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Touching Through: The Puzzle of Mediated Contact

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ABSTRACT

It is natural to think that one person touches another when their bodies make direct contact. However, much interpersonal touch is not like this. We often touch people *through* things like their clothing. But this raises a puzzle: How can you touch someone without *directly* touching the surface of their body? Moreover, where particular moral violations and crimes essentially involve touch, an account of when one person mediately touches another is required to determine when the relevant wrong or crime has occurred. We introduce and articulate this novel puzzle before rejecting five plausible solutions. We then develop and defend our own account, on which one person touches another through some medium when the medium acts as a certain kind of person boundary determined by social norms concerning intimacy.

1 | Introduction

Touch plays a central role in our social lives. Giving a warm hug to a partner, patting a friend on the back, or caressing a lover are deeply important for maintaining social bonds and expressing our love and care for others. Its dark side is the realm of assault: hitting, groping, and pushing. Touch can embody connection on the one hand and conflict on the other.

But, there are two subtly different forms of touch. One is simple interpersonal contact, such as when we shake hands or kiss; two people touch each other directly, skin-on-skin. The second is indirect, such as when you hug someone wearing a shirt, pat someone on the head through their woolen hat, or touch a partner's knee through their jeans. In the first case, both people's bodies make contact. Their surfaces become, for a time, contiguous, without any space between them. In the second case, this does not happen. Rather, the parties stand in a relation of *mediated* contact; they touch each other *through* some mediating item.

It is as much a part of our moral and social practice to ignore this distinction as it is to recognize it. If Cain shoved Abel while Abel was wearing a jacket, it would be feeble for Cain to protest, "But I didn't even touch him, just his jacket!" Pulling this move merits a roll of the eyes; we know what he means, but we also know it's not relevant. This is accommodated in law. In England and Wales, for example, the Sexual Offences Act 2003 defines "sexual assault" as intentional nonconsensual sexual touching, which includes "touching through anything" (Sexual Offences Act 2003 ss 1(3), 1(79)). It does this precisely because we recognize that although assault requires contact, the presence of a mediating object, such as an item of clothing, does not prevent assault. Similarly, the definition of "sexual relations" brought by the team that prosecuted Bill Clinton for perjury required contact to occur and specified that "'Contact' means intentional touching, *either directly or through clothing*" (Jones v. Clinton, 36 F. Supp. 2d 1118, n.5 (E.D. Ark. 1999); quoted in Tiersma 2004, 947, emphasis ours). In legal and moral contexts, we often note the distinction only to set it aside.

Yet there is a serious puzzle here, which has received little or no philosophical attention. When Cain pushes Abel through his jacket, it is natural to say that Cain touched Abel, even though the contact between them is mediated by the jacket. But *how* can contact be mediated, and under what conditions does a person

touch someone through some medium? After all, it's not possible to touch someone through *anything*. Cain could not touch Abel through a brick wall or through a mountain. And while a person can touch a friend's back through their jumper, it is less obvious whether they could do this through a suit of armor. The puzzle is how to understand the idea of "partially transitive" or mediated contact and why it is sometimes possible (and sometimes not) to touch someone by touching something that is *not* them. This puzzle calls for an explanation of what it takes to touch a person through something. This, in turn, will help us determine whether touching has occurred in tricky cases.[1]

Answering this question promises to shed light on important philosophical problems. For instance, a popular theme in ethics and political philosophy is that we have some special jurisdiction over our own *bodies*, which explains why we have rights against bodily trespass (Cohen 1995; Thomson 1990). The fact that we do (and should) treat mediated and unmediated contact in largely the same way, morally speaking, suggests that the realm of "bodily trespass" extends at least a little beyond one's skin. Thinking about why and how will improve our understanding of the body's role in a person's moral claims.

There are also practical reasons to seek a solution. The crimes of assault (in common parlance) or battery (in law) involve nonconsensual touch, so we need an account of when one person touches another through something to adjudicate whether certain cases amount to assault.[2] This arises not only in response to fictions such as Cain's bad-faith representations above but also in actual legal cases. In the case *R. v H (Karl Anthony)*,[3] it is reported that a man grabbed a woman's tracksuit by the pocket and tried to pull her toward him. She broke free, and he was convicted of sexual assault. In both the original case and an appeal against the conviction, the defendant's representative submitted that the defendant did not touch the complainant, as he *pulled* her clothing, placing no direct pressure on her body. The appeal was rightly rejected. But the Court of Appeal could easily have endorsed the reasoning offered by the defendant's representative and decided the case differently. In this case, the appellant and the court relied on competing ideas of what it means to touch someone through something, with the former claiming that placing pressure on a person's body is necessary to touch them through something. We see here that an account of mediated contact is required to adjudicate questions about whether specific cases constitute touching and has implications for justice for victims of assault.

In this paper, we identify the problem and develop an account of what it takes to touch someone through something. Our view is that one person touches another through some medium when the medium is acting as a personal boundary of a specific sort. We will argue that material objects can come to embody our moral boundaries—boundaries that mark our body-centered moral claims—in virtue of social norms concerning intimacy. When an object embodies someone's moral boundary, touching it is touching them.

Before arguing for these claims, we consider and reject several independently plausible answers to this neglected puzzle, showing that it has no simple solution. Section 2 rejects a simple contact-based view and supplies a theoretical resource that will stay in play throughout the paper. Section 3 rejects causal and counterfactual solutions. Section 4 discusses and rejects solutions that appeal to particular psychological features of the people involved. Section 5 advances our own account, and Section 6 elaborates on the proposal's attractions, defending it from objections.

2 | The Contact Principle

Let's start with a simple answer to the puzzle. Suppose that Alice touches Bert through his jeans. For this to be true, Bert must be wearing his jeans. Alice cannot touch Bert through his jeans if they are hanging on the washing line. As Judith Jarvis Thomson says, "Who strokes the sleeve of my coat while it is on the hanger strokes only my coat; who strokes the sleeve of my coat while my arm is in it strokes *me*" (Thomson 1990, 208). This might suggest the following view:

> *Mediated Contact*: A touches B through object x if and only if A is in direct contact with x and B is in direct contact with x.[4]

Mediated Contact fails dramatically. First, it fails as a necessary condition. Suppose that Erica, wearing gloves, rubs Freya's back while Freya is wearing a shirt and jumper. Erica touches Freya through three layers of clothing, but *Mediated Contact* does not hold; there is no *single* object they are both in direct contact with. Second, it is obviously insufficient. Suppose that Erica leans on a piano while Freya is playing it. They meet *Mediated Contact* but do not touch each other. Or consider Geralt and Horatio competing in a tug of war on opposite teams. Both are in direct contact with the rope, but they do not touch each other through it.

Nevertheless, we think that there is an important insight here in the shape of the following necessary condition on mediated contact:

> *Contact Principle*: A touches B through objects x_1, x_2, …, x_n only if

a. A is in direct contact with x_1,

[1] We distinguish between touching someone *through* something and touching them *with* something, as when Ginny pokes Jonny with a stick. We focus only on *touching through* because we think *touching with* comes with its own difficulties and deserves a separate treatment. One point of difference is that if Ginny touches Jonny with a stick, she must be *wielding* it as a tool; no such requirement is involved in touching Jonny through his jacket. The stick is Ginny's *instrument*; the jacket is a *medium*. Note that this need not mean Ginny is touching the tool, since it could be a thrown ball, a drone, or a mechanical device she has set off. We think both phenomena are closely related, and some of what we say below may apply to touching with. However, a full treatment will have to wait. We thank James Laing, Pekka Väyrynen, and Rosa Vince for discussion of this point.

[2] Compare Robert Morgan's (2021, 520–521) concern in the context of deciding whether an attack is a sexual attack.

