

What We Owe Past Selves¹

Forthcoming in *Journal of Applied Philosophy*. Please cite the published version

Abstract: Some say that we should respect the privacy of dead people. In this paper, I take this idea for granted and use it to motivate the stronger claim that we sometimes ought to respect the privacy of our past selves.

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Keywords: *Right to privacy; dead people; duties to self; personal identity; posthumous harm*

1. Introduction

Many believe in the existence of a moral right to privacy. Our having such a right may explain, for instance, why it is wrong reading in a diary against the will of its author or wrong to engage in certain forms of voyeurism.ⁱ In the relevant literature, we find several accounts of the interests that such a right is meant to protect. According to a prominent argument, it is our interest in having control of how we appear to others that explains why we have a right to privacy. As Marmor suggests, building on the work of Rachels and Fried, there is “*a general right to privacy grounded in people’s interest in having a reasonable measure of control over the ways in which they can present themselves (and what is theirs) to others.*”ⁱⁱ

¹ **Acknowledgements:** I thank Tom Douglas, Gabriel De Marco, Kasper Lippert-Rasmussen, Andreas Bengtson, and an audience at Aarhus University for helpful comments on earlier versions of this paper. Moreover, I thank two anonymous referees from this journal whose insightful comments contributed significantly to getting this paper into shape.

An intriguing thing about some of these accounts is that they do not only make sense of the idea that *currently living* people could be owed privacy. They can also make sense of the idea that people could retain privacy rights even though they no longer exist. That is, they provide us with a reason to care about (preserving) the privacy of dead people. Consider an example to make this point vivid. Suppose that Viola has put significant effort into curating and keeping secret a personal diary. It seems plausible that should Steve read Viola's diary without her consent, he would be wronging her by violating her (right to) privacy. Here's the key insight: The judgment that Steve is wronging Viola doesn't seem to rest upon Viola being alive at the time at which Steve reads her diary. To see this, imagine a similar example but we introduce the difference that Viola passed away just two days before Steve read her diary. There is the lingering intuition that Steve would be wronging Viola regardless.ⁱⁱⁱ One thing we might be inclined to infer from this is that privacy rights - and the correlative possibility of privacy wrongings - could persist even after the death of the rights-bearer.

The claim that we can owe dead people privacy as a matter of moral right will play a central role in my argument, but my aim is not to defend it. Instead, I aim to explore its significance to the further thought that we may owe privacy-related duties to *past selves*. One way to think about this is that over the course of an ordinary life, people may be said to inhabit different selves with different goals and priorities at different points in time. If there could possibly exist genuine moral conflict between such selves - a view I shall motivate below - one of the things at stake might be privacy.

Consider the following example. Suppose that my life is made up of two selves: 'Old Me' and 'Young Me'. And suppose that while Young Me had an intense preference for privacy just like Viola in the previous example (they'd wish their diary was never read by anyone), Old Me wants it differently (they'd prefer everyone to know about their past).

According to the conclusion of the argument I present, Old Me may owe Young Me to respect their privacy. I argue for this conclusion from analogy using the case of the privacy of the dead: *If we judge that Viola would be owed privacy even after her death and allow that past selves can be a unit of moral concern, we should think too that Young Me should be owed a structurally similar concern from Old me.*

Why care about this result? *First*, I take the conclusion to be rather surprising as I suspect few have paused, wondered, and then decided to let them guide by what their past selves might have wanted on matters of privacy. *Second*, from the perspective of the privacy literature, few have suggested that we may owe ourselves privacy and nobody has considered if this may extend to past selves. A Case in point is Allen's view.^{iv} She says that if I disclose sensitive information about myself *now*, this may hurt me *now* or *in the future*, and therefore we may have duties to be "*safeguarding our own privacy so as to protect ourselves from the reputational, financial, or other harm that occurs when we live in the public eye or when our enemies or our well-meaning friends use otherwise secret information against us*".

But Allen overlooks the case of past selves. As she sums up her view, "*the duty to protect one's own privacy is akin to a duty to promote the happiness, autonomy, and character of one's current and future self*".^{vi} I suggest that this picture is incomplete. Third, the paper contributes to the more general question of what may follow if we admit the existence of duties to self and I hope to illustrate the significance of privacy here.^{vii}

The paper is structured as follows. In section 2, I motivate the thought that dead people could be owed privacy. In section 3, I motivate the idea that we could owe past selves something at all. In Section 4, I show how we may use these claims to make sense of the idea that we owe past selves privacy specifically. In section 5, I turn to how we can respond to this argument,

either by accepting the revisionary conclusion or rejecting one or more of the premises that give rise to it. But since none of the premises are easily rejected, we could face a difficult choice.

