

PRIVACY, SECRECY, FACT, AND FALSEHOOD

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ABSTRACT: Deploying distinctions between ignorance of a proposition and ignorance that it is true, and between knowledge of a proposition and knowledge that it is true, I distinguish between propositional privacy and factive privacy. While the latter is limited to personal facts, the former encompasses personal falsehoods as well. I argue that propositional privacy is both broader and deeper than factive privacy, and accordingly that conceiving of the nature of privacy in terms of propositional privacy has important advantages over conceiving of it solely in terms of factive privacy. I draw similar lessons with regard to secrecy.

I. INTRODUCTION

In an information age where matters of privacy and secrecy loom increasingly large, understanding their nature and scope has never been more important. It is evident that privacy and secrecy concern facts, personal facts in particular.ⁱ But are they limited to such facts? Might they not also concern falsehoods as well?

Consider first privacy, and more specifically the thesis that it is exclusively *factive* in being limited to personal facts. Let's call this, for ease of reference, *the exclusive thesis*. In this journal, David Matheson (2007) has deftly distinguished between four main conceptions of factive privacy or what he terms *informational privacy*.ⁱⁱ Each of these conceptions characterizes factive privacy in terms of someone's ignorance (or inability to know) that personal propositions about someone else are true and thus facts.ⁱⁱⁱ

In this article, I shall not argue for or against any of these as conceptions of *factive* privacy, remaining neutral on their respective merits as conceptions thereof. I shall argue rather that privacy is not limited to personal facts, and so is not exclusively factive. That is, while recognizing factive privacy as *a* kind of privacy, I shall argue that there is another I call *propositional privacy* that encompasses false personal propositions as well as true ones. Alternatively put, I shall argue that privacy is a genus inclusive not only of factive privacy as a species, but of propositional privacy as another species as well.^{iv} Let's call this thesis, for ease of reference, *the inclusive thesis*.

I shall argue in this connection that the inclusive thesis provides a broader and deeper account of the nature of privacy than does the exclusive thesis, broader in encompassing privacy issues that extend beyond what is encompassed by factive

privacy, and deeper in capturing a more complete privacy than addressed by factive privacy. I shall subsequently draw similar lessons with regard to secrecy.

My plan is as follows. In section II, I distinguish between ignorance **of** a proposition and ignorance **that** a proposition is true, and between knowledge **of** a proposition and knowledge **that** it is true. I deploy these distinctions in distinguishing propositional privacy from factive privacy. In section III, I argue that the inclusive thesis provides a broader and deeper account of privacy than offered by the exclusive thesis. I draw similar lessons with regard to secrecy in section IV, respond to some relevant objections in section V, and conclude in section VI. To be noted is that my primary aim will be to address the *nature* of privacy and secrecy, and not moral and legal questions concerning them.^v

II. IGNORANCE AND KNOWLEDGE OF p AND THAT p , AND THE DISTINCTION BETWEEN PROPOSITIONAL AND FACTIVE PRIVACY

Propositions have truth-conditions, and we can distinguish between these truth-conditions themselves and their satisfaction. Propositions are true if their truth-conditions are satisfied, and false if not. With this in mind, consider the following three propositions:

p_1 – The Dead Sea is saltier than the Red Sea.

p_2 – An aluminum atom has 12 protons.

p_3 – Every even integer greater than 2 can be expressed as the sum of two primes.

As it happens, p_1 is true, p_2 is false (an aluminum atom has 13 protons), and p_3 is either true or false but we do not know which.^{vi}

One can believe that a proposition's truth-conditions are satisfied, however, only if one is not ignorant of the proposition itself and its concomitant truth-conditions. Take for instance Cleopatra and the following propositions, the first of which is true and the other false:

p_4 – Japan won the 2011 FIFA Women's World Cup.

p_5 – The United States won the 2011 FIFA Women's World Cup.

The last queen of Egypt was in no position to have any propositional attitude at all with regard to p_4 and p_5 , including that of believing or doubting them. Through no fault of her own of course, she was ignorant not just that p_4 's truth-conditions are satisfied and p_5 's truth-conditions are not, but in the even deeper sense of being ignorant of p_4 and p_5 themselves and their respective truth-conditions. She was in a state of ignorance of these propositions and their concomitant truth-conditions.

Notice that ignorance of propositions is not restricted to true propositions, for one can be ignorant of false ones as well. Notice too that one is in a state of ignorance of a proposition when one lacks the conceptual wherewithal to even consider it. This was the case with Cleopatra relative to p_4 and p_5 . But one is also in a state of ignorance of a proposition when, despite one's having the conceptual wherewithal for doing so, one has not deployed the concepts requisite for having an attitude relative to the proposition. Take for example the following true proposition:

p_6 – Before the Battle of Actium, Quintus Dellius divulged Marc Anthony’s battle plans to Octavian.

Prior to this historic clash, Cleopatra presumably had the conceptual wherewithal requisite for having an attitude relative to this proposition; suppose, however, that she had not deployed this wherewithal in such a way as to have one. If so, she was then ignorant of p_6 .

We can thus distinguish between what we may call “preconceptual” and “postconceptual” ignorance of a proposition: one is in a state of preconceptual ignorance of a proposition when one lacks the conceptual wherewithal requisite for having an attitude relative to it, whereas one is in a state of postconceptual ignorance of a proposition when, though having this conceptual wherewithal, one has not deployed it.^{vii} Whether preconceptual or postconceptual, ignorance of a proposition precludes believing it (as well as other attitudes such as doubting it, speculating about it, or entertaining it).

What is the complement or opposite of ignorance of a proposition? Notice that non-ignorance of a proposition is not restricted to true propositions, nor does it require belief, nor what we may call the “+ condition”—that is, whatever else is required for true belief to be knowledge that something is the case. The restriction to true propositions does not apply, for even though one can be non-ignorant of true propositions (*e.g.*, I am not ignorant of p_1), one can also be non-ignorant of false ones (*e.g.*, I am not ignorant of p_2). The belief restriction does not apply either, for one can be non-ignorant of

propositions one does not believe (*e.g.*, I am not ignorant of p_3 even though I do not believe it). And since the belief restriction does not apply, the + condition is irrelevant.

While it is natural to take the complement of ignorance to be a kind of knowledge, what kind of knowledge is it? In light of the reasoning above and the traditional three-fold distinction between (i) knowledge **that** p , (ii) knowledge **how** to A (where A is some activity or procedure), and (iii) knowledge **of** (or acquaintance with) x where x is some person or entity, we can conclude that the complement of ignorance of a proposition is not (i). This leaves us with (ii) and (iii). It seems implausible for the complement of ignorance of a proposition to be a form of know-how as in (ii), so this leaves us with (iii): the complement of ignorance of a proposition is best understood as acquaintance with or knowledge of an entity, where the entity in question is a proposition—a knowledge that should not be confused with knowledge that p (*i.e.*, knowledge that a proposition is true).^{viii}

We can thus distinguish between knowledge **that** p and knowledge **of** p , and between ignorance **that** p and ignorance **of** p . Knowledge **of** p does not have the necessary conditions of knowledge **that** p as the latter is understood on what we may call “the Standard Conception of Knowledge,” namely: believing that p , p ’s being true, and satisfaction of the + condition. Knowledge that p entails knowledge of p , but knowledge of p does not entail knowledge that p . Ignorance of p does not have the sufficient conditions of ignorance that p as understood on what we may call “the Standard Conception of Ignorance,” namely: not believing that p , or p ’s not being true, or failure to satisfy the + condition.^{ix} Ignorance of p entails ignorance that p , but ignorance that p does not entail ignorance of p .

