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Religion, human rights, and surveillance

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RELIGION, HUMAN RIGHTS, AND SURVEILLANCE

Susanne Wigorts Yngvesson *

To live in a surveillance society is nothing new. One can say that people have always lived in surveillance societies as part of living together in a community. In an anthropological sense, to surveil is partly about being in control and partly to confirm social, moral, and physical borders. It is about identity. In a religious or theological sense, surveillance can be understood as control over ideas, people, and dogma. When one thinks of surveillance, it is worth keeping this perspective in mind, since the concept is nowadays intrinsically linked to modern interpretations, not least influenced by the philosopher Jeremy Bentham and his concept of ‘panopticon’, and later introduced by Michel Foucault in his book *Surveiller et Punir* (1975).¹ If one believes that a religious or human rights perspective would always take the position against a surveillance society and surveillance technologies, that would be naïve. There is no thick or thin line that one can identify as good or bad technology. It depends on how it is used, how it works, and in what way it is used to categorise people and groups, how it influences public and private spaces, how it is incorporated into people’s daily life, et cetera.

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¹ Bentham, Jeremy, [1791]: *The Panopticon Writings*, London: Verso, 1995.

In this article, I will not address populism and freedom of expression per se, i.e. as two issues that I closely focus upon. Rather the perspectives are intertwined in the overall discussions and examples. Surveillance technologies can be used to stimulate populism and limit freedom of expression, as well as they can contribute to the opposite. The outcome does not only depend on the technology and its capacities, but on the persons, citizens, states, religious groups, and companies who use it.²

After centuries of technological innovations alongside industrialisation, the concept of surveillance has been associated with a Big Brother society, i.e. asymmetrical surveillance by the state or employer to surveil citizens or employees with different tools, visible or invisible. The aims of surveillance are a multitude: protection, security, efficiency, steering of behaviour and opinions, prevention of unwanted actions, et cetera. After the 9/11 terror attack in New York and Washington in 2001, the idea and implementation of surveillance technology has increased unimaginably, in parallel with a political view of the ‘war against terror’, and in parallel with possibilities for advanced technology that has become an essential part of how we, as humans, understand our life as individuals and as communities. One consequence of the paradigm is a certain gaze upon religious communities, where some become more visible than others, such as Muslims who wear the hijab or any other symbol which identifies them as Muslim.³ This surveillance gaze can also be activated between Muslims. For example, a New Yorker who experiences the dilemma facing members of his mosque, who fear breaching their religious principles by suspecting an

² I have analysed the intertwined relation between ideas, religion, human rights, and politics in *Övervakad. Människor, maskiner och Gud*, Stockholm: Timbro, 2018.

³ For a discussion about surveillance and visibility/invisibility, see Casper, Monica/Moore, Lisa Jean: *Missing Bodies. The Politics of Visibility*, New York: NYU Press, 2009, 1-131.

innocent Muslim of being a police informant in a context where the whole community is perceived by the State as a threat to national security. Or a Muslim in India who relates her fear at the intrusion into her religious freedom by politicised Hindu fundamentalist vigilantes while her data from her phone or computer is collected by the State.

Surveilled and Surveillors in the Big Other

In the field of surveillance studies, people today not only talk about a Big Brother society, but also about a Big Other society, a concept introduced by Shoshana Zuboff.⁴ The paradigm of the ‘war against terror’ is one aspect of surveillance, to this the following examples can be added: social media, private security industry, commercial interests, climate and health control, data traffic, physical communications, border controls, computer games, collecting and sorting biometrical data, and more. In the new surveillance society, humans all over the globe (more or less) voluntarily participate in surveillance. We are both surveilled and surveillors while we, for example, use smartphone apps in religious practice, as well as many other things we do in our daily lives. One can use a smartphone to self-surveil one’s daily Bible reading and prayer discipline. Meanwhile, another person can follow their practice and engage by giving a big digital hand if the person fulfils the daily schedule or participates in or shares the prayer. The believer will expose herself for praise, affirmation or corrections that will change their way of behaving. This is nothing new, but smart technology may deepen the feeling of being surveilled. Not least because the border between what is acceptable or unacceptable to share is often a point of discussion. The logic of the argument in the long term can develop into the question:

⁴ Zuboff, Shoshana: *The Age of Surveillance Capitalism. The Fight for a Human Future at the New Frontier of Power*, London: Profile Books, 2019.

why should anyone deny sharing everything about oneself with the religious community where one belongs?

