Relational Privacy:
A new conception of privacy as a condition for living an autonomous life

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Abstract

The most popular definition for privacy is to have control over access others have to you. Especially when we discuss privacy as a condition for living an autonomous life, control over access is seen as an appropriate description. However, in this thesis I will show that there are many examples of privacy infringements that cannot adequately be explained by this definition. In this paper I will formulate a new definition of privacy. This definition should be able to describe the function of privacy as a condition for relational autonomy. It will be a relational definition of privacy. I will first compare theories of privacy as inaccessibility with privacy as control over access to see where both fail. I will then discuss the theory of Beate Rössler on privacy and autonomy. I will argue that by describing how privacy is a condition for a relational conception of autonomy, Rössler made a first and necessary step to a new definition of privacy, though she herself still holds to defining privacy as control. I will propose a new definition of privacy as the literal and metaphorical space one needs for self-reflection. I will argue that this definition has the advantages of the access- and control-view of privacy, while better fit to the function of privacy as Rössler describes it. Finally, I will show how this definition of relational privacy works in practice, by applying it to both the debates on data mining and self-tracking technologies.

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Introduction

In this thesis I wish to discuss the relation between privacy and autonomy. There are several reasons as to why I think this is important and relevant today. First, in reaction to new technological and social developments that have generated new information technologies and a rise of big data companies, the subject of privacy has gained momentum. Legal institutions are making a great effort to catch up with these developments and ensuring in some way that the privacy of individuals is protected. In this momentum it is important to realize that we still have many questions regarding the value of privacy. What exactly does it protect? Why do we value it? How does it function? In order to work out how to protect the privacy of the individual, we need to look into these questions.

Protection of privacy for individuals is often seen as a protection of people's control over their information. In this case, privacy is protected by protecting individuals from having this control taken away from them. The adequate use of this control is seen as a responsibility of the individual. As a consequence of this viewpoint, it is seen as puzzling that though people seem to worry about their privacy, they quickly trade their privacy for other benefits. People are scared to have this control taken away from them, but use given control to allow commercial parties access to their personal data when it suits them. However, I think that this is no longer puzzling when we start seeing privacy as something more than just having control. People often don't know what happens with their information, [1] and it is very hard for them to find out. Even if they do know how badly their privacy is respected, one can question whether people are really free in choosing to use a particular platform or service and giving access to their data. Not using the technology can lead to social exclusion. One would miss out on the ability to contact friends and family or network for work-related purposes. People are dependent on the services that are provided by these data companies.

Describing privacy as having control can have the consequence of inequality. For some it may be harder to exercise control than for others. Buying an app that respects one's privacy may be easier for someone who has money to spare than for someone who counts every penny she spends. Exercising control over access also implies knowledge on the risks of granting access to

[1] Helen Nissenbaum, *Privacy in Context: Technology, Policy, and the Integrity of Social Life* (Stanford University Press, 2009) 105 – 106.

other parties to personal data. Making such an assessment may be easier for some than for others. Protecting the control people have over access does not address these main worries.

I am not the first to raise these worries, they are well-known.[2] Still privacy as having control is still one of the most prominent definitions used for privacy.[3] In this thesis I investigate an alternative definition of privacy. A definition that no longer conceptualizes privacy as control, but looks at the conditions that are necessary for a person to have privacy, and the value privacy has for the individual.

Individualistic and relational autonomy

This discussion fits within a larger discussion between proponents of a conservatively individualistic approach to autonomy and proponents of an optimistic intersubjectivist approach to autonomy. For the first, being self-sufficient and independent is the ideal. This view is typified by Lorraine Code as the ideal of the 'autonomous man'. The autonomous man is a real individual, self-maintaining, self-conscious and rational. Code is aware that this autonomous man is a kind of strawman. No philosopher may actually believe that people could be this independent. However, her point is that this is the kind of autonomy that is idealized in the individualistic approach to autonomy.[4] In this thesis I will call theories that have this tendency towards the ideal of the autonomous man theories of *individualistic autonomy*.

The problem with theories of individualistic autonomy is that they idealize independence at the expense of interdependence. Any form of dependence or social collaboration is a possible threat to the autonomous man. If the ideal is to be self-sufficient, social dependencies only fall short of this ideal.[5] For this reason there is hardly any room for reflection on autonomy on a non-individualistic level. Social conditions for autonomy are not taken into consideration.

On the other hand, there is the optimistic intersubjectivist approach to autonomy. There is a group of philosophers, influenced by feminist theory, who believe that autonomy cannot just be

[2] Nissenbaum
[3] See ch. 1
[4] Lorraine Code, *What Can She Know?: Feminist Theory and the Construction of Knowledge* (Cornell University Press, 1991), 71 – 79.
[5] Catriona Mackenzie and Natalie Stoljar, ''Introduction: Autonomy Refigured.'' In *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self,* ed. Catriona Mackenzie and Natalie Stoljar (Oxford University Press, 2000), 6.

described in individualistic terms, but that there are many conditions for autonomy. In this view, independence is not the best route to becoming autonomous. Dependence on others, intersubjectivity is itself an important part for being autonomous. A lack of intersubjective relationships can harm one's autonomy. I will call theories belonging to this group theories of *relational autonomy.* I follow the example of Catriona Mackenzie and Natalie Stoljar, in using this term not for one unified conception of autonomy, but rather to indicate a group of theories that 'analyze the implications of the intersubjective and social dimensions of selfhood and identity for conceptions of individual autonomy and moral and political agency.

An interesting person in this discussion is Beate Rössler. Her theory of autonomy seems to want to combine both sides of the discussion, agreeing that there are certain conditions for autonomy that lie outside of the control of the individual and emphasizing the importance of intersubjective relationships and dependence. On the other hand, Rössler still believes that the individual can exercise great amounts of control in their autonomy and has great individual responsibility to exercise their autonomy. In this balancing of individualistic and relational autonomy, Rössler describes how privacy as provides either a literal or a metaphorical space a person needs in order to self-reflect, and thereby determine their own identity.[6]

In this thesis, I will investigate how this discussion reflects on the discussion of privacy and how we can explain the value of privacy. I will conclude that we can formulate a relational conception of privacy, one that functions as a condition for relational autonomy. I will start from the function Rössler describes privacy to play and investigate how we could formulate a relational definition for privacy that fits this function.

Approaches to privacy

Ever since Samuel Warren and Louis Brandeis wrote their vastly influential article on the right to privacy in 1890,[7] the value of privacy has been a subject of legal and philosophical discussion. As long as there is discussion, authors have agreed that the concept of privacy was surrounded by vagueness, complexity and disagreement. The discussion concerns both what privacy means and whether there is such a thing as privacy, or whether the value of or right to privacy can be

[6] Beate Rössler, *The Value of Privacy* (John Wiley & Sons, 2015).
[7] Samuel D. Warren and Louis D. Brandeis, "The Right to Privacy," *Harvard Law Review* 4, no. 5 (1890): 193–220.

reduced to other rights or values.[8] Unitary accounts of privacy are often normative, arguing that privacy has a specific value that should be protected. Reductionist accounts are often more of a descriptive nature, investigated how privacy is discussed in society and in legal discourse.[9] I believe that privacy can as a concept indicate a specific function and value, and my aim in this thesis is to clarify this value.

For the purpose of this thesis, I will look at privacy as a value for the individual. There is also much value in describing privacy's societal or political value, and as the relational approaches to autonomy increase in popularity, the literature on privacy as a social value has increased.[10] I regard this as a separate discussion, which is extremely important but beyond the scope of this thesis. I believe that a relational approach also has consequences for the function privacy plays for the individual, which is the subject of this thesis.

There are many theories on the function of privacy for the individual. Some believe that privacy protects a right to be left alone,[11] others believe privacy protects human dignity,[12] some who argue that privacy is a condition for an individual to maintain social relationships with others,[13] other argue that privacy protects and finally a group that describes privacy as protecting autonomy of the individual.[14] These values are not exclusive. Authors can argue that privacy protects more than one of these values as protected by privacy. Most argue that by providing protection for one of these values, another value is also protected. In this thesis, I describe the value of privacy as a condition of living an autonomous life. However, I don't exclude the other

[8] The typical example of a reductionist account is that of Thomson: Judith Jarvis Thomson, ''The Right to Privacy.'' In *Philosophical Dimensions of Privacy: An Anthology,* ed. Ferdinand Schoeman (Cambridge University Press, Cambridge, 1984) 272 – 289.

[9] Bert-Jaap Koops et al., "A Typology of Privacy," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, March 24, 2016), 487.

[10] See among others the work of Dorota Mokrosinska, for example: Dorota Mokrosinska, "Privacy and Autonomy: On Some Misconceptions Concerning the Political Dimensions of Privacy," *Law and Philosophy*, June 15, 2017, 1–27 or her work in collaboration with Rössler: Beate Rössler and Dorota Mokrosinska, *Social Dimensions of Privacy: Interdisciplinary Perspectives* (Cambridge University Press, 2015).

[11] Warren and Brandeis, "The Right to Privacy."

[12] Edward J. Bloustein, "Privacy as an Aspect of Human Dignity: An Answer to Dean Prosser," *New York University Law Review* 39 (1964): 962–1007.

[13] James Rachels, "Why Privacy Is Important," *Philosophy & Public Affairs* 4, no. 4 (1975): 323–33 & Charles Fried, ''Privacy: A Moral Analysis.'' In *Philosophical Dimensions of Privacy: An Anthology,* ed. Ferdinand Schoeman (Cambridge University Press, Cambridge, 1984), 210 - 213.

[14] Ferdinand David Schoeman, *Privacy and Social Freedom* (Cambridge University Press, 1992); Rössler, *The Value of Privacy* & David W. Shoemaker, "Self-Exposure and Exposure of the Self: Informational Privacy and the Presentation of Identity," *Ethics and Information Technology* 12, no. 1 (March 1, 2010): 3–15.

explanations of the value of privacy, but believe that describing privacy as a condition for autonomy can encompass these.[15]

Privacy has different dimensions. Mostly, three dimensions are distinguished: decisional, informational and local privacy.[16] Decisional privacy usually involves some kind of absence of interference in one's actions and decisions, or having control over access to one's decision-making. Informational privacy involves inaccessibility to personal information, or having control over access to personal information. Local privacy means that one is inaccessible as a person, having a private space, or having control over access to a private space. Most theories of privacy focus on informational privacy, though the legal discourse oftentimes focuses on decisional privacy, especially in the United States.[17] In this thesis all three dimensions will be discussed, because each has their own explanatory value.

As mentioned, privacy is most often defined as having control over access. However, other definitions have also been proposed. One defines privacy as the inaccessibility of someone's information, decision-making or personal space. This means it is not control over access but the amount of inaccessibility itself that determines whether a person has privacy or not. Advocates of this access-based approach to privacy oftentimes see the same dangers as I do in defining privacy as control. However, the access-based view cannot account for interpersonal private relationships, which is essential for the relational approach to privacy I advocate. I will argue that both control and inaccessibility are concepts that can be indicative of whether a person has privacy or not. However, the ultimate definition of relational privacy will have to be able to incorporate both while indicating more specifically what function privacy plays.

Another definition is proposed by Helen Nissenbaum. She argues that privacy can be conceptualized as contextual integrity. She also believes that both the control-based approach to privacy and the access-based approach fail, and proposes her theory as an alternative.[18] I believe

[15] Shee chapter 1 for further explanation.
[16] Rössler, *The Value of Privacy* & Julie C. Inness, *Privacy, Intimacy, and Isolation* (New York: Oxford University Press, 1992). Koops et al use many more dimensions in their typology of privacy, which they call ideal types: Koops et al., "A Typology of Privacy," 567 – 568. However, I stick to the three dimensions because these are asserted by most literature and I believe the other types of privacy Koops et al. distinguish don't add any other dimension that is not covered by these three.
[17] Rössler, *The Value of Privacy*, 15. In the United States the discussion mostly surrounds the legal history of the right to abortion on grounds of privacy.
[18] Helen Nissenbaum, *Privacy in Context: Technology, Policy, and the Integrity of Social Life* (Stanford University Press, 2009), 147.

her definition of privacy is too broad however, it no longer indicates which function privacy plays for the individual.[19]

A note on methodology

When discussing the value of privacy, there are some other conceptual distinctions that must be distinguished. In this paper I will discuss the definition we should describe privacy with, as well as the function privacy plays. The function of privacy is what privacy exactly does that explains why we should value it. Since I argue for a conception of privacy as a condition for autonomy, this function explains exactly how privacy is necessary for the individual in order to live an autonomous life. The definition of privacy, I will argue, should be able to catch the essence of the function of privacy. Most authors on privacy choose for their definition either the control-based approach or the access-based approach. I will argue that this can cause a discrepancy between the function they ascribe to privacy and how privacy is defined. Defining privacy as control means one's theory of privacy only has limited capacities. Where the function ascribed to privacy would indicate that a certain example is an example of a loss of privacy, the definition may not be able to describe it in such a way.

In this thesis I will look at several examples where our intuitions seem to indicate a privacy loss. I test different theories and definitions of privacy according to how well they can explain this intuitive loss of privacy. I am testing definitions on their 'explanatory force': how well they explain what happens with a person's privacy and/or autonomy in the given examples. Though the bulk of the argument is made up out of examples, in the end the deciding factor is whether a definition of privacy can adequately explain it's function for a relational conception of autonomy.

Thesis outline

The first chapter has two aims. It will show why a new definition of privacy is necessary because the alternatives are flawed. At the same time, it will reflect on the kind of theory of autonomy will be required that can explain how privacy is a function for autonomy. I will briefly reflect on

[19] This will be elaborately discussed further in chapter 1.

alternative theories of the value of privacy, arguing that a description of privacy as a condition for autonomy is the best option. After that I will discuss the two leading definitions of privacy: the control-based approach and the access-based approach. I will use show that in the end both fail to describe the function of privacy. The access-based approach fails because it cannot account for intimate relationships. The control-based approach fails because it cannot account for people who willingly give everyone access. Having established this, I dive into two theories of privacy as a condition for autonomy. The first is of David Shoemaker, who shows we need a relational theory of privacy and a different definition for privacy. The second is the theory of Beate Rössler, who provides a relational theory of privacy. However, she does not yet provide a different definition for privacy.

In the second chapter I will develop a new definition of privacy. I will first elaborate on Rössler's theory of autonomy in order to better be able to describe the exact function privacy plays as a condition for autonomy. I will show that Rössler's theory on autonomy has explanatory value in evaluating when a person's autonomy is decreased. Before establishing a new definition for privacy, I will provide some examples of cases where the subject has less control but more privacy. Afterwards I will provide a new definition of relational privacy. I will apply the new definition to the three dimensions of privacy.

In the third chapter I will apply the definition of relational privacy on two case-studies. My aim in this chapter is twofold, I want to show how relational privacy works in practice. I also want to evaluate the theory of autonomy of Beate Rössler that I have been using so far as a framework for relational privacy. First, I discuss the practice of data mining and the concept of algorithmic identities. Here I show that relational privacy can show in which ways this practice could be privacy invasive. Secondly, I discuss self-tracking technologies. I first assess whether users of self-tracking technologies are in danger of reducing their identities to numbers. I will conclude that relational privacy shows that the privacy-invasiveness is dependent on the user. I will also assess Rössler's theory on self-knowledge and her criticism of self-tracking technologies. I argue that she expects too much of people's independence and adjust the framework of autonomy to include people's dependence on help and information about themselves. Finally, I will discuss the matter of manipulation related to self-tracking. I argue that Rössler's ideas about the potential harm from unwanted comments is extremely insightful. However, her theory misses an adequate way of distinguishing manipulation from positive

intersubjectivity. I will use the relational theory of Marina Oshana to formulate a way of making this distinction. Finally, I will briefly discuss the problem of semantic vulnerability in relation to self-tracking. I argue that relational privacy can show how self-tracking practices may be privacy invasive dependent on the social group one belongs to.

