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Privacy and Focused Attention

PHIL 102

Ethics, Politics, & Law

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Information and the Judgment of Others

- My dissatisfaction with information models
- Casual comment
- Privacy as immunity from the judgment of others
- What “really” matters
- Model clicked
- Nagging worry about counter-examples



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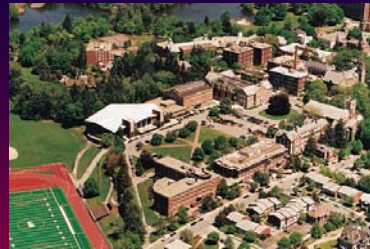
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D Further Developments

- H** • More writing
- I** • Class at Eastern
- L** • Invitation from Tilberg
- Eastern summer grant
- 1** • My lecture at Tilberg
- Publication
- 0** • Expand for law journal

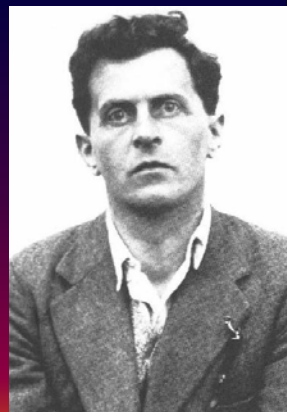


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D Cluster Theories

- H** • Necessary and sufficient conditions
- I** • Wittgenstein
- L** • “Family resemblance”
- Games
- Privacy examples
- 1** • Judith Thomson
- 0** • Judy DeCew
- Put it into words



2

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D **Perfect Privacy**

- H • Ruth Gavison
- I • What is privacy?
- L • Why is privacy normatively important?
- L • Why is privacy legally important?
- 1 • Value neutrality
- 1 • Empirical situation
- 0 • *Perfect* privacy
- 2 • Complete inaccessibility



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D **Gavison's Access Model**

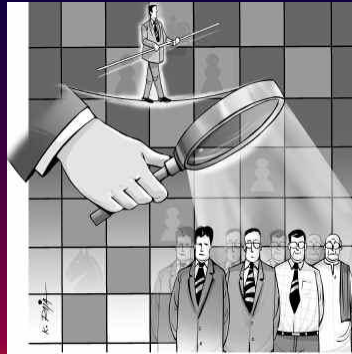
- H • Kind of cluster theory
- I • Three characteristics
 - L – Information
 - L – Physical access
 - L – Attention paid to an individual
- 1 • Might these all be reduced to the last one?



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D **Immunity from the Focused Attention of Others**

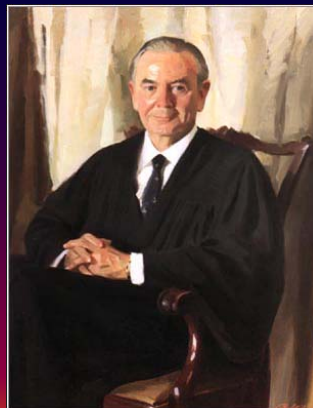
- H** • Norm-dependent concepts
- I** • Illegitimate attention
- L** • No one's business
- Not ... the legitimate concern of others
- Cinema metaphor
- 1** • Privacy as a limited immunity from the focused attention of others
- 0**
- 2**



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D **Examples**

- H** • Financial or medical records
- I** • Publishing this information
- L** • Failed searches
- Peeping Tom
- Overbearing mentor
- 1** • Unreasonable state searches
- 0** • Fundamentally important personal decisions
- 2**



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D **Spatial Aloneness**

- H • Gavison's example
- I • Privacy notion seems appropriate
- L • Conventions for spatial proximity
- 1 • Counter-example?
 - Our conversation
 - He joins us
 - Lonely
 - Blind and deaf
- 0 • What have we learned?
- 2

The following situation involving loss of privacy can best be understood in terms of physical access . . . a stranger who chooses to sit on "our" bench, even though the park is full of empty benches.

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