

## The concepts of surveillance and sousveillance – a critical analysis

K. Thomsen

Danish Institute for Human Rights

Recent years have seen the development of the concept of “sousveillance”, often loosely defined as “reverse surveillance” or “surveillance from below”. (Mann, Nolan et al. 2003; cf. also Stalcup and Hahn 2016; Ganascia 2010; Freshwater, Fisher et al. 2015; Vertegaal and Shell 2008) Although sousveillance has been widely adopted and employed both in public debate and in the academic literature, it is unclear exactly how we ought understand it, and how it differs from surveillance.

The present paper argues that as a relatively satisfactory **generic definition of personal surveillance**, an agent A engages in surveillance against persons P *iff*:

- 1) A performs an observation (or a series of observations)  $\phi$  of P.
- 2)  $\Phi$ 'ing is intended to obtain information I about P.
- 3)  $\Phi$ 'ing is suitable for obtaining I.
- 4)  $\Phi$ 'ing is sufficiently extensive.

The paper then explores how one might define sousveillance as a distinct concept. A first candidate difference is the relation of power, such that the surveiller stands in a relation of inferior power to the surveillee (and the opposite in conventional forms of surveillance). This suggestion faces three difficulties. First, that power is not a precise concept. Second, that there must presumably be a *sufficiently* large power differential between the persons for something to qualify as sousveillance, but it seems difficult to establish such a threshold. Third, and most seriously, that it is vulnerable to strong counterexamples. Consider:

**Tinker Tailor.** During the Cold War, an isolated Swedish intelligence agent in Moscow shadows a group of KGB agents.

Intuitively, this is a paradigmatic case of surveillance. However, on any plausible version of the power differential at stake in sousveillance, the case concerns an agent performing observations against a substantially more powerful target.

A second suggestion is that, unlike surveillance, which is surreptitious, sousveillance is open. This will not work. The public CCTV systems that have attracted such heated debate over the past two decades are no less surveillance for the fact that they are disclosed or even advertised.

A third suggestion is that the distinction concerns control of the resulting information – if it is or will be in the hands of a private individual or organization, then the acts constitute surveillance, whereas if it is publicly available, then the acts constitute sousveillance. Again, the distinction fails to rule out plausible cases of surveillance. Consider:

**Paparazzi.** A poor, socially isolated immigrant stakes out the holiday location of a wealthy, well-connected Hollywood celebrity, hoping to take photos of the celebrity, and sell these to tabloid media.

The point of surveillance in Paparazzi is to take photos that can be publicly disseminated in tabloid media, but the case seems to constitute surveillance regardless.

A fourth suggestion is that sousveillance is reciprocal, that is, sousveillance is observations conducted against persons who are similarly observing the agent. There are three reasons against this distinction. First, this seems to make sousveillance simply a form of transparency. Second, it would include a variant of Tinker Tailor where the KGB is simultaneously observing the Swedish agent. Third, it appears to rule out paradigm cases of what proponents take sousveillance to be, such as a civilian bystander surreptitiously filming police officers performing a violent arrest.

A fifth suggestion is that there is a difference between the sousveillance carried out by private individuals and the surveillance carried out by institutions. As with the other suggestions we have reviewed so far, it appears to draw the distinction in the wrong place with respect to intuitive cases. Consider:

**Stalker.** Erotomaniac spends her time compulsively monitoring the doings of Victim. She follows Victim around, taking photos of her, tracks her life on social media, and uses binoculars and a laser-microphone to snoop through Victim's windows.

Presumably Erotomaniac is performing a kind of surveillance, but clearly she is neither an institution or the agent of an institution.

A final suggestion is the idea that there is a difference in moral valence. This condition too fails to fit strongly intuitive cases. Consider:

**Speedsters united:** A group of motorists take photos using their cellphones whenever they pass a mobile traffic speed camera, and upload the photo to a group on social media. This allows other members to avoid being caught speeding at this location.

If speed limits benefit society, this is sousveillance of a morally bad kind. Furthermore, many forms of what we conventionally label surveillance are intuitively morally good. The distinction cannot rest on a moral difference.

The paper concludes that that there is no clear distinction between what proponents label sousveillance and conventional surveillance. It does not seem that anything important will be lost, and both clarity and simplicity will be gained, if scholars were to speak of civilians performing surveillance against their governments rather than of sousveillance.

## References

1. Freshwater, Dawn, Pamela Fisher, et al. (2015). "Revisiting the Panopticon: professional regulation, surveillance and sousveillance." Nursing Inquiry **22**(1): 3-12.

2. Ganascia, Jean-Gabriel (2010). "The generalized sousveillance society." Social Science Information **49**(3): 489-507.
3. Mann, Steve, Jason Nolan, et al. (2003). "Sousveillance: Inventing and Using Wearable Computing Devices for Data Collection in Surveillance Environments." Surveillance & Society **1**(3): 331-355.
4. Stalcup, Meg and Charles Hahn (2016). "Cops, cameras, and the policing of ethics." Theoretical Criminology **20**(4): 482-501.
5. Vertegaal, Roel and Jeffrey S. Shell (2008). "Attentive user interfaces: the surveillance and sousveillance of gaze-aware objects." Social Science Information **47**(3): 275-298.