1. The Problem with Control

The most prominent definition used for privacy, is privacy as the control that a person has over access to their personal information, decisions, or their body. Especially for theories that argue that privacy is a condition for autonomy, control has been the most popular definition for privacy. In this chapter I will show that this theory of control is not without its problems. I will discuss a rival approach to the control-based approach to privacy: the access-based approach. This approach defines privacy as the amount of inaccessibility to a person's personal information, decisions or body. The control-based approach is argued for as an improvement upon the access-based approach. The access-based approach had problems that the control-based approach could solve. In this chapter I will argue that both the control and the access views fail to fully explain when and why a person's privacy is infringed.

The aim of this thesis is not only to investigate what a definition of privacy needs, but also to investigate what a definition of privacy as a condition for autonomy specifically needs. The aim of this chapter is therefore also to reflect on different conceptions of autonomy. I will first discuss other functions of privacy, as have been described by several authors, and explain why I focus on privacy as a condition for autonomy. In the second section I will focus on the access-based approach to privacy, it's strengths and weaknesses and why the control-view can be seen as solving some of the problems that the access view cannot. In the third section I will focus on the problems there are with control-based approach to privacy. In the final section I will address two control-based theories of privacy as a condition for autonomy, one of David Shoemaker and one of Beate Rössler. I use these to show that their different conceptions of autonomy have very different implications for their conceptions of privacy. I will argue that Rössler's theory of autonomy, which can be seen as a relational autonomy, is a more adequate description. On the other hand, I will show that her usage of a definition of privacy as control within a framework of relational autonomy fails.

1.1 Privacy as a condition for autonomy

There are many theories that explain the function of privacy in other terms than terms of autonomy. Some argue that privacy protects human dignity, others that privacy protects one's ability to have and maintain personal relationships with others. However, I believe that in the end explaining the function of privacy in terms of autonomy can encompass all these theories. I will discuss some of these theories of privacy here and explain why I have chosen to investigate privacy in relation to autonomy rather than to anything else.

Human Dignity

Edward Bloustein argues that dignity was the thing that privacy protected. Bloustein takes his cue from the article of Warren and Brandeis. Warren and Brandeis were the first to argue for a general right to privacy and their article is still influential in the debate on the function of privacy. Their article was very successful in arguing for such a right, but less successful in explaining exactly what interest privacy protects.[20] Bloustein argues that the best interpretation of their work is that privacy protects human dignity. Warren and Brandeis try to show that there may be many harmful consequences to privacy infringements, like mental distress or a loss of reputation, but these consequences are side-effects of the main harm that has been done, which is an invasion of privacy. The harm that is done with an infringement of privacy is a 'spiritual' harm. This harm is troublesome even if there are no other harmful consequences like defamation, slander or emotional distress.[21] They describe privacy as an independent tort, because they believe it cannot be reduced to other torts.

Bloustein argues that the harm Warren and Brandeis describe is a harm to an individual's human dignity. His argument is mostly focused against Dean Prosser, who is a reductionist. Prosser believes that privacy was nothing more than a term for a group of different interests that were already protected by law. Privacy itself, according to Prosser, did not indicate any specific interest. Bloustein answers to the reductionist argument by stating that there *is* a specific interest that privacy protects, which is human dignity. He argues that most examples of privacy

[20] Bloustein himself also argues that Warren and Brandeis were still quite vague in their description of the value of privacy: Bloustein, "Privacy as an Aspect of Human Dignity," 970.
[21] Warren and Brandeis, "The Right to Privacy," 197.

infringements cannot be explained in a better way than that their dignity is infringed. He names the example of a woman's right to bear children without unwanted onlookers. This right, according to Bloustein, cannot be explained by a desire to emotional stability (as Prosser argues), but only by a desire for 'enhancing her individuality and human dignity'.[22]

Bloustein describes privacy as a protection for human dignity because it usually involves harms like degradation and humiliation. It is interesting, however, that the kinds of degradation and humiliation Bloustein describes could also be described as harms to an individual's autonomy. The person is degregated because it hurts their 'relationship to themselves', or their 'essence as a unique and self-determining being'[23]. He also phrases it as an 'assault on human personality'[24]. The humiliation or degradation are not there because there are harmful consequences to the publication of certain information on a person, there may be such consequences but those would, according to Bloustein, not fit under the header of 'privacy'. The degradation was a consequence of a person's self-detemination and autonomy being violated. Bloustein writes: 'What distinguishes the invasion of privacy as a tort from the other torts which involve insults to human dignity and individuality is merely the means used to perpetrate the wrong. (…) In all of these cases there is an interference with individuality, an interference with the right to the individual to do what he will'[25]. A person has dignity when they have a certain freedom to live as they will. Human dignity is in essence a person's ability to live an autonomous life.

When discussing human dignity, one may believe that terms of shame, reputation and recognition would be essential. But Bloustein makes clear that self-esteem and reputation, as well as how an individual is regarded by others, are values that are *not* a part of what privacy protects. The dignity privacy protects is one that has to do with an individual's self-regard and their ability to determine their own path in life. I think that what Bloustein argues privacy protects is an individual's autonomy. I think it is better to call it autonomy and not human dignity, because dignity does imply aspects of shame, reputation and recognition that Bloustein wants to exclude from the domain of privacy. Degradation or humiliation are often seen as ways

[22] Bloustein, "Privacy as an Aspect of Human Dignity," 973. Bloustein uses the article of Warren and Brandeis, "The Right to Privacy."
[23] Bloustein, "Privacy as an Aspect of Human Dignity," 971.
[24] Ibid. 974.
[25] Ibid. 1003.

in which a person can be stripped from their dignity. Human dignity is seen as something that others should respect rather than a capacity than can be undermined because harm is being done in one's 'relationship to themselves'.

What Bloustein believes privacy protects may be more adequately described as autonomy than as human dignity. However, Bloustein may be wrong in arguing that privacy primarily protects someone's relationship towards themselves and their capacity to live as they will. The fact that Bloustein argues for autonomy sooner than human dignity does not mean we should dismiss human dignity as the value privacy protects. Why would privacy not protect someone's reputation or the recognition of an individual's dignity? Bloustein argues that these are separate values because Warrein and Brandeis argued that they were separate rights. But why they should be separate values is not very clear. I think privacy does protect a person's dignity in this sense. However, I think describing privacy as a condition for autonomy leaves room for the protection of human dignity. Recognition of someone's dignity is itself essential to someone's autonomy. This way there is room for protection of someone's reputation and recognition of their dignity within a framework of autonomy.[26] The framework of autonomy can make place for human dignity in a more specified way. Bloustein himself admits that his theory is somewhat vague, but believes that his explanation can point to the right direction of what the value of privacy is.[27] I agree, but I believe that describing privacy as a condition for autonomy does not more than point us in the right direction.

Interpersonal Relationships

Another relevant theory of privacy is one that argues that one needs privacy in order to maintain social relationships with others. The most famous advocates for this view are Charles Fried and James Rachels. James Rachels argues that we have different ways of behaving in our relationships. Every relationship may require a different pattern of behavior. To have different paths of behavior is very normal. It is simply our way of coping with the different social roles people play, as well as the different personalities peoples have. According to Rachels, it is this ability to behave different in different relationships that enables us to maintain a diversity of

[26] This will be discussed in chapter 2.
[27] Bloustein, "Privacy as an Aspect of Human Dignity," 981 - 982.

relationships with others. Our ability to share intimate details with friends enables the friendship. Social relationships are also maintained simply by having the privacy of being alone together. A love-relationships cannot function if you can never be alone with your loved one. You wouldn't be able to fight or be intimate in the same way as you would when you were alone.[28] Charles Fried argues in a similar fashion, stating that intimacy is the sharing of information. A person can only be a friend if she shares information with friends. She cannot be a friend if she never shares information, nor can she be a friend if she would share all information with everyone. [29]

The problem with this approach is that it cannot explain the necessity of complete individual privacy. If privacy is a function for social relationships, it would seem a person doesn't need to be completely alone. Being alone could not be considered privacy if privacy is only there in order to maintain social relationships. However, I believe people do have this need to be alone and a theory of privacy should be able to explain this need. Again, the theory of privacy as a condition for autonomy gives a solution here, since it can both explain why privacy is important for social relationships and why we need individual privacy. Social relationships are a necessity for an individual to be able to live autonomously because it provides the individual with ways for critical self-reflection. Being alone provides the individual with another opportunity for self-reflection. I will come back to this point later on in this chapter.

Contextual Integrity

A final relevant mention is the theory of Helen Nissenbaum, who introduced contextual integrity as a way to define privacy. Her theory is worth mentioning because it has much potential for explaining the dangers of new technologies, something that many older theories of privacy have failed to do.[30] Nissenbaum argues that we have to regard the protection of privacy as the protection of contextual integrity. In every context, there are certain contextual norms that regulate information flows. These 'informational norms' can be violated and, in that case, privacy is violated. The problem with much of modern technology is, according to Nissenbaum,

[28] J Rachels, "Why Privacy Is Important."
[29] Fried, *Privacy*, 210 - 213. This theory is also asserted by anthropologist Robert Murphy, who claims privacy is recognized in all societies and is necessary in all cultures for the maintaining of certain relationships: Robert Murphy, ''Social Distance and the Veil.'' In *Philosophical Dimensions of Privacy: An Anthology*, ed. Ferdinand Schoeman (Cambridge University Press, Cambridge, 1984), 34 – 55.
[30] Nissenbaum, "Privacy as Contextual Integrity Symposium - Technology, Values, and the Justice System," 2.

that information is taken from one context and released into another. Contextual integrity requires that information that is taken from one context cannot be released into another without considering the informational norms of the context in which the information was released. Her theory provides a way of assessing the dangers of new technologies and practices by asking whether the new practice or technology violates the informational norms that were present before. Her theory has a conservative stroke, since it in principle prefers the status quo over new practices. However, new practices can be accepted by the theory if they are better at promoting contextual norms.

The question is, how can one know whether a theory is better at promoting contextual norms? In Nissenbaum's theory, contextual integrity itself is only able to put up red flags in case something changes in the context. If there are different subjects, recipients or senders of the information, if the kind of information that is transmitted changes, or if principles concerning the transmission of information changes, this indicates a privacy risk. After this, a normative evaluation still has to be made, in which all relevant values are weighed and listed. Finally, conflicts of values are decided upon by considering the specific context in which the change will occur.[31] Privacy as contextual integrity is a very broad concept, it is a guide for evaluating what to do in certain cases. It therefore stand above all values, and cannot specify any one value that privacy protects more than any other.

Her theory fails to fulfill our explanatory needs. The theory can set a good guideline for thinking about privacy (don't use public information in another context than it was released in without consent could be a pretty robust rule), but it cannot explain what happens to or for the individual at the moment that information is exposed in a different context. Why is privacy invaded when this happens? What is it about the two situations that changes the norms that are involved? The theory works well as a way of putting up red flags, but more is needed to explain what the exact ground of objection is. David Shoemaker posed similar criticism, stating that the theory seems to point in the right direction, but does this rather vaguely. He argues that 'much more needs to be said about the nature of the various contexts in question' in order for the theory to be able to justify when privacy is infringed and when privacy is respected. [32]

[31] Nissenbaum, *Privacy in Context*, for an example see: 169 – 179.
[32] Shoemaker, "Self-Exposure and Exposure of the Self," 6.

Nissenbaum explicitly states that her aim is not to provide a definition of privacy, but rather to explain why we worry for our privacy when new technologies are developed. Her theory is a decision heuristic, which helps reflecting on new technologies and practices and their influence on privacy. Her theory works well in explaining why we feel our privacy in infringed in certain situations, and can help prevent such feelings of infringement. However, her theory does not give us any conceptual ground for explaining why privacy is infringed in those examples. Her theory is a guide, but cannot make clear distinctions as to when privacy is violated and when it isn't. Nissenbaum doesn't say anything about the function of privacy for the individual, which is the aim of my thesis. Because contextual integrity is a framework for evaluating values, it cannot describe privacy itself as a value. Nissenbaum's approach uses privacy as too broad a concept, and thereby loses its explanatory value.

Autonomy

All theories mentioned in this chapter explain an important aspect of what privacy protects. However, they all leave out important aspects of privacy as well. A focus on privacy as a condition for autonomy can show why an individual needs privacy in the shape of a room of her own, as well as private relationships. Both contribute to an individual's autonomy. Human dignity is also a condition for autonomy, where recognition and protection from a loss of reputation play an important role.

Autonomy is not just right as an explanation of privacy because it encompasses all aspects that seem relevant. It also has great explanatory force. It has the ability to explain exactly why privacy is necessary and exactly what function it plays for the individual. To show this requires a more specific theory of what autonomy means and requires. With such a theory, we could establish what function privacy plays, and how it relates to other conditions that are necessary for a person living an autonomous life. I will discuss two such theories later on in this chapter.

1.2 Control vs. Inaccessibility

Having shown why I chose to focus on privacy as a condition for autonomy, I will now focus on formulating the best definition for privacy. The discussion on the definition of privacy has so far mostly been a discussion between two approaches. The first being to define privacy as having control over access others have to something. This something can be information, bodily space, one's thought or decisions or actions. I use control here in a broad way, any definition that counts the amount of privacy as dependent on the amount of control they exercise over access counts as a theory of privacy-as-control. Some of the authors who defined privacy this way are Warren and Brandeis, Alan Westin, Adam Moore, James Rachels, Charles Fried, Julie Inness, Sisela Bok, David Shoemaker and Beate Rössler.[33] These authors all use a definition in terms of control. However, as we have already seen, they describe different functions for privacy. Warren and Brandeis argued for a general right to privacy to protect an individual from dissemination of personal information in public. This right would be lost when the individual decided to publish certain information.[34] Westin and Rössler describe the value of privacy as a condition for autonomy. James Rachels and Charles Fried argue that privacy is a condition for maintaining social relationships. Inness argues that privacy is necessary in order to be able to love and care for others.[35] All have in common that they define privacy as the control one has over (access to) different aspects of a person.

The second approach defines privacy as the amount of access others have, leaving out the concept of control. The idea is that privacy is simply the amount of inaccessibility there is to personal information, thoughts, actions, etc. Anita Allen, Judith Thomson and Ruth Gavison all favor this approach.[36] These authors argue for a 'value-neutral' concept of privacy that only uses the term to evaluate examples of accessibility. This is different from the first group, who wants to describe privacy as a value. The first group wants to use their conceptualization in order to

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[33] Warren and Brandeis, "The Right to Privacy"; Adam D. Moore, "Privacy: Its Meaning and Value," *American Philosophical Quarterly* 40, no. 3 (2003): 215–27; Rachels, "Why Privacy Is Important."; Fried, *Privacy*; Julie C. Inness, *Privacy, Intimacy, and Isolation* (New York: Oxford University Press, 1992); Sissela Bok, *Secrets: On the Ethics of Concealment and Revelation* (Pantheon Books, 1982); Shoemaker, "Self-Exposure and Exposure of the Self" & Rössler, *The Value of Privacy*.

[34] Warren and Brandeis, "The Right to Privacy."

[35] Inness, *Privacy, Intimacy, and Isolation*.

