[D]ignity as a political good is very expensive" (p. 165). Indeed, it is. It is important to be honest with ourselves: what are we willing to invest to save the democratic aspiration? To embark, as Audre Lorde wrote, from the "shoreline" of modernity into a contemporary era in which we not only say we believe, but act as though we matter to ourselves and to one another.

Life after Privacy: Reclaiming Democracy in a Surveillance Society. By Firmin DeBrabander. New York: Cambridge University Press, 2020. 170p. $84.99 cloth, $24.95 paper.
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More often than not, academic discussions of surveillance focus on privacy, whether by critiquing privacy invasion or assessing privacy costs brought on by extensive and pervasive surveillance. Even when policy recommendations differ, the common aim is to protect a private space of activity from the kinds of intrusion that result from information gathering. The advent of digital technology in the late twentieth century, in which digital information proliferated and digital data became marketized, generated a large body of literature that raised privacy concerns in the context of that new form of data. Scholars and advocates offered competing diagnoses of the source of the privacy threat and consequently disagreed about how best to address it. For instance, Cory Doctorow (Center for International Governance Innovation, 2020) suggests that regulating big technology corporations such as Google is the best approach, whereas Shoshana Zuboff (*The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*, 2019) emphasizes the harms of psychological manipulation that are inherent in digital technology, regardless of the size of the firm that employs it. Doctorow himself phrases this diagnostic disagreement as one between those who see it as a "capitalism" problem (his view), and those who see it as a "mind-control" problem (Zuboff's view). Either way, privacy is central.

Working against this grain, Firmin DeBrabander suggests that strengthening privacy protections is not where reform efforts should be focused. Instead, he advocates a culture of public interconnectedness and intersubjectivity in which people learn norms and values from each other and together instantiate virtues that promote human flourishing. Human becoming, he claims, takes place in *publics* rather than in isolated periods of self-reflection. DeBrabander's invocation of strong publics recalls the earlier work of Habermas and Fraser (see especially Fraser's "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," *Social Text* 25/26: 56–80, 1990), who reflect critically on the notion of the public sphere. Fraser, in particular, emphasizes intersubjective recognition as a core component of social justice (along with redistribution of resources). Consequently, the publicness of the culture DeBrabander recommends reflects Fraser's insights in two ways: via the notion of competing counterpublics and via the central place of public recognition among the most basic human needs that ought to be recognized in a just society.

In part, DeBrabander is critical of the emphasis on privacy concerns because he thinks privacy is already lost —that is, most people cannot or will not take steps to guard it, and the technologies of data extraction are already too sophisticated even for legal regimes such as the European GDPR to control (p. 53). More than this, however, DeBrabander asks whether the self has *ever*, in any historical context, developed in isolation from and independent of public influence. Humans have always been taught, guided, encouraged, trained, and punished publicly. And those experiences or anticipated experiences shape our thinking about who we are and how we will act. For both these reasons—because privacy is not now defensible and because it has always been inaccurately understood—the way to "reclaim… democracy in a surveillance society" is by strengthening public practices rather than erecting new safeguards for privacy.

This is a lucidly and eloquently written book that draws widely on traditions of political philosophy, from ancient to contemporary. The argument builds meticulously from familiar and oft-expressed concerns about information privacy to a powerful concluding plea for revived attention to the development of public, collaborative, and shared democratic values. Some of the book's most incisive passages expose the linkages between consumer behavior and privacy rhetoric, showing that a particular kind of privacy is emphasized in consumer messaging: one that is isolating, materialistic, and even race and class coded. "Our built environment," the author notes, "matches the aspirations and outlook of liberal democracy where we are all detached individuals, focused primarily on ourselves—inclined to associate only with effort and deliberation" (p. 128). More specifically, DeBrabander argues, "In the middle of the twentieth century, the US government decided that the suburban middle-class lifestyle was the appropriate model for all to pursue and enjoy (well, for white people at least). Accordingly, it favored construction and expansion of suburban communities, to the detriment of cities" (p. 92).

This macro-level critique is paired with observations about human behavior, such as the following: "Greed, lust and sadism, this is what many have opted for in their digital freedom and its simulated privacy" (p. 135). Taken together, these statements form an accurate and compelling indictment of what consumer culture has wrought in contemporary society in the United States in general and in online activity in particular.

