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SECRETS AND PRIVACY

Abstract

Secrecy is an interesting topic in contemporary epistemology, because whilst there has been a lot of work on issues to with how we understand what it is to be private there has been little work on the attendant issues of secrecy. In part this is because secrecy and privacy are often thought to be, if not cut from the same cloth, similar enough that understanding privacy entails understanding secrecy. However, I argue that we cannot mop up issues to do with secrecy in the same way we think we can deal with similar issues to do with privacy; secrecy and the revelations of secrets pose very different issues to privacy and the protection of our privacy.

Keywords: secrecy; privacy; social epistemology

Introduction

In the introduction to *The Consolation of Philosophy*, Boethius admits that there are errors in his work, but they have been put there *deliberately* for the discerning reader to discover (Boethius, 1969). So, if you happened to find fault or contradiction in the work, Boethius could smile knowingly and say “Yes, I know” as if you and he had been let in on a special secret.

In the spirit of Boethius, let me start by saying that there are a few things I am not telling you. That is, I am going to be keeping secrets from you. Indeed, I am doing this in order to illustrate an interesting aspect of secrecy, which is that you can know something is being kept secret from you without knowing what the propositional content of the secret is. This is, I think we should agree, interesting.

In the same spirit, there are also certain things I am not telling you, but these are not secrets. Rather, they are private concerns; they are things I do not think you need to know (nor do I think you have the right to pry into). Unlike the secrets I am keeping from you, which I have to actively conceal, if you pry into my privacy, then I am simply entitled to ask you not to pursue the matter any further.

Sitting somewhere between my secrets and my private matters are the things which seem like they should be secret, yet are somehow either well-known *but nonetheless treated as secret*, or are the kind of thing we simply do not ask after *so are effectively secret* despite not being private matters.

Given all of this, it is curious that there has been little talk amongst philosophers—particularly we epistemologists who are interested in the study of knowledge—on the specific topic of secrecy. Rather, most of the philosophical literature has focussed on the notion of privacy, and analogies between privacy and secrecy. It has been assumed in these discussions that an analysis of privacy will automatically inform our understanding of secrecy. However, I argue that when we talk about privacy, then we are often concerned with *protecting* the privacy of citizens. But when we talk about secrecy, much of our interest surrounds talk on the *revealing* of secrets. As such, our interest in privacy is often phrased in terms of protecting our privacy from prying interests, whilst our interest in secrecy is not necessarily so virtuous. We are allowed to be private, but it is not so clear we are entitled to our secrets. Or, if we are entitled to them, it is not obvious we can easily condemn those who want to pry into them regardless.

Understanding what is secret, secret-like, and what is private should be of great interest to many of us. Not just because we sometimes suspect friends or colleagues to be keeping secrets from us. No, because many of us are concerned about claims of influential organisations, like governments and businesses, either secretly doing things they should not, or hiding behind claims of privacy to get away with acting secretly.

Definitions (and Definitional Issues)

In previous works I have argued that despite people thinking they knew what constituted conspiratorial activity, and what the domain of these things called “conspiracy theories” are, it turns out theorists were working with different definitions, and thus the diverging and increasingly disagreeable findings of research programmes into conspiracy theories were the product assuming everyone was working with the same concepts when they were not. (Dentith, 2014; Dentith, 2018.; Dentith & Keeley, 2018) It is my contention that the discussion of secrecy suffers from the same kind of problem: we all think we intuitively know what a secret is,

and what constitutes secretive activity, but when we start trying to sort out the issues it turns out that we are not all on the same page.¹

Indeed, this is hinted at by the philosophical literature. Martijn Blaauw, in his introduction to a special issue of *Episteme* states that there is not yet an epistemology of secrecy (Blaauw, 2013a, p. 99). As he points out, this is unusual, and I would argue that it speaks to the fact there are certain concepts we all think we know the definitions of, despite it being the case that when these concepts are examined, there is disagreement about both the definitions and what falls under them.

Here is an example from the literature on privacy. David Matheson, for example, writes:

Just from the fact that I have no privacy with respect to my spouse and information about my life savings, it doesn't follow that I have no privacy with respect to you and that personal information about me. Nor does it follow from the fact that I lack this privacy relative to my spouse that I lack other privacy relative to her – say, about the amount of cream I habitually consume with my coffee at the office, or about my plans to surprise her with a gift next month. (Matheson, 2013, p. 193)

Matheson here talks about keeping private from his spouse the amount of cream in his coffee, and the organisation of a surprise gift for her. Presumably he has too much cream in his coffee, something his spouse would be concerned about. This does not seem to be a private concern. Rather, this is something he is keeping *secret* from his partner. The surprise gift is also something which suits better the notion of secrecy than it does privacy. One does not keep private the fact you have bought someone a gift. No, you keep that secret if it is meant to be a surprise. As such, neither of Matheson's examples seem to comfortably suit the idea of being private concerns. Instead, they are secrets he is keeping from his partner. So why talk about them as private?

Well, maybe it is because Matheson thinks that privacy is just a special kind of secret, the kind of secret which concerns personal information. After all, whether we are keeping secrets or being private we are—in some sense—controlling who has access to certain information that only we are privy to. If that is all there really is to privacy (keeping personal information from others), then privacy would turn out to be a subset of secrecy generally. As such, a fulsome account of secrecy should also provide us with an account of privacy (and conversely the literature on a

particular kind of secrecy, privacy, should lead us—with some work—to the development of an epistemology of secrecy).

