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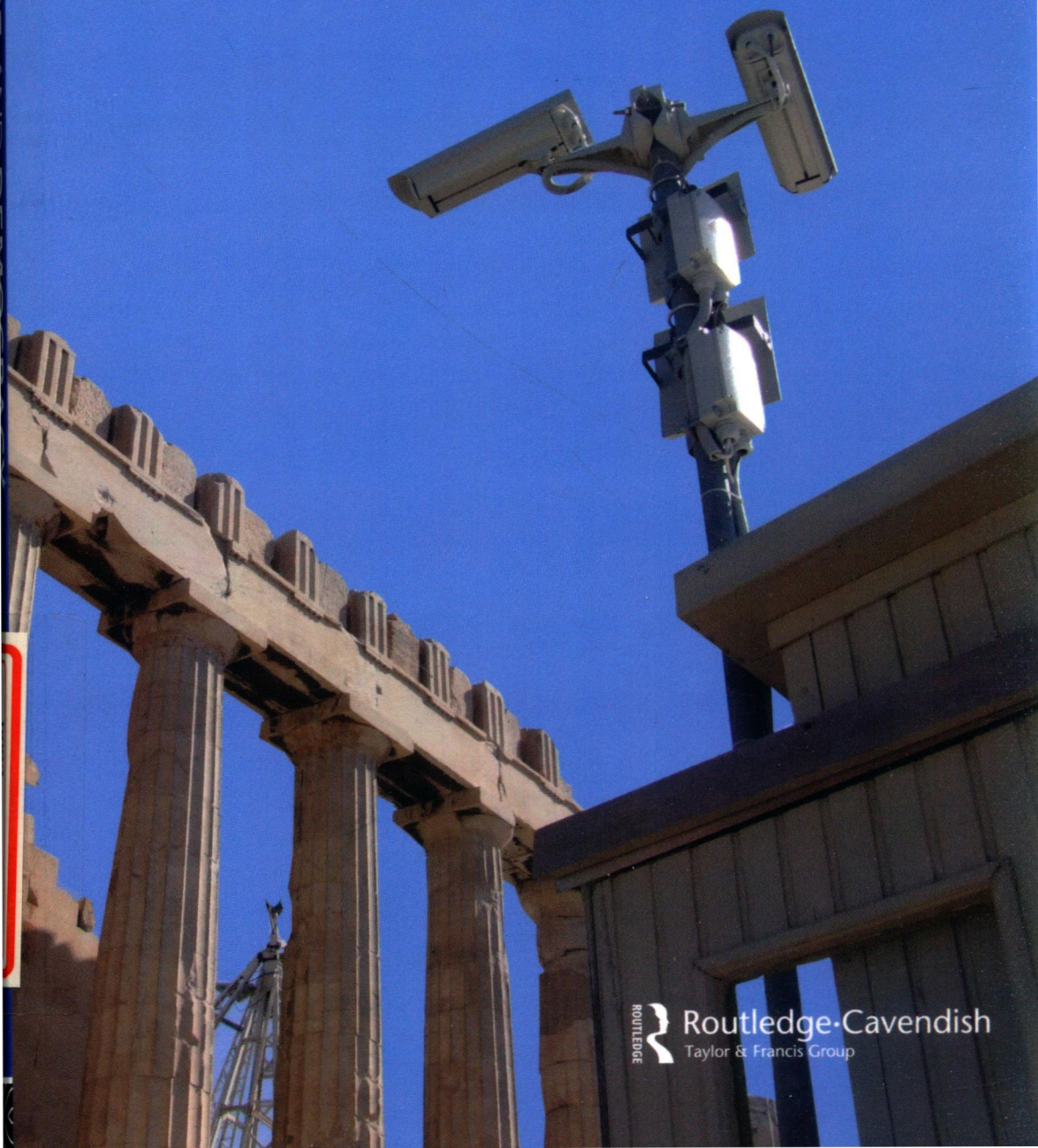
SURVEILLANCE AND DEMOCRACY

