privacy? Manuscript 3 seeks to make some progress on this question, analyzing the case of "statistical inferences."[94] By statistical inferences, I mean inferences that take the following form:

Most Fs are Gs

a is F

Thus, a is probably a G

For example, suppose that I know that most pit bulls are dangerous. I know that a is a pit bull. Thus, I can infer that a is probably dangerous (ibid.). Notice that the conclusions from statistical syllogisms tend to be weaker than other forms of inference because they invoke a probabilistic premise. The fact that most Fs are Gs does not, by any means, *guarantee* that an F is also necessarily a G. However, it also seems much too strong to conclude that such inferences are completely devoid of epistemic value. For instance, if I am to make an informed guess, I am better positioned relying on statistical evidence than guessing purely at random (strong statistical evidence can render it justified to believe that something is extremely probable). In terminology familiar to epistemologists, we might say that statistical evidence justifies us having a *credence* (a degree of confidence, say, between 0 and 1) in a proposition, even though such evidence might stop short of justifying outright belief.[95] While the relationship between outright belief and credence is a complicated one, I think it suffices to say for present purposes that the former is typically regarded as a full commitment to the truth, falsity, or agnosticism with regards

[94] Moss 2018: 169 calls this a "statistical syllogism."

[95] Moss argues that we can have probabilistic knowledge, by which she means that we can know that the truth of a proposition falls within some probability space.

to a proposition, whereas credence can be used to express more fine-grained degrees of confidence (or lack thereof) in a proposition.[96]

Focusing on the case of statistical inferences is interesting from the perspective of privacy. Firstly, because recent technological innovations, sometimes referred to as "big data analytics," render it possible to make predictions about people with a high degree of precision (cp. Rumbold & Wilson 2019). We would want to know whether such technologies can be deployed to violate privacy. Secondly, because it is (theoretically speaking) unclear what we should think of such inferences from the perspective of a concern for privacy. There are multiple reasons why, which I flesh out in more detail in the manuscript, but a central reason is that statistical inferences differ *epistemically* from case types I–III. For instance, while it is uncontroversial that perception and testimony can justify outright belief, in favorable cases at least, it is less clear that statistical inferences can ever do so (e.g., if Premise 1 in the stylized argument above says "all Gs are Fs" instead of "Most Gs are Fs," which would be a mode of inference warranting outright belief, we are no longer dealing with a statistical syllogism but a version of a modus ponens inference).[97] Thus, we must consider whether privacy violations should be taken to range over an act-type that, in the best case, can only bring about a—in a sense—inferior epistemic state.

In the paper, I briefly criticize some prior attempts at establishing the conclusion that statistical inferences can violate privacy rights. In my view, they overlook the epistemic dimensions of the problem at hand; for this reason, the resulting arguments are at best premature. Instead, I propose the following argumentative strategy: We must look at the underlying values that explain why privacy violations are morally objectionable and see whether these concerns can be taken to exist for modes of inquiry that can at best justify the belief that something is very probable. If "yes," it must be the case that statistical inferences can bring about violations of privacy, even if such inferences

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[96] It is a major area of research whether, and if so, how, having a certain credence (say, a credence of "1") translates to having outright belief. See, for instance, Roeber (2020).

[97] Since a high credence that p (e.g., the probability of p being the case is .95) is consistent with p being false, the cases of statistical inferences are of additional interest in light of the common claim that privacy is factive (cp. Kappel 2013; Blaauw 2013). As a case in point, suppose that A is *in fact* a gay person. Has A lost privacy if others learn that it is extremely probable, which is also the case based on the evidence, that he is not a gay person? One might be inclined to say "no" because the evidence is ultimately misleading. On the other hand, one might be inclined to say "yes" because it seems to be a fact—a probabilistic fact—that it is extremely likely that A is not a gay person.

differ epistemically from the paradigmatic act-types thought to sometimes instantiate violations of privacy. Notice that this is a kind of "symmetry" argument, as discussed in my methodology chapter.

