information ethics:

the ethics of information privacy

PHIL 410, University of Oregon, Winter 2016

- street art near UK's GCHQ, attributed to Banksy

**Instructor:** Dr. Colin Koopman  
**Course Format:** Discussion-based Seminar  
**Course Level:** Advanced 400-level senior seminar  
**Meeting Time & Location:** Monday & Wednesday 4:00 to 5:50 in SCH250C  
**Instructor Office Hours:** Friday 4:00 to 5:50 (in SCH 250A)
Course Overview & Description:

**Short Description:**
What are the ethical stakes of emergent information technologies? Consider the newest devices currently buzzing away in our purses and backpacks (cell phones, fitbits, laptops, tablets, and all the complicated mini-computers inside that make these fun gadgets run). What concerns do these little devices raise about our being trackable to those who know how to mine this data? What issues do they manifest concerning our self-presentation when, between every class (or even in the middle of class), we instinctively reach for the device to post an update? At the most general level, this will be a class in technology ethics though more specifically it will be a course in information technology ethics and even more precisely than that we will focus specifically on the ethics of privacy for information technologies. Readings will focus on philosophical theories of information and of privacy. The emphasis will be on recent ‘contextualist’ models of privacy. Later in the course we will work to apply these models to historical and contemporary cases in which information privacy poses challenging ethical dilemmas ripe for the work of severe philosophical thought. Our primary authors will be Helen Nissenbaum, Daniel Solove, and Luciano Floridi – and along the way we will encounter a number of important 20th-century philosophers including John Dewey, Ludwig Wittgenstein, and Georg Henrik von Wright.

**Longer Description:**
Emerging informational socio-technologies are ushering in conditions for new ethical, political, and cultural forms and norms that we have yet to confront, and for which we lack conceptual resources. If we are willing to think of philosophy as the work of creating, fabricating, and testing conceptual resources, then we find ourselves in an interesting philosophical moment with respect to computational analytics, big data, the internet, networks, informatics, and other related sites of socio-technological emergence.

Broadly this is a course in ‘technology ethics.’ Since our focus will be on information technologies this will serve more precisely as a course in ‘information ethics.’ And since within that space our focus will be on critical issues concerning personal information surveillance, monitoring, tracking, aggregation, analysis, dissemination, and reproduction the course will most precisely be a course in ‘the ethics of information privacy’.

Confronted with such a subject matter, our philosophical work can hardly be canonical. We will press ourselves into service as philosophers and attempt to do philosophy in this course, which means (on at least one plausible interpretation) thinking experimentally about pressing cultural contests for which concepts have yet to stabilize. In this course, you should expect to learn about philosophy by way of doing philosophy.

This course will be structured as follows. We will begin in Unit I with basic readings in the field of the philosophy of information and information ethics. Our questions here will be: how do we define information, how do we conduct inquiry into the changing status of information, and why do such inquiries lead us into the domain of the ethics of information? After we are up to speed on these core questions, we will turn in Unit II to a more specific domain of inquiry. This year, our specific domain of focus will be issues of privacy, specifically personal information privacy. Our questions here will be: how do we define information privacy and how do we conduct inquiry into the changing shapes of information privacy? With this in hand, we will turn in Unit III to concrete analyses of historical and contemporary problems of information privacy ethics. We will use the models of privacy pluralism and privacy contextualism explored in Unit II of the course to conduct these inquiries.

Our primary authors in this course will be Helen Nissenbaum, Daniel Solove, and Luciano Floridi. Important 20th-century philosophers we will meet along the way include John Dewey, Ludwig Wittgenstein, Georg Henrik von Wright, and Ian Hacking.
# Course Reading & Seminar Schedule:

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<th>Date</th>
<th>Primary Assigned Reading</th>
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<td><strong>Introductory Session</strong></td>
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| M 1/4   | **Presentation of Course Syllabus + a Brief (Re)introduction to Ethics**  
John Markoff, “The Transhuman Condition” [in-class reading, if time] |
| W 1/6   | **Defining Information Analytically**  
Recommended: Floridi, *Ethics of Info*, chs. 1 & 11  
Recommended: Ian Hacking, “Five Parables” |
| M 1/11  | **Defining Information Historically**  
John Durham Peters: “Information: Notes Toward a Critical History”  
Recommended: Bernard Geoghegan: “The Historiographic Conceptualization of Information”  
Recommended: Bruce Clarke, “Information” in *Critical Terms for Media Studies*  
Recommended: N. Katherine Hayles, “Cybernetics” in *Critical Terms for Media Studies* |
| W 1/13  | **Assessing Information Ethically:**  
Jeroen van den Hoven, “The Use of Normative Theories in Computer Ethics”  
Recommended: Floridi, *Ethics of Information*, chs. 2 & 6 |
| M 1/18  | [No Class for MLK Day] |
| T 1/19  | **Special Session (with guest visitor Shannon Vallor from Santa Clara University):**  
Optional Lecture:  
Shannon Vallor (Santa Clara University & Vice Pres of Soc for Phil of Tech)  
12:00-12:50 Lecture, Knight Library Browsing, “Techno-morality”  
Required Seminar:  
Time TBD (prob. 2:30 or 3:00 for 1 or 2 hours TBD?), seminar with Shannon Vallor  
Shannon Vallor, Ch. 7 of *21st Century Virtue: Technology and the Future of Human Flourishing* |
| W 2/0  | **Introducing Privacy:**  
Raymond Wacks, *Privacy: A Very Short Introduction*, Intro, Ch. 2, & Ch. 5  
Recommended: Floridi, *Ethics of Info*, ch. 12 |
| M 1/25  | **Problems of Privacy:**  
Daniel Solove, *Understanding Privacy*, chs. 1 & 2  
Recommended: Anita Allen, “Privacy” from *Oxford Handbook of Practical Ethics* |
| W 1/27  | **Pluralizing & Pragmatizing Privacy** (option for a half session today 5p-6p due to Vallor session?):  
Daniel Solove, *Understanding Privacy*, chs. 3 & 4  
Recommended: Ludwig Wittgenstein, *Philosophical Investigations* selections (see handout)  
Recommended: John Dewey, *Logic: The Theory of Inquiry* selections (see handout & Ch. 6 of JD’s *Logic*) |
| M 2/1   | **Applying a Pluralistic Model of Privacy:**  
Daniel Solove, *Understanding Privacy*, ch. 5 (pp. 101-106 + choose 1 of the 4 sections) & ch. 6 |
| W 2/3   | **Problems of Privacy:**  
Helen Nissenbaum, *Privacy in Context*, Introduction & ch. 6 |
| M 2/8   | **Contextualizing Privacy:**  
Helen Nissenbaum, *Privacy in Context*, ch. 7  
Recommended: Georg Henrik von Wright, *Norm and Action*, Chapter V |
| W 2/10  | **Applying a Contextualist Model of Privacy:**  
Helen Nissenbaum, *Privacy in Context*, ch. 9 (pp. 186-191 & 221-230 + choose either 191-198 or 201-216) |
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<td>M 2/15</td>
<td>For the next seven sessions students (in groups or individually or both) will lead discussions by presenting a contextual analysis of some historical or contemporary privacy problem. Prior to your presentation your group must meet with me during office hours to discuss your topic, assigned reading, and presentation plan.</td>
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|   | **Historical concerns about information privacy violations:**  
   Example issue from 1890s era: Warren & Brandeis, “Right to Privacy” (1890)  
   Example issue from 1920s era: **Olmstead v. U.S.** (U.S. Sup Ct, 1928)  
   Example issue from 1930s era: **Social Security Act** (1935)  
   Example issue from 1940s era: George Orwell, **1984** (1949)  
   Example issue from 1960s era: Alan Westin, **Privacy and Freedom** (1967)  
|   | **Contemporary concerns about information privacy:**  
   Example contemporary issue: **USA Patriot Act**, §215  
   Example contemporary issue: EU ‘Right to be Forgotten’ (Art. 12, Dir. 95/46/EC)  
   Example contemporary issue: Google or Amazon databasing/analytics  
   Example contemporary issue: Drones as surveillance technologies  
   Example contemporary issue: Data breaches (such as a UO student records data breach)  |
| W 2/17 | Student presentations |
| M 2/22 | Student presentations |
| W 2/24 | Student presentations |
| M 2/29 | Student presentations |
| W 3/2 | Student presentations |
| M 3/7 | Student presentations (or an additional concluding session TBD based on student interests)  
**First Version of Final Papers due today at the beginning of class.** |
| M 3/7 | Conclusion: What have we learned? |
| W 3/9 | Conclusion Session |
| T 3/15 | **Final Version of Final Papers due via email today at 12:00 noon.** |

**Required and Recommended Texts:**

All required texts are available via the UO DuckStore. *(Note that you will need the Floridi text for our meeting on Wednesday of Week 1. If you order the book elsewhere and it does not arrive in time for you to prepare prior to that meeting, then this is your mistake, and is of course an unacceptable excuse for not doing the reading.)*

Required texts (other): other required articles will be available via our course website.
Recommended texts: other recommended texts will be available via our course website.

