



Editorial

The potential for surveillance has increased as the unit cost of surveillance has steadily decreased – thanks to information technology. To monitor a worker with a human supervisor is costly, to have a police officer on every street is beyond the budget of most towns and cities. Yet, to have a CCTV camera in the office or on the street is increasingly within reach of many. As the unit cost of surveillance plummets and the need for more data to administer our increasingly complex web of social relations – personal, economic, governmental and recreational – explodes, the need for surveillance has become self-evident; so self-evident indeed that we no longer ‘see’ it. To a large extent it has become seen as an implicit background societal activity, part of the normal functioning of society. Whether it is the CCTV in shops and on the streets, electronic cards that record our transactions, the recording of our telephone conversations at work, or the online tracking of our surfing behaviour, surveillance has largely become accepted as the way life is. In our increasingly information technology saturated society surveillance is becoming ‘wired’ into the very infrastructure of society. In his paper, Colin Bennett details the multiplicity of ways in which surveillance is becoming embedded into the infrastructure of the world-wide web – both intentionally and unintentionally. He notes, in particular, the progressively *latent* trend in online surveillance technology. If this is indeed so, one could become alarmed and ask, who will scrutinize it where and when? Nevertheless, when we see criminals caught because of CCTV footage, or pedophiles tracked online, we are relieved that surveillance was *already* there. Yes we do sometimes get irritated by the junk mail, the unsolicited telephone calls, feel a bit ‘watched’ by all the CCTV cameras, but as a whole we have come to see surveillance as inherently part of our late-modern society.

So what is the issue one may argue, why this special issue on the ethics and politics of surveillance? One obvious answer would be to line up those who have become victims of inappropriate surveillance. Starting with the least affected victims – the wasted time sifting through junk-mail or answering unsolicited telephone calls. We could then move to those falsely accused, or

even detained. We could discuss the voyeuristic use of CCTV cameras by their operators. We could list all those discriminated against because surveillance data were used inappropriately and out of context. We could even talk of the doctors in the pro-abortion medical institutions in the US that fear for their lives on a daily basis because their details are published on the Internet. This approach would however, just highlight one side of the surveillance debate, namely, those who suffered a loss of personal privacy and dignity for the supposed benefit of surveillance to the larger whole. The other side of surveillance is the legitimate right of the larger whole – community, organization, state – to survey for our collective benefit – to eliminate ‘free riders’, to detect fraud and to discourage criminality. The important point is that we are not only weighed down by the ‘cost’ of surveillance, we also actively partake of its fruits. It is exactly this complex, often contingent, relation with surveillance that motivates Graham Sewell and James Barker to argue, in their paper, that surveillance is ‘neither good nor bad but rather dangerous.’ In their view, we need to get beyond simplistic categories of ‘good’ and ‘evil’ and get to the local contingent ‘micro-practices’ and ‘micro-politics’ of surveillance. This is obviously important, but what about policy? How can we go about conceptualizing a debate about surveillance policies? In this regard most would agree that we want surveillance to be there when we need it – it is reassuring to have a CCTV camera overlooking the street when we leave the cinema late at night. However, we would also want surveillance to be done proportionately. We want the level of surveillance to be appropriate for the potential risks involved. We still want to insist on our right to a private space. We want the surveillance to concentrate on that which may be of legitimate ‘public’ interest. We want to exclude from surveillance that which could legitimately be considered ‘private’. This is fair enough. However, as Gary Marx shows in his paper the private/public distinction is very fluid, dynamic and dispersed – it is not at all as unitary and stable as it seems on the surface. It is mostly not evident how to ‘unravel’ this distinction in most day-to-day situations, be it the workplace, the shopping mall or the Internet. It is

certainly no longer tied to physical space. For example, we expect to be able to have a private conversation even in a public square or on the Internet. We also expect that private conversation could be ‘tapped’ if it is in the reasonable public interest. Yet, how and who will unravel this private/public distinction in every particular situation? It may be obvious in some cases but much less so in others – the workplace is particularly troublesome in this regard as Sewell and Barker, Lankshear and Mason as well as Ball demonstrate in their papers. Sometimes we may get the legal system to do some of the unraveling. Yet, in many cases the ‘court’ to appeal to is not at all obvious. Nevertheless, in the end we will need to unravel it if we want to be just in the distribution of privacy and surveillance rights.

In this ‘sorting out’ of privacy and surveillance rights a complex set of values, interests and relations of power play themselves out – as shown by most of the authors. Maybe we should abandon the private/public distinction altogether and seek other ways to conceptualize and facilitate the distribution of these rights? One of the most important elements in this ‘sorting out’ are the values that we use and draw upon. David Lyon suggests in his paper that “surveillance systems should be made accountable, and that the accountability should start with the reminder that personal data, however abstract, has effects that are felt by persons. Therefore care should be highlighted as a countervail against mere control.” He calls for the ‘body and the face’ to be brought back into its rightful place whenever surveillance data is being considered. By this he means that we should always return the surveillance data to the fullness of context when interpreting and using that data. However, this openness is not only with respect to intentionally collected surveillance data, it is also with respect to data collected incidentally or unintentionally. In their paper Gloria Lankshear and David Mason shows how data collected for one purpose is seized upon by various parties for diverse surveillance purposes unintended by the original designers. Thus, we do not only have a moral responsibility to stay open to reinterpret and re-read surveillance data, we also ought to be open to the

question of whether data should become part of a surveillance practice in the first place. In their case an instructional package in a medical setting becomes constituted as a location for a diverse set of claims to privacy and surveillance rights in ways unintended and unexpected. They argue that it is exactly this unintended and unexpected nature of privacy and surveillance claims, in every empirical instance, which makes global policy and analytical distinctions untenable. So how shall we deal with these claims, both in practice and in policy? What heuristics can we offer as realistic guidelines to mediate these claims in a way that will allow for the possibility of justice to emerge? Colin Bennett argues with Langdon Winner that we must see these practices within a form-of-life. He argues that it is within the form-of-life that the political aspects of surveillance show up. Kirstie Ball, in her study of workplace surveillance in computer-based performance monitoring, shows that alternative interpretations become essential in understanding the politics and ethics of surveillance. All the contributors would agree that the danger of surveillance lies in its ability to become latent, embedded and unscrutinized. They may disagree on the values to be used, the appropriate location for scrutiny, as well as the appropriate participants for this scrutiny. Nevertheless, they will all agree that surveillance is never neutral, that it always implies values, interests and nonegalitarian relations of power. Thus, surveillance is and must be seen as an ongoing political and moral problem that will increasingly become difficult to simply ‘sort out.’ Surveillance is dangerous indeed. However, the biggest danger is not that we implicitly accept it by forgetting to ask the critical, penetrating, questions – it is the possibility that we may forget our forgetting. I recommend these papers to you as an excellent collection. I hope that they will contribute to keep the critical scrutiny of privacy and surveillance rights on every institutional agenda of society – that is our moral duty.

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