ABSTRACT. This paper argues that there is a conflict between divine omniscience and the human right to privacy. The right to privacy derives from the right to moral autonomy, which human persons possess even against a divine being. It follows that if God exists and persists in knowing all things, his knowledge is a non-justifiable violation of a human right. On the other hand, if God exists and restricts his knowing in deference to human privacy, it follows that he cannot fulfill the traditional function of being the perfect and final judge of all things.

Bertrand Russell once told the story of an elderly nun who never removed her habit, not even to bathe. One day the Mother Superior rebuked her for overzealous modesty, and pointed out that no human eye could possibly see her while she was alone in the bath. "Yes," the nun replied, "but you forget the good God."

Russell remarked with amusement that this modest nun seemed to feel that God had the power to see through walls, but not through clothes. There is perhaps a deeper puzzle hidden in the story, a puzzle neglected by natural theologians. If God is omniscient, he does indeed see the nun alone in her bath. But the nun is a human being, possessed of human rights, and one of these rights, the right to privacy, is apparently violated in this case. But if God is just, he violates no rights. Perhaps there is a logical conflict between omniscience and justice, similar to the celebrated conflict between omniscience and human freedom.

In what follows, I argue that there is indeed a logical conflict between omniscience and the right to privacy, in particular (a) that there is such a thing as the right to privacy, (b) that God's omniscience does violate this right, and (c) that God has no excuse when he violates this right. I take up each of these matters in turn.
(a) The Right to Privacy

Current philosophical analyses of the right to privacy exhibit perplexity. Everyone is convinced that there is a right to privacy, but no one seems to know what it is or how far it goes. Let me begin with an example involving privacy. Suppose that Ted keeps a diary in which he records his secret thoughts about birds, butterflies, young women, and other romantic things. Ted wishes no one to read the diary, and keeps it locked in a drawer in his room. Now suppose that Ted has a friend, Curt, who for no good reason, begins to suspect that Ted is contemplating suicide. Acting on this suspicion, Curt breaks into his friend's room, reads the diary, surmises from his reading that Ted is not suicidal. He puts the diary back, and Ted never discovers that his diary has been read.

I take it to be a clear verdict of our moral intuitions that Curt has done something wrong in reading the diary. But what, exactly, has he done wrong? He has not harmed Ted in any obvious way: he hasn't done him bodily harm, or hurt his feelings, or disrupted his overall plan of life. Furthermore, Curt did not even intend to hurt his friend. All that we can say—at first sight—is that what Curt did was wrong and that what he did was to violate someone's privacy.

Now observe that if Ted gives Curt permission to read the diary, there would be nothing wrong in his reading it. We have here a case where X is wrong when a certain permission is not given, and X is not wrong when permission is given. In such cases, we should say that there is a right to X, in this case, a right to privacy, a right which can be waived, but need not be.

Different philosophers have proposed radically different analyses of this right to privacy. According to Professor Thomson,1 the right to privacy is a derivative right, logically implied by other rights, in particular, the right to property. In the case at hand, Thomson might suggest that Curt has violated Ted's rights by abusing a particular piece of his property. But this analysis, appropriate in some situations, will not tell us why it would be just as wrong for Curt to spy on Ted through a crack in the wall. In general, it seems likely that the other rights to which Thomson refers are at least partially derived from the right to privacy, not the other way around. Professor Rachels,2 taking a different tack, suggests that the right to privacy springs from a need for freedom in the determination of our social relationships, a freedom that can only be obtained if we control the flow of information about ourselves to other people. But I can control the flow of information about myself to A and B, giving A information which I deny B, even if I am being constantly monitored by C. Rachels' analysis cannot explain, what seems certain, that it would still be wrong for C to spy on me.