[3] *R. v H (Karl Anthony)*, 2005 1 W.L.R. 2005 (2005)

[4] Since A and B must touch the medium at the same time, all the conditions we discuss are implicitly synchronically time-indexed.

b. B is in direct contact with x_n, and

c. either:
   i. x_1 is identical to x_n, or
   ii. x_1 is in direct contact with x_n, or
   iii. x_1 and x_n are separated only by objects that are themselves in direct contact with each other.[5]

The *Contact Principle* preserves the basic insight that for one person to touch another, they must each be touching things such that there is a chain of objects in direct contact running between them. That there can be a chain, rather than only one object, enables Erica to touch Freya through multiple layers of clothing.[6]

However, the *Contact Principle* is only necessary, not sufficient. If it were sufficient, then we would all be touching each other through the earth, since there is a chain of contact running between all of us. This is a bad result. Nonetheless, the presence of such a chain of contact is important because it must be there whenever there is mediated contact, and so it will play a significant role in more promising answers to the puzzle.

3 | Causation and Counterfactuals

In this section, we canvass two ideas that appeal to familiar philosophical tools.

3.1 | Causation

One such proposal[7] is causal:

> *Causation*: A touches B through x iff A's touching x causes some change in B's body by virtue of their meeting the *Contact Principle*.[8]

This is immediately promising, since mediated contact ordinarily involves causing changes in one another's bodies. It also seems to get many of the cases right; Alice touches Bert through his jeans, but Erica does not touch Freya through the piano because only Alice causes changes in the other person's body (most obviously, the temporary depression of his skin). Moreover, it captures part of why interpersonal touch matters; it is a way of affecting people.

Note that the change that A causes in B's body must result from them meeting the conditions of the *Contact Principle*. A might cause changes in B's body (an elevated heart rate and blushing of the cheeks) by saying something that embarrasses B. This would not count as touching through, even though A and B may very well meet the *Contact Principle* just by standing on the same ground. Why? Because A would not have caused the change in the right way, that is, by doing something that involves coming into contact with some mediating object (or objects) with which B is also in a chain of contact.

However, *Causation* fails. Consider Michelle and Ned, who are on a bouncy castle. When Michelle jumps and lands, Ned is thrown into the air. Michelle causes changes in Ned's bodily position, but she does not touch him through the bouncy castle. *Causation* equally does not rule out Geralt's touching Horatio through the rope in their tug of war; by pulling on the rope, Geralt causes changes in Horatio's body. It would also count Freya's wobbling of the piano beneath Erica as her touching her. So, *Causation* is not extensionally adequate.[10]

One might try amending *Causation* in different ways. One would be to specify what kinds of materials the causation must run through. Another would be to specify the kind of causal transaction that must occur. We leave it up to others to develop such views, but note two general problems they will face.

First, specifying the materials requires finding some principle that unites all the things that can preserve contact, lest it look like an ad hoc list. While our paradigm media are clothes, we can also touch each other through cling-film, clay, body paint, paper, curtains, and so on.[10] The materials are just too multifarious for there to be a unique principled way to list them, and it's not easy to see how we could come to know the principle. It will hardly be a natural fact discoverable by science, or an analytic fact discoverable through sheer reasoning, that you can touch people through cotton but not bricks.

Second, trying to specify the right kind of causal transaction raises the issue of deviance, widely discussed in the philosophy of action (Davidson 1980, 79; Stout 2010). What is it for someone's action to cause an effect in another's body in "the right way" such that they count as mediately touching them? This kind of problem is notoriously difficult, and the causal approach under consideration would need an answer.

We have not examined all the possible causal analyses, but have indicated a general problem with them. It seems impossible to give any principled account of what the causal relation must be between the toucher and the touchee for mediated contact to occur, where the account is not vulnerable to fatal counterexamples.

[5] The technical idea here is that of the transitive closure of the relation *being in direct contact*. If C is the relation of being in direct contact, and C^* is the transitive closure of C, then the *Contact Principle* could be most elegantly stated as "A and B touch through some things only if A bears C^* to B". Elegant though that is, we have gone for the warts-and-all statement because it represents the condition in its full internal detail, which we think helpful in this context. Thanks to Christopher Masterman for help here.
[6] We will generally supress this point for ease of presentation. Read "x" in the conditions we discuss as "x or the x-s".
[7] On one reading of Thomson (1990, 205–208), her arguments imply this view.
[8] This bears some similarity to one of the submissions made on behalf of the defendant in *R. v H (Karl Anthony)*, 2005 WL 828198 (2005); "if pressure in some form is not brought against the body of the person concerned, there cannot be touching; there has to be some form of touching of the body of the individual who is alleged to have been assaulted, even if it be through clothing". The idea of bringing pressure to another's body implies that of wreaking change. Note that the appeal was dismissed, with the court rejecting the defendant's claims.
[10] One might want to say that Michelle *bounces* Ned through the bouncy castle, that Geralt *pulls* Horatio through the rope, and so on. However, the truth of these claims does not entail that the agent *touched* the patient through those things, anymore than "Ned poked Michelle with a 10-foot poll" means he touched her *through* it. The comparison suggests these cases are perhaps more akin to *touching with* (see footnote [1]), which we are setting aside.
[10] Moreover, it is not obvious whether all clothing preserves contact. Can you touch someone wearing a thick metal exoskeleton? Can you touch the pope through his mitre?

3.2 | Counterfactuals

Let's look elsewhere in the philosopher's toolbox. Here is one plausible idea:

> *Counterfactual*: *A* touches *B* through *x* iff *A* would have touched *B* directly if *x* had not been there and the *Contact Principle* applies.

The motivation for *Counterfactual* is the thought that, in touching someone through something, the mediating item barely makes a difference. In Section 1, we observed that the distinction between direct and indirect touch is often noted only to be set aside. One might think *Counterfactual* captures this in the idea that were the medium not to have been there, there would have been direct contact, so the medium makes no significant difference. In many cases, were the mediating item of clothing (or whatever) not there, the two parties would have made unmediated contact if, for instance, one pats, hits, or pushes the other.

However, *Counterfactual* is too narrow. Consider a case where one person strokes another's body over some reasonably thick item of clothing, such as a coat, but without exerting much pressure. Given the lateral motion and little pressure, if the clothing were removed, they would be moving their hand laterally at some (very small) distance from the touchee's body without touching them. The counterfactual is therefore false, and yet one person did touch the other.

Counterfactual's champion might respond:

> Look, I don't mean that if you had subtracted the mediating item from *the precise actual course of events*, then the agent would have touched the patient, but rather that if the mediator were not there, then the agent would have acted so as to touch the patient directly. In the stroking case, the relevant true counterfactual is this: 'If the patient had not been wearing a coat, then the agent would have stroked their back, thereby touching them directly'.

However, these counterfactuals are very often either unassessable or false. On the one hand, it is often impossible to know what an agent *would* have done in the closest possible world in which the patient is naked in the relevant place. Imagine Quincy and Raymond get into a bar brawl, and Quincy hits Raymond in the stomach through his shirt. Would Quincy have hit Raymond directly if Raymond had been shirtless? Well, he *might have*, but whether he *would have* is unclear. That is, where we need a would-counterfactual, we only have a might-counterfactual (Lewis 1973b, 1-4). If Raymond had been shirtless, things might have gone quite differently indeed! Perhaps seeing Raymond's rippling pectorals, Quincy would have backed down, intimidated; perhaps he would have kicked him in the shins instead. Given that these all seem to be possible options, there is either no unique thing Quincy would have done (in which case the counterfactual is false), or we simply cannot tell which of these things he would have done (in which case it is unassessable). Part of what causes difficulty here is that whether someone is clothed or naked is not a variable that can be changed without changing a range of other factors in the interpersonal situations in which mediated contact arises. Being clothed or naked is an important social factor. Varying it makes it very hard to assess whether an apparently simple counterfactual claim is true, as it varies the whole social context against which the claim is assessed.[11]

Even when we get an assessable counterfactual about what *would* happen, the account gets false positives and false negatives. Suppose Saffron and Tormund stand on opposite sides of a thick wall, pressing hard against the wall with their outstretched arms. If the wall were not present, they would be touching each other. So, *Counterfactual* entails that Saffron and Tormund touch each other through the wall when they do not.[12] Next, suppose that Will pats his sweaty, coat-wearing friend Joe on the back after in celebration of his catching a train. If Joe had not been wearing it and had been naked, Will would not have patted him directly on the back on account of the sweat. So *Counterfactual* says Will did not touch him when he did.