2. Dead people and interests in privacy

Many believe that the dead are (also) owed privacy. According to this thought, it might for instance be wrong to non-consensually publish the private letters or diaries of dead people or - perhaps more timely - what they kept on their hard drives and have shared in private correspondence online. Nagel captures this idea vividly: “*with people whose lives have overlapped with ours, there is something excruciating about all this exposure, something wrong with our now having access to Bertrand Russell's desperate love letters, Wittgenstein's agonized expressions of self-hatred, Einstein's marital difficulties.*”^{viii}

Why take that to be true? Even though I am not endorsing this view here, it is helpful to see what can be said on its behalf. One way to begin motivating it would be by showing that it is possible to harm people after their death.^{ix} This is an attractive starting point since many believe in harm-based moral constraints. In the literature, the view that dead people can be harmed is known as *the posthumous harm thesis*.^x Below I present this thesis and show that a type of posthumous harm consists of a setback to interests in posthumous privacy. Together, these claims give us reason to extend our moral concern to the privacy of dead people. Notice that my exposition will ignore several technical details as my concern does not lie with the thesis itself. I refer to Boonin for a more comprehensive treatment of the topic.^{xi}

The posthumous harm thesis says that it is possible to harm people after their death. On a common view, harm consists of a setback to interests.^{xii} A stock worry with this analysis of harm as applied to the case of the dead is that it might be unclear that dead people can be

bearers of interests. The underlying idea is that there must be a subject that is the bearer of an interest for it to be possible to set this interest back (and thereby harm the subject), and if the relevant person is dead, it is not obvious that there is any such subject. This worry is therefore referred to as the *problem of the subject*.^{xiii} Fortunately, it seems we can overcome this problem by sharpening the claim that dead people can be harmed. Due to Pitcher, we can describe a dead person *as she was when she was alive*, the so-called ‘ante-mortem’ person. Differently, we can describe a dead person as she is *after she was alive*, the so-called ‘post-mortem’ person. Those who endorse the posthumous harm thesis tend to say that it is ante-mortem persons who can be bearers of interests and thus possibly have them set back (and be harmed).^{xiv}

Based on this distinction, the problem is not explaining how post-mortem persons could be harmed. We can simply point to the ante-mortem person as a possible subject of harm since it is beyond question that such persons can be bearers of interests. What we need to show is how the promotion (or frustration) of interests borne by ante-mortem persons can result from things that lie outside their lifetime and thereby can be affected posthumously.

Those who believe that some interests can survive the death of the interest-bearer tend to be impressed by the more general idea that our well-being at least partly consists in some form of desire satisfaction, as opposed to merely certain bodily sensations.^{xv} That is understandable as dead people have no experiential states and so a concept of harm that is intimately tied to what the subject feels or experiences won’t get off the ground in motivating the posthumous harm thesis. Fortunately, it seems powerfully intuitive that many of the things that contribute to our well-being do not presuppose a subject having certain experiences. As Feinberg suggests, “*Because the objects of a person's interests are usually wanted or aimed-at events that occur outside his immediate experience and at some future time, the area of a person's good or harm is necessarily wider than his subjective experience and longer than his biological life.*”^{xvi} Let’s consider a few examples illustrating this, that will enable us to both

appreciate the point that people's desires can aim at things outside their experience and after their death (as the quote by Feinberg suggests), but also that at least some of these desires are of the stuff we would normally be inclined to accommodate. So, think for instance of the fact that parents tend to have some of their strongest interests vested in that their children will flourish.^{xvii} Or think about the practice of writing down one's desires in a will hoping that those left behind will accommodate them: For instance, wishes concerning how bodily remains are treated or wishes concerning how property is distributed and used. None of this is to say, of course, that all such interests are rational and worthy of accommodation. There should clearly be limits to the demands that the dead can impose on the living. But none of this detracts from the point that there is significant pressure to infer that people are harmed posthumously (because their desires are frustrated) were you to, say, flush the ashes of a dead person who would have wanted it otherwise down the toilet, fail to comply with death bed promises, or were your children and loved ones to suffer after your death. And in at least some of these cases, it also seems right to say that these harms are wrongful.