In light of our distinctions between ignorance that p and ignorance of p , and between knowledge that p and knowledge of p , we are now in a position to distinguish propositional privacy from factive privacy. Suppose that p is the personal proposition that S carries the BRCA₁ and BRCA₂ genes predisposing S to a higher than normal likelihood of developing breast cancer. S has propositional privacy relative to me and to p as a function of my ignorance (or inability to know) **of** p , whereas S has factive privacy relative to me and to p as a function of my ignorance (or inability to know) **that** p is true. More generally, a person's propositional privacy *modulo* a personal proposition p is a function of other people's ignorance (or inability to know) **of** p , whereas a person's factive privacy *modulo* p is a function of their ignorance (or inability to know) **that** p is true.^x

IV. BROADER AND DEEPER PRIVACY

Having distinguished propositional from factive privacy, I will now show how propositional privacy is both broader and deeper than factive privacy.

A. A Broader Privacy

Propositional privacy's greater breadth can be seen by how it encompasses privacy issues not encompassed by factive privacy given the latter's limitation to personal facts. I will argue for this greater breadth—one that redounds to the advantage of the inclusive over the exclusive thesis—by way of eight arguments: an argument from usage, an argument from false light privacy tort, an argument from fantasy, an argument from falsehood in family narrative, an argument from reticence about falsehood, an argument from medical test failure rates, an argument from Big Data, and an argument from neuroimaging.

1. *An Argument from Usage*. Consider the following seven quotations (the bolding in which is mine):

The Court of Appeals elaborated on the policy aspect as follows: It is true that if a tippee has no remedy against an insider's **private falsehoods**, little deterrent against such conduct will exist; the insider will have free rein (Matthews 1977: 612).

Everywhere let the common water of God have the glory, not the **private falsehoods** of men (Augustine 2007: 512).

I do not find Joab other than firm and loyal to David, in the midst of all his **private falsehoods** (Hall 1808: 408).

We distinguish between **private falsehood** and public falsehood (Kantor 2002: 87).

Public assembly can transform private truth into public falsehood in the case of subversion, or can transform **private falsehood** to public truth in the case of one-sided discipline or mutual discipline (Elster 1998: 89).

If you're lucky, and you could be, you sustain it by the right work, by your responses to works of art, by loyalty to your friends, by a refusal to be caught up in public or **private falsehoods** (Straub 2010: 140).

[T]hey would find themselves rationalizing untruths and psychologically adjusting to public and well as **private falsehoods** (Cottle 2001: 117).

Notice that, in each of these quotations, the expression 'private falsehood' is used in a manner that fully makes sense and in no way contravenes accepted usage. This is straightforwardly explainable if we maintain that privacy can encompass falsehoods as is the case with the inclusive thesis. By contrast, this usage is not straightforwardly explainable if we maintain that privacy is exclusively factive as on the exclusive thesis. If we accept the latter we have to find some way of explaining *away* these usages of 'private falsehood', and other things being equal, this gives us reason to prefer the inclusive thesis on which they can be explained rather explained away.

2. An Argument from False Light Privacy Tort.^{xi} Consider William Prosser's classic and highly influential article "Privacy" in which he argued that American privacy law comprises four distinct kinds of invasion of four distinct interests of the plaintiff.^{xii} The second and third of these torts are particularly relevant to our discussion of factive and propositional privacy:^{xiii}

(2) Public disclosure of embarrassing facts about the plaintiff.

(3) Publicity which places the plaintiff in a false light in the public eye.

We can naturally account for (2) in terms of factive privacy. (3) or false light privacy tort, however, is particularly interesting for the purposes of our discussion. As Prosser pointed out, it resembles the second insofar as disclosure or publicity is concerned, but the two differ in that one involves truths and the other falsehoods, one private facts and the other invention or fabrication (Ibid., 400). As Prosser also noted, while there has been some overlap between cases of false light privacy tort and cases of defamation, the former need not be defamatory and they “do go considerably beyond the narrow limits of defamation, and no doubt have succeeded in affording a needed remedy in a good many instances not covered by the other tort” (Ibid., 401).^{xiv}

Prosser gave numerous examples from American case law of false light privacy tort. These fall into three main forms: (a) false attribution to the plaintiff of some opinion or utterance^{xv}; (b) use of a plaintiff's picture to illustrate a book or an article with which he has no reasonable connection^{xvi}; and (c) false imputation of criminality.^{xvii}

Summing up how it has come to be understood in American tort law since Prosser's article, Statsky (2012: 375) characterizes false light privacy tort as false publicity about someone that would be considered highly offensive by a reasonable person. While not recognized by all American states and the subject of some controversy^{xviii}, it has been recognized as a tort by at least 29 states and the district of Columbia.^{xix}

If we accept the inclusive thesis, we have a theoretical basis for understanding how false light privacy tort can count as a possible privacy matter even though it concerns falsehoods. If, by contrast, we accept the exclusive thesis, we are automatically committed to rejecting false light privacy tort as a possible privacy matter precisely

because it concerns falsehoods. Given, however, the legal arguments and precedents that have motivated the establishment of this tort, it seems preferable to at least allow for this possibility, as opposed to peremptorily precluding it, and this gives us reason to prefer the inclusive over the exclusive thesis.

3. An Argument from Fantasy. The greater breadth of propositional privacy compared to factive privacy—and hence of the inclusive over the exclusive thesis—can also be seen by considering the thesis articulated by van den Haag (1971: 152) who argued that the publication of fantasies concerning someone should be considered an invasion of the latter’s privacy “when these are published and may appear to the unwary to convey actual information.”^{xx} While van den Haag wrote this well before the advent of the Internet, and focused on the publication in print of fantasies, his thesis is all the more relevant in this age of blogging and self-publishing on the web. As a case in point, imagine a student blogging about his fantasies about having sexual relations with a classmate in which blog he conveys lurid details (albeit imagined ones) that, while false, appear true to (say) other members of his class who read the blog. Has he not invaded his classmate’s privacy even though his blogged-about fantasies are false? On van den Haag’s intuition, he has.

In the previous example, it is the fantasizer who invades the privacy of someone fantasized about. Consider now another kind of example—one from Anita Allen (1988) predating the web—where it is the fantasizer who incurs a loss of privacy. Imagine a well-known literary figure who keeps a secret diary interweaving saucy facts and fantasy about her romantic life. Someone *S* illicitly gets his hands on the diary and, as a result of reading it, believes several fantastical entries to be true even though they are false. Even

aside from the invasion of *S*'s physical space, hasn't the diarist incurred a loss of privacy relative to these fantastical entries even though they are false?

The van den Haag and Allen intuitions that the classmate and the diarist have each incurred a loss of privacy is readily explained by the inclusive thesis given its recognition of propositional privacy encompassing falsehoods such as fantasies. Once more, by contrast, these intuitions have to be explained *away* on the exclusive thesis. And all things being equal, it's preferable to explain rather than explain away this intuition.

