RESEARCH ARTICLE

PHOTOGRAPHY IN THE AGE OF SURVEILLANCE: ETHICS AND THE PHOTOGRAPHER'S RESPONSIBILITY

Çeyiz MAKAL FAIRCLOUGH*

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This study complies with research and publication ethics.

Abstract

This paper examines the ethical dimensions of photographic practices in the context of pervasive surveillance, and how photography both reinforces and challenges the pervasive surveillance culture that defines modern society. It addresses key issues of privacy, ethics and the limits of photographic practice, particularly in relation to the potential for exploitation and voyeurism. With technological advances accelerating the scope of surveillance - exemplified by the ubiquitous presence of CCTV cameras and data tracking algorithms - surveillance has become deeply embedded in everyday life, leading to what is increasingly referred to as a 'surveillance culture'. In this environment, individuals are both subjects and objects of surveillance. Photography, both as a documenting tool and an art form, plays a central role in this dynamic. The widespread use of digital technologies has made photographers complicit in the spread of surveillance, as images are often distributed without consent, repurposed for unintended purposes, or even exploited for commercial gain. This paper explores how certain photographers, including Hasan Elahi and Trevor Paglen, have responded to the dominance of surveillance culture by using their work to critique and resist its normalisation. Through an analysis of their practices, this study demonstrates how photography can function as a means of interrogating and destabilising the power structures inherent in surveillance systems. The paper concludes by reflecting on the moral responsibilities of contemporary photographers, emphasising the need for heightened awareness of privacy concerns in an era where anonymity is increasingly scarce and valuable. Ultimately, it highlights the ethical challenges photographers face in navigating the tension between creative freedom and the imperatives of privacy and consent in a surveillance-driven world.

Keywords: photography, surveillance culture, ethics, voyeurism, privacy.

* Associate Professor/PhD, Beykoz University, Faculty of Faculty of Art and Design, İstanbul, Türkiye.
ceyizmakalfairclough@beykoz.edu.tr, ORCID: 0000-0001-8116-8021

ARAŞTIRMA MAKALESİ

GÖZETİM ÇAĞINDA FOTOĞRAFÇILIK: ETİK VE FOTOĞRAFÇININ SORUMLULUĞU

Çeyiz MAKAL FAIRCLOUGH*

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Bu çalışma araştırma ve yayın etiğine uygun olarak gerçekleştirilmiştir.

Öz

Bu makale, yaygın gözetim bağlamında fotoğraf uygulamalarının etik boyutlarını ve fotoğrafçılığın modern toplumu tanımlayan yaygın gözetim kültürünü hem pekiştiren hem de sorgulayan yönlerini incelemektedir. Çalışma mahremiyet, etik ve fotoğraf pratiğinin sınırları ile ilgili temel meseleleri ele alırken, özellikle istismar ve voyeurizm potansiyeline odaklanmaktadır. Teknolojik ilerlemelerin gözetim kapsamını hızlandırmasıyla - güvenlik kameralarının her yerde bulunması ve veri izleme algoritmalarının yaygınlaşması gibi örneklerde görüldüğü üzere - gözetim, günlük hayatın derinlemesine bir parçası haline gelmiştir ve giderek 'gözetim kültürü' olarak adlandırılan bir olguyu yaratmaktadır. Bu bağlamda bireyler, gözetimin hem öznesi hem de nesnesi konumundadır. Fotoğrafçılık, gerek bir belgeleme aracı gerek bir sanat biçimi olarak bu dinamiğin merkezinde yer alır. Dijital teknolojilerin yaygınlaşmasıyla birlikte fotoğrafçılar, çoğu zaman görüntülerin rızasız bir şekilde dağıtılması, öngörülmeyen amaçlarla yeniden kullanılması veya ticari kazanç amacıyla istismar edilmesi yoluyla gözetimin yayılmasına katkıda bulunmaktadır. Bu makale, Hasan Elahi ve Trevor Paglen gibi bazı fotoğrafçıların gözetim kültürünün hakimiyetine, eserlerini bu kültürün normalleşmesini eleştirmek ve ona direnmek amacıyla nasıl kullandıklarını incelemektedir. Söz konusu fotoğrafçıların uygulamalarının analizi yoluyla bu çalışma, fotoğrafçılığın gözetim sistemlerinde içkin olan güç yapılarını sorgulama ve sarsma aracı olarak nasıl işlev görebileceğini ortaya koymaktadır. Makale, çağdaş fotoğrafçıların etik sorumlulukları üzerinde durarak, anonimliğin giderek daha kıt ve değerli hale geldiği bir dönemde mahremiyet endişelerine yönelik farkındalığın artırılmasının önemini vurgulamaktadır. Sonuç olarak, fotoğrafçıların, yaratıcı özgürlük ile mahremiyet ve rıza gereklilikleri arasındaki gerilimi gözetim odaklı bir dünyada nasıl yöneteceklerine dair karşılaştıkları etik zorlukların altını çizmektedir.

