

Open Society University Network Summer School

(!!! Preliminary Outline !!!)

Summer 2021

Module Title:

Surveillance and Privacy: Legal, Moral, and Political Issues

The aims of this module are:

- To introduce the issue of surveillance as an increasingly significant feature of contemporary societies and examine its evolution in both public and private domains.
- To critically analyse the ambiguous and multi-faceted character of surveillance.
- To carve out an intellectual path that leads us from more ‘traditional’ forms of state surveillance to a ‘surveillance culture’.
- To investigate the international significance of 9/11 in relation to the use and legitimisation of surveillance methods and technologies thereafter as part of the so-called war on terror.
- To analyse the relationship between technological aspects of surveillance and the legal and political context in which they operate.
- To examine the current and likely future public policy implications and challenges raised by surveillance.

Structure of the Module: The module will be taught via eight 90-minute lectures, and eight 90-minute seminars. Seminars are highly interactive and will be structured around a number of seminar questions. Students are expected to be prepared for seminars and participate in discussions.

Assessment: Two essays that address one of the essay questions. The word-count for both essays is 1,500 words, including citations (in-text, footnotes, or endnotes) but excludes the bibliography. The essay is permitted to be either above or below 1,500 words by a maximum of 5%.

Essay Questions to be Answered (select one of the following options):

Essay 1:

- 1) What is surveillance and in which ways, and to what extent, does it raise ethical issues?
- 2) ‘You have zero privacy anyway. Get over it’ (Scott McNealy, Sun Microsystems, 1999). Discuss this view with reference to commercial interests and surveillance.
- 3) To what extent do Foucault’s ideas resonate with, and help explain, contemporary surveillance?

Essay 2:

- 1) This year’s module has sought to carve out an intellectual path that leads from the ‘surveillance state’ to a ‘surveillance society’ and, eventually, to a ‘surveillance culture’. How useful are these three concepts (‘surveillance state’, ‘surveillance society’, ‘surveillance culture’) in understanding contemporary practices of surveillance?
- 2) Did 9/11 trigger a ‘state of exception’ that necessitates ever more invasive surveillance practices?
- 3) In what ways is ‘surveillance capitalism’ different from more traditional forms of surveillance?

Core Texts*

Lyon, David (2018), *The Culture of Surveillance* (Cambridge: Polity Press)

Véliz, Carissa (2021), *Privacy Is Power: Why and How You Should Take Back Control of Your Data* (London: Bantam Press).

Additional Texts**

Lyon, David (2015), *Surveillance After Snowden* (Cambridge: Polity Press).

Lyon, David, Haggerty, Kevin, & Ball, Kirstie (2012), *Routledge Handbook of Surveillance Studies*. (Abingdon: Routledge).

Macnish, Kevin (2018) *The Ethics of Surveillance: An Introduction* (New York, NY: Routledge).

Monahan, Torin & Wood, David Murakami (2021), *Surveillance Studies: A Reader* (Oxford: Oxford University Press).

Zuboff, Shoshanna (2019), *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (New York: PublicAffairs).

* we will read several chapters of these two books; while the texts will be made available by the lecturer, ideally, students should read them before the beginning of the module.

** these texts are interesting and comprehensive for further research on many of the themes we will discuss (we will read selections but there is no need to read them before the module).

Week by Week Overview

Session	Topic
1	Introduction: Surveillance State to Surveillance Culture
2	Surveillance and Privacy: (Beyond) Dichotomy
3	Foucault: Panoptic Surveillance and Biopower
4	Post 9/11 State Surveillance and Risk Society
5	Surveillance Society
6	Surveillance Capitalism and Control Society
7	Towards a Surveillance Culture
8	Resisting Surveillance (?)

Content overview:

Section 1 introduces the complex phenomenon of surveillance in today’s world. It problematises attempts to find a rigid definition for the phenomenon of surveillance and focuses, in particular, on the three concepts of ‘surveillance state’, ‘surveillance society’, and ‘surveillance culture’. The opening session, thus, introduces the complex and multi-faceted phenomenon of surveillance and draws attention to the legal, political, and ethical questions that surveillance poses.

The second session turns to a crucial development that is only reinforced by technological progress and new forms of social interaction (such as social media): the increasingly blurred boundaries between the public realm, the private sphere, and the social sphere. One of the central questions of this session is the complex relationship between surveillance and the (essentially) contested concept of privacy. The session also, however, attempts to go beyond the traditional view of a dichotomy between surveillance and

privacy and asks how, in a world in which the boundaries between the public, the private, and the social are increasingly blurred, their relationship might be rethought.

The third session engages in some detail with the work of one of the most influential thinkers of the 20th century – the French philosopher Michel Foucault. The focus will be on two aspects of Foucault's (incredibly voluminous) oeuvre that are particularly relevant in the context of surveillance: First, Foucault's use of the idea of the panopticon; and second, Foucault's concept of 'biopower'. The aim of this session, however, is not only to demonstrate the relevance of Foucault's idea for the phenomenon of surveillance but also to examine the challenges inherent to conceptualising surveillance and the purposes and consequences that arise from it.

Having set the stage for the module in Sessions 1 – 3, Session 4 explores the concept of 'risk society', and focuses on how national and international security has been redefined in the post- 9/11 era, such that demands for more extensive information on individuals have become normalised and legitimised. This Session will deal with the delicate relationship between security, privacy and surveillance in more detail, and engage with the national and international responses to 9/11, and the revelations of Snowden. We will also look at the critical scholarly responses to the US-led 'war on terror'.

In Session 5, we will begin to move away from state surveillance (and more 'traditional' forms of surveillance), and turn our attention to the notion of 'surveillance society'. The session will allow for debate around the value and significance of this term and its implications.

In Session 6, we continue this path, and explore the relationship between markets and surveillance – sometimes termed 'surveillance capitalism' – that is, how surveillance has become increasingly embedded in commercial processes, and how public and private interests intersect. The session examines the drivers behind this phenomenon as well as the implications for the day- to-day life of all citizens. The business model of companies such as Google and Facebook means that, in essence, the customer has become the product (data), raising some often uncomfortable truths about digital age interaction.

Session 7 will allow us to engage in a discussion of what David Lyon has recently dubbed 'surveillance culture', that is, that, seemingly, our entire way of life seems to revolve around surveillance. We will return, at this point, to previous discussions about the meaning of surveillance and observe an increasing willingness to engage in self-surveillance'.

The phenomenon of voluntary self-surveillance (Session 7), however, also brings us up against the question (and problem) of 'resistance'. What does resistance mean? What is the object of resistance? How can we resist surveillance? Do we even want to? The final session of this module (Session 8), therefore, is devoted to these questions.