I argue that the most influential accounts of what makes violations of privacy morally objectionable can explain what could be morally objectionable with some statistical inferences, either directly or given certain plausible further premises. Thus, from the perspective of these accounts, I defend the claim that we should find that some types of statistical inferences constitute just as morally objectionable privacy violations as the familiar act-types listed above. Notably, I do not take a stand on what acts, specifically, constitute violations of privacy, since this depends on the substantive account of the wrongness of the privacy violations one endorses following the Explanatory Question. I do not need to do that, however, since it is an important and substantive finding that we have good reason to treat some statistical inferences in the same way as we treat paradigmatic acts thought to violate privacy.

I think the argument put forth in this manuscript has particularly wide-ranging implications for the literature on privacy. First, and to the best of my knowledge, nobody has previously directly raised the question of the importance of "credal privacy" (privacy regarding credences) as opposed to, say, privacy about full beliefs. This question, I think, deserves further attention. Secondly, my argument speaks to a number of current and foreseeable future practices in which data scientists are able to—probabilistically—infer sensitive traits about people based on mundane evidence.[98] While my argument, due to its principled nature, is silent on how we precisely ought to regulate such activities, my argument points to a possible need for such regulation in order to minimize the risk of privacy being violated.

5.2. Manuscript 4

The picture painted above—as well as in Manuscript 3—suggests that privacy violations range over act-types that could involve the transmission of evidence. Notably, there is a distinction between acts involving the acquisition of evidence and the act of forming and sustaining a certain doxastic attitude as a response to some evidence (if the latter could even be taken as an "act"). To illustrate the distinction, there is a difference between the act, "A acquired evidence licensing a belief that P" and "A believes that P."

[98] The so-called "Cambridge Analytica data scandal" is a recent, high-profile example of how personal information was used to predict voter's political views, cp. https://www.nytimes.com/2018/04/04/us/politics/cambridge-analytica-scandal-fallout.html; Similarly, it has been proven that algorithms can infer people's sexual preferences with up to 91% accuracy from one's facial image (https://osf.io/zn79k/).

According to the orthodox view, privacy rights do not have any implications for the latter act-types. Thomson (1975) writes, for instance:

> I should say straightaway that it seems to me none of us has a right over any fact to the effect that that fact shall not be known by others. You may violate a man's right to privacy by looking at him or listening to him; there is no such thing as violating a man's right to privacy by simply knowing something about him (p. 307, see also Marmor 2015).

Although this view is assumed true by Thomson and many others, it is fair to say that it has received sparse substantive discussion. In Manuscript 4, I seek to challenge this view and sketch an argument with a conclusion that rejects Thomson's sharp division between the importance of privacy rights for evidence-acquiring acts and the *un*importance for belief-governing norms. Notably, the view I defend requires granting the truth of certain views within epistemology, some of which are deemed controversial. For instance, my view requires that we have some sufficient amount of direct doxastic control so as to render my claim compatible with the commonly endorsed principle of "ought implies can." Aside from what I say in the manuscript, however, I offer little defense of these controversial claims. A straightforward reason for doing so is that this dissertation is about the morality of privacy; not directly about these more broad-scoped epistemological claims. It would be pretentious, I think, to claim that I could push the debate on these frontiers. A second reason is that even if my argument fails, it might nevertheless achieve something; to wit, it succeeds in clarifying some of that which is at stake in the claims of the above-mentioned type made by Thomson and others. This is an improvement, because it moves the debate from trading in assumptions with unarticulated justifications to one trading in principled arguments. One way to see this is that even a proponent of Thomson's view might happily take my argument—*reductio*-style—as evidence in favor of her view when coming to realize that a denial of Thomson's view might require endorsing controversial claims in other domains.

A further caveat is worth pointing out, however. As far as I can tell, few within the privacy literature have said anything explicit about what would motivate the view that privacy rights could *not* bind us in our doxastic lives, *pace* what I claim.[99] In the manuscript, I assume that certain normative, existential, and/or psychological claims might determine our verdict on this matter. What I fail to consider, though, is whether it could be a conceptual claim about what privacy violations *are* (and are not) that leads Thomson and others to maintain that privacy rights could not regulate our doxastic lives. In principle, then,

[99] One notable exception is Persson & Savulescu (2019).

the following response is available: Grant that I succeed in identifying a moral duty but deny that the failure to comply with this duty constitutes a violation of privacy because it is a conceptual truth that privacy violations range over evidence-acquiring acts.

