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«It's not about privacy, it's about control!»

Critical remarks on CCTV and the public/private dichotomy from a sociological perspective

Presentation at the Conference *«CCTV and Social Control: The politics and practice of video surveillance – European and Global perspectives»*
8th / 9th January 2004 – Sheffield (UK)

Version 2, still to be revised – comments are welcome!

Abstract:
The notion of «privacy» differs significantly, depending on cultural and language contexts as well as on situations. Today, discussions of data protection is often dominated by the concept of «privacy as a castle». In this concept, «privacy» is regarded as a territory, protected by walls and fences. In my presentation, I will challenge this individualistic view from different perspectives:
From a social-historical perspective, I am following historians like Michel Foucault who have noted that privacy and control are embedded in larger trends of political and social changes, and that the concept of «privacy» can not be generalized. On the other hand, I follow Jürgen Habermas' argumentation stressing the importance of «public spheres» for the development of modern «deliberative democracies».
From a sociological point of view, it seems more useful to focus on interactions and on social relations, instead of concentrating on «territorial» concepts of privacy. Here, I am following the work of Georg Simmel and the interactional theory of Erving Goffman.
Taking the example of camera surveillance systems in public places (as well as an example from online communication services) as a background, I try to show that sociological research (as well as political action) should focus (a) more on the «public sphere» than on «privacy», and (b) on the important question of «control», especially on the collectively achieved interactional control of situations where people meet in public spaces. As far as CCTV systems are to be considered as parts of the «settings» of public spaces, we may expect that this fact is influencing the (re-)production process of public spheres.

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(1) Introduction

«Privacy is the right to be let alone» – this notion of Samuel Warren and Luis Brandeis in the «Harvard Law Review» 1890, citing Judge Cooley, is one of the most frequent citations in contexts of defending «privacy». The notion is cited as well on the web site of the Swiss «Big Brother Awards» – prizes given away every year to persons and organizations intruding «privacy» and disregarding the «right to be let alone». I am a co– organizer of the Swiss version of these Awards, and I am a sociologist as well. As a sociologist, I am asking some questions on the notion of «privacy», as defined by Warren and Brandeis.

In order to be able to criticize CCTV or other means of surveillance in a powerful way, there should be arguments that can be generalized as far as possible. I am going to argue that «privacy» does not really fit this criterium: Our main concern should not (mainly) focus on «privacy», but on the *public sphere*, and more specific: On the *control of interactions* in public spaces.

(2) Some critical notes on the concept of «privacy»

«Privacy» means something different in different times and places, even in different contexts and situations. The notion of privacy is embedded in larger trends of political and social changes (ARIÈS / DUBY 1989ff.). For example, the historian Barrington MOORE (1984) compares the concepts of «privacy» in ancient Athens, in an early christian and jewish society, in traditional China, and for Inuit. If you walk through a town in Egypt or through a small village in the Swiss alps, it can be quite difficult to distinguish private und public spaces.

Socio– historical context of the notion «privacy»

When I started preparing this presentation, I found a nice advertisment in a Swiss newspaper (Neue Zürcher Zeitung): It shows a classical bourgeois salon, including an open fireside, a sofa and an elegant tea service on a tea table. The text of the ad states «Privacy is a luxery that only a home can give you». The ad offers services in finding a home in London (by <www.youraddressinlondon.com>). If we consider a simple house some 200 years ago in a small village: People used to sleep in the same bedrooms, sometimes whole families in the same bed, they used to eat in the same room, often together with secondary familiy members like aunts and uncles, and with servants. There was very little «privacy» inside these houses – and neighter outside: People were visible when working on the fields, when going to the market or going to the church (or when *not* going to church).

Of course, there have been exceptions as well: In the houses of the rich people, in Palaces, there were clear separations between the areas for the servants and those for the masters[1], and marked boundaries to the outside: walls and fences. It is this concept of «my home is my castle» which dominates the discussion of data protection today: The castle has to be defended against intrusions, mainly against intrusions of the state, as well as against intrusions of the media or of neighbours. In this predominantly english– american concept,[2] «privacy» is regarded as a *territory* to be protected by walls and fences. Although not being the only aspect of privacy to be protected, «the home» is the ideological background of Warren's and Brandeis' argumentation: That one's «private home» has to be defended against intrusions.[3]

This concept of «privacy» is historically relatively new: As Michel FOUCAULT showed in his work, the very idea of human beings considered (or: constructed) as «subjects» is a result of a specific historic situation – in his example, France in the 17th century (e.g. Foucault 1977, 1970). In a general view, this concept of human beings as «subjects» or as «individuals» has to be situated in the context of the Enlightenment and of *political liberalism*, as outlined from John Locke, with individuals having individual political rights, to the utilitarian individualism of Jeremy Bentham and John Stuart Mill, with individuals aiming at maximizing their individual benefits.

In the same historical context, the notion of individual privacy is strongly linked to the idea of individuals as «economic subjects» (or merchant subjects). In the concept of Adam Smith, the aims of these individuals (to maximize their personal benefits, guided by self-interest, rationality and free choice) would lead to a higher over-all wealth. In early modern times, as money became a symbolic medium for trade and exchange, allowing the accumulation of private wealth and the

[1] In medieval times, on the other hand, the private life of Kings and Queens was sometimes quite public, as Norbert Elias (1997) describes. For an extensive overview of the history of privat life in the last centuries see Ariès et al. 1989ff.).

[2] The french concept of «la vie privée» may be similar.

