INFORMATION, POWER AND LAW
BİLGİ, İKTİDAR VE HUKUK

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Abstract

There is a strict relationship between information and power. As widely expressed, information makes power. This idea is not incorrect but incomplete. Because this relationship does not run on one direction. At the same time power produces information. And law is the one of the basic tools using by power to produce information.

Surveillance can be described as monitoring individuals, groups or the society in general for the purpose of acquiring information or disciplining people, or both. Contrary to what is believed, this monitoring does not usually come out in the form of directly observing the movements of individuals or groups, or social preferences and events. It can also be done by storing information and private data about individuals. For this reason, the concept of surveillance comprises a much broader meaning than its daily usage.

In this study information, power and law relationship will be analyzed by using the different ideas in the literature. Our determinations on the topic will be explained in the cause and effect relationship.

Keywords: Information, power, law, surveillance, discipline

Özet

Bilgi ve iktidar arasında sıkı bir ilişki vardır. Sıklıkla ifade edildiği üzere, bilgi, iktidar yapar. Ancak bu ifade doğru olmakla birlikte eksiktir. Nitekim bilgi-iktidar ilişkisi sadece tek yönlü bir hareketlilik içermez. Nasıl ki bilgi iktidar yapıyorsa, aynı zamanda iktidarın da bilgi ürettiği görülmektedir. Hukuk ise iktidarın bilgi üretirken kullandığı temel araçlardan bir tanesi olarak karşımıza çıkar.

Gözetim, bireylerin, grupların ya da genel olarak toplumun, bilgi sahibi olmaya veya insanları disipline etmeye yahut da her ikisini birden gerçekleştirmeye yönelik olarak izlenmesi şeklinde tanımlanabilir. Genellikle inanılanın aksine bu izleme, daima, kişilerin ya da grupların hareketlerinin, sosyal tercihlerin veya olayların doğrudan izlenmesi şeklinde gerçekleşmez. Aynı zamanda bu takip, bireyler hakkındaki özel verilerin ve bilginin depolanması şeklinde de karşımıza çıkabilir. Bu nedenle gözetim kavramı, genellikle gündelik hayatta kullanıldığından çok daha geniş bir içeriğe sahiptir.

Bu çalışmada bilgi, iktidar ve hukuk ilişkisi, doktrindeki farklı görüşler değerlendirilmek suretiyle incelenecektir. Kendi kişisel görüşlerimiz ise neden-sonuç ilişkisi içinde açıklanacaktır.

Anahtar Sözcükler: Bilgi, iktidar, hukuk, gözetim, disiplin

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INTRODUCTION

In today's society, the importance of information increases constantly, as it is often stated. Knowing about the universe, society, people, nature and the rules that control the nature brings ease of life to individuals or groups as well as provides them with an area of power to the extent of their knowledge. In this regard, getting to know things is usually achieved by examining and surveillance. Therefore, it can be stated that one needs to know to get power, and surveillance to get to know. In order to be in power and ensure its continuity, those who are in power who need information and thus surveillance often use law as a means in this respect.

By revealing the relationship between information and power, this study examines the surveillance activities conducted by those in power and the use of law as a means in these activities. In our opinion, analysing the relationship between information, power and law would be influential for us to determine our stance in life as well as differentiate our views on some legal norms. In this context, the study is expected to make a contribution to the literature. On the other hand, the primary method employed in the study consists of putting forward our views within a cause-effect relationship by making use of different views in the doctrine.

1.   INFORMATION-POWER RELATIONSHIP

There is a close relationship between power and information. As it is often stated, all individuals who are in power need information. Information legitimises power and makes it effective. Possessing information means having power[1]. If you aim to control an object, an individual or a society, you first need to know them well, and this is possible by surveillance into their lives. In this sense, there is a close relationship between power and information.

Although this aspect of the power-information relationship is frequently emphasized, another aspect, which is the information production of those in power, is observed to be relatively neglected. In fact, as information serves power, power serves information. For example, even if the official language of a state were to be French or a geographical location were to be called differently, the information in the social domain would change after those in power say that the official language is English, or change the name of that location; in other words, the new

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[1] BAUMAN, Zygmunt: Yasa Koyucular ile Yorumcular, (Translated by Kemal Atakay), Metis Publishing, İstanbul 1996, p.62.

information has been produced by the power. In addition, those in power are observed to develop a new discourse that overlaps with their ideology in areas of social sciences such as history and sociology, and be inclined to disseminate this to a wide audience through the education system they control. Therefore, there is a bidirectional connection between the two concepts[2].