(Note that for any assigned required reading, you must bring a hardcopy in some form in to class. Reading PDFs off of your phone is not acceptable. If you strongly prefer to read PDFs off of your computer or tablet, please see me about this, and we can discuss.)

**Course Assessment & Required Student Work:**

To pass this course, you must achieve a passing grade in all of the following areas. If you pass each of these, then your overall grade will be determined by a weighted combination of your grade on each assignment, as indicated by the percentages below.

1) **Seminar Participation - 15%**
   a. You are expected to attend class and contribute to discussions. All our meetings will provide ample time for discussion. Students in this course should not expect to be able to passively attend our meetings and ‘soak up information’. Participation in this course means active involvement and engagement. This means that you need to come prepared to each meeting with questions, ideas, and provocations. That is the only way we will be able to successfully *do philosophy* in this course.

2) **Reading Questions Posted to Course Website - 5%**
   a. You must come to every class session with evidence of preparation for our meeting. By every class meeting day (so pretty much every Mon. or Wed.) at 2:00 (this is a firm deadline) you should post a question or comment to our course website pertaining to that session’s primary reading by our primary author. Your posts should be concise (one paragraph maximum—two sentences is ideal). Please start a new discussion thread if necessary (i.e., if by the time you post nobody else has started a new thread).

3) **In-Class Group Presentations - 30%**
   a. You will develop an in-class presentation from a slot you have chosen in the last few weeks of the class. You can present either individually or in a group (so long as all 7 of our sessions are covered by presenters).
   b. Presentations should be between 20 and 25 minutes in length. Please time yourself so that you do not go over. If you have more ideas you want to cover in that time than is feasible, consider making a handout with additional quotation and discussion.
   c. We will further discuss presentations as the course proceeds. For now, you should know that the basic idea will be to take an actual case of a privacy debate (historical or contemporary) and analyze that debate through the contextualist model offered by our authors in the previous week.

4) **Paper Topic Discussion Meeting - 5%**
   a. The majority of your grade in this course (or rather, exactly half of your grade) will be determined by a final research paper. There will be three stages to this paper. The first stage will be meeting with me (during my office hours) to discuss a preliminary paper topic. As the first version of your paper is due in Week 9, you should plan to meet with me to discuss a topic sometime around Weeks 6, 7 or 8. If need be, I will circulate signup sheets for office hour visits at that point.

5) **Research Paper, First Polished Version - 20%**
   a. You will write a short argumentative essay due near the end of the term at the date/time noted on the schedule above.
   b. The first version of your paper that you turn into me should not be a draft. It should be a finalized and polished paper.
   c. You are expected to develop your own essay topic, with the sole constraint being that the essay must address the subject matter and readings of the course.
   d. This version should be about 8-9 pages (or about 2500 words exclusive of notes and references). After I provide you with written comments on your paper, you will revise this essay and expand it into a longer final research essay due end of term.
6) Research Paper, Revised Final Version - 25%
   a. You will write a final research essay, which will be a revision of, improvement upon, and expansion upon your shorter argumentative essay from earlier in the term. This essay should engage with one both the assigned primary literature and relevant secondary literature.
   b. This should be about 10 pages in length (aim for about 3000 words exclusive of notes and references).
   c. This paper will be via email to me on the date/time listed on the schedule above.

Learning Outcomes:

1) Delineate some of the main approaches to the ethics of information technologies, with a special focus on the ethics of information privacy. Differentiate the main schools of thought, key authors, debates, terms, and method that constitute this field of focus.

2) Demonstrate critical thinking, reading, oral presentation, and writing skills through use of a broad range of research methods, including collaborative projects and scholarly essays that deal with primary and secondary sources in the literature and are written in an academic format.

3) Compare, contrast, and critique representative authors representative of various theoretical approaches to our topics.

4) Develop an understanding of the practices and histories at stake in the context of a crucial ethical and political issue facing contemporary society. Engage in a critical perspective that unsettles invited ways of thinking about these problems.