Part of the problem as to why there has been no development of a specific epistemology of secrecy might also stem from the fact that secrecy and privacy are hard to disentangle. Martijn Blaauw, for example, claims there is an “intuitive connection between ‘privacy’, ‘secrecy’ and ‘knowledge’” (Blaauw, 2013a, p. 99). This similarity between secrets and privacy is understandable; there is, after all, something similar about how we keep secrets and how we act in a privative fashion. Part of this is a language issue: how we talk about privacy and how we talk about secrets (at least in English) is similar. For example, take the phrase “not being privy to.” When one is not privy to some information that can apply to information which is private or secret. For example, I am not privy to my mother’s voting record (a private matter) or the trade negotiations of my government (a secret). “Privy” here refers to both secrets and privacy, which either speaks to their commonality, or serves to confuse the matter.

However, Sissela Bok argues in her book *Secrets* that secrecy and privacy are often confused:

In secularised Western societies, privacy has come to seem for some the only levitate form of secrecy; consequently, the two are sometimes mistakenly seen as identical. (Bok, 1982, p. 7)

“Seen to be identical” is crucial here. Whilst both acting privately and being secretive consist of controlling information, there is a crucial difference between being private and the keeping of secrets. So, let us look at privacy and secretly independently.

Privacy

When you act privately, you are keeping information about yourself to yourself because there are certain things people do not necessarily need to know about you. A private person can *appear* secretive, but private people are not necessarily *concealing* things from others. Rather, they are *not sharing* information with them for a variety of personal reasons (for example, a lack of comfort or trust in the people they are dealing with).

To keep some information about yourself private, one need only—in many cases—keep quiet about it. For example, someone might keep their

gender or sex life private because these are things only people they trust ought to know.

Of course, whilst someone who is private is not necessarily secretive, they may *look* that way to someone else. It is easy to perceive someone acting in a private fashion with them keeping secrets from you. This is especially the case if we are curious or actively engaged in trying to find out details about someone, or we think we are in a better relationship with that person than we actually are. So, there is a tension between what you consider private behaviour and what others consider secretive.

Privacy, then, is about control of personal information, namely controlling what information we want people to know about ourselves.

As Martijn Blaauw argues:

We don't want just anyone to know just anything about us: we want to be able to control which persons obtain knowledge of which private or secret facts about ourselves in which contexts. Put differently: we don't want to be known to the same degree by just anyone in any old situation. (Blaauw, 2013a, p. 99)

Blaauw conflates secrecy with privacy here. Now, as I argued earlier, it is true that in both cases information is being controlled. It is also true that we can be private about personal facts and also secretive about the same facts. Take, for example, the aforementioned privacy of gender. Gender identity is a typically a personal matter, given that no matter what biological characteristics you physically present, the sense of what gender you identify with is something only you can experience. That is, it is a private experience, and thus it is entirely up to you whether you share that with others.

However, you might also choose to conceal your gender identity; that is, keep it secret. For example, if you live in an oppressive regime where not identifying with the gender marker on your birth certificate is a problem, you might decide that your gender isn't just something you want to be private; you might have to actively keep it secret from certain authorities.

Then there are some things *you* might think should be private that *others* will treat as secret. For example, being private about your partner's gender is considered secretive in some—perhaps most—situations because there is an expectation that this is the kind of information people should not be reluctant to share.

The fact we can keep private details about our lives secret does not mean they are no longer private nor does it tell us that privacy and secrecy are the same. It merely tells us that privacy and secrecy concern controlling information; they share a common feature, but this common feature does not necessarily tell us that one is a sub-set of the other. Indeed, we see this in Blaauw's definition of privacy:

[A] three-place relation between a subject (**S**), a set of propositions (**P**) and a set of individuals (**I**). **S** is the subject who has (a certain degree of) privacy. **P** is composed of those propositions the subject wants to keep private (call the propositions in this set 'personal propositions'). And **I** is composed of those individuals with respect to whom **S** wants to keep the personal propositions private. *S has privacy about P with respect to I.* (Blaauw, 2013b, p. 168)

Blaauw defines privacy with respect to a set of "personal propositions" and this seems right; privacy concerns the personal. Secrecy, however, does not necessarily concern the personal (although it can), and this, I will argue, makes secrecy and privacy different in kind.

Secrecy

We know people keep secrets. As I stated in the introduction, you know I am keeping secrets from you in this article, and you also know something about the content of those secrets; namely that they are illustrative of secrecy generally. This puts you into an interesting position, because if you are attentive to my examples, then, like the keen reader of the *Consolation of Philosophy*, you might be able to work out what I am keeping secret from you.

Secrecy, like privacy, is also a three-place predicate: (**S**) keeps a set of propositions (**P**) secret from (**I**).

Unlike privacy, however, which is mostly passive (in that being private is attitudinal), secrecy is active: one needs to actively conceal something to be engaged in keeping secrets.

