

PRIVACY: NICE TO HAVE OR A MUST-HAVE?

A comparison of the liberal and communitarian answer

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Abstract

The aim of this thesis is to evaluate and explain whether, and if so, how, the right to privacy as an individual value can take priority over values of the community. In other words, under what conditions, if any, do individuals have a right to privacy against the community? In order to provide an answer to this question, the debate between liberals and communitarians is set out first, which forms the theoretical framework of this thesis. After this, both the liberal and the communitarian position are critically reflected upon. This critical reflection deals with the underlying visions of both positions that are most fundamentally different, namely the nature of the self, the nature of society, and the nature of social relationships. Based on these three aspects, the liberal position is judged to be the most convincing, since it is able to overcome the communitarian criticism to a great extent. This leads the liberal conception of privacy to be most convincing as well, and a liberal argument for privacy is set up in the final chapter, which is based upon the underlying visions of the self, society and social relationships. Ultimately, this argument shows that the right to privacy as an individual value does indeed take priority over the values of the community, and thus that privacy is certainly a must-have.

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Chapter 1. Introduction

Current information societies, in which personal information is stored in digital databases and where almost all attributes of an individual can be known on the basis of data records, lead to a change in the nature and magnitude of threats to privacy (Hosein, 2006, p. 123). This change is, at least in part, due to technological changes, because these have made it harder to find out where and when the right to privacy has been violated. The fact that almost all personal data is stored in digital databases nowadays makes it easier to gain access to personal data, because people can now digitally access these data from every place that has the necessary means for access, whereas before the digital storage of personal information people needed to go physically to the place where these personal files were stored. Personal information that is stored digitally is more sensitive to misuse than when it is stored on paper, simply because it becomes much easier to spread information to large groups of persons by means of digital technologies and to access information, while it becomes harder to control information. So, privacy concerns for contemporary information societies have become greater because of technological developments. In light of this, the right to privacy faces new challenges that need to be addressed, but in order to be able to do so, the right to privacy itself is first and foremost relevant to examine.

Many different accounts of privacy have been developed in the philosophical privacy debate. This debate about the right to privacy and the wrongness of violating this right has been going on since 1890, when Warren and Brandeis published an article about the right to privacy, in which they defined privacy as “the right to be let alone” (p. 205). This definition has been extended and adjusted by a great number of authors writing on this subject. Many of them have defined the right to privacy by linking it with the control over information. One definition that clearly reflects this idea is that of Westin (2003), stating that privacy is “the claim of an individual to determine what information about himself or herself should be known to others” (p. 431). The privacy debate consists mainly of two positions, which are both supported by different arguments.

The first position entails the authors who defend the right to privacy as an individual right. This position will be referred to as the liberal position. The shared conclusion of this position is that “privacy is a value of great significance, not to be interfered with lightly by governmental authority” (Gerstein, 1984, p. 248). Such interference has to be justified in a way that is consistent with the autonomous nature of individuals, since it is autonomy that is of utmost importance for the liberal position. Consequently, the multiple arguments that fall within

this position mainly focus on autonomy, which can either be expressed through one's individuality or one's social relationships.

In the sense of individuality, some authors argue that violating privacy is to show less than a proper regard for human dignity (Benn, 1984, p. 227; Bloustein, 1984, p. 165). Such a violation redefines our sense of individuality and as such, privacy can be seen as a core protection of individual autonomy (Hosein, 2006, p. 124). Every autonomous individual is worthy of respect, meaning that he has a right to do as he wished, and to pursue his life in an unobserved way (Benn, 1984, p. 243). This can be linked with social relationships, for every individual should be free to choose the relations he wants to engage in with others that want to engage with him as well. To be able to control, then, what personal information is shared within these social relationships, privacy is necessary. Personal relations are, in their nature, private and could not exist if it were not possible to create excluding conditions, and therefore they need some freedom from interference (Benn, 1984, p. 237). In line with this, the importance of privacy is emphasized because it is seen as a necessary condition for the development of relations of love, friendship and trust (Fried, 1984, p. 205). These relations are often seen as the most valuable ones, and the capacity to form and maintain meaningful relations with others is therefore one of the important functions of privacy (Gavison, 1984, p. 360).

The second position in the privacy debate can be referred to as the communitarian position. This position entails the general idea that an individual's identity is at least partly constituted by the community he lives in. This means that an individual cannot be fully independent from the community, and this leads the communitarian position to adopt another view of the relation between individual and community than the liberal position does. The emphasis lies far less on autonomy as necessary for individuality, but rather more on the constitutive sense of community, which leads the community to be a necessary aspect for forming one's individuality.

Like the liberal position, the communitarian position emphasizes the importance of social relationships. However, it is not that social relationships are important as reflecting one's autonomy, but rather because it is in the very nature of a human society that individuals are engaged in patterns of relationship and communities of meaning (Walzer, 1990, p. 10). It is through membership in communities that an individual finds his or her moral identity (MacIntyre, 1984, p. 143). Besides, social relationships form the foundation of trust on which a shared sense of community is based (Nock, 1998, p. 103). Privacy forms an obstacle to the development and sustenance of stable communities, because it is an obstacle to trust, since one cannot trust someone unknown (Nock, 1998, p. 102). Social relationships are thus a necessary

element of communities, and in order to establish them, society should not allow the right to privacy to be unlimited.

This brief overview of the privacy debate certainly shows that these two main positions are competing positions. While the liberal position states that the right to privacy has to be defended because it constitutes an individual right, and is of importance for individual autonomy, the communitarian position argues instead that the importance of community for an individual's life should not be underestimated. Moreover, the competing positions are mutually exclusive, since one cannot adhere the view that individual values have priority over values of the community, while at the same time arguing that communal values take precedence over individual ones. This constitutes the philosophical puzzle that will be addressed in this thesis, in order to find out which position is most convincing. This contributes to the philosophical privacy debate, since it will improve the understanding of the right to privacy and will clarify what the most convincing conception of privacy exactly entails. It is therefore my aim to evaluate and explain whether, and if so, how, the right to privacy as an individual value can take priority over values of the community. In other words, under what conditions, if any, do individuals have a right to privacy against the community? This is the main research question that I will focus on in my thesis.

In order to provide an answer to this question, four sub-questions will be addressed. First, what arguments are given by the liberal position, and what arguments are given by the communitarian position? This sub-question has to be answered in order to get a sufficient understanding of the two main position in the privacy debate, and to form the necessary theoretical framework. Second, what are the problematic assumptions of the liberal position? The consideration of this question will be helpful in providing the first part of the foundation, based on which it can be decided which one of the two positions is most convincing. Third, what are the problematic assumptions of the communitarian position? By critically reflecting on the communitarian position as well, the foundation on which an argument for the most convincing position can be based is completed. Thus, from the second and third sub-question follows the fourth sub-question, what position is most convincing and why? The answer to this last sub-question provides a judgment of which position is most convincing and explains what the implications for the notion of privacy are. All questions taken together will provide an answer to the main research question as formulated above.

