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The institutionalisation of fear: Global surveillance with dubious pandemic legitimacy

Surber, Regina Sibylle

Abstract: Regina Surber, PhD Candidate at the University of Zurich and Scientific Advisor to the ICT4Peace Foundation, discusses how digital surveillance is increasing worldwide due to the COVID-19 pandemic.

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The institutionalisation of fear: Global surveillance with dubious pandemic legitimacy

Regina Surber, PhD Candidate at the University of Zurich and Scientific Advisor to the ICT4Peace Foundation, discusses how digital surveillance is increasing worldwide due to the COVID-19 pandemic

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Governments around the globe are justifying ever increasing surveillance of their citizens by recourse to the safeguarding of public health in times of Covid. Now is the moment for an emergency break against drifting into a new era of digital monitoring. To seize it, people must let go of the pandemic fear and critically reflect upon what kind of society they are able to thrive in as humans.

COVID-19

The COVID-19 pandemic is said to be the biggest crisis of the current generation. Over the course of two years, 5.5 million people are said to have died from the respiratory disease that Sars-Cov-2 can trigger. After the emergence of the virus in late 2019, a wave of panic from the previously unknown physical Covid-19 illness has spread across the planet. Since then, countries around the globe have been iteratively administering national

lockdowns of public life, requiring citizens to work, and children to learn from home, with the goal not to overwhelm national health care systems by the potentially enormous influx of COVID-19 patients. In order to secure national and global economies in this novel situation, governments adopted economic support measures of unprecedented amounts. Since early 2021, vaccines against Sars-Cov-2 are available. As of January 2022, half the global population is fully vaccinated, which has partly eased the global panic. However, medially induced dissent between vaccinated and unvaccinated led to a breach of trust amongst citizens and between those who refuse to receive a shot and their governments imposing an implicit or explicit vaccination duty. An information disorder regarding scientifically substantiated epidemiological and virologic facts induces societal tiredness, paralysis, and apathy.

Global digital surveillance

Besides restrictions on physical movement by national lockdowns, many governments are following the World Health Organization's (WHO) recommendation to trace contacts between their citizens through digital surveillance technologies. To date, around 70 countries worldwide have employed the following:

- Contact tracing apps to alert individuals who have come into contact with someone who has the virus.
- Digital tracking, which makes use of aggregated mobile phone location data, has been used by some 38 governments.
- Physical surveillance, including the use of facial recognition software and surveillance drones, has been used by at least 27 countries.
- Some 18 governments have utilised the rise of mis- and disinformation about COVID-19 to justify censorship.

- Internet shutdowns have occurred in at least four countries.
- Vaccine passport apps, some of which track people's precise locations, are already in operation in 14 countries and 17 more are in the pipeline. Though vaccination confirmations are issued also on paper, some public institutions in Germany, e.g., accept only its digital representation.

State intrusion into personal privacy

Not all digital measures are accompanied by privacy policies, and some have severe privacy issues. Hence, the adoption of the digital pandemic measures may infringe people's right to privacy. More importantly, for the first time in human history, technology may make it possible to monitor almost everybody, almost everywhere, almost all the time – both people's physical location and their internal bio-chemical vaccination status, with severe privacy concerns. This is a dramatic overreach by states into the personal privacy of its citizens.

The idea to respect personal privacy has great human value: Privacy is a prerequisite for individuals to freely express themselves selectively with regards to issues that are inherently sensitive to them. Surveillance and monitoring, in turn, create the possibility of external control and, hence, curtail this sort of freedom. This is why it has long been accepted that an invasion into someone's privacy by state authorities must be difficult – in democracies, it is therefore subject to judicial control.

In a time of crisis, governments can temporarily suspend some of their obligations to respect the rights of citizens via circumventing the classical

system of checks and balances that usually secure that those obligations are met. In other words: Any institution is only as strong as the reflected minds of its members and the reflected minds of the population it aims to represent. For this reason, those emergency measures have to pass a high test of legitimacy: they must be legal, proportionate, necessary and time-bound – and it is government authorities that carry the burden of justifying them. Regarding the privacy-intrusive digital surveillance during the pandemic, the criteria of necessity and temporariness are questionable.

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Measures can only ever be necessary if they are effective. However, with the “virologically legitimised” digital technologies, this is not always the case. They may, e.g., depend on users having new mobile devices, which many do not. Also, some only work if functions are specifically enabled, which not everyone chooses to do. Some technologies simply do not function as required. E.g., it was reported that France's contact tracing app, which was downloaded by around 1.4 million people in 2020, has only sent 14 notifications on its users contact with infected persons.

