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PROJECT

Philosophical Foundations of Privacy for a Digital Age

The ever-present surveillance of our lives, insofar as our lives are linked to the Internet or the “internet of things,” has left our understanding of the morality of privacy in disarray. My aim in this project is thus to develop a framework for characterizing the morality of privacy that can guide our thinking about the nature and limits of privacy in a world in which relations between individuals are mediated and monitored by digital technologies. The first step in understanding the morality of privacy is understanding your underlying interests in privacy, interests that might ground your right to privacy. The interests are various. In some cases, the interests are straightforward. My learning something about you, such as that you committed a crime as an adolescent, can affect how I view you and interact with you as a person. In other cases, the interests are more mysterious. What interest of yours is compromised by my spying on you naked, if you never find out about it, and so do not experience feelings of shame or embarrassment?

The second step in understanding the morality of privacy is understanding the objections to privacy – the countervailing interests that I and others have that might prevent your interests in privacy from grounding a right to privacy. These objections are likewise various. For instance, I might have objections to being kept from learning that you are not trustworthy. And I might have objections to more pedestrian burdens that I must bear to avoid learning about you. Even if I have no interest in your conversation, I may have an interest in not having to move away so as to avoid overhearing what you say.

The resulting framework of the morality of privacy is highly pluralistic. There is a diversity of reasons to care about and to oppose privacy. An adequate view of the morality of privacy – and so a view that can guide our thinking about the right to privacy and its limits in the digital age – consists in appreciating and articulating the distinctions, instead of attempting to impose a superficial uniformity on them, as prominent existing accounts of the right to privacy tend to do.

Recommended Reading

Kolodny, Niko. “Love as Valuing a Relationship.” *Philosophical Review* 112, no. 2 (2003): 135–189.

—. “Why Be Rational?” *Mind* 114, no. 455 (2005): 509–563.

—. *The Pecking Order: Social Hierarchy as a Philosophical Problem*. Cambridge, MA: Harvard University Press, 2023.

Reflections on Privacy

This talk has five main parts. The first part is a general methodological introduction. What on earth, it asks, are moral philosophers up to? What questions are they asking, and how do they go about trying to answer them?

The second part of the talk is a more specific methodological introduction. What are moral philosophers up to when it comes to privacy in particular? The answer is, roughly: attempting to justify the duty of privacy. And one justifies the duty of privacy, I suggest, by identifying the interests that violations of the duty of privacy set back or risk setting back.

The third part of the talk critically reviews some attempts in the literature to justify the duty of privacy. I forewarn you that the conclusions of this part are relentlessly negative: that the attempts in the literature do not succeed in justifying the duty of privacy. I do not offer my own positive proposal for how to justify the duty of privacy. That is, I do not offer a proposal that I believe succeeds. Instead, what I wish to get across in this third part of the talk is just an appreciation of how difficult it is to justify the duty of privacy.

The fourth and fifth parts of the talk try to come to terms respectively with two puzzling phenomena concerning privacy, phenomena that technological change has made salient. The topic of the fourth part is what I call "inferential laundering": that it does not violate privacy to discover by inference what it would violate privacy to discover by some more direct route.

The topic of the fifth and final part is the idea that, individually or collectively, we own something called "our data," such that the "surveillance capitalist" wrongs us, individually or collectively, by using our data without our valid consent.

PUBLICATIONS FROM THE FELLOWS' LIBRARY

Kolodny, Niko (Cambridge, Massachusetts, 2023)

The pecking order : social hierarchy as a philosophical problem

<https://kxp.k1oplus.de/DB=9.663/PPNSET?PPN=1813912718>

Kolodny, Niko (Oxford [u.a.], 2014)

Rule over none II : social equality and the justification of democracy

<https://kxp.k1oplus.de/DB=9.663/PPNSET?PPN=1853645559>

Kolodny, Niko (Oxford, 2014)

Rule over none I : what justifies democracy

<https://kxp.k1oplus.de/DB=9.663/PPNSET?PPN=1853644641>

Kolodny, Niko (Oxford, 2005)

Why be rational

<https://kxp.k1oplus.de/DB=9.663/PPNSET?PPN=1853498785>

Kolodny, Niko (Ducham, NC, 2003)

Love as valuing a relationship

<https://kxp.k1oplus.de/DB=9.663/PPNSET?PPN=1853036668>