# Introduction

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Challenges to personal privacy are among the most important challenges faced by contemporary modern societies. Developments in information and communication technology make it possible to gather, process, and analyze information about individuals that has traditionally been considered private. Biometrics, radio frequency identification, social media, smartphones, CCTV, web-based services, self-tracking devices, and search engines register personal data about individuals in ways and on scales that the individuals concerned do not notice or even imagine. More and more personal information is being collected, stored, and processed by private and public organizations such as online retailers, data companies, public transport services, employers, insurance companies, the secret services, and governments. While increased accessibility to personal data may have some important benefits, such as better service or attractive means of communication, control over access to information about oneself and how it is used has become a subject of serious concern.

These new technological developments have affected virtually every domain of life: Therefore, concerns about the influence that modern information and communication technologies have on our daily life as well as concerns about the question as to what happens with these data and with the personal information they carry is a common topic in contemporary theory and social criticism, and the dangers and risks have been pointed out in various ways. A lively debate on these issues is going on in the literature, discussing the consequences the Internet, the social media, and the big data market might have for individuals, their identity and anonymity (Kerr *et al.* 2009), for the individual self (Cohen 2012), for the transformation of social relationships (Marwick 2013; boyd 2014), for justice and equality (Turow 2011), for democratic political procedures (Lever 2012), and for society in general (Mayer-Schoenberger and Cukier 2013; Morozov 2013; Tanner 2014).

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With our volume on the *Social Dimensions of Privacy: Interdisciplinary Perspectives* we want to contribute to this debate from a specific perspective, namely the perspective of privacy. This perspective is not just one among others. Rather, privacy plays a central role in all the issues mentioned above. We will see that it is through the lens of privacy – and especially through its social meaning – that the consequences of many of the problems of the digitalization of society become palpable. The concept of identity and autonomy, of equality and freedom, of the meaning of social relations, and of political relations, all play a distinct role in the contributions to this volume.

In contemporary privacy scholarship, the importance of privacy has mostly been justified by the individual interests and rights it protects, the most important of which are individual freedom and autonomy in liberal-democratic societies. From this perspective, it is the autonomy of individuals that is at stake in protecting the privacy of personal data and communication in the digital era. This perspective, however, seems insufficient to account for many other concerns raised in the debates on privacy-invasive technologies. With ever greater frequency, privacy-invasive technologies have been argued to endanger not only individual interests but also to affect society and social life more generally.

Privacy scholarship cannot address these broader societal concerns about privacy-invasive technologies, however, unless it moves beyond the traditional concept of privacy focused on the individual. The aim of the volume *Social Dimensions of Privacy: Interdisciplinary Perspectives* is to develop a conceptual framework capable of responding to this challenge: We aim to broaden and supplement the existing, individual-centered privacy paradigm by emphasizing privacy's social meaning and value. In the history of political and social philosophy, the complex distinction between the private and the public has been described and normatively conceptualized in various ways (Weintraub and Kumar 1997; Landes 1998; Geuss 2001; Roessler 2004). However, given that it is threats to informational privacy that have been in the foreground of privacy debates in the past decades, the essays collected in this volume mostly focus on the social dimension and value of *informational* privacy.

In recent years, a number of scholars have taken the first important steps towards developing a social approach to privacy. Arguing that an important aspect of the significance of informational privacy is that it goes beyond the interests of the individuals it protects, these scholars have emphasized the way in which privacy enables social and professional

relationships, democratic decision-making processes, and political par-
ticipation, and have stressed the necessary role of privacy for cooperation
and trust within various associations, such as economic partnerships.
Following this line of thought, Priscilla Regan classifies privacy as a com-
mon good (Regan 1995), Daniel Solove discusses privacy as a social value
(Solove 2008), and Helen Nissenbaum argues that privacy is a norm that
regulates and structures social life (Nissenbaum 2010). This volume draws
on these insights and develops the social approach to privacy further. The
volume's contributors engage, from different normative perspectives,
with the conceptual aspects of the social understanding of privacy and
employ this new perspective to reflect on the role of privacy in political
and social practice, in law, in media and communication, in health care,
and in the marketplace.

