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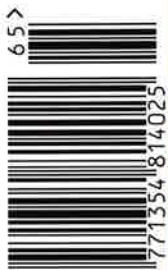
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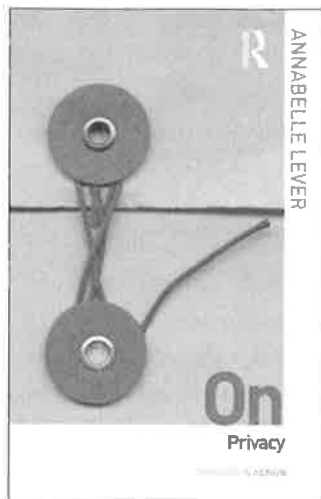


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Private investigation

ALAN HAWORTH ON A
CLEAR ACCOUNT WITH
MANY VIRTUES

On Privacy (Thinking in Action) by
Annabelle Lever (Routledge), £14.99/\$22.95

This book's major virtue lies in its somewhat unconventional choice of subject. Annabelle Lever has managed to steer a fresh course through some familiar terrain and thereby supply a new standpoint from which to view certain problematic conceptions. For example, take her account of democracy and, in particular, her defence of the secret ballot. Critics of the arrangement have tended to argue that, unlike "open-voting", it leaves individuals unaccountable for their decisions. Lever concedes the point but argues that the value of the secret ballot can be defended in a way which "connects the value of privacy to membership in a democratic society". The public shaming which would be "likely to fall hardest on

those who are unpopular, poor, shy, and inarticulate" would, she argues, be out of all proportion to the harm committed.

Again, take her account of "outing", with its discussion of the Oliver Sipple case. Sipple may have been an open and politically active gay man, but those who outed him were, nevertheless, using him for their own ends and unaware of the shock with which it would be greeted by his immediate family. "Outing", says Lever, "involves one person or a group claiming the right to make potentially life-changing decisions for a competent adult, although they have not been authorised to do so" and are, moreover, "typically in no position to make amends for any harms they cause." It is to be condemned for that reason – a

reason which is not necessarily counterbalanced by others in every case. Following on from this, there is an illuminating discussion of the “industrialised gossip” to which so much of the popular press has become addicted.

These are issues of wide and pressing interest and, like many others addressed by Lever in this book, philosophical discussion can make an important contribution to our understanding of them. Personally, I particularly appreciated her critique of the way philosophers have tended to connect the idea of privacy with the idea of property. On this, Lever’s criticisms are mainly directed at Judith Thomson but, as many readers will know, it is an idea which can be traced back to Locke’s *Second Treatise* and his attempt to found the right to property upon an alleged “property in the person”.

Lever’s definition of “privacy” is loose and informal. She is content with the premise that, “Privacy is associated with a variety of rather different things, typically polarised around control of personal space, personal information, and personal relationships”. This strikes me as right. Such informality may not appeal to those who like their terms fully loaded with complete sets of necessary and sufficient conditions, but it is faithful to the way the concept actually features in our thought. So is her argument that the concept of privacy is “Janus-faced”. Catherine MacKinnon may well be right to argue that the legal concept of privacy has, as she says, “preserved the central institutions whereby women are deprived of identity, autonomy, control, and self-definition,” but, says Lever, it doesn’t follow that the concept is inherently sexist. If it were, then Virginia Woolf would have been wrong to claim “that women’s lack of

privacy has been a major obstacle to their self-development and self-expression and a potent sign of their second-class status”.

Such informality is reflected in another virtue of Lever’s book, namely the simplicity and clarity with which her argument is expressed. She has certainly succeeded in fulfilling the hope expressed in her introductory chapter, namely that readers who are not academics will be able to enjoy the book without much difficulty. Of course, there will be some who subscribe to the misguided, though fashionable, belief that if an argument is to qualify as genuinely philosophical it must be couched in difficult jargon. Against this, Lever demonstrates that subtlety of exposition and clarity of expression can go hand in hand.

In her closing paragraph, Lever expresses regret at having paid scant attention to the international dimensions of privacy, “to the way that travel, trade, immigration, and war affect the ways we can describe and evaluate it”. Recent reports of the US National Security Agency’s activities (the “Snowden affair”) make it tempting to speculate that she now feels the regret more keenly than she did when she wrote that sentence. It is equally tempting to surmise that the reports became public during the period between her submission of the typescript and the eventual publication of her book. What would she have to say about them? In her final sentence, Lever remarks, “we must leave that for another day”. We should await that day with interest.

Alan Haworth is the author of *Understanding the Political Philosophers: From Ancient to Modern Times*, now in its second edition (Routledge, 2012)