Now, keeping secrets by simply never telling people about them is relatively easy task, but things get interesting, at least epistemically, as soon as someone decides to share a secret with someone else. If someone shares a secret, but still wants to keep said secret concealed from the wider

population, then they are obliging the person with whom they shared the secret to keep it secret as well. As such, as soon as anyone swears another to secrecy (which is to say get them to help keep something secret), then they have to also work out how to manage who knows (and who should never know) the secret. This can be as easy as knowing they can trust a certain person with said secret, or as hard as ensuring—say, via blackmail—that said secret never gets out.

As such, we can ask how *S* knows *p* is being kept secret from *I*? That is, when someone has a secret, how do they know it is still secret (especially if said secret has been shared with others). Keeping something private is fairly easy, given that privacy concerns personal matters, but secrecy, as we will see, can concern anything, and thus there is a greater chance someone else might know what it is you are keeping secret.

Also, no matter how well or badly someone keeps a secret, there is always the chance people will suspect them of *keeping secrets*. If someone, for example, avoids talking about what the “X” in their set of middle names refers to, then people might well think there is some secret around what that X refers to. If someone avoids all discussion about a certain family member, then others may well think some secret is being kept about that family member (perhaps concerning some sinister event in that person’s family history).

This tells us something interesting about secrets: you can know secrets are being kept *without knowing what those secrets are*, and you can—in some cases—work out the likely “shape” of those secrets *even if you never come to know their actual specifics*. Thus, we can ask whether *I* knows *S* is keeping some secret *p* from them.

There is, then, *I* would argue, a distinction between knowing our own secrets are being kept, and knowing that someone’s secrets are being kept from us.

The first case concerns how *I* might know that some piece of information *I* know is being kept secret from you; i.e., what epistemic considerations would justify my belief that a secret of my own is kept safe. This is a separate consideration to the worry that secrets are being kept from us which invokes a different set of epistemic considerations, given we are inferring the existence of information which we suspect is being intentionally concealed from us.²

Why We Keep Secrets

Being privative simply requires that we keep personal information to ourselves, but secrecy requires intentionally concealing something from others.

You can keep a secret for any old reason. For example, I can keep secret what I ate for breakfast if I want to, or the title of the last book I read. There is no restriction as to what can be kept secret. As such, just because you are being secretive that doesn't mean what you are keeping secret is of interest to someone else.

But when we move from talk of keeping our own secrets to talk of what others are keeping secret from us, there is a suspicion that the likely reason someone would keep a secret is to intentionally conceal information which, if revealed, would be deleterious to the secret-keeper.

Now, the harm, so to speak, might be to the person keeping the secret (for example, should my murderous ways become known you might enact vigilante justice upon me) but as secrets are sometimes shared, the harm might also be to someone else (if my friend's infidelity I was sworn to keep secret was revealed my friend might well be ostracised from their community).

Harms here can range from physical harm to mere embarrassment. I might keep my inability to sing secret because the rest of my family can sing well, and my lack of singing ability is embarrassing. Or I might keep my role as a double-agent secret because I am rightfully worried the leader of some nation will order my assassination.

However, another motivation behind keeping a secret is not necessarily harm but, rather, control of information. Not all secrets need be harmful (or even embarrassing). They may just be things we don't want people to know for a variety of social, political or pragmatic reasons.

For example, the former Prime Minister of New Zealand, John Key, claims to not remember which side he was on during the notorious unrest over the Springbok Tour of 1981. This is despite his claims to have always been a rugby fan, and the fact he was in his early twenties at the time. We know he was interested in rugby and we have no reason to think he would have had some cognitive deficit at the time which would have led him to forget where he stood on the matter. (O'Brien, 2017) Many members of the New Zealand public thought John Key was keeping his stance at the time of the tour secret because no matter which side of the debate he was on, there would be significant political downsides to expressing an

opinion. If he came out as having opposed the Springbok Tour he would have become unpopular with certain right-wing voters, whilst if he said he had supported the Springbok Tour he would have become unpopular with centrist voters. As such, for the Prime Minister and leader of the National Party, stating either position would be bad, so it was better to keep his past views secret.

Sometimes you have to keep secrets for work purposes, or to ensure you will have work (spies both must keep secrets and be seen as being able to keep secrets, for example). People working in the medical profession must protect their patient's privacy but might also act secretly as well in order to reveal as little information as possible (i.e., they may err on the side of secrecy in order to ensure their patient's privacy, and thus refuse to reveal information which is not necessarily private to some patient). Jurors must keep secret what they hear in court, and trade negotiators will want to keep critical information about what their country or firm is willing to concede secret in order to achieve the best deal, and so forth. Historically, stonemasons kept their practices secret in order to prevent rivals from competing with them; in order to become a stonemason you had to apprentice to another stonemason and swear yourself to secrecy about masonic practices. As such, secrets were necessary to both ensure work and eliminate competition.

Then there is the matter of why we might want to appear to be secretive. After all, one can appear to be secretive without actually keeping secrets; you might want to cultivate the idea you can keep secrets (by both claiming to know secrets but never talking about the content of those secrets) so you will be let in on secrets.

In some situations it might even be necessary to show (or come to be known) that you know, or have access to secrets in order to prove your worth as a secret-keeper. Take, for example, the political fixer, or chief spy in a royal court; it is necessary for their job that it be known they both have secrets and can keep secrets. As such, it would be weird to not suspect such a person of keeping secrets (even though they might not be keeping anything particularly secret from you).