Reflection on the social dimensions of privacy is not only a theoretical
exercise. It also has far reaching implications for the way in which con-
flicts between privacy and other interests can be handled in modern soci-
eties. The traditional view of privacy, in which protection of individual
privacy is a means of protecting individual interests, has proved a weak
basis for protection of privacy in political practice: When individual priv-
acy conflicts with broader social interests such as law enforcement, public
security, or the implementation of social justice, protecting individuals'
interests seems to be a luxury that society can ill afford. It takes startling
privacy invasions such as those involved in the National Security Agency
surveillance programs to mobilize a political response. However, if it
can be argued that the protection of individual privacy at the same time
serves the interests of society, then the alleged conflict between privacy in
terms of individual interest and the interests of society should be recon-
sidered. The contributors explore the implications of this perspective for
recent privacy controversies as well as for existing privacy regulations and
policies.

Important inspiration for the volume *Social Dimensions of Privacy*
has come from the seminal work by Ferdinand Schoeman entitled
*Philosophical Dimensions of Privacy: An Anthology* (1984). That land-
mark collection of articles on privacy reviewed the state of the art in
privacy research at the time and became an important reference work for
scholars engaging with the topic. Just like Schoeman's volume, this vol-
ume *Social Dimensions of Privacy* aspires to provide a synthetic analysis
of the most recent developments at the forefront of the academic debate
on privacy of its time. However, since the publication of Schoeman's
anthology, the discussion of privacy has advanced in different, important

ways, not only with respect to the development of the social dimension of privacy, but also with respect to the idea of *interdisciplinarity*: Privacy research has become broader in scope and more specialized in character. Therefore, next to foregrounding the social dimensions of privacy, our volume underlines its interdisciplinary nature. Nowadays, discussion on privacy addresses, among other things, issues in law, philosophy, political science, health sciences, engineering, and the media. Unlike Schoeman's volume, then, the present collection of essays engages multiple disciplines and the contributing authors represent a variety of disciplines: law, philosophy, sociology, media studies, political sciences, and information sciences.

Let us now turn to a brief overview of the following contributions. We have grouped the essays into three clusters. We open the volume with essays devoted to general analyses of the social meaning and value of privacy. The second group addresses recent controversies about privacy protection in different domains of social life and explores the way in which the emphasis on the social relevance of privacy helps resolve them. Finally, the third cluster of essays is devoted to issues in the regulation of privacy and the challenges of the social dimension for existing regulations.

The opening essay by James Rule calls for rethinking the place of privacy in social life in the face of increasing mass surveillance by large public and private organizations. Linking surveillance to demands for social control on the part of governments or corporations, he asks: How far are we prepared to allow such systems of control to reach? By way of a thought experiment, he invites us to think about what is lost from a privacy-free world. The subsequent essays in this volume, each in their own way, respond to this question.

Gary Marx develops a slightly different account and argues that surveillance, just like privacy, derives its social meaning and value from the role it plays in different institutional settings and social relationships and from the way it relates to their goals, rules, and expectations. Priscilla Regan revisits her claim of the social importance of privacy twenty years after she had first formulated it (Regan 1995), arguing that privacy relates importantly to its role in advancing the ends of democratic states: Privacy protection furthers the exercise of civil rights, constrains governmental power, and prevents fragmentation of the political public. Daniel Solove, who concludes this first group of essays, contends that a loss of privacy not only sets back individuals' interests such as personal reputation or autonomy, but the interests of society as a whole: If we are to better protect privacy interests, we should articulate its social value.

In the second cluster we have grouped together essays surrounding controversies about the protection of privacy in various domains of social life. The cluster opens with an essay by Judith Wagner DeCew, who revisits the feminist critique of the private–public distinction and explores how the endorsement of the social approach to privacy could address feminist concerns about privacy. Linked to these issues, although discussing them from a different angle, is the essay by Bryce Newell, Cheryl Metoyer and Adam Moore, who explore the private–public boundary within the family. Arguing that privacy conventions are crucial for human socialization and that the family is the primary socialization setting, the authors defend privacy rights among family members that should be set aside only in exceptional circumstances.