[3] As Beate Rössler remarks, Luis Brandeis was annoyed at some «paparazzi» disturbing his daughter's wedding (Rössler 2001:20, FN 35). – The most prototypical dystopic vision of a dictatorial «super– state» is probably George Orwell's novel «1984». – Lawrence Lessig (2001) notes that one historical important background for the right of «no search and seizure wihout a warrant» guaranteed by the U.S. Fourth Amendmend was the experience of «general seizures» issued by the english authorities under George II and III. — «Intrusion» can be performed in a lot of different ways. For example, as the U.S. Supreme Court decided in «Kyllo vs. United States» (2001) with 5:4 votes, the observation of a house using thermal radiation detection devices can be regarded as «intrusion» as well. By contrast, intruding private spheres by telecom interceptions is legal in a lot of nation. – There is a lot of literature about the ambiguous dichotomy of «private» and «public» and about transgressions of the boundaries of the «home». For a short historical orverview with relations to technological developments see e.g. Shapiro 1998.

exchange of goods in a more anonymous way,[4] *private property* became the ultimate basis of privacy.[5]

With a growing importance of the new nation– states, personal identities became more and more fixed by burocratic means: Individuals were registered in data bases and the first «identity documents» were issued.

Criticizing methodological individualism

Privacy as «the right to be let *alone*» is reflecting an individualistic concept of human beings. Typical for liberal individualism, it ignores the anthropological fact that human beings are not hermits nor «lonely woolfs». Instead, they are *embedded in social relations*, living and working together, and it would indeed be very difficult for humans to survive «alone»: Humans are social beings – at least by necessity.

From a sociological point of view, the economic concept of individualistic, even atomistic «market subject» has often been criticized as *methodological individualism*, ignoring or at least underestimating the importance of social groups and of institutions. In the same context, a lot of *rational choice theories* are criticized for not taking (enough) in consideration (a) the social interactive coordination of social actions and (b) the time context of social actions. For example, some classical exchange theories ignore the fact that exchanges may take place not only directly from one person to another, but in triangles or even in whole social networks; that exchanges may be iterated several times; and that there may be time delays in reciprocity: Not even a simple one– to– one «tit– for– tat» must by necessity happen immediately. Instead of simple rational choice theories and of methodological individualism, it is useful to focus on the interdependent relations between the structure of a society and the actions of individuals.

Political and moral arguments

If taken as a political ideology, there are some negative implications of this kind of individualistic, atomistic liberalism, as seen in the concept of «my home is my castle». Following the arguments of a range of feminists and of communitarian theorists, human beings are not «self made»; they are

[4] With money being increasingly used as a standardized, «general transaction medium», social relations became more anonymous, more impersonal and more secret, as Simmel notes. He enumerates three characteristics of money being responsible for this fact: Money is compressable, abstract and can have remote effects (Komprimierbarkeit, Abstraktheit und Fernwirkung; see Simmel 1907: Das Geheimnis). In the same article, Simmel describes a «technique of discretion» typical for city life (... die Herausbildung «... einer Technik der Diskretion, der Sekretierung von Privatangelegenheiten inmitten der grossstädtischen Zusammengedrängtheit... wie sie früher allein durch räumliche Einsamkeit herstellbar war.»).

[5] However, «property» does not have to take a material form only. In fact, John Locke subsumes all of the three elements life, liberty and estate under the notion of «preservation of property», according to Habermas 1989 (german: 1990:121).

culturally formed and socially embedded.[6] Further, a modern «castle» is often to be considered as a dysfunctional form of living: It is good to know if someone in your neighbourhood is in need of help! To put it in a polemical way: The true stories of people dying in their appartments, without the neigbours even knowing, are questionning the defended «right to be let alone». Social control and even surveillance are not by necessity «bad» or negative, and privacy is not by necessity «good» and positive. These notions are to be understood as *ambivalent*.[7]

To take a first example: As I noted, the very concept of «privacy» is historically linked to private property, and as Georg Simmel explained, it is linked to «secrets». Switzerland is a famous place for private banking (although not the only one, as there are some other islands like Luxemburg, Bahamas or the Cayman's). For different reasons, there is a pressure from many nations against Switzerland to loosen the famous Swiss banking secrecy. If we believe the Association of Swiss Banks, this banking secrecy is vital for welfare in Switzerland. Therefore, the association tries to counter the pressure, partly by political lobbying, partly by strengthening «public relations» efforts. In september 2002, the association of private bankers based in Geneva launched a considerable advertisement campaign in several newspapers, with one of their slogans stating «For human beings, privacy is as important as oxygene is for nature».[8]:

We may well believe that the «banking secrecy» is vital for welfare in Switzerland, as argued by the association, but we also may believe that this welfare sometimes is based on money with a dubious history and with dubious backgrounds, or that some money may be transfered to Switzerland in order to avoid taxes. Therefore, from a moral point of view, we may argue that the public interest (e.g. of nations) on knowing where the «anonymous» money comes from, as well as where it goes to, should be valued higher than the personal interest of some rich people in «privacy». In short: Privacy is not always to be regarded as a value to be protected.

A second example of political and moral critique of privacy: It is a fact that most violence against women is happening in (their) private rooms, in families – as well as most violence against children.[9] Here, protecting «privacy» from any interventions means accepting violence. Therefor, not everything which is happening inside the «castle» (home) is out of public interest!

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[6] The range of communitarian critique of liberalism goes from «left-wing– progressists» to «right-wing-conservatives» and includes theorists like Etzioni, Sandel, Taylor or Walzer.

