

Surveillance Societies

and the emerging Anti-Surveillance Movement

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Surveillance Society?

The usual reports and warnings:

UK Information Commissioner

A Report on the Surveillance Society

For the Information Commissioner by the Surveillance Studies Network

September 2006

[illegible]



On Newsstands Now

Issue 9.12 | Dec 2001

THE NEW RULES OF ENGAGEMENT

The Surveillance Society

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Cell phones that pinpoint your location. Cameras that track your every move. Subway cards that remember. We routinely sacrifice privacy for convenience and security. So stop worrying. And get ready for your close-up.

By Adam L. Penenberg

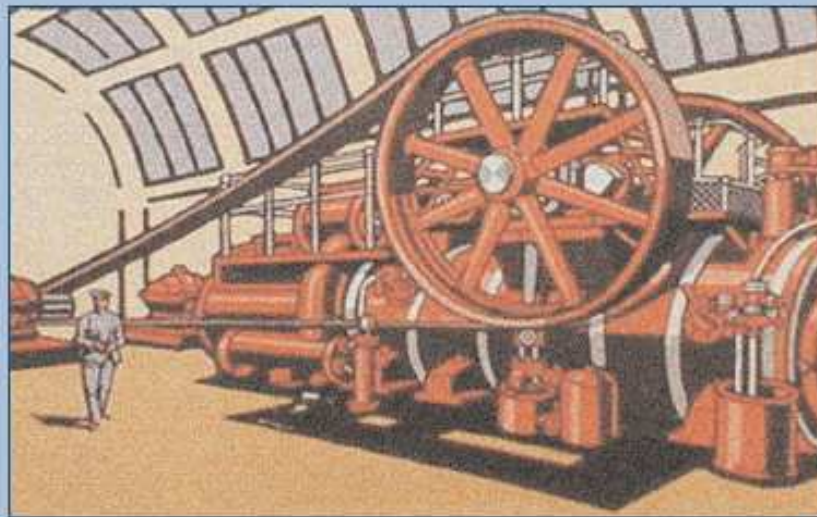
Within hours of the attacks on the World Trade Center and the Pentagon, as federal officials shut down airports and US strategists began plotting a military response, Attorney General John Ashcroft was mobilizing his own forces. In meetings with top aides at the FBI's Strategic Information and Operations Center - during which the

PLUS

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The Surveillance-Industrial Complex:

How the American Government Is
Conscripting Businesses and Individuals
in the Construction of a Surveillance Society