[36] Anita L. Allen, *Uneasy Access: Privacy for Women in a Free Society* (Rowman & Littlefield, 1988); Thomson, "The Right to Privacy." & Ruth Gavison, "Privacy and the Limits of Law," *The Yale Law Journal* 89, no. 3 (1980): 421–71.

show how privacy protects something important. They do not question the fact that privacy is valuable. For the second group this works differently. Allen uses her description of privacy only to describe situations where someone is inaccessible in some way. This privacy can be wanted or unwanted, it can be morally good or morally bad.[37] Gavison also wants to use a neutral concept of privacy because she believes that is the only way to make the discussion on privacy intelligible. Without a neutral concept it will remain unclear when we can speak of a loss of privacy and therefore how we should understand privacy's value.[38]

Both approaches have advantages. Inness argues for a control-based approach to privacy as opposed to an access-based approach.[39] She worries that the access-approach to privacy means privacy would be intithetical to publicity, meaning that it entails separating the individual from others or restricting the access others have to the individual. There would be a strong opposition between privacy and publicity. Any exposure of the individual to others would be an infringement of the individual's privacy, whether wanted or not. The access-view cannot account for privacy in intimate relations. Inviting intimate friends to share in a secret is part of privacy as control, but is simply a loss of privacy according to the access-based approach to privacy. A control-based theory can account for sharing and intimacy whereas a access-based theory can only describe intimacy as a loss of privacy. Another problem is that the access-based approach cannot adequately establish which instances are privacy-violations and which instances are not. Because privacy is no more than simply being looked-upon or listened-upon, individuals are losing their privacy constantly. At the same time, though, there are privacy-violations that the access-based approach can only describe as mere threats to privacy. Fore example, if I have to hide to avoid being seen by someone, my privacy is only violated if I fail in hiding, according to the access-based approach. According to the control-view, I have lost my privacy because I am not adequately in control of the situation.[40]

Moreover, Inness believes the concept of privacy should not be value-neutral, since both our intuitions and our usage of the term confirm a 'valued' concept of privacy. We simply use

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[37] Allen, *Uneasy Access*, 18.
[38] Gavison, "Privacy and the Limits of Law," 423.
[39] Inness calls this view the 'separation-based account of the function of privacy. The separation view holds that privacy 'works by separating the individual from others, restricting the access others have to particular areas of her life': Inness, *Privacy, Intimacy, and Isolation*, 41. This is similar to what I call the access-based view, or defining privacy as inaccessibility.
[40] Inness, *Privacy, Intimacy, and Isolation*, 43 – 46.

other terms for what Allen would call 'undesired' privacy, like 'secrecy' or 'loneliness'. By focusing only on access it can only state when a person is separated and when a person is not, but this does not correspond to situations in which we think the separation is good or bad, desired or undesired. However, Inness believes the concept of privacy should not be value-neutral, since both our intuitions and our usage of the term confirm a 'valued' concept of privacy. Though control may at first hand seem as value-neutral as access, Inness argues it isn't because control ties in with autonomy. 'Control-based definitions of privacy function by giving the individual control over a certain area of her own life (…), they give the individual a specified realm of autonomy'[41]. A control-based definition is valued because it ties in with autonomy and autonomy itself is a 'valued' concept. Inness argues that one 'might correctly believe that some form of inaccessibility from others is essential to her privacy, it does not necessarily follow that this inaccessibility is her privacy'[42].

I agree with Inness that a 'valued' conception of privacy best becomes our intuitions about privacy. The access-based theories of privacy are not able to explain the role that privacy plays in our personal relationships. For instance, if I tell a secret to a friend, my privacy does not decrease simply because I gave her access to some information. Having my friend as a trustworthy person whom I can trust with my secret seems an increase rather than a decrease of privacy. Her respecting my privacy is more valuable than me never sharing any information. The access-based theorist may respond that such a private relationship is indeed valuable, but that it is simply the example of a privacy-infringement that is desirable. But it seems counterintuitive to call my sharing a secret a privacy infringement. My privacy is infringed only when my friend exposes my secret to others. My privacy is not violated before that happens.

1.3 Problems with Control

The access-based theories of privacy clearly have some problems. According to Inness, the control-based approach to privacy solves these problems by allowing room for intimacy and intersubjectivity. I agree with Inness. However, I believe the control-based approach runs into other problems. I will focus on one such example in this section.

[41] Inness, *Privacy, Intimacy, and Isolation*, 47.
[42] Ibid. 43.

Sacrificing one's privacy: Cyd

There is one problem with the control-based definitions of privacy that has been pointed out by several authors.[43] This argument goes as follows. We take the example of a person, for the purpose of this thesis I will call her Cyd. Cyd gave everyone access to all her information, thoughts, actions, etc. We would intuitively believe this person has less privacy than a person who does not live such a public life. But according to a control-based theory, there is no distinction between Cyd and her secretive counterpart. Both have equal control, but the one just chooses to exercise this control in a different way.

There are several ways control-theorists have answered to this worry. David Shoemaker argues that if everything is revealed, one's privacy has indeed been lost because there is no more unrevealed information to have control over. This means a distinction can be made: Cyd has less privacy because she has less to control.[44] There are two ways in which this argument could be worked out. The first is that one has privacy if one simply has something to control. Cyd has revealed everything except for one thing. All information is public, except for one secret that she keeps. There would be two options. One is that she has control over this one secret, great control over who has access to it, and therefore she would have privacy. In that case, there is no adequate way of expressing how she also lost privacy by making all other information public for the control-theorist. The other option is that privacy entails the number of things one would have control over. Then it would be the case that Cyd would still have less privacy than someone else who did not make all information public because she only has one thing that she has control over. However, now the problem is that the amount of privacy depends upon the amount of secrets one has to keep control over, or the amount of information there is to make public. A six-year-old would per definition have less privacy than an 80-year-old, simply because of the amount of information available for publicity.

The biggest problem with this solution is that control becomes nothing more than a replacement for 'access', thereby no longer differing in essence from the access-based theory of privacy. In Shoemaker's example, one loses control when others gain access, which means that

[43] See for example: Tavani Herman T., "Philosophical Theories of Privacy: Implications for an Adequate Online Privacy Policy," *Metaphilosophy* 38, no. 1 (January 4, 2007): 1–22, 8 & Gavison, "Privacy and the Limits of Law", 427.

[44] Shoemaker, "Self-Exposure and Exposure of the Self", 4.

one loses control exactly at the same moments as when the access-theorist would say one lost inaccessibility. This means that the control-theory did not solve anything after all and that it has the exact same problem as the access-view. The advantage of the control-based approach should be that it can explain how one can share information without losing privacy, that privacy is more than simply the opposite of publicity. But when one describes the making public of certain information as losing control, this advantage is lost. Control would be an empty concept since it does not mean that one can choose oneself what to do with the information. It only means that one can keep it secret.

Inness has a different approach in answering this worry. Inness describes control as the ability to regulate a situation. This means having control is an ongoing process. Specifically, this means that having control does not simply mean initiating a situation, but regulating the situation after initiation. It makes the difference between one, allowing someone to enter your house for a specific reason (initiation) and not having any control over what that person sees or does afterwards, and two, allowing someone to enter and consequently having control over what that person sees or does (regulation) by, for example, being able to tell the person to leave at any time. So where Shoemaker focused on the amount of control based on the amount of information there was to control, Inness focuses on the amount of control based on the amount of regulatory power one has as an ongoing process. Inness then distinguishes two kinds of control, where Shoemaker conflates them. Cyd does not have the regulatory control that Inness thinks is necessary for privacy.[45]

However, Inness' approach does not solve the problem either. Granted, Cyd clearly has less regulatory control over what will happen with all the information she makes public. So according to Inness she would have less privacy. However, in that case any way of losing regulatory control is a loss of privacy. For instance, when I tell my friend my secret, I also lose regulatory control since I cannot prevent her from telling it to others. But I would say that I haven't lost privacy by telling the secret, I only lose privacy if my friend exposes my secret. Inness cannot explain this, according to her my privacy is infringed because I released the information. In this way Inness faces the same problem in the end, whenever someone loses inaccessibility they lose control.

[45] Inness, *Privacy, Intimacy, and Isolation* 52.

Inness may argue that me telling a friend a secret does not involve a loss of privacy, because I choose to trust a person based on good reasons. If my friend is reliable, and I tell her a secret, I may not really be giving away control since I can rely on the fact that my friend will not betray my trust. However, I think this is a strange interpretation of trust, where me trusting my friend means me having control. I would argue that trusting a friend means giving up control. You don't need control when there is trust. However, even if we would accept that trusting someone is a way of exercising control, and thus when I tell my friend a secret I do not lose control or privacy, we run into another problem. I would say my privacy is infringed when my friend tells my secret to someone else. Inness could not explain why this is the case. I have not lost control, because I was exercising control when telling my secret. When my friend betrays my trust does that mean I retrospectively did lose control when telling the secret, because my friend turned out to be untrustworthy? In which case, me having control or not depends on other people, which seems to strip control from its conceptual power once again. It will not be possible to know when we are in control and when we are not. A second option is that I lost control at the moment my friend told my secret to someone else, because I cannot control what this someone else will do with the information. But this seems the wrong description of why I lost privacy. I have not lost privacy because I cannot control what this third person will do, but because this first person knows my secret. The control-based theory cannot explain exactly what is privacy-infringing about my friend betraying my secret.

Inness describes that the value of privacy can only be explained by explaining 'the nature of the relation privacy establishes between the agent and the external world'[46]. Her theory on privacy and intimacy describes an aspect of the nature of this relation. However, her definition of privacy-as-control misses the mark. It is a definition that corresponds with our intuitions more often than the definition of privacy-as-inaccessibility, but it cannot capture the nature of this relation. With this example we have established that the control-based theorists either have to admit that Cyd has the same amount of privacy as a person who did not make all her information public, or they have to admit that their approach is no different from the access-based approach.

Inness uses another interesting example, of girl who is involuntarily locked up in her bedroom. This girl has privacy according to the access-based approach, she is not looked-upon or listened-upon. She is inaccessible to others. She does not have privacy according to the control-

[46] Inness, *Privacy, Intimacy, and Isolation*, 5.

based-view because she has no control over whether someone has access or not. For Inness it is clear that the control-based approach is right, this girl has no privacy.[47] However, it seems more complex than that. I would say that in a way she has privacy; she can use the opportunity to withdraw from public view, be alone and be herself. At the same time her freedom and autonomy are clearly harmed by being locked up. I would intuitively say that the fact that she does not know when the door will open and when she can put herself back into the public again means that she has less privacy in a sense too. I think neither the access nor the control-view seem to be able to fully explain this complexity. I will get back to this example when we discuss an alternative definition of privacy.

1.4 Control-theories of privacy as a condition for autonomy

The control-definition of privacy fails. In order to investigate an alternative, we will have to look very closely at the nature of the relation privacy establishes, as Inness put it. For this purpose, I will discuss two examples of theories that discuss privacy as a condition for autonomy: one by David Shoemaker and one by Beate Rössler. Privacy as control is also the leading definition for theories that discuss privacy as a condition for autonomy, and both these authors also define privacy as control. I chose to discuss these two theories because they are both explicit in their function of privacy for autonomy, as well as being explicit about their definitions of privacy and autonomy. They also have very different conceptions of autonomy. Shoemaker has what one could describe as a control-based theory of autonomy, whereas Rössler's theory is a relational one. For this reason, they provide good examples of how a definition of autonomy fits within a framework of autonomy and which framework of autonomy works best for describing the function of privacy.

[47] Ibid. 42.

Shoemaker: Autonomy and privacy as control

Shoemaker defines privacy as follows: 'one has informational privacy when one has control over the access to and presentation of (unrevealed) information about one's self-identity.' According to David Shoemaker, privacy protects a specific aspect of autonomy: the aspect of exposing one's self-identity in public. Shoemaker only discusses informational privacy, which encompasses privacy over personal information. He describes privacy as a zone, this zone 'consists in information just about properties that are part of one's self-identity'[48]. This means that there is information about one's person that is not included in this zone. This zone only encompasses the information relevant for one's self-identity. Shoemaker asserts Copp's theory of self-identity, where self-identity involves everything about which one has beliefs that ground emotions of self-esteem. Self-identity consists of a set of propositions. Each proposition says that one has a certain property, of which one can either believe the proposition or not believe it. The subject of the proposition has an emotion concerning the proposition. This emotion has to be an emotion of self-esteem, i.e. be proud, embarrassed, etc. One can believe that one has a certain property, and feel a certain way about it. If that is the case, that is part of your personal identity. The same goes for when one lacks a certain property and feels a certain way about it. In that case this is also part of one's personal identity.[49]

All information about these properties are the information that make up this zone of privacy, according to Shoemaker. Privacy is invaded when this zone is 'accessed' without authorization. Privacy is thus defined as control over access to the zone. The harm in such an invasion is that one cannot manage one's public image, or rather the way information about one's self-identity is exposed if others have access to this zone. Privacy protects one's ability to create a public image. This ability is key to living autonomously, because one needs to be able to expose oneself to others on one's own terms. Not being able to manage your own reputation damages one's ability to do what you want with yourself. The ability to do with yourself what you want is what autonomy entails, according to Shoemaker.[50]

[48] Shoemaker, "Self-Exposure and Exposure of the Self," 11.
[49] David Copp, "Social Unity and the Identity of Persons," *Journal of Political Philosophy* 10, no. 4 (December 1, 2002): 365–91.
[50] Shoemaker, "Self-Exposure and Exposure of the Self," 13. He gives a more complex account of autonomy in an earlier paper, where he examines the claim that autonomy is self-determination and self-detemination is to be

Shoemaker hopes to solve the 'puzzle' of data mining and privacy. Data mining is the drawing of information that is publicly available, and then patterning this information in such a way that new information about a person is found. The puzzle is what conception of privacy could be used to explain why there is something privacy-invasive about this practice of data mining even when the information that is used is public, not private. Shoemaker argues that by conceptualizing privacy as a zone of information about properties that are part of one's self-identity, he distinguishes between information about a person and information about a person's self-identity. Information that is publicly available in itself is usually not information about one's self-identity, but is information about one's person. As soon as someone collects this data and re-organizes it, this becomes information about one's self-identity, and therefore privacy invasive. The separate bits of information the data miner uses, like which websites that one visited or the search-terms one used, may not be information about one's personal identity. However, data mining can create an image of an identity of someone. For instance, from these bits of information the following information about me could be aggregated: my age, size, but also my political opinions or personal tastes. What is generated from the bits of information are propositions about which I can feel shame, or pride. These are thus parts of my self-identity. That means it should be up to me to expose this information or conceal it.[51]

Shoemaker is able to show how privacy can protect a specific aspect of a person's autonomy, one's ability to expose one's identity to others. However, there are two objections I wish to pose to Shoemaker's theory. The first has to do with his description of autonomy. Autonomy is described as doing what one wants with oneself. The way Shoemaker uses the concept of autonomy in this paper, does not pose any questions about the capacities or conditions that are necessary for living autonomously. His conception of autonomy is individualistic: there is only the possibility of the infringement of someone's autonomy by taking away their freedom to do what they want with themselves. This leaves little room for consideration of ways in which people can be damaged in their autonomy in other ways.

The second objection is already familiar. The definition of privacy-as-control Shoemaker uses faces the problems we mentioned above. Having control cannot explain instances where

'determined by one's will.': David W. Shoemaker, "Caring, Identification, and Agency," *Ethics* 114, no. 1 (October 1, 2003): 88–118, 88. However, in that paper he still sticks to an individualistic coneption of autonomy.

[51] Shoemaker, "Self-Exposure and Exposure of the Self," 12 – 13.

people give up all their information. This objection is very relevant for Shoemaker's goal as well: solving the puzzle of data mining. His solution is an elegant way of showing why pattering various public bits of information can be an infringement of someone's autonomy. However, by defining privacy as control, he would have to admit that someone's privacy was not infringed if someone gave permission to this patterning. This seems to go against the point Shoemaker himself makes about the importance of privacy for autonomy. And we know that many people do in fact willingly trade personal information and the power to pattern bits of information for free services. The puzzle of data mining does not seem solved as long as there is no explanation of why these people's privacy is infringed.

From the example of Shoemaker we can conclude that we need a theory that can provide a way of explaining why someone's autonomy in infringed when privacy is infringed, as Shoemaker shows. But it needs to be a theory that does not define privacy as control, and one that does not have an exclusively individualistic take on autonomy.