Most important for our purposes, privacy interests seem like interests that are paradigmatically capable of being set back posthumously. Although the passing of time may make a difference, those who would – rightfully, I take it - feel wronged were others to read their diary or disclose their secrets, should have reason to resent this occurring even after their death. Feinberg writes, for example, that *“In particular, the desire to maintain a good reputation [...] can be the basis of interests that survive their owner's death, in a manner of speaking, and can be promoted or harmed by events subsequent to that death.”*^{xviii} And Marmor's influential account of the right to privacy as an entitlement to a reasonable amount of control over self-presentation naturally lends itself to the worry that the efforts one made while alive to construct a public persona will be thwarted after one's death.^{xix}

Some may think, however, that the weightier considerations justifying a concern for privacy presuppose a living subject: Perhaps because we fear embarrassment in case information is shared. Or because we are concerned about abuse of our information (as we saw in the quote by Allen mentioned in the introduction). And granted, at least some such interests couldn't be set back after the death of their bearer (this is clearest in the case of embarrassment, as this is an experiential state). But few should be comfortable with saying that such derivative concerns exhaust the reasons we ought to care about privacy. As a test of this view, I take it that many would resent (or take themselves to have sufficient reason to resent) people observing their naked bodies without permission, even if they could be assured that no downstream harm would follow, and they would be ignorant of the observation taking place. This suggests that there is a crucial aspect of our interest in privacy that is non-derivative.

More generally, if the case for respecting the privacy of the living does not rest upon the idea that privacy violations must be experienced in order to matter, there is less of a reason to be suspicious of the idea of posthumous privacy. But we may still wonder about the precise strength of such interests in terms of how they should constrain our moral deliberation. Wilkinson offers a useful heuristic here (motivated in the context of research on dead people, but the underlying idea is broader in scope):

“It might be said both that the elements of privacy interests that can survive death are insufficiently weighty to ground duties for researchers and that people might not care about their posthumous privacy. Symmetry helps here. Suppose that we think there are cases where researchers have a certain duty to respect the interests in privacy of those alive though their research would not affect the subjects' experiences or opportunities. (...) If (...) interests survive death, and if we know or have good reason to think that subjects would object to the research, then researchers have a duty to respect those interests,

probably by not doing research on the subjects. If the interest is weighty enough to ground duties while the subjects are alive it is, by symmetry, weighty enough to ground duties when the subjects are dead”^{xx}

Accordingly, if we, upon reflection, would be inclined to say that a living person is owed privacy in some context, it is far from obvious that we should not owe something very similar to a dead person in a similar context.

3. The normative significance of past selves

In this section, I motivate the idea that we owe something to past selves (and selves more generally). In combination with the more specific claim that we must respect the privacy of the dead, these premises together suggest extending concern to the privacy of past selves. As with the claims presented in the previous section, I will only provide enough detail to sketch the central ideas and why they might appear attractive.

There are at least two ways one could get at the idea that past selves constitute a unit of moral concern. On the first strategy, one could appeal to a revisionary metaphysics of selves that would complement, or even replace, the ordinary talk of persons as the ordinarily regarded unit for moral reasoning. This strategy would take the moral significance we ordinarily ascribe to a person for granted and show how it is applicable at the level of self.^{xxi} A second strategy would consist in appealing directly to the idea that there exists such a thing as duties owed to oneself, without taking a detour through metaphysics. Since we find both strategies in the literature, and since the conclusion I’m interested in can follow on either view, I shall briefly sketch examples of both.

But let's begin with an example. In *Reasons and Persons* Parfit presents:

“*The nineteenth century Russian*: in several years, a young Russian will inherit vast estates. Because he has socialist ideals, he intends, now, to give the land to the peasant. But he knows that in time his ideals may fade. To guard against this possibility, he does two things. He first signs a legal document, which will automatically give away the land, and which can be revoked only with his wife's consent. He then says to his wife, ‘Promise me that, if I ever change my mind, and ask you to revoke this document, you will not consent.’ He adds, ‘I regard my ideals as essential to me. If I lose these ideals, I want you to think that I cease to exist. I want you to regard your husband then, not as me, the man who asks you for this promise, but only as his corrupted later self. Promise me that you would not do what he asks.’”^{xxii}

Parfit uses this and other cases to motivate the idea that it may sometimes be more adequate to decompose (what we ordinarily tend to regard as) one person into multiple selves each with their own moral perspective and status, locked in an *intra*-personal moral conflict. Such a move might help us see the following: In the example, the wife exercises her promissory power to give the Early Russian a promise. This, in turn, grants the Early Russian the power, *qua* promisee, to release the wife from the duty generated by the promise. However, since the status as promisee is bound to a specific self, and the Late Russian is a different self, the Late Russian lacks the power to release his wife from the promise.