Becoming known as a secret keeper might also make some people be more likely to entrust secrets to you, because someone who knows secrets but does not reveal secrets could be considered more trustworthy than someone who appears to know no secrets (and thus cannot be reliably judged to be able to keep secrets) even if it turns out they both know secrets and are the kind of person who will not even reveal that they know secrets.

The Suspicion of Secrecy

There is something interesting about what happens when we suspect someone of keeping secrets. Take, for example, what is sometimes called “lying by omission.” Consider the adulterer, who claims “If you had asked me if I was sleeping with someone else, then I would have told you.” Or the salesperson who claims “You should have asked where I got the goods from” when you discover the vehicle they sold you was originally stolen.

In each of these cases you have not been explicitly lied to, but important information you think you ought to have known was kept from you. A lie by omission suggests someone would have told you the truth had you simply asked pertinent questions (like “Are you having an affair, darling?” or “Is this car I am about to buy stolen”). That is, the notion of the lie by omission relies upon the idea that there is information you *ought to know* but are not being told. That is, what you ought to know is being kept (secret) from you.

As such, one way to distinguish between what is secret, and what is private might be to explore the way in which information which is either secret or private transitions from being unknown *in some sense* to being known.

Private information is *relatively* unknown; it is, of course, known to the person to whom it is private (thus it is not *totally* unknown), but its known-ness beyond that will be limited. If someone is private about their gender, then they are not sharing it with others, making it relatively unknown. Yet the mechanisms a private person might employ to keep their privacy will often appear to be the same as that of the secretive person. Secrets also require that information is relatively unknown (once again, the person or people keeping the secret will know it). However, secrecy is *directed* in a way that privacy is not: private people simply do not share personal details with just anyone; secretive people, however, intentionally conceal some information from others. That is to say, secrecy is targeted, whilst being private turns out to be a general attitude.

Indeed, with regards to private information, the final arbiter of who exactly needs to know what is being kept private is the person the information is personal to. If I decide to share private information with you, then I have decided that you need to know it. If I decide to keep it private from you, then my personal information is something I have decided you do not need to know.

However, when it comes to secrecy, the argument for someone else *needing to know* shifts. When something is personal, then it is my right to say “You do not need to know this”, which should suffice as a reason on its own.

But when something is secret, then claiming that someone does not need to know it typically requires further argument.

Of course, sometimes secrets are things it turns out we do not need to know after all. It is not uncommon to find out that someone has been keeping some unimportant or trivial matter secret, such that when it gets revealed your first thought is “Why did they bother to keep that secret?” This speaks to the fact that we can keep anything secret, and what we keep secret might be something that we want to conceal from others, even if it turns out no one cares when the secret comes out. Perhaps the best example of this comes from Dan Brown’s novel “The Lost Symbol”, where it turns out that the ancient secret the Freemasons have been keeping from outsiders from time immemorial is the King James translation of the Bible, a book which is widely available (Brown, 2009). Even Brown’s protagonist cannot quite understand why the Freemasons are keeping this particularly commonplace book secret from outsiders.³

But the “Why bother?” aspect of some secrets is interesting, because it points to a curious feature of secrecy: anything can be kept secret no matter its truth or importance. If I want to keep secret the brand of soy milk I most prefer, I can. It does not matter that no one cares about my soy milk preferences; I can keep it secret if I really want to.

The idea that some things we might want to keep secret turn out to be things no one thinks is worth keeping secret has a sometimes sinister analogue in what is known as the “open secret”. The open secret is an example of a claim which is known to most (if not all) but is treated as if it were a secret nonetheless.

Examples of the open secret are varied. Perhaps someone’s partner is adulterous, but it turns out that all their friends know. However, not only does no one talk about said adultery, but people will act surprised if it is ever mentioned. That is, they act as if the adultery is some kind of secret despite it being widely known *but seldom discussed*.

Certain political practices or institutional activities are often also examples of open secrets. The fact that the president routinely stuffs the ballot box to win re-election might be an open secret in your society. Police brutality, or the regular fitting up/planting of evidence to secure the conviction of “known” criminals might be another. It might even be

the case that having to bribe officials to get paperwork done is an open secret in your society.

How is the open secret a secret? Well, because despite it being common knowledge amongst a significant portion of the population, it is ostensibly unknown to a select few. That is, the information is treated as unknown (and thus concealed from them) by someone or some set of people. Despite almost everyone knowing it, the fact at least one person does not know it (and probably ought to) makes it secret.

Compare, then, the open secret with the “feigned secret”. Sometimes we discover that something most people know would normally be the kind of thing we ought to consider secret. Sometimes these things will be talked about, but not necessarily openly. Thus, they are treated as if they were secret, despite it being obvious most people know. Indeed, when it comes to feigned secrecy, you might even be surprised to find that someone did not know about it.

Feigned secrets and open secrets tend to exist in societies in which there is known corruption or systemic injustice, often in cases where said corruption and injustice is perpetuated on a minority (or minority-treated) population.

Now, you might dispute that open or feigned secrets are actually secret. Open secrets are well-known, and feigned secrets are only treated as secret. Whilst they have the appellation “secret” they might be similar in kind to the conflation and confusion of secrecy with privacy.

