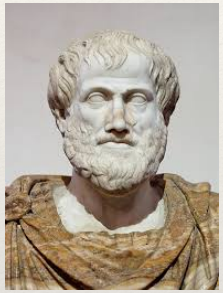
Privacy and freedom

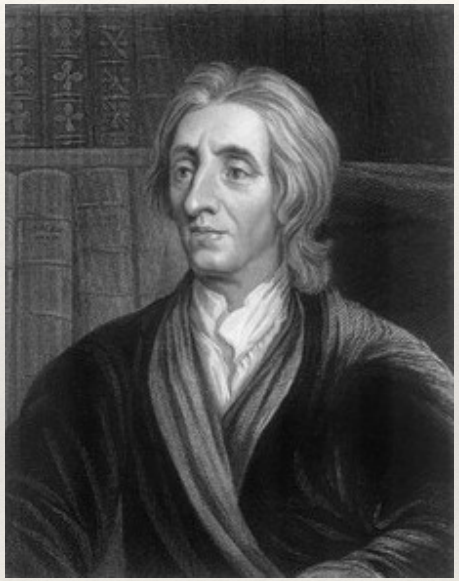
Privacy: Aristotle



Aristotle (384-322 BC)

- Aristotle separates the private space (“oikos”, domestic life) to the public space (“polis”, political life).
- Aristotle believes that the private serves the public: human beings carry virtues earned in private to the public.
- The private is constituted of activities that cultivate virtue and discount common opinion
- In return, the public should provide opportunities and resources to cultivate virtue.

Privacy: Locke

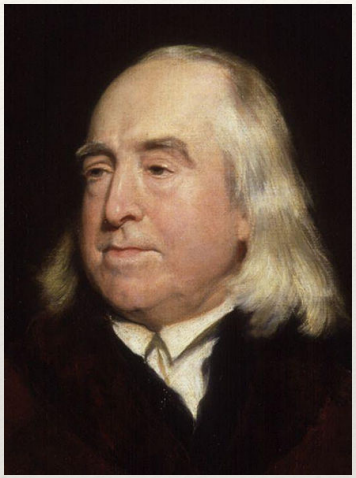


John Locke (1632-1704)

- Locke argued that a man is entitled to his own self through one's natural rights of life, liberty, and property

- The government is responsible for protecting these rights so individuals were guaranteed private spaces:
  - *Individuals need a legal fence to prohibit threats on the private*
  - *The fence is the law as it applies to that individual*
  - *This fence replaces the natural law*
  - *It encloses the individual's life as well as labor*

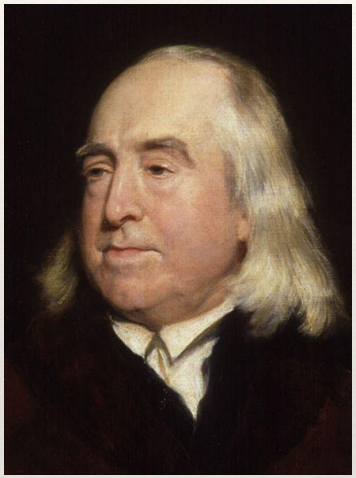
Privacy: Bentham



Jeremy Bentham (1747-1832)

- Bentham was fundamentally **opposed to natural rights theory**, including Locke's framework.
- Bentham famously called natural rights "nonsense" and "nonsense on stilts." He rejected the idea that people have inherent, inalienable rights simply by virtue of being human. Instead, he argued that:
  - Rights are **created by law and government**, not pre-existing
  - The only legitimate basis for rights is whether they promote utility (the greatest happiness for the greatest number)
  - Invoking "natural rights" as a constraint on government was philosophically incoherent

Privacy: Bentham



Jeremy Bentham (1747-1832)

Bentham would likely argue that **privacy protections should exist only if they maximize utility**. So his stance on privacy laws would be:

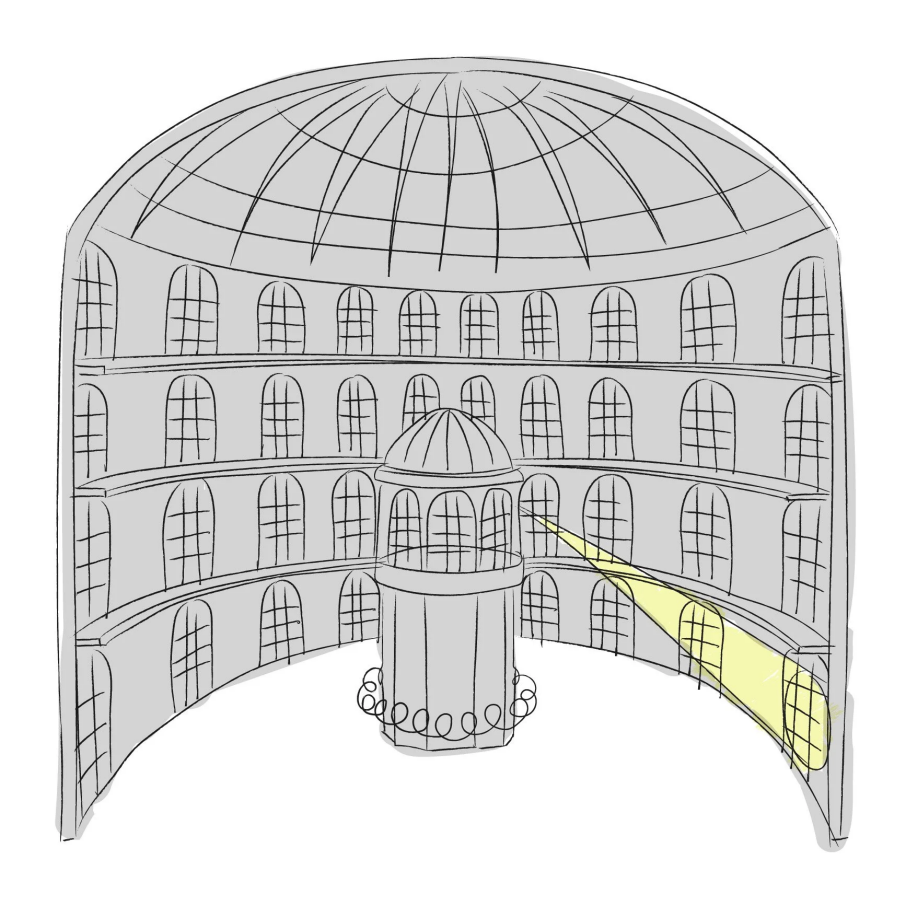
- Not because people have a "natural right" to privacy (he rejected that framework entirely)
- But only if privacy laws demonstrably produce better outcomes than transparency

In practice, this meant:

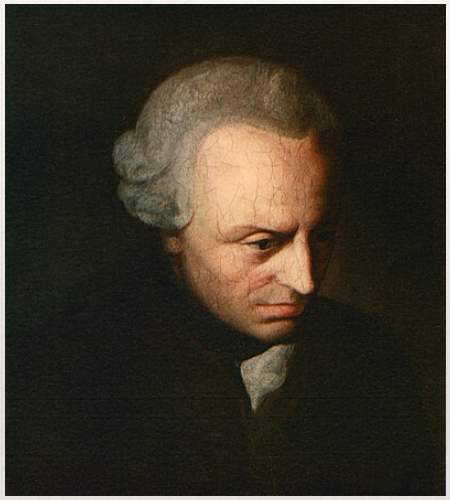
- He supported privacy in some contexts (personal life, domestic matters) as **practically useful**
- But he was hostile to privacy that enabled **concealment of wrongdoing**, particularly in government and institutions

Privacy: Bentham

The panopticon…



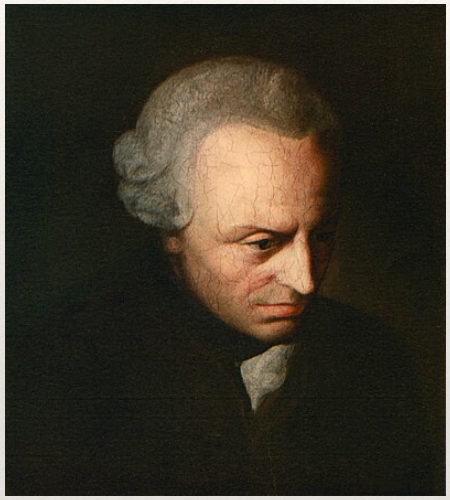
Privacy: Kant



Immanuel Kant (1724-1804)

- According to Kant, the right to freedom is the only basic innate right that all humans are born with. He defined freedom as the independence to act without being constrained by the will of another, as long as it does not conflict with the freedom of others.
- Kant believed in limited government and maximum freedom
- Individuals have inherent worth as rational beings and should not be treated merely as means to others' ends. This principle gives privacy considerable moral weight

Privacy: Kant



Immanuel Kant (1724-1804)

Kant's General Political Philosophy:

Kant believed in a social contract where individuals surrender certain freedoms to establish a civil society with rule of law. He thought a strong, unified government was necessary to maintain order and justice. However—and this is crucial—he believed government power must be *limited by law* and guided by principles of justice. The government exists to protect people's rights, not to maximize utility or serve the state's interests at citizens' expense.

Privacy

Locke:

Government's role is to protect these property rights, including privacy. He favors limited government—it exists to secure pre-existing rights, not to override them. Privacy is a right people possess naturally, before government exists.