August 2004

PROTECTING PRIVACY IN SURVEILLANCE

THE FEDERAL
REPUBLIC OF
GERMANY,
SWEDEN,
FRANCE,
CANADA, &
THE UNITED
STATES

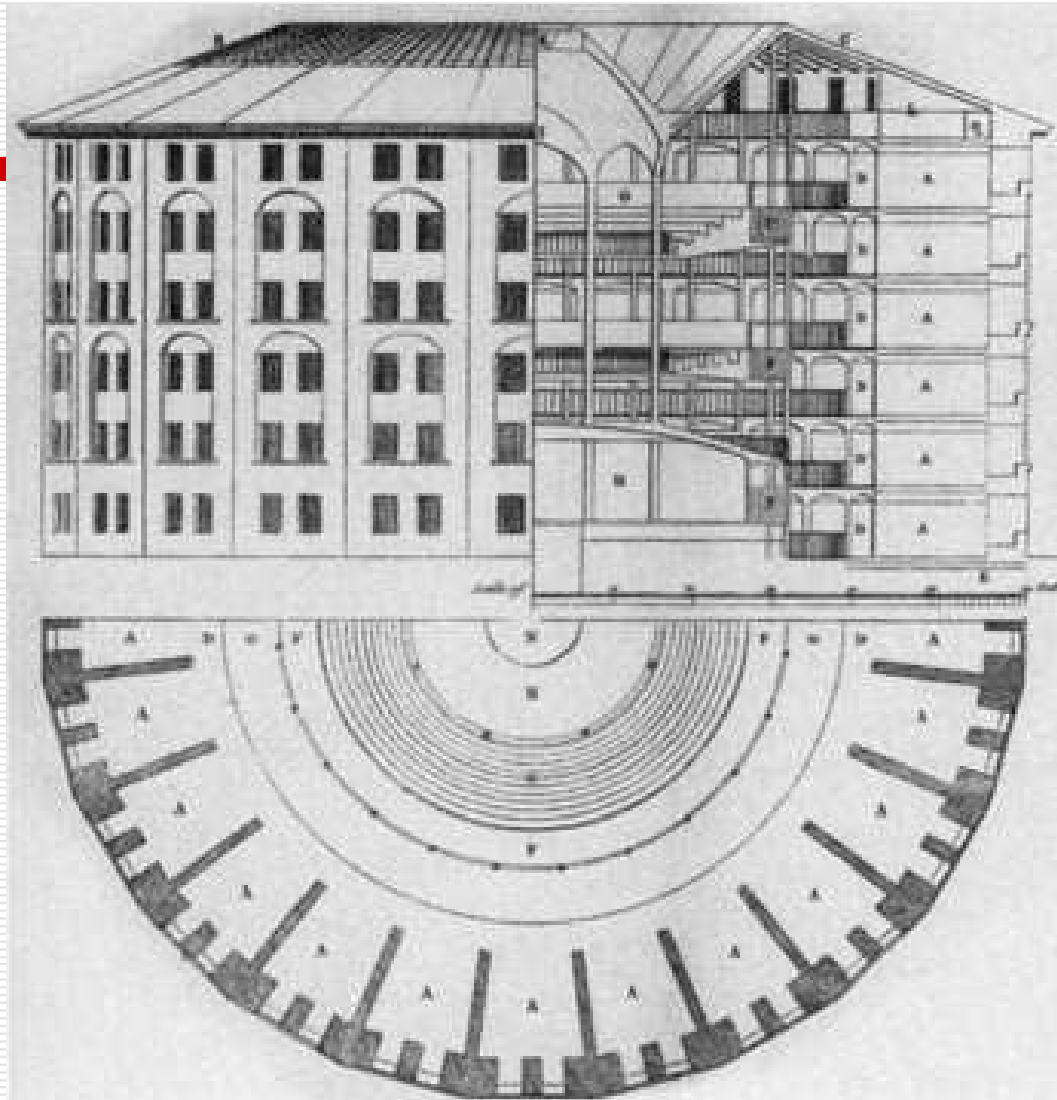
SOCIETIES
DAVID H.
FLAHERTY

We know all this (mainly)

- ☐ More interesting:
 - ☐ What happens conceptually?
 - ☐ When is it appropriate to speak of „surveillance societies“?
-

Surveillance

- ☐ Relationship
 - ☐ Observation
 - ☐ Not symmetric
 - ☐ Power & control
-



Bentham's Panopticon

- ☐ Time: present
 - ☐ Space: local
 - ☐ Actor: observation done by humans

 - ☐ Technology?
-

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NO. 5.