[7] Similarly, the notion of «caring» has to be understood in its moral ambivalence, as feminist researchers showed in the 1980es (e.g. Carol Gilligan). Another similar ambiguous term is «secrets».

[8] This is my own translation of the original «Privatsphäre ist für die Menschen so wichtig wie Sauerstoff für die Natur.». Having seen this ad campaing, the organizers of the Swiss «Big Brother Awards» were surprised by the co-incidence with their own liberalistic arguments. Therefore, they asked the Banker's Association (as well as a lot of individual banks) to sponsor the ceremony. Unfortunately, all of them refused.

[9] In the drastic words of Catherine MacKinnon, commenting the decision of the US Supreme Court decision on *Roe vs. Wade* 1991: «The problem is that while the private has been a refuge for some, it has been a hellhole for others, often at the same time. In gendered light, the law's privacy is a sphere of sanctified isolation, impunity and unaccountability.» (MacKinnon 1991: 1311, cited by Rössler 2001:174, FN 60). In a newspaper comment, the journalist Ursula Eichenberger notes that according to a german study, one fifth of the costs of all police interventions is caused by domestic violence (Tages– Anzeiger 26.4.04: «Eine deutsche Studie kommt zum Schluss, (dass) über ein Fünftel der Kosten für Polizeieinsätze auf häusliche Gewalt (entfällt)»). – It is a fact that most women are raped by persons they know, like husbands, uncles, acquaintances, etc. mainly inside of private rooms. Consequently, in order to

This should of course not lead us to conclude that the State should have all permissions to intrude private spaces! As I will explain later, we should be aware of not confounding social control executed by «the state» and by «the public» (Öffentlichkeit). My point is not to argue in favor of a total intrusion to «private spaces», but to stress the fact that from a political–moral perspective, «privacy» is not always to be regarded as positive good.

In a broader approach, feminist social scientists have showed since the 1970es that the concept of «my home is my castle» is linked with a particular concept of women being restricted to private places inside the home (e.g. in detached houses in the suburbs), while men are participating at the «public life». What is considered as «private» or «public» is a product of specific constellations in time and space, based on specific political ideas, or, as a famous feminist slogan states: «The private is political!»

What exactly is «under surveillance»?

Finally, in the case of CCTV, there is also a *pragmatic* argument demanding for other arguments than the Brandeis' concept of «defending privacy»: Until now, there are only relatively few cases where private appartements are observed by visual means (unlike interception and surveillance of telecommunications, however). If private houses or appartements are surveilled by cameras, this is mainly done by private detectives, by spies, by secrete services or by investigating police forces. Typically, these are *investigative actions*, based on some presumptions and targeting specific persons. These are *not preventive* actions aiming at accumulating data.

Although this may change in the near future, especially with the availability of smaller and cheaper cameras, often linked by telecom networks, like MMS-mobile phones or small WebCams, the main focus of *visual* observation today is not on private appartments, but on the public space.[10]

(3) In defence of the «public sphere»

When the german sociologist Georg SIMMEL examined «modern life» in cities, 100 years ago, he characterized this life by a changing in the type of social relations. In accordance with other sociologists, he stated increasing mobility, increasing anonymity and changings in the type of social control. Since then, some researchers argue that these changes were leading to *less* social control in general, to more deviance and to more anomies as absence of norms (e.g. TÖNNIES,

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become an effective tool to deter domestic violence, or at least to become a tool for registering evidence, there should be CCTV systems installed in every bedroom.

[10] Of course there are cameras installed at the entrances, in the premises or inside some «castles» as well, but for this argumentations, I am not so much concerned with the fact that a private person may be observing his or her private door or garage or cellar or kitchen – my concerns are focussing on the surveillance of *public spaces.* Here, there is an interesting case regarding homeless people, who often *live* in public spaces. As their «castles» do not have neighter doors nor fences, they are extensively exposed to visual CCTV observation in their everyday life – and unlike some amateur actors in contemporary reality soap formats on TV, like «Big Brother», they do not expose themselves *voluntarily*, and they do not get paid for their performances.

DURKHEIM). Although being critical about the development of social relations in big cities, SIMMEL did not join the lamentations of a «loss of community», or even a breakdown of social order. Instead, he also pointed at some advantages of «modern life» in large population aggregates (Metropolis). Similar to Walter BENJAMIN, he also stressed the advantages of strolling through a city anonymously, without being personally recognized, like a stranger, meeting other strangers. Some of these advantages are based in the social heterogeneity of cities: Cities are places where different people meet; cities therefore offer a lot of possibilities for encounters with strangers not known before, thus interconnecting social circles (Simmel 1890).

We do not know if there is in fact less social control in cities in general, but we do know that there have been changes in the type of social control (SIMMEL, WEBER). For example, in Germany of the late 19th century, social changes led to another kind of «policing»: Under the rules of Bismarck there was a shift from a «Schutzpolizei», responsible for interventions (typically special incidents like fires) to a «controlling police».[11] The german sociologist Max WEBER described modernization as a process of «rationalization» and of «burocratisation», leading to a different type of domination (Herrschaft): «rational-legal domination». In the tradition of WEBER, who criticized the dominance of «cold» rationalism as an «iron cage» (das starre Gehäuse der Hörigkeit), Jürgen HABERMAS criticized the expanding domination of rational «systems», rationalizing social relations against the domain of «Lebenswelt», where a discoursive ideal of understanding (Verständigung) is dominant.