Bex Lewis noticed from her The Big Bible Project and Christian Discipleship Online research between 2010-15 that surveillance in religious communities can be liberating for some and, at the same time, restricting for others. This tension relates to both formation of faiths and “the subsequent imperative to mission”. The result of her study shows that “the surveillant affordances offer the opportunity for ‘many to many’ interactions between peers, rather than the ‘one to many’ of the pulpit and the people”.⁵ She argues that using social media in religious contexts becomes a formational strategy. As peers include not only fellow believers but users beyond the Christian community, additional dimensions of performance emerge. Boundaries between secular and religious dimensions of a user’s life may collapse, generating challenges and opportunities for spiritual integrity and formation.

Another form of voluntary surveillance practices by religious communities can be found in a series of smartphone applications designed to self-monitor spiritual disciplines. Choosing to be nudged towards practices such as Bible reading and prayer, users are selecting technologies of the self that are not so much about control but an expression of self-paternalism. It is a “mode of governance that subtly promotes particular (personally) desired behaviours”.⁶ From a religious point of view, one can ask how this circular system of expression produces a certain religious person, a person one chooses to become – or that the ‘system’ teaches one to become.

⁵ Lewis, Bex, “Social Media, Peer Surveillance, Spiritual Formation, and Mission: Practising Christian Faith in a Surveilled Public Space”, in: *Surveillance & Society* 16(4), 2018, 517-532.

⁶ Pridmore, Jason / Yijing, Wang, “Prompting Spiritual Practices through Christian Faith Applications: Self-Paternalism and the Surveillance of the Soul”, in: *Surveillance & Society* 16(4), 2018, 502–516.

All-new smart technologies are embodied in the world and built into the political and commercial systems. Zuboff calls it *Surveillance Capitalism*:

“Instead of claiming work (or land, or wealth) for the market dynamic as industrial capitalism once did, surveillance capitalism audaciously lays claim to private experience for translation into fungible commodities that are rapidly swept up into the exhilarating life of the market ... surveillance capitalism embodies a new logic of accumulation.”⁷

Mapping Surveillance, Religion and Human Rights: A Proposal

To relate this complex and manifold question about surveillance to religion, also a varied concept, is of course a challenge. In 2016, Eric Stoddart and I initiated the *Surveillance & Religion Network*, to frame some of the theological, ethical and human rights issues which we found relevant in the initial stage.⁸ The two-year project ended with a special issue in the scientific publication *Surveillance & Society*.⁹ The questions and arguments in this article will partly be presented and inspired from that issue, and partly a continuation from where Stoddart and I left it in 2018. We had the ambition to include experiences and reflections from

⁷ Zuboff, Shoshana, “Surveillance Capitalism and the Challenge of Collective Action”, in: *New Labor Forum*, 28(1), 2019, 10-29.

⁸ Surveillance & Religion Network, <https://ericstoddart.wp.st-andrews.ac.uk/surveillance-religion-network/> (accessed in 2 June 2022). The network was funded for two years by the Arts & Humanities Research Council in England.

⁹ Stoddart, Eric / Wigorts Yngvesson, Susanne, “Surveillance and Religion”, in: *Surveillance & Society*, 16 (4), 2018, 393-398. For a deeper understanding of the combination of surveillance and Christian theology see Stoddart, Eric, *Theological Perspectives on a Surveillance Society: Watching and Being Watched*. Aldershot, UK: Ashgate, 2011.

different religions, but for different reasons most of the contributions were from Christian contexts, even though the results show, of course, that there are a multitude of issues raised within Christian communities and surveillance. These are in themselves experiences that in some part also can be applied to other contexts of faith.