Foucault emphasizes this bidirectional relationship between the concepts of power and information. According to him, while information or knowing about something is required for the existence and continuity of power, those in power also produce information. Even the development of mere scientific knowledge is evolved depending on power relationships[3].

2. SURVEILLANCE AS A METHOD OF POWER FOR ACQUIRING INFORMATION AND ITS TYPES

Surveillance can be described as monitoring individuals, groups or the society in general for the purpose of acquiring information or disciplining people, or both. Contrary to what is believed, this monitoring does not usually come out in the form of directly observing the movements of individuals or groups, or social preferences and events. It can also be done by storing information and private data about individuals. For this reason, the concept of surveillance comprises a much broader meaning than its daily usage.

The concept of surveillance can be considered from two different perspectives. The first meaning refers to storing information about individuals, groups or the society which can be used to control their behaviours, whereas the second meaning includes directly observing the behaviours of individuals or groups, or the social behaviours in general[4]. The first meaning can be named as storage surveillance, and the second one as observance surveillance.

Some authors argue that technically, for surveillance, there should be an authority relationship between the one who is surveilling and the one who is surveilled, which we agree in principle. However, even though

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[2] HUNT, Alan / WİCKHAM, Gary: Foucault and Law, Pluto Pres, London-Sterling, Virginia 1994, p.12.
[3] FOUCAULT, Michel: İktidarın Gözü, (Translated by Işık Ergüden), Ayrıntı Publishing, İstanbul 2003, p.248.
[4] GIDDENS, Anthony: Ulus Devlet ve Şiddet, (Translated by Cumhur Atay), Kalkedon Publishing, İstanbul 2008, p.24

there is no authority relationship, we think that observance to form an authority relationship in the future should be evaluated within the concept of surveillance. In particular, such an authoritative connection can be established in observance relationships that emerge in the form of boss-worker or state-citizen; on the other hand, no such relationship exists in the observing and storing activities of business firms related to customer behaviours which we evaluate in the scope of surveillance. However, these firms conduct such activities to direct individuals by observing their buying behaviours. Therefore, since there is an authority relationship with the person being surveilled however indirect and weak as a result of the observance, these activities should be considered within the scope of the concept of surveillance. At the same time, because there is no authority relationship within this scope in individuals' observance activities on other people merely because of curiosity and to make an evaluation about them (e.g. peeping into neighbour's house, following what friends buy and sell online), these activities should not be considered within the scope of surveillance.

3.   SURVEILLANCE TO ACQUIRE INFORMATION
A. Surveillance to Maintain Power by Acquiring Information

Being in power is a difficult task and requires foreseeing oppositional social movements and taking precautions against them beforehand. For this reason, individuals in power often use surveillance to determine the hazards that can come out with regard to their future, and take precautions against these issues. In this context, intelligence agencies of states meet this need of those in power by making use of technological facilities that are becoming increasingly technological. Besides, law enforcement officers such as gendarme and police are frequently used for intelligence purposes.

Surveillance to remain in power shows itself not only in the macro level as in the state-society relationship, but also in the micro level as in the power relationships. Therefore, those in power would like to have information resources among foremen/workers, directors/officers, rectors/deans and faculty members to deliver complaints about it to the superior authorities or organise others to take a stand towards it. As a matter of fact, maintaining power and ensure its continuity is one of the instinctive behaviours of human beings[5].

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[5] HOBBES, Thomas: Leviathan, (Translated by Semih Lim), Yapı Kredi Publishing, İstanbul 1995, p.76, p.127

It is very common among people to carry information to the power, be its information resource and thus be inclined to be close to it. Similar to a magnet attracting metals, the power attracts the individuals around it. For individuals, it is difficult to resist to "the unbearable lightness of being close to the power". However, like the metals that can hold on against the attraction of the magnet, only strong-willed individuals can resist to the attraction of power.

B. Surveillance to Direct by Acquiring Information

Surveillance is one of the tools that are used to direct target individuals, groups or societies into a certain direction. As a matter of fact, if you conduct surveillance on the life of an individual, a group or a society, you get to know and recognise them well. Consequently, you can control someone whom you know and recognise well more easily. In this regard, there is a need to know things to control people, and a need for surveillance to get to know these things. Individuals in power who want to direct the society into a certain direction have always felt the need to recognise and conduct surveillance on the society that they rule. During the part of the human history that comes across modernism, the states have taken as a mission to turn the people they rule into a society consisting of individuals who abide the laws they make. Such a society formed reasonably and rationally is seen as the ultimate goal of modern states[6].