A more promising approach involves the observation that Ted, as we have described him, would be very unhappy if he discovered that his diary has been read. Given this fact, we might attempt to derive the right to privacy from an extended form of utilitarianism, a form which proposes that an act is wrong (a) if it causes unhappiness or (b) if it would cause unhappiness if it became known. Such a theory appeals to our feeling that the best moral assessment of a situation can be made only when all of the facts of the situation are known. But despite
this appealing feature, the extended utilitarian analysis does not do full justice to our fixed intuitions regarding privacy. For suppose that Ted is slightly different from the way in which we have described him, and would not, for some strange psychological reason, feel upset upon discovering that Curt has read the diary. We would still judge that Curt had violated his friend’s rights. For even if Ted does not mind his diary’s being read, he has a right to mind, whether or not he actually does so.

Whatever analysis we give to the right to privacy, what is beyond doubt is that the right obtains. I am inclined to believe that the right is *sui generis* and that it is part and parcel of our dignity as persons. If we accept this, we can proceed to consider the scope of this right, which is as much a problem as its existence.

Professor Scanlon has argued that the right to privacy involves the concept of a "protective zone", into which prying eyes cannot justifiably intrude. On this account, the right to privacy exists in the protective zone, but not outside it. Scanlon’s concept of zone does mesh with some of our intuitions; it is, for example, one explanation why it is wrong for uninvited strangers to look on our nakedness if we are in our homes, but not wrong for uninvited strangers to look at us if we choose to disrobe in the street. But, even if we leave aside the nice question of whether the concept of zone can be defined independently of the notion of privacy, the right to privacy seems to imply more than protection within any definable zone. Suppose that I have the habit of using a particular public telephone booth, and the FBI places a wiretap on that booth for the specific purpose of recording my conversations. The wiretap violates my privacy, even though the booth and the wiretap are in the public zone.

Examples like this persuade me that any negative approach to privacy, any approach which asserts that we have no right to privacy unless we place ourselves in a designated zone or meet some designated criteria, will not do justice to what we feel about privacy. Only a positive account will do, one which stipulates that persons have a general right not to be observed, unless the observer has a specific warrant or justification for doing so. If the FBI has a justifiable suspicion that I have a bomb under my coat, then they have a justification for searching me. If I give them verbal permission to search me, then they have a warrant for doing so. But if they have neither justification nor warrant, then they have no right to search me, no matter whether I am in a public place or a private place.

The warrants by which we waive our privacy and the justifications by which we forfeit it are numerous and varied. For example, if I freely walk out of my house, I provide a warrant for others to look at me, since they cannot easily avoid seeing me, and I can easily avoid their inspection by staying at home. But whatever the frequency of warrants and justifications, the burden of proof in privacy cases rests on the observer, not on the person observed. I need not prove to the FBI that my telephone conversations should be kept private; it is for them to prove that they should be public. Ted need not prove to Curt that his diary shouldn’t be read; it is Curt who needs a warrant to read it, even if he finds it lying in the street. This approach to privacy may seem unduly individualistic, but we are, after all, individuals, and I
can find no other approach which produces verdicts that correspond to the settled intuitions of myself and others regarding privacy.

(b) Divine Omniscience

General analyses of the concept of omniscience are surprisingly scarce. Most of the commentators on the subject plunge immediately into discussions of God's knowledge of future contingents, without much consideration of what is involved in God's knowledge of ordinary situations. For example, you are presently reading an article on privacy. This is not a future contingent situation, and, if God knows all things, he knows that you are doing this. What is the structure of his knowledge of this present event?

The natural theologians seem agreed on one point: that God's knowledge of my present action is intuitive, i.e., God does not know my present action as a result of any inference, deductive or inductive. The reason for this restriction is that it seems impious to assert that God has to work, or perform inferences, in order to obtain the knowledge that he has. Of course, if God wanted to perform inferences, he could perform them, but there is no need for him to do so.

The view that God's knowledge is all intuitive does not, by itself, render God's knowledge and God's knowing different in kind from human knowledge and human knowing. If all human knowledge were inferred, then we would be caught up in an infinite regress of inferences and no knowledge would be possible. So some human knowledge must be uninferrred, and this knowledge has as much right to be called intuitive as any piece of God's knowledge. It follows that the difference between God's knowledge and human knowledge is not that God's intuition excels human intuition, but that all divine knowledge is intuitive while only some human knowledge is.

