

Surveillance: A (Potential) Threat to Political Participation?

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Abstract - Despite efforts of several authors, surveillance is nowadays yet sparsely understood, although surveillance has increasing impacts in our lives. The purpose of this paper is to point out, from a theoretical point of view, the threats that surveillance presents to political participation (and by consequence, to democracy) in digital societies. Current researches present the threats of surveillance to democracy focusing mainly in democracy-privacy trade-offs. Such debate, on the one hand, circumscribes the issue to a great extent to choosing the rulers and the kind of political regime, which does not allow a broader analysis of citizen participation in all spheres of public life in their daily life. On the other hand, the current debates seem put a little aside from the main issue: it is not the loss of privacy, but the loss of autonomy that challenges participation (and by consequence, democracy); although nowadays the threats to autonomy proceed mainly from the loss of privacy.

Keywords - surveillance, political participation, autonomy, risk

I. INTRODUCTION

Digital societies are those that bet on a knowledge-based development, through triggering processes that enables permanent creation, updating, diffusion, transference and sharing of knowledge. On that account knowledge societies are a better concept. On the other hand, concerning the predominant political and ideological conceptions, the knowledge-based development can also be inclusive, sustainable and participative. One chooses also by a more all-encompassing conception of digital city that are linking to all aspects of social, economic, political and cultural life. Another crucial theoretical proposition is that ICT don't determine the digital cities' emergency and development per se; they are only a device to achieve this goal.

Simões [1][2][3] pointed out the social, political and cultural conditions, not only technological ones, that stimulate the participation through the use of ICT but also those which constrain that participation. This paper is the background to the challenge we are facing today and to which we intend to answer: what are the challenges that

participation is dealing within digital societies considering the spreading and deepening of ICT and other technologies as surveillance devices?

Although current studies on surveillance, namely those by Lyon and Marx, present the threats of surveillance to democracy focusing mainly in democracy-privacy trade-offs, our proposal is quite different. On the one hand, we focus the debate on a more transversal issue: the political participation. Held's concept of politics was adopted [4]; according the author, politics is power; it's the capacity of individual and collective social actors to change or to maintain their social and physical environment. Politics concerns areas that demand appropriate public actions and choices from which one expects public consequences.

On the other hand, the analysis of the threats to political participation (and thus to democracy) is centred on autonomy and not on privacy, as in current researches.

Firstly, this paper presents crucial requirements for political participation. Secondly, the major theoretical propositions on surveillance are emphasised and the next point deals with the factors contributing and stimulating surveillance in digital societies. Before the final considerations, the paper looks upon surveillance risks to political participation. Finally, some considerations will be presented.

II. REQUIREMENTS FOR POLITICAL PARTICIPATION

Marshall [5] identifies three kinds of citizenship – civil, political e social – that, in his evolutionist perspective, have emerged in a sequential way in the 18th, 19th and 20th centuries. The first established the necessary rights for the exercise of individual freedom (namely personal freedom, freedom of thought, speech and religion, the right to justice, to private property and to establish contracts. Political citizenship acclaims the right to vote and of association and the right to participate in politics, whether as a voter or an elected member (thus with political authority).

This gradual evolution of citizenship should conclude at the welfare state in the mid-20th century, through the attribution of social rights that have established social and economic security rights, i.e., education, health, employment, social security rights, among others.

Marshall [6] had already made a clear distinction between formal rights and their effective application, defending that the effective exercise of citizenship was only possible since where the social rights were also assured. Without social rights, i.e., a certain level of well-being, people would not have material grounds to participate as equals in the political and social life, because they would live economically and politically subordinated to others. In this sense, the impact of the formal equality of civil and political rights was scarce.

Theories of political participation, notwithstanding voluntarist action theories, start with a crucial assumption: an unequal distribution of economic, social and political resources limits the possibility of autonomous choices, judgement and political actions.

To Simões [7], the most important issue is not if people act, but how they act, which became crucial to restate, on the one hand, the effectiveness of civil, political and social rights, and enunciate, in the other hand, the concept of autonomy and the conditions to autonomy effectiveness.