This situation is not only valid in the macro level. In interpersonal relationships, there is a need to first recognise and know the other person to direct them into a certain direction. This can be possible by surveillance into various areas of that person's life. For instance, if you want to make a friend do something, you need to recognise him/her well. If your friend is a person who does not like being ordered, but kindness, and react positively to kind behaviours, it will be enough to utter a few questions starting with "Could you ..." and end with "please?". On the other hand, if you have an authoritarian friend who perceives kindness as a weakness, but do things when he/she is ordered to, you will need to utter sentences in the imperative mood when talking to him/her[7]. Or, if he/she is a person who act based on his/her own ideas and have difficulty accepting others'

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[6] BAUMAN, Zygmunt: Modernlik ve Müphemlik, (Translated by İsmail Türkmen), Ayrıntı Publishing, İstanbul 2003, p.24.

[7] For "authoritarian personality" see also BATMAZ, Veysel: "Giriş," Otoriteryen Kişilik, (Ed.: Veysel Batmaz), Salyangoz Publishing, İstanbul 2006, p.48.

ideas, you can making him/her accept your ideas by saying "Is this what you mean?" and presenting them as his/her ideas. It is possible to find more examples. However, the common point in all examples is that to direct a person in the desired way, you first need to recognise him/her well. As for recognising someone well, it is possible through surveillance.

In today's society, some business firms are observed to conduct surveillance on people's lives to direct them especially by storing and classifying information. For example, as a result of the information sharing among the banks, any bank can learn how much money and debt that a person has in other banks. This practice is kind of a control over the part of individuals' economic activities and the active-passive balance. It is in this way that individuals can apply for a loan right through a text message including their identity number. Besides, hypermarkets have the opportunity to follow the buying habits of their customers by means of the discount cards they give them. These cards are read by a barcode reader before each purchase to get discount and earn points, and in this way, it can be recorded what each customer buys. After it is known what they spend their money for and what they need, it gets easier to direct individuals to buy a certain product.

4. SURVEILLANCE TO DISCIPLINE
A. Discovery of the Disciplining Effect of Surveillance by the Western World

Surveillance can be done not only for acquiring information, but also for disciplining together with or independently from the first purpose. The wide discovery of the disciplining effect of surveillance by the western world was with the plague epidemic in the Medieval Europe[8]. In this period, some rules were set to be applied in the case of a plague epidemic in a city, and not obeying to these rules was bound to very heavy sanctions. This city would be immediately surrounded and closed for entrance, and the opposite behaviours would be punished with death. While stray animals would be killed, the city would be divided into smaller parts assigned with an inspector. Every family must have stored food beforehand. Small wooden channels were built between on the streets and between houses only for bread and wine. These enabled meeting everyone's need without any communication between the providers and the society. Whether the rules were obeyed or not was

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[8] BAUMAN, (1996) p.51)

strictly inspected by the officials. In this system, inspections were continuous and glances were over everywhere[9].

In this way, thanks to these practices implemented for cities with plague, it was noticed that locking individuals into a place made possible a disciplinary model in which all actions were inspected, the power worked hierarchically and constantly, and every individual was observed in almost all points in a closed area[10]. Initially thought for cities with plague, this model started to be also used for keeping tramps, insane people and dangerous patients under surveillance, and thus, the historical process called "the great confinement" arose[11]. In this regard, prisons, poorhouses, hospices, hospitals and mental hospital played an important role as the places where this confinement happened[12]. That these new institutions which came out in the early modernism period were not random inventions can be understood from their appearances that were surprisingly simultaneous in distant and functionally unrelated areas. As a matter of fact, the purpose was not to look after poor people, punish the criminals or treat insane individuals. What was more important was organising the social control mechanism in a new format towards the great distress of the social power areas and re-ensuring them[13].