Anahtar Kelimeler: fotoğrafçılık, gözetim kültürü, etik, voyörizm, mahremiyet.

* Doçent Doktor, Beykoz Üniversitesi, Sanat ve Tasarım Fakültesi, İstanbul, Türkiye.
ceyizmakalfairclough@beykoz.edu.tr, ORCID: 0000-0001-8116-8021

Introduction

Photography can be a force for good or for harm. It can be the surveillance tool that allows the totalitarian state to spy on its citizens and crush dissent or it can be the tool that allows security forces to track down criminals and bring them to justice. It can document society, illuminate social issues, and help to bring positive social change. Alternatively, it can be exploitative and used to steal someone's identity or spread disinformation. With the advent of the internet and more recently AI, it has become almost impossible for legislation and the authorities to keep up with the many threats posed by photographic practices. Anyone wishing to do harm, to exploit, to spread disinformation can do so with impunity. It is highly challenging for a photographer who wishes to operate in an ethical manner to navigate this terrain. This paper aims to set out the current context and ethical challenges and dilemmas, especially in the light of the 'surveillance culture' that we all live in, and to point tentatively towards a way forward for photographers who wish to operate in an ethical manner. It draws on the work of historical and contemporary artistic photographers and photojournalists to set the context and show how photography can contribute towards the surveillance culture or act as a force for good and challenge established power dynamics.

Context – The Shift towards a Surveillance Culture

"I once read that a Londoner was caught on CCTV an average of 300 times a day. We are constantly being photographed without being aware of it" (Hugo, 2014). This quotation from Hugo's photographic essay *The Journey* summarises neatly how surveillance is now a part of everyday life. It has been estimated that by 2022 there were over 1 billion surveillance cameras in the world with China accounting for over half (Kaplan, 2023, p. 46). It not only affects people living in cities in the developed world. *Google Street View* can take photographs of people in the most isolated of locations. As well as being photographed in public places, we are also subject to data tracking algorithms on the internet. Surveillance can be described as the monitoring of behaviour or information for the purposes of information gathering. It can be used to influence or control people's behaviour. Surveillance saturates modern life and may go in any direction – companies and governmental organisations may surveil people and people may surveil each other, often in ways that are hard to detect. Lyon (2017) argues that a new concept of "surveillance culture" is required to describe what is happening in the 21st Century in relation to surveillance and the digital world. There is now an element of participation and engagement on the part of the wider population that was not the case prior to recent technological advances such as social media. As he sets out below, surveillance is now part of everyday life:

> Surveillance is no longer merely something external that impinges on our lives. It is something that everyday citizens comply with – willingly and wittingly, or not – negotiate, resist, engage with, and, in novel ways, even initiate and desire. From being an institutional aspect of modernity or a technologically enhanced mode of

> social discipline or control, it is now internalized and forms part of everyday reflections on how things are and of the repertoire of everyday practices (Lyon, 2017, p. 825).

