

Carissa Véliz, *The Ethics of Privacy and Surveillance* (Oxford: Oxford University Press, 2024), 256 pages. ISBN: 9780198870173 (hbk.). Hardback, £25.00

Penultimate version of a book review accepted for publication in *Journal of Moral Philosophy*.

Privacy plays a significant role in political and interpersonal life. For example, many delicate moral questions, such as the appropriate limits of state surveillance or how to regulate specific emerging technologies (e.g., face-recognition software), are often thought to be answerable partly with reference to its impact on privacy. Settling these issues, on this picture, presupposes an account of what privacy is, and why it matters.

Philosophers have grappled with these questions for decades. Distinguish three. What is privacy? What is the right to privacy? Why is privacy valuable? Most of the disagreement in contemporary literature concerns the first. Privacy seems to have an object. Some, probably most, say that privacy has one object and that this object is *information* ('informational privacy'). Others disagree. They say that privacy has many objects, for example *decisions* and *spaces* ('decisional privacy', 'locational privacy'). Further, what relation must others bear to this object for you to enjoy privacy? Many say that you have privacy to the extent that others do *not access* this object. Others say that you have privacy to the extent that you *control* this object. There is less explicit disagreement on how to answer the question of what the right to privacy is. But it's easy to see how the disagreement regarding the former besets the latter. Consider the final question, the value of privacy. If you read the literature, there is almost no end to why one should value privacy. Privacy, it has been said, is conducive to such things as: freedom, autonomy, well-being, creativity, control over self-presentation, assurance, intimacy, trust, social relations, authenticity, equality, reputation, cooperation, as well as being valuable in itself.

Carissa Véliz's new book, *The Ethics of Privacy and Surveillance*, makes its entrance into this bewildering philosophical landscape. Véliz's aim is to clear things up and provide a "comprehensive philosophical theory of privacy" that may serve as a "map (...) of the ethics of privacy and surveillance" (p. 6). Some may wonder how this book relates to her previous book *Privacy is Power*. Véliz says that the objective in *Privacy is Power* was to, "cut to the chase and warn policymakers and the public about the dangers of losing privacy." (p. 215). *Privacy is a Power* was a call for action. Here the aim is to explain how to *think* about privacy.

Véliz's main quest is to offer clarity on the foundational questions presented above. Here are the central ideas. First, what is privacy? Véliz says that you have privacy to the extent that others do not epistemically access personal information about you and do not sensorially access your personal space (p. 79). This view walks a familiar path, but may well be the best available version of a non-access account of privacy, in the sense that it avoids most of the many cleverly devised counterexamples that are a characteristic feature of this literature.

What is the right to privacy? Véliz offers an intriguingly revisionary answer. A natural thought is that there would be a close connection between what privacy is and the right to privacy. Something like this: 'privacy' would be the thing that the 'right to privacy' is a right to. The right to privacy is, well, a right to *privacy*. But Véliz rejects this thought and argues that these two ideas are more independent than one might initially think: "when people demand that their right to privacy be respected, they are not only demanding that they not lose their privacy—there is also an implicit demand for *robust* privacy" (p. 144). What is robust privacy? Here, Véliz draws inspiration from the work on robustly demanding goods as pioneered by Philip Pettit. Analogously to the by-now familiar idea that freedom is a robustly demanding good (freedom doesn't only require that you are free from interference in the actual world, but would also continue to be free on a range of possible worlds), Véliz proposes that robust privacy - the thing

that the right to privacy is a right to - obtains only if you enjoy privacy in the actual world and would continue to enjoy privacy in a range of counterfactual worlds.

Véliz's answers to what privacy is and what the right to privacy is are some of the central positive contributions. But there is more. For example, In chapter 4, Véliz argues against ten(!) accounts of privacy found in the literature. To get a sense of scope, the oldest account receiving critical attention dates back to 1890; the most recent from 2021. "Before building a solid definition of privacy, it is helpful to philosophically dismantle flawed structures and remove the debris." (p. 29). Along with the central positive and negative contributions, Véliz also addresses a number of tangential questions. For example, the opening chapters review studies indicating biological and cross-culturally robust needs for privacy (chapters 1-2). Véliz seeks to refute the view that privacy is a "contingent preference (...) and not a deep human need" (p. 9). In chapters 7-9 we are given an overview of the values of privacy and the values of surveillance and how to strike the tricky moral balance between them in practice. Véliz also helpfully explores what duties the right to privacy engenders (chapter 11) and sketches an epistemology of privacy (chapter 6). The book ends with a big picture of the state of privacy in the twenty-first century (chapter 13).

Taken together, *The Ethics of Privacy and Surveillance* is a remarkable achievement. One reason is its scope. The literature on privacy is, as noted earlier, big and unwieldy. But Véliz succeeds in covering most and weighs in on many of the recent problems and puzzles that have been discussed in the literature. If you are looking for entry or want to be brought up to speed, there is simply no better place to start. Another highlight is Véliz's hybrid account of privacy and the arguments in its favor (chapters 5 and 10). These chapters are filled with new ideas that undoubtedly will breathe new life into a stagnant philosophical debate about privacy.

On the other hand, certain issues are left open. Take Véliz's account of privacy. It feels as if Véliz takes for granted that the object of privacy is only information. But many will disagree, and Véliz doesn't seem to offer much that could win them over. Even among friends - non-

access theorists - it feels as if more has to be said. On the one hand, Véliz says that you lose privacy when others sensorially access your personal space (p. 79). But then she also says, “Consider a case in which Kramer sees Elaine naked (...). Elaine has lost privacy to Kramer. But suppose that Kramer thinks he is hallucinating, or that he is so drunk that he doesn’t believe his eyes. Did Elaine lose privacy in this case? Here again, belief is important for privacy, which makes me tend to think that Elaine has not lost privacy to Kramer” (p. 95). This is puzzling: is the absence of sensory access an independent constituent of privacy or is it not? In favor of thinking that it is: Intuitively, it seems appropriate for Elaine to complain that Kramer is invading her privacy, and this verdict sits well with the normative intuitions we normally have in situations like this (see Munch & Mainz 2023: 249). But how can we explain this if Elaine’s privacy is unaffected when Kramer thinks he is hallucinating?

Another concern is about Véliz’s account of the right to privacy. The standard way to approach this question in the literature is to start from the concept of privacy and derive an account of the right to privacy from this. However, Véliz partly breaks with this orthodoxy because, to her, the right to privacy has a different object than the thing we seek to analyze when trying to figure out what ‘privacy’ means. We are not sure which approach is more fruitful. But it would have been nice if Véliz had done more to explain how, if at all, her preferred account of the right to privacy is meant as a characterization of the same thing that others in the literature have attempted to characterize.

The philosophical literature on privacy is a confusing place, and it is an uncharitable task to clean things up. Carissa Véliz has done a terrific job in *The Ethics of Privacy and Surveillance*. Undoubtedly, Véliz’s novel account of privacy will be a center of attention in the literature for the years to come. And there is really no better point of entry if you want to get a better understanding of the rich literature on privacy and the problem it has aimed at tackling. We therefore warmly recommend *The Ethics of Privacy and Surveillance*.

Literature

Munch, L., Mainz, J. (2023). To Believe, or Not to Believe – That is Not the (Only) Question: The Hybrid View of Privacy. *J Ethics* 27, 245–261.

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