Bentham:

Comfortable with government surveillance if it improved outcomes like reducing crime or improving governance. Government power should be used pragmatically to promote the greatest happiness for the greatest number, even if that means intruding on privacy

Kant:

Accepts strong government authority within the rule of law, but views privacy as inviolable—not negotiable for utilitarian gains. Government power must be limited by principles of justice and respect for persons, not by calculations of aggregate benefit.

Privacy

Definition:

Privacy is the right to be left alone and free from interference or intrusion. It's also about having control over what happens to your personal information and knowledge.

The bill of rights

12 amendments to the constitution (1789):

Article the third... Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article the sixth... The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The US Patriot Act of 2001

Key provisions and purposes

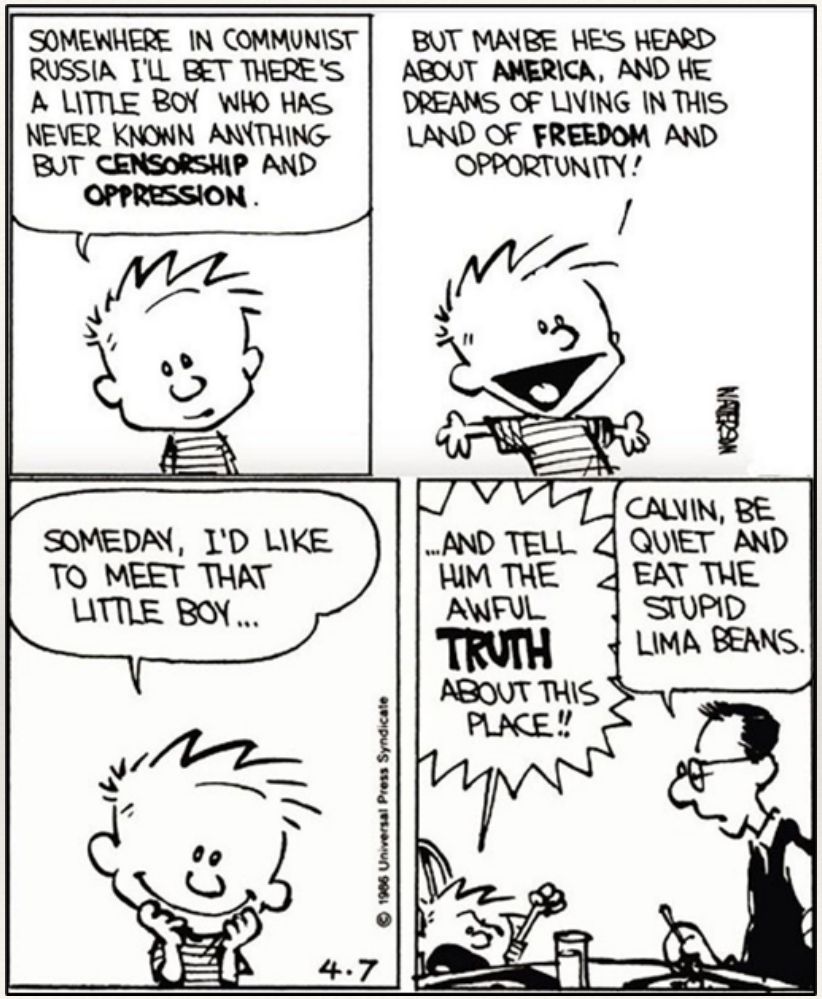
- Enhanced Surveillance: Expanded law enforcement's ability to conduct surveillance, including wiretapping and computer tapping, and updated laws to address internet communications.

- Information Sharing: Removed obstacles to information sharing between law enforcement and intelligence agencies, which was previously restricted.

Privacy

Privacy is important for:

- **Free speech**
- **Openness in research**: Researchers must consider whether their data may identify individuals and how to protect that information.
- **Ethics**
- **Trust**
- **Individual identity:** Privacy is necessary for developing individual identity.
- **Intimacy:** Privacy is necessary for establishing intimacy.
- **Democracy:** Privacy is necessary for the functioning of democracy.


SOMEWHERE IN COMMUNIST RUSSIA I'LL BET THERE'S A LITTLE BOY WHO HAS NEVER KNOWN ANYTHING BUT CENSORSHIP AND OPPRESSION.
BUT MAYBE HE'S HEARD ABOUT AMERICA, AND HE DREAMS OF LIVING IN THIS LAND OF FREEDOM AND OPPORTUNITY!
SOMEDAY, I'D LIKE TO MEET THAT LITTLE BOY...
...AND TELL HIM THE AWFUL TRUTH ABOUT THIS PLACE!!
CALVIN, BE QUIET AND EAT THE STUPID LIMA BEANS.
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