As Lyon refers to above, surveillance was previously conducted primarily for the purposes of discipline and control, but it has now become all embracing, impacting on our daily lives, with the active participation of those who are surveilled. Surveillance by the state is nothing new. Michel Foucault's work, *Discipline and Punish: The Birth of the Prison* (1979), focusses on the mechanisms of power and control in society, particularly through institutions like prisons. He explains also how authorities applied surveillance in late 17th century France when the plague appeared. He describes the surveillance practice in the following terms: "Inspection functions ceaselessly. The gaze is alert everywhere" (Foucault, 1979, p. 195) and "surveillance is based on a system of permanent registration" (Foucault, 1979, p. 196). Surveillance was used by the state to help protect wider society from the plague, just as in modern times governments around the world exercised massive surveillance during the Covid pandemic to counter the spread of the disease. Surveillance is often driven by what is perceived by governments as being for the public good. CCTV cameras, for instance, can be justified as a way of countering criminality and keeping public order.

Foucault describes Jeremy Bentham's late-eighteenth-century concept of the panopticon, a prison layout where inmates are constantly visible to a central observer without being able to see whether they are being watched. The panoptic model is a highly efficient way of exercising control as it results in self-regulation among individuals. They are aware of being observed and so change their behaviour to conform to society's expectations. Foucault concludes his chapter on the panopticon by suggesting that modern institutions have been based on the panopticon model, "Is it surprising that the cellular prison…should have become the modern instrument of penalty? Is it surprising that prisons resemble factories, schools, barracks, hospitals, which all resemble prisons?" (Foucault, 1979, p. 228).

The surveillance theory of the panopticon fits the idea of disciplinary societies with a focus on the physical human being. It remained relevant as a theory until around 1960 when a different form of surveillance began to take shape, which was directed not by the nation state but instead by corporations. Gilles Deleuze developed the idea of the control society. In contrast to the disciplinary society characterised by fixed institutions like prisons and factories, Deleuze argued that modern societies are increasingly defined by fluid networks of control and by corporations. This form of control relies more on digital technologies, rather than the physical control of individuals. It relies too on constant monitoring to exploit individuals for commercial gain: "(…) corporations focus on short term results. In order to do so, they need constant control, and this is achieved via continuous monitoring and assessment of markets, workforces, strategies etc" (Galic et al., 2016, p. 19).

Galic et al (2016) describe the three phases of surveillance theory. The first was the disciplinary theory of surveillance as described by Foucault, which is essentially physical and spatial and links to the state's power. The second phase, characterised by Deleuze and others, relates to more recent times, from around the 1960s onwards, which relies more on digital technologies and relates to the power of corporations. The third phase, which brings us into the current era, is an evolution of these two phases with certain new characteristics, again linked to the development of technology, especially around social media. Now surveillance can include peer-to-peer surveillance, self-surveillance, and involves engagement and participation. One major feature of this modern form of surveillance is its complicit character: "On the whole, current forms of surveillance increasingly depend on the compliant exchange of information and services through personalised media use, giving surveillance a complicit character" (Christensen, 2016, p. 181). This brings us back to the surveillance culture as described by Lyon (2017) and the all-pervasive nature of surveillance.

Photography as a Tool of Surveillance

It is not surprising that the concept of surveillance has had a major impact on photographers as photography itself can be a tool of surveillance:

> Since its invention, photography has had a major role in the theory and practice of surveillance. Photography has been used to identify and record people on the bureaucracy of state archives, in scientific maps and aerial photographs taken from hot air balloons, planes and other aircraft, in covert recordings made by the cameras of detectives, paparazzi and journalists, and in voyeurism, selfies and self-exposure on social media… (Wolthers, 2016, p. 8).

In addition to the above, it can be argued that documentary photographers and street photographers have also contributed to the practice of surveillance, especially when they operate without the awareness or permission of the individual being photographed.