In his habilitation study «The structural transformation of the public sphere», HABERMAS (1989) emphasized the importance of «public spheres» for the development and for the (idealistic) functionning of modern democracies since the Enlightenment, as well as the processes in the 19th and 20th century which lead to a reduction of the idealistic power of such «public spheres».[12] Public spheres can be understood as places where rational deliberations can happen, in analogy to the *agora* of the ancient greeks, a place for public debates (in contrast to the *oikos*, the private household or «home»).

To be precise: Often in history, the «public spheres» have been in fact «semi– public» at most: In the greek *polis*, women and slaves were excluded, and women were not allowed to participate in the english coffeehouses or «clubs» of the late 17th century neighter. Often, as Habermas notes, the preconditions to participate at deliberations in the «public sphere» were property and education (Bildung und Besitz). Although sometimes newspapers have been read aloud in coffee-houses, alphabetization was a precondition for full participation in this kind of public sphere. Yet, even as a restricted «Öffentlichkeit», semi-public places like coffee-houses,

[11] Michel FOUCAULT showed a similar movement taking the example of the preventive, observing, controlling «hygiene police», first introduced to defeat the dangers of the pest (Foucault 1977). Additional moves to even more preventive actions of policing are connected with the fordistic and keynesian «welfare state» model (Sozialstaat).

[12] With Habermas' analysis in mind, Brandeis' arguments in protecting a (his) «private sphere» against the intrusions of mass media in 1890 is a reflection of the «structural changes» in the media which started in the second half of the 19th century, as a lot of mass media became commercial products selling «news» (or advertisement space), and were not representing the idealistic Habermasian political «public sphere» of democratic deliberations anymore.

clubs or salons were important for the development of rational «public discourses» – as well as newspapers, journals, «rallies» and demonstrations.

The «public sphere» is important as a way for civil society to articulate its interests, in the form of a «delibarative democracy», which has to be understood as a process, (ideally) based in an open «public sphere», where «reasonning» individual subjects can dicuss and debate in a tolerant, rational way, without external pressure, to find common solutions for questions of regulating society – and which, according to HABERMAS, provides the ultimate legitimation to any democratic nation-state.[13]

The right to meet and to discuss in public spaces without the fear of being censored by the state may be regarded as an *individual right*, of course. In fact, this basic right from the french «Déclaration des Droits de l'Homme et du Citoyen» (1789) is protected by all democratic constitutions, in the US for example in the First Amendmend. From a sociological perspective, the protection of the freedom of expression and association in public may be regarded as a *collective right* as well.

At least implicitely, this argumentation is included in a famous legal decision of the german «Bundesverfassungsgericht» (Supreme Court) 1983, in the context of complaints against the public census (the so-called «Volkszählungsurteil»). The judges argued that the German «constitution» (Grundgesetz) guarantees a fundamental right (Grundrecht) of not being observed by third parties. The judges defended a «right to informational self– determination» (informationelle Selbstbestimmung): «[This] fundamental right ensures the individual's general authority to decide on the usage and revelation of their personal data.»[14]

But the judges not only argued for the individual right of every person to control his or her own information, but also for the «collective» right to meet in public without the fear of being surveilled and observed in the sense that their behavior would be recorded and stored by third parties. A key sentence of the decision states: «Whoever is uncertain if divergent kinds of behavior will be recorded at any time and this information will be stored permanently, used or passed on, will try not to attract attention by these kinds of behavior. Whoever expects that e.g. the attendance of an assembly or the participation in a civic action group will be registered by the authorities and that this will probably cause risks, may probably abandon their corresponding fundamental rights

[13] Habermas is focussing on a *bourgeois* public sphere (in contrast to a «plebeijan» public sphere). He defines the public sphere as the sphere of private people who join together *to form a public* («Bürgerliche Öffentlichkeit lässt sich zunächst als die Sphäre der zum Publikum versammelten Privatleute begreifen.» 1990:86). A historically new feature of this «public sphere» is the public use of *reason* in rational-critical *debate* («Geschichtlich ohne Vorbild ist das Medium dieser politischen Auseinandersetzung: das öffentliche Räsonnement»), in coffee– houses, but also in the parliament, following the criteria of «reason» («mit dem Massstab der Vernunft»). In its basic idea, the domination of the public is leading to the dissolution of domination as a whole («Die Herrschaft der Öffentlichkeit ist ihrer eigenen Idee zufolge eine Ordnung, in der sich Herrschaft überhaupt auflöst»): «Veritas non auctoritas facit legem». In this idea, the public sphere should transform 'voluntas' into 'reason' (Die funktionierende Öffentlichkeit «...soll voluntas in eine ratio überführen, die sich in der öffentlichen Konkurrenz der privaten Argumente als der Konsensus über das im allgemeinen Interesse praktisch Notwendige herstellt.» (1990:153).

[14] For the english text, I am referring to Weichert 2000. For a german discussion with the background of CCTV, see also Rena Tangens / padeluun 2002.

(Art. 8, 9 GG). This would not only impact the individuals' chances for development but also the public interest because self– determination is a necessary condition for the functionality of a liberal democratic polity which is based on its citizens' ability to act and to participate.»

This «public interest» in citizens meeting and discussion can be understood according to HABERMAS' arguments: Political deliberation and open public debates would not be possible anymore, if citizens would have to fear that their meetings would be registered by a «thought police» (like in George ORWELL's novel «1984») or by any other third party. The public sphere, as a functional base as well as legitimization of democracies, would be abolished.[15]

In sum: Surveillance, especially surveillance by CCTV systems, is not only – and not mainly – offending the private sphere, but the public sphere. As David LYON noted, CCTV (as well as other types of surveillance) it is not an individual problem, but a collective problem (e.g. LYON 2002). If CCTV systems are more and more expanding in public places, and if – at the same time – public places are getting more and more privatized (and commercialized), as in many cities, there is a serious danger of loosing «public sphere».