Rössler: liberal privacy and relational autonomy

Rössler defines privacy as follows: ''Something counts as private if one can oneself control the access to this 'something'''[52]. Her definition is very broad, because she wants it to be applicable in all dimensions of privacy. Rössler focuses on privacy in ''those respects in which the exercise of autonomy is dependent upon my control of the 'access' of others to me.''[53] Privacy is necessary for exercising autonomy, and that is where its value lies. Autonomy, according to Rössler, is intrinsically valuable. Her starting point is that 'a life lived autonomously is a rewarding life'. Rössler describes autonomy as follows: ''a person is autonomous if she can ask herself the question what sort of person she wants to be, how she wants to live, and if she can then live in this way.''[54] According to Rössler, authenticity is a necessary condition for autonomy. Individuals can only truly be autonomous when their desires and actions are authentically theirs. This means these desires and actions have to be ''based upon a critical

[52] Rossler, *The Value of Privacy*, 8.
[53] Ibid. 73.
[54] Ibid. 17.

process of identification''.[55] Individuals must be able to evaluate their actions and desires. This process of evaluative identification is self-determination.

Rössler believes that self-determination is a condition for autonomy. She uses Ernst Tugendhat's theory on self-determination to flesh out what it entails. Tugendhat conceives freedom as ''asking oneself the 'practical question''': ''how I want to live, what sort of person I want to be, and how I should best strive for my own good in my own way''.[56] Asking ourselves this question depends on our ability to distance ourselves ''from our desires as well as from the roles in which we find ourselves and the norms by which we are guided''[57]. We need to be able to ''adopt a position with respect to our desires and actions''[58] in order to ask the practical question. People are less autonomous when manipulated in their desires or actions. In fact, Rössler describes her concept of autonomy as gradual, one can be more or less autonomous according to how much one is manipulated in one's desires or actions.

According to Rössler there are three aspects necessary for this kind of autonomy.[59] First, one must live authentically in order to be autonomous. This authenticity requires reflection. One must critically identify oneself with different desires or actions. Secondly, one must self-identify independently, without being subject to manipulation. It is therefore important to be able to assess the origins of a certain desire. Thirdly, one must have goals and projects. One must be able to use life-goals and projects in the assessment of desires and actions. These three aspects together could be seen as the summary of living an authentically self-determined life.

We need privacy in order to exercise our autonomy. According to Rössler, privacy means one has control over what others know about you. This allows for the opportunity to determine how the self is exposed to others. Same as Shoemaker, Rössler believes that to have the power to choose how one is represented in public is an essential part of self-determination. It is in the presentation of the self in public in which one part of our autonomy is exercised. However, this is only a part of the process of self-determination. An individual makes choices of the public image based on an (at least in part) already established self-image. Self-determination then, also

[55] Ibid. 54.
[56] Ibid. 51 & Ernst Tugendhat, *Self-Consciousness and Self-Determination* (MIT Press, 1986), 22.
[57] Rössler, *The Value of Privacy*, 51.
[58] Tugendhat, *Self-Consciousness and Self-Determination*, 22.
[59] Rössler called these three aspects not 'aspects' but 'conditions' for autonomy. However, since there are several conditions for autonomy (like privacy) that are themselves needed for all of these conditions/aspects, I will call these conditions 'aspects' of living an autonomous life for the sake of clarity.

happens earlier and on a deeper level. A person needs to be able to identify with actions and decisions, and also to self-identify authentically without being manipulated. Privacy is necessary for this process of identification on the individual level. One needs room from surveillance, and absence from comments on actions and decisions in order to shape one's identity. A person cannot practice autonomy if one is constantly observed, because that prevents the person from taking a step back from the public identity they are portraying to reflect on their identity. Important to note is that Rössler believes that this is the case whether a person chose to be observed or not. Someone who chooses to be observed constantly has less privacy than someone who did not. A person also needs to take this step back mentally, not constantly being aware and watchful of their public identity, so that they can reflect on both their public and their other identities. We need private spaces where we can ask ourselves the practical question. Space where we can have this distance from our desires and actions to evaluate them.

To summarize, we need privacy in order to choose how we are portrayed in public, but we also need privacy in order to shape both our public and more private identities. Privacy is necessary for shaping our identities, not just for shaping our public identities. Rössler also describes another intersubjective part of the process of self-determination, one of private relationships. She declares that ''the private sphere constitutes nothing less than a symbolic space in which, in our dealings with persons of our own 'choosing', we can 'invent ourselves' or at least 'act without protection'''[60]. She asserts the theory of Charles Fried that privacy is a condition for social relationships.[61] She uses this in her own theory to assert that privacy is necessary for acting self-determination in one's own relationships. She argues that such relations are what provides a person of ''intersubjective confrontation that must be conceived as intrinsic to the identity and autonomy of those involved''[62]. It is then not just important to have privacy as an individual, but having privacy in one's relationships is also a condition for autonomy. We need not just to be able to reflect on our actions, desires and identity individually, but also need others for this reflection.

[60] Rossler, *The Value of Privacy*, 131.
[61] She does not completely agree with Fried however, she thinks his theory is too strong in saying that information control is both a necessary and a sufficient condition for having personal relationships.
[62] Rossler, *The Value of Privacy*, 132.

Three dimensions of privacy

As mentioned, Rössler wants to formulate a definition of privacy that works for all dimensions of privacy. Rössler describes three: decisional, informational and local privacy.[63] For each of these, privacy works in it's own way as a condition for autonomy. Rössler believes that these different notions or dimensions ''can be conceived as different contextualizations or aspects of what is nonetheless one and the same idea.''[64] According to Rössler, each dimension has a specific explanatory function when describing the value of privacy. This is why I would like to discuss these dimensions separately.

The first is a privacy that protects individuals from interventions in actions and decisions. It protects the ''autonomy of persons in their decisions and actions''[65] Privacy is defined in this dimension by Rössler as a control over the access others have to object or intervene in one's behavior or decisions. Decisional privacy provides a 'social space' where certain liberties can be lived out. This space is protected by removing certain unpleasant consequences of actions. It is therefore different from a negative conception of freedom. It is not freedom to behave in a certain way without intervention, but rather protection of a space to behave in a certain way without consequences, i.e. without unwanted comments from others. Decisional privacy is infringed when others oppose loudly to one's behavior. It is then not to be conflated with negative freedom. However, decisional privacy is also to be distinguished from positive freedom since it does not pose a specific idea of what this liberty should entail or how it should take shape. Rössler states: ''the point of it is to ensure that persons have the symbolic space in which they can lead a life that is independent and if need be runs counter to convention or collective modes of thought.''[66]

Informational privacy concerns information about one's person. Who has certain information about a person and also how that person got this information. This is the privacy Shoemaker discussed. According to Rössler, informational privacy can be violated in several ways. A person can be observed or overheard without her knowing and against her will. A person may be observed or overheard or in some other way have information about her

[63] By using these three dimensions she follows the way the distinction has been made in the literature before.
[64] Rössler, *The Value of Privacy*, 132.
[65] Rössler, *The Value of Privacy*, 15.
[66] Ibid. 86.

distributed with her knowing but without her consent, still against her will. Finally, a person may be observed or overheard with her knowing and with her consent (usually in case of beneficial returns for the subject). Rössler describes violations of informational privacy always have to do with expectations and assumptions regarding what other people or institutions know about the person. This means that control over access in this sense also involves having correct knowledge of who know what information about your person. This means that privacy is at stake when persons lose control of access to their personal information, or when persons simply no longer know what is happening with their personal information. It also means that privacy is at stake when persons think they know who has access to certain information but have the wrong information. Persons can have their privacy infringed without realizing it. If my secret is retold to (unauthorized) third parties my privacy is infringed, whether I am there while it happens or not. Less intuitive may be that according to this theory, the very fact that I may not know where my information is, is enough to infringe my privacy. Even if my friend does not gossip about me, as soon as I can no longer trust on the fact that my secret is safe, whether it in fact is or not, my privacy is compromised, according to Rössler.[67]

Local privacy simply means literal spatial privacy. Having a private room where one can be alone is local privacy. Infringement upon this privacy happens when someone comes in one's private space uninvited. Local privacy, according to Rössler, guarantees certain conditions that a person needs for autonomy and self-determination. It provides a space where one can reflect on self-presentation, on the different roles one plays as a person. Reflection on these roles can only happen in a space where one does not need to present oneself in a certain way. It also provides the opportunity for self-invention, for which one also needs a space where one is free from the eyes of anyone else. In this dimension Rössler does not necessarily define privacy. However, since she believes that privacy in general (encompassing these dimensions) is privacy as control, we can assume that here too, privacy involves having control over access to these private spaces.[68]

[67] Rössler, *The Value of Privacy*, 118.
[68] Ibid. 144 – 146.

Rössler's dilemma

Rössler's description of privacy and autonomy gives us a way of looking at the individualistic aspects of autonomously as well as look at the social conditions and capacities one needs in order to be autonomous, and what role privacy plays for these conditions and capacities. Her definitions of privacy, however, are just as vulnerable to criticism as Shoemakers definition is. I wish to show that the example of Cyd can be applied to all three dimensions of privacy of Rössler.

For informational privacy the argument goes as the one posed above against Shoemaker. What if Cyd decides to make all information publicly available? If we look closely at what Rössler writes about privacy, she suggests that privacy is more than control as well. We have informational privacy when we are not observed and overheard, and our personal information is not distributed to others without our knowledge. As mentioned above, according to Rössler we lose privacy even if we chose to be observed or otherwise have information about ourselves distributed. She specifically emphasizes that even if an individual chooses to be observed, she has lost privacy.[69] She diverts from her definition of privacy here, implying that having privacy hinges on more than just having control. However, she refrains from adapting her definition of privacy.

As we will also discuss below when we cover Rössler's theory of autonomy more elaborately, the problem with decisional privacy in the way that Rössler describes it is that it seems to be dependent on much more than one has control over. For Rössler, decisional privacy would be infringed when someone makes an unwanted comment about one's actions or decisions. Decisional privacy means having control over who has 'access' to commenting on one's actions or decisions. However, it is hard to see how this control would play out. It seems like decisional privacy is something that is very dependent upon those around you. It is up to those who would intervene with one's decisions and actions to decide whether they respect your decisional privacy. One may control it by telling them you don't want their comments or interventions, but then again it is up to them whether they listen to you. One may say that if they don't listen to you after you tell them, then that is exactly when your privacy is being invaded. But since we are discussing comments as well as interventions, won't it be too late to tell

[69] Rossler, *The Value of Privacy,* 113.

someone their opinion is not welcome when they have already given it to you? And if one exercises this control beforehand, how will you know whether you want a comment or not? We will discuss this problem in more detail in the next chapter. But for now, it is clear that it is somewhat unclear how one would exercise this control. Using control does not seem to describe the core of the protection that privacy here should provide, that one is free from manipulation.

Moreover, the example of Cyd is applicable here as well. What if Cyd allows everyone to comment and intervene with her decisions? Maybe Cyd is very insecure and does not trust herself in making these decisions. She welcomes all comments and interventions with her decisions. She is exercising control in letting everyone intervene, but wouldn't we think she has less decisional privacy than someone who is respected and left alone in her actions and decisions by those around her? Even an individual with full control seems to be able to lose decisional privacy.

Like I mentioned above, Rössler does not elaborate on how her definition of privacy-as-control works out for local privacy, but she would probably describe local privacy as having control over who has access to one's private spaces. The example of Cyd would again work for this dimension. A person who exercises control by letting everyone into her room still has less privacy than someone who exercises this control in a different manner, by locking the door now and then. If Cyd leaves the door of the bathroom open she also exercises control but does she not have the same amount of privacy as a person who closes the door? We cannot distinguish between these cases in terms of control.

To be clear, I do not mean to say that control cannot play a vital part for privacy. Having control over information, or access in different ways can be a vital condition for having privacy. I merely wish to say that control is not the only thing that is relevant, and that defining privacy as control misses out on what privacy essentially means. Having a certain amount of control over access may be a necessary condition for having privacy, but it is not a sufficient one.

1.5 Autonomy and Privacy: more than control

We have seen two ways in which theories of autonomy and privacy can play out. Shoemaker and Rössler both hold definitions of privacy as control. One could say their definitions of privacy

were similar. Their theories on autonomy and the exact function of privacy as a condition for autonomy, however, differ very much. Shoemaker sees autonomy as being able to do what one wants with oneself. Autonomy for him is something that can only be taken away from you when you lose control in some way. Your freedom would have to be reduced in some way, in this case when someone takes away your control of your presentation to the public. The definition of privacy as control seems a logical one when privacy is seen as a condition for an individualistic conception of autonomy. However, this view of autonomy is problematic, because it cannot account for dependencies of people.

Rössler has a theory of autonomy that does not have this problem. She can describe several ways in which your autonomy could be reduced, other than having one's control taken away. She can account for people's dependencies on certain social conditions and interpersonal relationships. However, her definition of privacy as control does not seem to fit her theory of the function privacy plays for autonomy. Privacy as control cannot be a condition for her description of autonomy. We would need a new definition of privacy, one that can hold the advantages of control, but is better in describing the function privacy plays. In the next chapter I will make an attempt at formulating such a definition.

2. Privacy Beyond Control

Last chapter we discovered that having a definition of privacy as control doesn't work when describing privacy as a condition for autonomy. I concluded that we would need a new definition of privacy that can adequately describe the function privacy plays for autonomy. However, there is another option. The examples above point that there is something else missing which creates a loss of autonomy, but I still have a burdain of proof to show that this loss is a loss of privacy. The example of Cyd would be an example of someone who lost an important aspect of their autonomy, but we would not have to call it privacy. There may be another condition for autonomy that could explain why this person suffers a loss of autonomy, but not privacy. Privacy would then simply function as the control-element within a framework of autonomy. In order to investigate these two possibilities, either adjusting the definition of privacy or keeping to a definition of privacy as control, we need to look at what other conditions of autonomy could explain the loss of autonomy in the example of Cyd.

In this chapter, I will argue that keeping the definition of privacy as control-solution doesn't work. I use Rössler's theory as a starting point for trying to find a new definition of privacy. I use her theory because she gives a great description of the precise nature of the relation of privacy to personal autonomy. Her usage of a well-grounded relational theory of privacy is the best way of describing the function of privacy, and examining the exact function of privacy is the best way to attempt to formulate a matching definition of privacy. In the last chapter, we established that defining privacy as control is problematic. In this chapter we will investigate whether we need to adjust this definition or whether we can keep the definition. However, keeping the definition of privacy as control still implies having a conception of autonomy that does take more conditions of autonomy into account than just the one's described in terms of control. Using a theory that conceptualizes autonomy as having control over one's life or oneself for investigating a better definition of privacy doesn't work. Rössler's usage of a relational theory of autonomy, which also explores the conditions necessary for being able to live an autonomous life, can help us to find a better definition.

I will first discuss Rössler's theory on autonomy and what conditions there are for autonomy. In the second section I want to show the explanatory value of Rössler's theory of autonomy by reviewing the example of the person who makes everything public, mentioned in the last chapter and seeing whether Rössler's theory of autonomy has the explanatory capacity to show how people's autonomy is infringed in those examples. I will conclude that her theory can explain why people's autonomy is decreased in those instances. In the third section I will return to the subject of privacy and evaluate whether privacy could still keep a definition as privacy as control as a condition for a conception of autonomy. I will argue that the definition of privacy would also need to be changed in order to adequately explain its function for autonomy. In the fourth section I will describe a new definition of privacy that can explain this function.

2.1 Rössler on autonomy

We have seen that there are differences between the conceptions of autonomy of Rössler and Shoemaker. Shoemaker described autonomy as the ability to control one's destiny, or being able to do what one wants with oneself. This could be aligned with a conception of negative freedom. For Shoemaker, what is necessary for autonomy is that one's control is not impeded. Rössler describes several different abilities that a person must have in order to describe her as autonomous. Her conception of autonomy is not simply provided by a negative conception of freedom. As became clear above in the way she describes privacy, it is not provided by an absence of interference, but it is provided by a certain 'social space' in case of decisional privacy, an actual space in case of local privacy and another metaphorical 'space' for reflection in case of informational privacy. For autonomy one needs more conditions as well than simply an absence of interference. But her idea of autonomy is not aligned with a positive conception of freedom either. She states that ''there is no positive idea of the autonomous life inscribed to it.''[70] Rössler argues that for autonomy one needs both the absence of interferences as well as a ''horizon of meaningful and desirable options''[71]

[70] Beate Rössler, *Autonomie: Ein Versuch über das gelungene Leben* (Suhrkamp Verlag, 2017) 43. All citations from this book are my translations from the german edition of the book.
[71] Ibid.