EDITED BY KEVIN D. HAGGERTY AND MINAS SAMATAS



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Surveillance and Democracy

This collection represents the first sustained attempt to grapple with the complex and often paradoxical relationships between surveillance and democracy. Is surveillance a barrier to democratic processes, or might it be a necessary component of democracy? How has the legacy of post-9/11 surveillance developments shaped democratic processes? As surveillance measures are increasingly justified in terms of national security, is there the prospect that a shadow "security state" will emerge? How might new surveillance measures alter the conceptions of citizens and citizenship which are at the heart of democracy? How might new communication and surveillance systems extend (or limit) the prospects for meaningful public activism?

Surveillance has become central to human organizational and epistemological endeavours and is a cornerstone of governmental practices in assorted institutional realms. This social transformation towards expanded, intensified and integrated surveillance has produced many consequences. It has also given rise to an increased anxiety about the implications of surveillance for democratic processes; thus raising a series of questions – about what surveillance means, and might mean, for civil liberties, political processes, public discourse, state coercion and public consent – that the leading surveillance scholars gathered here address.

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Dedicated to the memory of Richard V. Ericson

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Contents

Introduction

Surveillance and democracy: an unsettled relationship

Kevin D. Haggerty and Minas Samatas

Surveillance, when positioned on a normative continuum, tends to sit at the polar opposite of democracy. Democracy rests with the angels, signifying all that is laudable and promising about government. At the other extreme lurks surveillance; a sinister force that threatens personal liberties. What could be more self-evident than the fact that surveillance curtails personal freedoms, inhibits democracy, and ultimately leads to totalitarianism (Haggerty, 2009; Rule, 2007)? That said, readers looking to rally around the mantra "surveillance is undermining democracy" will only scratch the surface of this volume. While contributors accentuate the challenges that surveillance poses to democratic forms of governance, this book is more generally an opportunity to hold these two ostensibly antithetical phenomena in creative tension; to deepen our thinking about the various relationships that exist between democracy and surveillance.

The first difficulty that arises when thinking about surveillance and democracy is that both concepts are complex. If we start with democracy, we quickly recognize the truth of George Orwell's (1946) observation that there are forces aligned against attempts to provide a meaningful definition: "... not only is there no agreed definition, but the attempt to make one is resisted from all sides. It is almost universally felt that when we call a country democratic we are praising it: consequently the defenders of every kind of regime claim that it is a democracy, and fear that they might have to stop using that word if it were tied down to any one meaning." Moreover, as we will see, democracy is a multi-faceted phenomenon, meaning that there can be considerable variability amongst countries with a legitimate claim to being democratic.

Notwithstanding such variability and contestation, democracy can succinctly, if not unproblematically, be characterized as power exercised by the people. Democracy involves a system of open procedures for making decisions in which all members have an equal right to speak and have their opinions count. Democracy is appealing, in part, because it promises to contribute to effective decision-making informed by the interests of a wide group of people while also protecting individuals from the corrupting effects of power. Consequently, democracy is commonly associated with practices designed to ensure

the fair and equitable operation of participatory decision-making. Ideally, it recognizes the interests of the majority while also trying to protect the concerns of the minority.

Democracy, however, is much more than a system for making decisions; it is also an idea, a doctrine, a set of institutional arrangements, and a way to relate to others. Some of the wider constellation of democratic practices include open discussion between competing views; the equal right of members to have a say, to elect office holders and to influence their deliberations; and the freedom to associate with others.

A vital aspect of democratic governance with a direct bearing on surveillance issues is that democracies are accountable to their citizens, meaning that they have to produce accounts for various constituencies (the media, legislature, citizens), and also that governments face a meaningful prospect of sanction if they act illegally. Accountability therefore implies that citizens need access to a range of information about the actions of their representatives and a free press to assess the behavior of their government. Civil liberties and human-rights legislation aim to protect such arrangements and strike an appropriate balance between competing interests. Liberal democracies consequently emphasize individual rights, as the smooth operation of a democratic systems is presumably enhanced when we protect rights of communication and democratic participation. The rights pertaining to privacy and freedom of expression therefore have pride of place in discussions about surveillance.