After we had problematised and raised central issues about surveillance and religion, Stoddart and I identified various sorts of surveillance: first, surveillance within religions, for example when religious communities use surveillance to monitor or control people for different reasons; second, surveillance of religious groups, for example when the police or companies sort and categorise people according to religious identity; third, surveillance as a way of religious groups understanding and sorting people outside their own community, for example norms that underline the religious community as different from other groups and behaviours. Further, from these perspectives we identified eight clusters about the intersections of religion, law, and human rights:¹⁰

Uncontentious	A	Legally and religiously permitted	
	B	Legally required and religiously permitted	
	C	Legally and religiously required	
	D	Religiously required and legally permitted	
	E	Legally permitted but not religiously permitted	
Contentious	F	Legally required but not religiously permitted	
	G	Religiously permitted	

¹⁰ Stoddart/ Wigorts Yngvesson, *op.cit.*, 394-396.

		but illegal	
	H	Religiously required but illegal	
Contentious	F	Legally required but not religiously permitted	F1 ... and outside human rights
			F2 ... although within human rights
	G	Religiously permitted but illegal	G1 ... and outside human rights
			G2 ... although within human rights
	H	Religiously required but illegal	H1 ... outside human rights
			H2 ... although within human rights

From this overview one can see that there are issues about surveillance and religion that are relatively uncontentious and others that are often considerably more contentious. The borders between the sections can vary, depending on the religion, law and human right which is the focus. Further, contexts and ideologies can influence the understanding of a certain surveillance practice, so that a practice can be regarded as uncontentious by some people on one occasion and contentious by the same people in another situation.

Lateral, self, state, commercial, high-tech, and non-technological surveillance strategies intersect with religious practices, identities, and ethical concerns. Parallel to these intersections are also narratives for all religions and worldviews that need to be analysed in relation to religious

and surveillance practices. This is not a question about some essence of religion, but questions on the construction of certain values, ideas, faiths, et cetera. Community, belief, and practice, each energised by faith, are woven together with systems of monitoring, data analysis, and influence. Faith is, in probably unique combinations, woven with political, cultural, economic, and historical perspectives. It is by taking surveillance and religion as complex constructions that the intersections are often fascinating and worthy of critical consideration. The result of the map merely serves as a tool to launch complex analyses.

The model of the intersections of surveillance practices in relation to religion, law, and human rights demonstrates a richly complex field of study. The ways in which these intersections are navigated will largely depend on the contextual hermeneutics of religious groups, some with reference to centralised systems with different levels of control (e.g. the Roman Catholic Magisterium of teaching and discipline, the *ulama* and *al-mutaww'in* in Saudi Arabia, the chieftain of the Cushitic peoples of Greater Somalia). Other religious groups rely on decentralised arrangements (e.g. in the education of teachers of Islam, the aborigines of Australia, parts of the Pentecostalism movement), but both centralised and dispersed models practice within contexts of global mass communications that can generate new influential allegiances that variously reinforce or destabilise traditional lines of religious authority.

Uncontentious Acts of Surveillance, Law, and Religion

To help with the application of the map, Stoddart and I exemplified situations of surveillance, technologies, and religion. One example of what is mostly regarded as uncontentious activity in (A) is the practice of using a smartphone app for self-monitoring the regularity of one's reading of sacred texts (although a community that broadly eschews modern technology, such as the Amish, might not permit such). Even if it is both legally and religiously permitted, it can be problematic in an ethical sense, depending on how one regards limits of privacy and

subjection towards a religious system. In a case study of a Fundamentalist Church of Jesus Christ of Latter-Day Saints (FLDS) community in Canada, known to its members as Bountiful, Deirdre McDonald illustrates how surveillance works between its own members. She describes the religious group as insular in the way that people control the information and the evaluation of it, that the group also maintains and deploys secrets and secretive practices as a strategy to control its own members and manage its relationship to law enforcement agencies. She argues that “the function of secrecy and visibility in an insular religious community is both diverse and evolving”.¹¹

The legal requirement to report a fellow believer who is being ‘radicalised’ might also be permitted within an ethical system of a faith community. To choose not to report could retrospectively be considered as lack of an ethical framework, control, and in the long term as a lack of trust. In this sense a certain level of surveillance can be considered a good action, a social surveillance of people’s network, communication, and opinions to be able to foresee unwanted behaviours and beliefs (B).

