

Annabelle Lever, *On Privacy*, (New York: Routledge, 2012), 100 pages.

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Many issues involving privacy are interesting from a philosophical perspective. Do we, for example, have a moral right to privacy that makes it the case that when we venture into the public sphere, we have a right not to be surveyed and recorded on camera? Given that a voter, taking part in a democratic election of the standard sort, can harm other people with her vote, is it morally acceptable that such a voter has a right to cast her vote in private and thereby making it impossible for other people to gain information about how she voted?

Annabelle Lever has written a wonderful, short book that introduces the reader to issues like those mentioned above together with a whole host of other issues that are of interest to a philosophical discussion of the phenomenon of privacy. The book contains an introduction and a conclusion. In between, there are four chapters that respectively deal with privacy in relation to (1) democracy, (2) equality and freedom of expression, (3) the family, sex and reproduction and (4) property and solidarity. Lever's book is part of a relatively new series from Routledge entitled 'Thinking in Action'. The overall objective of the series is, in the words of the publisher, to become an indispensable starting point for anyone who wants to think seriously about major issues confronting us today. The writing style of the volumes comprising the series is supposed to be punchy, short and stimulating. At the outset, it is worth mentioning that Lever's book very neatly satisfies the requirements of the series with respect to both writing style and overall objective. The writing is crisp, clear and to the point. There is no unnecessary technical jargon and endnotes are being kept to a minimum.

In the introduction, Lever does some useful conceptual analysis (p. 5). She says that ‘privacy’ is a vague term that seems to denote a bundle of rather different things that typically have to do with either the control of some sort of personal space (e.g. a private garden), the control of some sort of personal information (e.g. a diary or medical records) or the sort of intimate interaction one might have with a relatively narrow group of people (e.g. one’s family, a close friend or a lover). As a prelude to her more substantial discussions of the value and costs of privacy, Lever goes over the various meanings that the term ‘privacy’ can have, and she offers an explanation as to why it is not easy to give a definition of the term. Specifying the necessary and sufficient conditions for correct use of the term is difficult, Lever says, because the term is conceptually linked to allied terms such as ‘liberty’, ‘equality’ and ‘rights’. These terms are themselves relatively fuzzy, and this means that the exact boundaries of the concept of privacy are hard to fix. For the purpose of the book, Lever, however, suggests that we should think of the term ‘privacy’ as a term that refers to some combination of seclusion and solitude, anonymity and confidentiality, intimacy and domesticity (p. 4).

In the four chapters that constitute the core of the book, Lever guides the reader through a rich landscape of ideas by typically introducing an issue of contention in the current debate on privacy and then outlining opposing views on the issue. This way of proceeding is pedagogically very helpful, and though the discussions are rather brief (anything else would be impossible and contrary to the aim of the book), they give a good indication of what the distinctively philosophical beef is in many discussions of privacy. Issues of contention that Lever discusses include the questions of whether privacy is valuable for intrinsic or instrumental reasons, whether a right to privacy can be reduced to a right to property and whether it is wrong for

person y to make public personal information about person x (without x's consent) if such information is conducive to a cause to which y knows that x is firmly committed.

Sometimes, Lever leaves behind the role as a philosophical tour guide and offers a glimpse of what she herself is committed on the issues she discusses. On these occasions, there is much that will generate controversy and discussion. In the remainder of this review, I will restrict my comments to one issue where Lever takes a substantial stance: namely that of the moral merit of the secret ballot.

Lever is of the opinion that the secret ballot is morally justified. She cites the standard justification for the moral illegitimacy of the open vote (p. 24). With the open vote in place, voters are likely to be exposed to efforts to bribe, coerce or intimidate them into voting one way rather than another (ex post, voters may also be punished for their voting behavior). Such efforts seem to go against, and obstruct, an important and worthwhile democratic ideal of fair elections. Since the secret ballot radically diminishes the likelihood of success of efforts to bribe, coerce or intimidate, this type of ballot is morally justified.

One may hold that it follows from this justification of the secret ballot, that if we somehow knew that the above mentioned efforts to influence the voting behavior of the electorate would be not-existent, then there would be no moral roadblocks to the introduction of open voting. Lever rejects this inference. She thinks that there is a separate and more important justification for the secret ballot. This justification is perhaps best summarized by Lever herself:

But the most serious problems with open voting lie elsewhere, and highlight the importance of privacy to democratic citizenship. Democratic citizens are *entitled* to vote whether or not others approve of this, or of their likely voting patterns. They are entitled

to a say in the way that they are governed whether they are rich or poor, well educated or not. By contrast, no one has a right to represent others politically unless they have been selected for the task. (p. 25).

For Lever, the secret ballot reflects an important democratic idea: namely that individual citizens' right to vote does not depend on the approval of others or on the ability to demonstrate any special virtues, attributes or possessions (p. 26). De facto, the open vote raises the bar for participation in the political decision-making process by opening up for the possibility that voters are asked to justify their voting behavior. The prospect of being so asked is likely to make it the case that at least some of society's most vulnerable members will refrain from making use of their democratic right to participation in the political decision-making process.

I do not find this justification for the secret ballot convincing. The democratic idea that, according to Lever, is expressed by making each citizen entitled to vote independently of whether or not she possesses an ability to demonstrate any special virtues, attributes or possessions is one that is neither important nor worthwhile. It is, for example, very reasonable that any worthwhile democratic electoral process has an age constraint, and a constraint relating to cognitive impairment, that excludes some individuals from participating in the process. In all actual and possible democratic systems that Lever cares to use as examples of systems that incorporate important and worthwhile democratic ideas, it is the case that not everybody (all citizens) is entitled to take part in the voting process. Some citizens, if not many, are excluded simply because they lack the requisite attributes or possessions. They are either too young or lack the required cognitive abilities.

So, any important democratic idea that Lever wants to defend must be one that is compatible with it being the case that there are *some* constraints on who can participate in elections. An across the board entitlement to participate is simply not a worthwhile democratic ideal. Now, given that any worthwhile democratic ideal about who should be allowed to participate in the political decision-making process must contain at least some constraints on who can participate, it is difficult to see how one can convincingly argue against the open vote primarily on the ground that it is likely to function as a constraint on who will take part in this process and thereby run afoul of some alleged democratic ideal of allowing everybody (all citizens) to take part in the electoral process independently of their particular attributes and possessions. The defender of the open vote has, in my view, much going for her if she says that the open vote is not something that denies some access to something that all citizens in worthwhile democratic systems are entitled to. What the open vote does is merely to add a non-formal barrier, to the already existing *formal* constraints, on who can participate in the political decision-making process. The defender of the open vote could, furthermore, go on to say that there are a number of independent reasons as to why it would be something to moderately celebrate if such a barrier were put in place. What reasons are these? They are reasons of the same sort as those offered by defenders of the idea that there should be an age, and cognitive impairment, constraint on who can vote.

Is this brief rejoinder to one of Lever's substantial philosophical commitments reasonable? I leave this for others to decide, and I encourage them to explore, in more detail, Lever's thoughts on the secret ballot and all the other issues related to privacy that she so competently deals with in her book. It is a book that deserves attention.

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