Though Rössler's description of autonomy is radically different from Shoemaker's, she does not describe autonomy as something entirely dependent on social conditions. I have called her theory on autonomy a relational theory and I stick to this description. However, it is good to keep in mind that she tries to formulate a conception of autonomy that is both individualistic in the sense that exercising autonomy happens by having freedom and exercising control, and also intersubjective and relational in the sense that there are conditions for autonomy that lie outside of someone's control. Trying to balance individualistic and relational conceptualizations of autonomy is what identifies Rössler's theory of autonomy. Later in the thesis I will get back to these two aspects of her theory.

Three aspects of autonomy

Rössler describes privacy as a condition for autonomy and she describes autonomy as inherently valuable. ''Only a life lived autonomously can also be a rewarding life.''[72] Rössler describes autonomy as living a self-determined life, which one does by asking oneself the abovementioned practical question. According to Rössler there are three aspects necessary for this kind of autonomy.[73] First, one must live authentically in order to be autonomous. This authenticity requires reflection. One must critically identify oneself with different desires or actions. This will require several skills, most importantly self-knowledge. Secondly, one must self-identify independently, without being subject to manipulation. It is therefore important to be able to assess the origins of a certain desire. Which reasons there are for certain choices and where these choices, decisions and desires came from is very important. Manipulation makes a person less autonomous since her desires are not authentically hers, but are someone else's.[74] At the same time Rössler does not believe that a person can be autonomous only when she is completely free from any kind of invention. We are autonomous by being intersubjectively engaged with the practical question.[75] Thirdly, one must have goals and projects. One must be able to use life-goals and projects in the assessment of desires and actions. Here Rössler emphasizes the social

[72] Rössler, *The Value of Privacy*, 50.
[73] Rössler called these three aspects not 'aspects' but 'conditions' for autonomy. However, since there are several conditions for autonomy (like privacy) that are themselves needed for all of these aspects, I will call these conditions 'aspects' to be taken for living an autonomous life for the sake of clarity.
[74] Rössler, *Autonomie*, 345 – 350.
[75] Rössler, *The Value of Privacy*, 60 – 62.

conditions that are necessary for autonomy.[76] These three aspects could be summarized as living an authentically self-determined life.

Self-identification and the need for self-knowledge

An individual needs the ability to critically self-identify with certain wishes, desires and actions in order to be autonomous. This critical self-identification requires certain conditions. As we saw in the first chapter, privacy as room for critical reflection is necessary for this. Another important condition is the acquisition of self-knowledge. Self-knowledge is an important condition for autonomy. It is not exclusively necessary for this step, but for the other two as well. Simply put, self-knowledge is important because one needs to be able to know oneself in order to be able to critically reflect on oneself. We don't need to be completely transparent towards ourselves, we need just enough self-knowledge to be able to live a self-determined life. To be able to evaluate our wishes and desires and weigh them against each other.

To acquire self-knowledge, a person needs self-trust, self-respect and autonomy. The first and second, simply put, are conditions for gaining knowledge simply because a person cannot acquire knowledge of herself if she cannot trust her own judgment. If I doubt my capacity for gaining knowledge, I will doubt all attempts to acquire information about myself. Self-trust and self-respect are fundamentally necessary for gaining self-knowledge. She also asserts that recognition is necessary for one's ability to act as well as one's ability to know oneself. She agrees with Joel Anderson and Axel Honneth on their theory of recognitional autonomy.[77] The third necessity for gaining self-knowledge, autonomy, may seem to make the argument circular. However, Rössler's point is that self-knowledge already requires a level of self-determination and autonomy. One has to be able to authentically reflect upon oneself in order to gain self-knowledge. Autonomy and self-knowledge need each other.[78]

Self-knowledge is a normative undertaking and is itself part of shaping one's own identity. Rössler says: ''It's not about the question of how I can precisely describe this x that I

[76] Rössler, *The Value of Privacy*, 62 – 66.
[77] Rössler, *Autonomie*, 334; J. H. Anderson and A. Honneth, "Autonomy, Vulnerability, Recognition, and Justice." In *Autonomy and the Challenges to Liberalism: New Essays* ed. John Christman and Joel Anderson (Cambridge University Press, Cambridge, 2005) 127 – 149.
[78] Rössler, *Autonomie*, 156 – 157.

believe, think or feel, rather it's about the question: what should I here be thinking, believing, feeling?''[79] This is because self-knowledge for Rössler involves reflection on what one wants to accept as self-knowledge, or should accept as self-knowledge. According to her we always 'weigh' information we receive in order to decide whether we accept it or not. Rössler calls this 'interpreting the information'. In the end, self-knowledge is another way in which we exercise our autonomy and freedom, it is a way of shaping our identity. But it is also normative, we have an obligation to try to gain self-knowledge. One needs to sincerely attempt to gain self-knowledge.

Most illuminating on her theory of self-knowledge is the way Rössler describes self-deception. She wants to break from the idea that self-deception somehow involves two personalities, with one deceiving the other. She describes self-deception as the making of a wrong judgment because we are somehow motivated to judge that way rather than another. Self-deception happens when we dismiss certain evidence because we are somehow predisposed or otherwise motivated to dismiss it. A person can be so heavily influenced by her wishes and emotions that she interprets the information she receives wrongly. Rössler does not believe that all self-deception is bad, and that there are good ways of deceiving oneself. It is for this view of self-deception that Rössler believes that one cannot gain more accurate self-knowledge by simply gathering more facts about oneself. One can only try to change ''the empirical circumstances of self-interpretation''[80]. This because all information one gathers undergoes some kind of interpretation anyway, and it is not the information one receives that leads to deception, it is the way the information is interpreted.

According to Rössler self-deception can be a good thing. Interpreting information in a certain way may help a person, for example when someone is ill and a positive interpretation of the facts could help this person get better. Self-deception is at least not a completely different thing from gaining non-deceitful self-knowledge. However, Rössler also describes self-deception as a threat to autonomy. This can happen when someone is completely misled in their thoughts about themselves and their surroundings. However, according to Rössler, these cases are the exception rather than the rule. Most people do not suffer from such damaging kinds of self-deception. Another way a person can deceive themselves is by what Rössler names 'insincerity'.

[79] Rössler, *Autonomie*, 156.
[80] Ibid, 147.

This is when a person does not accept the responsibility for her own actions or desires and insincerely lives without reflection on them, without attempting to change them. This person is not trying to gain self-knowledge. This kind of self-deception is extremely harmful, according to Rössler.[81]

So on the one hand self-knowledge is a necessary skill, of which the necessary conditions are not completely within the control of the subject who needs self-knowledge. Self-trust and self-respect can be endangered by other individuals or by other external factors. On the other hand, Rössler believes in the end what a person acquires as self-knowledge is something that the person has control and responsibility over herself. There is no mention of truth in her description of self-knowledge. The knowledge acquired is the result of the interpretation of the subject, and the subject can exercise power to change this interpretation as part of their self-determination. Rössler believes people only deceive themselves in the rarest of circumstances. People can be trusted with this power of interpretation about the self. It is clear Rössler leaves room for external conditions necessary for autonomy: self-trust and self-esteem, as well as giving the individual the power and responsibility to gain self-knowledge.

Independence and dependence

The second aspect of autonomy involves people's ability not just to self-identify with certain desires and actions, but to do so independently. Most importantly, this means that the origin of these desires and actions are transparent, and that they are not a consequence of manipulation. As mentioned in the first chapter, according to Rössler one is more autonomous when one is less manipulated in one's desires or actions. This means that absence of manipulation is key to autonomy, but also means that Rössler accepts that it is an implausible condition to ask for a person to be completely free from influence. She criticizes Marina Oshana and Natalie Stoljar for taking this approach, both for posing too high a demand on people's independence and for judging the autonomy of an individual as a whole, rather than of certain actions or beliefs of an individual. Rössler argues for a distinction between a local and a global approach to autonomy, the first being the assessment of autonomy of a person in certain respects or judging certain acts while the second assesses the person as a whole as being either autonomous or not. The first can

[81] Rössler, *Autonomie*, 168.

help us judging an individual's situation without being forced to declare most of the population as non-autonomous. [82]

Rössler tries to balance the necessity of intersubjectivity for autonomy and the necessity of the absence of manipulation for autonomy. Rössler argues that autonomy has intersubjective aspects. Building and exercising autonomy both happen not alone, but by the grace of the company of others and society as a whole. We already saw this when discussing the intersubjective aspects of her theory of privacy. Rössler describes manipulation as an influence on one's 'Willensbildung' (formation of the will) in a negative way. A patriarchal system is manipulative in this manner because it can force upon women certain ideals on what a woman should want in life. These ideals can be internalized and therefore prevent a woman from forming her own desires and actions. The process of identification does not happen independently, and therefore this step of autonomy cannot be taken. People are autonomous in certain respects if they can react to a situation based on one's own 'good reasons'. Under manipulative influence, one cannot formulate such reasons. However, internalized ideals or adaptive preferences can be transformed into 'good reasons' if you become conscious of the origin of this ideal and willingly choose it for yourself.[83]

Balancing positive intersubjective influence and negative manipulation on one's capacities of self-determination is an important aspect to Rössler's theory of autonomy. Though she does not give a precise description of where the line could be drawn, she does clarify that there is an important distinction between the two. Both intersubjective possibilities of self-reflection and self-identification, and an absence of manipulation are conditions for autonomy.

Goals and Projects

A final aspect of autonomy is to be able to formulate goals and projects and to be able to use these in the assessments of one's desires and actions. This step considers the ability to evaluate desires and actions on the long term as well as the short term. If autonomy means the ability to live one's life the way one wants, that means that one needs not just the assessment of the here and now, but the assessment of the here and now in relation to long-term plans. In order to grow,

[82] Rössler, *Autonomie*, 332 – 333.
[83] Ibid, 345 – 346.

or change as a person, one needs to be able to formulate goals and projects.[84] Conditions for this step include the two of the previous sections; self-knowledge and intersubjectivity as well as an absence of manipulation. However, an additional condition could be introduced here, namely that the right social conditions be in place for one to develop autonomy.

As mentioned above, Rössler believes self-esteem is an important condition for self-knowledge. She also asserts that recognition is necessary for one's ability to act as well as one's ability to know oneself. She pays specific attention to how social injustices could damage one's autonomy, which is one of the kinds of recognition that Anderson and Honneth discuss. She shows how discrimination, as an example, can have great effect on the way one's desires take shape. Discrimination and marginalization are harmful because they influence what kind of goals and projects one can formulate. Knowing that members of your social group cannot, or can only by exception practice a certain profession, influences the goals you choose for yourself.

As became clear in our short description of decisional privacy above, Rössler believes that an autonomous person should not be subject to 'commentary and interpretation' from others unless she wants to be. This is another social condition that is necessary if one wants to formulate one's own goals and projects. She admits that intersubjectivity makes autonomy possible, but a condition for this intersubjectivity should be that a person can distance herself from others at any time. Both negative and positive comments may be unwanted, which means that autonomy can be infringed by a compliment. If someone approves of the way you raise your children, for example, and says so out loud, this may still be an infringement of your autonomy. The comment invades on your own authentic way of determining how to raise your children.

The absence of discrimination and the absence of decisional interference are both social conditions for autonomy. They are necessary to be able to reflect on one's goals, projects, one's wishes and desires.

[84] Rössler, *The Value of Privacy*, 62 – 66.

2.2 Privacy Beyond Control

Now we have an overview of the conditions necessary for autonomy: privacy, self-knowledge, which requires self-trust and self-esteem, intersubjective reflection, which requires interpersonal relationships, absence of manipulation, absence of discrimination and an absence of decisional interference. In the next section I will assess whether her theory of autonomy could say something about the example of Cyd, who decided to grant everyone access to all her personal information, decisions and spaces. Privacy as control fell short in explaining why Cyd seems to have lost her privacy. We will see whether Cyd's autonomy was compromised. In this section I wish to show how Rössler's theory on autonomy could show how Cyd's autonomy is decreased in this example. I will abstain from discussing privacy for now, because I may show that Rössler's theory of autonomy can explain why Cyd's *autonomy* is infringed in these examples, that does not yet prove that a different definition of *privacy* is needed. It could also be the case that privacy-as-control could play the function Rössler described, and the example of Cyd is simply an example where her autonomy is infringed, not her privacy. This shows how Rössler's theory on autonomy has explanatory value. We listed Cyd's granting access for all three dimensions of privacy in the last chapter. I will revisit all three of the listed problems.

The explanatory value of Rössler's theory

The first dimension of privacy is informational privacy. The abovementioned problem with privacy as control worked here as follows: Cyd chose to expose all information about herself. This intuitively seems to mean she lost informational privacy. However, she is exercising control over what others know about her. We cannot explain why Cyd's privacy would be decreased with this definition of privacy. If we use Rössler's theory on autonomy we can explain that Cyd would at least suffer a loss of autonomy. Cyd has no room to self-identify on her own terms. She cannot determine which information about herself is part of her identity and which information can be forgotten, because all is exposed. She cannot make decisions on which information to share and which to keep for herself. It is clear she has lost autonomy with regard to two aspects. She can no longer identify or distance herself from her personal information because she cannot take distance from this personal information. She can no longer identify or

distance herself from this information independently because everyone having access to the information makes it that she is under constant scrutiny and cannot reflect without thinking of what others will think. Moreover, the required intersubjectivity of autonomy is also compromised, because Cyd can no longer uphold social relationships in the same way, and can no longer use these relationships to become autonomous. She can no longer uphold these relationships because she cannot withhold or share certain information with those she knows.

When we try to establish why Cyd's autonomy is decreased in this example, we should look at which conditions for autonomy is decreased. We will have to conclude that there is only one condition that can be the cause, and that is privacy. Privacy can best explain why Cyd's autonomy is decreased. There is no indication of decreased self-knowledge, nor is there an indication of manipulation, discrimination or any other kind of interference. There is a decrease in Cyd's ability to intersubjectively self-reflect, because she can no longer uphold social relationships. However, the way in which her capacity to maintain social relationships is decreased is by a decrease of her privacy. The function of privacy is to provide a distance between the person and her personal information, so she can reflect on it. It is this distance that Cyd is missing. This missing distance accounts for all the ways in which her autonomy was decreased. We cannot explain why autonomy was lost in this example in any other way than by saying that privacy was lost.

The second dimension is the dimension of decisional privacy. For decisional privacy we named the example Cyd who lets everyone comment and intervene with her actions and decisions. She has control, but seems to have less decisional privacy than someone who does not share her own decisions with everyone. The definition of decisional privacy that Rössler uses cannot explain this loss of privacy. However, her theory on autonomy can explain why there is a loss of autonomy. Cyd has no room for reflection on these actions and decisions in a similar way as she had with the example of the informational dimension. Her autonomy is decreased with regard to all three aspects. She cannot identify with certain decisions or actions because she has no distance for reflection on them. Since others are constantly involved in her decisions and actions, these are always public. She cannot make decisions independently because she accepts all comments and interventions. Her decisions and actions are not authentically hers, but are the decisions and actions of others. She cannot identify with her own life-goals and projects because she is under constant influence of the goals and projects others identify him with.

Again, Cyd lost her autonomy because she lost privacy. Other conditions of autonomy were lost as well, most importantly an absence of decisional interference. However, this absence conflates with an absence of privacy. Since decisional privacy's function was to provide a distance for Cyd between her and her decisions and actions, a distance that is lost when others constantly observe and interfere with her decisions and actions. There is no indication that Cyd lost any other condition for autonomy. Privacy seems the best way to explain the loss of autonomy.

The third dimension is local privacy. For local privacy we can name the example of Cyd who lets everyone enter her private space. She is still exercising control, but seems to have less privacy. Local privacy, I believe, can be seen as a necessary condition for the other two dimensions of privacy, simply providing the physical space necessary for reflection and distance from one's social identities. Without a space to retreat in, one cannot reflect upon her own social roles and identities. Her autonomy is therefore decreased. In this case it is very clear that there are no other conditions for autonomy missing, only privacy is missing.