As is apparent at several points in this volume, democracy can also be associated with a more substantive ends-orientation, meaning that democratic governments are evaluated on the degree to which they provide citizens with security of the person and of his or her possessions. Based on such an understanding, democratic governments are expected to improve citizens' quality of life, an ambition that is either implicit in the concept of democracy itself or a natural by-product of including "the people" in policy considerations and political rhetoric. This more tangible understanding of democracy also means that many forms of social critique are themselves founded on a comprehensive notion of democracy. So, for example, irrespective of whether a citizen lambastes her government because its institutions have not followed proper procedures, because some groups unfairly bear the burden of social policies or because the rights of identifiable minorities have been downgraded, all such critiques can be formulated as faulting the government for failing to live up to a democratic ideal. The upshot is that democracy, understood as a flexible and historically specific standard for evaluating what is just, fair and right, has increasingly become the rhetorical ground from which many, if not most, social criticisms are launched in liberal societies.

Turning our attention from democracy to surveillance, we also find a series of ambiguities at play. Definitionally, surveillance involves assorted forms of monitoring, typically for the ultimate purpose of intervening in the world. While this definition is very broad, it usefully moves us beyond the common

fixation on cameras and espionage, which is what tends to immediately come to mind when thinking about surveillance. Difficulties start to emerge, however, when we move beyond precise definitions and try to contemplate the enormous range and variability of surveillance practices that now operate. The most familiar and longstanding of these are the routine forms of interpersonal scrutiny which are an inevitable component of human interaction (Goffman, 1959). Today, such informal face-to-face scrutiny has been augmented by a raft of initiatives designed to make people more transparent. Indeed, surveillance is now the dominant organizing practice of late modernity, and is used for a multitude of widely divergent governmental projects, by turns both laudable and disconcerting (Gandy, 1993; Haggerty and Ericson, 2006; Hier and Greenberg, 2007; Lyon, 2007).

Western nations are undergoing a world-historical transformation in the dynamics of social visibility. Institutions are capitalizing on technologically augmented scrutiny of different categories of people (citizens, motorists, workers, students, consumers, international travelers, military adversaries, welfare recipients, and assorted other groupings) to enhance such things as rational governance, corporate profit, social regulation, entertainment and military conquest. We can appreciate the centrality of surveillance to organizational and epistemological endeavourers if we simply step back and survey how various manifestations of watching have become a central institutional preoccupation. Just a quick listing of surveillance-related initiatives culled from the newspaper would include databases, espionage, military satellites, bureaucratic files, Internet monitoring, and assorted personal spying devices.

The picture becomes even murkier when we realize that these different practices and technologies can be used for highly variable projects of control, regulation, care, governance, scientific advancement, profit, entertainment, and the like. A global community of scholars has produced excellent case studies of the dynamics and normative implications of different surveillance practices, but run into more difficulty when it tries to make generalizations about surveillance *tout court* (Haggerty and Ericson, 2006), often because the surveillance dynamics and implications of, say, spy satellites, are wildly different from those of DNA testing.

As citizens start to become attuned to the pervasiveness of surveillance, we suspect that they will recognize that most Western nations would now qualify as surveillance societies given the centrality of surveillance to myriad institutional practices (Murakami Wood, 2009). This is itself related to what appears to be a fairly remarkable change in public sentiments. The existence of such things as CCTV cameras on the streets, transponders in cars, and detailed mobile-phone records, have made monitoring a routine and often prosaic attribute of social existence. While there is public debate on surveillance's excesses, the envelope has been pushed strongly in the direction of normalized and routinized surveillance.