One of the most recent issues in privacy and technology concerns genetic data, and it is this topic that Koen Bruynseels and Jeroen van den Hoven address in their contribution. While collection of genetic data serves important social interests in contributing to improved health care and scientific progress, it carries high risks to individuals and their privacy, for instance concerning social classifications. Bruynseels and Van den Hoven postulate an attitude of moral restraint in interpretation of genetic data by users, which they call "epistemic modesty."

The next four essays are concerned with the social-political contexts of privacy issues: Beate Roessler discusses markets in personal data, arguing that the trade in personal data poses not only a problem for privacy, but also for a person's identity, the flourishing of social relations, and for social justice in a society more generally. Moving from social to political relations, the essays by Annabelle Lever and Dorota Mokrosinska present privacy as a political value and explore some of the most pervasive controversies surrounding privacy protection in political practice. Lever focuses on the conflict between the right to privacy and freedom of expression, exploring the constitutive role of privacy to democratic freedoms. Mokrosinska addresses the controversy about the scope of privacy owed to government officials.

The political meaning and value of privacy is also a key element in the contributions from Christopher Parsons, Colin Bennett, and Adam Molnar. They address the harms of multifaceted Internet surveillance to the democratic potential of social networking environments, arguing for the idea of deliberative democracy in conceptualizing the democratic role of privacy and social media, thereby criticizing individual theories of privacy as well as existing social approaches to privacy.

On the whole, the essays in the second cluster contend that privacy controversies may be better handled if privacy is understood from the perspective of social contexts and the role privacy plays in social as well as political relations. If this is the case, does it prompt a change in the existing privacy regulations? The third group of essays is devoted to answering this question.

The third cluster opens with Kirsty Hughes's examination of the jurisprudence of the European Court of Human Rights: Drawing on the Court's rulings in the areas of surveillance and media privacy, she argues that the Court remains within the traditional approach to privacy, associating it with individual autonomy or personhood. This is inconsistent with the way the Court presents other human rights such as the right to freedom of expression, which the Court associates with the values of democracy and tolerance. Therefore, in order to properly deal with future cases of surveillance and media privacy, the Court should include in its general principles an express statement of the importance of privacy to democracy. Valerie Steeves analyzes the Canadian privacy regulations with regard to the behavior on social media of young adults and argues that current legislation, rooted in the traditional approach to privacy, fails in its task because it does not correspond to the altered concept of the privacy of young adults. Steeves concludes that more suitable legislation would require a social approach to privacy, recognizing the role of privacy for social relationships.

Anita Allen discusses the limitations of existing information privacy law in the area of health care. She argues that the impact of these laws is impaired by gender and race prejudice: Violations of patients' privacy by health care providers affect disadvantaged social groups, and in particular women of color. Given that disregard for the privacy of female patients has its sources in entrenched social practices of discrimination and the subordination of women, we should address these. Helen Nissenbaum applies her theory of contextual integrity to discussing the "Principle of Respect for Context" included in the 2012 White House Consumer Privacy Bill of Rights. Nissenbaum argues that for the bill to advance the state of privacy protection in the USA, the principle should best be interpreted with reference to the theory of contextual integrity in order to guarantee the moral and political values and context-specific ends in the distinct social spheres.

In the concluding essays, both Schwartz and Busch take up the issue of privacy regulation in a more comparative perspective: Andreas

Busch reflects on the absence of harmonization in privacy regulation across states. While recognizing the advantages of global privacy regulation for economic development and growth, he raises doubts about its practicability and achievability. Paul Schwartz takes up the issue of privacy legislation bodies, arguing that the federal division of the privacy regulatory competencies, both at the level of states and at the level of supranational bodies, is of particular importance for the development of policies that advance the social interests at stake in privacy protection.

We trust that the contributions to this volume have achieved two things. First, the authors have taken privacy research an important step further and have demonstrated that the recognition of the  social dimensions of privacy should play a central role in the way we understand privacy and approach current privacy controversies. Second, we hope – and we think – that the authors, from each of their different perspectives, have contributed to setting an agenda for future research on privacy.

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# PART I

## The social dimensions of privacy