Returning to Georg SIMMEL and the Metropolis: Public spaces and the «public sphere» are not only important in regards to political theory: They are important in that they are offering possibilities for *encounters*, that is: for meeting people one probably does not know before. Encounters do not have to be hostile, in fact they seldom are! Here, the term is used in a broader sense: «to meet or to come upon unexpectedly». Encounters are important sources not only for social cohesion and for *mutual understanding* in a heterogenous world, but also for *innovation*, as exchanging ideas, or even sights, may result in new ideas and perspectives. If everybody would life in his/her own castle, no innovation would be possible.

Today, semi-public and public spaces in cities are getting more and more privatized, commercialized, they are becoming a kind of «gated (consumer) communities», where «security» is «ensured» by private security guards, and where «others» are being more and more excluded.[16] Excluding «others» from public spaces means reducing the possibilities for encounters.

Question are: Who owns public spaces, and who is allowed to decide on public participation in «public spheres»?

From this macrosociological perspective to a microsociological approach of encounters in public spaces:

[15] «Public sphere», as laid out by Habermas, is of course broader than «public space», especially because it includes the media as well. For the purpose of this article, I focus on physical public and semi-public spaces as places, where – in principle – democratic debates and deliberations could happen.

[16] There is a parallel process going on as well, as the private becomes more and more «public»: On the one hand, we can see a trend to privatizations of public spaces (like railway stations, shopping malls, even public places), while at the same time, we can see a trend to «publicizations of the private» (like in voyeuristic TV-Shows, or in scandalizations of private matters of politicians.

(4) It's about control!

Social control is not an exception in human relations. According to the interactionist Erving GOFFMAN, social control happens in every situation of «social interaction», that is: every time when persons become aware of another, especially in public places.[17] From a sociological perspective, social control can be both «negative» or «positive». When people become aware of each other, they do observe each other and – in various degrees – they adapt their behaviour: Often, they try to give a «good impression» of themselves and to adapt their behavior in regards to others.[18] This kind of *impression management,* as GOFFMAN calls it, happens in every social interaction, that is: every time when people present themselves (or: their selves) in public.

In a research project, I studied the sociology of Internet users in chat rooms and Usenet newsgroups, applying methods of social network analysis and of qualitative methods like interaction analysis, discourse analysis and context analysis (MÜLLER AND HEINTZ 1998ff.). In observing the online interactions of the users – mainly young males – I was surprised to see how many matters of their personal, private life they made public, although not knowing much about the other participants of the online communication services.[19]
At the same time, there was frequent anger, conflict and shame if participants sensed that other users were publishing «secrets» about themselves. I came to the conclusion that the important feature for the well– being of these users was *their ability to control* what they revealed about themselves in public.[20]

In analyzing the impression management of humans in interactions, GOFFMAN distinguished two basic forms of informations sent out: Some «signals» are explicitely *given* to other persons (e.g. saying «Hello»), whereas other signals are *given off* (e.g. appearance in general). GOFFMAN underlines the fact that the ability to control the signals «given» is much higher than the ability to control those signals «given off», as these are often transmitted more or less involuntarily und unintended – e.g. showing fear or annoyance.[21] On the online communication services I studied, the

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[17] In a short definition, Goffman defines social interaction as «environments in which two or more individuals are physically in one another's response presence.» (Goffman 1983, providing a good overview). These environments can be public places as well as private places (Goffman 1959). A similar definition of interaction as «becoming aware of another» is presented by Niklas Luhmann. Kendon (1988) gives a useful summary of Goffman's views on social interaction.

[18] This is not to be confused with classical rational– choice theories: In Goffmans studies, the individuals are not completely *planning* their interactions with strategies aiming at optimizing their individual benefits.

[19] There may be a parallel here with narcistic shows like «Big Brother» – Again: The import thing is that the participants are (probably, most of the time) aware of the fact that they are being observed.

[20] There are similarities to «relational concepts of privacy», which argue that «claims to privacy are claims to control access.», e.g. Fried «Privacy is the control we have over information about ourselves.» (1968: «Privacy», in Yale Law Journal nr. 77) and Westin 1967, who defines privacy as «... the claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others», both cited by Beate Rössler 2001, who argues that privacy is about the control of access, which can be physical (to a location or to the body), or metaphorical, like access to information.

[21] While signals «given off» are based in biological anthropology (or: in behaviorism and in ethology: Goffman speaks of a «body idiom»), signals «given» are cultually formed and do vary in different social contexts. According to Goffman, «information» does have a «strategical meaning», so that control over informations can be regarded as part of «identity politics». Examples are self– disclosures (including confessions) or «self– covering» (Selbstverhüllungen)

users have a very high ability to control the informations they were sending to others or to the public audience:[22] Almost every signal is explicitely «given», even the name and thus the first appearance is chosen by the users. In sum, they dispose of a very high degree of control on what information they reveal to other participants.[23]

When doing his studies, Erving GOFFMAN was not concerned with online interactions – in fact he defined interaction strictly as face– to– face contacts.[24] Compared to online interaction, co–bodily social interactions are relatively «riskier» in that on the Internet it is easier to defend the «territories of the self» and especially the body against invasions and injuries. However, every interaction is «risky» in the sense that intended impressions may fail or that people may feel offended – even by «words only».[25] People try to reduce such risks by applying rules, orders and rituals.[26] GOFFMAN distinguished two main type of such rituals: (a) *avoidance rituals* like taboos and respect, and (b) *presentation rituals*, like greetings or shaking hands. Both types include a kind of *respect* for a personal «privat sphere» of the other. Most the time, these rules are not enforced by external agents, but are the results of (aggregated) individual *self-control* and of collectively achieved control of situations.[27]

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by hiding or omitting information or by avoiding the dissemination of information. In this sense, interaction in fact (also) does have a strategical meaning.