Therefore, *Counterfactual* fails on either variation. The first gets cases of lateral motion wrong. The second requires that we have counterfactuals about what would have happened, but often all we have are counterfactuals about what *might* have happened. Even when we have counterfactuals about what *would* have happened, *Counterfactual* gets cases wrong in both directions.

At this point, we propose to look elsewhere for a solution to our puzzle.

4 | Tactual Experience and Intention

We have argued against some intuitive accounts of mediated contact and shown that they are much less plausible than they initially seemed. Perhaps one general problem with them is that they appeal solely to utterly impersonal things: causation and counterfactual truths. But when people touch each other, they have all sorts of psychological features that might not be incidental to understanding mediated contact. In particular, it is plausible that tactual experience or intention play a role in the correct account. So, it's to these psychological views we now turn.

4.1 | Tactual Experience

In patting or hugging someone, one feels the shape of their body; where it is soft, where it is firm. One gets perceptually acquainted with it.[13] This partly explains the significant role of touch in our

[11] See Lewis (1973a, 1973b) for discussion of the difficulties in holding aspects of contexts fixed while assessing counterfactuals. Thanks to Christopher Masterman for discussion.
[12] We are grateful to Lucy McDonald for this point.
[13] It is controversial whether touching something through a medium could amount to tactually perceiving anything other than the medium (Fulkerson 2012; Martin 1992; Ratcliffe 2012, 417). However, there is an ordinary sense in which one can learn about various properties of a person's body by touching them through things. We take no stand on whether this knowledge comes from a tactual experience of the other's body *itself*. We are instead trying to articulate the plausible view we have in mind given we sometimes speak this way. You can reject it on those grounds if you want; we reject it on independent grounds.

social lives. Feeling another's body can be pleasurable, reassuring, or uncomfortable, and knowing that another person can feel one's own body can contribute to feelings of closeness or violation. These experiential and epistemic features form part of the core of our concern with interpersonal contact and might suggest the following view:

> *Feeling*: *A* touches *B* through *x* iff *A* acquires tactual knowledge, or undergoes a tactual experience, of *B*'s body by touching *x*, and they meet the *Contact Principle* because *A* touches *x*.

However, there is an immediate problem with this. Suppose that Theresa squeezes her partner Ulrich's bottom through his trousers while experiencing temporary numbness in her extremities. Her condition blocks any tactual experience or knowledge of Ulrich's body, and yet she still touches him. Therefore, it is not necessary for Theresa to feel Ulrich's body for her to touch him. Notice that it is no help to reverse matters and require that the patient be the one to feel the body of the agent. This would make it impossible to indirectly touch someone who is deeply asleep or comatose, an implication that is both counterintuitive and concerning, given the importance of recognizing assault in cases where the victim is unconscious. The problem obviously extends to requiring tactual experience in either party, since that would rule it impossible for a numb-handed Theresa to mediately touch a comatose Ulrich.

Perhaps a counterfactual spin could save the account.[14] It is not that the agent must actually feel the patient, but that they would have felt them were their tactile systems functioning normally:

> *Counterfactual Feeling*: *A* touches *B* through *x* iff *A* touches *x* and meets the *Contact Principle* because *A* touches *x*, and *either*:
>
> a. *A* thereby acquires tactual knowledge, or undergoes a tactual experience, of *B*'s body via *x*,
>
> or
>
> b. *A* would thereby acquire tactual knowledge or undergo a tactual experience of *B*'s body via *x* if *A*'s tactual systems were functioning normally.

However, there are familiar kinds of indirect touch that fail to provide a tactual experience of a person's body, even if the perceptual capacities of both persons are working normally. It is possible, we assume, to touch a person through their hat or their shoe. This has important implications for thinking about assault. We want to recognize grabbing a person's dress or jacket as an assault when it occurs without consent, even if this is not the kind of grabbing that could give either person a tactile experience of the other's body.[15] However, these possibilities are excluded by *Feeling* and *Counterfactual Feeling*, as touching a person's hat or shoe while they are wearing it does not typically provide one with a tactual experience of their body and often cannot be felt by the person whose hat or shoe is touched. Alternatively, suppose that Saffron, wearing thick gloves, touches the ends of Tormund's long hair. We can imagine that neither Saffron nor Tormund feels this, so both views counterintuitively imply that Saffron does not touch Tormund.[16] Therefore, an account based on tactual experience cannot offer necessary and sufficient conditions for touching through.

4.2 | Intention

So much for tactual experience. The other plausible account of indirect contact in terms of mental states of the agents involved appeals to intention. This has the advantage of connecting indirect touch to a web of other concepts familiar to our thoughts about morality and law, especially crime. For example, many crimes involve an "objective element" (a thing done) and a "subjective element" (the intention to do it) (Holton 2015). Strictly speaking, murder is intentional killing, so the murderer must intend *to kill* someone.[17] If Cain pushes Abel, intending only to push him, but Abel trips and fatally bashes his head against the ground, then Abel does not commit murder. Although he intended to do something (push Cain), he did not intend to kill him. Under the law of England and Wales (Crown Prosecution Service 2026) and under federal US law (18 US Code §1112), this would be involuntary manslaughter rather than murder. Analogously, one might think that the objective element of indirect contact is touching something that is itself in contact with another person, whereas the subjective element is that one of the parties has some pertinent intention. Bringing our topic in line with other legal concepts seems to be a significant benefit. Here is one such account:

> *Intention*: *A* touches *B* through *x* iff *A* touches *x*, and *A* intends to touch *B*, and the *Contact Principle* applies because *A* touches *x*.

An immediate concern is that *Intention* rules out accidental touching through. Suppose that Alice trips over and instinctively extends her hand to break her fall, touching Bill's jumper (which he is wearing), without realizing that he is there. She does not intend to touch him, so *Intention* entails that she does not touch him through his jumper. This is clearly implausible. Despite this, *Intention's* defender might suggest that this unnatural implication is worth it, since it serves to bring indirect touch into line with other moral and legal practices, which might promise to capture

[14] Note that if one is tempted by a dispositional or normal conditions caveat rather than a counterfactual one, this won't help, since the following objections would target their extensional adequacy also. Thanks to Richard Holton and Rose Ryan Flinn for discussion.
[15] Such examples appear in case law. *R. v Emrys Thomas* (1985) 81 Cr.App.R. 331 was an appeal against conviction of a caretaker for indecent assault, in which a "12-year-old girl stated that the appellant had touched the bottom of her skirt and rubbed it." It is implicit that the acts of which the appellant was accused did not involve applying pressure to the girl's body. Nevertheless, Lord Justice Ackner claimed that "There could be no dispute that if you touch a person's clothing while he is wearing them that is equivalent to touching him" (*R. v Emrys Thomas* 1985). Note that the conviction was quashed in this instance because the court found that the act could not constitute *indecent* assault.
[16] We are grateful to Lucy McDonald for discussion of this point.
[17] This is admittedly rough, since it ignores complications about whether doing something intentionally requires intending to do it (Bratman 1984; O'Brien 2014). However, we are not giving an account of murder, but using a rough characterization as an analogy to help articulate a view of indirect contact.

the phenomenon's importance at the cost of some intuitive appeal.

