

Equality

In discussions concerning the relationship between surveillance and equality, the latter is understood as the lack of discrimination among individuals or social groups. In the context of surveillance, social groups are mainly conceptualized through categorization, based on socially constructed categories and situation-dependent criteria. Some surveillance practices that are relevant from the point of equality are explicitly aimed at surveilling individuals, in other cases surveillance is an unintended consequence. In terms of its effect, surveillance can either be reinforcing or reducing social equality. The relationship between social equality and surveillance most often comes up in the context of law enforcement practices and social policies, and often relates to the phenomenon of intersectionality, that is people, whose social position is determined by the interplay of multiple social disadvantages.

Antidiscrimination and social sorting

In the context of surveillance, the equality concept of the Universal Declaration of Human Rights and other international human rights norms are the most relevant, which center around 'freedom from discrimination' among social groups. Crucial elements within this concept are the "basis" or "ground" for discrimination: that is, personality traits or characteristics which may cause disparate treatment of certain individuals. Antidiscrimination norms are not generally applicable, only in relation to predefined, qualified and enumerated characteristics. These "protected grounds" mostly include the following: race, ethnicity, gender, gender identity, sexual orientation, religion, political or other opinion, social status or origin, age, disability, and usually refer to being essential to the personality, or immutable (or only subject to change with costs that are high enough not to be reasonably expected from the individual.)

Surveillance-related inquiries on social equality usually apply a broader concept than the legal definition of discrimination, and include social sorting, the categorization of individuals in specific situations by "value" and "risk factor", and the "basis" or "ground" for discrimination may include dressing, hairstyle, or consumer preferences – which may also be related to more substantive grounds such as religion, political opinion or class.

Categorization, the mental or computerized process which puts the individual in a social group or a risk group, is a central concept in both antidiscrimination law and social sorting. Antidiscrimination law builds on perception, when outlawing discrimination based on "real or presumed" characteristics, while social sorting sees the roots of discrimination in abstracting information on the individual.

Categories as social constructions

Scholarship on social equality emphasizes that social categories defining social roles and relations are social constructs and not necessarily essential or "naturally" determined. Gender, as an analytic category is a classic example, building on the assumption that gender roles are less determined biologically than by historically and culturally varying social expectations. This theoretical trend on social equality is also expressed in the UN Convention on the Rights of Persons with Disabilities (CRPD), which is based on the presumption that even disability is not a purely biological status but, to a certain degree, a social construct. The aim of deconstructing the concept of disability is to identify the morphology of disability and thereby the obstacles and barriers to accessibility which societies create – both literally and in the abstract sense. The Convention sets forth the requirement of "universal design", which means that in order to reduce unnecessary barriers, when designing products, environments, programmes and services, the needs and requirements of all social groups should be taken into

consideration. Surveillance scholarship uses the term “body discrimination” for practices which discriminate against people whose physical characteristics do not fit into environments designed for the privileged: the able-bodied, white males. This approach sees power relations reflected in the design of surveillance instruments and systems, pointing to indirect discrimination, for example when medical diagnostic tools are unfit for persons with physical deformations or using wheelchairs, as this prevents them from taking part in preventive screenings or accessing adequate therapies.

Surveillance as harassment

Antidiscrimination norms usually codify harassment as a special, *sui generis* form of discrimination if it happens in connection with the individual’s protected characteristic. Certain surveillance practices which have a disproportionate impact on a protected group may in effect also amount to discrimination. Ethno-racial profiling, when members of ethno-racial groups are identified and subsequently targeted as high-risk by law enforcement authorities or private security personnel, can also be conceptualized as harassment within the framework of antidiscrimination law. Racial profiling, a form of prejudice-led institutional discrimination is problematic from the point of social equality even if individual stop-and-search measures are not unlawful.

Feminist scholarship on the implications and consequences of surveillance practices also identifies it as a form of sexual harassment when male employees in CCTV monitoring rooms pay disproportionate and voyeuristic attention to women posing no security risk.

Surveillance and intersectionality

Intersectionality is highly relevant in the relationship between surveillance and social equality, especially in relation to the concept of social sorting. Intersectionality refers to the phenomenon when individuals may have several characteristics, such as gender, ethnicity, class, that subject them to marginalization and discrimination, and the interplay of these multiple disadvantages determine their social position. A notable form of social sorting concerns law enforcement authorities identifying youngsters, i.e. young working class, or lower-middle class non-white males – boys and young adults – as a high security risk social group. This approach and practice not only causes further marginalization of the affected individuals, but also creates security risks for them, as having retrieved from police control and from areas under surveillance makes them vulnerable for victimization. In the field of social policies and social services, low status, mostly welfare recipient women, especially single mothers from a minority background face heightened scrutiny by the child protection services responsible for social services, and often are threatened by the removal of their children to state custody.

Surveillance in combating social inequality

Some surveillance-initiatives have been specifically designed to combat certain forms of discrimination. A form of *sousveillance* concerns wearable cameras used by police officers, which are deployed in order to record their interactions, and to provide transparency e.g. for use of force – in order to answer allegations of ethnic/racial profiling or disrespectful or illegal treatment of members of certain social groups.

Certain crime prevention surveillance-technologies can also be conceptualized as falling within the terrain of antidiscrimination, when they are targeting crimes that are intrinsically connected to social inequalities, such as the power asymmetries between men and women. For

example, there are specially designed personal alarm devices which are aimed at protecting individuals exposed to the risk of intimate partnership violence. Here, activating the panic-function directly signals the designated police office, and not only provides the GPS-coordinates of the incident, but also contextualizes it, for example as an (ex) partner violating restraining orders.

In some states, such as in Scandinavia, where, in order to end prostitution, criminal sanctions are introduced targeting customers purchasing sexual services, certain public order surveillance technologies can also be perceived as tools combating social inequality between men and women. This abolitionist approach identifies prostitution as a form of sexual exploitation and as an indirect factor in preserving social inequalities and, hence, aims at restricting the demand for such services. This, in practice, means the identification and sanctioning of clients purchasing sexual services, for which various surveillance technologies are used targeting both public spaces and internet sites (including dating sites.)

A further point of connection between equality and surveillance concerns the requirement dictated by efficiency for policy measures adopted to enforce antidiscrimination regulations to establish monitoring mechanisms with data desegregated by protected grounds (e.g. gender or ethnicity)– which also creates an inherent surveillance potential.

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See also: Policing and Society; Racial Profiling; Restraining Orders; Social Sorting; Sousveillance

Further readings

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