4. *An Argument from Falsehood in Family Narrative.*^{xxi} In the Allen example just considered, the diarist who putatively incurred a loss of privacy presumably knew that his or her fantasized entries were false. Consider however another kind of case wherein someone incurs a loss of privacy relative to a falsehood not known to be false by the person who incurs the loss. Imagine it is 1493 in Burgos, Castile. Jaime de Valladolid writes a family narrative that he intends to keep solely for his family's private use. In it, he relates what he takes to be facts about his family history. Unbeknownst to him, it contains an important and consequential falsehood: that the family is descended from Alfonso de Valladolid, the former Abner of Burgos, a learned Jewish physician who converted to Catholicism in 1321. In fact, however, the family is descended from another Alfonso de Valladolid who was not a *converso* but a Gentile. An acquaintance happens upon a passage in the narrative, reads about the family's putative *converso* ancestry, and reveals this to others.^{xxii} Has Jaime de Valladolid not incurred a loss of privacy when his acquaintance revealed this false proposition even if he and the acquaintance did not know it is false? The intuition that he has is again straightforwardly accounted for by the

inclusive thesis with its recognition of propositional privacy encompassing falsehoods. As before, by contrast, we are forced to explain this intuition *away* if we accept the exclusive thesis. And all things being equal, it's preferable to explain rather than explain away an intuition.

5. An Argument from Reticence about Falsehood. Consider now two examples in which someone knows that some personal proposition is false, but has an interest in keeping it private, a privacy lost when the proposition is divulged.

First, imagine a woman has had an abortion, an emotionally difficult event she is very reticent to talk about. During a medical appointment, her doctor asks her whether she has ever been pregnant, and she truthfully says that she has, but then falsely adds that she had a non-induced miscarriage which the doctor duly notes. Later while processing the woman's medical claim form, someone *S* sees that the doctor noted that she miscarried. *S* then divulges this personal proposition to others. Even though it is false, has not the woman incurred a loss of privacy through *S*'s divulgence of this proposition?

Second, imagine a deeply religious person, one very generous in terms of his anonymous charitable giving and also averse to having others know about his charity—so averse, in fact, that when filing his income taxes he claims a mere fraction of what he actually donated. Someone *S* working at the tax department notices how little the man reported in charitable donations, and divulges this personal proposition to others. Once again, even though it is false, has not the man incurred a loss of privacy through *S*'s divulgence of this proposition?

On the inclusive thesis, we have a straightforward explanation for the intuition that this woman and this man have each suffered a loss of privacy resulting from the divulgence of a false personal proposition; on the exclusive thesis, by contrast, we must resort once more to the much less satisfying recourse of explaining the intuition *away*.

6. *An Argument from Medical Test Failure Rates*. Medical tests have statistically measurable failure rates resulting in false positives (where a condition is falsely indicated to be present) and false negatives (where a condition is falsely indicated to be absent). With mammography, for instance, up to 70 to 80% of all positive mammograms do not, on biopsy, show any presence of cancer.^{xxiii} Imagine now a woman has had a mammogram that, though falsely positive, has not yet been revealed as such. While cleaning at the woman's house, a maid happens upon a statement of the test results, and understandably but erroneously concludes that the woman has breast cancer. Now consider the following two personal propositions:

p_7 – The woman's mammogram result is positive for breast cancer.

p_8 – The woman has breast cancer.

The first of these is true and the second false. If the maid were to disclose p_7 to others, the exclusive and the inclusive theses are in agreement that the woman would incur a loss of privacy by the maid's dissemination of this personal fact. But consider a scenario in which the maid were to disclose not p_7 but only p_8 to others. On the exclusive thesis, since p_8 is false, its dissemination by the maid would not count as a genuinely possible case in which the woman has incurred a loss of privacy, whereas the inclusive thesis

allows it to count in this way. If we are prepared to count this as a genuine possibility, we therefore have reason to prefer the inclusive over the exclusive thesis.

7. *An Argument from Big Data.* Given considerable decreases in the price of storing data, and substantial improvements in computing power and algorithms for processing vast amounts of data, businesses and governments increasingly monitor our online activity and electronic forms of communication in order to build profiles of us based on patterns and correlations. In the case of democratic governments, a key aim of such monitoring and profiling is (ostensibly at least) to thwart terrorism plots, in the case of autocratic governments it is to suppress challenges to the power of the rulers, and in the case of businesses it is to target and market goods and services to actual or potential customers. Of course, such monitoring and profiling raise privacy issues, but are these limited solely to personal facts?

One of the disturbing facts about the use of Big Data in monitoring and profiling us is the degree of error to which they are subject.^{xxiv} Consider three examples where we may sense that our privacy is being eroded by profiling and monitoring based on erroneous correlations and patterns.

First, most of us are familiar with how search engines such as Google monitor our online searches (and even e-mail accounts) via algorithms that predict what we are looking for, or what goods and services we may be interested in, and all this in order to target advertisements. Many of us certainly feel that our privacy is being eroded when the prediction turns out to be spot on. But take cases where the prediction turns out to be erroneous. Suppose that you are not pregnant, but have a pregnant acquaintance, and do some googling about pregnancy related issues. As a result, you find yourself the

target of advertisements predicated on the assumption that you are pregnant. Even though these advertisements are based on a false personal proposition, do you not have a sense that your privacy is being eroded as when they are based on a true personal proposition?

Second, take websites such as Spokeo that, for a subscription fee, make available considerable amounts of personal information about people such as the location of their house, its estimated worth, their presumed marital status, the names of their kids, and so on. Spokeo is increasingly used by prospective employers in screening job applicants, and by businesses in extending credit, among other things. Many of us certainly feel our privacy is being eroded by such websites when they make personal facts about us widely available for a fee. But do we not also have a sense that our privacy is being eroded when such websites list false personal propositions about us? For instance, I know a heterosexual married couple in which a woman has a name that Spokeo's algorithms presume is male. Spokeo lists them as a married couple of two males, a gay couple in effect.^{xxv} Even though this is a false personal proposition about them, it seems reasonable for this couple to feel that Spokeo's dissemination of this error erodes their privacy.^{xxvi}

Third, take the case of an atheist who abjures violence and terrorism. However, because of his Arabic name and country of origin, and faulty Big Data correlations and profiling based on them, he becomes listed on a national security database as a suspected terrorist. Has not his inclusion on this database, an inclusion based on the false proposition that he is a suspected terrorist, resulted in an erosion of his privacy

insofar as it is shared with various government security personnel, airline personnel and so on?^{xxvii}

On the inclusive thesis, because of its recognition that privacy can encompass false personal propositions, we can readily account for the sense that privacy has been eroded in all three examples above. Yet we must resort to the much less satisfying recourse of explaining this sense *away* if we accept the exclusive thesis.

8. An Argument from Neuroimaging. Though there is good reason to be skeptical about the accuracy of current neuroimaging techniques in revealing our mental states, consider the possibility that developments in such techniques will one day permit accurate detection at a distance of our thoughts.^{xxviii} This possibility obviously raises privacy issues, but are these solely limited to our thoughts *that are true*? Insofar as we recognize that the privacy issues raised by this possibility concern not just our true thoughts but our false ones as well, we have reason to prefer yet again the inclusive over the exclusive thesis.

B. A Deeper Privacy

In addressing how privacy can encompass falsehoods, I have argued that propositional privacy is broader than factive privacy, a breadth that redounds to the advantage of the inclusive over the exclusive thesis. Now I want to argue that it is deeper as well, another comparative advantage.