Photography has been complicit in the increase in surveillance since its invention. As technology develops and methods of surveillance have become more and more sophisticated and varied, covering all aspects of one's personal data, the visual image of the individual remains a highly sensitive and emotive feature of someone's identity.

Technology has always been central to the increase in surveillance. In the subway portraits of Walker Evans, for example, Evans used mainly a 35mm camera as it could be used unobtrusively and easily without attracting the attention of the subject (see *Figure 1* for example). He hid the camera under his coat so that he could take photographs without being seen. Evans did not seek the consent of the individuals concerned and so it could be said that he encroached on their privacy. However, it is highly unlikely, given the context

of the time (these images were taken around 1938), that anyone would have complained about their privacy being invaded. As Bertrand (2016) observes, Evans was striving for authenticity and vitality, and a new aestheticism that could not have been achieved if the subjects had posed for the photograph. Evans demonstrated respect for the individuals he photographed in these private moments in public spaces. These photographs form a remarkable record of life in New York at that time. They would have been made available to a limited number of people who were interested in art. Today the means of dissemination through social media and the internet, and the option of using and distorting those images for purposes not intended or sanctioned by the photographer or the subject, raises major issues for this type of photography. This type of photography would be perceived as far more invasive in today's context.

Figure 1. Subway Portrait (Evans, 1938-1941)

Another pioneering photographer in the 1930s was Erich Salomon. He too aimed to achieve greater authenticity and so took photographs secretly of court proceedings, political meetings and other private functions attended by well-known figures and politicians where photography was prohibited. Salomon hid a 35mm camera in his hat and took photographs using a viewfinder. Salomon had quite a different audience in mind, compared to Evans, as he was a press journalist. Salomon described his practice in the following terms:

> The chief activity of the photographic reporter who aims to capture situations and interesting facial expressions on a photographic plate consists of tirelessly lying in wait like a predator. Like a hunter in his hiding place, he patiently waits to take aim (Frecot, 2004, p. 22).

Salomon's photographs were aimed at a much wider audience than those of Evans and the aim was quite different. As Bertrand (2016) observes, Evans was aiming for authenticity whereas Salomon was aiming to catch his subjects off guard and expose them in some way (see *Figure 2* for example). Salomon was catering to an audience who craved sensation, rather like modern day paparazzi. Salomon's photographs were much more invasive than those of Evans, especially as he was operating in environments where photography was explicitly prohibited. The main difference, however, between Salomon and Evans lies in context and dissemination; whereas Evans' work was viewed and disseminated within the context of an artistic project, the work of Salomon was viewed by much wider audiences in the emerging tabloid press.

Figure 2. Five gentlemen conversing around table (Salomon, 1920s–30s)

The work of South African photographer Pieter Hugo provides an interesting comparison with the work of Walker Evans, as Hugo himself acknowledged. Published in 2014, his work entitled *The Journey* shows people asleep on a long-distance flight (see *Figure 3* for example). He used the infrared function on his camera and so, as with Evans and Salomon, he was using up-to-date technology to take photographs without the subject being aware. It is difficult to view these photographs without concluding that they are intrusive and voyeuristic. Hugo recognises this himself: "I wonder how the people I photograph will feel about these pictures. In this age we demand that celebrity be placed within the public gaze but have a conflicting ethos for our own representations" (Hugo, 2014).

The purpose of these photographs may not be to surveil the individuals concerned; this is not about monitoring behaviour for the purpose of disci-

pline or control, or commercial gain. It would be difficult, anyway, to identify the individuals involved. The purpose is essentially artistic and to raise questions about photography as a surveillance tool. Even in our most unguarded moments we can easily be captured on film. There is however a moral ambiguity about these images. Is the photographer contributing to and supporting surveillance culture or is he raising questions about the morality of that culture instead? The photographer may have crossed a line about what is acceptable and may have infringed on people's privacy, even though it is for artistic purposes. I will explore the privacy issues and the wider moral dilemmas that photographers face later in this paper.