Even granting this, *Intention* is too permissive in two different ways. First, suppose that Sophie and Taylor are young children and good friends. They are upset because Taylor is moving with her family from the United Kingdom to Australia. They agree that at a certain time every week, they will hug each other by lying on the ground with their arms outstretched, intending to touch each other through the earth. Clearly, they do not touch each other, yet this view holds that they do, since Sophie intends to touch Taylor through the earth, touches the earth, and there is a chain of contact running through the earth to Taylor. Notice that it does not matter if *Intention* were to say that *A* need not intend to *touch B*, but rather to do something else which entails that they touch, like *pat*, *stroke*, or *strike*. Sophie and Taylor could intend to pat each other through the earth, too, but they still would not touch.

Second, there is a rather embarrassing sort of problem for *Intention*. Say Alice sees identical brothers Bill and Ben wearing identical bomber jackets and jointly carrying a big box. She intends to touch, and thereby jokingly scare, Ben by grabbing his shoulder. But lo! She mistakenly grabbed Bill's shoulder! An ordinary mix-up. However, *Intention* gives very odd verdicts. Since Alice *does* come to be in a chain of contact with Ben by directly touching Bill's jacket (through Bill and the box), *Intention* says she does touch him indirectly. If that isn't bad enough, *Intention* also says that she *does not* indirectly touch *Bill*, since she didn't intend to touch him. But these are completely backward results. Notice it does not help if we modify *Intention* so that it only requires that *A* intend to touch *someone*, and not particularly the person they actually do touch. For Alice might intentionally touch what she thinks is the suit of a lifelike waxwork of David Beckham, where it turns out that it *actually is* besuited Beckham himself. She did not intend to touch someone (for waxworks are not someones), but she did touch him. Finally, it is no help to require that *A* only intend to touch *something*, for Alice might intentionally touch her piano, which thereby puts her in a chain of contact with vastly many people through the earth. This latter theory therefore suffers a similar problem to that we saw with *Mediated Contact* (Section 2). The problem is that there seems to be no content that one can provide the intention with that would make *Intention* plausible.

We therefore think that the two most obvious forms of mental state account fail. Moreover, there is a real puzzle here; it is genuinely difficult to see how to account for mediated touching. Given its moral and legal importance, however, we cannot simply give it up. We now turn to developing a workable solution.

5 | The Positive Account: Intimacy, Closeness, and Contact

So, what does it take to touch someone indirectly? Our suggestion is that indirect contact is a matter of traversing certain sorts of personal boundaries tied up with culturally entrenched ways of regulating intimate interactions. In particular, our account is this:

> *Boundary Traversal*: *A* touches *B* through *x* iff *x* is a material and moral boundary of *B*'s, *x* regulates tactual access to *B*, *A* touches *x*, and the *Contact Principle* is met in virtue of *A*'s touching *x*.

This clearly needs unpacking and explaining. In what follows, we motivate our use of the framework of boundaries (Section 5.1), introduce the concepts of moral and material boundaries (Section 5.2), offer an account of the shape, grounds, and function of these boundaries in order to understand when and how they are traversed (Section 5.3), and draw this together to complete the *Boundary Traversal* account (Section 5.4). We will defend this further in Section 6.

5.1 | The Unity Argument

The argument for our proposal begins with the thought that touching someone indirectly is, like touching them directly, just a way to touch them. "Touch" is not a metaphorical description of the indirect case. If it were, we could not treat indirect touch as being of the same general moral character as direct touch, since it would really be something else under a false guise.[18] So there are two forms of a single thing: interpersonal touch. However, the puzzle only concerns how to understand one of those forms. Hence, we look to the better-understood form for elucidation.

One thing that is utterly basic to direct touch is that when one person touches another directly, the surfaces of their bodies are brought into direct contact. Christopher Lauer articulates this well:

> When the movie protagonist realizes he is a ghost, he may be excited by the ability to pass unimpeded through walls, but his inability to bring his hands to rest upon another person invariably disturbs him. He longs for that ability to be impeded by another. Such a touching longs for and takes pleasure in borders. If the boundaries of the other were nonexistent or could simply be passed through, then the touch would not be hypersuccessful, but a complete failure. (Lauer 2016, 33)

Lauer's point is that a ghost who moves through a person with no resistance would simply fail to touch them. The fact that people, embodied as we are, have boundaries that meet others with resistance; that is what makes interpersonal touch possible. A disembodied Cartesian soul could not kiss or caress. We propose to make sense of indirect touch by showing that it shares this feature of direct touch; just as direct touch involves the meeting of the boundaries of two persons, so does indirect touch.

[18] To say they are of the same general moral character is not to say they are always equally serious. We think that nonconsensually touching someone directly is sometimes or often more serious than touching them indirectly, but would recommend thinking of the directness as aggravating the same sort of offence. This is consistent with our introductory remark that we often rightly note the distinction to set it aside morally and legally, since the point there was that it is no defense for touching someone nonconsensually that it was indirect. Thanks to Cathy Mason for discussion.

Of course, the surfaces of two bodies do not meet in indirect cases. When Alice touches Bert through his jeans, the physical boundaries of their bodies do not come into contact. The mediating presence of Bert's clothing is precisely what makes it indirect. For our approach to succeed, there must be a sense in which touch is the meeting of two persons' boundaries, where this involves something other than contact between the surfaces of two persons' bodies. The puzzle now becomes how to make sense of the idea that the boundaries of two persons come into contact when the surfaces of their bodies do not. What boundaries are these, and how can they extend beyond the skin?

To begin answering this question, let's reflect again on why the puzzle of mediated contact is important. First, nonconsensual touching ordinarily wrongs the person touched, except when it is unavoidable (on a crowded train) or otherwise justified (for example, in self-defense). For purposes of legal and moral judgment, we need to know when such a wrong has occurred, and so we require a conception of touching that can include indirect as well as direct cases. A concept of mediated touch should assist us in identifying when such a transgression has occurred in the absence of direct bodily contact. Second, consensual interpersonal contact often conveys social attitudes such as affection, care, and respect. It can be a way of connecting (Laing 2024). Part of the point of registering the existence of indirect contact is to recognize that these social attitudes can be communicated by acts that do not involve direct contact between persons. If you want to touch a friend to comfort them, you need some conception of what counts.

There is a common concern in both cases. Touching another person necessarily involves crossing their *normatively significant boundaries*. Being the social, moral, and emotional animals we are, we project around ourselves a kind of normative personal space over which we have claims to regulate. This is clearest when we think about the fact that touching another can wrong them, as the wrong is effectively defined in terms of accessing a region one is not permitted to (Thrasher 2019; Thomson 1990, 205). Although this region is traditionally identified with the body, recognizing that one can wrong another by nonconsensually touching them *through* things shows that the region can and does extend beyond the skin. Although clearest in cases of wrongdoing, consensual touch, too, crosses a person's boundaries into what we might loosely call their "personal space". We usually have strong preferences concerning who can access this space, and often reserve it for those that we care about, unless we have a strong reason to allow others in (as in the case of medical examinations, and so on) (Maclaren 2018).

Our point is that there are boundaries that define and enclose a normative space around a person. But given that they are normative boundaries, not physical ones, they need not stop at the skin. Rather, they may emanate from the body, and can come to be embodied in physical things like our clothing. Just as direct touch requires the meeting of physical boundaries, we argue that indirect touch involves the meeting of these normative boundaries.

This is an argument from the unity of the phenomenon. Direct touch fundamentally requires the meeting of boundaries. Indirect touch and direct touch are both forms of the same thing. So, indirect touch must require the meeting of some boundaries too. And our proposal is that the relevant boundaries are these normative ones.