Yet open secrets and feigned secrets are presumably still secret to at least one person. What makes them unusual as secrets is just how widely known the secret is to others. This, then, speaks to the idea that secrecy is targeted. You do not need to keep secrets from everyone. You simply need to keep them from the people you do not want to know about them. Open secrets are usually not shared (so they keep that aspect of secrecy) or, if they are shared, they are marked as something which should not be shared further.

Sometimes it is also said we hide secrets in plain sight. That is, we conceal information simply by making it obscure or difficult to access. From putting details on plans on slides but never speaking to those points in your talk, to summarising details of an event in a report you know people will never read, information can be obscured via its selective presentation.

For example, in 1981 a New Zealander named Christopher Lewis tried to assassinate the Queen of England whilst she was on tour in Aotearoa New Zealand. This became newsworthy only several years later; at the

time the New Zealand public were completely unaware that not only had someone taken a shot at Queen Elizabeth II, but he had been tried and convicted for the crime in open court. So, why did New Zealanders not know? Well, for one thing, the New Zealand Police Force decided to not charge him with treason (which was still a capital offence at the time). Rather, he was charged and convicted for the lesser crime of discharging a gun in public (thus making his trial less noteworthy to the press). The other thing is that whilst the police did publish details of his arrest and conviction, they published this information in a report they knew would not be widely read. (Roy, 2018) Which is to say, the New Zealand Police Force, in order to prevent an embarrassing situation, concealed the information in plain sight, knowing that people would not know to look for it.

Here are two further, gruesome examples of the form.

In 1990 Richard Klinkhamer killed his wife, Hannelore; he beat her to death with a wooden bat, and then proceeded to dig a hole in the shed in their backyard, where he dumped the body. The hole was filled with concrete and the shed was then filled with compost, to hide the smell of his wife's rotting corpse. Six days later he reported her missing.

The police suspected he had murdered her, given that the person most likely to kill someone is the person they are in a relationship with, but as there was no body, no criminal charge could be laid against him. A year later he approached a publisher with a book he had written, *Woensdag Gehaktdag* (which translates to "Wednesday Mince Day"), which was grisly rumination on seven ways in which he could have killed his wife. The book was never published, but had it been the police would have likely discovered Hannelore's body. Indeed, Klinkhamer, who became a minor celebrity due to the persistent rumours not just about *Woensdag Gehaktdag's* content, and his role in his wife's disappearance, would also cryptically comment about Hannelore's fate. However, he was only caught when his minor fame saw him move away from the house in which he killed his wife; the new owners discovered his wife's body whilst renovating the backyard (Woodward, n.d.).

Klinkhamer's book was never published, but Krystian Bala's book *Amok* was. *Amok* concerns the murder and torture of a woman by the main character. In the book the victim's hands were bound behind her back, with the rope then looped around her neck to form a noose. A detective investigating the murder of Dariusz Janiszewski, whose body had been found in a lake, noticed the similarities between the victim in *Amok* and

the murder he was investigating. This led to the investigation of Krystian Bala as a potential suspect and his eventual arrest. As the lawyer for the prosecution argued in court, Bala's book contained details that only the murderer of Janiszewski would know, which led to his subsequent conviction (Purvis, n.d.).

Hiding salient information in plain sight is a way of keeping information from others: the information is effectively concealed in that it has been intentionally placed or presented in a way that people are unlikely to discover it or—in the case of Klinkhamer or Bala—make it seem unlikely to be true; no *true* murderer will detail how they committed their crimes in manuscript they wanted to publish, surely? Hiding secrets in plain sight also tells us something interesting about secrecy, in that information can be concealed by the very act of how it is shared or not shared. In the case of hiding in plain sight information is shared in a way which means it should not be noticed. That is, information you would like to be secret but is already out in the world (or you are obliged to share) is intentionally presented or placed in such a way that people will not easily find out about it or believe it.

Sharing vs. Concealing

Let us analyse a little more the notion of sharing or not sharing information, as this tells us something interesting, I would argue, between how we act privately and how we act secretly.

When you are private you do not share information which is considered both true and personal with people that you do not trust. That is, when you act in a private fashion you are keeping personal information from others.

Secrets, however, are concealed. Whilst both secrecy and privacy concern cases where we intentionally do not pass on information to those we do not trust, when we act privately we keep personal facts from people we do not trust nor who we consider need not to know said information, whilst in the case of secrecy we intentionally conceal information from people for what turn out to be a variety of reasons.

As Bok argues:

Why then are privacy and secrecy so often equated? In part, this is so because privacy is such a central part of what secrecy protects that it can easily be seen as the whole. People claim privacy for differing amounts of

what they are and do and own; if need be, they seek the added protection of secrecy. In each case, their purpose is to become less vulnerable, more in control. (Bok, 1982, p. 11)

Herein lies the problem of perception, which I think confuses talk of privacy and secrecy, and is one of the reasons why the two are so often conflated: from an outside perspective the private individual can look secretive, and vice versa.

Whilst being privative may look like someone is restricting access to some information about themselves from others, this is different in kind and intent from concealing it from others.

Of course, from an outside perspective this difference in intent is hard to discern. I can know the difference between what I keep private and what I keep secret, but you may not, especially since the role of trust in both privacy and secrecy is central to our personal understanding of who we share information with.