To see how this is so, recall my earlier distinction between preconceptual and postconceptual ignorance of a proposition: one is in a state of preconceptual ignorance of a proposition when one lacks the conceptual wherewithal requisite for having an attitude relative to it, whereas one is in a state of postconceptual ignorance of a

proposition when, although having this conceptual wherewithal, one has not deployed it. Given this difference in conceptual wherewithal, being in a state of preconceptual ignorance is more profound than being in a state of postconceptual ignorance of a proposition. This is because, while someone postconceptually ignorant of a proposition has not yet formed an attitude toward it, she is capable of doing so, whereas someone preconceptually ignorant of the proposition lacks the capacity to even form an attitude relative to it.

Whether preconceptual or postconceptual, ignorance of a proposition is incompatible with believing it (and with having any other attitude toward it), and insofar as believing a proposition is necessary for knowing that it is true, ignorance **of** a proposition is a sufficient condition for ignorance **that** it is true.

Recall also that, on the conception of propositional privacy developed and defended here, one enjoys propositional privacy relative to a personal proposition and relative to other persons as a function of their ignorance (or inability to know) **of** that proposition. By contrast, one enjoys factive privacy relative to a personal proposition and relative to other persons as a function of their ignorance (or inability to know) **that** it is true. Propositional privacy is accordingly a sufficient but not necessary condition for factive privacy, while factive privacy is neither necessary nor sufficient for propositional privacy.

We can now understand how the notion of propositional privacy can help us account for a particularly deep and complete kind of privacy—one that we cannot similarly account for with the notion of factive privacy—namely, a privacy that is a

function of preconceptual ignorance (or an inability to know) of personal propositions.^{xxix} Consider three examples in this regard:

First, in the fascinating episode “Clues” of *Star Trek/The Next Generation*, an extremely isolationist and xenophobic race of beings who call themselves “Paxans” is intent on preserving an extremely deep privacy: not only do they want to prevent other races from knowing facts about them, they also want to prevent non-Paxans from formulating any propositional attitudes (including speculation) concerning them, let alone true beliefs.^{xxx} Hence they go to extreme measures of deception to ensure their deep privacy.

Second, imagine (say) an Amazonian tribe that seeks a similar deep privacy: though not as technologically sophisticated as the science-fictional Paxans, they seek to avoid all contact with outsiders and do everything within their means, including covering up their tracks and campsites, to ensure that others are unable to form any propositional attitudes about them at all, let alone true ones.^{xxxi}

Third, imagine an extreme recluse intent on total seclusion and withdrawal from the world: he lives as a hermit on an isolated island, and avoids all contact with the outside world in order to ensure a deep privacy whereby others are unable to even formulate propositional attitudes about him, let alone true ones once again.^{xxxii}

Such examples illustrate a kind of deep and more complete privacy that goes beyond privacy conceptualized in terms of the inability to know (or being ignorant) that personal propositions about someone are true and thus facts. It involves ignorance of propositions whether or not they are true. Such deep privacy precludes others from having any propositional attitudes (whether in terms of belief, doubt or even

speculation) about oneself. Someone possessing such privacy is in a state of exclusion (whether intentionally or not) from the scope of possibilities that others may conceive, a state of exclusion deeper than the scope of the various personal facts about oneself. The notion of propositional privacy can account for such deep privacy in a way that the notion of factive privacy cannot; I therefore take this to be a comparative advantage of the inclusive over the exclusive thesis.

VI. SOME APPLICATIONS TO SECRECY

Having discussed privacy, let's briefly consider the interestingly related notion of secrecy. It should first be noted that whereas privacy is solely concerned with the personal, secrecy is not.^{xxxiii} That is, whereas privacy pertains only to facts or propositions about some person, secrecy can pertain to facts or propositions about some person and also about some suprapersonal entity such as a group, corporation, or government.

This difference noted, our distinctions between ignorance **of** a proposition and ignorance **that** a proposition is true, and between knowledge **of** a proposition and knowledge **that** it is true, have significant applications to the notion of secrecy. Just as we drew a distinction between propositional and factive privacy, we can draw a parallel distinction between factive and propositional secrecy. To wit: whereas factive secrecy is intentionally fostered ignorance **that** propositions pertaining to a person or suprapersonal entity are true (cf. Bok 1982), propositional secrecy is intentionally fostered ignorance **of** propositions pertaining to a person or suprapersonal entity.^{xxxiv} And similar to how propositional privacy is broader and deeper than factive privacy,

propositional secrecy is broader and deeper than factive secrecy. Let me offer some examples: the first kind indicative of this greater breadth, and the second of this greater depth.

A. A Broader Secrecy

Two examples can serve to indicate propositional secrecy's greater breadth compared to factive secrecy:

First, take the case of Elena Bonner who, in 1991 after the dissolution of the USSR, gained access to the secret files the KGB had kept on her father. In reading these files, she discovered that they contained various inaccuracies and fabrications. Although these were not facts—given their falsity, how could they be?—notice that they were still kept secret.^{xxxv}

Second, take the case of Berthold Wiesner who ran a fertility clinic in London in the 1940s. Instead of always using the semen provided by anonymous donors, he often substituted his own, thereby having some 600 babies conceived with his own semen.^{xxxvi} He falsely listed the babies as being conceived with the semen of these anonymous donors in files that were sealed and kept secret.

As these examples indicate, secrecy is not limited to facts, but can encompass falsehoods as well; the broader notion of propositional secrecy encompasses such falsehoods in a way that the narrower notion of factive secrecy does not.

B. A Deeper Secrecy

Two more examples will help to indicate how propositional secrecy is deeper than factive secrecy:

First, consider the *Ninjas* (“hidiers”) in pre-unification Japan who, as Buddhist Chinese refugees and Japanese converts persecuted by Shinto samurai, developed and honed techniques of *Ninjutsu* (literally the “hiding art” or “art of invisibility”).^{xxxvii} The goal of this art was to achieve a state of secrecy or concealment so deep that non-Ninjas would be kept in a state of ignorance whereby they were ideally incapable of even speculating about the Ninjas and their actions, let alone forming true propositional attitudes about them.

Second, consider the following imaginary case: you’re the director of the CIA, and your agency has created a new sophisticated surveillance device that you want to keep cloaked in the deepest secrecy possible. The deepest kind of secrecy for this device would go beyond intentionally fostered ignorance that propositions concerning it are true; it would be an intentionally fostered ignorance of any (even false) propositions concerning it, for the latter kind of ignorance would preclude others from having any propositional attitudes (even including speculation) about it.

As these examples indicate, the deepest kind of secrecy places the object of secrecy in a state of exclusion from the realm of possibilities that others may conceive. This is achieved most successfully when one is able to keep others in a state of preconceptual ignorance of propositions concerning the object of secrecy.^{xxxviii} This deep kind of secrecy is accounted for by the notion of propositional secrecy in a way that it is not by the notion of factive secrecy.^{xxxix}

VI. SOME OBJECTIONS AND REPLIES

Having argued for the inclusive over the exclusive thesis, and that propositional privacy and secrecy are both broader and deeper than factive privacy and secrecy, let me now offer replies to some relevant objections.