How Roche [8] referred the citizens are autonomous when they are rational agents and free moral individuals. Autonomy «connotes the capacity of human beings to reason self-consciously, to be self-reflective and to be self-determining. It involves the ability to deliberate, judge, choose and act upon different possible courses of action in private as well as public life» [9]. Its effectiveness is closely dependent on material and cognitive resources, among others, that people are able to achieve, and on facilities that allow (or prevent) access to these resources. It also depends on the liberation of constraints concerning relationships of economic, political and social domination.

To Oldfield [10], actions are autonomous when they show characteristics as self-determination and authenticity. An action is self-determined when it is a product of a person's will. This requires the skills of not being constrained by others or by the demands of institutions where one is included. It is authentic when it is built and chosen by each person, not by others, and rationally presented.

The main issue about expanding surveillance is whether autonomy is being threatened, therefore endangering the political participation within digital societies. The debate around the autonomy concept is more heuristic to a further research than the privacy one. As most people when facing the claim around privacy-security trade-offs, rapidly choose security, saying they have nothing to hide. But are they aware of the consequences brought to their autonomy by losing privacy? Are they aware of the loss on their faculty and power to make political choices and to participate in decision-making within the public domain? Thus, when we face threats to political participation, the central issue is the autonomy.

Certainly, the autonomy is mostly threatened nowadays by the invasion of privacy enabled by ICT and other technologies used as surveillance devices. In this sense, it is crucial to analyse how autonomy intertwine with privacy (invasion) and also to deepen the research about privacy in the digital era, as this era has some specificities and it is also

a very open-ended theoretical domain, where there are already many contributions to the research, namely of Nissenbaum [11] and Stalder [12]. The first author gives crucial contributions for this matter when she presents a theoretical account of the right to privacy as it is applied to information on people and she proposes an analysis of privacy in terms of contextual integrity, differentiating norms of appropriateness and norms of distribution. The second author when emphasises that the theory of privacy – based on concepts of separation and individualism – is unworkable in an environment characterized by a myriad of electronic connections.

III. SURVEILLANCE, AMBIVALENCE AND SOCIAL INTERESTS

Surveillance is not a new phenomenon, but it increased exponentially in the end of the 20th century, largely because until then it was predominantly restricted to administrative, productive and military spheres. After that period, surveillance broadened extensively to all spheres and fields of social activity (commercial, health, public spaces, and so on), and it is also becoming global, intensively entering the routines of our private and daily lives.

Surveillance has two faces, how Lyon [13] [14] referred to; surveillance is both enabler and constrainer to our action. A good example of this ambivalent process is how surveillance spread alongside the development of democracy and the emergency of social rights.

It's wrong that we focus only on one surveillance face. Its positive and/or negative dimensions can be tightened more in one direction than another, depending on what interests and purposes surveillance devices are designed, created and used for. We should also look upon the historical context in which those are inserted because the effects of technological systems aren't the same in all contexts in which they are used. On the other hand, knowing people's and organizations' ideologies in each context helps to understand the goals for which surveillance devices are aimed and how they are used; it also helps to identify specific resistance forms that allow to change or reducing the more negative effects of surveillance.

As Lyon [15] pointed, the systematic surveillance actually developed along the cities, corporations, governmental administration and military organization growth, all in all with modernity, particularly increasing since the 19th century. The reinforcement and spreading of surveillance practices can not be understood, like in Marxist approaches, as a product of a capitalist conspiracy [16]. They result from the complex way we organize our society, our social, political and economic relations. We live in societies that value consumption freedom, speed, mobility, efficacy, productivity, efficiency and security. In this sense, in modern societies, most organizations use ST in systematic ways, in order to reduce uncertainties and to control production outcome but mostly to prevent risks in security grounds as opposing to threatening behaviours and obtaining people agreement.