For each of the three dimensions we can name the example of Cyd, who seems to lose privacy in a way that cannot be explained by a definition of privacy-as-control. For each of the dimensions we see that Rössler can explain how Cyd loses autonomy because of her giving everyone access. We have established that Rössler's definition of privacy cannot explain the abovementioned cases while her theory on autonomy can. We have also established there is no other condition for autonomy that could explain why Cyd lost autonomy in these examples. Therefore, we have to conclude that we should replace the definition of privacy as control with a definition that better fits the function of privacy.

With the example of Cyd we feel like she lost a specific part of her autonomy, namely her privacy. Autonomy could be lost in several ways, and all of these examples point to one more specific condition for autonomy. We use the word privacy to denote a specific kind of possible invasion, and discussing these invasions only in terms of autonomy seems too unspecific. It cannot show the connection between these different cases and why they are similar. As mentioned in the first chapter, Rössler herself suggests that privacy is more than control. And that it is privacy that is violated in the above-mentioned instances, not something else. She says we need private spaces where we can ask ourselves the practical question. Space that provides distance from our desires and actions to evaluate them. If this space is lost that means privacy is

lost. According to Rössler, this is the case whether a person chose to be observed or otherwise have information about themselves distributed or not.[85] Privacy defined as control cannot fulfill the function that privacy should play in a theory of relational autonomy. Privacy is there to ensure that the individual can reflect on her ideas, identities, actions and desires. Having control can play an important part in ensuring that there is a metaphorical 'space' for reflection, but there are other ways in which this can happen too. Control does not fit the exact function that privacy plays. Having privacy as a condition for autonomy means to have opportunities of self-reflection. This shows that a new definition of privacy is necessary.

Less control, more privacy

It is not just that only a different definition of privacy can explain what happens in the example of Cyd, where she loses privacy without losing control. Another reason for thinking the concept of privacy should adjusted is that there are not just examples of cases where someone loses privacy without losing control, but there are also examples of cases where someone can gain privacy by losing control. I shall name a few. The first would be a situation where people are incapable of deciding for themselves because they have not yet developed the skills one needs to be autonomous, as with small children, or have lost the skills due to circumstances of illness. When a child has a choice to either live her life in the open or have space for herself, the child may want the first. However, another could decide for the child that it would be best to make sure the child is sometimes on her own, or alone with a friend. The child may not yet realize that this allows her the opportunity for self-reflection. She could not exercise control to establish this opportunity. In fact, one could imagine a circumstance wherein the child would want to be with her parents at all time, given the control. It may then be useful to take away this control and give her the space for reflection, or privacy.

One may object that a child is not yet fully autonomous and is therefore a bad example. I would argue however, that if privacy really was only the exercise of control, one would not be able to make this argument, even for a child who is not yet autonomous. If privacy were increased merely by someone exercising control, one wouldn't need certain small paternalistic measures in order to increase someone's privacy. One may object that it could be the case that

[85] Rössler, *The Value of Privacy*, 113.

children are still learning to exercise their control properly, and that that why this control is sometimes taken away. However, we could not say we were protecting a child's privacy in this example. One cannot protect someone's control by taking away their control. One may argue that that's fine, then we are not protecting the child's privacy, merely their autonomy by taking away their privacy. But then we again face the problem that we feel we are protecting something of the child that can only adequately be expressed as her privacy. We protect a space for the child not to be observed or controlled. We give the child a private space and would have to call that a taking away of the child's privacy, if we would describe privacy as control. I argue that we would call it a taking away of the child's control, but giving the child privacy.

Another example could be to prohibit the sharing of information. Some authors have been thinking whether people should be prohibited from sharing certain information. A more specific example could be the following. An app is being developed that makes it easy for people to share their medical data with health-care professionals. The app can save important information about a patient's health and make it easily accessible to anyone who gets access from the patient herself. All information is inaccessible to all others, including the owners of the software. The developers of such an app have a choice to make; either they allow the user to share their medical data with anyone they please, or they only allow the user to share their medical data with health care professionals. With the first option, the user has full control. With the second, the user has less control. According to the control-based view of privacy, the patient has more privacy in the first case. This option could, however, make the user vulnerable to selling their medical data, or sharing their medical data on Facebook. I would argue that the user's privacy is better protected if the developers would opt for the second option. It makes sure that even someone who desperately needs money has their medical data protected. It makes sure that in the workplace of the user can't force her to share her medical data with her employer so she need not fear losing her job. It makes sure the user cannot make all her medical data public. The user may lose control, but could gain privacy.

2.3 Relational Privacy

The foregoing suggests that privacy is not the amount of control over access to something, it is the amount of space you have to self-reflect. Rössler's conception of autonomy has given us the best route to point to what happens when privacy is compromised and what function privacy plays for autonomy. But Rössler refrains from taking the final step, and adapt the definition of privacy so that it fits her conception of autonomy. However, she also explicitly and implicitly places her theory of privacy within a liberal framework in such a way that the protection of individual freedom is key to her conceptualization of both autonomy and, consequently, privacy. She balances a relational and a more individualistic approach to autonomy. This may explain why she sticks to a control-notion of privacy that fits well within such an individualistic framework. She seems to be caught between the two, on the one hand arguing for an understanding of autonomy that needs intersubjectivism and recognition, on the other focusing on the aspects of autonomy that are established in the control of the individual when it comes to the applied use of the theory of autonomy.

We have seen examples of privacy-loss without a loss of control and we have seen examples of control-loss without a loss of privacy. These examples do hinge mostly on what we intuitively would consider privacy to mean. However, it is not just our intuitions that seem to suggest that we need to adapt the definition of privacy. Privacy as control *cannot* fulfill the function that privacy should play in a theory of relational autonomy. Privacy is there to ensure that the individual can reflect on her ideas, identities, actions and desires. Having control can play an important part in ensuring that there is a metaphorical 'space' for reflection, but there are other ways in which this can happen too. Control does not fit the exact function that privacy plays. Having privacy as a condition for autonomy means to have literal and metaphorical space for self-reflection. To self-reflect means to be able to take a step back from the object of reflection. The (metaphorical) space privacy provides is necessary to be able to take such a step. The more space you have to self-reflect - that can be actual space to be in privately, or it can be a relationship in which you know you can speak and act privately - the more privacy you have. Having control over access to something can be a good way to gain privacy, where the individual herself creates the space that is needed in order to have the opportunity to self-reflect. But it is not the only way to gain privacy, and therefore should not be equalized with privacy. The

definition that would fit the function that privacy plays is the following: privacy is the metaphorical or literal space necessary for self-reflection.

Back to the three dimensions

If we adjust the definition of privacy so that it can play the specific abovementioned function within this framework of autonomy, how would that play out on the different dimensions of privacy? For informational privacy it would mean that one would have more privacy if one would have a metaphorical space to reflect upon information about oneself. This space is present when one decides whether to share certain information or not. If someone can decide themselves whether certain information should be made public, they immediately have a distance, a space for self-reflection: what kind of identity do I want to divulge to the world? What part of my identity do I want to keep to myself? Which information do I think identifies me? This space for reflection is absent when all information is already public. Privacy can be violated when this space is taken away. When someone tells your secret to others you can no longer distance yourself from it, it became a part of your identity. But you can also violate your own privacy, when you decide to expose all your personal information, you have taken away your own space for self-reflection. However, this conception of privacy does allow an individual to share personal information with intimate friends or relatives. Sharing information with a friend does not reduce the space for self-reflection. The trust of the relationship itself creates a private space in which such information can be shared and evaluated.

For decisional privacy it would mean one would have more privacy if one would have space for reflection on one's decisions and actions. This space is created by an absence of judgment, a certain amount of freedom to try different actions out. If one's decisions and actions are constantly watched and judged, one does not have the space required to reflect upon them. If others constantly interfere with one's decisions and actions, one can never take a distance from the decisions and actions in order to reflect on them. Privacy can be violated when a person's decisions and actions are always immediately judged or commented upon. This person can no longer distance herself from her decisions and actions and reflect upon them. The space for reflection is taken away. Privacy can also be violated when a person is never allowed to make her own decisions without supervision. The space a person needs to try out different decisions

and actions is taken away. A person can violate her own privacy by allowing others to interfere constantly, by taking away her own space to experiment with different decisions and actions. On the other hand, there is room for intersubjective deliberation on decisions and actions with friends or relatives. As long as help and feedback are not so obtrusive that they take away the space of self-reflection, they happen within this space and do not violate a person's privacy.

The take on local privacy would mean to have the physical conditions one needs to be able to self-reflect. This means to have a room to retreat in order to break free from social roles and identities: literal space for self-reflection. A space where one isn't observed. This involves being completely alone as well as being able to be alone with intimate friends, family or lovers. This definition of local privacy may not diverge much from how the access-view or control-view would describe it. However, it diverges from simply access in a way that it can show how some significant others should have access while the subject still has their privacy. It diverges from the control-theory because it could explain why someone would need a moment to themselves even if they themselves would deny themselves that at that moment.

Relational

I call this new definition a relational conception of privacy for several reasons. First, because it can explain how privacy is a condition for relational autonomy. Secondly, because it can account for intersubjectivity, the sharing of personal information and decisions. It shows how people can share without losing privacy. Finally and perhaps most importantly, the definition is relational because it shows that there are certain conditions for privacy, for having this space. It can take into account certain social factors that a person could be under pressure from. Like with the example of the medical data app mentioned above. With a relational conception of privacy, we can explain why someone who is poor could have less privacy when given full control than someone who is rich enough not to have to consider selling her data. With a relational conception of privacy, we can explain why someone who works in a workplace where there is a certain pressure, to share her medical data with her employer, has less privacy than someone who does not have to fear such pressure in her workplace. A relational conception of privacy allows us not just to consider how we can prevent privacy violations, but also how we can consider

creating the conditions for privacy. We can consider how we could establish a space of reflection for everyone.

I wish to show the advantage of this new definition of privacy with two more other examples. If I am being looked at by someone who does not seem to have any kind of interest in me, it will feel like my privacy is less violated than if I am being looked at by someone who is extremely interested in me. Neither access nor control can really explain why the one feels more intrusive than the other. The same amount of access is there, and the same amount of control is exercised. But someone who is clearly evaluating me while looking makes me prevents me at that moment to reflect for myself on myself. My space for self-reflection is smaller because I start seeing myself through the onlooker's eyes. Such an intrusion does not only have effect on the moment itself. Later on, while making identity-choices, I may have this onlooker somewhere in the back of my head when deciding what I should wear, how I should stand, or where I will go. Even later, my autonomy may be influenced by this instance. This can be explained by the fact that the onlooker invaded a metaphorical space, where I am not observed and therefore can take a step back in order to reflect on myself.

Another example that we mentioned before was Inness' example of a girl who is locked up in a room. I concluded that neither the access-view, nor the control-view of privacy can explain what happens in this example. According to the first the person has privacy, no one has access to her at that moment. According to the second the person has no privacy, since she does not have any control over who has access to her. With our new definition of privacy, we would have to conclude that the person does have room for self-reflection, literal and metaphorical space to retract from her social roles and reflect on her actions and decisions. At the same time the possibility of a person unlocking the door reduces her space for reflection. The possibility of being observed is there at any moment, and therefore it is still harder for her to take a step back for reflection than if she herself could control the space around her. Defining privacy as a literal or metaphorical space for self-reflection takes the advantages of both the access and the control views. Space for reflection can exist through both inaccessibility and having control over access.

3. Relational Privacy in Practice

In this chapter I discuss two complex cases where we could use the new definition of privacy to explain why we would think someone's privacy is decreased or violated. My aim is twofold. First, I want to show how a relational privacy can help shed new light on discussions concerning privacy and new technologies. Secondly, I want to evaluate the framework of autonomy I have been using, the theory of Beate Rössler. As mentioned before, Rössler balances a relational autonomy with a more individualistic approach to autonomy. I would like to use the examples in this chapter to evaluate her theory of autonomy, and see whether it is a fit framework for a relational conception of privacy.

I will discuss two cases of new technologies that have generated a resurgence in the discussion on privacy. First, I want to discuss how relational privacy can solve the puzzle of privacy in public, to which I referred earlier in this thesis. The question of data mining and how we can account for the fact that aggregating bits of public information could lead to a privacy invasion. Secondly, I will discuss self-tracking technologies. This discussion on self-tracking is a bit more complicated. I will investigate whether self-tracking technologies could be said to be privacy invasive according to a relational definition of privacy. The example of self-tracking is an interesting one because it is also elaborately discussed by Rössler in her book *Autonomie.* It is especially in this section that I will evaluate the framework of autonomy for relational privacy.

3.1 Data Mining and Algorithmic Identities

Both Nissenbaum and Shoemaker tried to solve the puzzle: how can the gathering of public information can bee a privacy breach?[86] To solve the puzzle one would have to find a conception of privacy that can explain why there is something privacy-invasive about this practice of data mining even when the information that is used is public, not private. We already discussed this subject when discussing the theories of Nissenbaum and Shoemaker, and both will make their reappearance here.

John Cheney-Lippold writes about the new ways in which our online activities are being tracked, monitored and used for marketing purposes. This formation of new 'algorithmic identities' involves defining certain categories and categorizing individuals in these categories. These categories are no longer linked to the 'corporeal and societal forms' that they once had. For example, the categories of 'male' and 'female' are used, but what is understood as male or female can be completely different from societal norms. This process of individuals being formatted according to their 'algorithmic identities' leaves no room for the individual to make identity-choices. According to Cheney-Lippold ''we are losing ownership over the meaning of the categories that constitute our identities''[87]

One may question the importance of this, since it only happens in this online marketing world. People still have the capacity to make identity-choices offline. However, this formatting process has consequences for what one gets to see on the internet. Which adds will be targeted at you, which page-suggestions you will get are dependent on what your algorithmic identity looks like. Your whole online environment is under the influence of the category to which you have been grouped.[88]

Attempts to solve the puzzle

The strength of Nissenbaum's theory is that it can explain the puzzle that data mining poses to privacy in part, because she rejects the public/private dichotomy. She does not approach privacy

[86] Nissenbaum, *Privacy in Context*, 202 – 203 & Shoemaker, "Self-Exposure and Exposure of the Self," 5.
[87] John Cheney-Lippold, "A New Algorithmic Identity: Soft Biopolitics and the Modulation of Control," *Theory, Culture & Society* 28, no. 6 (November 1, 2011): 164–81, 178.
[88] Cheney-Lippold, "A New Algorithmic Identity."

by opposing it to publicity. Privacy infringement means that information that was released in one context is being used in another, and this usage infringes on the norms of the context in which the information was released. Nissenbaum takes public surveillance as an example. This is intuitively privacy invasive, but when I show my face in public it is not private. Anyone is allowed to look at me. So how can we explain this?[89] Nissenbaum argues that we have to see norms of privacy as working solely within the context in which the information was released. Privacy infringements can happen when information that was released in a certain context is dragged into a different context. My face is exposed in public, it is not privacy infringing to look at it in public. But tracking my face, recording it and using it for other purposes is an invasion of my privacy.

According to Nissenbaum, data mining, aggregation and analysis is flagged because the nature of the recipients of information change. Offline shopping, for example, was a context with certain informational norms. Only those around me and the cashier can know what I buy. But with online shopping the information of what I buy is saved and shared with all kinds of companies. The recipients of information are large suddenly large companies instead of one cashier and one other shopper in the store. In order to assess whether this practice is problematic, or privacy-invasive, Nissenbaum looks at the context of this aggregation, which is the competitive free market. She concludes that the practice of aggregation 'runs afoul of entrenched informational norms.'[90] Such an informational norm would be that buyers are both free as well as informed. The fact that buyers are not as informed as the data-trading companies, who could use the data for personalized advertisement or pricing, means this norm is in jeopardy.