That the digital measures remain temporary is even more doubtful: crises have a habit to fast-forward certain processes and instruments, whose consequences may not disappear once the situation calms down. For at least two reasons, the present digital surveillance instruments may well persist: first, because they offer tremendous financial payoffs to

businesses harvesting the personal data provided by said digital measures as well as the data generated via the re-installment of social life in the digital space during lockdowns. And second, because those measures force people to adapt to accessing social life nearly solely via digital identification – something that may come in handy to governments' intent to push back against the development of decentralised digital currencies via a potential and gradual shift to central bank digital currencies and electronic IDs. E.g., though the Swiss authorities just promised to possibly terminate the required use of the national digital “Covid Certificate App” by the end of February, the government recently made a new investment to finance the app until the end of 2023. The digital surveillance measures' necessity is doubtful, and they are likely here to stay.

Hence, their legitimacy as an emergency response to the pandemic is highly questionable. However, people seem to accept or even take part in those measures without the usual reflex of questioning them.

The silence of the lambs

The capacity for reflexive judgment is one of humanity's core characteristics. This capacity has led a yet too small part of humanity to enjoy a healthy living standard. Moreover, it is ever advancing humans' biological self-understanding and their physical position in context of their shared universe. However, fear and emotional paralysis hinder quiet reflection, clear- and farsightedness, and make people manipulable. Societies have been living in fear since the beginning of the pandemic. Whether this fear is warranted is doubtful. Sars-Cov-2 does not seem to extinguish the human

race. Hence, the main reason for said fear seems to be that the current implicit and explicit risk communication is not based on this observation, but rather fosters panic. First, governmental measures themselves may instill and aggravate fear: for many citizens of the globe, the extent and the severity of governmental interventions are largely unprecedented and, thus, themselves a great shock. Second, public reporting has been corroborating fear. For example, media coverage has not consistently differentiated between people tested positive on COVID-19, and those who have fallen ill. This differentiation is especially crucial in countries where the rising number of people who are tested positive is not accompanied by a parallel increase in hospitalisations and intensive care treatments. In Switzerland, an important media house even decided to support the governmental narrative at an early pandemic stage, despite the fact that medical data could not substantiate certain governmental positions. Furthermore, SARS-CoV-2 incidents have long been reported as absolute numbers without reference figures, and the total numbers have been published cumulatively. This contradicts the basic principles for presenting epidemiological data. In addition, the prominent vaccination discussion drives a wedge through society and instills fear and mistrust with each other.

To summarise, people are emotionally and mentally overloaded by governmental and medial overvaluations of and measurements against the risk of Sars-Cov-2 to a degree that hinders them to recognize the strong surveillance shift taking place in the background whose efficacy regarding curtailing the pandemic is more than doubtful.



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From fear to reflective self-empowerment

The digital surveillance measures represent a strong increase in state control and power. People must have the capacity to meaningfully oppose this control and power. Such a capacity requires that the current state of fear, lethargy and the wish to do anything to get back to normality is substituted by a state of reason and a space for a transparent debate on the issue of global surveillance. Any institution is only as strong as the reflected minds of its members and the reflected minds of the population it aims to represent. It is of the utmost importance that this reflective capacity is not undermined – neither willingly nor negligently. Rather, it must be strengthened and secured. The responsibility lies with everyone. Any governmental anti-pandemic decision must be appropriately accompanied by science and, wherever already possible, scientifically substantiated. This requires a simultaneous scrutiny of current methods used in a broad spectrum of the medical sciences. Only then is it possible to properly document the ratio between the benefit that those measures bring to public health, and the societal costs they entail. Media professionals must provide well-balanced facts in order to push global society back to reason. Civil organisations should push for a

transparent debate on the present shift into global state surveillance and embolden people to reflect, at least, upon the following two issues:

1. Fear is the opposite of trust and curbs people's self-empowerment. Democracies are essentially based on the concept of self-empowerment and depend on mutual trust amongst citizens. How can future democracies' healthy functioning be sustained if they are institutionalising fear and distrust via extensive state monitoring mechanisms?
2. The ever-present and increasingly required digital health identification is creating a new human self-understanding referencing almost entirely one's digitally provable health status which is publicly defined by WHO. How can we ensure that future societies are based on an understanding of humans that goes beyond such an artificially narrowed digital definition?



University of Zurich ^{UZH}

Regina Sibylle Surber
 PhD Candidate at the Center for Ethics
 University of Zurich
 and
 Scientific Advisor to the ICT4Peace Foundation
 Tel: +41 44 634 85 34
regina.surber@uzh.ch
https://www.philosophie.uzh.ch/en/seminar/people/research/politics_cheneval/surber.html