Chapter 2. Main Positions in the Privacy Debate

Before the two main positions and their arguments can be examined, it is crucial to see how privacy is defined. The definition employed here is that of Alan Westin, stating that privacy is “the claim of an individual to determine what information about himself or herself should be known to others” (2003, p. 431). Put otherwise, privacy means that the individual can choose freely under what circumstances and to what extent he will expose himself, his attitudes and his behaviour to others (Hosein, 2006, pp. 123-124). This instantly explains why the liberal position, which emphasizes the freedom and equality of individuals, will attach significant importance to privacy. As defined here, privacy reflects the freedom to choose, and therefore to a certain extent the autonomy of individuals as well, which is of ultimate importance to the liberal position. For the communitarian position, this definition of privacy is accepted as well, because individuals can have control over personal information as long as this does not have problematic consequences for the sustenance of the community. Now, it is clear what is exactly meant by privacy in this thesis, so let us now turn to the main arguments of both positions. First, the main arguments of the liberal position will be considered, and the main arguments of the communitarian position will follow thereafter.

2.1. The Liberal Position

For the liberal view, the common concern in the privacy debate is the preservation of autonomy. This relates to both the freedom an individual has to choose his own conception of the good and the freedom to establish various social relationships that the individual wants to engage in, provided, of course, that others want to associate with him as well. The core conclusion of the liberal position can therefore be based on the ultimate importance of autonomy, and indicates that the right to privacy has such a significant instrumental value that, once it falls away, it will have severe consequences for the lives individuals can lead. In order to get a proper understanding of the liberal position regarding privacy, it is inevitable to explain first what autonomy exactly is, and why it is of ultimate importance for the liberal position. Once this is clarified, it is possible to discuss the two main arguments that support this position in the privacy debate.

Literally, autonomy means ‘self-rule’, which basically implies that an individual is in charge of his own life, and is free to choose between the different ways of life he deems worthy of living. Human beings are capable of autonomous actions, because they possess a will and are capable of exercising it freely. This capacity to think and act autonomously is exactly what is most fundamental to the dignity and worth of human beings, since this separates them from

other animals (Mulhall & Swift, 1996, p. 43). From this Kantian view, what matters most is the capacity to choose, not the ends that are actually chosen. If the first must precede the second, then what really matters about human beings is prior to their ends. This has also been articulated by the Rawlsian view, according to which the capacity to set, pursue and revise one's own conceptions of the good is what really matters about human beings (Rawls, 1993, p. 302). This capacity a human being has to choose its ends autonomously is the capacity that forms the essence of its identity. In other words, one's identity is constituted prior to the ends he chooses to pursue, or the conception of the good he endorses. These conceptions are distinct and can be detached from oneself, meaning that individuals are antecedently individuated. From this conception of the person follows that respect for human autonomy is absolutely fundamental, because the capacity to be autonomous is what is essential to one's identity (Mulhall & Swift, 1996, pp. 46-47). All this signifies the importance of autonomy for liberals, and to this can be added that the only way in which autonomy can be limited is by the need to protect the autonomy of all citizens (Mulhall & Swift, 1996, p. 53).

For the reason that autonomy is essential to one's identity, and provides the freedom to choose one's own conception of the good, it can be linked with individuality. This consists not only of an identity, but also of the individual choices one makes, or the ends an individual wants to pursue, i.e. his conception of the good. Both these aspects distinguish individuals from others, and therefore form one's individuality together. Autonomy is needed for both, so this leads to the claim that autonomy is necessary for individuality. The liberal argument for the importance of privacy for individuality, then, is based on the role that privacy has in the creation and preservation of individuality. As Kupfer has argued, privacy advances "the formation and persistence of autonomous individuals by providing them with control over whether or not their physical and psychological existence becomes part of another's experience" (Introna, 1997, p. 269). It is exactly this control over oneself that an individual needs to have in order to regard himself as self-determining. The fact that one can choose freely what he wants to share with others, not only makes him more autonomous, but also adds to his individuality, since his choices do not necessarily have to be the same as the choices of others. Furthermore, it is dependent on one's identity what choices one will make, so the capacity to control information preserves one's individuality as well. In short, the capacity to control is necessary for the formation and preservation of one's individuality, and thereby for one's autonomy.

Having defined privacy as the control over information, it might now be clear that for an individual to be autonomous and to preserve his individuality, he needs to have at least some extent of privacy. This realm of privacy is where the individual can enjoy his full autonomy,

without the observation of other people and the need to consider their opinions. Within this private space, individuals can shape their lives without being exposed to scrutiny and judgment (DeCew, 1986, p. 170). So, it is this realm where an authentic self can emerge, and without privacy this is impossible (Introna, 1997, pp. 269-270). What is important to include here as well, is that autonomy is necessary for accountability, since one cannot be held accountable for choices that were not autonomously made. Hence, autonomy creates room for the individual to choose freely for himself, even when his choices are the wrong ones (Introna, 1997, p. 270).

In addition, the liberal position argues that the one way individuals can learn to be autonomous is by practicing their independent judgment (Benn, 1984, p. 242). One can already be autonomous because he is free to choose his own conception of the good, but he will become more autonomous when he is able to think for himself, to consider consequences, to evaluate different courses of action, and so forth (Swift, 2014, p. 66). When an individual practices his independent judgment, he will become more autonomous. If this can be practiced in a better way by having privacy, this implies the value of privacy as well. As Benn states, “we are all under strong pressure from our friends and neighbours to live up to the roles in which they cast us” (Benn, 1984, p. 241). Therefore, individuals need to have some immunity from the judgment of others, because this is what provides them with the possibility to practice their independent judgment. Privacy can grant this kind of immunity, and should therefore be used to define the limits of the areas of individual’s lives in which they are protected from the evaluative judgment of others (Johnson, 1989, p. 157).

Next to this argument that privacy can be linked to individuality through autonomy, there is also the argument that privacy is necessary for social relationships. These are an important aspect of one’s life in the sense that one has to be able to choose freely what kind of relationships one wants to establish with whom. This argument is, like the first one, based on the importance of autonomy, but here it is reflected by the social context of autonomy, rather than one’s individuality. This argument is based on the idea that the value of privacy lies (partly) within the ability to create and maintain different sorts of social relationships with different people. The difference in the nature of the social relationships stems from the different patterns of behaviour that are associated with them, and for Rachels (1975) these different patterns of behaviour are an important part of what defines the relationships (p. 327). Social relationships form a meaningful aspect of our lives, mainly (but not merely) because these serve as a means to the attainment of other individual goods (Mulhall & Swift, 1996, p. 15). Though the value of social relationships is instrumental, it is still important that individuals can maintain these relationships in the way they want to, because this reflects the autonomy they have (Rachels,

1975, p. 329). Put otherwise, it is essential that one can choose freely what social relationships he wants to create and maintain, and that he can control what information he shares within such a relationship. This reflects both the autonomy aspect and the privacy aspect of social relationships.