As mentioned earlier, private matters concern things you would not normally tell someone you do not trust. Yet the same is typically true of secrets: the people you share secrets with are typically the kind of people you think are trustworthy.

Thinking someone is trustworthy is different from them being trustworthy; this, at least, is an issue for both the privative individual and the person who keeps secrets. Not only can we get that judgements about trust wrong, but we might also be in trusting relationships with others which trump our duties with regard to certain privacy or secrecy cases. For example, you might think a parent should keep their children's secrets, but if that secret is "Alex is a murderer", then said parent might think they are obliged to reveal that fact to the authorities because of their duties to others.

Guarding someone's privacy can also make you look like you are acting secretly, but when you protect the privacy of another (in the case where you know what is being kept private) you are not being secretive. You are simply respecting that certain personal information you are privy to should not be shared with others.

Of course, this perception or appearance can be abused because one can appear secretive by being private, and someone who is keeping a secret might claim to be privative in order to cover up the fact they are intentionally concealing something from you. The difference is that private matters are the kind of thing which should never become well-known.

Privacy is also very much an individual thing: *I* am private. However, keeping a secret can be a group activity: *we* keep what we did last summer a secret. Whilst you can respect someone's privacy, and also not share personal details that someone wants to keep private, you are not being privative but, rather, respecting someone else's privacy. However, keeping someone's secret requires one act secretly oneself; you have yourself become secretive.

So, while we can distinguish privacy from secrecy in certain cases (information which is not shared and is neither personal nor true), but—in a range of cases—it will be hard for someone to know whether what is being concealed from them is private or secret. This, though, is a problem of perception, and not, I argue, a result of privacy being a kind of secret.

Telling the Difference

So, how can we tell the difference between someone being privative and someone acting secretly? After all, someone can be private without necessarily keeping secrets, and someone who is utterly public when it comes to their personal affairs may well harbour a lot of secrets. Not just that, as we have seen, it is easy to confuse someone acting privately with someone acting secretly, or someone acting secretly simply appearing to be private.

What we can say is that privacy always concerns information which is personal and also true. You do not keep falsehoods private, and things which are not personal do not end up being in the domain of privately kept information. You can also comfortably predict what is kept private (in a given context), but you cannot easily predict what is likely kept secret. In part this is because secrecy need not necessarily concern the personal (although it can), secrets can be things people don't feel they need to know, and secrets need not even be true.

The first is worth noting: I can keep things secret that do not concern me, or things which I have no personal connection to.⁴ The second we have already discussed: not every secret is important. More interestingly (and perhaps controversially) I also argue that whilst it makes no sense to say private information can be false, we can keep falsehoods secret from others.

This is straightforwardly denied by Martijn Blaauw who writes:

One cannot, for instance, keep a falsehood secret (of course, one can think that one is keeping a false proposition secret if one (mistakenly) thinks this proposition to be true). Secrecy has to do with hiding facts. Likewise, one cannot reveal a falsehood (again, one can think that one is revealing a false proposition if one (mistakenly) thinks this proposition to be true). Revelation has to do with revealing facts. (Blaauw, 2013b, p. 169)

However, there is nothing inherently contradictory about keeping some falsehood secret. For example, I can try to keep gossip which happens to be false about me secret because even though it is not true, people might still believe it if they heard it. Perhaps I have gone out of my way to appear as an amoral character, and thus people are liable to believe the worst of me. As such, I hear some gossip about me which paints me in a good light and thus I intentionally conceal it from you.⁵ That would be a case of me at least *trying* to keep a falsehood secret. It might be an unusual thing to do, but it is still a case of me keeping something secret from you.⁶

Indeed, as Bok says:

I shall take concealment or hiding, to be the defining trait of secrecy. (Bok, 1982, p. 6)

Blaauw is right that what we keep private is by definition true, but to reveal a secret is not necessarily about revealing facts, but, rather, what was *concealed*. Blaauw is once again conflating privacy with secrecy here.

This speaks to another interesting aspect of secrecy: we can (at least) try to keep anything secret, including things which are relatively well-known. Take, for example, former U.S. President Donald J. Trump trying to keep his affair with Stormy Daniels a secret⁷; it turns out you do not have to be good at keeping something secret to be secretive. However, it is hard to imagine someone being described as privative who fails to keep things private.⁸

Our Duties to the Secretive and the Privative

We tend to think that protecting our privacy is good but keeping secrets is suspicious. In this respect our differing attitudes indicates a difference in kind, but this difference, admittedly, might just concern how we distinguish between whether someone is *merely* acting privately or being secretive.

After all, it is difficult to tell without some inside information whether the thing you are not being told is *merely* a private matter, or something which is being kept secret from you. Most of us accept that we have no right to pry into personal matters. However, keeping secrets is, at the very least, suspicious, if not sinister.

Unlike privacy, what is secret is clearly linked to someone intentionally *concealing* some information, as opposed to keeping it to themselves. Not just that, but if you are told a secret, you are usually told to keep it secret. That is, secrets are typically explicitly marked, whilst private matters are not (in that there are certain things you can assume should be considered private, and thus not to be shared).