B. A Good Metaphor For Understanding the Disciplining Effect of Surveillance Panapticon

With regard to conducting observance in a closed area and doing this with the lowest cost effectively, Bentham's "Panapticon" project gives important clues[14]. This is because in this project, Bentham aimed to both get informed and rehabilitate the prisoners by observing them. Besides, he would do this with fewer staff and less cost. For this reason, thinking this project that would be operated with low cost would attract the interest of rulers, he hoped to gain a good profit from it. However, he was not able to actualise this project during his lifetime and it stayed as a great waste of

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[9] FOUCAULT, Michel: Hapishanenin Doğuşu, (Translated by Mehmet Ali Kılıçbay), İmge Publishing, Ankara 2006, p.289
[10] MERQUIOR, J. G.: Foucault, (Translated by Nurettin Elhüseyni), AFA Publishing, İstanbul 1986, p.27
[11] FOUCAULT, (2006) p.292
[12] ÖZKAZANÇ, Alev: "Örgütlü Modernliğin Çözülmesi Sürecinde Suçun Yeniden Siyasallaşması," Yoksulluk, Şiddet ve İnsan Hakları, (Ed. Yasemin Özdek), Publication of TODAİE İnsan Hakları Araştırma Merkezi, Ankara 2002, p.381.
[13] BAUMAN, (1996) p.59
[14] FOUCAULT, (2006) p.295

time and money for him. On the other hand, almost all prisons built after Bentham, especially in the first half of the 19th century, were built by taking some of his practices as an example[15]. Therefore, this project of Bentham's can be accepted as a project that never took place, but also applied repeatedly in a way. It should be noted that the Panopticon has not reached to us directly by Bentham. Although many scientists working on punishment theory and penal systems were familiar with the importance of Panopticon long before, the recognition of Panapticon and its use in almost every writing on observance increased when Foucault got interested in it and gave it wide coverage in his work titled Birth of Prison[16].

Generally, in Panopticon, there is a building in the form of a ring, and a tower in the centre of this ring. This watchtower in the centre has large windows looking to the interior front of the ring-shaped building surrounding it which is divided into cells. Each cell has two large windows, one looking to the interior and the other looking outside. The window facing the interior comes right across the windows of the tower. Because of the light coming from the window facing outside, the silhouettes of the prisoners in the cells of the ring-shaped building can be easily followed from the tower. Since the interior of the tower does not reflect outside, it is not possible for the prisoner to know how many people there are in the tower. This arrangement that enables observing without being seen forms spatial units enabling constant view and quick recognition[17]. Control is based on surveillance on the prisoners by individuals that cannot be seen. There is not place for the prisoner to hide and that can be described as private area. The only reasonable option for the prisoner who does not know if he is being watched since he cannot see inside the tower, but assumes that there is someone inside to watch is obedience. Therefore, Bentham derived a word meaning "fully visible place" in Greek for his prison: "*Panopticon*"[18]. Due to the ease of watching it provides and the feeling of "I'm being watched" that it creates in the prisoner, this prison does not need many guardians, which reduces the operating costs extremely.

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[15] FOUCAULT, (2003) p.86)

[16] LYON, David: Elektronik Göz-Gözetim Toplumunun Yükselişi, (Translated by Dilek Hattatoğlu), Sarmal Publishing, 1997, p.92

[17] FOUCAULT, (2006) p.295)

[18] LYON, p.93

Even though Panopticon was designed in the form of a prison, the logic behind it is the kind that can be implemented anywhere from mental hospitals to military barracks, or from schools to factories. For this reason, Panopticon is not only a prison, but a power technology, and a surveillance project[19].

Finally, it should be stated that one of the most important changes observed in social life with the modernist period is the professionalism of surveillance. It has now started to be done by people who acquire it as a profession in this new period. In this way, an occupational group that consists of individuals who are specialised in surveillance and will do it for those in power has emerged. This task in question is not an ordinary one, and requires from individuals more than using brute force; having skills of surveillance, specialisation and being an engineer of human behaviour[20].

C. Surveillance to Discipline at the Present Time

When surveillance to discipline first started to be systematically used in the historical process (early modernist period), there was a need for closed areas. As a matter of fact, in that period, individuals could only be observed in closed areas. No technological facilities were available to directly watch their activities outside and store information. However, it is possible to discipline individuals by making them feel that they are being pried without being in a closed area by means of technology.

By means of drones and satellite systems, certain regions and even the entire planet can indeed be monitored in the macro level by the states having such technological means[21]. On the other hand, through the use of facilities that organisations such as the Turkish Information and Communication Technologies Authority (ICTA) have, we live with the concern that our phones can be tapped and our emails can be read any time. This concern disciplines us, and prevents us from making phone calls that can cause the power impose sanctions, writing e-mails with illegal contents, or performing illegal actions where we can be seen by surveillance cameras. Therefore, surveillance disciplines us.