More carefully, let's define a *self* as a set of person-stages united by *strong psychological connectedness*.^{xxiii} We can think of a person-stage as a ‘person-at-a-time’: for instance, ‘Four-year-old Viola’. Two or more such person stages are said to be psychologically

connected if there are *direct* psychological relations between them. Such relations may consist of things like shared memories, intentions, character traits, beliefs, desires, and goals.^{xxiv} Psychological connectedness comes in degrees as measured by the number of direct connections between person stages. For instance, the person-stages ‘Three-year-old Viola’ and ‘Three-year-old-plus-one-day Viola’ are psychologically connected because these two stages have most of their psychological makeup in common. In fact, the earlier Viola and the later Viola are not only psychologically connected, but *strongly connected* and would therefore be counted as belonging to the same self according to the proposed definition. Parfit says that psychological connectedness is strong if, “*the number of direct connections, over any day, is at least half the number that hold, over every day, in the lives of nearly every actual person*”^{xxv}. We can also use this account to generate the result that the Early Russian and the Late Russian are two different selves. We could easily imagine them to be *non-strongly* psychologically connected because there would be much fewer direct psychological connections between them.

On this view, we can imagine lives consisting of multiple, temporally structured selves where each self could possibly be an independent unit of moral concern. Moreover, the succession of a self may therefore carry the same moral (in)significance as the death of a person would. As Parfit suggests, “*We may regard some events within a person’s life as, in certain ways, like birth or death. Not in all ways, for beyond these events the person has earlier or later selves. But it may be only one out of the series of selves which is the object of some of our emotions, and to which we apply some of our principles.*”^{xxvi}

This is a bit dense, so consider a few further remarks to avoid confusion. First, the account is *not* meant as an account of personal identity, i.e., in virtue of what two person stages are the same (numerically identical) *person*.^{xxvii} For one, personal identity is plausibly a transitive relation, and psychological connectedness is not transitive. For completeness, Parfit famously claimed that personal identity consists in what he labeled ‘Relation R’, which consists

of psychological connectedness *and* psychological *continuity*, and the further requirement that this relation hasn't taken a branching form.^{xxviii} Psychological continuity is less demanding than psychological connectedness in that it obtains if two person stages are connected via overlapping chains of *strong* psychological connectedness. For instance, Viola at age five may be strongly psychologically connected to Viola at age ten (they share many memories, character traits and intentions), and Viola at age ten may be strongly psychologically connected to Viola at age 40 but Viola at age 40 is *not* strongly psychologically connected to Viola at age five (there are only few direct relations in the form of memories, intentions, etc.). However, Viola at age five and Viola at age 40 could still be psychologically continuous, since there is an overlapping chain of strong psychological connectedness that runs from Viola at age five to Viola at age 40 *via* Viola at age ten.

So, a self may be said to be a number of person stages that are unified in virtue of sharing strong psychological connectedness. Why think, on this view, that selves are owed independent moral concern? In terms of arguments for the idea, we have already encountered one type of consideration. In so far as we think the moral dynamics in Parfit's example of the nineteenth century Russian seems compelling and something we ought to be able to explain, allowing that selves matter enables us to do so.^{xxix} Other cases may suggest something similar. Consider the case of the young smoker who many years later will come to regret smoking in part because they will suffer adverse health consequences. In so far as we would want to say that the young smoker is not only subject to prudential but also moral criticism, we could generate this result by saying that he is effectively harming a different, future self, worthy of independent moral concern.^{xxx}

Over and above appealing to intuitions to motivate the moral significance of selves, we can draw on more principled arguments. Consider one by Shoemaker.^{xxxi} He suggests that if psychological connectedness is what preserves prudential concern ('what

matters in survival'), then the relation between different selves will, for all practical purposes, will be *just like* the relationship between different persons. And "*if our conception of morality involves a determination of how I ought to treat other people, then it would also seem to involve a determination of how I ought to treat entities that, for all intents and purposes, are like other people*".

So much for the first strategy. As stated in the beginning of the section, it may be possible to show that past selves are owed moral concern without admitting metaphysical claims posing a plurality of selves. An example of the latter would be that of Schofield's.^{xxxii} According to him, there exists genuine duties owed to self because moral claims arise partially in virtue of *perspectives*. Schofield describes a perspective building on Darwall:

"By speaking of perspective, Darwall deploys a metaphor rooted in visual perception. To say a person occupies a perspective is, in the most literal terms, to signal that she's situated so as to perceive things in ways different from how she'd perceive them were she differently situated"^{xxxiii}

Consider an example to make this idea more concrete. Suppose that Christie throws a snowball that hits John. That Christie and John take different perspectives on this event could mean that the event affects their well-being differently (Christie experiences the joy of throwing a snowball; John the unpleasant chill from the cold snow) or plays a different role relative to the ends they each regard as choice-worthy (throwing the snowball realizes Christie's goal of having fun, whereas John's goals might be unaffected).^{xxxiv} In turn, were John to complain to Christie that she threw the snowball, we should say that his complaint is addressed by a person *from their perspective* to a person *taking a different perspective* (Christie, in this case).^{xxxv}

As Schofield goes on to emphasize, however, we do not only encounter conflict of perspectives in cases where different persons are implicated. For instance, Schofield thinks one person can take up different, even conflicting, perspectives both at the same time and over time (for instance a conflict in practical identities in the same person between the perspective of a mother and the perspective of an employee).^{xxxvi}

Were we to remind ourselves of, and analyze *the nineteenth century russian* using this framework, we shouldn't pay attention to whether The Early Russian and the Late Russian are the same self or person. We could allow that they were, and note that they occupy two starkly different perspectives. And since the promise is extracted from the perspective of the Early Russian, "*then a successful release of duty would have to come from it*".^{xxxvii} This, in turn, would explain why the Late Russian cannot release the wife from her promise without resting upon claims about what self they are.