As mentioned before, though Nissenbaum can explain why people are afraid for their privacy in this case, she cannot explain why they fear for their privacy rather than any other value. Nissenbaums discussion on data aggregation is insightful, but seems to diverge from the discussion on privacy. She argues that the privacy of the consumer is violated because the consumer is no longer informed. She can argue this because she, as mentioned before, does not describe privacy as a value, but rather as a framework in which one can weigh different values. Privacy encompasses all other values. However, I think that there are several values that are in jeopardy in this example. These are values, or norms, of the free market, but also privacy. There

[89] Nissenbaum, *Privacy in Context*, 113 – 126.
[90] Ibid, 211.

is more happening than just an encroachment of the norms of the free market. This is something Nissenbaum's theory cannot explain.

As mentioned above, Shoemaker believed that key to understanding the puzzle was to make the scope of privacy information about one's self-identity. Information that is publicly available in itself is usually not information about one's self-identity, but is information about one's person. As soon as someone collects this data and re-organizes it, this becomes information about one's self-identity. Only the individual whom the information concerns should be able to control what happens with information about her self-identity. [91] But, as we have seen above, we run into the problem that oftentimes people are controlling this information. They have in some way agreed to the aggregation and selling of their data. Shoemaker cannot explain that there may still be a privacy-invasion even if they gave access to the information willingly. Another problem with his explanation is that the privacy of the consumer is only invaded because information about them is exposed. Relational privacy can explain why their privacy is also invaded in another way.

Data aggregation: less space for self-reflection

Relational privacy can also solve the puzzle and show that people's privacy is being invaded in several ways. According to relational privacy, there is no privacy infringement as long as the public bits of information are not aggregated. The space for self-reflection of the consumer is not taken away. The aggregation of these bits of data and assemblage of them creates an overview of information that can take away the consumer's space for self-reflection. On the basis of this aggregation, identity-statements are made about the consumer that did not originate from them, and on which they could in no way reflect. The fact that these statements are being seen by and sold to other parties is one way in which privacy is violated. Creating a public identity is one way in which an individual has space to reflect on their identity, and how they want to make it public. This space is taken away. Being labeled with a certain category or statement without the subject even knowing is a taking away of the space for self-identification.

Another way in which privacy is being invaded is by what is being done with these identity-statements, or categories in which consumers are arranged. These are used for

[91] Shoemaker, "Self-Exposure and Exposure of the Self," 12.

personalized advertisements and pricing. The consumer receives selective information based on an identity she did not choose or reflect on. She is being labeled with a category and further forced into that category by personalized treatment according to that category. It is not just the space for self-reflection on one's public identity that is taken away, it is the space for self-reflection on one's identity on the deepest level that is made smaller.

The access-view of privacy would suggest that the problem is that marketing organizations have access to one's internet behavior and thereby one's privacy is infringed. The control-view would suggest that one does not have control over which information about oneself is used, or which online-decisions are being watched. Relational privacy would say that we the online person has fewer opportunities of self-reflection than she would have if this system wasn't in place. All three then can explain why a person's privacy is invaded in this example. I believe, however, that the last has the most explanatory value. Access itself does not seem the most problematic aspect. If there was only access without any other consequence one's privacy would still be invaded according to the access-view. The control-view comes closer to being able to explain why we should not have our privacy invaded. The severity of the infringement does seem to have something to do with the fact that the user has no control over which information is used in what way. But here again, if the user had given away all this control willingly to the marketing companies, we would still think there she had less privacy that without this system. Having or not having control seems a side-effect, something that often works well with privacy but cannot fully explain what it is that privacy is. What is wrong with this example can best be explained by the way it prevents the individual from determining their own identity.

3.2 Self-tracking

Self-tracking is a broad term for all kinds of ways of tracking certain aspects of one's person or one's life. The quantified self-movement is the most recent and most famous example of self-tracking. The term 'quantified self' was first used in 2007 by Gary Wolf and Kevin Kelly, who organized meeting groups and created a website in order to connect the interested self-trackers

and self-tracking tool-developers.[92] However, it is important to emphasize that self-tracking is a much older tradition. Other 'movements' like lifelogging have existed for much longer. Lifelogging involves logging daily activities and documenting items, such as letters, memos, and more. The aims of these lifeloggers were similar to the goals the quantified self-movement sets: self-knowledge and self-enhancement through self-tracking.[93] Even older technologies can also be described as self-tracking or lifelogging, like a diary. It is important to emphasize that self-tracking is not always 'quantified'. There are forms of self-tracking that track qualitative data as well as newer technologies that require qualitative input. There are apps that require the user to log dreams, for example.

Why do people track their 'selves'? Justification can be given on two levels. The first is the level of the individual self-tracker. These mostly use self-tracking technologies to achieve certain specific goals, to lose weight, improve health, improve concentration, etc. On a more theoretical level, advocates for self-tracking argue that it gives participant 'insight in the self' and gives the user an opportunity to take responsibility of certain aspects of their life.[94]

There has also been criticism on self-tracking, or on the quantified self-movement in particular. Again, both on the level of individual users as well as on a more theoretical level. Most individual criticism focuses on the fact that self-tracking can turn to obsession with the gathered data, clouding other aspects of life that are not being 'tracked'. The control that should be gained by using the technologies can actually lead to a sense of a loss of control of one's own emotional stability. On the theoretical level it has been argued that quantified self-tracking can be disempowering because it invites surveillance and control of others over the tracked subject. Another problem mentioned is that the focus on the individual as subject shifts the focus from social or institutional problems. It has also been argued that the focus on quantifiable data displaces non-quantifiable aspects of life and implies an objectivity that is deceptive.[95] A final problem has to do with privacy, and mostly questions who has possession of the data, who has

[92] Quantified Self Labs. 2018. About the Quantified Self. http://quantifiedself.com/about/ (accessed 26 April 2018); Deborah Lupton, *The Quantified Self* (Polity Press, Cambridge, 2018), 3 – 4.
[93] Lupton, *The Quantified Self,* 33 – 35.
[94] Ibid, 33 – 37.
[95] Tamar Sharon, "Self-Tracking for Health and the Quantified Self: Re-Articulating Autonomy, Solidarity, and Authenticity in an Age of Personalized Healthcare," *Philosophy & Technology* 30, no. 1 (March 1, 2017): 93–121

access and how much insight the data subject can have into the first two questions.[96] This problem has been discussed in the previous section.

In this section, I will focus on other ways in which privacy may be said to be violated by self-tracking technologies. I will focus on examples where the data generated by the tacking is not shared with commercial parties. I wish to investigate whether the self-surveillance that self-tracking could involve can be said to be privacy invasive with the relational definition of privacy. In order to establish this, and in order to evaluate the larger framework of autonomy I have used so far, I will also reflect on the way Beate Rössler describes self-tracking and criticizes it.

Reduction to numbers

Some critics of self-tracking believe that it involves only numbers, and fear that the practice is one of reducing one's identity to nothing but numerical data.[97] In part, this criticism may be ungrounded. This kind of criticism is similar to the one given by what Tamar Sharon and Dorien Zandbergen call the 'data fetishists'. The data fetishist is a stereotype created by critics of self-tracking. It refers to someone who wants to reduce all phenomena to numbers and has no interest in other meaningful ways of expression. The value of self-tracking in for the data fetishist is in the objectivity of data. Sharon and Zandbergen did ethnographic research into the practices of these self-trackers. They distinguished many forms of self-tracking that do not fit the stereotype the data fetishists. In their article Sharon and Zandbergen show that there are many more forms of self-tracking.[98] We will discuss some of these forms later on. It is important to keep in mind that there is this diversity of forms of self-tracking.

Sharon and Zandbergen also show that the numbers are a way for individuals to communicate (personal) information to others. They are tools with which one can 'confess' details of one's life to others. Discussing personal or even intimate information can be made easier by using data to discuss it. Since the numbers are a kind of abstraction, they seem to break

[96] Lupton, *The Quantified Self,* 125 – 130.
[97] Rössler also sees this problem: Rössler, *Autonomie*, 173 & Lupton, *The Quantified Self,* 79 – 83.
[98] Tamar Sharon and Dorien Zandbergen, "From Data Fetishism to Quantifying Selves: Self-Tracking Practices and the Other Values of Data," *New Media & Society* 19, no. 11 (November 1, 2017): 1695–1709.

the ice. The emphasis here lies on the interpretation of the data and its integration in narrative, rather than on the data itself. The data are used in order to construct narratives about oneself.[99]

However, there are also examples of self-tracking that do pose this danger or reduction to numbers. There are examples of person's who became obsessed with the numbers. Lupton describes several ways in which people experienced harmful consequences of self-tracking. One person felt that his emotional mood became completely dependent on whether the numbers on blood sugar and weight were going down. Another also tracked his weight, and became increasingly aware of the fact that not just is weight, but all other aspects of his life were ''reinterpreted through the lens of these devices''[100] Others noticed that the things that self-tracking devices could not measure became less important, or were forgotten completely. For some, having parts of their lives reduced to number was extremely harmful.

Can harmful consequences like these be seen as a decrease of relational privacy? Relational privacy means having literal or metaphorical space for self-reflection. Some of these examples indicate a loss of this space. The constant self-surveillance makes it hard for the individual to take a step back from their actions and reflect on them. Self-surveillance can close the distance one needs for self-reflection. Especially the cases where other aspects of one's life can only be seen through a self-tracking lens are severe examples of privacy-loss. This would mean that on other levels as well, this space for self-reflection is smaller. However, this is not the case for everyone. Sometimes devices like calorie-counters do encourage the user to lose weight, or gain other health-benefits.[101]

The same device can be a useful tool for one, while being a privacy-invasion for another. Relational privacy means having space for self-reflection, but when this space is reduced can depend entirely on the individual. For some a tracking device does not imply constant self-surveillance. They can keep their distance for self-reflection while tracking. For others a tracking device causes them to change their way of reflecting on themselves for the worst. The numbers become the mall in which all information about the self is fitted.

[99] Sharon and Zandbergen, "From Data Fetishism to Quantifying Selves," 10 – 11.
[100] Lupton, *The Quantified Self,* 81.
[101] Ibid, 78 – 79.

The importance of self-knowledge

Whether a self-tracking device can be helpful or harmful also depends on whether one needs more self-knowledge. For someone who has a hard time knowing how much they eat or sleep, a self-tracking device can help. Judgment about self-tracking then also depends on how well one believes we can know ourselves. Rössler believes the normal state of human beings is to have adequate knowledge about themselves. People who do not have reasonable self-knowledge are the exception. Even if we deceive ourselves, gaining more facts does not help in gaining more self-knowledge. As mentioned above, Rössler emphasizes that all information is always interpreted by the subject receiving the information. The subject decides what interpretation to give on certain grounds. Self-knowledge is not dependent on the knowledge of facts but rather on the knowledge of different alternatives and the freedom to choose one of them. So for Rössler self-deception cannot be rectified by new facts, but only by a changing of the way one observes oneself. It seems what self-knowledge we have is largely dependent on internal processes: what we decide to accept or refuse, how we choose to interpret certain facts. Self-knowledge exists in a territory that is largely in one's own control. Rössler believes that people have great capacities of gaining self-knowledge. Harmful self-deception, according to her, is an exception rather than the norm. Though she does asserts that self-tracking could be helpful on some occasions, overall, she is skeptical of the effect self-tracking has on autonomy. This seems plausible when one believes that people have adequate self-knowledge already. [102]

Self-trackers, on the other hand, would probably have a less positive view of people's capacities of gaining self-knowledge. Self-deception can be seen as a much more common happenstance. They would also disagree that new information, or facts, could not help someone from self-deception, as Rössler states.[103] If one believes that information about oneself from another source than one's own mind can change one's mind, the advantages of self-tracking come to light. I do not wish to argue with Rössler on whether every information we have is really interpretation. This question goes beyond the scope of this thesis. However, I would question whether this would necessarily imply that one cannot prevent self-deception by gathering of true

[102] Rössler, *Autonomie*, 162 – 164.
[103] Lupton, *The Quantified Self,* 33 – 35.

facts about oneself. It does not necessarily imply that new facts cannot themselves change the way one observes oneself.

How much control do we have?

Rössler believes that forgetting is a vital part of self-determination, even of self-knowledge. When criticizing lifelogging, she argues that one needs to be able to distance oneself from certain facts or memories. Rössler argues that lifelogs and self-tracking do not give one the necessary space for one to change one's personality. This because according to hear, in order to change and shape one's identity, one has to be able to forget. And forgetting is exactly what self-trackers try to avoid. Rössler believes that the diary is a perfect technology for tracking the self in a way that does promote one's autonomy and ability of self-determination. One should be able to change details from one's own past, change memories. This changing is then not a kind of self-deception, but rather the 'result from ripening and learning processes'.[104] The risk of lifelogging is to be confronted too narrowly with the person one once was, not being able to distance oneself from this person. According to Rössler the exact recording of everything makes it very complicated to establish different narratives about something that happened. Changing oneself happens with new kinds of interpretations of information. Having something recorded once and for all could obstruct this process. A diary, according to Rössler, does succeed in allowing the user to change over time. This because a diary allows the user to make a 'self-interpreting choice'. They have to decide what to put on paper and what to leave out. At that moment they are self-determining, allowing themselves to grow in the way they choose by deciding how to interpret their wishes, feelings, acts and memories and by deciding to forget some of these. This choice can only happen with a medium that is as open as a diary, and cannot happen with a self-tracking device. [105]

However, it remains somewhat unclear exactly why this choice has to be made in an unconscious manner. For Rössler it is necessary to forget in such a manner that the is excluded from consciousness. Why wouldn't someone be able to make a choice to change oneself while remembering how one used to be? Rössler owes us an explanation for this. It is also not entirely

[104] Rössler, *Autonomie*, 225.
[105] Ibid.

clear why new interpretations of the information would be impossible, or rather why it would be more possible than it would be with a diary. The lifelogger does not log more interpretatively than the diary-keeper. If it is true that re-interpretation becomes hard, then any kind of logging would be problematic if a person wants to change themselves later in their lives. It is not clear why re-interpretation of information is difficult after recording.

One could interpret Rössler's statement in two ways. The first would be that Rössler actually argues against control here. She wants people to be able to forget so radically that they can no longer reflect back on what they forget and can therefore grow. However, one could also show that Rössler's argument assumes a very big amount of control of individuals. Persons can choose what to erase from their own minds with such skill that they can use that skill to change themselves. They can judge which information of their past to change and will never need to refer to this information again, for further growth in the future. There is an assumption of an incredible amount of control that people would have about their own memories and the influence of those memories on their identity.

I think this idea of control is implausible. We may use changing of memories to change ourselves, but we are also influenced by memories in many undesirable and uncontrollable ways. Rössler refers to Anita Allen who writes that it is worth considering that lifelogging should be 'turned off' in cases of traumatic events. Traumatic recordings could then be deleted from the record.[106] It is of course worth considering this, depending on one's goal one has with lifelogging. But a traumatic event can exactly be the kind of thing one has very little control over forgetting. The repression and changing of a traumatic event in one's mind can do a lot of harm. It is obvious that one cannot have control over the remembering or forgetting of such an event.

Rössler asserts that self-tracking or lifelogging can have positive consequences, but I think she cannot see the full potential of self-tracking devices for self-knowledge and autonomy because she assumes that persons have a lot of control over their self-knowledge and the way it constitutes autonomy. When one assumes people have less control over their self-knowledge and memories, self-tracking devices become a useful tool for leading a self-determined life. Rössler describes very well why we need self-knowledge in order to bee autonomous, [107] but this could

[106] Anita L. Allen, "Dredging up the Past: Lifelogging, Memory, and Surveillance," *The University of Chicago Law Review* 75, no. 1 (2008): 47–74, 71 – 73.
[107] See chapter 2.

be enhanced by taking people's deficiencies into account. People need true knowledge and ways of gaining true knowledge about themselves in order to gain the kind of knowledge that is necessary for living an autonomous life.