A. Objection

You deny the thesis that privacy is identical to factive privacy. In doing so, are you not committed to a disjunctive thesis according to which privacy is identical to factive privacy or propositional privacy? If so, doesn't your position fall prey to the objection that it renders privacy an insubstantial phenomenon and fails to sensibly explain why we used a common term/concept to apply to the disjunctive elements in the first place? As Matheson (2008: 108-9) points out with his telling example of "greenhairhomeness," disjunctive phenomena, where the disjunctive elements have nothing significant in common, are typically not substantial.^{xi}

Reply. Yes, I deny that privacy is identical to factive privacy, but I do so on the ground that privacy is a genus of which factive privacy is one species, and propositional privacy another.^{xli} Denying that a genus is identical to one of its species does not entail that one is left with a disjunctive thesis positing arbitrary disjunctive elements such as "greenhairhomeness." Consider for example someone who denies that persons are identical to men on the ground that the genus of personhood is inclusive of both men and women. It doesn't follow from denying that only men are persons that we are left with an account of personhood wherein the disjunctive elements are arbitrary thereby rendering personhood insubstantial. As I trust the objector would recognize, one can argue that there is a commonality between men and women in virtue of which they both

legitimately count as persons. Analogously, it doesn't follow from denying that privacy is exclusively factive that we are left with an account of privacy wherein the disjunctive elements are arbitrary thereby rendering privacy insubstantial. On the contrary, as I have argued above, propositional and factive privacy have the commonality that they are a function of ignorance or an inability to know, while differing as species on what this ignorance or inability to know consists in.

B. Objection

Your account of propositional privacy has implausible implications. Suppose, for instance, that Sam is merely daydreaming or speculating or engaging in wishful thinking about Pam concerning some personal matter. Sam's doing so involves entertaining or considering various personal propositions about her and therefore (on your view) knowledge of them. On your account of propositional privacy then, it follows that Sam's merely daydreaming or speculating or wishful thinking may result in a violation of Pam's privacy!

Reply: Not so fast. Questions concerning privacy rights need to be distinguished from questions concerning privacy's nature. In order to have one's privacy violated, one must be entitled to it; what I have argued for is an account of the nature of propositional privacy, not for an account of the right to such privacy. This account of the nature of propositional privacy does not entail that someone's merely daydreaming or speculating or wishful thinking about someone else violates that person's right to privacy. Of course, an account of privacy's nature is required for an account of privacy rights, but an account of the former need not (by itself) yield an account of the latter. So too incidentally for accounts of factive privacy.

C. Objection

Even if it's not a violation of a right to privacy, Sam's daydreaming or speculating or wishful thinking may still result in a *loss* of Pam's privacy on your view. Isn't that implausible?

Reply. Speculating, daydreaming, wishful thinking and other forms of merely entertaining propositions about someone can occur only if one is not ignorant of those propositions. For instance, Julius Caesar was in no position to speculate, daydream, engage in wishful thinking, or even entertain propositions concerning (say) Barack Obama being president of the USA. Knowledge of (acquaintance with) propositions is required in order to have attitudes involving them, a condition Julius Caesar did not meet relative to propositions concerning Barack Obama.

With regard now to Sam's daydreaming or speculating or engaging in wishful thinking about Pam, notice that his doing so generally requires his knowledge of propositions concerning her. So his doing so does not generally result in her loss of propositional privacy, for it was already lost if he was able to do so in the first place. To be sure, in the process of daydreaming or speculating or wishful thinking, it's possible to entertain propositions that one has never entertained before. Sam may for example draw inferences to propositions concerning Pam that he has never entertained before, and in that sense his speculating or daydreaming or wishful thinking in this way may result in a loss of Pam's propositional privacy.

But what is so implausible about that? Every time we make ourselves available to contact with others, or make ourselves publically accessible via some medium, we may risk losing propositional privacy insofar as others may formulate propositional attitudes

about us that they might not have had before. The loss of such privacy is presumably outweighed in most cases by the benefits we receive by interacting with others. Of course, someone who values propositional privacy of a very deep kind—recall my examples of the Paxans, the isolationist Amazonian tribe, and the extreme recluse—might think it outweighs the benefits of interacting with others; accordingly, they may opt to cut themselves off from such interaction in order to preserve their very deep privacy. But the latter point concerns the value of propositional privacy. Properly understood as to its nature, the loss of propositional privacy as a result of someone’s speculating or daydreaming or entertaining propositions about oneself is not implausible. It’s commonplace.

D. Objection

Take your example of the isolationist Amazonian tribe, and suppose it succeeds in remaining totally isolated. Suppose also that someone *S* has a daydream about a tribe that is amazingly similar to the real tribe despite the fact that neither *S* nor anyone else has had any contact with them. Has the real tribe lost privacy? Isn’t it intuitive to think that they have not?^{xlii}

Reply. Yes, it is intuitive to think that the tribe has not lost privacy in this case, but nothing in the account I have offered entails that it has, for nothing in it entails that having a daydream that is amazingly similar to the real tribe (with which no outsider has had any contact) suffices for acquiring knowledge of propositions about this tribe and hence suffices for its loss of (propositional) privacy.^{xliii} In fact, having some form of contact (whether direct or indirect) with others seems to be a necessary condition for a

loss of propositional privacy relative to them, and avoiding such contact helps guard against such loss.

E. Objection

Isn't referring to privacy in relation to falsehoods really a loose way of speaking? Strictly speaking, isn't privacy solely a matter of personal facts? As Dorothy Parker quipped: "I don't care what's written about me, so long as it's not true." Moreover, "[h]aving certain things said about you can be harmful regardless of whether they are true or false. However, as William Parent (1983, 269) notes, while having false claims made about you may constitute libel or slander, it does not necessarily constitute a loss of privacy."^{xliv}

Reply. This objection comprises a number of issues worth disentangling.

First, it begs the question against the account I have offered to presuppose that *strictly speaking* privacy is solely a matter of personal facts. As I have argued, recognizing propositional privacy gives us a way of understanding how privacy can be properly understood in relation to falsehoods, and that there are advantages to doing so.

Second, as for Parker's quip, while it may describe *her* attitude toward untruths written about her (assuming she was not being facetious as was her wont), it's quite a leap to suppose that we all don't care about untruths written or said about us. I certainly do. Don't you? In fact, the existence of, and recourse to, false light privacy tort and defamation laws—in existence even in Parker's time—indubitably show that many people *do* care intensely about untruths said or written about them.^{xlv} Moreover, with the ubiquity of the web, we live in a very different age from Parker's, an age where falsehoods said or written about us have a staying power and accessibility

unprecedented in world history, and this makes such falsehoods something we presumably *ought* to care about from a prudential point of view, although I shall not make that case here with my focus being on the nature of privacy.^{xlvi}

Third, I agree that certain things said about one can be harmful regardless of whether they are true or false. I also agree that some false claims made about one may constitute defamation in the form of libel or slander and do not *necessarily* constitute a loss of privacy. But nothing in the account of propositional privacy developed and defended here is inconsistent with such claims.