Breaching privacy is also taken to be, at the very, least morally suspicious, if not in most cases a morally sinister thing to do.⁹ However, it is not clear that breaching secrecy is necessarily bad. This is because secrecy is typically considered to be, at the very least, suspicious (even though in some cases we might have very good grounds to keep secrets) and thus seeking to reveal the secrets of others is (depending on your culture) is often seen as a public good.¹⁰

Maybe the difference between privacy and secrecy is not only are private matters personal, but you can reasonably expect to keep certain matters private for the sheer fact people will not ask after them, and a reasonable response to someone asking after them is to point out that they are prying and thus breaching etiquette. Indeed, we often think of privacy as a right; I have the right to keep my personal matters private.

Now, if there is a right to privacy, then there will be an associated duty; if we have the right to be private, then there is an expectation that others have a duty to respect that right. David Matheson talks about this (in moral terms) with respect to a duty of ignorance with respect to the private concerns of others.

Privacy(ignorance) S_1 has privacy relative to p and to S_2 iff S_2 does not know p . If Privacy(ignorance) is true and S_1 has a moral right to privacy relative to p and to S_2 , then S_1 is morally entitled to S_2 's not knowing p . But rights generally entail corresponding obligations for those against whom right-bearers hold the rights. Hence if S_1 is morally entitled to S_2 's ignorance of p , S_2 has a moral obligation of ignorance with respect to p . Thus, if Privacy(ignorance) is true and there is such a thing as a moral right to privacy, there is such a thing as a (moral) duty of ignorance. (Matheson, 2013, p. 194)

So, if we accept that someone has a right to privacy, then we must accept that we have a duty or obligation to be ignorant of what they keep private, which is to say that we should not pry into private affairs.

The difference here between secrecy and privacy is this: we generally take it that it is morally permissible to be private.¹¹ However, it is not clear that secrecy is

- a. permissible, and
- b. even in cases where it is permissible, that we have a duty to be ignorant of secrets.

This is not to deny that keeping secrets is immoral, or never permissible. But whereas privacy is allowable (even laudable in some circumstances) keeping secrets is, at the very least, suspicious, if not sinister.

We see this if we adapt Matheson's duty of ignorance to be about secrecy (ignorance) rather than privacy.

Secrecy (ignorance) S_1 has secrecy relative to p and to S_2 iff S_2 does not know p . If Secrecy (ignorance) were true and S_1 had a right to secrecy relative to p and to S_2 , then S_1 would be entitled to S_2 's not knowing p . But to claim that S_1 is entitled to S_2 's not knowing p seems strange. If we allow that there is a right to being secretive, this does not entail a corresponding duty that S_2 must be ignorant and thus not pry into p .¹² After all, even if we grant we have the right to secrecy, others might have the right to know what we keep secret if it is either of import to them or knowing p would change our behaviour. After all, finding out that the car we want to purchase has been stolen may very well change our minds about buying said vehicle.

If there is a corresponding duty to secrecy, then it is, surely, the duty of keeping secrets you have been told or found out about, although this duty seems to be easily trumped. If I find out about some secret, p , I might, upon finding out the content of p , be obliged to also keep p secret *if I am made aware as to why p is being kept secret*. Learning that the car I want to buy is stolen might lead me to keep that secret if I think the price is low enough. Finding out that my country has a secret nuclear weapons programme might lead me to keep that secret from foreign nationals if I think it protects my country's interests.

Then again, if the reason behind the secret is not to my liking, I may decide to reveal the secret to someone else. But in the case of privacy, where we think that as the information being kept private is personal, breaking privacy is typically considered sinister.¹³ However, breaking

secrecy or revealing secrets does not have the same stigma.¹⁴ Indeed, the suspicion something is being kept secret might oblige some of us to investigate said secrets, which is yet another case where privacy and secrecy come uncoupled; we might be obliged to look into someone's secret for a variety of reasons (suspected malfeasance, lying, etc).

Of course, one way to straightforwardly deny a right to privacy is to classify certain private matters as being secretive instead (which speaks once again to privacy being a different concern to that of secrecy). This, arguably, is something influential organisations do, whether it be businesses which require that you give them private information for their everyday business (take, for example, Facebook and Mark Zuckerberg's claim that there is no privacy on the Internet), or governments which erode privacy through the expansion of the panopticon and the like. In these cases, wanting to protect your own privacy is taken to wanting to be secretive, and there is an interesting discussion to be had here as to how what counts as private is primarily a legal or a moral category.

This, then, speaks to a difference between secrecy and privacy; our duties towards them are fundamentally different, and the kind of justification required to defend secrecy requires a further level of argument we do not associate with privacy.

From Private to Secret (and Back Again?)

A further difference between privacy and secrecy might be the lack of reciprocal transitivity. You can easily imagine that some personal fact about yourself might be private at some time, not private at another, and private again later on in your life. I might have treated my gender identity as private in the past, be public about it now, but conceivably could become private about it in the future. This will either be due to changing circumstances (perhaps I become a celebrity and decide I need to protect my personal information in the way that was never necessary when I was not famous¹⁵). Or perhaps I move from one culture to another and either out of respect for the different cultural norms (or as a reaction against them), what I consider to be public or private information changes.