Figure 3. The journey (Hugo, 2014)

Photography, Surveillance and the Power Dynamic

Surveillance has become a common theme in the work of many contemporary photographers, and as indicated below it is often incorporated as a critique of the surveillance culture that now applies:

> (...) photography has also been used by artists, documentary photographers and activists as a tool to critique this very surveillance, to expose the visual exercise of power, to generate counter-images and carry out acts of 'sousveillance' (looking back at those conducting surveillance 'from below') (Wolthers, 2016, p. 8).

One such photographer is Hasan Elahi, a US citizen of Bangladeshi origin. He was stopped at Detroit airport in June 2002 and was questioned by the FBI about possible links with the attack on the twin towers in September 2001. His questioning proceeded for a period of over six months, during which he was asked for a lot of information including his whereabouts at particular times. In a piece that Elahi (2011) wrote for the *New York Times* called *You Want To*

Track Me? Here You Go FBI, he commented on the power imbalance, indicating that it was clear who had the power in the situation. He suggested that he had no real option but to cooperate fully. His reaction was to tell them everything that might possibly be of interest to them. His determination to tell the FBI everything evolved into an artistic project called *Tracking Transience* (see *Figure 4* for example). He monitored the locations and minute details of his day-to-day activities, then made them available to the public and the FBI on his website and through his art. In his article for the *New York Times*, he commented on the extent of his project: "There are 46,000 images on my site. I trust that the FBI has seen all of them. Agents know where I've bought my duck-flavoured paste, or kimchi, laundry detergent and chitlins, because I told them everything" (Elahi, 2011). He comments too on his motivation for this project: "In an era in which everything is archived and tracked, the best way to maintain privacy may be to give it up" (Elahi, 2011). His idea was to flood the market so that the intelligence held by the *FBI* would be of no value. This work points to ways in which individuals can engage with the surveillance culture in a way that balances the power dynamic.

Figure 4. Tracking transience (Elahi, 2011)

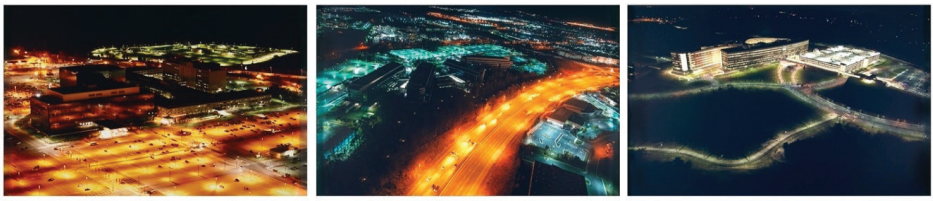
Trevor Paglen is known for his work exploring the hidden elements of surveillance and the militarization of everyday life (see *Figure 5* for example). In an article from *The Guardian* entitled *Trevor Paglen: Art in the age of mass surveillance*, the journalist Tim Adams, who interviewed Trevor Paglen, described his work as follows:

> His art tries to capture places that are not on any map – the secret air bases and offshore prisons from which the war on terror has been fought – as well as the network of data collection and surveillance that now shape our democracies, the

cables, spy satellites and artificial intelligences of the digital world (Adams, 2017).

Paglen's work documents the erosion of privacy in the digital age and challenges viewers to confront the unseen forces shaping contemporary society. Adams (2017) suggests that Paglen is engaged in a postmodern right to roam protest, making a physical argument against official secrecy. Paglen demonstrates how photography can be used as a critique of surveillance culture, making people more aware of the power dynamics at play.

Figure 5. National Security Agency, Ft. Meade, Maryland; National Reconnaissance Office, Chantilly, Virginia; National Geospatial-Intelligence Agency, Springfield, Virginia (Paglen, 2014)



The Moral Dilemmas, Privacy and Anonymity

Laws on data protection exist in many countries. Within the *European Union* (*EU*) for example there is the *General Data Protection Regulation* (*GDPR*) which was enacted across the EU in 2018. The regulation poses challenges for photographers, especially those who are engaged in any kind of street photography. The kind of photography practised by Walker Evans, for instance, despite the exemptions for artistic work, would probably fall outside the regulations of the *GDPR*. On the website of the *Information and Data Protection Commissioner* the guidance for photographers includes the following statement:

> Our culture must change into one which accepts that all individuals enjoy a reasonable expectation of privacy. What might constitute a good candid picture for a street photographer might, on the other hand, adversely affect the privacy rights of the individual captured on the photograph (Office of the Information and Data Protection Commissioner).