In sum, I have motivated the claim that selves may be owed independent moral consideration. And while I have cited examples of what might be owed, this stops short of a full picture. Hence, in the next section, I shall suggest that selves – specifically, past selves – may be owed privacy.

4. Privacy owed to past selves

We have seen that there is a case for thinking that people may possess rights to privacy even after their death. We have also seen that there is a case for thinking that we could owe something to past selves. I believe these premises conjoined give us reason to believe that we could owe past selves to respect at least their weighty privacy interests. The argument, in a nutshell, consists of an appeal to moral symmetry: The posthumous harm thesis tells us to be concerned with the privacy of the dead. And at least one of the arguments rehearsed in the

previous section suggests that there may be less of a morally significant difference between the death of a self due to the termination of biological body functions and the death of a self due to replacement by other selves. If so, it seems we should give similar moral treatment to dead people and past selves, at least from the perspective of privacy.

Although the line of reasoning would proceed differently under a view like Schofield's where we admit the existence of genuine duties owed to oneself, it seems that once we allow perspectives as the relevant unit of moral concern, our commitment to the privacy of perspectives that lie in the past should equally be ascribed some weight.

Some examples might help to flesh out the idea. Consider the following three:

Grandfather: Young A is a person with a fragile sense of self who prefers that most of their affairs remain private. In time, A grew to become a person with very different priorities and convictions who did not share the appetite for privacy desired by their former self. In his later years, A is a grandparent with an appetite (as grandparents usually have) for telling anecdotes about their past to educate and entertain grandchildren. Thus, they tell things about their past that Young A wouldn't have wanted to share with anybody.

Change: Assume again that A has strong preferences for privacy. Tragically, A falls, hits their head, loses most of their psychological makeup and remembers almost nothing about their past. A dedicates the rest of their life to uncovering details about their past because of a strong desire for self-understanding.

Old Recordings: A and B consensually record their sexual intercourse at t_1 . It is in their interest that the tape is only for private use and never shared with others. Years later, A finds the videotape in a storage room after having forgotten about it, but suddenly A remembers what it contains. At this point, however, A is a different self. A watches the tape.

How should we think about these cases? From the premises I have presented, I suggest we infer that the late protagonist in all the examples wrongs a past self. Let's consider them in turn.

The case of Grandfather involves a conflict of interests between the preferences for privacy of the young self and the preferences of the late self for being forthcoming. If the late self is as forthcoming as they want they will inevitably diminish the privacy of the early self. I've stipulated in the case that there are two selves locked in moral conflict, but that detail is not essential to how we should think about it if it is true that a difference in perspective can give rise to moral conflict regardless.

You may agree with there being moral tension but disagree that it is best resolved by giving preference to the interests of the early self, as I suggest. I would concede that the precise verdict would perhaps require a closer inspection of the content of the interests and that it need not always be the case that we should give preference to the early self. But this is the point at which we can make significant progress by reflecting upon parallel cases of posthumous privacy. Suppose instead that the early self discloses their secrets to a confidante. The confidante is initially loyal, but many years later, after the death of their friend who died young, they change their mind. I take it that this would be a case in which we should say that they shouldn't; that the confidante would be wronging their friend were they to reveal their secrets. By these lights, it strikes me as natural to think similarly of Grandfather. Why shouldn't

we align our verdicts and generalize the strong preference we seem inclined to give to privacy in the inter-personal case travel to the intra-personal?

Consider next Change. In this case, the protagonist undergoes severe changes to their psychological makeup. The early and late person stage are thus not strongly psychologically connected. In fact, they are not even psychologically continuous as there are no overlapping chains of strong psychological connectedness between them. Following Parfit's view on personal identity, then, they should be regarded as *two different persons* instead of two different selves within the lifespan of the same person.^{xxxviii} This won't change the substantive moral analysis much, however. The idea would still be that the late person stage shouldn't be allowed to do just about everything to recover knowledge of their past person stage (for instance, reading the diary of the former person). Here we can also draw on Schofield's point about waivers: the relevant perspective is no longer around to waive the privacy rights held by the pre-accident person, and so they remain in force at the point in time at which the post-accident person acts.