To maintain a variety of social relationships, privacy is necessary (Rachels, 1975, p. 326). This is so, because without privacy the fundamental and intimate relations of love, friendship and trust are inconceivable, since they require a context of privacy for their existence (Fried, 1984, p. 205). Privacy, by means of autonomy, grants the control over information, and it is precisely this control that enables us to maintain degrees of intimacy (Fried, 1984, p. 211). For Fried, it is not only the amount of information one chooses to share with someone, but also the quality of the knowledge. In this way, privacy creates the moral capital that is required by intimate relationships, such as love and friendship (Fried, 1984, pp. 210-211; Introna, 1997, p. 266). Without privacy, so without the control over the information one desires to share, the differences in social relationships would cease to exist, since everyone has the same information about an individual who can no longer withhold information about himself. More importantly, intimate relationships, which are often the most important relationships in one's life, would no longer be possible when a private context does not exist.

It is exactly this notion of intimacy that Reiman addresses, and which he sees not only as the sharing of otherwise withheld information, but also as a context of caring which makes the sharing of personal information truly significant (Reiman, 1984, p. 305). He defines caring as "the desire to share intense and important experiences", and because privacy protects the capacity of individuals to enter into intimate relations, existing of sharing personal information through a commitment of caring, it is an essential part of individuality and their desired social practice (Reiman, 1984, pp. 310-314). In other words, privacy creates the necessary context for the development of intimate relations. This shows that when such a context of privacy would not exist, the importance of autonomy would be undermined. Autonomy gives individuals the freedom to choose the social relationships they want to engage in, and privacy complements this by making it possible to have different social relationships with different degrees of intimacy. It is an autonomous choice to share different information in other relationships, but this choice is guaranteed only because there is a context of privacy.

Now, it has become clear that the liberal position is built upon two main argument, which both rely upon the ultimate importance of autonomy. Both individuality and social relationships can be maintained and developed within a context of autonomy, and privacy is important because it protects the autonomy of individuals to a certain extent. This leads to the

conclusion that privacy is of fundamental importance and that it should be secured and protected, because it is instrumental to autonomy and ensures that individuals can lead their lives as they wish. Let us now turn to the arguments that support the communitarian position.

2.2. The Communitarian Position

For the communitarian view, the community itself is of more importance than is the case within the liberal position. This follows from the fact that the communitarian position endorses a different conception of the person, and sees the relation between individuals and society from another perspective. To understand the communitarian position in a proper way, it is important to begin with explaining how the conception of the person differs from that of the liberal position. After this, the arguments that support the communitarian position will be discussed.

As has been pointed out in the previous section, the individual can be seen as antecedently individuated from a liberal point of view. This means that people are distinct from their ends, or conceptions of the good, and that these cannot have a constitutive sense, because the self is so thoroughly independent from them (Sandel 1982, p. 62). In other words, one's identity is fixed once and for all prior to its choice of ends and it always stands at a certain distance from the interests it has (Sandel, 1982, p. 62). This conception of the person is seen as problematic by the communitarian position, and it argues that people are to a certain extent "constituted as the people that they are precisely by those conceptions themselves" (Mulhall & Swift, 1996, p. 10). Put differently, one cannot do without some conception of the good, because he essentially is where he stands on this (Taylor, 1989, p. 33). So, the communitarian position understands membership of a community as partly constitutive of one's identity (Sandel, 1982, p. 150). For instance, Sandel holds that "our sense of identity is inseparable from an awareness of ourselves as members of a particular family or class or community" and thus that persons are not antecedently individuated (Mulhall & Swift, 1996, p. 67). Hence, a community provides individuals with something they can identify with and through which they can develop and refine their sense of their own identity (Mulhall & Swift, 1996, p. 67; Sandel, 1982, p. 150).

Taylor argues as well that an essential part of one's identity is provided by one's commitments to or identifications with a particular community (Mulhall & Swift, 1996, p. 106). He states that the full definition of one's identity usually involves some reference to a defining community (Taylor, 1989, p. 36). In constituting one's identity, then, the role of the community in shaping us should be noticed and appreciated (Anastaplo, 1977, p. 783). In short, the communitarian position emphasizes the possibility that the attachments that individuals develop to their chosen ends, values, conceptions of the good and communities might become a

constitutive part of their identity (Mulhall & Swift, 1996, p. 158). Therefore, the communitarian conception of the person opposes the liberal emphasis on individual autonomy by stressing the degree and extent of the individual's necessary dependence upon the community (Mulhall & Swift, 1996, p. 163).

This distinct conception of the person cannot go without consequences for the way in which the communitarian position sees the relationship between individual and community. More importance is assigned to the community, since it is assumed to form a constitutive part of one's identity and it is no longer only a cooperative venture for mutual advantage, as the liberal position sees it. Since the community has a more significant value, this has an effect on the way in which privacy is valued. Basically, the argument holds that the underestimation of the role of the community in developing one's identity leads to a too great importance of privacy in our lives. When the role of the community would be valued in the way it is supposed to be, this provides a reason for limiting the amount of privacy individuals have. The underlying thought of this argument is that a society does not consist of solitary individuals, but rather of social beings that have the tendency to associate themselves into groups (Etzioni, 2000, p. 214). In order to clarify this argument, it is necessary to look closer at the notion of atomism, or asocial individualism.

This notion concerns the relation between individuals and community and holds that individuals are independent of the community, because they are antecedently individuated and therefore morally prior to and so essentially independent of any community of which they might be members (Mulhall & Swift, 1996, p. 123). Furthermore, the community is seen as no more than a cooperative scheme for mutual advantages, and thus not seen as a possible focus of constitutive attachments (Mulhall & Swift, 1996, p. 56). This notion goes hand in hand with the liberal position, where the ends of individuals are already given, but the communitarian view argues that "the way in which it is the kind of society in which people live that affects their understandings both of themselves and of how they should lead their lives" is being overlooked (Mulhall & Swift, 1996, p. 13). By regarding the community solely as an aggregation of antecedently individuated 'atoms', there is no room for the community to be a defining feature of one's identity. This relates to the view of MacIntyre, which presents the liberal position as relying essentially on a form of asocial individualism, since it is unable to comprehend the importance of the community in seeking the good (MacIntyre, 2007, p. 220). The communitarian view goes against this idea of atomism and argues for the fact that the community does form a constitutive element of individuality.

The communitarian position has in common their conception of human beings as integrally related to the communities that they create, maintain and inhabit (Mulhall & Swift, 1996, p. 162). This means that individuals cannot be seen as fully independent from the particular community they belong to, since their ends, values and identity are in part constituted by that very community. Furthermore, the achievement of our ends or human goods contribute to the constitution of our identity, and this constitutive importance of communal goods is neglected by the liberal position (Mulhall & Swift, 1996, p. 56). Sandel argues that communal goods in particular have such a constitutive importance, but MacIntyre goes beyond that by arguing that such a constitutive communal framework is necessary to achieve any kind of human good, whether communal in content or not (Mulhall & Swift, 1996, p. 93). This view is supported by Taylor, as he tries to explain that the communal structures underpin individualist values, and so one must be committed to these structures even if he is mainly committed to individual values or goods (Mulhall & Swift, 1996, p. 126).