The article goes on suggesting that photographers need to obtain the informed consent of the data subject if the intention is to disseminate the photograph in some way or to use the photograph commercially. It advises that a reasonable measure might be to blur the face of the individual in the photograph. These restrictions on the practice of photographers could, if implemented, seriously impact on artistic freedom. They also sit quite uneasily with the surveillance culture in which we live, with over 1 billion CCTV cameras worldwide and surveillance being practised both by state and non-state actors on a massive scale. Trying to limit the freedom of individual photographers could be seen as a rather ineffectual and hypocritical measure, given

the massive surveillance practised by the state. This does however point to an important challenge for photographers. Much of the surveillance that takes place today involves, as we have seen, the active participation of the individual being surveilled: "On the whole, current forms of surveillance increasingly depend on the compliant exchange of information and services through personalised media use, giving surveillance a complicit character" (Christensen, 2016, p. 181). The problem with photography is that it is seen as external, in contrast to the social media we use on our mobile phones, which is seen as internal. Photography is therefore much more likely to be viewed as invasive by the wider public.

We need to acknowledge that privacy is a highly debatable concept, and it is not at all clear what is meant by it. People disagree over what constitutes legitimate privacy claims and who gets to decide: "It is simply not realistic to expect agreement on exactly what reasonable expectations of privacy require in any setting" (Rule, 2012, p. 66). Other academics have made similar points: "Perhaps the most striking thing about the right to privacy is that nobody seems to have any very clear idea what it is" (Thomson, 1975, p. 295) and "privacy is a concept in disarray. Nobody can articulate what it means" (Solove, 2008, p. 1). The problem with the concept of privacy is that it is so broad. It can include a range of rights such as freedom of thought, solitude at home, control over personal information or freedom from surveillance. In terms of photography, therefore, it is somewhat unclear what is meant in the *GDPR* guidance about photographers potentially contravening the privacy rights of individuals they photograph. It is perhaps more helpful to think in terms of anonymity or obscurity, a more easily definable concept. Kaplan (2023) sets out how there is a practical need to articulate a right to obscurity to protect the interests of liberal democratic societies. He explains that anonymity or obscurity lies in the amount of identifying information that is available: "The individual who is perceived by others as a mere face in the crowd enjoys broad anonymity because nearly all their identifying information remains dissociated and, thus, concealed from others" (Kaplan, 2023, p. 49). He goes on to explain the value of anonymity as the liberating ability to glide anonymously through a crowd and makes the case as follows: "The positive value of anonymity in this context is instrumental insofar as it removes inhibitions that can diminish an individual's autonomy" (Kaplan, 2023, p. 49). Looking back at the *GDPR* guidance for photographers, whilst it may be excessive to blur out the faces of individuals photographed in the street, photographers need to consider whether individuals can easily be identified from the information contained within the image. It is not unreasonable for photographers to consider preserving the anonymity of individuals they photograph.

Anonymity may well be attractive and as Kaplan (2023) says it is quite liberating, but it is also under threat. In the digital age we are constantly being asked to provide personal details that enable identity validation: "The architecture of the network society seems to be shifting from one in which anonymity was

the default to one where nearly every human transaction is subject to monitoring and the possibility of identity authentication" (Kerr & Barriger, 2012, p. 393). Moreover, we can no longer take for granted our anonymity when out in public: "...facial recognition surveillance (FRS) can catalogue every person who participates in public protests, political rallies, religious observances, or any socially stigmatised activity. These individuals will no longer be nameless faces in the crowd…." (Kaplan, 2023, p. 46).