That argument is schematic and incurs a number of debts. For instance, what are these normative boundaries? How do they get set up? What have they got to do with the mediating objects? The purpose of the rest of this section is to fill in these gaps. First, we sketch a theory of these normative boundaries as delimiting culturally shaped regions over which people have moral claims concerning others' access to them (Section 5.2). Second, we defend a partial theory of intimacy to explain how these boundaries extend beyond the body and to identify when these boundaries are crossed (Section 5.3). Third, we draw these resources together into our case for *Boundary Traversal* (Section 5.4). The view we articulate is that one person touches another through some medium when the medium has the social function of embodying the moral boundary over which they exercise moral claims to regulate intimate interactions. When an object both embodies someone's normative boundary and physically occludes them, and when there is the right sort of connection between these facts, touching it is touching them.

5.2 | Of Boundaries, Material and Moral

We have claimed that there are normative boundaries emanating from the body beyond a person's skin. This might be familiar. For instance, consider Joel Feinberg's remark that on a territorial model of bodily self-ownership,

> we might enlarge our conception of the personal domain to include not only one's body (that is, one's right to decide by one's own choice insofar as that is possible what happens in and to one's body) but also a certain amount of "breathing space" around one's body, analogous perhaps to offshore fishing rights in the national model. (Feinberg 1989, 53–54)

Thomson (1990, 205–208) explains the moral claims that a person has over their body by countenancing a boundary around every person's body, such that crossing that boundary without their consent infringes a moral claim that they have against such trespasses. As we noted earlier, although Thomson's (1990, 208) focus is on the body, she indicates that this boundary extends at least to one's clothing.[19]

So, talk of normative boundaries emanating from the body should not alarm. However, while the idea is very common, it is not often sufficiently developed. Neither of these philosophers offers an account of where, why, and to what extent a person's boundaries extend beyond their body, which is precisely what we need.

[19] See also Thrasher (2019, 123).

Talia Mae Bettcher (2012) develops some instructive resources in her discussion of privacy.[20] We begin with the distinction between material and moral boundaries.[21] A material boundary is any object that occludes someone in some respect. Clothing is a material boundary to one's body, as is the door of a changing room, because they stop others from seeing parts of one's body. Bettcher's focus is on vision, but the notion of a material boundary is more inclusive, also counting something as someone's material boundary if it prevents others from directly touching them, for example.

Moral boundaries, on the other hand, regulate interpersonal access. For instance, there are certain parts of someone's body, such as their genitals, which it is wrong to view without their consent because doing so is a privacy violation. Moreover, it is wrong for someone to expose those parts of their body to another without *their* consent because that is a decency violation. That means that there is a moral boundary around people's genitals, such that crossing this boundary nonconsensually in either direction is a violation (Bettcher 2012, 323). Again, Bettcher (2012, 323–324) focuses on vision, but her idea is more general: both nonconsensual touching and snooping into another's private life are ways of crossing moral boundaries.

Now, what is the relationship between moral and material boundaries? What we have said suggests that our moral boundaries can become embodied in certain material boundaries when we use objects to regulate others' access to our bodies. For instance, when we wear clothes to cover parts of our bodies so that they cannot be seen, our clothing plays a certain moral role. It realizes a moral function. That is not its *only* function; we also want to stay warm or look cool. But the idea is that we have rights over our bodies that delimit boundaries, where these boundaries can be realized in objects outside of our bodies.

5.3 | Closeness and Intimacy

We are developing the widely acknowledged idea that we have moral boundaries that emanate from the body. We have argued that these boundaries often become embodied in material objects that conceal us in various ways.

Our next task is to offer a principled view of the shape and normative force of these boundaries. Why should we care about these boundaries? How far do they extend, and what counts as crossing them? We answer these questions by considering the moral function of these boundaries. In principle, they may have many functions. However, we want to home in on a particularly important one for our purposes, which is that our moral boundaries determine which acts and relationships count as intimate. Indeed, we think they are partly constitutive of intimacy. This idea is reasonably intuitive. After all, someone without qualms about airing all their secrets, hopes, and fears to the world is someone with whom it may be hard to form an intimate connection. If everything is always on display, there is no distinction between those they let in and those they do not; there is nothing to make intimates special, and so nothing to make them intimates (Fried 1970, 142; Rachels 1975, 327–328).

This idea is often put in terms of access to personal, private information (Bettcher 2012, 324; Gunkel 2024, 441–443; Innes 1996, 74, 81–92; Marmor 2015, 8; Nagel 1998, 5-10; Strikwerda and May 1992, 115).[22] This is perhaps encouraged by thinking of intimacy in terms of *access* (which itself is encouraged by the fact that much discussion of intimacy occurs in the context of thinking about *privacy*). However, the notion of access need not be informational. In Elizabeth Brake's (2023, 19) discussion of stalking, she points out that many stalkers attempt to gain access to their targets by calling them, sending them mail, emails, or leaving notes. What contact stalkers want is *contact* with their target, not necessarily more information. And contact with someone is a kind of access to them. In fact, this is obviously also the case with physical contact; touching someone is a way of accessing them, even if one gets no new information (see Section 4.1).

Intimacy requires boundaries that we can control and traverse, and these boundaries regulate access to our person.[23] The sense of "access" is broad, capturing informational access and interpersonal contact. As such, these boundaries can be traversed in several different ways, one of which is touch. When they are traversed by touch, the toucher crosses a boundary ordinarily reserved for intimates, part of whose moral function is to exclude people the boundary-owner does not want to let in. Robert Nozick (2006, 64, 66) similarly connects intimacy and boundaries, arguing that "In intimacy, we let another within the boundaries we normally maintain around ourselves, boundaries marked by clothing and by full self-control and monitoring" and that "In sexual intimacy, we admit the partner within our boundaries or make these more permeable".

Following Bettcher (2012, 323–325), we propose that a person is subject to a moral boundary with respect to some feature of theirs insofar as accessing this feature marks that relationship as bearing some higher-than-normal degree of intimacy according to whichever social norms delimit these things. Whether doing something to someone counts as traversing a moral boundary is determined largely by the relevant cultural norms regarding intimacy. Someone crosses another's moral boundary when they do something that would socially mark an intimate relationship between the two, where the degree and nature of an intimate relationship is determined by the ways in which the people involved permissibly traverse each other's moral boundaries.[24] In turn, whether a relationship is intimate is a normative matter because transgressing these boundaries *imposes* a kind of intimacy on the

[20] See also Bettcher (2014, 2023).
[21] "Material boundary" is our term, but we take it from Bettcher's (2012, 322, 325, 328) talk of material concealment. Although not fully explicit, we take the distinction to be Bettcher's.
[22] See Reiman (1976, 31–35) for criticism.
[23] We will use "traverse" and "cross" as morally neutral terms, and "transgress" as implying a lack of consent. See Maclaren (2018) for an argument that boundary transgression is essential to intimate relationships, even if it does imply a lack of consent. See also McDonald (2022).
[24] One might think that there just is no boundary between intimates. However, we think the relation between intimates is more analogous to the idea of two nations opening their borders for free movement of people; the boundary does not disappear, but takes on a different significance for the parties.

person whose boundaries are violated.[25] Equally, insofar as we care very deeply about who may traverse our boundaries, it is plausible that the space delimited by our moral boundaries is precisely the space over which we have a special kind of moral claim.

So a person's moral boundaries depend in part on cultural considerations, namely, what counts as evidence of intimacy according to the norms of a particular culture (Bettcher 2012, 321–323). For instance, in a culture without expectations that people should be clothed, viewing or exposing a naked body will not constitute a violation; seeing someone naked would not be indicative of intimacy with that person, and so it would cross no moral boundary (Bettcher 2012, 323). While these boundaries are produced by social norms, transgressing them can nevertheless involve a genuine violation (Bettcher 2012, 325).