In the discussion on self-knowledge, Rössler believes that people only need to be granted the freedom to exercise their control. That is all that is necessary to acquire the self-knowledge one needs to be an autonomous individual. Her approach to self-knowledge is not relational, but individualistic. She does not consider that people can be fallible, that they may need certain conditions in order to gain accurate self-knowledge. I think incorporating this in a theory of autonomy is useful.

Why is this relevant for the relational theory of privacy? So far, I relied on Rössler's theory of autonomy as a framework for relational privacy. Privacy was the condition for autonomy as Rössler described it. Now I am adjusting this framework. The consequence of this is that relational privacy is not violated necessarily by self-tracking devices. If I would stick to Rössler's theory, and combined it with relational privacy, I would have to conclude that a person needs space for self-reflection when shaping their own self-knowledge. And if it is only the person herself who has control over which information is to become self-knowledge, any information from the outside may be a possible infringement of privacy. I think that would undermine people's need for outside knowledge and the possible advantage of self-tracking technology. With a theory of autonomy that allows, indeed requires a certain amount of accurate self-assessment, privacy is only violated when the self-tracking device causes the user to obsession with the numbers, as described in the previous section.

Manipulation and social conditions

In her book, Deborah Lupron names the example of a woman whose employer encouraged her to start self-tracking in order to reduce her health insurance premiums.[108] Not being under the influence of such manipulation was one of the conditions for autonomy. This example does not show that self-tracking devices lead to manipulation. However, it is important to take the risk of this happening into account. Lupton shows that self-tracking is vulnerable to being used in a

[108] Lupton, *The Quantified Self,* 83.

manipulative manner because the data it produces is very valuable. She sees risks of such manipulation with agencies such as retailers, insurance companies and wellness programs in the workplace. The problem is that it is not easy to distinguish voluntary tracking from forced tracking.[109] How can we assess whether someone is under social pressure or manipulation?

As mentioned in the second chapter, Rössler describes independence as a second aspect of autonomy. It is not enough for one to know oneself and change oneself and decide for oneself how to live one's life if those decisions are not authentically yours. This independence, or authenticity, involves an absence of manipulation. She describes many conditions necessary for this step for autonomy, these conditions lie outside of a person's control. However, she is keen to formulate the conditions around manipulation in such a way that it is not entirely dependent on circumstances whether a person exercises autonomy. The examples she uses show that even in very autonomy-depriving circumstances, ways can be found to exercise autonomy. Moreover, she still seems to place a lot of responsibility on the individual to try to exercise autonomy despite the circumstances. She does not make clear exactly what one's responsibility for one's autonomy entails and when someone is without autonomy due to circumstances outside their control.[110]

In the first chapter, I commented on Rössler's view of decisional privacy and how privacy as control does not seem to explain the social conditions necessary for the decisional privacy she describes. As became clear in our short description of decisional privacy above, Rössler believes that an autonomous person should not be subject to 'commentary and interpretation' from others unless she wants to be. She admits that intersubjectivity makes autonomy possible, but a condition for this intersubjectivity should be that a person can distance herself from others at any time. Both negative and positive comments may be unwanted, which means that privacy can be infringed by a compliment. If someone approves of the way you raise your children, for example, this may still be an infringement of your privacy.[111]

The interesting thing here is that on the one hand intersubjectivity plays a fundamental role for autonomy, but on the other it should be up to the individual whether certain encounters, or in this case commentaries, are wanted. This means that the individual should have control

[109] ibid, 121 – 125.
[110] Rössler, *Autonomie*, 345 – 356.
[111] Rössler, *The Value of Privacy*, 85.

over whether certain commentaries are or aren't allowed, or whether some persons are allowed to comment on the individual. One could question whether a person can have such an amount of control. The strength of intersubjectivity is that it brings new encounters and information, which comes with a kind of unpredictability. Can an individual really decide which encounters are or aren't allowed? Also, positive comments seem to be able to play an important role for autonomy, producing self-esteem and self-knowledge. But one can never really control when to get positive comments.

The way Rössler describes the dangers of unwanted remarks is distinctive and incredivly insightful However, the amount of control Rössler believes a person is be able to exercise, again, seems excessive.[112] The danger she describes, however, ties in to the possibility of autonomy being infringed by manipulation or other kinds of harmful influence. Rössler rightly points out these dangers and gives some indications of when manipulation is harmful. However, she cannot clearly make a distinction between useful and constructive intersubjectivity and harmful manipulation. She describes manipulation to be harmful when it influences one's 'Willensbildung' (formation of the will) in a negative way. However, intersubjectivity is described as nothing more specific than a positive aid in the formation of the will. So how could we distinguish these except for saying the one is positive and the other negative? Rössler does elaborate on this more by giving examples, which does give the reader an adequate idea of what can be harmful. But she does not give any guides in how to assess the harm in influences.

It may therefore be useful to use some of the tools other relational theories of autonomy can offer us. Marina Oshana gives us some useful indicators. She argues for criteria of procedural independence which ''incorporates certain (rather open-ended) standards of historical and social-relational legitimacy''[113]. She also specifically lists a set of social-relational properties a person should have. The individual must be able to defend herself against assaults and against attempts to deprive her of her rights. She must also not have responsibilities for other people that are unreasonable. Finally, she must be able to pursue goals of her own, other than the goals those who have influence and authority over her have.[114] Though these criteria don't give a full-

[112] It is worth mentioning that in her later book *Autonomie* she does seem to put more emphasis on the intersubjective aspects of autonomy rather than the element of control. Here I comment on her description of decisional privacy and its function for autonomy in *The Value of Privacy.*
[113] Marina A. L. Oshana, "Personal Autonomy and Society," *Journal of Social Philosophy* 29, no. 1 (n.d.): 81–102, 97.
[114] Oshana, "Personal Autonomy and Society," 93 – 94.

fledged chart of how to assess autonomy, they are specific enough to give us some guidelines. Unfortunately using these criteria in order to assess cases of autonomy is beyond the scope of this thesis. Rössler's criticism on Oshana was that she requested too much from an autonomous person, so that hardly anyone would fit the criteria. I think, however, that we could use the criteria formulated by Oshana while sticking to Rössler's method of assessing local autonomy rather than global autonomy.[115]

Rössler's theory of autonomy does not give any way of determining when a person is under the influence of manipulation or when a person is reflecting intersubjectively in a positive way. In the end, it seems she believes it is up to the individual to protect themselves from unwanted interference. Oshana formulates certain criteria with which we could assess whether someone is being manipulated. These criteria are based on external conditions and not formulated as in the control of the individual. Here again, I diverge from Rössler's conservatively liberal side and opt for a more relational theory of autonomy.

Why is this relevant for relational privacy? We need a way of determining the difference between manipulation and other forms of influence in order to determine when privacy is being invaded. Whether someone was manipulated in self-tracking or whether someone voluntarily tracks themselves makes the difference between a privacy invasion and a privacy-respecting technology. If someone is manipulated in tracking a certain aspect of themselves, that means they cannot reflect on the information that is generated authentically, because the information is actually for another. This reduces the space one has to reflect upon the information.

Another way in which one can be manipulated is under the influence of social pressure. One could track herself only because society has made her think that she has to lose weight. Privacy may not involve the same for some social groups as for others. If it is the case that women feel more social pressure to lose weight, their usage of a calorie-counter app may sooner be privacy invasive than the usage of a man. Here again we see that whether an app is privacy invasive can depend upon the individual, or the social group this individual belongs to.

However, self-tracking devices can also be a way of escaping social pressure. Sharon and Zandbergen describe self-tracking practices that take the shape of acts of resistance. This includes resistance to the self-tracking devices and their pre-set categories or norms. These are tweaked by making new ways of self-tracking or even by tweaking the software so that the

[115] Rössler, *Autonomie*, 332.

devices are shaped to the form that suits the individual. Another form of resistance is that self-tracking can help resist the norms and categories that are set by society. Self-tracking can help ''to 'break through' conventional and oppressive ways of knowing the world.''[116] With the way Rössler describes the forces of social manipulation, we may assume that she would not argue against the self-tracking that take shape as forms of social criticism or protests. We could use her theory to argue that these technologies can be autonomy-enhancing. The devices could be used to detect social manipulation or other influence that one may not be aware of.

Semantic-symbolic field

In the previous chapter, we discussed that Rössler partly asserted the theory of recognitional autonomy. I wish to get back at that here because of another part of the theory that is relevant. Anderson and Honneth discuss the way semantic vulnerability can also be an influence for one's autonomy. One's actions, desires and wishes can only be reflected upon in the way that society, or one's closer surroundings, discuss the object of reflection. The terms of this discussion are always evaluative. This is why each individual is also subject to reflection within this 'symbolic-semantic field'. A consequence can be that this field also manipulates one's wishes and desires. Anderson and Honneth use as an example the term 'stay-at-home dad'. This is a term that is evaluatively loaded in discourse and can influence the way an individual thinks about it before they can properly reflect on identification with the term. Being autonomous implies certain 'semantic resources'.[117]

Nancy Fraser also argues for the importance of a recognition of semantic resources. She develops a model that theorizes ''the sociocultural means of interpretation and communication''[118] She argues that there are certain ways of discourse that are excluded from the social or political discussion. There are social groups with different discursive resources whose interpretations are not represented in the social or political discussion.[119] One's autonomy

[116] Sharon and Zandbergen, "From Data Fetishism to Quantifying Selves," 9.
[117] Anderson and Honneth, "Autonomy, Vulnerability, Recognition, and Justice," 135 – 137.
[118] Nancy Fraser, "Talking about Needs: Interpretive Contests as Political Conflicts in Welfare-State Societies," *Ethics* 99, no. 2 (January 1, 1989): 291–313, 164.
[119] Fraser, "Talking about Needs."

could therefore not just be influenced on the level of wishes and desires, also by being excluded because one is a member of a certain social group.

If we apply this theory on the assessment of self-tracking devices, we could argue that we need to consider what semantic possibilities a self-tracking device provides if we are to assess its effects on an individual's autonomy. The semantic resources can be expanded or restricted by self-tracking technology. In what terms is one asked to track oneself? In what terms is one able to express one's feelings, thoughts, actions or desires? Does it frame certain actions in a negative way? Another possibility here too is that a form of self-tracking may actually help becoming aware of the implication of the semantic field one is in.

Another example of how this could work are in the assessment of emotion-tracking devices. Often these devices ask the user to describe how they are feeling in certain terms. Often, they offer examples of emotions the user can choose from. Even more often these emotions are grouped in 'positive' and 'negative' emotions. Choosing from two such lines of emotions can be restrictive in one's self-reflection. On the other hand, this may be a very individual experience. For another this way of tracking may enhance their possibilities to express themselves emotionally. Whether a device, technology or method is autonomy-enhancing does not have to be the same for every individual.

Semantic inclusiveness does not just happen on an individual level, the prominence of certain discursive practices can include entire social groups from the discussion. Not being able to contribute one's perspective in the public discussion also reduces one's autonomy.

Semantic vulnerability should also have a place in the conception of autonomy we use for the description of privacy. For relational privacy this means that an app could be privacy invasive or respecting, again, dependent on the user. For some the space for self-reflection could be diminished by a limited range of semantic resources, for another the space is not diminished and one can increase their autonomy by having more ways of expressing oneself. This space for self-reflection is also diminished if one's perspective is excluded from the discussion. Such exclusion can also happen with a self-tracking device that give you only limited possibilities for expression.

3.3 Relational autonomy as the basis of relational privacy

Relational privacy involves a more relational framework of autonomy than Rössler described. A self-tracking device can also empower someone's autonomy when it offers them an opportunity to gain true facts about themselves, that can help them reflect. It can also empower someone's autonomy by helping them to become aware of social influences or manipulations. We could use the criteria of Oshana's description of relational autonomy for such an assessment too. These are two aspects of autonomy that could be used for assessing the impact of self-tracking devices on autonomy. We should also assess these devices in ways that also reflect on the semantic field they provide in which to track and reflect upon oneself. I conclude that we could adjust our conception of autonomy by adding the following conditions for autonomy:

- True knowledge about oneself
- Being able to tread outside the semantic field one expresses oneself in (or influence it)
- Procedural Independence
- The ability to defend oneself against attempts of infringement upon one's rights
- Not being unreasonably responsible for another

To be clear, I do not argue that Rössler was against these elements in her theory on autonomy. I do believe that her attempt to balance a relational conception of privacy with a more conservatively liberal conception prevents her from fully incorporating these elements in her theory of autonomy. For relational privacy the most important conclusion to draw from this is that whether privacy is invaded or not depends on the subject of the possible invasion, their personality, their social status. A relational conception of privacy leaves more room for social factors that influence whether someone has privacy than the access- or control-views.

Conclusion

Privacy is neither inaccessibility, nor control over access. Sometimes, one can have privacy by having control over access to one's person. Sometimes one can have privacy by being inaccessible to others. Both often go together with privacy, but neither can fully explain what it is that privacy is. Privacy is the metaphorical or literal space on needs to self-reflect. Decisional privacy is provided by a 'social space', where one can have distance from one's decisions and actions, where one can experiment and identify with some actions and decisions. Local privacy is provided by an actual space where one is free from their social identities and has the distance to them to reflect on them and experiment with them. Informational privacy is provided by a metaphorical 'space' for reflection, where one can reflect on personal information, reflect on distribution of this information. This is the definition of a relational privacy.

Defining privacy as a (metaphorical) space for self-reflection can explain the exact function of privacy. People need this space for self-reflection in order to be autonomous beings. We need to be able to distance ourselves from our identities, choices and actions. We need to be able to make this retreat physically as well as mentally. Relational privacy accepts that people may not always be able to guard this space themselves. Certain conditions and protections need to be in place to make sure this space is safeguarded. We value privacy because we need this space to live autonomously together.

Relational privacy accepts the idea that there are certain conditions necessary for having privacy. Many of these conditions lie outside an individual's control. The absence of manipulation, social discrimination, the availability of semantic resources are all factors that influence one's amount of privacy. Relational privacy can explain how a person could sacrifice their own privacy and gives a start for thinking how we could prevent this from happening.

Expressing privacy in terms of control creates a situation where the rich, the well-informed and the already autonomy-capable persons will have more privacy than others. Those with a limited range of options or limited capacities for exercising control could be left behind. Focusing on these conditions for privacy more, and less on providing individuals with the freedom to exercise their control, could make sure privacy is not just a right that can only be

exercised by the privileged. Relational privacy takes into account that capacities required for being autonomous and protecting one's own privacy are not equally distributed.

Beate Rössler gives a brilliant description of the value of privacy as a condition for autonomy. The possibility of developing a relational conception of privacy was provided by the groundwork she laid in describing the function privacy has for the individual. Her precise description of the function privacy has for the individual carved the way to taking one more step toward a new conception of privacy. Rössler chooses for a definition of privacy as control. This is not completely unfit to her theory, which combines relational aspects of autonomy with individualistic ways of describing autonomy. She makes room for the social conditions necessary for autonomy, but often decides to focus on aspects of freedom and control. However, if she had not made room for social conditions necessary for autonomy and connected these with the value of privacy, I would not have been able to expand on her theory.

I have given a definition of privacy that fits the function privacy plays for the individual. This required a slight divergence from Rössler's concept of autonomy as well. Describing privacy as a condition for autonomy means that one's conception of autonomy becomes the framework for this conception of privacy. I adjusted Rössler's theory of autonomy in order to have a framework of autonomy that takes individual's as dependence and vulnerability into account. This required the addition of several concepts: semantic vulnerability, procedural independence and the ability to gain true knowledge about oneself. Luckily, there was a vast amount of literature on relational autonomy to draw from. For the scope of this thesis, I wasn't able to examine it entirely, and more research could be done to see whether we have established the best framework of autonomy for a relational conception of privacy.

The problems of privacy we face today need a definition of privacy that can protect people's privacy in a way that does not just give them control, but that looks at what they need in order to live autonomous lives. Relational privacy offers this definition. More research could be done to establish whether this is the best framework of relational autonomy possible for relational privacy. I hope to have given a way to protect privacy by more than just protecting people's control. I hope we can protect their actual space for retreat, for self-reflection and identification, and thereby protect their ability to live autonomous lives.

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