The use of data collection and scrutiny to monitor those working with vulnerable people could well be required both legally and religiously according to state legislation and the tenets of a religious organisation. In a broader perspective, it can even be welcome so as to be transparent about diaconal activities, since it serves as a good example to rest of the society. For example, during the Covid-19 pandemic, churches ‘medialised’ themselves as people who care for isolated, elderly persons, helping them by delivering groceries and singing to them to break their feelings of loneliness. This is also a part of daily life for many religious communities, to help the poor and

¹¹ McDonald, Deirdre, “Regulating Visibility: Secrecy and Surveillance in Insular Religious Communities” in: *Surveillance & Society* 16(4), 2018, 488–501.

vulnerable, but during the pandemic it became ‘news’, a voluntarily and uncontentious form of surveillance.

In some religious traditions, regular oral confession to a priest is mandatory and legally permitted (but would not be if the priest secretly recorded the confession) (D) – although it is worth observing that religious requirements can sometimes be treated by different groups with degrees of stringency (such as in expectations of disciplined fasting or almsgiving). How members and officials weigh such stringency with varying degrees often merits critical study, with questions such as the virtue of fulfilling ‘requirements’, the aim and consequences of the action, how it effects the common good at a work-place, for example, (people who are fasting can become unfocused at work and sometimes a danger to others).

There are practices that, although permitted legally, are not allowed by a religious group in light of its traditions (E). Deploying CCTV in a place of worship might, by some religious groups, not be permitted based on certain perceptions of privacy. Also, consuming certain films, art, literature, political publications, can be permitted legally but not allowed by a religious group or by the leaders of that group. These later examples become controversial when the religious group’s practices are regarded as too strange compared to the majority opinion.

Contentious Acts of Surveillance, Law, and Religion

The more contentious intersections of law and religion are particularly interesting (F-H). Let it be emphasised once more that cultures and nations may have different views and borders for what is legally or religiously permitted or illegal. The discussed map is an overview of complex concepts. Furthermore, it is, of course, unwise and mistaken to assume that a state’s legal framework is mapped exactly to human rights conventions. For one thing, human rights are not one holistic system, but different articles, ideas, values, and principles,

which often collide in practice and implementation.¹² Quite what the result and values look like will depend on the specific human right (or cluster of rights) in play (e.g., freedom from arbitrary interference with privacy, *Universal Declaration of Human Rights*, Article 12, or freedom of thought, conscience and religion, Article 18). Having said that, it is fruitful to analyse the concepts of surveillance and religion in addition to a human rights agenda.

Something that can be legally required but not religiously permitted might signal a religious group that falls under the definition of ‘radicalisation’ a particular state could employ as justification for reporting a person to the police (F). The religious group’s point of view could be that any community member’s co-operation with ‘enemies’ reflects a lack of belief and/or an act of betrayal to weaken or eliminate the religious group or its practices. Further, the example mentioned earlier of a state requirement to report a fellow worshipper who is being ‘radicalised’ can be viewed in a new light. Where a state considers almost any religious activity as subversive, the legal requirement to inform risks falling outside the borders of human rights from the state’s point of view – or another way to put it: such a requirement would underline certain aspects of Article 18, namely freedom from religion and other rights addressed as security (F1). This would likely bolster a religious group’s ethical argument not to permit such reporting. In such cases, informing is not permitted within the ethical framework of that religious community. Where a state uses a national security caveat to proportionately limit freedom of religion (F2), the grounds on which the religious prohibition of informing on a radicalised worshipper are considerably less secure. The lines and borders of such laws and motivations for restrictions of religious freedom are continuously extensible and negotiable, for the state as well as for religious groups.

¹² See for example Donnelly, Jack, *Universal Human Rights in Theory and Practice*, New York: Cornell University, 2003, 38-53.