The surveillance technologies (ST) used for risk prevention were intensified after September 11th, 2001. The

belief in diminishing potential risks and controlling outcomes through technology enhances the pressure to move towards more and more sophisticated surveillance means. More and more specialized agencies are increasingly using more and more sophisticated means to collect people's data in a customary way, make all of them target groups of monitorization and suspicion.

The way how ST are designed and programmed as the intended data outcome aren't neutral. As Lyon [17] highlights, ST intended effects aiming to reinforce regimes that they were designed and programmed for. These effects have only recently begun to be analysed in a systematic way and are yet barely understood.

Surveillance was always a source of power and today even more. But it would be simplistic to think that ST reinforce the position of the most powerful, as according to the structuralist perspective of Foucault, read in the panopticon metaphor, where individuals act passively in accordance to the established rules, their behaviours being determined by settled surveillance systems. It would also be simplistic to think, according to the voluntarist theories of action, that surveillance implies no constraints to individual action, as people are able to choose their actions freely.

Burns and Flam [18], in the field of synthesis theories, reject both perspectives, as humans, despite the rigidity of social structures, are cognitive beings and endowed with opportunities to resist, reduce, change and reshape the constraints imposed by dominant groups. As Giddens [19] says, in the field of dialectic control, power is not always absolute.

Technologies are both socially shaped and with social consequences; some of them can overhaul the purposes for which they were created. Besides, even if they were created and used with good purposes, they might have undesirable and unintended consequences.

IV. FACTORS THAT STIMULATE AND CONTRIBUTE TO SURVEILLANCE

Surveillance is thus today the result of a process that has been spreading and being refined throughout history. An important milestone was the 19th century, as the development of statistics was used by the states to count, categorize, classify and administer their citizens. Its emergency already set the framework and models to how surveillance should develop in the next centuries.

With the introduction of statistics, Castel [20] emphasises a change from the "observable" to the "deduced" in the construction of individual selves. The administrative practices were thus focusing more on risks than on dangers. The gathering of data, which focused only on specific suspected groups or individuals to thwart danger, widened to monitor everyone to prevent risk. Risk management is associated to the use of statistic techniques.

These techniques were set to create personal profiles that weren't under the immediate glance of those who watch. Preventive policies are no longer interested in individuals; with statistic techniques, profiles are built starting with the subject deconstruction followed by a construction based on a combination of statistical correlations of heterogeneous

elements and facts that allow verifying if individuals are susceptible or not of producing risk.

When paper surveillance was replaced by electronics, it gained «the potential to erode liberties and freedoms because those technologies changed the balance of power in our society» [21]. In the late 1980's, before the increasing sophistication of ICT and the emergency of others ST, Gary Marx [22] highlighted that computers had not only spread the surveillance scope but also allowed more regular and deepened forms of surveillance, emphasizing also that the way ST are to be used in contemporary societies reaffirms an increasing totalitarian potential, regardless who controls these surveillance means.

Commercial surveillance is one of the major contributors to the erosion of the boundaries between public and private spaces and to the intensification of surveillance that begins to embrace the routines of our daily life and our privacy [23]. Let us just consider credit cards, data from insurance companies or frequent customer cards provided by all kinds of shops, including bookshops and cinemas.

Certainly, commercial surveillance devices are aimed to persuade people as consumers, but they can hold other purposes, i.e., political, as it happened with other technological devices. These cards allow knowing where, when and what we consume, thus revealing our political and ideological preferences: precious information to detect political activists in some democratic countries and even more in (potential) authoritarian and totalitarian regimes.

The spreading of CCTV «over city-centre streets represents the most visible sign of the "dispersal of discipline" from the prison to the factory and school, to encompass all the urban landscape» [24].

About liberty-security trade-offs, after the terrorist attacks in the London underground, people of UK feel safer with the CCTV, but in this ambivalent social world, these devices created for safety reasons can stretch its action to the political sphere, recording encounters and gatherings that participating people didn't want to be watched and recorded.