Three clarifications are worthwhile here. First, neither Bettcher nor we claim that the *existence* of moral boundaries is culturally relative. That we have any moral boundaries at all is common to everyone, grounded perhaps in autonomy, self-ownership, personal sovereignty, or the value of humanity, something else, or all the above. However, both the shape of these boundaries and whether a particular act crosses a moral boundary do depend on cultural norms (Innes 1996, 75–76).[26] Second, although it is possible for people to have idiosyncratic boundaries, these do not bear on the notion of moral boundaries that we have in mind. Jane might not want anyone to stand within six feet and may feel distressed if they do. Does this partly determine her moral boundary? We think not. Although Jane might be upset by someone standing close to her, and that gives one reason not to get too close, it is implausible to suggest that Jane has any kind of claim or right that others not stand within six feet of her.[27] Third, we do not think that individual agents must endorse, produce, or sustain the social norms for these social norms to apply to them. If they did, then the norms would not apply to someone in a coma or someone who deeply rejects the norms, but they do. Hence, the shape of a person's moral boundary must be determined by something external to their own psychology, that is, the prevailing culture itself.[28]

We now offer some examples of how this works specifically in relation to touch. A friend is typically permitted to be spatially closer than a stranger and is typically permitted to make contact in more and different ways. This is partly because we trust them, like them, know they respect us, and so on. We ordinarily do not want strangers to pat us on the back, or cuddle us, or sit too near. As a result, spatial closeness between two people carries a presumption of interpersonal closeness; it licenses others to believe that two people are intimate. This fact is delicately illustrated by a crucial scene in Lukas Dhont's (2022) film *Close*, in which two close friends, Léo and Rémi, casually lean against each other in class at a new school, prompting some girls at lunch to ask, "Are you two together?" The boys displayed the kind of causally intimate behavior socially expected of a couple, and their relationship was read by others in that way.

The inference is obviously defeasible and only warrants belief in the absence of evidence to the contrary. Seeing Geralt and Horatio crammed up against each other in a crowded tube train does not warrant the inference that they are intimate. However, the fact that there are many contexts where the presumption of interpersonal closeness is canceled does not tell against the presumption's existence. Indeed, one piece of evidence for such a presumption is that it is common to ironically describe such situations as intimate or cozy. Geralt might joke, "You could at least buy me dinner first!", indicating that although he and Horatio have no intimate relationship, they are in a situation—intense spatial closeness—which might indicate that they do. That is, spatial closeness between two persons ordinarily provides a defeasible reason for an observer to believe that the two persons are intimate to some reasonably high degree. To put this another way, intimacy is the social meaning of spatial closeness.[29] When Alice places her hand on Bert's thigh, this provides defeasible evidence of intimacy between the two of them, so intimacy is the social meaning of her act (or at least one of the meanings).

This claim can be bolstered in a couple of related ways. Consider flirting. As Lucy McDonald (2022, 210) points out, flirting will often "presuppose the existence of *intimacy* [. . .] saying and doing things that would only be acceptable and appropriate if such intimacy already existed", perhaps by positioning themselves closer or touching the other person on the shoulder when laughing. The person who initiates the flirtation acts as though they already share an intimate relationship with the object of their affection and invites the other person to act likewise. If the other person joins in, then a kind of intimate relationship is created between them (McDonald 2022, 210). If Jane touches Jill's thigh with hers while flirting, she may "presuppose a level of intimacy that does not exist", but Jill may well "[accommodate] the intimacy that [her] initial move presupposed" (McDonald 2022, 210–211). The initial presumption of intimacy is incorrect but accepted. Part of what is happening in this dynamic is that people are navigating one another's boundaries without explicit consent, and to do this, they manifest their knowledge of what does and does not count as presumptuous. They display their knowledge of the social meaning of touching someone's clothed arm or leg in using that as a "push" move, and equally, if that move is not accommodated, their interlocuter uses the same knowledge in pulling away.[30] These dynamics would not make

[25] For an argument that forcing personal relationships is a wrong, see Brake (2023).
[26] This is consistent with the claim, which we neither endorse nor reject, that, given the kinds of beings that humans are, stable cultures will always develop norms such that certain acts count as intimate and cross moral boundaries. One might think, for example, that, given human beings' natures or evolutionary histories, it is impossible that there could ever be stable cultural norms that do not recognize a hug as intimate. If so, then a hug would always cross a person's moral boundaries.
[27] Particular persons, most obviously a stalker, may nevertheless wrong Jane by coming within six feet of her. But we think that the wrong of this conduct is better explained without reference to moral boundaries that emanate from Jane's body, since a similar wrong would be perpetrated if the stalker entered Jane's home or workplace while she is not there.
[28] Thanks to Rosa Vince and Lucy McDonald for discussion of these issues.
[29] For developments of this notion of social meaning, see Morgan (2021) and Barnhill (2013).
[30] One might also think of the hover hand, a posture assumed in some photographic contexts, in which one person extends their arm around the back of another as if they were holding their shoulders, but without actually touching the person or their clothing (Kennedy 2019). This, too, is a way of exploiting knowledge of touch's social meaning in interpersonal interactions.

any sense were it not for the fact that touching certain things, such as clothing, is a way of expressing intimacy.[31]

On our view, then, the basis and shape of a person's moral boundaries are determined by social norms concerning intimacy. These moral boundaries exist (perhaps among other reasons) because individuals have an interest and a claim in determining who may act in such a way as to convey intimacy toward them. We can determine whether some action traverses a moral boundary by considering whether it conveys defeasible evidence of intimacy.

Of course, a moral boundary can be traversed in cases where no such evidence is present. If Val aggressively shoves Wilma through her jacket, for example, then Val transgresses a moral boundary of Wilma's, but intimacy is not conveyed. However, our account of moral boundaries accommodates these cases. We have argued that a person's moral boundaries extend to any point that, if traversed by another person, the traversal *typically* provides defeasible evidence of intimacy between two persons within the relevant cultural context. Touching another person's jacket while they are wearing it is the kind of thing that *ordinarily* provides defeasible evidence of interpersonal closeness. Therefore, on our account, a person's moral boundaries extend (at least) to the surface of their clothing while they are wearing it. Val's shoving of Wilma provides no evidence of intimacy. However, we can see that Wilma's moral boundaries extend (at least) to the surface of her clothes because touching her clothes would ordinarily convey defeasible evidence of intimacy with Wilma. Hence, when Val aggressively touches Wilma's clothes and conveys hostility or competitiveness rather than interpersonal closeness, Val nevertheless crosses Wilma's moral boundary.

We have argued that contact is a kind of access that moral boundaries function to regulate.[32] We have also argued that the moral boundaries are determined by social norms concerning intimacy. Finally, we argued that moral boundaries can and do become embodied in material boundaries, according to the social norms surrounding intimacy. Now, we will turn to solving the puzzle.

5.4 | Boundary Traversal

We can now put this all together to clarify the *Boundary Traversal* proposal with which we began Section 5. Our moral boundaries regulate our intimate interactions with others by regulating who has what kind of access to us. The relevant moral boundaries are determined by social norms concerning intimacy. Moreover, one kind of access to a person, and therefore one way to cross their moral boundary, is touch. And since material boundaries can embody moral boundaries, touching a material boundary playing this moral function is crossing the other's moral boundary. This traversal may be consensual or accommodated, marking them out as intimates, or it may not be, making it a transgression. When one person touches another's moral and material boundary, they bring their own moral and material boundary into contact with it. This provides us with a way to make good on our initial aspiration: There is a sense in which the boundaries of two persons come into contact that does not rely on the contiguity of the surfaces of their bodies.

What we were looking for, as per the Unity Argument in Section 5.1, was a way in which two people's boundaries can meet even when the edges of their bodies do not. We have provided an account of when, how, and why this can happen. If Bert's jeans are acting as a moral boundary of his when he wears them, then Alice's touching them crosses a moral boundary of Bert's. She thereby acts as though there exists a degree of intimacy between them. Just as Alice crosses a moral boundary when she touches Bert's skin, if Bert's jeans are his moral boundary, then she also crosses it when she touches them. This brings us back to the original proposal.