Let us take a sample piece of uninferred human knowledge—the knowledge, for example, that there are diverse things in my field of vision. I know this intuitively and God knows this intuitively. How does God's knowledge of this fact differ from my knowledge of this fact? Now my knowledge of this fact is derived from perception, not in the sense of being "inferred from" perception, but in the sense that to have such a perception is to be justified in believing in diversity of these objects. Is divine knowledge of the same fact also derived from perception? The dictum that all of God's knowledge be intuitive neither excludes nor implies that some of God's knowledge is derived from perception. We are free to hypothesize.

At first sight, it seems bizarre to attribute sense-perception to God, who is, if he exists, a spiritual being without a body and therefore without sense organs. But it is logically possible for a being without sense-organs to experience sense-perceptions, in the same way that a man gone blind can continue to experience visual images. Like some blind men, God could experience visual images, even though he has no eyes. Furthermore, these visual images could be so constituted and succeed one another in the divine mind in a way that exactly stimulates what beings with eyes would see if they looked down upon the world. The only thing missing from full-fledged perception would be the causal
link for experienced sensation to perceived object. For lack of this link, God would not be perceiving, but he would be truly imagining, in the
visual sense of "imagining." We could call this true visual imagining the divine mode of seeing.

I believe that many natural theologians would deny that God engages in the mode of seeing that I have just described. They might argue that the assertion that God experiences sensations implies that there is passivity in God, a view that contradicts the standard scholastic doctrine that God is pure act. Furthermore, to see at all is to see from a particular standpoint, and God, if he exists, exists at no particular place. But these alleged difficulties are not insuperable. The view that God's experience of sensations need involve passivity is simply mistaken. Perception is normally considered to involve some passivity because the experienced sensation is the effect of a certain cause. But the true visual imagining that we have suggested as taking place in God is not the effect of any external cause. And as regards the problem that there is no location from which God can truly imagine things, we can postulate that God truly imagines every object from every possible angle and from every possible distance. This hypothesis makes the mental life of God rather complicated, but there is no inconsistency between this infinite complexity of imaginings and what standard Western theism maintains concerning God.

The consequences for natural theology are far worse if the hypothesis of divine sensation is denied. If God cannot experience sensations, then there is some logically possible thing which he cannot do, which is contrary to the thesis that he is omnipotent. Furthermore, if God cannot experience sensations, he cannot experience aesthetic pleasure, and this seems to deny the presumption that his life is perfect in every way. Finally, if he cannot experience sensations, then he cannot, in some sense, know what the lives of sentient creatures are like. But surely, if God is omniscient, he knows not merely that I experienced this or that particular sensation, but also what this experience is like.

In addition to these philosophical arguments, the weight of authority and tradition can be brought down heavily in support of the hypothesis that God experiences sensations. The Scriptures are full of references to God's seeing and God's hearing. The devotional literature contains innumerable prayers requesting that God see the penitent and hear his requests. The traditional mainstream theologians do not explicitly deny the hypothesis, and at least one prominent theologian, Nicholas of Cusa,\textsuperscript{4} embraces it to the extent of asserting that God even experiences sensations of smell. These arguments from authority and tradition will, of course, impress only believers, but it is only believers who have the problem of omniscience and privacy in the first place.

The upshot of the discussion is that part of man's knowledge is intuitive, like God's, and that part of God's knowledge is perceptual, like man's. It appears that God's knowledge, though broader than man's, is not deeper, despite numerous metaphors about the depth of God's knowledge. But if God's perceptual knowledge and human intuitive knowledge are similar, then, in cases where human knowledge would be a violation of privacy, God's knowing is, at least prima facie, also a violation of privacy. The usual case will involve perception: for example, in cases where it would be a violation of privacy for a human being to watch me doing something, it would also be a violation of privacy for God to...
watch me do that thing. Thus, God does see the nun in her bathtub, and his seeing violates her privacy, if she does not wish to be seen.