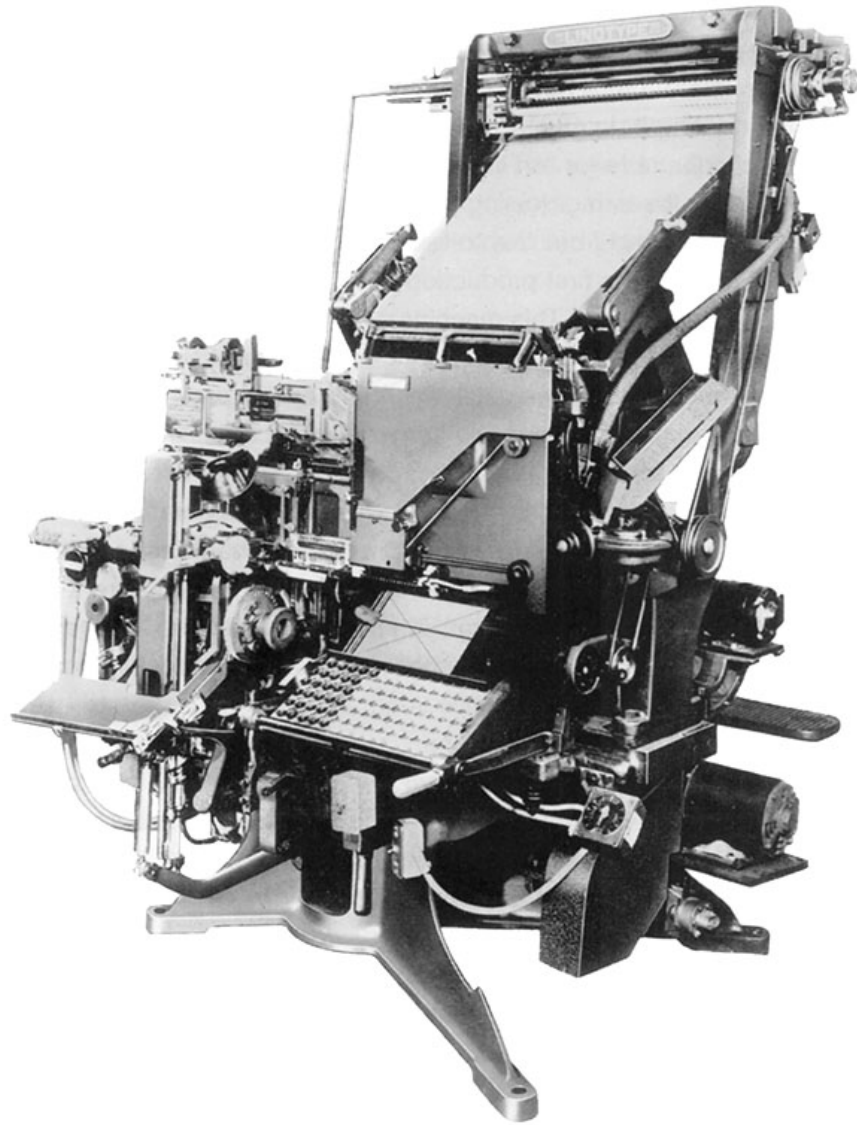
THE RIGHT TO PRIVACY.

"It could be done only on principles of private justice, moral fitness, and public convenience, which, when applied to a new subject, make common law without a precedent; much more when received and approved by usage."

WILLIAMS, J., in *Millar v. Taylor*, 4 Burr. 2303, 2312.

THAT the individual shall have full protection in person and in property is a principle as old as the common law; but it has been found necessary from time to time to define anew the exact nature and extent of such protection. Political, social, and economic changes entail the recognition of new rights, and the common law, in its eternal youth, grows to meet the demands of society. Thus, in very early times, the law gave a remedy only for physical interference with life and property, for trespasses *vi et armis*. Then the "right to life" served only to protect the subject from battery in its various forms; liberty meant freedom from actual restraint; and the right to property secured to the individual his lands and his cattle. Later, there came a recognition of man's spiritual nature, of his feelings and his intellect. Gradually the scope of these legal rights broadened; and now the right to life has come to mean the right to enjoy life,—the right to be let alone; the right to liberty secures the exercise of extensive civil





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Technologies of Surveillance

- ❑ Panopticon / Watchtower:
asymmetric observation
defined by architecture
 - ❑ Photo Camera:
mobility of observations over time
 - ❑ Printing Press:
mobility of observations over space
-

Technologies of Surveillance

Observing

Recording

Distributing

fast forward...





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Add George as a contact?

Zeigen & in Kontakt bleiben



Hochladen & organisieren



Gedrucktes und mehr...



Entdecken...

Nothing new?



Technologies of Surveillance

Observing

Recording

Distributing

Deciding

What Kind of Data?

- ☐ Stable data
 - ☐ Transactional Data
 - ☐ Behavioural Data
 - ☐ Relationship Data
-
- ☐ Amount & quality of data increasing
-

When is the Data Recorded?

- ☐ start of a relationship
 - ☐ specific events / transactions
 - ☐ clickstream
 - ☐ relations with third parties
 - ☐ trend toward general data retention
 - without transaction or suspicion as a trigger
-

When is the Data Sorted?

- ☐ Simple matches
 - ☐ Dragnet investigations
 - ☐ Pattern recognition
 - ☐ Datamining
-
- ☐ Customer relationship management
 - ☐ Workplace surveillance
 - ☐ Homeland Security
 - ☐ General idea: „Risk prevention“
-

Surveillance Systems

- ☐ observe
 - ☐ record
 - ☐ distribute
 - ☐ decide
-

Surveillance Systems as Large Technical Systems

- Tendency for innovation
 - It can't ever be enough.
 - Tendency for expansion
 - Structuring the environment according to its needs.
 - Disclaimer
 - no techno-determinism intended!
 - embedded in social norms and practices
 - subject to struggles and conflicts
-

Surveillance Society?