[22] Goffman underlines the importance of the control an individual has over his/her «territories of the self» (Goffman 1971, especially chapter 2). In online communication, there are some interesting exceptional situations when users obviously lose control over their signals. Examples are mistypings or situations, when intended «whispers» (that is: one– to– one messages) are unexpectedly being published to a broader audience, or when someone – «in the heat of a discussion» – is typing messages her or he would never publish in a calmer situation.

[23] Yet, this autonomy is not «perfect» (see below). In her political theory of individual privacy, Beate Rössler (2001) argues for a differentiation of three aspects of privacy: decicional, informational and local privacy. All of these three forms are connected to the notion of «access control», and all three forms are regarded as essential preconditions for autonomy and liberty, that is for the freedom to be able to decide in an autonomous way, what kind of «good life» one wants to live.

[24] Although there might be exceptions, as Goffman notes: «Social interaction can be defined narrowly as that which uniquely transpires in social situations, that is, envionments, in which two or more individuals are physically in one another's response presence. (Presumeably the telephone and the mails provide reduced versions of the primordial real thing).» (Goffman 1983:2) and, for the term «social contact»: «In the fullest sense, [social] contact can be said to occur when individuals simultaneously address themselves to one another, and this is simultaneuously known and known to be known.» (Goffman 1971). In this article, Goffman notes that there are «marginal and derived forms of social contact» as well, e.g. 'blind' transactions, 'dead– eyeing', telephone contact, contacts through the mails and telegraphs, or even one– way contact. (Goffman 1971:69– 71)

[25] A prototypical case is the «virtual rape» described by Dibbell 1993.

[26] Goffman 1971, chapter 2. – In his analysis of «rituals», Goffman is following Emile Durkheim. Attempts to feel safe in public places can be leaded by the expectation that something *will* happen, as well that something *will not* happen. Social rituals and social roles help to maintain the certainty of both types of expectations (Erwartungsgewissheiten).

[27] There are similarities between Goffman's argumentation and Michel Foucault's historical studies on the shift from external social control to internalized self– control. See also Norbert Elias who showed, taking the example of street traffic, that living in a city demands a specific modellation of the human psyche: a constant self– control (Elias 1980, vol. 2, 318 f.). For a comparison of Goffman, Elias (and Bourdieu and Foucault) see Willems 1997, e.g. to the parallels between Goffman's studies of Asylums (1961) and Elias' analysis of the medieval court as a type of «total institution» with a «panoptical organization of social control» (1997). Alois Hahn studied the processes of internalizing control and self– reflection in different fields of «confessions». He underlines that «... every control one undertakes to avoid an external control is nothing else than its anticipation by building it into the own self» (Hahn 1984, in Willems, see Hahn 2000; my translation).

Reducing risk when presenting oneself in public places is partly an achievement of individual behavior, but not only: Interaction order is established as a cooperative «work» (in the sense of Harold GARFINKEL). «Interaction control» is not an unilateral process, but a *bilateral* or even a *multilateral* one: It is about inter– action. To a large extent, reducing the risk of encounters is accomplished as collectives: People shape their behavior, based on cultural norms as well as depending on situations, and social control is a mutual, interdependent vice– versa process.[28]

It is important to note that vice– versa– awareness from participants in a public interaction should not be confounded with state control! In fact, social control is most frequently performed among «normal» persons in a public space, especially in what concerns «conduct control». If state control and the Police intervene, they do so in a subsidiarian way only. That's why most people are in a tension of awareness when presenting themselves in public. In a sense, they are constantly «alarmed». As GOFFMAN noted: If someone is entering a public space, «dangers are inherent»: «[C]itizens must expose themselves both to physical settings over which they have little control and to the very close presence of others over whose selection they have little to say.» Therefore, sometimes a person «... give the impression that he himself will fight back.» Although the «exposure necessary in public places» is sometimes protected by laws or by the presence (or at least of the summonability) of the police, this is not sufficient to create secure situations. For one point, one can never be sure if the police would really arrive in time, and help, and for another point, «many offences in public places are not of the kind that are legally indictable.» (GOFFMAN 1971, ch. 6). «Policing» of social situations is necessary, but it is not performed by the Police only. In Goffman's words: «To be sure, the interaction order prevailing even in the most public places is not a creation of the apparatus of the state.... Nonetheless the state has effectively established legitimacy and priority here, monopolizing the use of heavy arms and military discipline cadres as an ultimate sanction.» (GOFFMAN 1983:6)

By focussing on the achievement (or failure) of social order as a collective, cooperative process, the «unit of interest» is shifting from the individual to social situations. The questions are how *social situations* are established and maintained by collective action.[29] As GOFFMAN observed, participants involved in an encounter often do help each other to sustain a certain interaction order. They *mutually* support their performances, e.g. by helping to avoid moments of embarassment or of conflict, by applying avoidance rituals and presentation rituals («etiquettes»). This includes discretion, like «not listening» at certain expression or to «overlook» certain behaviors, and

[28] There is a whole range of literature in interaction analysis, conversation analysis, context analysis and ethnomethodology showing how «society» is constructed in and through concrete interaction. – and there are a lot of debates regarding the question on how much social norms are guiding the interactants vs. how much the interactants are constructing norms in their every-day processes of interacting. See e.g. Gonos 1977 for a comparison of an 'interactionist' and a 'structuralist' approach in micro– sociology, focussing on Goffman's concept of «frame». For an overview of the term «context» in interactional studies, see Goodwin/Duranti 1992. Goffman speaks of «a 'loose coupling' between interactional practices and social structure» with specific sets of «transformation rules» (1983:11).