> *Boundary Traversal*: *A* touches *B* through *x* iff *x* is a material and moral boundary of *B*'s, *x* regulates tactual access to *B*, *A* touches *x*, and the *Contact Principle* is met in virtue of *A*'s touching *x*.

That is (and more formally): Say there is an object, x, or some objects, $x_1, \ldots, x_n$, which are each in contact with at least one of the others in the chain, constituting a chain of contact between x_1 and *B*. *A* touches *B* through *x* or the *x*-s if and only if *A* directly touches *x* or one of the *x*-s, and it is, or they are, a material and moral boundary of *B*'s, where the kind of moral boundary they are is one that regulates tactual access to *B*, and the *Contact Principle* is met in virtue of *A*'s touching it. The explanatory point is important. *Boundary Traversal* says that it must be *because A* touches *B*'s material and moral boundary that they meet the *Contact Principle*. True, *A* and *B* will almost always already meet the *Contact Principle* through the ground, but that is irrelevant: *A* and *B* must meet the principle by doing something that involves coming into contact with one of their material and moral boundaries. Finally, to emphasize, the moral boundary in question is one that functions to regulate tactual access, which means that it is embodied in a material object that occludes *B* such that *A* cannot touch that part of *B* directly and is such that touching it counts as traversing that moral boundary.

The idea is that touching someone, whether directly or not, is by its nature the crossing of a moral boundary. But the moral boundary one crosses in touching someone need not end at the physical limit of their body; it can extend beyond their skin into other material objects. Both mediated and unmediated touch involve the boundaries of one person coming into contact with the boundaries of another. The only difference—what makes a case one of touching *through*—is whether the boundary consists of the physical edge of the body or one of its material boundaries,

[31] Our claim about intimacy should not be interpreted too strongly. Suppose that Geralt and Horatio shake hands while each is wearing a glove. When they shake their gloved hands, they too cross each other's moral boundaries. And since a handshake is formal, it hardly provides much reason to believe that they are at all friendly. Nevertheless, we have a good reason to believe that two people who shake hands are interpersonally closer than two people who do not shake hands, in that we are warranted in believing that the former are, or are becoming, acquaintances rather than strangers. Therefore, shaking hands provides evidence of slight interpersonal closeness even when both hands are gloved, so that, on our view, even a formal gesture such as shaking hands is the sort of thing that traverses a moral boundary.

[32] We are concerned only with those moral boundaries whose traversal marks an act or relationship as intimate. We are neutral on whether there might exist other moral boundaries that do not do this.

an occluding object that is, for that person at that time, a moral boundary. We want to particularly stress the importance of the idea that the moral boundary is embodied in a material boundary, a physical object that occludes the patient from the agent's direct touch. Without that, we have no mediation at all.

Let's recap how we have defended this view. We began with Lauer's insight that direct contact requires coming up against the boundaries of another's body. Our point is that since both direct and indirect cases are forms of touch, they should share this connection with a person's boundaries. Since indirect touch requires coming up against the boundary of another person but not the surface of their body, we have articulated a conception of the boundaries that could fit the bill: the material boundaries embodying their moral boundaries. We arrived at a conception of indirect contact that treats it as literally a kind of touch, just like direct contact. By treating the direct and indirect cases in a unified way, in terms of the meeting of people's boundaries, we have offered an account of what it takes to touch someone through something. On our view, just as touch is made possible by our incarnation, indirect touch is made possible by our enculturation.

6 | Evaluating the Positive Account

In Section 6.1, we provide further support for our account by displaying what we see as its distinct advantages. In Section 6.2, we show that it is resistant to some apparently powerful counterexamples.

6.1 | Attractions

First, we have offered a fully general account of interpersonal touch, which handles it as a unified phenomenon, treating both indirect and direct cases as *literally* sorts of touching. It is not that direct contact is the *real* thing and "indirect touch" is a mere metaphor. Our account provides a theory of interpersonal touch in general: people touch each other when they cross each other's moral boundaries by making contact with some material thing that embodies the boundary and regulates tactual access. This makes the moral similarity between the direct and indirect cases intelligible by pointing out that the only difference between them is what the moral boundary that is traversed is embodied in. On one hand, it explains why assaults that occur through clothing are genuinely cases of assault. On the other, our account explains how direct and mediated touch can both express and contribute to creating and sustaining intimate relationships. Recall that the existence of moral boundaries is a condition for the possibility of intimacy. If traversing moral boundaries is a central way of being intimate with another, then drawing the moral boundaries at the skin would exclude the possibility of expressing intimacy by means of indirect contact. Since moral boundaries can be embodied in material boundaries, there is no problem here. Just as one may not be completely comfortable letting a stranger touch one's skin, so one may not be comfortable letting them touch one through one's shirt.[33] Likewise, when one lets a friend touch one's clothes in a hug or a pat on the back, one plays one's part in engendering and sustaining an intimate relationship.

Second, our account explains how we come to *know* that one person has touched another indirectly. Recall that one person crosses another person's moral boundaries when they access some part of that person in a way that typically indicates an intimate relationship between the two persons. So, if you see one person touching another person's skin, it provides defeasible evidence of intimacy. Your assumption that the two are intimate is licensed by the knowledge of the relevant social norms, according to which this is the kind of act typically appropriate only between intimates. This extends to cases that do not involve direct touch. If you see two clothed people hugging, your cultural knowledge permits you to presume that their clothes constitute a moral boundary for them. *You* could not just walk up and hug them without *violating* those boundaries. Moreover, you know that *if* the hug is nonconsensual, then boundaries *are* being violated. People generally do have a conception of the combination of acts and media that serve as defeasible evidence of intimacy between two persons.

Our view, therefore, explains how we can come to know whether two people are indirectly touching: we leverage our existing social knowledge of which material boundaries are moral boundaries, in conjunction with a heuristic that takes us from that knowledge to the judgment that touching some of those material boundaries counts as touching someone through something. The fact that our account explains the epistemology of mediated contact needs emphasising. It is important because part of the motivation for providing an account was that we need a way to arbitrate disputes. This is fundamentally the *epistemic* problem of finding some way to justify our knowledge, for instance, that Cain *did* touch Abel when he pushed him through his jacket. The fact that an account of the epistemology of indirect touching falls out of the account of the phenomenon itself is therefore invaluable. What we say to Cain is this: Abel's jacket *clearly* counts as a material and moral boundary, and you touched it, so you touched him.

Third, our account explains the difference between clear cases and hard cases. As we have argued, Cain's act is clearly a case of indirect contact. But what if Abel were wearing ten jackets that act like a wall around his torso? Similarly, Alice can touch Bert through his jeans, but what about through a whole pile of jeans stacked high on top of him? It is much harder to know what to say about this. Can you touch someone through *all that*? You can certainly injure them, but does the injury involve touch? Intuitions on this are simply fuzzy.

Now, these cases suggest we should look for a systematic way to answer quantitative questions such as "Through how many layers of clothing can one person touch another?" But this is mistaken, since it depends on the items of clothing. While it is implausible, say, that one can touch another through 11 jackets, it is *not* implausible that one can touch another through 11 layers of thin negligée. We should not aim for a systematic quantitative way of resolving the question "What is the maximum number of

[33] Of course, it may be *more* intimate to touch another's skin than their clothing, but that does not mean that intimacy is not the social meaning of touching material objects embodying moral boundaries.

x-s that preserve contact?". There is none, for it depends on the *x*-s.

Our account suggests a different way of looking at these hard cases. Rather than thinking there is some medium-specific objective list we lack knowledge of, our account suggests that it is simply often indeterminate. There is no fact of the matter about whether the social meaning of touching Abel's eleventh jacket would convey intimacy. There just isn't the requisite cultural norm telling us how to treat such cases. Since moral boundaries are culturally determined, cultural norms are partly constitutive of what counts as a moral boundary. In hard cases, without a clear norm, there is just no fact of the matter. At least, not until we make one. As with many cultural contingencies, we can set our own precedents and decide how to treat certain cases. How we do this will often be a matter of social and moral negotiation. When we get to negotiate them, we can do so in the interests of protecting against certain kinds of encroachments and guarding against would-be exploiters and harassers.