Fourth, since I have argued that the inclusive thesis provides a theoretical basis for understanding how false light privacy tort can count as a matter of privacy in a manner that is precluded by the exclusive thesis, one may therefore legitimately question how this tort differs from defamation. On this question, the United States Supreme Court's decision in *Time Inc. vs. Hill* is particularly relevant in that it identified two ways in which false light privacy tort differs from defamation: (i) a statement that is actionable under false light privacy tort need not be defamatory and could in fact be laudatory, and (ii) the primary harm that may be compensated in false light privacy tort is the mental distress caused by exposure to public view, as opposed to damage to reputation as in defamation.^{xlvii} Let me add that I acknowledge that false light privacy tort is a subject of debate in American law, and that there are legal scholars who argue (among other things) that it is duplicated by other torts and raises concerns about protection of free speech.^{xlviii} This is not the place to settle that debate; I just want to make a broader conceptual point, namely that given this debate, and the legal arguments and precedents in favor of the establishment of this tort, it is preferable to

allow for the *possibility* of false light privacy tort counting as a genuine matter of privacy. Since the inclusive thesis does so, whereas the exclusive thesis does not, there is reason to prefer the former over the latter.

F. Objection

Consider again the diarist example of Anita Allen's, an example that *prima facie* appears to support your case. Matheson (2007: 263-264), however, has answered this kind of case, and his points apply *mutatis mutandis* to your cases concerning the blogging student, falsehood in family narratives, reticence in falsehood, medical test failures, and Big Data. As Matheson points out, *S* will no doubt have acquired knowledge of personal facts and not just of falsehoods about the diarist. These may include facts concerning her style of diary writing, the sorts of thoughts (whether fact or fantasy) she entertains in her private moments, the private location in which she kept her diary, her furniture preferences, her taste in home décor, her housekeeping habits, and the like. Matheson contends that it is more than plausible to suppose that recognition of *S*'s acquisition of knowledge of such facts is what really grounds the intuition about the diarist's lost privacy.^{xlix}

Reply. Matheson may indeed be right that *S* has acquired such knowledge of the facts he lists. One could also add that *S* has invaded the diarist's physical space. Even granting all this however, it does not follow that the diarist has not *also* suffered a loss of privacy relative to the false propositions in her diary unless one begs the question in assuming that privacy only concerns facts and cannot concern falsehoods. Invoking the notion of propositional privacy allows us to explain the intuition elicited by cases like the diarist's lost privacy without the awkwardness of having to *explain it away* in terms

of the acquisition of knowledge of extraneous facts as we find ourselves forced to do when we restrict ourselves solely to the notion of factive privacy.¹

G. Objection

Suppose there is good reason to think that a lack of propositional privacy entails some lack of factive privacy. If so, then defenders of the exclusive thesis can account for the sorts of deep privacy interests addressed with your examples of the Paxans, the Amazonian tribe, and the extreme recluse. For these interests are really—even if indirectly—factive privacy interests: the individuals at least intuitively recognize that, if they lack (or lose) propositional privacy, they will lack (or lose) factive privacy. Moreover, there may indeed be good reason to think that a lack of propositional privacy entails some lack of factive privacy. For consider that you agree that in order for *A* to have privacy relative to *p* and to another individual *B*, *p* must be a personal proposition about *A* (even though you allow that *p* can be false). This condition in turn requires that *p* must contain a singular term or a definite description picking out *A* specifically (or even *A* herself) as a constituent. In addition, one might plausibly argue that the ability to grasp or entertain a proposition involving such a term for *A* (or *A* herself) as a constituent requires having some knowledge of true personal propositions about *A* (such as, at a minimum, the knowledge that the relevant term refers to *A*, or the knowledge that that's *A*). This would mean that, although *A*'s lacking propositional privacy relative to *B* and to *p* does not entail that *A* lacks factive privacy relative to *B* and to *p*, it does entail that *A* lacks factive privacy relative to *B* and (at least) some other personal proposition about her, *q*. Thus, generally, the lack of propositional privacy entails some lack of some factive privacy.^{li}

Reply. The objection in essence is that, since *A*'s lack of propositional privacy relative to *B* and to personal proposition *p* entails some lack of *A*'s factive privacy relative to *B* and to some other true personal proposition *q*, the deep privacy interests I discussed are really, even if indirectly, factive privacy interests accountable for in terms of the exclusive thesis. In response, the following points are in order.

First, it is indeed plausible to suppose that a personal proposition *p* about some individual *A* must contain a singular term or a definite description picking out *A* specifically (or even *A* herself) as a constituent. But notice that the objector goes on to presuppose a substantive thesis concerning *the ability to grasp or entertain* a personal proposition *p* about *A*, namely that doing so requires having knowledge of at least some other true personal proposition *q* about *A*, minimum examples of which the objector takes to be the knowledge that a relevant term refers to *A*, or the knowledge that that's *A*. Even putting aside the objector's shift here between knowledge **of** and knowledge **that**, this substantive thesis is open to challenge. For in virtue of what does one have knowledge of *q* in the first place? One certainly does not have innate knowledge of *q*. So if one has such knowledge, one must have acquired it. But how could one have done so if the very ability to grasp or entertain a personal proposition about *A*—and recall that *q* is a personal proposition about *A*—requires knowledge of at least some other true personal proposition about *A* such as *r*, and so on? A vicious regress looms.

Perhaps the objector's point here is that there is a basic kind of minimal personal proposition about *A*—such as <this term refers to *A*> or <that's *A*>—the members of which kind do not require knowledge of at least some other true personal proposition about *A* in order for us to grasp or entertain them. Now, on the account I have

developed and defended here of propositional privacy, *A*'s loss of such privacy relative to *B* and to personal proposition *p* is explained in terms of *B*'s acquiring knowledge (or an ability to know) **of** *p*. Suppose for the sake of argument that *B*'s grasping or entertaining personal proposition *p* about *A* requires knowledge **of** some minimal personal proposition *q* about *A* such as <this term refers to *A*> or <that's *A*>. Even supposing this, it does not follow that this knowledge **of** *q* is knowledge **that** *q* is true (even if *q* is true).^{lii} Accordingly, even if the objector is right that *B*'s grasping or entertaining a personal proposition *p* about *A* requires knowledge **of** some minimal personal proposition *q* about *A* such as <this term refers to *A*> or <that's *A*>, it simply does not follow that this in turn requires knowledge **that** *q* (is true), unless one conflates, or identifies in a question begging manner, knowledge **of** *q* with knowledge **that** *q* (is true).^{liii}

Thus, contrary to what the objector contends, I see no good reason to think that *A*'s lack of propositional privacy relative to *B* and to personal proposition *p* entails some lack of *A*'s factive privacy relative to *B* and to some other true personal proposition *q*. And since the objection does not show that the deep privacy interests I discussed are really, even if indirectly, factive privacy interests, this undercuts the objector's contention that they can be accounted for in terms of the exclusive thesis.

VII. CONCLUSION

As noted at the outset of this paper, understanding the nature of privacy and secrecy has never been more important. My central question has been whether privacy and secrecy concern personal falsehoods as well personal facts. In light of the reasons

given above, I conclude that they do, and that our understanding of privacy and secrecy is broadened and deepened by conceptualizing them, not just in terms of factive privacy and secrecy, but in terms of propositional privacy and secrecy as well. The distinctions between ignorance **of** p and ignorance **that** p , and between knowledge **of** p and knowledge **that** p , have allowed us to see how this is so. While my primary aim has been to offer an account of the *nature* of privacy and secrecy, and not to address moral and legal questions concerning them, I think that the terms on which such questions are debated can be significantly enriched by deploying the account developed and defended here. Showing this, however, will have to be a task for another time.^{liv}

ENDNOTES

ⁱ ‘Facts’ can mean (i) true propositions or (ii) states of affairs in virtue of which propositions are true. In this paper I shall use it in the sense of (i). Facts that are personal pertain to someone as an individual rather than as a member of the public, and can concern his or her states (whether mental or bodily), actions (whether mental or bodily), and possessions (whether tangible or intangible). See Matheson 2008.