Some readers may take issue with DeBrabander's readings of Emerson and Thoreau, which he uses to contrast with the public-facing subjectivity that he finds more conducive to a vibrant democracy. He emphasizes the strain in both Emerson and Thoreau that urges isolation and withdrawal from society. Although that element is undeniably present in their work, it may not be as total or exclusive as the author suggests. Emerson and Thoreau (and their compatriot Whitman as well, for that matter) counted among their concerns the questions of slavery, imperialism, tax protest, and the discontent of fellow citizens. Although they were well aware of the corrupting effects of social processes, none of them envisioned a complete and enduring break with society or denied social influence on ethical development.

Similarly, the book's passages interrogating privacy definitions could devote more attention to affective aspects of the experience of privacy—or deprivation of privacy. We are concerned with privacy not only in terms of concrete harms or legal damages, but also because of how it *feels* to lose control of personal information, to be seen in a state of illness or emotional distress, or to have our private thoughts exposed. People seek to avoid such experiences because they are painful or even traumatic, whether or not the experiences match a conceptual definition.

These questions amount to minor points of emphasis. Overall, *Life after Privacy* states a compelling case for engaging the public in an effort to strengthen democratic values amidst a generation that, as one scholar puts it, "appears to have made disclosure the default rule of everyday life" (Anita Allen, "An Ethical Duty to Protect One's Own Information Privacy?" *Alabama Law Review* 64[4]: 848, 2013). The book is likely to stimulate debate over the best way forward.

The Antebellum Origins of the Modern Constitution: Slavery and the Spirit of the American Founding. By Simon J. Gilhooley. New York: Cambridge University Press, 2020. 350p. $110.00 cloth.
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In *The Antebellum Origins of the Modern Constitution*, Simon Gilhooley recounts how nineteenth-century abolitionists and proslavery thinkers invoked the "spirit" of the American founding. Abolitionists challenged the Constitution's proslavery clauses by, for example, reading the Declaration's egalitarian preamble into the Constitution. Defenders of slavery cited the framers' proslavery leanings to preempt congressional abolition of slavery in the territories and District of Columbia. Although it is situated in these antebellum debates, Gilhooley's thorough, insightful work offers broader lessons on how competing political coalitions often appeal to the same capacious concept of the framers' "spirit."

Abolitionist and proslavery thinkers alike struggled to claim the legacy of the founding. The book, expansive and comprehensive, is structured chronologically, opening by recounting the abolition debates of the 1820s and the early 1830s. The first substantive chapter recalls how proslavery congressmen, seeking a concession to expand slavery into western territories during the 1820 Missouri crisis, invoked the framers' compromises over slavery. Antislavery opponents then reframed these founding compromises as emergency measures, with little precedent for their own time—an opening salvo in the struggle to claim the legacy of the founding.

As Gilhooley shows, by the 1830s, Black and white abolitionists—particularly followers of William Lloyd Garrison in Boston—began contesting the Constitution's proslavery provisions by invoking the Declaration's egalitarian language and the Revolution's legacy of civil disobedience. Later Bostonian orators legitimized defiance against the Fugitive Slave Clause and 1850 Fugitive Slave Act by recalling their Revolutionary forebears' resistance to the Tea Act. For example, speaking from Faneuil Hall, where Revolutionary Bostonians decried British tariffs, abolitionist Theodore Parker declared that the rescue of alleged fugitive slave Shadrach Minkins was "the most noble deed done in Boston since the destruction of the tea in 1773" ("Speech at the Faneuil Hall Meeting," in *Anthony Burns: A History*, 1856).

As abolitionists looked beyond the Constitution, Southern proslavery thinkers reinterpreted the Constitution to affirm slavery. Gilhooley tracks this shift, with a special emphasis on Virginia thinkers. Reacting to the 1831 Nat Turner rebellion, Virginians looked to better entrench slavery, and so abandoned the longstanding 1772 *Somerset* decision—which held that slavery was protected only under positive, statutory law—and instead reinterpreted their state constitution and the federal Constitution to protect a property right to enslaved people. Parallel to this interpretive shift was a textual one. Even before the rebellion, Virginians in 1830 revised their state constitution to expressly forbid uncompensated taking of property, including property of enslaved people. Other Southern states similarly revised their constitutions to preempt antislavery constitutional interpretations by abolitionist judges and legislators (see, for example, Stephan Stohler, "Slavery and Just Compensation in American Constitutionalism," *Law & Social Inquiry* 44[1], 2019).

This constitutionalization, which precluded uncompensated legislative abolition, forced abolitionists to consider alternate routes to emancipation. Antislavery reformers instead sought abolition in the territories and the District of Columbia. The second half of the book addresses debates over abolition in the District in the 1830s and 1840s. The Constitution largely left recognition and regulation of slavery to the states but empowered Congress to regulate the District, and—as some abolitionist organizations