I think a satisfying assessment of this objection would have to engage with what conceptual commitments are precisely involved in making the claim that "X is a violation of privacy." For present purposes, however, since this would require work that I have yet to undertake (and, at the time of writing, I was fortunate enough to have the paper accepted for publication), there is a simple response available, which goes as follows: Even if I am wrong in labelling the kind of wrongdoing I identify in my Manuscript 4 as a "violation of privacy," it remains reasonably plausible to think that *i)* I have succeeded in identifying some kind of wrongdoing and *ii)* that this wrongdoing exists, partly, as a function of the views typically endorsed by the proponents of the existence of a moral right to privacy. At best, it would follow that I am guilty of some kind of false advertising when I say that Manuscript 4 identifies a type of "privacy violation" (as opposed to some form of wrongdoing that might be classified differently). In this case, a better declaration of what I am doing in Manuscript 4 would be something in the vicinity of: "What moral duties or moral judgments (about wrongdoing) follow from our commitments to that which grounds privacy rights or explains the wrongfulness of privacy violations?" Clearly, this is a different question from the Duties Question. However, I think these two questions are similar enough in spirit—given that they both seek to assess the practical implications of our commitments to the existence of privacy violations and what explains their wrongfulness —to be negligible flaw. And the error, should it be such, that motivated it in the first place might be excusable, since few before me have succeeded in saying anything about the kind of considerations that would serve to justify Thomson's view.

6. Conclusion

This dissertation seeks to make progress on two questions: *i)* What makes privacy violations morally objectionable, when they are so? *ii)* When are privacy violations morally objectionable? The dissertation defends two partial answers to the first question. First, a concern for the subsequent abuse of information acquired from violations of privacy sometimes explains the objectionableness of such violations. Second, some privacy violations are wrong, because they instantiate a failure to show due respect to people's morally important commitments to social relationships. Regarding *ii)*, I defend, first, the view that, from the perspective of privacy concerns, we have no principled reason to treat the evidence acquired from statistical inferences differently from evidence acquired in ways that are standardly taken to involve privacy violations, such as X-raying private property. Second, I argue that—provided that some arguably controversial broad-scoped claims within epistemology hold true—those concerned with privacy should not only be concerned with evidence-acquiring acts; they should also, at least sometimes, have reason to find that the commitments that ground the right to privacy also engender the duties to suspend judgment on other people's private affairs.

The findings of the dissertation in hand have some important broader theoretical implications for how we should think about the moral importance of privacy. It is worth highlighting three such. First, until now, the discussion of privacy, to the sparse extent that this has taken place with due consideration for epistemological insights, has mostly been undertaken in light of classical epistemic notions such as "knowledge" and "belief." By virtue of the findings in Manuscript 3, the dissertation highlights the existence of such a thing as *credal privacy* and that we occasionally have sufficient reason to be concerned when others have sufficiently high credences—not necessarily full belief—about our private affairs. Although the relationship between the attitude of belief and the attitude of credence is a complicated and contested one, my findings are important because they reveal that privacy might be important to attitudes other than beliefs. This, in turn, reveals seams that are ripe for further inquiry. Although this is purely speculative, maybe there are other types of attitudes or attitude-like states that are relevant to privacy?

Secondly, the dissertation demonstrates how familiar models of the value of privacy might have more expansive implications than hitherto acknowledged. The claim, defended in Manuscript 4, that privacy rights can sometimes have a bearing on what we ought to believe illustrates this point. I suspect that readers might derive different things from this. If one endorses the

accounts of the value of privacy that I have presupposed together with my argument, one sits back with the interesting finding that privacy rights have a much greater bearing on our moral lives than hitherto conceived. According to this picture, privacy rights do not only require us to stand down in cases where we would like to use an X-ray device or covertly listen to others' confidential conversations; They sometimes also require that we avoid inquiring, mentally speaking, as well as avoid judging certain things to be the case. Some readers might find these conclusions excessive. They might feel that what goes on inside one's mind is primarily one's own business, and the privacy interests of others cannot lay claim to our psychological processes. If that is the case, I invite these readers to either find fault with my arguments or (more plausibly to my mind) go back and revise some of the accounts of the right to privacy that I have used to derive these results. Regardless of whether one welcomes the implications of my arguments or finds them troubling, I believe I have laid the groundwork for fruitful additional inquiry.