(c) Proposed Excuses

Some theologians may deny outright that God violates my right to privacy. Others may admit that he violates the right to privacy but will argue that he can do this with impunity, since he always has either a justification or a warrant for his violations. Though it may seem impious to make excuses for God, I should like to consider some excuses suggested to me by various persons in the course of discussions of God and privacy.

(1) In most cases, violations of privacy involve the use of extraordinary perceptual means. For example, if I am having a fight with my spouse and leave the window open, persons who happen to overhear the fight are not violating my privacy. On the other hand, persons who place a microphone in my apartment in order to hear the fight are violating my right to privacy. But God, it can be argued, uses no microphones or extraordinary means to see and hear human affairs, so he never violates the right to privacy.

The trouble with the excuse is that the distinction between "ordinary" and "extraordinary" means of perception is difficult to formulate. I believe that we judge means of perception to be ordinary if they are familiar and extraordinary if they are unfamiliar. For example, suppose that in a Stalinist epoch every apartment is fitted out with a television eye, and these TV transmissions of my domestic affairs are constantly monitored by the Board of Spies. In that case, television surveillance would come to be considered "ordinary", and, according to the view that violation of privacy must involve extraordinary means, the television surveillance should not be construed as a violation of the right to privacy. But, however ordinary such surveillance would come to be considered by a morally benumbed citizenry, it would nonetheless be a violation of privacy.

(2) God is often referred to as a Father, in which case we are his children. But children do not have a general right to privacy, and parents are entitled to observe their children at all times. Likewise, it is argued, human children have no right to privacy against the divine father.

But even if we accept the view that God is a father in some sense, this argument presumes that children have no rights except the standard right to tender loving care. But one can imagine cases where children do have a right to privacy. For example, suppose that a child is keeping a secret diary. In that case, the parents have no automatic right to examine the diary, no matter what their motives. It would not be nice for a child to refuse his parents' request to read his diary, but it cannot be argued that it is immoral or unjust for the child to refuse permission. Likewise, if a child is preparing a surprise gift for his
mother's birthday, one could hardly deny the child the right to keep his gift as a surprise.

The reader may feel that I have stacked the deck by taking my examples of a child's right to privacy from children who are capable of preparing presents or keeping diaries. Pious believers might argue that human beings are like infants when compared with God, and that infants have no right to privacy at all. But this argument, like the preceding, assumes that there is no right to privacy where it seems to me that there is. For example, suppose that a sexually perverted man is aroused by the sight of naked female infants, and suppose, furthermore, that this person never physically harms, or will harm, infants in any way, and suppose, finally, that this man offers indigent parents substantial sums of money if they will expose their infant children to him. I still feel that such peepings would be immoral, even if the infants are unaware of what is going on and the parents duly profit from the transaction. But how else can one characterize just what is wrong in this situation unless one admits that such peepings violate the child's right to privacy?

This argument will only work for readers who agree that peeping at infants, even in the circumstances described, is morally wrong. But suppose that I am incorrect in this judgment and the truth is that infants simply do not have anything like a right to privacy. In that event, I still consider it wrong for God to peep at us, since in fact we are not infants, but adults, and, if God sees things truly, he sees infants as infants and adults as adults. Even extremely pious persons object to God's viewing human beings as if they were no better than cats or dogs, and yet God is as much "above" cats and dogs as he is above human beings. There is no more cause to say that we are "infants in the sight of God" than there is cause to say that we are "dogs in the eyes of God". No excuse for God's violation of privacy can be discovered in the lowliness of the human estate.

(3) Some persons might argue that we have no right to privacy against God because he created us and that act of creation makes us his property. To say that God has no right to observe us is like saying that a horse owner when he buys a horse has no right to look at it.

These metaphors of property, however, do not seem to me to produce the desired result. The common consensus of at least the last hundred years is that it is always immoral for one person to own another, however benevolent the owner might be. But if it is immoral for one person to own another, it is immoral for God to own anyone, however benevolent a slaveowner he might turn out to be.