[29] In the forword of his book «Interaction Rituals» (1967), Goffman explains this focus with sharp precision: «I am not concerned with humans and their situations, but with situations and their humans» (my translation from the german version 1971:9).

«remedial activities» to re– establish a social order. Most of the time, situations are maintained by tacitly agreements of cooperation (GOFFMAN 1971 etc.).

At this point it should have become clear that GOFFMAN is not arguing about an «autonomous subject» like in rational-choice theories. Although individuals do act strategically, they do not have a complete control over the situation nor over the impressions they give to others. Controlling a social situation is not performed by autonomous subjects, but is achieved as a cooperative, collective work.

Questions are: To what extent are we able to control the signals we give to others (to whom) when presenting ourselves in public places? And, as interaction order is to be regarded as the (temporary) achievement of a collective process: How are situations of encounters in public collectively controlled?

As noted above, Erving GOFFMAN was not concerned with online interactions – nor was he with CCTV surveillance. It seems obvious that there are some new features when interactions are observed using CCTV or other technical means.

(5) What's new?

In the terminology of Erving GOFFMAN, *surveillance is not an encounter*, in that it is a one-way process, while in most cases, social control is a *reciprocal* process.[30] Typically, surveillance is not reciprocal: one party is *not* aware of being observed. Even in cases when people is aware of CCTV observation, by the mere presence of a visible camera or by signs indicating the presense of a camera, there is (so far) *no interaction possible.*[31] Still, someone is (probably) watching and is in a way *present*.

In a sociological sense, even surveillance can be regarded as a social relation, although not a direct one, and not an interaction in the sense of GOFFMAN. As Craig CALHOUN noted, the extension of *indirect, mediated* forms of relations is a typical trend in modern western societies: Extending Charles H. COOLEY's notion of primary and secondary social relations, Calhoun argues for a differentiation of *tertiary relations* (which in principle could be transformed by the individual parties into direct relationships; e.g. writing a letter to an identifiable person whom we have never met), and *quarternary relations*, «those in which at least one of the parties to a relationship is kept systematically unaware of the existence of the relationship», like phone tapping or other instances of surveillance. (CALHOUN 1991:105, see also 1992:218f.) In this terminology, the case of CCTV surveillance, unaware to the surveilled persons, would be called a *quarternary relation*, while the

[30] However, such a reciprocity does not have to happen *immediately* : today, you may be controlling me more than I do, tomorrow it may be vice– versa. – nor does reciprocity have to happen *directly* between two parties only: A may be controlling B who may be controlling C who may be controlling A.

[31] In his video «In the event of Amnesia the city will recall...» , the australian performer Denis Beaubois successfully managed to establish an interactive contact with a CCTV camera (operator), (Beaubois 1997).

case when an awareness is given would we be called a *tertiary relation*, because – in principle – we could meet the observer in person. In both cases, however, our ability to control information about ourselves is restricted. Typically for surveillance is the fact that information and data is *captured in a clandestine way*, without our consent, often even without our knowledge. If personal information is regarded as a property, we would say that it is *stolen.*

For my research on online communication services, I used to log and to register some of the participant's conversations. I surveilled them, although in «public spaces» only, and respecting the ethical guidelines of good practice in social research.[32] I guess that most of the participants were not aware of the fact that their conversation was registered.[33] Some persons may have communicated something in a specific context to specific other persons only – and not for «the whole world» nor for everytime.[34] With the easy ability for registering, copying and forwarding digital data, the often taken– for– granted *unity of time and place* is not given anymore. There are two important features of technically supported surveillance:

(a) One new feature is the *remotedness* of surveillance: A third party does not have to be present, not even nearby, but can be absent, not visible. The surveillance is *mediated*.

(b) A second new feature is the possibility *to store data* for future use. Of course, every person is «storing» information in his or her individual memory all the time, but often we do forget such information – which can be useful, e.g. in providing the possibility to see other persons «in a new light» from time to time.[35] Even if one takes personal notes, e.g. in diaries, they are usually for a personal use only; they can not easily be transmitted to other persons. (However, oral data can be exchanged easily, as in gossipping).

If data is collected in (or transformed into) a *digital format*, there are even more new features, as digital data is... [36]

- easy to store (to record)
- easy to copy

[32] See e.g. the special issues of « The Information Society» 12(2) (ed. Thomas 1996), or of «Ethics and Information Technology» (ed. Nissenbaum 2000), and the «guidelines» as discussed by the Association of Internet Researchers (Ess / AoIR 2002). On the ethics of surveillance in general, see also Marx 1998.

[33] I did not ask their «informed consent» for doing research. Unlike in the U.S., for example, in Switzerland it is not necessary to follow strict procedures of ethical committees. However, there are of course guidelines I respected, see the previous footnote.