All this emphasizes the importance of the community and its goods, and therefore has an effect on the communitarian attitude towards privacy. Autonomy is no longer of ultimate importance, because not only autonomy is essential to one's identity. There are other aspects that are essential as well, of which the community one belongs to is one. Though privacy might still be important to safeguard the autonomy of individuals, the constitutive importance of the community in forming one's identity should not be neglected. So, in order for an individual to be able to develop his own identity through both autonomy and the constitutive attachments he assigns to his own conception of the good, his membership of a community and so forth, privacy should be accorded with less importance in comparison with the liberal position. This is so, because it is precisely the community and its values or goods that partly defines one's identity. To secure the constitution of one's identity, the community with its corresponding values or goods should be secured as well, and this leads privacy to be less significant.

Another difference which puts the liberal and communitarian position in opposition of each other follows from the notion of atomism as well, but concerns social relationships instead of one's identity. Though the liberal position might argue that privacy is necessary for establishing social relationships, it sees these relationships mainly, though not merely, as valuable because they can help to achieve one's own ends (Mulhall & Swift, 1996, p. 76). Communitarians go against this by saying that social relationships are valuable in themselves, that they are not just a means to the attainment of individual goods, but that individuals are embedded in them (Mulhall & Swift, 1996, p. 15; Taylor, 1989, p. 39). So, the value of social relationships results from "the sense in which the individual may understand her own identity

and interests to be constituted by her relations with others in ways that relate her more closely to the communities of which she is a member” (Mulhall & Swift, 1996, p. 15). Thus, both social relationships and the community are seen as constitutive of one’s identity. The communitarian view of social relationships relies on the conception of the person as well, because individuals are only able to develop and sustain constitutive attachments to social relationships if they are not antecedently individuated (Mulhall & Swift, 1996, p. 54).

But what does this say about the communitarian attitude towards privacy? Even if communitarians agree with the liberal position that privacy is a necessary condition for establishing relationships, it does not mean that privacy is as important for communitarians as it is for liberals. For liberals, privacy is accorded with great value because individuals should be autonomous in their choice of social relationships they want to establish and maintain. It is exactly this autonomy that leads privacy to be important, not the social relationships in themselves, since these have mainly an instrumental value for realizing autonomy. Here lies the difference with communitarians, because for them social relationships are valuable in themselves, because they provide constitutive attachments for one’s identity. Whereas privacy might be needed in order to establish different kind of social relationships, too much privacy will instead hinder the exact same relationships, because it will create room for individuals to use others solely as a means towards their own particular ends.

Central in the communitarian position stands the conception of the person as socially situated. The reasons to accord privacy with less importance than the liberal position can all be traced back to this conception of the person. Both the community and social relationships form constitutive elements of one’s identity. In order to make sure that one’s identity can be constituted in a proper way, both constitutive elements have to be safeguarded. Put otherwise, privacy can be limited not only for the sake of autonomy, but also for the protection of the community and social relationships.

Chapter 3. Problematic Assumptions of the Liberal Position

In the previous chapter it has been clarified what the two main positions exactly entail and now it is time to critically reflect on both positions, starting with the liberal position. This chapter deals with the assumptions of the liberal position that can be seen as problematic, and examines to what extent it is able to provide a solution for these possible problems. It consists of three sections, each representing one fundamental difference with the communitarian position and thus a possible problematic assumption. These differences are the nature of the self, the nature of society, and the nature of social relationships. Every section will address the problems that the liberal position is accused of, and whether or not the liberal position can solve these problems.

3.1. The Nature of the Self

As has already been explained in section 2.1, the liberal self is antecedently individuated, and according to the communitarian, this leads liberalism to build on the idea of a pre-social self, a solitary individual who is fully formed before he confronts society (Walzer, 1990, p. 20). The communitarian sees such a pre-social self as being unrealistic. As Walzer (1990) states, “there really cannot be individuals of this sort” (p. 20). A self that is incapable of having constitutive attachments is a self wholly without character, and without moral depth (Sandel, 1982, p. 179). For communitarians, the identity of the self as an autonomous, self-determining individual requires a social matrix. This argument has been set up by Taylor (1979), who states that to be an autonomous agent is an identity which men are not born with, but that they have to acquire through common practices and through the public recognition of individuality and the worth of autonomy (p. 56). This leads communitarians to conclude that the liberal nature of the self as so independent and isolated from history and social contexts is bound to fail (MacIntyre, 2007, p. 218). To what extent, then, can the liberal refute this problematic conclusion?

Though a liberal self does indeed have antecedent ends, this is not the only aspect of the nature of the self that matters to a liberal. First, it is essential that every self is publicly recognized as free and equal (Rawls, 1993, p. 202). The freedom of a liberal self is ensured by the fact that he has two moral powers, which are the capacity for a sense of justice and the capacity for a conception of the good (Rawls, 1993, p. 19). Whereas the communitarian position seems to focus on this second moral power, it is the first moral power that helps the liberal to overcome the idea that the liberal self is pre-social, for this moral power includes a certain extent of social embeddedness of liberal selves as members of a society. This moral power is explained by Rawls as “the capacity to understand, to apply, and to act from the public

conception of justice which characterizes the fair terms of social cooperation” and it “also expresses a willingness, if not the desire, to act in relation to others on terms that they also can publicly endorse” (Rawls, 1993, p. 19). So, liberal selves as free and equal persons all have, next to their own particular and antecedent ends, “a fundamental social interest in cooperating with one another on publicly justifiable terms that express their conception of themselves as free and equal” (Freeman, 1990, p. 143). Public reason thus has an underlying social nature because of the cooperative effort that is needed, and this is what in the first place leads to creating and sustaining the basic institutions of society. These determine the framework within which individuals are able to pursue their individual ends and to publicly justify these to others. Furthermore, this joint effort and collective decision in establishing social institutions of a certain kind is needed for individuals to enjoy full autonomy (Freeman, 1990, p. 155). To be able to reach a conception of the person as free and equal, a cooperative effort is required to ensure that the basic institutions of society are in accordance with the two moral powers that every liberal self possesses (Freeman, 1990, p. 155). Hence, this cooperative effort reflects the social embeddedness of liberal selves.

This means that the communitarian argument that the nature of the liberal self is pre-social, unrealistic, and bound to fail, can be refuted by the liberal at least to a great extent. Though the liberal self might be prior to his ends, the framework within which he is able to pursue these ends is established by a shared sense of justice, a shared desire for a background of just institutions, which can in turn only be set up through a cooperative effort. So, this social embeddedness of liberal selves is essential in order for them to be publicly recognized as free and equal. From this follows that the liberal does not deny, as Taylor argued, that it is important for liberal selves to be recognized as autonomous, and that it is at least in part this public recognition that furthers individual autonomy. The starting point of the liberal position is that the liberal self is autonomous in the sense that he has a capacity to choose his own conception of the good, but he becomes more autonomous by practicing his independent judgment throughout his life.