You can also imagine that some private fact about yourself could become secret. My gender identity as a celebrity was private but that privacy is then broken by a media organisation that promises to publicise a deeply personal fact about myself. So, I instruct my lawyers to put an

injunction upon the publisher in order to keep them quiet; at this point my gender identity, whilst still private in some sense, is now also a secret.

Furthermore, some private information might shift to being entirely a secret; perhaps the illness I suffer from becomes a public health hazard and a notifiable disease, but I continue to keep that information to myself. However, once the health crisis abates, I find that I no longer need to keep my illness secret, and some the matter returns to being merely a private concern.

Is this a fundamental difference between secrecy and privacy? Well, maybe not. Private matters can become secret, and once-private-now-secrets can return to being private. But this raises the question: can a secret which was never private become a private matter? Presumably yes: if the secret also concerns a personal matter, then a change in circumstance could then result in something you had to keep secret become private (i.e., it goes from something you had to conceal to something you are not obliged to share with people you do not trust). As such, what is private can become secret and what is secret can (in cases of the personal) become private.

Conclusion

From the perspective of an outsider, it can be hard to distinguish between what someone keeps secret and what they consider to be private.

A secret is some piece of information which is intentionally concealed from someone else. Privacy, however, is very much an individual thing; I am private. Whilst you can respect someone's privacy and also not share personal details someone wants to keep private; you are not being private but, rather, respecting privacy. However, keeping someone's secret requires one act secretly oneself.

Whilst there are cultural norms which dictate what is reasonably considered private information and what people are allowed to ask you, these norms might not apply when it comes to individuals. I will happily divulge very deeply private details of my life to people I have only just met, for example, yet there are somethings most people would not consider private that I do not think you ought to pry into. I may happily tell you intimate details of my life whilst also refusing to confirm the gender of my partner.

So, despite surface similarities, you cannot expect to mop up issues surrounding secrecy by reference to issues about privacy; being private is

an attitude, whilst being keeping secret is something you choose to do. It would be a mistake, then, to think we can resolve issues about secrecy via an analysis of the issues of privacy alone. Secrecy and privacy are different ways of keeping or controlling the flow of information from others. Whilst both rely on keeping information from others, privacy concerns not sharing personal information generally, whilst secrecy concerns concealing information from particular persons. The fact we associate different duties with respect to them both speaks to them as different kinds of knowledge (or, perhaps more properly, weird lacuna of relatively unknown things), and thus in need of their own, separate analyses.

NOTES

- ¹ See also my paper with Martin Orr, which analyses what we mean by “secret” when we talk about conspiracy (Dentith & Orr, 2018).
- ² There is also an ethical component to secrecy. Keeping secrets about your private life is one thing, but members of influential institutions keeping secrets from the public is typically taken to be suspicious, if not sinister. Whilst there are a range of views on whether it is appropriate for, say, governments, to keep secrets from its citizenry, there is little work as to when such secrecy might be obligatory. After all, some secrecy might be a “necessary evil” for the functioning of the kind of open societies in which we live.
- ³ The only reason why it makes any sense is when you consider that Dan Brown was troubled by allegations he was anti-Christian due to the contents of his previous book, “The Da Vinci Code” (Brown, 2003) which lead him to make Christianity front-and-centre to his next book.
- ⁴ Admittedly, much of this can all be parsed as personal as the information still is information about me, my friends, or my fellow citizens. It might also be the case that my partner agrees that their gender should not be shared but will also happily introduce themselves as my partner, which means the information is something I consider to be private, but they have the right to waive that privacy in a way that I do not.
- ⁵ You might still learn it through other sources, and thus I might go further and intentionally conceal it via disinformation and the like.
- ⁶ It’s true in this case you have no real guarantee that said falsehood will be kept secret, given the fact someone already knows it (although disinformation or blackmail might help stop its spread you might not be able to expose the gossipers as liars, but you might be able to stop them from talking if you find the right kind of leverage...
- ⁷ This paper was written in 2018, when this was considered one of the bigger scandals of Trump’s life...
- ⁸ That being said, many things a private person wants kept private might become well-known should someone they trust betray them. In that case they have lost their privacy but are still private. However, in the case of secrecy one can be bad at keeping secrets and yet still be considered secretive. One cannot be bad at being private and still be considered private, however.
- ⁹ As mentioned earlier, there might be some cases where breaching privacy is just suspicious but not actually ethically sinister, such as revealing someone’s blood type or medication regime in the case of an emergency.
- ¹⁰ This is, of course, very cultural and temporally situated; to pry into the secrets of governments today is laudable. To pry into the secrets of the British government in the 1960s was not....
- ¹¹ At least about certain things; this is cultural contingent, and even within a culture there are exceptions; parents in most Western cultures, do not like

their children being privative, for example, at least around them and at least when they are living at home

¹² Matheson goes even further and argues that we have a duty (and the capacity) to become ignorant of things we have already learnt, which raises the interesting question (not answered in this paper) of whether we can forget secrets we have been told, and whether that might be a duty in some cases (such as issues of national security and the like).

¹³ As mentioned earlier, there will always be some exceptions.

¹⁴ At least at this point in contemporary Western or Western-style cultures.

¹⁵ Indeed, this is marked by the way in which we talk about public figures and private citizens; we recognise that it is harder for famous people to be private (and often express wonderment when they try).

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