ⁱⁱ An important debate in the philosophy of information, one quite germane to privacy and secrecy, turns on whether information must be true. On one side, there are those including Dretske 1981 and 1983, Grice 1989, Frické 1997, and Floridi 2011 who argue that it must. On the other side, those who argue that information need not be true (and so may be false) include Fox 1983, Fetzer 2004a and 2004b, Scarantino and Piccinini 2010, and Fallis 2011. Matheson 2007 characterizes what he calls *informational privacy*, and the four conceptions of it he distinguishes, in a way that presupposes that information must be true. Given the debate over the alethic nature of information, however, I think it preferable to use the term ‘factive’ instead.

ⁱⁱⁱ Matheson 2007 distinguishes them as follows. **1) The Control Theory (CT):** “An individual A has informational privacy relative to another individual B and to a personal fact f about A if and only if A controls whether B knows f ” (252). **2) The Limited Access Theory (LAT):** “An individual A has informational privacy relative to another individual B and to a personal fact f about A if and only if there are extraordinary limitations on B ’s ability to know f ” (253). **3) The Narrow Ignorance Theory**

(NIT): “An individual A has informational privacy relative to another individual B and to a personal fact f about A if and only if (1) f is undocumented and (2) B does not know f ” (253). **4) The Broad Ignorance Theory (BIT):** “An individual A has informational privacy relative to another individual B and to a personal fact f about A if and only if B does not know f ” (259). On Matheson’s classification, advocates of the CT include Westin 1967 and Fried 1968, of the LAT include Gavison 1980 and Allen 1988, and of the NIT include Parent 1983. Matheson himself advocates the BIT. An anonymous referee of this journal has pointed out to me that, in light of the distinctions I later draw between knowing **of** p and knowing **that** p (is true), Matheson’s expressions ‘ B knows f ’ and ‘ B does not know f ’ are ambiguous between knowing **of** f and knowing **that** f (is true). I think Matheson would disambiguate these in terms of the latter.

iv While my discussion will center on factive and propositional privacy, I do not deny that there are other kinds or species of privacy such as associational, decisional, physical, and proprietary privacy. See Allen 2007 for helpful discussion of differences between them. How these relate to, and whether they are reducible to, propositional and factive privacy is a topic I shall have to leave to another occasion.

v To be sure, I will address some legal issues such as false light privacy tort law, but my aim in doing so is to shed light on the nature of privacy, and not to engage in arguments concerning what is, or ought to be, moral and/or legal.

vi This is because p_3 (Goldbach’s conjecture) remains one of the oldest unsolved problems in number theory.

vii To be sure, one can be preconceptually ignorant relative to some propositions without being preconceptually ignorant relative to others, and one can be postconceptually ignorant relative to some propositions without being postconceptually ignorant relative to others.

viii It may in fact be a *sui generis* kind of knowledge. Such a question takes us into the nature of propositions and our relations to them, questions I cannot pursue here but which I pursue further in another paper.

ix For discussion of the Standard View of Ignorance, see Le Morvan 2013, 2012, 2011, 2010. For an alternative view, see Peels 2012, 2011, 2010.

x Accordingly, along the lines of the four accounts of factive privacy that Matheson 2007 distinguished, we can thus distinguish four parallel possible accounts of propositional privacy as follows: **1) The Control Theory of Propositional Privacy (CTPP):** An individual A has propositional privacy relative to another individual B and to a personal proposition p about A if and only if A controls whether B knows of p . **2) The Limited Access Theory of Propositional Privacy (LATPP):** An individual A has propositional privacy relative to another individual B and to a personal proposition p about A if and only if there are extraordinary limitations on B ’s ability to know of p . **3)**

The Narrow Ignorance Theory of Propositional Privacy (NITPP): An individual *A* has propositional privacy relative to another individual *B* and to a personal proposition *p* about *A* if and only if (1) *p* is undocumented and (2) *B* does not know of *p*.

4) The Broad Ignorance Theory of Propositional Privacy (BITPP): An individual *A* has propositional privacy relative to another individual *B* and to a personal proposition *p* about *A* if and only if *B* does not know of *p*. I shall remain neutral on which of these (if any) is the correct account of propositional privacy.

^{xi} For the purposes of this discussion, I shall focus on American tort law to illustrate my point.

^{xii} Under his influence, these were later codified in the American Law Institute's *Second Restatement of Torts* which summarizes American common law concerning torts.

^{xiii} The other two are: (1) Intrusion upon the plaintiff's seclusion or solitude, or into his private affairs; (4) Appropriation, for the defendant's advantage, of the plaintiff's name or likeness.

^{xiv} On a related point, see my discussion of Objection D in section VI.

^{xv} According to Prosser, the first such case occurred in 1816, when Lord Byron succeeded in prohibiting the circulation of a spurious and inferior poem attributed to him (*Ibid.*, 398). Fictitious testimonial used in advertising is another example, as in an Oregon case where the plaintiff's name was signed to a telegram sent to the governor urging political action that would have been illegal for the plaintiff, as a state employee, to advocate (*Ibid.*). Other more typical cases are spurious books and articles, or ideas expressed in them, purporting to come from the plaintiff, and the unauthorized use of a plaintiff's name "as a candidate for office, or to advertise for witnesses of an accident, or the entry of an actor, without his consent, in a popularity contest of an embarrassing kind" (*Ibid.*, 399).

^{xvi} Examples given by Prosser include when "the face of some quite innocent and unrelated citizen is employed to ornament an article on the cheating propensities of taxi drivers, the negligence of children, profane love, 'man hungry' women, juvenile delinquents, or the peddling of narcotics, there is an obvious innuendo that the article applies to him, which places him in a false light before the public, and is actionable" (*Ibid.*, 399).

^{xvii} Cases of this include where the plaintiff's name, photograph and fingerprints are included "in a public 'rogues' gallery' of convicted criminals, when he has not in fact been convicted of any crime," an element of false publicity that goes beyond the police privilege to make such a record for legitimate purposes pending trial or even after conviction (*Ibid.*).

^{xviii} See Lake 2009 on this matter.

^{xix} See Tannenbaum 2002.

^{xx} Jeroen de Ridder has pointed out to me (in correspondence) that not just any fantasy can count as invading privacy. To use an example of de Ridder's, suppose (a) someone were to write a story in which he figured as a hallucinogenic mushroom; such a story is so outlandish that it would not invade his privacy if published or circulated whereas (b) a story that got a lot of details right about his private life but also included horrific and false details about his personal life would invade his privacy. While de Ridder may indeed be right, note that van den Haag's qualification concerning the appearance of conveying to the unwary actual information accommodates de Ridder's distinction, for presumably (b) but not (a) would appear to the unwary to convey actual information.

^{xxi} I thank Philip Nickel for bringing to my attention the relevance to privacy of falsehoods in family narratives.

^{xxii} I have invented everything in this vignette save for the existence of Abner of Burgos, the Jewish physician who became a *converso* in 1321 under the name Alfonso de Valladolid. See Gitlitz 1996: 4-5.

^{xxiii} See Anderson et al. 2002: 587.

^{xxiv} For helpful discussions of this matter, see Andrews 2011 and Mayer-Shoenberger and Cukier 2013.