Finally, although things are slightly different in Old Recordings, a much similar story could be told here. The two selves capable of exercising their moral powers to permit observation of the recording are no longer which would suggest that the late self should stand off. Again, we can exploit our commitments in cases of posthumous privacy to support this verdict: Just because the person depicted is no longer around, it wouldn't follow from this that others would be allowed to watch the recording.

In sum, we've seen how commitments to posthumous privacy may motivate concern for the privacy of past selves. These results may strike as both surprising and revisionary. But, I

suggest, once we accept the claims I've presented above, it becomes hard to deny the conclusion. In the next section I therefore turn to consider possible objections.

5. Objections

Although the upshot of this argument may seem surprising, it is in at least one sense unsurprising. It is in one sense unsurprising because views implying the possibility of posthumous harm and intra-personal moral conflict are known to generate striking conclusions that require us to reconsider commonsense convictions. But it doesn't follow from this that these claims are mistaken. Given the revisionary nature of the conclusion, I shall in this final section some ways in which it might be resisted. This will prove easier with an overview of the argument, so consider one such:

- (1) If dead people have a right to privacy, and past selves are owed moral concern, there exist cases in which we owe to respect the privacy interests of past selves.
- (2) Dead people have a right to privacy.
- (3) Past selves are owed moral concern
- (4) Thus, there exist cases in which we owe to respect the privacy interests of past selves.

(4) is the conclusion I've sought to motivate. I motivated (2) in section 2 and (3) in section 3. (1) can be thought of as the claim that, provided (2) as (3) is true, our view that what we owe the dead, privacy-wise, is equally what we owe in the case of past selves, privacy-wise. Since the argument looks valid, we would have to reject one or more of its premises to reject the conclusion.

One option would be to reject the claim that there exists such a thing as a right to privacy, which would render (2) false. That strikes me as an unhappy outcome. Alternatively (or additionally), we could reject the idea that people are owed anything posthumously, or owed posthumous privacy in particular, which also would render (2) false. Another option would be

to reject the accounts I have used to motivate intra-personal moral conflict. However, since questioning the posthumous harm thesis and the claims motivating intra-personal moral conflict raises very general challenges reaching beyond the case of privacy that interests me here, I shall set them aside. Instead, I shall devote this section to further investigate the proposal that we should give the same weight to the privacy of past selves that we should give to privacy of people posthumously. I'll consider two ways in which the symmetry (in effect, premise one) may be questioned.

Here is a first possibility.^{xxxix} One difference between the case of privacy for dead people and the privacy of past selves is that in the latter case there is what we might call succession: On the view according to which a life may consist of multiple selves, one self can be replaced by another. On Schofield's view we may say, in a somewhat similar spirit, that the perspective of an early self and perspective of the late self stands in a relationship of succession too. From this observation, one might suggest that the successive self (or perspective) automatically inherits permission to waive the former's right to privacy. Call this the *inheritance objection*.

In support of this thought, the idea that moral powers are transferable through inheritance is a familiar one. We normally allow descendants to inherit material as well as intellectual property, thereby transferring moral powers to them. In some cases, this even implies that descendants receive control over a dead person's name and "symbolic presence."^{xl} Moreover, we sometimes grant descendants a say over bodily remains. For instance, some think that the family ought to have a veto right on the question of whether the organs of a deceased person can be removed.^{xli}

Conceding as much won't provide us with a reason to reject the conclusion, though. That transfers of moral powers *can* be permissible does not show that they would necessarily be and that past selves therefore couldn't be owed privacy. It is one thing to say

that such transfers can be permissible, and another thing to say that successive selves would always be bestowed unilateral power to waive the rights of the past self. Indeed, in cases of common, interpersonal inheritance and transfer of moral powers, we often accept that there is a genuine moral dilemma because of the diverging interests of descendants and the deceased, and it is far from clear that the interests of the former should necessarily prevail (and even if the interests of descendants should prevail in many or perhaps all situations, this is still not equivalent to descendants being in a position to *waive* the rights of the former self).^{xliii} Since conflict is common in the cases of ordinary interpersonal inheritance and transfer of moral powers and property, more needs to be said to render it plausible that this shouldn't also be possible in intrapersonal cases.

Here is a second possible objection to premise one. Arguably, it is not a trivial task to render intelligible an interest in posthumous privacy, even though the common view in the literature seems to be that this challenge is surmountable. But it might be even harder to render intelligible an interest in preserving privacy should you be replaced by a different self. Why? One way to make intelligible posthumous interests in privacy is that we care about our final legacy. And arguably, the worry about how one is remembered becomes especially salient at the point where one is no longer in a position to add to the narrative (such as when the death of the person is imminent). However, when successive selves replace past selves, there is a sense in which the 'narrative' (notice that we can speak of a narrative without necessarily committing to a narrative conception of the self) of persons is still very much in the making. Indeed, one might even want (prudentially speaking) for one's future selves that they were mostly unrestricted in their ability to affect their social identity rather than restricted by wants of the past selves. If there is some truth to this story, we might have reason to question the coherence of past selves' interest in privacy and discount their moral significance.

