



Lecture 14

Privacy

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Participation Quiz

4. A long time ago, two friends lived together in a small cottage. Their names were John and Bobby. John and Bobby were not rich, but they had each other. They had a simple but good life. Then, in the spring of 1858, John became ill and died. After John was buried, Bobby never left there. Finally, in 1872, Bobby died, too. Friends buried him in a little grave beside John. Bobby, John's best friend, was a dog.

Q10: What point does the story make?

- a. best friends don't always have to be the same species
- b. dogs are man's best friend
- c. different species make good friends
- d. dogs live longer than humans

Q11: What might the next line of the story be?

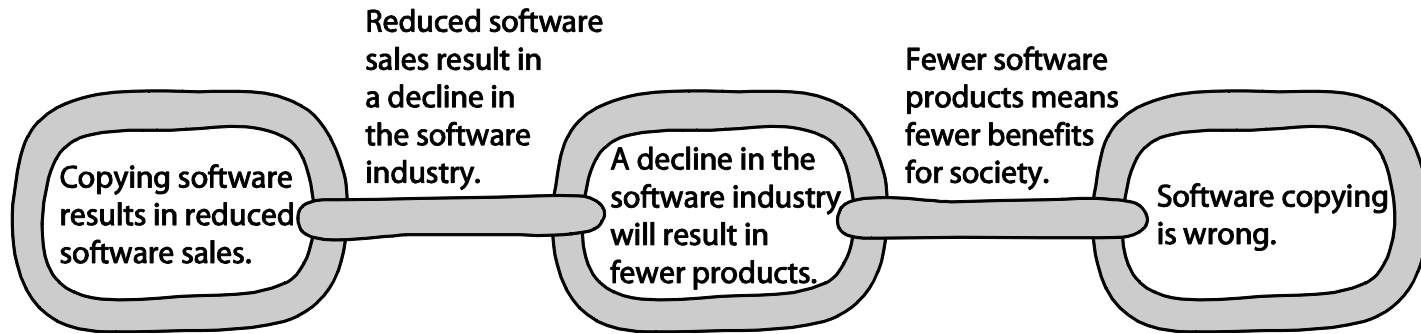
- a. The house was bought by a young family two weeks later.
- b. Illnesses have been breaking friendships ever since.
- c. Although the grave was too small, they made the dog fit.
- d. Today, the cottage is located in a park where dog owners can walk their dogs.

Rights-based Analysis

- “Just deserts” argument
 - Programming is hard work that only a few can do
 - Programmers should be rewarded for their labor
 - Mixing my labor with something implies ownership
- Criticism of “just deserts” argument
 - Why does labor imply ownership?
 - Mixing my labor with something means I lose my labor?
 - Pour a can of tomato juice into the ocean: I don’t own the ocean.
 - A society in which all labor went to common good could be just
 - Intellectual property not like physical property
 - I cut logs: I own the logs
 - I write a book: I get to restrict other people from copying the book
- What do you think about this argument?

Utilitarian Analysis

- Argument against copying
 - Copying software reduces software purchases...
 - Leading to less income for software makers...
 - Leading to lower production of new software...
 - Leading to fewer benefits to society



- Each of these claims can be debated
 - Not all who get free copies can afford to buy software
 - Open-source movement demonstrates many people are willing to donate their software-writing skills
 - Hardware industry wants to stimulate software industry
 - Difficult to quantify how much society would be harmed if certain software packages weren't released
- What do you think about this argument?

Getting Started with Privacy

- What is Privacy?
 - Work in a group.
 - Come up with the best definition of the term you can.
 - Try to think of
 - The example least like privacy that is still captured by your definition
 - The example most like privacy that fails your definition

Defining Privacy

- Privacy is related to the notion of access
 - Physical proximity to you
 - Knowledge about you
- Byrne: Privacy is a “zone of inaccessibility”
 - your ability to deny others access to you
- Bloustein: Privacy violations are an affront to human dignity
- Too much individual privacy can harm society
 - *Can you think of examples?*
- Key question: Where to draw the line?

Benefits and Harms

Harms of Privacy

- Cover for illegal or immoral activities
- Burden on the nuclear family
 - With less privacy comes more broadly shared responsibility
 - Relatedly, allows dysfunctional families to remain hidden
- Ignored people on society's fringes
 - cursed with too much privacy

Benefits of Privacy

- Individual growth & responsibility
 - Individuation, a key psychological stage, requires privacy
 - Without privacy, you can't be considered free, hence held responsible
- Freedom to be yourself
 - not having to act as though others are watching, maintain a public persona
 - Focus your thoughts on a creative (or religious) task without interruption
- Development of loving, trusting, caring, intimate relationships
 - inconceivable without the "moral capital" of privacy

Is There a Natural Right to Privacy?

- Morton Levine: Privacy rights stem from property rights: “a man’s home is his castle”
- Warren and Brandeis: An explicit “right to be let alone”
 - Noted that libel and slander laws don’t prevent people from saying mean, true things about you
- Thomson: violations of “Privacy rights” are necessarily also violations of other rights
 - So, we don’t need to treat privacy separately
- Benn and Reiman: Some amount of privacy is necessary for people to be autonomous, moral agents, to develop healthy relationships, and to act as free citizens.
- *Discuss:*
 - *Is privacy a right?*
 - *Is it a “prudential right”?*
 - *worth recognizing for the good of society, though not a natural right*
 - *Or do we have no such right at all?*