3.2. The Nature of Society

The liberal self reflects the fragmentation of a liberal society, in the sense that it is radically underdetermined and divided (Walzer, 1990, p. 21). This is the accusation that the communitarian view makes on the account of the liberal nature of society. It argues that the social unity of such a society can only be weak and vulnerable, when all groups or associations in society are precarious as well (Walzer, 1990, p. 16). This is so, because a liberal self enjoying

his rights in society has mainly to do with exit, since these rights are concretely expressed in separation, divorce, solitude, privacy, and others (Walzer, 1990, p. 8). A self maintains his freedom in social cooperation only because he is free to put an end to it, because it is a voluntary choice he is always free to withdraw. This is the communitarian criticism on the liberal nature of society. Now, let us see what the liberal response looks like.

When looking at the nature of society as the liberal himself sees it, it becomes clear that for Rawls a political society is not “united on one comprehensive religious, philosophical, or moral doctrine” (Rawls, 1993, p. 201). Instead, the starting point is that society is a system of cooperation for mutual advantage (Freeman, 1990, p. 140). Though this may lead communitarian critics to see the liberal society as consisting of distinct individuals who only cooperate when this is necessary to achieve their own particular ends, this is not what Rawls has in mind when he speaks of a society. Social unity can still be achieved, not through a comprehensive doctrine, but “as deriving from an overlapping consensus on a political conception of justice” (Rawls, 1993, p. 201). This means that the principles specified, the terms of cooperation, can be accepted by all, and this is necessary to sustain willing cooperation (Freeman, 1990, p. 131). This is an important final end that members of a society share, and many other ends must also be shared and realized through the political arrangements of the society (Rawls, 1993, p. 202). Therefore, the lacking of one comprehensive doctrine does not automatically lead society to be a mere aggregation of isolated selves. In contrast, citizens do share final ends and these lead to the realization of social goods, being “realized through citizens’ joint activity in mutual dependence on the appropriate actions being taken by others”, and in this way at least some degree of social unity is achieved (Rawls, 1993, p. 204).

Concerning the accusation that the expression of individual rights have more to with exit, because of the constant threat of individuals withdrawing from the existing forms of social cooperation, the liberal refutes this in the following manner. As pointed out, the terms of cooperation can be accepted by all, and the fact that each willingly commits himself to these terms decreases the likelihood that someone will later change his mind (Freeman, 1990, pp. 142-143). A liberal does not see society as radically divided, for the agreement reached is not necessarily a compromise among conflicting interests. Rather, it constitutes a “joint commitment to certain shared ends”, which each individual desires because this regulates his own pursuit of his own particular ends (Freeman, 1990, p. 143). Therefore, it can be seen as some sort of mutual reliance that leads to the achievement of shared ends. The point of the agreement is, then, “to die down the future, to keep the parties from later changing their minds

and deviating from the shared norms or purposes of the association” (Freeman, 1990, p. 143). Hence, it is a shared commitment that constitutes a sustainable cooperation, not a threat of exit.

So, both the accusation that only a weak social unity is possible within a liberal society, and the accusation that this social unity is constantly threatened by the possibility of exiting individuals are refuted by the liberal. This leaves the nature of society as the liberal defends it to be free from the communitarian criticisms advanced here.

3.3. The Nature of Social Relationships

For the liberal view, it is essential that social relationships and associations are based on the notion of voluntariness, because this reflects the freedom and autonomy every individual should have. It is this voluntariness that the communitarian position sees as problematic, because it claims that this can only be understood as the right of rupture or withdrawal (Walzer, 1990, p. 15). This is so, because individuals born into society will find themselves caught up in patterns of relationships from the start (Walzer, 1990, p. 10). This means that the liberal position can best be distinguished by the freedom to leave groups, instead of the freedom to form groups, according to the communitarian (Walzer, 1990, p. 15).

So, the liberal position is accused of making the mistake “to think that the existing patterns of association are entirely or even largely voluntary and contractual, that is, the product of will alone” (Walzer, 1990, p. 15). This stems from the communitarian idea that people are born with identities, and born with connections that are passed on and inherited instead of chosen (Walzer, 1990, p. 10). Think for example of parents and other family members. Next to the idea that not all our social relationships are voluntarist in character, communitarians argue as well that the nature of liberal social relationships is very unstable. This is precisely because of the voluntary character of these relationships, since a great voluntariness leads to an even greater easiness to withdraw from social relationships. The easier this right of withdrawal or rupture is expressed, the more unstable social relationships become (Walzer, 1990, p. 21). In what ways is the liberal position able to defend itself against this communitarian criticism?

Even though it would be hard to deny for the liberal that individuals are not born completely free of social relationships, he would still be able to hold the view that these are voluntary as well because the individual always has the choice to withdraw himself from the relationship. However, this does not entail that voluntary social relationships are unstable per se, according to the liberal. This can be closely linked to way in which the liberal sees society, as explained in the previous section. Social relationships are not merely individual choices, because they are established on a notion of reciprocity. Instead of pursuing individual

advantage, social relationships are a commitment for mutual advantage. So, all individuals engaged in a social relationship have reached some sort of agreement which implies that this social relationship is a “joint undertaking where each is held by the others to his decision”, and this ensures the perpetuity and irrevocability of such a relationship (Freeman, 1990, p. 145). It remains the choice of an individual whether or not he wants to engage in a social relationship, and by doing so he willingly imposes on himself certain constraints, as the others involved in the relationship do as well (Freeman, 1990, p. 144). This means that liberal social relationships are not necessarily unstable, and it is only when their nature changes so drastically that the persons involved would want to make use of their ‘right of rupture’.

Hence, the communitarian might be right in arguing that an individual cannot be born into society being completely free of social relationships. This does not form a problem for the liberal position, since it can still hold that even these inherited social relationships are voluntary in the sense that an individual can withdraw himself from them. It is this possibility of withdrawal, however, that leads the communitarian to see the liberal nature of social relationships as being necessarily unstable. Though it might be true that social relationships are unstable when they are thrust upon an individual, the liberal goes against the idea that all social relationships are unstable. This follows from the fact that individuals voluntarily choose to engage in certain kinds of social relationships, and they commit themselves to others that are involved as well. It is indeed the notion of voluntariness that ensures that social relationships can easily be sustained, if their nature remains what it was originally set up for.

Chapter 4. Problematic Assumptions of the Communitarian Position

The previous chapter addressed the problematic assumptions of the liberal position, and this chapter will proceed in the same manner, meaning that the communitarian position is critically reflected upon and the problematic assumptions that come with it are explained. Like the previous chapter, this one will be structured in the same way, and this means that the nature of the self will be addressed in the first section, followed by the nature of society in the second and the nature of social relationships in the third and last section. Each of these sections will look at the reasons why the communitarian point of view is problematic according to the liberal, and to what extent the communitarian is able to overcome these problems. So, this chapter addresses the question whether, and if so, to what extent, the communitarian position is subject to problems that it cannot overcome.