In history as today, it can be extremely hard to belong to a religious (or atheist) community or defend a belief as an individual. This is an experience many religious minorities face worldwide. Through history until this day, we know that the law does not guarantee religious freedom and other human rights for everyone. While it can be truly motivated to forbid certain religious activities and to surveil it to protect children, for example, it is also common for the law to be designed to persecute people in the name of religion or politics, and sometimes even in the name of human rights. The current tensions in India between its democratic commitment to religious freedom and pressure from hard-line Hindu nationalists to restrict the activities of minority religions are an example of this. Jijo James Indiparambil has identified the politicised religious vigilantism against Christian, Muslim, and other minority faith communities. His study casts light on the strain that can be placed on legal protections against discriminatory surveillance. While religious freedom is guaranteed in the constitution and respected and practised in India, there are also laws in several Hindu-majority states that have limited this human right, and, in order to implement the new laws, they use “discriminatory monitoring and surveillance based on religious affiliation”.¹³ (F1)

There may also be instances where an action is religiously permitted and also illegal (G). In some countries, it is illegal for a religious community or leader (or anyone) to hold people’s personal information (particularly of religious identity) without explicit consent. This may also be regarded as an immoral action within the religious group, depending on how the data is used, even though the religious community would agree on an (informal) permission even if illegal. A surveillance system can be used without technological equipment when

¹³ Indiparambil, Jijo James, “Does Surveillance Intersect with Religious Freedom? The Dialectics of Religious Tolerance and (Re)Proselytism in India Today”, in: *Surveillance & Society* 16(4), 2018, 432–445.

gathering information on an ordinary situation, e.g. how people dress and where they go. One example is a Ghanaian Jehovah's Witness who followed the government-enforced closure of their places of worship in 1989, of clandestine meetings in homes, which they reached by walking in work clothes to give suspicious neighbours the impression that they are merely a farm labourer. Further, the case of a religious group encouraging some members to engage in sousveillance¹⁴ towards a discriminatory state (G1) might garner international support. On the other hand, a religious group that encourages its members to practice lateral surveillance of women entering an abortion clinic might well find their ethical stance challenged from a human rights and a majority perspective (G2). Action that is religiously required, such as monitoring of women in a closed, insulated, patriarchal religious community, may amount to chattel slavery and be illegal in some jurisdictions, and be regarded as a violation of human rights in most states (H). There is sometimes the possibility that religiously required action might be illegal but still be within human rights conventions (H1). This might be a religious group, in a state that prohibits or seriously constrains freedom of religion, consensually gathering data on people's encounters with security services. Likewise, in some states, it can be illegal to practice or talk about one's beliefs, religion or atheism when it collides with the official religion or political agenda. With reference to the Uighurs in China, surveillance technology has shown to be very efficient at oppressing this Muslim group. The same technology is used to inform the world of what is going on. Citizens, lawyers, religious leaders, non-profit organisations, and others can surveil the surveillor. Finally, the case of women being monitored in a closed, isolated, patriarchal

¹⁴ Sousveillance means shortly that one brings social or technological surveillance to a human rather than an hierarchical level as in surveillance, for example by wearable personal technologies such as smartphones.

religious community from which escape is scarcely realistic would likely be criticised for being both illegal and outside human rights (H1).

Concluding Reflections

One thing Eric Stoddart and I noticed while working on this project is that nearly every religious context we studied or approached is quite unaware of the issues raised in this surveillance society. Some religious communities are of course well aware from their experience, but when it comes to the reflection of how surveillance technologies are used against and within religious groups, people and practices, there is a distinct lack of reflection. One big issue that I did not raise in this article is the connection between commercial interests and intelligent technology, which is able to shape not only individuals but communities and the inner self, i.e., how people think, act and believe – and what we think about. Shoshana Zuboff describes this as a new world where human beings become products of a surveillance capitalistic system. This is a global phenomenon and religious practices are of course also part of the system. Even if the system is global and unimaginably complex and strong, it is, after all, not determined to become this or that. Religious people and communities should become more aware of the politics, the ideologies and the aims of (surveillance) technologies to be able to shape them into an ethical way of living with the intelligent machines, and also be better placed to criticise the misuse of it.

Further research into how religious groups designate surveillance practices as permissible will open theological, philosophical, anthropological, and sociological complexities. The hermeneutics operating within, for example, Christian readings of the divine and human gaze in the New Testament might be usefully critiqued. The authority ascribed by a religious group to its own sacred texts may well be contested through internal struggles worked out in strategies of power. Such investigations will be valuable to faith practitioners but also

contribute to wider literacy amongst policymakers concerning how religion and surveillance intersect. Similarly, although practices may be required today by a religious group, the evolution of those practices over time points to the dynamic ways of religion.