

Michael Nagenborg

Is there such thing as „ethical surveillance“?

“Surveillance” as a term is usually negatively connoted: Therefore, „ethical surveillance“ appears as an oxymoron at first sight. Particularly within the privacy-discussion the basic assumption seems to be: Privacy is good. Surveillance endangers privacy. Therefore, surveillance is bad.

This premise, however, implies a problem. Often we have to concede privacy indeed constituting a crucial value, but in one or another case „surveillance“ is justifiable. Hence, the comparison „privacy vs. surveillance“ often proves of little avail to argue against surveillance (e. g., Haggerty/Ericson 2007). The concept of the existence of something like „ethical surveillance“, might help to judge certain forms of surveillance or certain surveillance infrastructures, without having to play off privacy against surveillance.

To discuss this topic, we first have to rid the term „surveillance“ of its negative connotation. This proved to be downright productive within the „surveillance studies“, where, following David Lyon (2001), *surveillance* is defined as a process in which data about groups of persons are collected and processed systematically to affect the behavior of persons based on these data. Accordingly, a „surveillance society“ is a society whose character is codetermined by suchlike processes. This leads to the thesis, that Western societies are to be considered as „surveillance societies“ (SSN 2006).

Against the thesis, that we live in a „surveillance society“, the German critics mainly argue that this is a belittlement of „surveillance“ (Siemoneit 2007). Insofar, it is characteristic that Peter Schaar's current book (2007) is subtitled „Moving into the surveillance society“ (Auf dem Weg in die Überwachungsgesellschaft).¹ The message thus is: We live not (yet) in a surveillance society. Hence, I suggest to distinguish between „surveillance society“ and „surveillance state“, whereas „surveillance society“ is understood in the sense of *surveillance studies*. The „surveillance state“, however, is – at least from the point of view of Western liberalism – to be rejected

If we at first use the term „surveillance“ descriptively, we might ask how an *ethical surveillance infrastructure* is characterized. This term was established by David J. Phillips (2007), who claims, emanating from the results within the *gay studies*, that there are desirable forms of *surveillance*. In doing so he definitely stresses the ambivalence of *surveillance*: „Surveillance can organize national security interests as well as grassroot opposition. It can facilitate the deployment of emergency response as well as the deployment of culturally stultifying entertainment products” (Phillips/Cunningham 2007).

Based on Philipps' reports and considering the results of *postsubcultural studies* (e. g., Muggleton/von Berg 2004), I suggest some criteria for *ethical surveillance infrastructures*. Here, general considerations on the relation of culture and knowledge form the background (Debray 2000). There, above all, I am going to regard *surveillance* as a process of "knowledge production", so that *surveillance infrastructures* can be regarded in analogy to media. In turn, this allows to connect to the results of *new media studies* (e. g., Star/Bowker 2006).

¹ Peter Scharr is the Federal Commissioner for Data Protection and Freedom of Information.

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