4.1. The Nature of the Self

The communitarian self is at bottom a creature of community (Walzer, 1990, p. 13). The liberal view sees this communitarian self, however, as radically socialized, one that can never confront society like the liberal self is able to do, because it is from the beginning already entangled in society (Walzer, 1990, p. 21). This dependence on society becomes problematic when this determines the communitarian self fully, and when this leaves no room for the self to be an individual self. So, the liberal argues that whatever role society and history has in forming a self, it is something of the past, and that one has the capacity to be an autonomous being precisely because this constitutive role of society is in the past (Taylor, 1979, p. 57).

The communitarian tries to refute this by stressing that though a self's identity is to some extent shaped by the social context, it is still in some ways open and subject to revision (Sandel, 1982, p. 180). It is thus not wholly defined by history and social context, and there is always room for a self to innovate. It can always develop an original way of understanding itself and human life, but it remains true for the communitarian that this innovation of a self can only take place from its constitutive attachments, such as history and membership (Taylor, 1989, pp. 35-36). This is so, because the self is closely intertwined with its history, and the society he is born into. The fact that a self is being caught up in relationships and communities from the moment that he is born, is what makes the self a person of a certain sort and thus what constitutes his identity to a certain extent (Walzer, 1990, p. 10). A self is a social being, and a historical product as well (Walzer, 1990, p. 15). This idea has been defended by MacIntyre (2007) as well, for he claims that a self is always born with a past, and therefore he is in part what he inherits (p. 221). The communitarian self is essentially a story-telling animal, and in order to be able to possess

a unity of its narrative, it cannot be cut loose from its past, since it is exactly his specific past that gives meaning to his own character. Therefore, the historical identity and the social identity of a self coincide (MacIntyre, 2007, p. 221).

Clearly, the communitarian adopts a wholly different nature of the self than the liberal position, which criticizes the communitarian nature of the self for being too radically socialized. Though it is indeed true according to the communitarian position that the self is born with a past that to a certain extent defines him, this is not what defines him fully. There remains some room for a self to further develop his own identity, apart from his defining past. However, the communitarian self cannot be cut loose from its past and this undermines his autonomy in the sense that he is not fully capable of choosing his own conception of the good, precisely because he is in part constituted by what he inherits. So, the communitarian nature of the self is subject to a liberal criticism that it cannot fully overcome here.

4.2. The Nature of Society

The communitarian view sees society as being important in a constitutive sense for the individuals inhabiting it. However, the liberal argues that it is not necessary to accord such constitutive importance to society, when it can already be well-ordered by an overlapping conception of justice. Moreover, according to the liberal, the view of a community as a society united on the same comprehensive doctrine should be abandoned because this is incompatible with the notion of reasonable pluralism (Rawls, 1993, p. 146). This notion holds that there is a diversity of reasonable comprehensive doctrines in a society, and thus clearly stands at odds with a society based on only one such doctrine (Rawls, 1993, p. 36). So, the idea that social unity is derived from a comprehensive conception of the good is rejected by liberalism, because “it leads to the systematic denial of basic liberties and may allow the oppressive use of the government’s monopoly of (legal) force” (Rawls, 1993, p. 146).

The communitarian view, however, emphasizes that a strong social union is necessary to overcome all differences of interest, and that such a union draws its strength from history, culture, religion, and so on (Walzer, 1984, p. 208). For this, a certain sort of state is needed, and more specifically, the state should be deliberately non-neutral (Walzer, 1990, p. 16). When such a state is established and a strong social union achieved, it is no longer possible for a society to consist of strangers, or atomized individuals, but instead consists of members that owe to one another things that they owe to no one else in the same degree (Walzer, 1984, p. 200). Membership becomes in this manner a binding feature of society, and without a distinction between members and strangers, or without binding ties, there cannot be a community (Walzer,

1990, p. 15). Furthermore, the members of society perceive their identity to be defined at least partly by the community of which they are member. So, as Sandel (1982) states, “community describes not just what they have as fellow citizens but also what they are, not a relationship they choose [...] but an attachment they discover, not merely an attribute but a constituent of their identity” (p.150).

The liberal, though, might still disagree with this communitarian nature of community, because as far as the liberal is concerned, differences in interest do not have to be overcome by a strong social union, since for this a too great role for the state is needed. Moreover, these differences in interest are partly what defines the society, and the state should be neutral in the sense that it should not promote certain conceptions of the good. So, a social union should not draw its strength from history, culture, religion, language, and so on, but rather from an overlapping consensus on a conception of justice. This leads reasonable pluralism to be safeguarded, and the communitarian position seems unable to come up with an answer to the liberal criticism that is convincing enough to overthrow it. Walzer even admits in some way that the nature of society as the liberal sees it is also capable of achieving a social union, as he states that “communal feeling and belief seem considerably more stable than we once thought they would be, and the proliferation of secondary association in liberal society is remarkable” (1990, p. 18).

4.3. The Nature of Social Relationships

The communitarian view holds the idea that social relationships can be constitutive of a self's identity, and this is why communitarians attach significant value to stable social relationships. However, this communitarian nature of social relationships goes much deeper than a liberal would agree to, for the most part because the notion of voluntariness is undermined in this communitarian view. This follows from the idea that not all social relationships are voluntarily chosen, in the sense that individuals are being born into relationships and that subsequent social relationships are sometimes merely the enactment of one's identity. For the liberal, this leads to an undesirable decrease of the individual's independence, because the liberal sees the individual as independently choosing his own ends, including his own social relationships.

Indeed, the communitarian view argues not only that individuals find themselves caught up in social relationships from the moment they are born into society, but also that many of their subsequent social relationships or associations are an expressive feature of their identity, and therefore not so much chosen, but enacted (Walzer, 1990, p. 15). Put otherwise, a self's identity is in part constituted by the social relationships he finds himself caught up in from the

beginning of his existence. A way to express his identity, then, is through his subsequent social relationships. Moreover, the communitarian would argue that social relationships as constitutive to one's identity might not only help him to explore his identity further, but also to seek his good (Sandel, 1982, p. 181). In other words, through social relationships individuals are able to get to know each other so well that they can help each other to seek one's good and to improve one's life.

This communitarian view of social relationships does not seem to provide a convincing answer for the liberal. Though a liberal might not necessarily disagree with the communitarian that social relationships can help an individual to further his own particular ends and to seek his good, it is the way in which this is achieved that the liberal cannot accept. The idea that one's self-image can partly be advanced by means of social relationships with others, because one might be able to reach a more richly-constituted self through deliberation than he would have independently been able to, does not do justice to the liberal notion of independence (Sandel, 1982, p. 181). An individual should seek his good by practicing his independent judgment, by making autonomous choices, and not through a dependence on how others see him. So, the communitarian provides a wholly different nature of social relationships that cannot be defended against the liberal criticism brought up here.

