

Report from the Center for

PHILOSOPHY & PUBLIC POLICY

Volume 4, Number 2
Spring 1984

University of Maryland • College Park, Maryland 20742 • Telephone: 301-454-4103

To Tell or Not to Tell: Conflicts about Confidentiality

To make its research readily available to a broad audience, the Center for Philosophy and Public Policy publishes a quarterly newsletter: *QQ—Report from the Center for Philosophy and Public Policy*. Named after the abbreviation for “questions,” *QQ* summarizes and supplements Center books and working papers and features other selected work on public policy questions. Articles in *QQ* are intended to advance philosophically informed debate on current policy choices; the views presented are not necessarily those of the Center or its sponsors.

In this issue:

The duty to keep secrets is a cornerstone of many codes of professional ethics and a charge often placed upon workers in private industry and government. How do we balance the duty of confidentiality against the grave harms that can come from keeping secrets that instead ought to be told? p. 1

Animal liberationists and environmentalists are often taken to be allies, each supporting the other's cause. Nothing could be further from the truth. p. 6

Ways to meet the growing need for organ transplants — and why a commercial market for buying and selling human organs should not be one of them. p. 9

Three arguments for why gays should be given the same protections the Civil Rights Act currently affords racial, ethnic, gender, and religious classes. p. 12

An October conference on the foundations of civil rights policy is announced. p. 15

“Three can keep a secret,” Benjamin Franklin once wrote, “if two of them are dead.” The urge to tell secrets is a powerful one, and pervasive practices of confidentiality have accordingly developed to keep it in check. The duty to keep secrets is a principal part of what friends owe one another, a cornerstone of most codes of professional ethics, and a charge placed upon workers and citizens in the name of loyalty to their employer and their country.

Philosopher Bruce Landesman of the University of Utah suggests that our ordinary duties of confidentiality are based in part on respect for the need all of us have at one time or another both to express information to others and to keep control over how that information is subsequently used. We need the reaction and response of another person — and so share a secret — but also need to retain a proprietary hold on the secret — and so swear our audience to confidentiality. Sissela Bok, writing in *Secrets: On the Ethics of Concealment and Revelation*, likewise justifies confidentiality in terms of our respect for individuals as capable of both *having* and *sharing* secrets, respect for both personal autonomy and interpersonal intimacy. Furthermore, once a promise of confidentiality is given, the duty to keep promises provides an additional reason not to tell.

Some secrets ought not to be kept, however. One has a *prima facie* duty to reveal certain sorts of information to the proper authorities: information about crimes committed or contemplated, for example, or concerning impending harm to innocent third parties. The obligation to keep a secret may have to be balanced against the obligation, in certain circumstances, to tell a secret, and Landesman argues that appeals to confidentiality provide no easy way