- ☐ Yes, if surveillance is...
 - ☐ widespread routine practice
 - ☐ widely structuring social relations
 - ☐ more fundamental than other concepts
 - capitalism
 - information society
 - risk society
 - ...
-

Surveillance in Society

- ❑ Surveillance is...
 - ❑ one aspect of the information society
 - ❑ the flip-side of mobility
 - ❑ the flip-side of flexibility
 - ❑ one aspect of the risk society
 - ❑ an expression of instrumental rationality
 - ❑ as such, part of modernity
-

Surveillance Society?

- ☐ One world surveillance society?
 - ☐ Different surveillance societies?
 - ☐ Regional surveillance societies?
 - ☐ Spatial differentiation?
 - ☐ Functional differentiation?
 - ☐ System vs Lifeworld (Habermas)?
-

Again: Surveillance as Decisions

- ❑ „Social sorting“ (Gandy)
 - ❑ „Digital discrimination“ (Lyon)
 - ❑ „Dataveillance“ (Clarke)

 - ❑ Assigning different life chances
 - ❑ Decisions based on data
 - ❑ Decisions made by machines
 - ❑ (Humans build these machines)
-

EU Data Protection Directive 1995

Article 15:

Automated individual decisions

„Member states shall grant the right to every person to not be subject to a decision which (...) is solely based on automatic processing of data intended to evaluate certain personal aspects relating to him (...).“

The Norms are there

- ❑ Surveillance not compatible with our image of being human
 - ❑ Treating humans as objects, as data sets
 - ❑ Making decisions about data sets that affect real humans
 - ❑ Discrimination reified in machinery
-

Why is there no outcry?

- ☐ Mostly invisible
 - ☐ People get used to it
 - ☐ Web 2.0 → „nothing to hide“

 - ☐ But:
 - ☐ When is it too much?
 - ☐ When will the pendulum swing back?
 - ☐ Dialectics of surveillance and privacy
-

Data Retention is paradigmatic

- ☐ Data retention is...
 - ☐ mandatory for everybody
 - ☐ taking data out of the context
 - ☐ storing it for pretty long
 - ☐ inappropriate
-

Dialectics of Surveillance

Maybe that is why data retention was the trigger for mass anti-surveillance protests and the emerging privacy movement.
(at least in Germany so far)

Movement against Data Retention

- ❑ from 15 to 1600 members in 2 years
 - ❑ 60 local chapters now
 - ❑ lots of media coverage
 - ❑ 30,000 participants in constitutional challenge
 - ❑ part of pop culture
-