Chapter 5. The Most Convincing Position and an Argument for Privacy

Until now, both the liberal and the communitarian position have been explained and have been the subject of critical reflection. This chapter will judge which of the two positions has been most convincing. It might have already become clear from the previous two chapters that the liberal position was to a greater extent able to refute the communitarian criticism on the various assumptions that could be seen as problematic. So, the first section of this chapter consists of the reasons why the liberal position is indeed most convincing. The section that follows thereafter will go deeper into the subject of privacy and examine what conception of privacy follows from the underlying liberal visions that have been explained in the previous chapters. This provides us with a final stand towards privacy that is most convincing and thus should be defended.

5.1. The Liberal Position as Most Convincing

We have seen in section 1.1 that the liberal position essentially revolves around the notion of autonomy, and that this is of ultimate importance to this position. Everything that has been said in the previous sections about the liberal nature of the self, society and social relationships can be traced back to the central liberal principle of autonomy. So, let us quickly resume what the liberal position looks like in order to make clear what makes this position the most convincing.

Firstly, the liberal self is seen as prior to his ends, in the sense that his capacity to choose these ends is what truly matters about him. This capacity to choose reflects his autonomy, and the autonomy of a liberal self is thus prior to its chosen ends. Moreover, every self is assumed to have a sense of justice. This is shared among all selves and this leads in turn to a cooperative effort to set up just institutions, which are necessary for the freedom and equality of every self and thus to be autonomous in the first place. Secondly, this shared sense of justice is what leads to the social unity of society, for an overlapping consensus should be reached to determine the basic principles of society. This is an important final end of all members of society, but they also share other ends that can be reached through these basic principles. Thirdly, social relationships are voluntary in essence, and by engaging in social relationships one willingly imposes on himself certain constraints. They are, furthermore, not only voluntary, but also built upon a notion of reciprocity, meaning that they are commitments for mutual advantage. So, with this the liberal position has provided a comprehensive account of the nature of the self, society and social relationships. Why, then, is the liberal position more convincing than the communitarian?

This consideration can be based on the extent to which each position has proven to be able to overcome the various criticisms that were addressed in the previous two chapters. Whereas the liberal has provided a convincing answer to the communitarian criticisms regarding the nature of the self, the nature of society and the nature of social relationships, the communitarian could not refute the liberal criticism in a convincing manner on these three issues. The fundamental differences that exist between the liberal and communitarian position are best defended by the liberal position. Though the communitarian position has brought up some strong criticisms, which forced the liberal position to reassess its core ideas, it was still powerful enough to defeat these criticisms. The communitarian position, however, proved to be a critical interpreter of the liberal position, but still needs to work out its foundations in a more detailed way in order to be able to defend itself against the liberal position. So, since the liberal position was able to overcome the communitarian criticisms to a great extent, it can be judged to be the most convincing position. From the conceptions of the liberal position concerning the nature of self, society and social relationships follows, of course, a conception of privacy, to which we will now turn.

5.2. A Liberal Argument for Privacy

In section 1.1 it has already been explained that the arguments for privacy that come forth within the liberal position are based upon the ultimate importance of autonomy. This section will make an attempt to explain what the underlying visions of the liberal position regarding the nature of the self, society and social relationships mean for the conception of privacy.

The first argument for privacy concerns one's individuality, and stems from the liberal nature of the self. It has become clear that the preservation of autonomy is very important in this respect. Autonomy ensures that one has the capacity to choose his own conception of the good, and so it can be said that it is autonomy that forms the essence of one's identity. In this sense, respect for autonomy is essential, because this also means respect for a self's identity and thus for who he is. This principle of respect is what every individual deserves, and Benn (1984) believes that it is exactly this general principle that forms the ground for a general principle of privacy (p. 228). A right to privacy can be linked with the liberal conception of the person, which can be explained by saying that to "conceive someone as a person is to see him as actually or potentially a chooser, as one attempting to steer his own course through the world, adjusting his behaviour as his apperception of the world changes, and correcting course as he perceives his errors" (Benn, 1984, p. 229). This conception reflects the idea that every person

has a right to autonomy and gives rise to an obligation of respect that every person should have towards another, if he conceives him to be an autonomous chooser of his own life.

By grounding the principle of privacy upon this general principle of respect, it follows that privacy becomes more general, meaning that a violation of privacy can not only be objected when it inflicts harm, but also when no actual harm is done at all (Benn, 1984, p. 230). This is so, because any unwanted intrusion of privacy is to show disrespect for one's privacy in the first place, but even more importantly, it implies disrespect for one as a chooser as well, since his choice for privacy is not considered (Benn, 1984, p. 230). Hence, every person is worthy of respect on the account that he is an autonomous chooser, and from this follows that he is worthy of respect as well if he chooses to pursue his ends in a private manner (Benn, 1984, p. 243). In other words, respect for one's autonomy implies respect for one's privacy. Privacy is thus closely linked with the liberal conception of the person and has an important instrumental value in ensuring that persons are indeed capable of choosing their own way of life.

The second argument for privacy is derived from the liberal nature of society, where the two moral powers that every member of society has should be protected and recognized. Whereas the first moral power constitutes the social embeddedness of individuals as members of a society, it is the second moral power that is of particular relevance to privacy. Every individual has the "capacity to form, to revise, and rationally to pursue a conception of one's rational advantage or good" (Rawls, 1993, p. 19). This reflects the autonomy every individual has, and the value of privacy is implied in the sense that it helps individuals to express their autonomy. Within a society, there should be a realm of privacy where an individual can practice his autonomy without being the subject of evaluative judgment. So, although society is necessary for individuals to be publicly recognized as free and equal, the individual and the rights he has been accorded with still take priority over society.

The third argument for privacy follows from the liberal vision on social relationships, for which autonomy is relevant as well. Persons as autonomous beings should be free in choosing what kinds of social relationships they want to engage in with others, provided that they want to engage with them as well. Every social relationship, then, corresponds with a conception of how it is appropriate for the persons involved in the relationship to behave with each other, and a conception of the kind and degree of knowledge concerning one another which it is appropriate for them to have (Rachels, 1975, p. 328). Persons can freely choose whether or not they want to enter into social relationships, and in what kind of relationships they want to engage themselves in (Rachels, 1975, p. 331). So, the duties that come forth from certain relationships are of one's own choosing and not thrust upon him (Benn, 1984, p. 240). It is in

this sense that a person is an autonomous chooser of his social relationships. This autonomy reflects a person's privacy in the sense that he is able to control who has access to him, and who knows what about him, and this allows him to maintain a variety of social relationships that he desires (Rachels, 1975, p. 329).

From all this it has become clear that the liberal stance towards privacy follows from its underlying conceptions of the person, society and social relationships and that this leads the liberal to attach significant value to privacy. According to the liberal, privacy has an instrumental value for preserving the autonomy of individuals. The fact that privacy helps the liberal position to secure autonomy, makes it a very important notion within the liberal position. This implies that the liberal would certainly have good reasons to protect privacy and to make sure that individuals have a right to privacy, in order to ensure their autonomy. In other words, the individual and his rights, under which the right to privacy, take priority over the society.