[34] In his basic article «Quantitative Aspects of the Group», Georg Simmel explained how quantitative aspects may have qualititative effects, taking examples of the relations between two or between three persons (english 1922, german 1908). One important keyword is «secrets» (see also Simmel "Das Geheimnis" (1907), and Alois Hahn 2000, especially for various types of confessions.

[35] About the importance (the mercy even?) of forgetfulness, see. e.g. Blanchette / Johnson 2002.

[36] Digital data may contain any multimedia information like images or sounds or any other type of information, including identity information. For an overview with 27 dimensions of «The New Surveillance» see Gary T. Marx 2002. There are a lot of similarities between the characteristics of digital data described here and effects of genetic engineering; see also below.

- easy to forward
- easy to combine/merge (multidimensional, complex databases)
- easy to retrieve and to analyze
- easy to manipulate

... while it is not easy to delete, or at least: it is not easy to proof that data has been deleted without any copy or trace remaining. Data is *persistent*: once released, it can not be recovered or fetched back anymore: In this sense, it is similar to rumours. With such little «forgetfulness», the observers or «the system» may know more about you than you know yourself – or at least «the system» may know something else than you do about yourself. With (digital) data «floating around»,[37] our ability to control information about ourselves, as well as the possibility to correct such information, is getting impossible. With this, interactions as collective processes of negotiating the importance and the meaning of informations are getting impossible (again: similar to rumours).

There is not only the problematic that digital data may possibly be manipulated or misused (e.g. by evil state agencies): The problematic starts with the very normal collection and storage of digital data. The normal use – maybe even with the best intentions – is changing time-space-structures in a society, as well as power structures. Again, there are similarities to genetic engineering and to GMOs: Consequences may be intended or not, effects may happen with delays in time and space, sometimes slowly, but continuously, sometimes suddenly and surprisingly.

(6) In sum

I argued that (a) on a macro–level of analysis, we should be concerned more with «the public sphere» than with «privacy», that is, in the case of CCTV, mainly with *public spaces*; that (b) on a micro–level, we should focus on the *control of interactions* at encounters in public; and that (c) interactional order is achieved as a collective work of the people present in a situation (as well as influenced by contexts of a situation, by cultural norms etc.).

Following Goffman: A public sphere is «produced» by interactional means of the participants, while background cultural values and the concrete setting of spaces remain important. As far as CCTV systems are to be considered as a part of such a setting (of the «scene» of public spaces), we may expect that this fact is *influencing the (re-)production process of public spheres*, as concretized in public places. From this background, we may ask some questions for future research:

(1) What influences do CCTV systems have on public places *as such* (not so much on the «inhabitants» of public places)? Are public spaces being fragmented, restructured and reordered according to the presence of different CCTV systems?

[37] For the «rhizomatic» flow of (digital) data see Haggerty / Ericson 2000, in their interpretation of Deleuze 1990.

(2) How do CCTV systems influence the control of interactions in public? Are the processes of «impression management» being disturbed with the presence of non– communicable «voyeurs»? (e.g. as in «total institutions», like in the asylums studied by Goffman 1961).

(3) What are the influences of indirect, mediated, one– way social relations with surveillance cameras, defined as non– interactional relations, on the situations and on the «frames» of people interacting? Are the «frames» and the processes of «framing» being disturbed by CCTV cameras? How do interactants include the presence of CCTV in their «framing» of situations?

(4) If more and more data is being collected and stored in digital formats, then accumulated, copied, distributed and merged, that is: if «data flows» are getting less controllable and less deletable, what strategies are applied to deal with this situation?

Coming back to a political perspective and to the title of this presentation: «It's not about privacy – it's about control!», I would like to end with a somewhat more optimistic perspective: The growing possibilities for technically mediated surveillance may indeed lead to a «control society». But we should be are aware of not falling into a deterministic view of technology: There are struggles and conflicts about the use of technologies, and not every technical device available is deployed in practice. In a lot of cases, CCTV systems, like other technical systems, can (and will) be circumvented, ignored, perverted or appropriated. A «control society» does not by necessity imply that the powerful elites are controlling the powerless. If data flows are getting uncontrollable, they get uncontrollable for elites as well! And: If technical means are changing power relations in general, they may also strenghten the power of the «powerless» against the elites.[38]

«Social control» is not negative or «bad» by itself – it depends on structures and on contexts. Social control is not mainly performed by the Police or by the state, but by the society. There is not a simple dichotomy between «the private» on one side and the «state» on the other side, as early liberalists stated. If talking about dichotomies, it is more useful to contrast the «private sphere» with the «public sphere» in the sense of a «civil society». This «public sphere» is *not* the state! The state is to be regarded as an institution, typically with a formal burocracy, a noted by Max WEBER. In the sense of «civil society», there should be not *less*, but in the contrary there should be *more* social control, more *awareness*! This is in accordance with «communitarian» political theories: Too much power has been delegated to «the state» and to private «security guards».[39] It is important to focus more on the direct interactional control and on the cooperative achievement (and the failures) of interactional order in public spaces.

[38] A prototypical case is the video footage of the police attacks against Rodney King in Los Angeles. In fact, CCTV images may be used to control police forces as well. For various strategies in regards to surveillance at the working place, including appropriation, see Mason et al. 2002. For a «pro– contra»– discussion of the implications of a new «control society» in general see Shapiro 1999.

[39] Although there are repressive tendencies in some «communitarian» argumentations as well!

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