^{xxv} This example stems from an actual case of a couple I know, the names of whom I am not disclosing to protect their privacy.

^{xxvi} It is of course reasonable for the couple to have other non-privacy related concerns about the dissemination of this error as well; but just because they have these other concerns, it does not follow that they do not also have a privacy concern.

^{xxvii} Naturally, his erosion of privacy is not the only concern this man will have about being listed on this database; but just because he has these other concerns, it does not follow that he does not also have a privacy concern.

^{xxviii} For reasons to be skeptical of the accuracy of current neuroimaging techniques in revealing our mental states, see Satel and Lillienfeld (2013). For discussion of the important privacy issues raised by neuroimaging techniques, see Farahany (2012a, 2012b, 2012c) and Shen (2013).

^{xxix} The next deepest kind of privacy, deeper (that is) than factive privacy, is a privacy that is a function of postconceptual ignorance (or an inability to know) of personal propositions.

xxx I thank Kirk VanGilder and Barbara Stock for this example.

xxxii According to FUNAI, Brazil's National Indian Foundation, the Brazilian Amazon rainforest holds the world's largest concentration of isolated tribes—at least 70 as of 2014. As Pringle 2014 noted: “Many, if not most, have had at least fleeting contact with the outside world, particularly during Brazil's rubber boom in the late 19th and early 20th centuries, when rubber tappers made a practice of rounding up and enslaving indigenous tribespeople. After that, many populations fled to remote Amazon headwaters and cut off all contact with outsiders” (125).

xxxiii Captain Nemo, in Jules Verne's *Twenty Thousand Leagues Under the Sea*, approximates someone desiring such a deep privacy relative to those not aboard his submarine.

xxxiiii I thank Philip Nickel for emphasizing this point to me.

xxxiv In both cases this inducement is typically brought about by concealment or hiding.

xxxv See Bonner 1991.

xxxvi See Smith 2012.

xxxvii See Bell and Whaley 1991, especially pp. 6-7.

xxxviii Failing that, the next best option is to strive to keep others as much as possible in a state of postconceptual ignorance of propositions concerning the object of secrecy.

xxxix As Jeroen van den Hoven has helpfully pointed out to me in relation to this point, steganography is a deeper way of ensuring secrecy than cryptography. Steganography's objective is that messages be concealed in such a way that no one will suspect their existence, except for the sender and intended recipient; in effect, others will not be in a position to even formulate propositional attitudes (whether true or false) about these messages. Cryptography's objective, by contrast, is to encrypt messages so as to be decipherable only by the sender and intended recipient, and not by others. Whereas steganography aims to thwart attention, cryptography aims to thwart comprehension. Both of course can be combined.

xl I owe this objection to a referee of this journal; I have edited it slightly to fit with the flow of the paper.

xli Recall that I also leave open the possibility that there may be other species of privacy such as associational, decisional, physical, and proprietary privacy.

xlii I owe this objection to a referee of this journal; I have edited it slightly to fit with the flow of the paper.

xliii To fully answer this objection, however, takes us deep into the question of the knowledge and nature of propositions, issues I cannot address here while focusing on privacy but am addressing in another paper in progress.

xliv I owe this objection and two quotations to Fallis 2013: 163-164. Alvin Goldman made a similar objection to me in conversation.

xlv The rapidly growing industry known as “reputation-management”—as exemplified by companies such as Reputation.com—further shows how deeply people care about falsehoods said or written about them.

xlvi See Andrews 2011 on this score.

xlvii For helpful discussion of this matter, see Lasswell 1993 and Ray 2000. With regard to (i), Schwartz 1991 gives a number of useful examples including the following. A biographer fabricates stories of wartime heroism, false stories that a plaintiff may find highly offensive in showering him with unearned glory. In cases like this, the reputation of the plaintiff is not disparaged, but he is put in a distinctly awkward position of being bound to disappoint his associates as he approaches them with a reputation that he knows is undeserved. As an example of non-laudatory false light that differs from defamation, Schwartz 1991 mentions among others the case of *Jonap v. Silver*, 1 Conn. App. 550, 474 A.2d 800 (1984) in which the defendant falsely signed the plaintiff’s name to a letter sharply criticizing the policies of the FDA. The plaintiff recovered in false light but not in defamation.

xlviii See for instance Zimmermann 1989, Kelso 1992, and Osorio 2010.

xlix Matheson adds that if someone like *S* merely finds himself wishing that the rumored diary contained certain factual entries, and through wishful thinking ends up falsely believing that it does, it’s obvious that whatever else *S* is guilty of, he is not guilty of diminishing the diarist’s informational privacy. He claims that BIT has a good explanation of this, for it is clear that *S* has acquired no new knowledge of personal facts about the diarist, despite acquiring false or unjustified beliefs about her (2007, p. 264). Contra Matheson, it should be noted that *S*’s not being guilty of diminishing the diarist’s factive privacy is explainable not just on the BIT. See my responses to Objections B and C. Let me add this. Wishful thinking that *p* generally requires knowledge of *p* for it to occur in the first place; even if that knowledge is of a true proposition, this does not mean that it is knowledge that *p*. Knowing that *p*, (that is, knowing that *p*’s truth-conditions are satisfied) should not be confused with knowing of *p* (even if *p* is true).

^l In fairness to Matheson, Allen did not distinguish as I have between propositional and factive privacy, and his point is therefore more telling as a response to how Allen herself used the diarist example.

^{li} I owe this objection to a referee of this journal; I have edited it slightly to fit with the flow of the paper.

^{lii} As a general epistemic rule, for any proposition ϕ , knowledge **that** ϕ (is true) entails knowledge **of** ϕ , but knowledge **of** ϕ does not entail knowledge **that** ϕ (is true). I see no good reason for making an exception to this rule in the case of the minimal personal propositions the objector invokes.

^{liii} Moreover, even if we supposed that B 's grasping or entertaining a personal proposition p about A requires B 's knowledge **of** some minimal personal proposition q about A such as \langle this term refers to A \rangle or \langle that's A \rangle , and that this knowledge in turn requires B 's knowledge **that** \langle this term refers to A \rangle or \langle that's A \rangle are true, the objection mistakes the "directionality" of the privacy interests in question in the examples I discussed. Here is why: The Paxans, the Amazonian tribe, and the extreme recluse want to preserve their factive privacy in relation to even some minimal personal proposition q about themselves *because* they want to preserve their propositional privacy, a privacy in virtue of which others are not in a position to even (falsely or truly) speculate about them. The objection mistakes the directionality of the privacy interests in the examples by supposing that they want to preserve their propositional privacy *because* they want to preserve their factive privacy relative to at least some minimal personal proposition q . It's the other way around.

^{liv} I am very grateful to Katherine Le Morvan and to two anonymous referees of this journal for helpful comments and suggestions. A previous version of this paper was presented under the title "Privacy, Secrecy, and Ignorance" at the EPISTEME 2012 Conference at the Technological University of Delft in Delft, The Netherlands, June 7 - 11, 2012. I am very grateful to Philip Nickel, Dave Matheson, Rik Peels, Boaz Miller, Don Fallis, Klemens Kappel, Martijn Blaauw, Alvin Goldman, Jeroen de Ridder, Jeroen van den Hoven, and Sandy Goldberg for helpful comments and suggestions on that version of the paper.

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