Chapter 6. Conclusion

The aim of this thesis was to evaluate and explain whether, and if so, how, the right to privacy as an individual value can take priority over values of the community. I have tried to reach this aim by firstly setting out the philosophical privacy debate by focusing on the liberal and the communitarian position. From this followed that there were several fundamental differences to be found between these positions, which concerned the nature of the self, the nature of society and the nature of social relationships. These three fundamental differences have been addressed in chapter 3 and 4. In chapter 3, the liberal position was critically reflected upon, to see whether it was able to refute the criticisms brought up by the communitarian position in a convincing manner. In chapter 4, the same was done for the communitarian position. From these chapters it became clear that the liberal position was able to come up with a convincing answer to the communitarian criticisms, while the communitarian position did prove to be less capable of overcoming the liberal criticisms. So, in chapter 5 the liberal position was judged to be the most convincing, and from its underlying visions followed an argument for the significant value and importance of privacy. This showed that the right to privacy as an individual value does indeed take priority over the values of the community, based on the necessary existence of privacy for the liberal nature of the self, society and social relationships.

Of course, this thesis does not provide a complete and perfect view of the debate between liberals and communitarians and its implications for privacy. I can only hope to have set out the core of the debate in an adequate manner, insofar that it has been sufficient to serve the purpose of this thesis. There is much more to be said with regard to the liberal-communitarian debate, concerning the fundamental differences, the various criticisms and the way in which each position is able to respond to these criticisms. This thesis only partly demonstrates this complicated debate. Likewise, I think there is a lot more to say about the concept of privacy, and the argument that has been set up in this thesis can still be extended and become more detailed. Only a relatively small amount of literature on the subject of privacy has been included, and I realize that the argument would have been stronger if I would have been capable of gaining deeper knowledge of the concept of privacy itself.

However, I believe that at least the essence of the debate between liberals and communitarians has become clear, and that the most important arguments brought forward by both positions have not gone unnoticed. In this respect, this thesis has served its purpose by linking this debate to the concept of privacy in a clearly structured manner. So, I hope to have

demonstrated in a well-reasoned way what conception of privacy can be seen as most convincing and that this conception holds that privacy is truly important.

Since there is a lot more to be said on this particular subject, I would recommend others that are interested in this subject to look more closely at the foundations of both the liberal and the communitarian position. It has not been my intention to dismiss the communitarian position, as it might have seemed, and I still believe that this position is able to provide valuable insights to the privacy debate. Both the liberal and communitarian position have been widely represented in the philosophical literature, and it would be wise to focus on the elementary and fundamental works within the liberal and communitarian tradition. Moreover, I have already said that the argument for privacy in this thesis is far from complete, and further writings on this subject might focus on expanding the argument for privacy, to present it in a more comprehensive and convincing manner than has been done in this thesis. All in all, there remains much to be said, but I hope to have shown at least that the concept of privacy should not be underestimated, and that it certainly is an important must-have in our daily lives.

Bibliography

- Anastaplo, G. (1977). The public interest in privacy: On becoming and being human. *DePaul Law Review*, 26(4), 767-806.
- Benn, S. I. (1984). Privacy, freedom, and respect for persons. In F. D. Schoeman (Ed.), *Philosophical dimensions of privacy: An anthology* (pp. 223-244). Cambridge University Press.
- Bloustein, E. J. (1984). Privacy as an aspect of human dignity: An answer to Dean Prosser. In F. D. Schoeman (Ed.), *Philosophical dimensions of privacy: An anthology* (pp. 156-202). Cambridge University Press.
- DeCew, J. W. (1986). The scope of privacy in law and ethics. *Law and Philosophy*, 5, 145-173.
- Etzioni, A. (2000). *The limits of privacy*. New York: The Perseus Books Group.
- Freeman, S. (1990). Reason and agreement in social contract views. *Philosophy and Public Affairs*, 19(2), 122-157.
- Fried, C. (1984). Privacy: A moral analysis. In F. D. Schoeman, *Philosophical Dimensions of Privacy: An Anthology* (pp. 203-222). Cambridge University Press.
- Gavison, R. (1984). Privacy and the limits of law. In F. D. Schoeman (Ed.), *Philosophical dimensions of privacy: An anthology* (pp. 346-402). Cambridge University Press.
- Gerstein, R. S. (1984). Privacy and self-incrimination. In F. D. Schoeman (Ed.), *Philosophical dimensions of privacy: An anthology* (pp. 245-264). Cambridge University Press.
- Hosein, G. (2006). Privacy as freedom. In R. F. Jorgensen (Ed.), *Human Rights in the Global Information Society* (pp. 121-147). Mit Press Ltd.
- Introna, L. D. (1997). Privacy and the computer: Why we need privacy in the information society. *Metaphilosophy*, 28(3), 259-275.
- Johnson, J. L. (1989). Privacy and the judgment of others. *The Journal of Value Inquiry*, 23, 157-168.
- MacIntyre, A. (1984). The virtues, the unity of a human life, and the concept of a tradition. In M. J. Sandel (Ed.), *Liberalism and its critics* (pp. 125-148). New York University Press.
- MacIntyre, A. (2007). *After virtue: A study in moral theory* (3rd ed.). University of Notre Dame Press.
- Mulhall, S., & Swift, A. (1996). *Liberals and communitarians*. Blackwell Publishers.
- Nock, S. L. (1998). Too much privacy? *Journal of Family Issues*, 19(1), 101-118.
- Rachels, J. (1975). Why privacy is important. *Philosophy and Public Affairs* 4(4), 323-333.
- Rawls, J. (1993). *Political liberalism*. Columbia University Press.
- Reiman, J. H. (1984). Privacy, intimacy, and personhood. In F. D. Schoeman (Ed.), *Philosophical dimensions of privacy: An anthology* (pp. 300-316). Cambridge University Press.
- Sandel, M. J. (1982). *Liberalism and the limits of justice*. Cambridge University Press.
- Swift, A. (2014). *Political philosophy* (3rd ed.). Polity Press.
- Taylor, C. (1979). Atomism. In A. Kontos (Ed.), *Powers, possessions and freedom: Essays in honour of C. B. Macpherson* (pp. 39-61). University of Toronto Press.
- Taylor, C. (1989). *Sources of the self: The making of the modern identity*. Harvard University Press.

- Walzer, M. (1984). Welfare, membership and need. In M. J. Sandel (Ed.), *Liberalism and its critics* (pp. 200-218). New York University Press.
- Walzer, M. (1990). The communitarian critique of liberalism. *Political Theory*, 18(1), 6-23.
- Warren, S. D., & Brandeis, L. D. (1890). The right to privacy. *Harvard Law Review* 4(5), 193-220.
- Westin, A. F. (2003). Social and political dimensions of privacy. *Journal of Social Issues* 59(2), 431-453.