Finally, it is often said that privacy is important due to concerns with our social relationships. In Manuscript 2, I have explained why extant ways of putting flesh on the bones of this "proto-argument" are unsatisfying and have subsequently offered a better way of recasting this argument. Since—in, admittedly, the best possible case—I have both raised and resolved the problem in this paper, one might think that this has few, if any, broader theoretical implications. I do not think this could be farther from the truth. If the model forwarded in Manuscript 2 is in the vicinity of getting things right, it follows, interestingly, that our conception of some relationship and what privacy arrangements are appropriate are much more intimately connected than hitherto conceived. Hence, we must inquire into the particular nature of a particular relationship in order to understand the moral significance of privacy; at least in order to understand the importance of privacy in the context in which relationships of the relevant kind are practiced. Future research should examine this issue more closely.

Although this dissertation has not explicitly discussed questions of institutional design, some of the findings may have important practical implications. For instance, one upshot of Manuscript 3 is that, judging from the concerns that normally tend to be invoked to ground privacy rights, we ought to be concerned when actors, such as, say, private companies or the state, deploy predictive algorithms to predict our (privacy-relevant) information. Typically, such algorithms are deployed when other means of collecting information are either too expensive, unwieldy, or outright impermissible. While there might occasionally be a justifying rationale for engaging in such predictive endeavors—just as one might sometimes be justified in violating privacy through

more well-known means, such as in the case of police raids based on reasonable suspicion in the interest of security and justice—the findings of the dissertation in hand may suggest the existence of a compelling case for banning the use of such algorithms in the interest of protecting privacy in cases where no legitimate cause exists.

7. References

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8.English Summary

This dissertation seeks to make progress on two questions: *i)* What makes privacy violations morally objectionable, when they are? *ii)* When are privacy violations morally objectionable? The dissertation defends two partial answers to the first question. First, a concern for the subsequent abuse of information acquired from violations of privacy sometimes explains the objectionableness of privacy violations. Second, some privacy violations are wrong because they instantiate a failure to show due respect to people's morally important commitments to social relationships. Regarding *ii)*, I defend, first, the view that we, from the perspective of privacy concerns, have no principled reason to treat the evidence acquired from statistical inferences differently from evidence acquired in ways that are standardly taken to involve privacy violations, such as X-raying private property. Second, I argue that—provided that some arguably controversial broad-scoped claims within epistemology hold true—those concerned with privacy should not only be concerned with evidence-acquiring acts; they should also (at least sometimes) have reason to find that the commitments that ground the right to privacy also engender duties to suspend judgment on other people's private affairs.

9. Dansk Resumé

Ofte oplever man at privatpersoner, staten eller virksomheder—såsom Facebook eller Google—kritiseres for at "krænke folks privatliv". Denne afhandling belyser to spørgsmål der knytter sig hertil: *i)* hvad kan forklare, at privatlivskrænkelser er moralsk forkerte, når de er det, og *ii)* hvornår er privatlivskrænkelser moralsk forkerte? Afhandlingen forsvarer to svar på det første spørgsmål. Som et delsvar på det første delspørgsmål argumenterer jeg for, at den nogle gange påførte risiko for skadeligt misbrug af personoplysninger kan forklare, hvorfor nogle privatlivskrænkelser er forkerte. Som et andet delsvar på første delspørgsmål argumenterer jeg for, at nogle privatlivskrænkelser er forkerte, fordi de manifesterer disrespekt overfor de sociale relationer, som folk er engagerede i og forpligtede på.

Som delsvar på andet spørgsmål forsvarer afhandlingen ligeledes to synspunkter. For det første argumenterer jeg for, at det er muligt at krænke folks privatliv ved at udlede informationer om dem på baggrund af statistisk evidens. For det andet argumenterer jeg for, at det nogle gange er muligt at krænke folks privatliv, ikke blot ved at indsamle informationer om dem på særlige måder, men også alene i kraft af at *tro* på disse informationer. Hovedbudskabet er således at retten til privatliv, hvis en sådan ret findes, har mere vidtrækkende konsekvenser end hidtil anerkendt i litteraturen.