If surveillance spread in fixed places, the same happened in online and offline mobilities area [25]. If credit cards and mobile phones allow detecting where people are or were, on the other hand, GPS (Global Positioning Satellite) allow locating and monitoring drivers and mobile phone users; other localization devices as intelligent transportation systems, are referred by Bennet, Raab and Regan [26], namely the automatic systems of highway tolls and embedded chips in vehicles.

All these devices allow tracing where we are, where we were, where we are going or where we went and clearly with whom we talk or meet. On the other hand, online mobility also allows recording not only what we search, what we read, with whom we speak and what is said, which is invasive concerning civil and political rights.

Biosurveillance, research domain namely of Ploeg [27] and Nelkin [28], is another growing field of surveillance through the collection of DNA, eyes, face, hands, fingers, voice and body data. The possibility to link each name and each number to a body allows distinguishing people

therefore “enriching” citizen categorization, classification and profiling in order to reinforce social control.

Such processes cause not only inequalities accessing social and other rights thus reducing necessary resources to political participation, but such data can also be used more directly to achieve political goals, namely to identify people who were in specific places involved in political activities.

The implementation of ID cards has increased from September, 11th on, particularly the most recent cards, which became the most important and the most sophisticated one from a technological point of view to perform social classification and control [29]. These devices, as those authors refer, combine, on one hand, traditional characteristics (namely data from the health system or social security databases) with more advanced characteristics of identification as biometric data. On the other hand, in ID cards we can find programmable chips to collect more data and that can be easily linked to remote authentication mechanisms [30].

However, ICT remained central because they alone have turned possible the collection of personal data and the construction of widened databases that allow the categorization and the upcoming classification of individuals for purposes of social control.

We face a set of circumstances in which interest groups stimulate the development and deepen of technologies; these technologies strengthen the extensive and intensive advances of surveillance and also permit their spreading to unforeseen areas when they are to be conceived and designed.

Marx [31], among other authors, pointed out that the control practice and culture is changing. According to him, “hard” forms of control aren’t reducing simultaneously as “soft” forms are expanding in different ways. Although, his “soft” designation doesn’t seem the more adequate term, because although some of them are less visible they are more invasive and challenge even more our citizenship rights. As the author refers we deal with data collection processes that encompass the use of misleading information, with benefits offered in return of information, with gathering of “false” volunteers appealed to good citizenship and even with the use of hidden or disguised collection techniques.

V. SURVEILLANCE, RISK AND POLITICAL PARTICIPATION

The major part of surveillance nowadays takes place within the digital sphere, thus we don’t see it and many times we don’t perceive it in our daily life. Moreover too much information about citizens flow more and more without their knowledge and permission. On the other hand, in most of the situations digital surveillance doesn’t work clandestinely, but in those regular moments and places of our daily life.

This is even more worrying, because large population sectors are more willing to give away their personal data, believing more in the benefits of surveillance than in its potential risks, thinking they have nothing to fear or hide [32].

Governments, companies or the media contribute to this situation because news focuses on the impressiveness of robbery, crime, war and terrorism facts. This contributes to increasing feelings of insecurity on people, making them to accept the surveillance devices.

We can yet look at cultural changes characterized by the fascination of exposing aspects of private lives and public exposition, namely on facebook and TV, which implies that people cooperate with surveillance means [33]. Such assumptions allow rejecting the simplistic view that the available data only serve the interest groups that have the technological devices to collect data.

Moreover, the ICT made possible erasing data, either without trace, or traceable only by experts, which raises crucial issues concerning data reliability [34].

Both of these aspects have great implications in the political sphere.

As Marx [35] emphasizes, we are interested as citizens in avoiding discrimination, manipulation and an inappropriate classification that could be the result of an inadequate combination of our personal data.

This inappropriate classification can even be obtained for political ends, namely inducing certain political behaviour.

