

Reviews

Ethics in an Age of Surveillance: Personal Information and Virtual Identities, Adam Henschke (Cambridge: Cambridge University Press, 2017), 334 pp., \$110 cloth.

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Does it matter that intelligence agencies such as the National Security Agency (NSA) in the United States and the Government Communications Headquarters (GCHQ) in the United Kingdom collect massive amounts of metadata on their citizens? Does it matter that much of what they collect are merely phone call records, rather than the calls themselves? Advocates of the intelligence agencies argue that such data are at once innocuous and highly valuable: they invade no one's privacy (or if they do, only minimally so), yet they are crucial in building an understanding of terrorist networks and as such are necessary for national security. Nevertheless, groups such as Amnesty International and Privacy International have pushed back against these practices, taking GCHQ to the European Court of Human Rights for illegal breaches of privacy.

The collection and use of metadata is not limited to government intelligence agencies, however. Private companies and agencies involved in retail, social media, politics, medicine, and criminal justice regularly collect vast quantities of seemingly trivial data to build a picture of who we are and how we live. Recall the now infamous example of

the teenager whose pregnancy was discovered and inadvertently revealed to her parents by Target's big data analysis unit, as reported by Charles Duhigg in the *New York Times* in February 2012. Here, too, we face a similar question to that raised by the work of the intelligence agencies: How should we approach the surveillance of seemingly trivial data that can be aggregated to reveal deeply personal and private information? We may not care who sees which moisturizer we buy or which vitamins we are taking, but we might well care who knows if we are pregnant.

In *Ethics in an Age of Surveillance*, Adam Henschke has produced a philosophically sophisticated examination of this type of surveillance and the ethical issues that it raises. The field of surveillance has tended until now to be explored only at the applied level, but with this work Henschke pushes the debate back to ontological basics, asking what are data, how do we form perceptions, and what is information? In so doing, he has produced a work that is applicable to diverse areas of surveillance and big data collection in both the public and private sectors.

The work is divided into three parts. The first deals with questions of privacy and

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data ownership, two areas where we might intuitively feel that a harm has been perpetrated when information is gathered (despite the protestations of those engaged in this surveillance). The second approaches questions of information and identity formation, while the third applies the discussions of the first two parts in an attempt to develop an answer to the challenge at the heart of the work regarding the harms of collecting trivial metadata.

Part one discusses some well-known arguments about the nature of privacy and some classical perspectives on theories of ownership. Henschke bypasses the traditional philosophical debate regarding privacy, though, seeing it as outdated in its focus on a singular concept of privacy that is “unable to recognise the moral weight of innocuous personal information” (p. 29). Instead, he engages with the recent works of Daniel J. Solove, Helen Nissenbaum, and Jeroen van den Hoven to develop a flexible approach that is both normative and sensitive to context, which he sees as better suited to the task at hand. To my mind there are problems with all three scholars’ accounts, and so a critical treatment would be especially interesting, but Henschke’s engagement here is almost entirely positive. This leads him to a theory of privacy that is focused on information and secrecy, and therefore pertinent to his goal, but one that falls short of an all-encompassing concept of privacy.

Henschke is more critical when it comes to looking at theories of ownership. Here he tackles the limitations of the classical Lockean theory of ownership based on labor, applying this to data. He notes that Locke fails to provide “a clear mechanism to justify why something like first occupancy could be sustained” when it comes to data (p. 73). Without such a mechanism, it is unclear how we could be said to contribute

our labor to the formation of the data in question, and therefore how we could own or have rights to that data. In contrast, Henschke offers a novel take on Hegel’s theory of ownership, drawing on something of an afterthought of Hegel’s—that none should be denied the opportunity to possess that which would allow for the realization of their individuation—rather than Hegel’s own core approach of first occupancy. Together with the preceding chapter on privacy, this lays the foundation for later claims regarding the harms of surveillance in terms of violations of privacy and illegitimate uses of personal property.

In part two Henschke turns to look at recent developments in neuroscience and combines these with Luciano Floridi’s philosophy of information to develop an understanding of what data are and how we engage with data about ourselves and others to form a complex view of the world. This is unquestionably the more technical and challenging section of the book, looking at the development of perception and theories of meaning as these apply to information. The author argues that standard approaches to information as isolated atoms that only bear the meaning we impose on them do indeed render the collection of apparently trivial data as morally benign. However, this fails to tell the whole story. The data are not left as isolated atoms, but are aggregated to produce a potentially meaningful virtual identity that itself conveys highly revealing and extremely personal information. Throughout this section Henschke navigates a wide range of theories from different disciplines, rendering the discussion highly stimulating for those who persevere through the technicalities.

In the third part Henschke brings us back to the attempt to understand the ethical issue of surveillance. This does not involve

the construction of a full theory of the ethics of surveillance, but rather a clearer understanding as to why the collection of apparently trivial information is morally relevant. Here he builds on the analysis in parts one and two to argue that surveillance that allows for the creation of virtual identities, often formed out of this supposedly trivial information, may harm us in a number of significant ways—privacy violations, abuse of property, etc.—and may have a profound impact on our life chances without our knowledge and in ways we cannot control. While these may seem like straightforward conclusions to some, all have been contested to varying degrees.

There are a couple critiques of Henschke's approach that are worth noting. First, those with a background in surveillance studies may be frustrated by the lack of engagement with the existing material in that field. This extends from the relatively minor but jarring blind spots (Henschke's concept of the "virtual identity," for example, is more frequently referred to as a "data double," and he views the purpose of surveillance as investigative, ignoring the control accounts of Michel Foucault and Gilles Deleuze), to the more major omissions, such as developing an approach to ethics and surveillance without reference to the existing, albeit limited, writings in this area by the likes of Eric Stodard, Gary Marx, and David Lyon. This renders the work somewhat out of touch with current scholarship; and, indeed, the harms that Henschke identifies in part three are not particularly novel.

Second, the work might focus too heavily on specifically philosophical concerns for many readers with a social science background. Many of those readers may find even spending time developing ethical theories of surveillance to be questionable: the harms are obvious, so what is there to discuss? Developing an ontology and epistemology of information as a foundation will likely be seen as even more so. As such, this is an unashamedly philosophical work that seeks to look beyond a list of harms to understand why it is we should take those harms seriously, even and especially when those harms arise through seemingly trivial acts that appear themselves to be justifiable.

In spite of these issues, *Ethics in an Age of Surveillance* remains a highly significant work to be reckoned with and responded to by those in the field of surveillance studies. It makes its mark as the first serious, full-length philosophical examination of surveillance. Furthermore, while it may appear unnecessary to some, the grounding of the debate in metaphysics and epistemology offers the field a philosophical depth that it has so far lacked. It is hard to imagine future works being able to ignore this first step on the road to a well-developed and rounded philosophy of surveillance.

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