While it might well be harder to conceive of privacy interests that do not pertain to complete lives as we normally conceive them, this, I believe, should not lead us to discount them or their moral significance. While a mere bundle of person stages probably cannot lay claim on defining how the entirety of a life of which it forms part in the eyes of others, it seems reasonable enough to care about one's privacy as it affects one's perspective or temporal position. As pointed out above, this is best brought out in cases where people change their mind and experience manifest temporal disagreement about goals and values. Second, a past self can consistently want their future self to be relatively unimpeded in terms of ability to control their self-presentation *and* want particular subject matters to remain concealed from the world, even if this might be inconvenient for a successive self. In sum, we are left wondering why it shouldn't be reasonable to care about one's legacy, even if other selves will add to the complete legacy of a lifetime later.

I have discussed two objections to premise one of the argument and found them unpersuasive. It seems that if we accept that dead people can retain privacy rights, and the claim that genuine intrapersonal moral conflict exists, we should extend our concern to privacy of past selves.

6. Conclusion

I have attempted to derive a surprising implication of some familiar views that, to the best of my knowledge, have gone unnoticed in the literature. Hence, friends of the view that dead people can retain privacy rights should recognize that their view, in combination with other premises, may commit them to hold that successive selves owe their past selves privacy. This result seems interesting since it non-trivially expands our understanding of the moral right to privacy as well as the conditions under which this right is applicable. We should not only see to respect the privacy of others or our future self, as is relatively commonly accepted; we should

perhaps also avoid violating the privacy of our past selves. If this seems unpalatable, we should most likely reconsider our commitment to either the posthumous harm thesis or views that allow intrapersonal moral conflict.

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ⁱ See for instance Thomson, "The Right to Privacy".

ⁱⁱ Marmor, "What is the Right to Privacy?", 3-4. Fried, "Privacy". Rachels, "Why privacy is important". For other views on the importance of privacy, see Parent, "Privacy, morality, and the law". Gavison, "Privacy and the limits of law". Owens, *Bound by Convention*, chapter 9.

ⁱⁱⁱ For conclusions to this effect, see Wilkinson, "Last Rights: The Ethics of Research on the Dead". Taylor, "Privacy and the Dead". Masterton et al., "Can the dead be brought into disrepute?". Masterton et al., "Queen Christina's moral claim on the living: justification of a tenacious moral intuition". Wisniewski, "What We Owe the Dead". Boonin, *Dead Wrong: The Ethics of Posthumous Harm*.

^{iv} Allen, "The Duty to protect Your Own Privacy". Allen, "An ethical duty to protect one's own information privacy?".

^v Allen, "The Duty to protect Your Own Privacy", 30-31.

^{vi} Ibid.

^{vii} For an excellent overview of this debate, see Muñoz, “Obligations to Oneself”.

^{viii} Nagel, “Concealment and Exposure”, 22.

^{ix} An alternative strategy would be showing that dead people can be *harmlessly* wronged. See for instance Feinberg, *Harmless Wrongdoing*.

^x Boonin, *Dead Wrong*.

^{xi} Ibid.

^{xii} See for instance Feinberg, *Harm to Others*.

^{xiii} Wilkinson, “Last Rights”.

^{xiv} Feinberg, *Harm to Others*, chapter 2.

^{xv} Boonin, *Dead Wrong*, ch. 1.

^{xvi} Feinberg, *Harm to Others*, 86.

^{xvii} Boonin, *Dead Wrong*, 113.

^{xviii} Feinberg, *Harm to Others*, 86.

^{xix} Marmor, “The Right to Privacy”.

^{xx} Wilkinson, “Last Rights”, 37.

^{xxi} The ‘ordinary’ moral view I have in mind here is the so-called *self-other asymmetry* which typically implies a rejection of the idea of the existence of duties to self. One way to gloss this claim would be that for any φ you owe *others*, you could *never* owe it to yourself to φ . One example would be the claim that while you may *not* drop a bowling ball on other people’s feet, you *may* drop it on your own. For discussion, see Stocker, “Agent and other: Against ethical universalism”. Slote, “Morality and Self-Other Asymmetry.”. Muñoz and Baron-Schmitt, “Wronging Oneself”. Muñoz, “The Paradox of Duties to Oneself”.

^{xxii} Parfit, *Reasons and Persons*, 327.