As it has already referred, the problematic issue is that citizens profile are constructed connecting decontextualized data which don’t translate the variety of personal and social contexts, as these are reduced to limited number of variables: the necessary for prevision and scientific generalization capacities. Given that any data can be classified regarding a statistic model as comprising higher or lower risk, it was assumed that risk is understood and consequently controllable in a probabilistic ground. In this process identities are constructed with decontextualized data and subsequently not equal to our own identities. For example, we can be considered political activists or oppositionists when fact we are not. The worst is that these identities were never questioned and, despite this fact, they can prescribe our political behaviour.

As Marx [36] says, it can work for management and medical decision-making, but not for liberties and democratic rights; many times people know little about these databases and their consequences and how their identities are thus constructed.

The registration, categorization and classification made possible by ST trigger processes of inclusion and exclusion concerning participation opportunities that have impact upon people’s life trajectories, depending on the categories in which they are inserted, even though these categories do not match up to our own identities. In short, surveillance impacts on political participation, on our life opportunities, on our privacy and also on social control and democracy.

So, we are facing nowadays a paradoxical situation: the use of ST for preventing risk has increasingly become a risk [37]. A risk to be taken into account for the exercise of citizenship; where we face also the threat of totalitarianism. The question is whether we are witnessing either an increase in their negative dimensions or a growing imbalance of power between the “vigilant” and the “monitored” and thus,

a subsequent thickening of the raising risks of a totalitarian and/or unequal society, composed by increasingly “transparent” citizens.

VI FINAL CONSIDERATIONS AND FUTURE WORK

With the enlargement of the surveillance scope and its increasing intensity, if we render ourselves into more “transparent” citizens and because it is impossible to know whether we are being monitored or not, like in Foucault’s panopticon, ST have the capacity to induce a state of permanent and conscious visibility, as felt by the panopticon prisoner, that assures the automatic functioning of power, which can threaten our autonomy, constrain our political activity or determine political participation according to the *status quo*.

The increasing and deepening surveillance referred above occur most of the times with none or insufficient public debate about established policies, but also with such haste that legal and political efforts that could safeguard certain social and political implications are limited.

As Lyon [38] and other authors say, can we be facing the emergency of a more totalitarian society, a prison society?

Yes, we do, but before going down that road, it is essential to centre the debate on two previous issues. Firstly, we need to focus the debate on a more transversal issue: political participation. Secondly, we need to centre the research primarily on the challenges to autonomy instead of those regarding privacy. It is the reduction of autonomy that can contribute to the conditioning of even more public actions as well as choices of the citizens (namely in the spheres of education, work and health), but can also lead to a totalitarian society. So, it is important to put the following question: do “transparent” citizens have autonomy to participate in the political life of their cities, regions, countries or even at a global level?

Political participation depends primarily on autonomy. Certainly, the invasion of privacy is nowadays the major process of reducing autonomy, adjoining to other forms of domination, as economic domination. Thus, the ways how privacy intertwines with autonomy are crucial issues.

The concept of autonomy has also a more heuristic potential for research on the perceptions of people about how surveillance threats political participation. This can be a first step to a public debate.

On the other hand, by centring the debate on autonomy it becomes easier to mobilize citizens to participate in the public debate concerning expanding surveillance and the threats to their political participation. As we saw in other section, when citizens are facing the security-privacy trade-offs, they choose security, saying that they have nothing to hide. But are they aware of the consequences that the loss of their privacy brings upon their autonomy (and thus in their political participation)? Then, the research and the public debate have to focus on the issue of autonomy.

The public debate will be one of the paths to face the imbalance of power between the “vigilant” and the “monitored”. Through ICT, citizens can trace many platforms not only to debate but also to mobilize other

citizens who aren’t aware of surveillance threats. The public debate can lead to another design, other programming of ST and even to someone’s refusal. More than that, citizens have to participate in decision making processes regarding the design and use of surveillance devices in order to assure our freedom and democracy, which are only possible with our autonomous participation.

Sociological research is also crucial to our self-knowledge of social reality and a path to achieve more responsive surveillance practices, that is, practices that didn’t threatened the political citizenship.

From a theoretical point of view, it would be crucial to deepen even more the links between autonomy and privacy in digital societies. In future works we will consider these issues.

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