(4) In many descriptions of Western religious regimens, the function of discipline is the development of an intimate relationship with God. Now one of the marks of an intimate relationship is that the related friends have no secrets from each other. Consequently, if God is to become your intimate friend, you must waive your right to privacy, and all of God's intrusions on your privacy will therefore be sanctioned.
This argument, it must be admitted, will resolve the conflict between omniscience and privacy for all persons who want to have an intimate relationship with God. But of course it will not suffice for those who do not want this relationship, or who are not aware that such a relationship is possible. Even if it is a good thing for me to develop an intimate relationship with the Deity, it cannot be said that I am morally bound to enter into this relationship. It is permissible for me to refuse, in which case the right to privacy remains in effect. But, if God is omniscient, he knows everything about everyone, regardless of whether they welcome his friendship or not. It follows that God always violates someone's privacy, even if he does violate everyone's privacy.

It seems unlikely that further excuses for God's violation of privacy will be any more convincing than these. I conclude that the standard concept of omniscience leads to an irresolvable conflict between omniscience and privacy.

(d) Modified Omniscience

Since the standard concept of omniscience creates a contradiction within our concept of God, the indicated remedy is to modify the definition of this attribute so that the contradiction is removed. Suppose that we say that God's omniscience implies, not that he knows everything which is consistent with his nature. In cases where knowledge would interfere with privacy, God's sense of justice prevents him from exercising his power to know. In the modified view of omniscience we say not that God knows everything, but that he could know everything if he exercised his power to do so, and that, in fact, he does not always exercise this power.

This limitation runs parallel to certain constraints which logically sensitive theologians find necessary to place on the definition of omnipotence. One begins by presuming that the view that God is omnipotent implies that God can do anything; this view is then modified in the light of the realization that God cannot do what is logically impossible, and then modified again in light of the realization that there must be many possible things which God does not do, unless he is to be deprived of his freedom of choice. The modified doctrine of omnipotence becomes the doctrine that God has the power to do anything which is logically possible, but that in fact, he does not fully exercise this power. Likewise we are now arguing that God has the power to know anything which is knowable, but he does not fully exercise this power. In particular, we are suggesting that God does not violate the right to privacy unless that right has been specifically waived. For example, God does not see the nun in the tub, unless she positively wants to be seen.

It is surprising that the modified view of omniscience has not been explored by natural theologians, since this view of omniscience is more in tune with the devotional literature than the standard view of omniscience. Many prayers request that God look down upon the penitent; these prayers make no sense if it is guaranteed by the definition of omniscience that God is already looking down. But if the modified view of omniscience is correct and God is, out of respect for privacy, not looking at the penitent, then all of these devotional prayers can be interpreted as explicit waivers of the right to privacy.
I believe that the modified view of omniscience is internally consistent. The crucial question is whether it is logically consistent with other divine attributes. One difficulty involves the attribute of perfect justice. On the usual view, God is perfectly just, not merely in the sense that all his acts are just, but also in the sense that he judges, punishes, and rewards his creatures in a perfectly just way. Now, in order for God to be able to do this, he must have perfect knowledge of those on whom he passes judgment. We can presume, if God exists and if there is a last judgment, that God tailors rewards and punishments to the particular case. But such detailed individual tailoring will not be possible if the details of the particular case are not known. In particular, since all thoughts are private, God, respecting the right to privacy, cannot in every case know the thoughts of those whom he judges. But thoughts are a part of character, and they must be fully known if character is to be properly judged, punished, or rewarded. God cannot at the same time be perfectly just and a perfect judge.

It would be fruitless to attempt to patch up this problem by introducing modifications into the doctrine of divine justice. If God is not perfectly just, then he is not supremely worthy of worship, and the devotional and emotional center of Western theism is lost. The attribute of perfect justice conflicts with the modified concept of omniscience, and God, so conceived, is not even possible.

ENDNOTES


2 J. Rachels, "Why Privacy is Important", Ibid., 323-33.


4 De Visione Dei, IV.