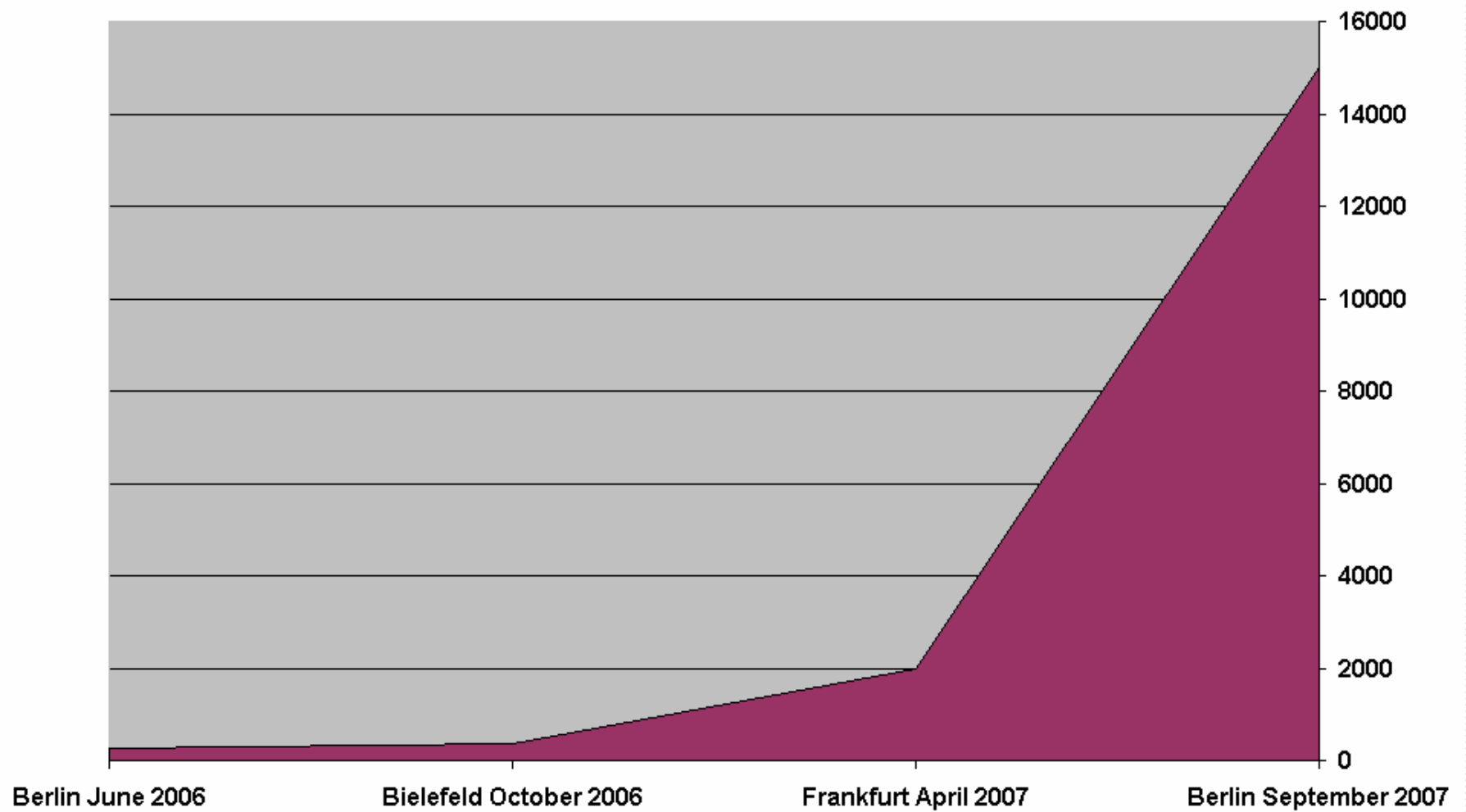


STASI 2.0





Street Protest Participants





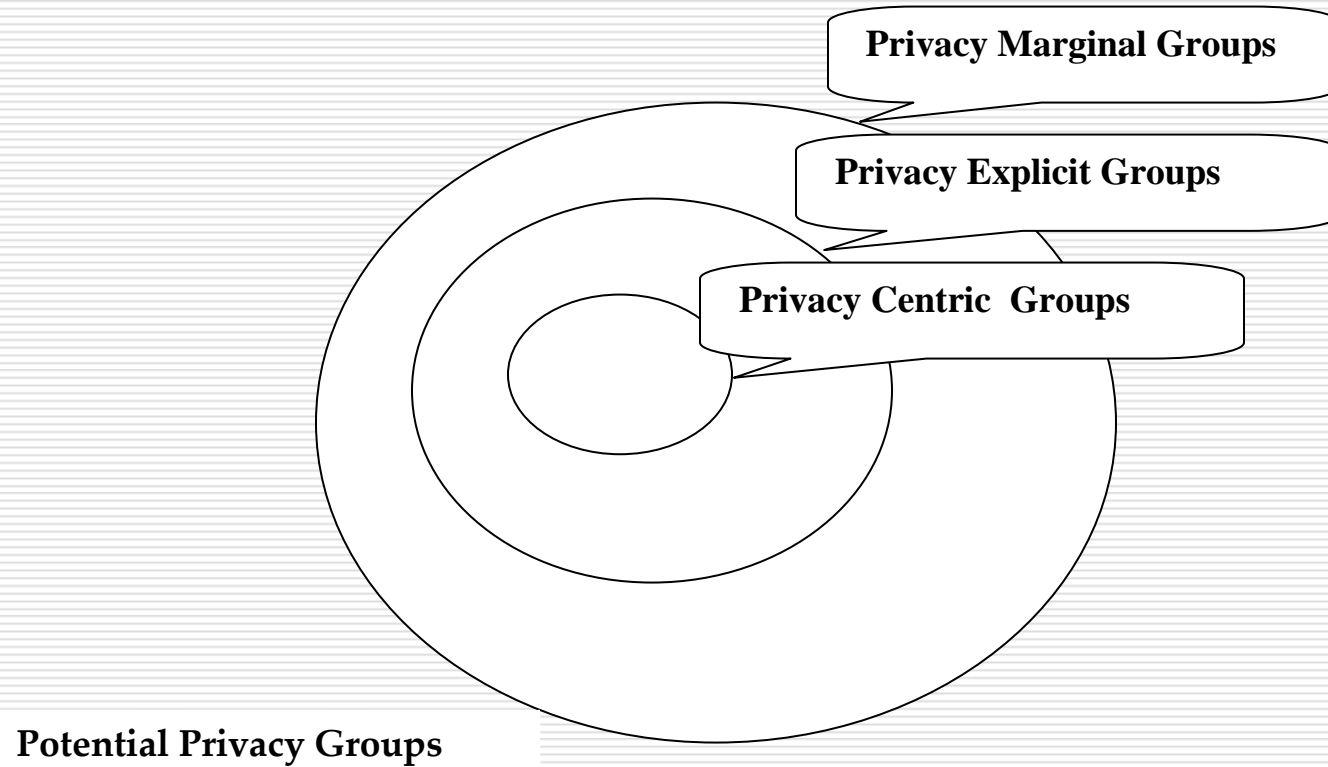
Privacy Advocacy and Activism

- 1) What does it mean to be a privacy advocate?**
 - 2) What makes a privacy advocate?**
 - 3) Do they have understand and “frame” the privacy issue?**
 - 4) In what groups do they operate?**
 - 5) What kind of politics do they engage in?**
 - 6) What are their resources?**
 - 7) How do they “network”?**
 - 8) Can this network become a “social movement”?**
-

Privacy Advocacy Perspectives

- Privacy-Centric
 - Civil Liberties
 - Human Rights
 - Consumer Protection
 - Digital Rights
 - The “Single Issue”
 - Particular technology
 - Type of information
 - Vulnerable people
 - Business sector
-

The Privacy Advocacy Network



Advocate Types

- ❑ The Advocate-Activist
 - ❑ The Advocate-Researcher
 - ❑ The Advocate-Consultant
 - ❑ The Advocate-Technologist
 - ❑ The Advocate Journalist
 - ❑ The Advocate-Artist
-

The Politics of Privacy Advocacy

- ☐ Information Politics
 - ☐ Accountability Politics
 - ☐ Leverage Politics
 - ☐ Symbolic Politics
-



OBSERVING SURVEILLANCE

STOP GOVERNMENT PROFILING



I WANT YOUR DATA^{*}
FOR U.S. ARMY

*GRADE POINT AVERAGE, SOCIAL SECURITY NUMBER,
ETHNICITY, EXTRACURRICULAR INTERESTS AND ACTIVITIES

The “Ick” factor



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Characteristics of the Network

- ❑ **Segmentary:** Many diverse groups which grow and die, divide and fuse, proliferate and contract
 - ❑ **Polycentric:** Multiple, temporary and sometimes competing leaders or centers of influence
 - ❑ **Networked:** loose, open-ended, multiple linkages, spontaneous
 - ❑ **Meaning:**
 - Network can reach objectives without the prerequisites of group aggregation
 - Network can witness and 'Spotlight' from a distance
 - The Strength of 'Thin Ties'
 - The Importance of 'Traveling Evangelists'
-

Conclusions...

- ❑ Privacy advocacy network is stronger now than it has ever been
 - ❑ More important and widespread than is often realized, despite lack of resources
 - ❑ A crucial player in the larger policy community
 - ❑ *The future progress of privacy will depend as much on a vibrant network of civil society activism as on regulatory, self-regulatory and technological solutions*
-

*The Privacy Advocates:
The Spread of Surveillance and the People
who Resist It*

Colin J. Bennett
forthcoming MIT Press, 2008

to a bookstore new you!