^{xxiii} I owe this definition to Shoemaker, “Selves and Moral Units” who extrapolates it from Parfit, *Reasons and Persons*. Parfit says on this: “*On my proposed way of talking, we use ‘I’, and the other pronouns, to refer only to the parts of our lives to which, when speaking, we have the strongest psychological connections. When the connections have been markedly reduced—when there has been a significant change of character, or style of life, or of beliefs and ideals—we might say, ‘It was not I who did that, but an earlier self’. We could then describe in what ways, and to what degree, we are related to this past self.*” (305). Notice that Parfit says that talk of successive selves “*is suited only for cases where there is some sharp discontinuity, marking the boundary between two selves*” (306). One example of such a discontinuity would be a very sudden loss of most of the psychological make-up that is constitutive of my identity. Shoemaker, “Selves and Moral Units” persuasively rejects this, suggesting that talk of successive selves may be appropriate even if there is only a gradual reduction in psychological connectedness. Here I follow Shoemaker.

^{xxiv} Ibid. and Parfit, *Reasons and Persons*.

^{xxv} Parfit, *Reasons and Persons*, 206.

^{xxvi} Parfit, *Reasons and Persons*, 328.

^{xxvii} See Olson, “Personal Identity” for an overview and other, non-psychological accounts of personal identity and Gustafsson, “Non-branching personal persistence” for an excellent overview of psychological views in particular.

^{xxviii} The *non-branching requirement* need not concern us here, but Parfit adopts this requirement through discussion of cases in which a single brain is divided in two and each half transplanted to a different person, suggesting that the pre-transplant person is not identical with any of the resulting persons because identity must be a one-to-one relation (*Reasons and Persons*, ch. 12). *Transitivity*, briefly mentioned above in the main text, requires in the context of identity that if A is identical with B and B is identical with C, then A must be identical with C. Psychological connectedness (unlike continuity) doesn’t guarantee that as A could be psychologically connected to B (and therefore count as the same person), and B could be psychologically connected to C (and therefore count as the same person), but without A and C being psychologically connected and therefore *not* the same person. This violates transitivity, and therefore psychological connectedness cannot constitute identity.

^{xxix} Admittedly, an alternative analysis with a similar result would say that the Early Nobleman and Late Nobleman are entirely different *persons*. Since the practical upshot for my purposes will be the same – within what we ordinarily think of as one person there can be intra-personal moral conflict – I shall ignore this option. It’s also worth pointing out that some are skeptical of the idea that we can derive anything of moral importance from metaphysical claims about selves or persons. See for instance Steuwer, “Why It Does Not Matter What Matters: Relation R, Personal Identity, and Moral Theory” and Johnston, “Reasons and Reductionism”.

^{xxx} See Schofield, *Duty to Self: Moral, Political, and Legal Self-Relation* for discussion of this case.

^{xxxi} Shoemaker, “Selves and Moral Units”, 399-400. Brink, “Rational Egoism and the Separateness of Persons”, 119 claims, by contrast, that psychological continuity is what matters.

^{xxxii} Schofield, *Duty to Self*, 80. See also Schofield, “On the Existence of Duties to the Self” and “Practical Identity and Duties to the Self.”

^{xxxiii} Schofield, *Duty to self*, 60. See also Darwall, *The Second Person Standpoint: Morality, Respect, and Accountability*.

^{xxxiv} Schofield, *Duty to self*, 71-76.

^{xxxv} Here I paraphrase Muñoz, “Schofield, Paul. *Duty to Self: Moral, Political, and Legal Self-Relation*. New York: Oxford University Press, 2021. Pp. 240. \$74.00 (cloth). Ethics”.

^{xxxvi} Schofield, *Duty to Self*, 81. For similar-spirited ideas about duties to self, see Wallace, *The Moral Nexus*, 156 and Schaab, “On the Supposed Incoherence of Obligations to Oneself”.

^{xxxvii} Schofield, *Duty to Self*, 76.

^{xxxviii} I thank an anonymous reviewer for pointing this out.

^{xxxix} I thank Tom Douglas for this objection.

^{xi} See for instance Rothman, *The right of publicity: privacy reimagined for a public world*. For instance, the heirs of Elvis are in a position to control his name and appearance in certain ways (*qua* intellectual property).

^{xli} E.g., Albertsen, “Against the family veto in organ procurement: Why the wishes of the dead should prevail when the living and the deceased disagree on organ donation”.

^{xlii} Under conditions of uncertainty, we might think that the late self is the best guide to the interests of the former self (epistemically speaking). Just as we might sometimes think that the family is in an epistemically privileged position. However, the fact that A is in a privileged position to know what is in B’s interest does not show that A should be in control, morally speaking.