Kaplan (2023) goes on to describe the extensive use of FRS in China but also acknowledges that it takes place elsewhere including in Europe, though its use is limited by *GDPR* regulation and by legislation in various countries. As with all forms of surveillance, FRS can of course be used as a public good. It can be used to identify criminals and bring them to justice. Society, however, needs to be very careful in its use of FRS and other surveillance systems as individuals value their anonymity. It is an important principle: "I have made the case that we have a right to maintain our anonymity such that our mundane activities, behaviours, and associations are not recorded and linked to our identity by means of FRS" (Kaplan, 2023, p. 62).

Kaplan (2023) goes on to assert that it is in the wider interests of society to preserve the right to anonymity as this enables individuals to exercise their civil liberties. The value of anonymity as a public resource and as something worth preserving has been articulated clearly by Trevor Paglen in an interview published in *Document Journal*:

> What I think about instead of privacy as an individual right is anonymity as a public resource… So what you have is a profound loss of those sectors of society where there was some kind of anonymity - and I think preserving it is really important (Paglen, 2016).

There are clearly moral challenges here for photographers. If the preservation of anonymity is an important principle, despite the challenges posed by constant surveillance and new technologies, where does that leave the modern-day documentary or street photographer? In social science projects where photography forms part of the research, it is clear that the principle of informed consent should be applied. However, that opportunity to engage the subject would not apply in the case of street or documentary photography. It is undeniable that Walker Evans did not seek the informed consent of his subjects; quite the opposite, as he made sure that his subjects were completely unaware that he was taking the photographs. It is unlikely that anyone who recognised themselves in those images would have felt that their privacy had been invaded or their anonymity compromised. We are living now, however, in radically different times and people's reactions to such candid shots would likely be very different today. People know very well how quickly images can be disseminated through social media and how they can be used. Photographers today are subject to suspicion when taking photographs publicly. This is not something that photographers can ignore; they need to find a way of

reconciling their right to document the modern age and take photographs in public with the rights of individuals to preserve their anonymity.

Conclusion

We are living in an age in which surveillance permeates almost every aspect of our lives. The private space is shrinking as we willingly and unwillingly succumb to all manners of surveillance. This is a phenomenon that is likely to increase rather than decrease despite some efforts in liberal democracies to limit the reach of the state. The right to remain anonymous in public is something we take for granted but is precious, nonetheless. Today, with FRS, this is no longer a right we can assume as unquestionable. A role for photographers can be, as we have seen through the work of Hasan Elahi and Trevor Paglen, to shed light on the dangers of modern surveillance culture. Photographers can surveil the surveillers, challenging the power dynamics that are at play. In this way, photographers can operate in an ethical way that takes account of and reveals the nature of surveillance culture whilst refusing to be complicit in it.

There is a problem, however, for more traditional photographers who wish to document modern life. Photographers operate now in a much more fraught and contentious environment than was the case when Walker Evans produced his famous subway photographs. Photographers need to take account of the legitimate concerns of members of the public about how their images might be used. It is helpful in this context for photographers to consider the principle of obscurity or anonymity and limit the identifying information contained within the image. The photographs of Pieter Hugo suggest the potential boundaries for photographers. He clearly did not seek the consent of the sleeping passenger, so there was no informed consent. The images can be construed as voyeuristic. However, it is unlikely that anyone's anonymity would have been compromised by these images. There are very few identifying features that might link the person photographed with their identity. In this way, even though the photos have been widely disseminated, it is unlikely that they will cause anybody any harm. This is probably the ultimate moral consideration; will these images potentially cause anybody any harm? Ultimately, there is no clear ethical guideline that can be applied. Photographers have the right to document modern life and members of the public have a reasonable expectation that they can go about their daily business in obscurity. It is only through awareness of these issues, taking account of and balancing the potential concerns of their subjects, that photographers can operate in an ethical and sensitive manner.

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