Finally, a virtue of our account is that it explains why some of the views we rejected are themselves attractive. In particular, *Boundary Traversal* accommodates those aspects of *Causation* and *Feeling* that make these accounts initially appealing. We care about whether a person causes changes in our body and whether a person feels us (and whether we feel them). Knowing that you have elicited the *zing* of sexual excitement in someone that you are attracted to, or being aware that they have felt your body, can be a thrilling experience. Equally, while any unwanted and unnecessary bodily contact is likely to be unwelcome, the awareness that another person has caused changes in one's own body or learned what one's body feels like will likely add to the sense of violation. Moreover, when an agent causes changes in, or experiences, a patient's body, the patient is vulnerable to the agent.

For these reasons, we might expect that if one person causes changes in, or tactually experiences, another person's body, then their doing so will tend to serve as evidence of intimacy between those two persons. Hence, the kind of act that involves these features is highly likely to be the kind of act that fulfills *Boundary Traversal*. Our account, therefore, explains the initial appeal of *Causation* and *Feeling*. There is something especially intimate about touch that tends to fulfill the conditions of these other accounts. By making intimacy central to our own account, we accommodate and build on this appeal.

6.2 | Counterexamples?

Finally, to test our account's extensional adequacy, we trial it in the court of counterexamples.

First, consider Geralt in a single-occupancy changing room. The door acts as his material boundary, occluding him from others. It is also a moral boundary because it functions to protect his privacy. What if Horatio, standing outside the changing room, touches the door? It looks as though *Boundary Traversal* applies. Horatio has touched a material and moral boundary of Geralt's, and in virtue of this, meets the *Contact Principle* because of the chain of contact from his hand, to the door, to the floor, to Horatio's feet. But Horatio did not touch Geralt. Does our account generate false positives?

Our response is that not all moral boundaries work in the same way. Recall that these boundaries regulate access to a person, but there are different forms of access. Geralt excludes Horatio from *seeing* him change, which is one way intimacy is culturally marked. The door is a material boundary that embodies a moral boundary regulating visual access. It is not there to regulate tactual access, and so it is not the pertinent kind of moral boundary.[34] In touching the door, Horatio does nothing to convey intimacy with Geralt. If he peeks over the door, then he would be acting as though their relationship is one that makes this appropriate, but what he does, which manifests this presumption, is not touch Geralt, but look at him.

Second, suppose that Luca is carrying his handbag in front of him, and Jerry touches it. Luca's handbag is full and quite bulky, so it is implausible to suggest that Jerry touches Luca through his handbag. A critic might charge that our account wrongly entails that Jerry does touch Luca through his handbag. After all, Luca's handbag is, in that moment, a material boundary of Luca's (it is in the way of part of his body) and a moral boundary of Luca's (touching Luca's possessions ordinarily indicates at least some familiarity or intimacy with him).

However, our account avoids this implication. While Luca's handbag is a moral and material boundary of Luca in this instance, it is not the right kind of moral boundary for Jerry to count as touching Luca through the handbag. Jerry's touching Luca's bag conveys defeasible evidence of intimacy with Luca because knowingly and unnecessarily touching a person's property will tend to convey this, so Jerry's actions could have this implication even if Luca's bag was on the other side of the room from Luca. However, note that the moral boundaries that we are interested in are those that regulate access to a person's body. Touching a person's jumper while they are wearing it conveys intimacy because it involves a certain kind of access to the person's body; this traverses a body-centered boundary. Touching a person's possessions conveys intimacy because it involves a certain kind of access to that person's property. Both are moral boundaries (we ordinarily have claims against people unnecessarily touching both our bodies *and* our property), but they matter in different ways and convey intimacy for different reasons. For our purposes, one person touches another person through some *x* when *x* is a material and moral boundary of that person, they come into contact with *x*, and it is a moral boundary *partly because* it is a material boundary (see Section 5.2). More precisely, the material object has the function of regulating tactual access partly because it obstructs others from directly touching the touchee. Touching a person's clothing while they are wearing it ordinarily conveys intimacy with this person precisely because this clothing is around their body, acting as a material boundary. In contrast, while Luca's handbag serves as

[34] This is comparable to Jasmine Gunkel's claim that while we typically do not hide the look of our face, we do hide the feel of it (Gunkel 2024, 441-442). In one way, the point is the same: the door's function is to stop people seeing Geralt naked, not to stop them touching him. In another way, it is different: we do not claim that it regulates access to a certain property of him (his *look* rather than his *feel*).

both a moral and material boundary of Luca, these two features are independent. Luca's handbag serves as a moral boundary because it is Luca's property. That is true regardless of whether it serves as his material boundary at that moment in time.

Third, imagine that Geralt and Horatio shake hands while only Geralt is wearing gloves. They thereby touch each other; the relation is symmetric. Now, Geralt is in direct contact with *something* that puts him in a chain of contact with Horatio: Geralt's own glove. A skeptic of our view might argue that Geralt does not touch Horatio as he does not meet the *Boundary Traversal* condition; the thing that Geralt is in direct contact with (his own glove) is not *Horatio's* moral boundary. After all, Geralt has been wearing his gloves all day and has just met Horatio. How can Geralt's gloves be Horatio's moral and material boundary? Does our view imply that Horatio touches Geralt without Geralt touching Horatio?

It does not. The problem with the objection is that it treats a person's moral boundaries as bounding *only them*. As Bettcher (2012, 323) points out,

> moral boundaries[…]have two sides: one regulating the subject of perceptual access, one regulating the object. […] That is, these boundaries are shared boundaries; they don't merely bound us, they bound others.

Such boundaries function in a two-sided way to separate people, so each moral boundary is a boundary of both persons, just as the border between England and Wales is the border of both nations. Geralt's gloves form a boundary between him and Horatio, but they are just as much Horatio's boundary as they are Geralt's. Consider an analogy. Just as the underwear covering Geralt's genitals constitutes a visual boundary both protecting Geralt (the violation of which is a privacy violation) and protecting others (the violation of which is a decency violation), Geralt's gloves, too, have a dual function. They are a tactual boundary for Geralt (the violation of which would be an assault *on* Geralt), but also for others (the violation of which would be an assault *by* Geralt). If someone were to stroke his gloved hand without consent, he would be assaulted; if he were to stroke another with his gloved hand without *their* consent, he would have assaulted them. The very same glove serves as a moral and material boundary for both men, since both Geralt and Horatio have claims that encompass it. The fact that it fits round his hand is of no consequence.

7 | Concluding Remarks

We have identified, and tried to solve, a puzzle about how it is possible to touch people through things. On our account, interpersonal touch is fundamentally normative. To touch someone through something is, roughly, to touch something that is their material and moral boundary, where moral boundaries are identifiable by reference to the kinds of tactual access to a person that convey intimacy with them.

Our argument has its force through accumulative effect. First, we considered and rejected several initially plausible theories. Second, we argued from the unity of interpersonal touch to the idea that indirect contact must be understood in terms of the meeting of people's boundaries. Third, we provided an account of intimacy and its social meaning, which identified a plausible candidate for those boundaries: the material objects that embody our moral boundaries. Fourth, we argued that this explains the moral similarity between direct and indirect contact, the effect of indirect contact on establishing intimacy, the epistemology of indirect cases, and the distinction between clear and borderline cases. Finally, we argued that the account can deal with counterexamples by appealing to features internal to the framework we developed. We hope to have provided a powerful solution to an important puzzle in interpersonal ethics and social metaphysics. For those who find our framework unconvincing, we hope at least to have made some progress toward understanding this puzzle concerning a feature of our lives that is central to our moral and legal practices.

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