To approach the issue at a micro level, children do not misbehave as long as they think their fathers are watching them, or workers stop

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[19] FOUCAULT, (2003) p.87)
[20] BAUMAN, (1996) p.59)
[21] LACOSTE, Yves: Büyük Oyunu Anlamak-Jeopolitik: Bugünün Uzun Tarihi, (Translated by İsmet Akça), NTV Publishing, İstanbul 2007, p.48

neglecting their job when they notice the head worker is watching them. Similarly, when a camera is placed at a junction where people violate the red light, the violations would probably decrease considerably, even if the camera does not work. Or, the model of a police vehicle that is placed on a road where people drive at a speed exceeding the legal limit would generate the reflex of breaking and slowing down in drivers.

5. IS THE SURVEILLANCE BY THE POWER UNNECESSARY?

Based on the explanations on the concept of surveillance, it can be thought that we support the unnecessariness of public surveillance in particular. For this reason, in the final section of this paper, we wanted to make some explanations related to the necessity of public surveillance that is conducted by the state. In the modern society, the simultaneous rise of democracy and surveillance attracts the attention. This situation should be considered reasonable. The reason is that in democratic societies, the desire to live in safe and easy circumstances, and the demand to receive quality public services conveniently are the primary priorities of individuals. The modern state can provide this only by giving every citizen a number (e.g. identity number, social security number), keeping record of individuals, and conducting various activities of indirect and direct surveillance to ensure security. In many democratic societies, for majority of individuals constituting the society, the only guarantee for safely walking at night in the streets of cities surrounded by buildings similar to the walls of a fortress is the police officers and security cameras surveilling on the streets[22].

In terms of organising the social life and fighting against crime effectively, surveillance is indispensable in today's societies. In this context, it is apparent that surveillance has indispensable benefits although it has many aspects that can be criticised[23]. Moreover, it is not only states that make use of advanced technology for surveillance purposes. Criminals can develop new methods of committing crimes by using the advantages of the modern world. Particularly by means of information technologies and the Internet, communication and cooperation in organised crime, training of gang members (i.e. making bombs etc.) and new techniques for committing crimes have reached to unbelievable dimensions. Besides, the damages caused in some crimes are not greater

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[22] LYON, p.45
[23] LYON, p.10

than it was in the past. Technology has not only provided ease in communication, transportation and production, but also enables stealing more easily and in greater quantities, breaking down and killing. In the face of the huge damages caused due to crimes, it has been more important to prevent crime compared to the past. In this sense, the state's increasing surveillance to an extent and developing it by using new techniques can be regarded as reasonable.

On the other hand, surveillance activities, which are closely related to the concepts of basic rights and especially the privacy of private life, should have certain limits. Otherwise, it would be indispensable to turn into a society of individuals who pass every moment of life with the psychology of being pried. In addition, giving those in power the authority of surveillance redundantly would lead to informing them excessively which would result in giving them excessive power.

6. INSTRUMENTALISATION OF LAW IN PUBLIC SURVEILLANCE: SAMPLE OF NOT REPORTING A CRIME

For public surveillance, the state is observed to often use the law as a means. In this regard, the state legitimises its activities such as tapping phones, following individuals' actions in public space, and gathering personal information through legal regulations. In this way, surveillance activities becomes legal and are legitimised by being absolved by law. Besides, the state imposes individuals the obligation of being its means of surveillance with some rules that it prescribes in many criminal laws. The state's forcing individuals to become its means of surveillance through the "crimes of not reporting crime" regulated under Article 278 and its subsequent articles of the Turkish Penal Code are examined in this section.

In the 2004 Turkish Penal Code (no. 5237), there are three articles that attracts the attention with respect to individuals' being used as a means of the surveillance conducted by the state. These are the crimes of not reporting crime in Article 278, public servants' not reporting crime in Article 279, and health professionals' not reporting crime in Article 280. While the first of these crimes can be committed by any citizen, the second one can be committed by public servants, and the third one only by health professionals.

Each of these three types of crimes imposes the authorised bodies of the state the duty to report a crime. Therefore, with these crime types,

the lawmaker puts the individuals who are the addressees in these articles in the position of a surveillance body of the state. These crime types are relatively more reasonable in terms of Articles 279 and 280. In this sense, the state brings such an obligation to those who will perform certain public duties, and it is acceptable that individuals have a right to choose and these regulations are sensible by claiming that they may not work in performing these public duties. However, putting such an obligation on health professionals in particular would result in perpetrators', who are in need of emergency medical aid, and victims', who do not want the crime to revert to the courthouse, abstaining from receiving medical services[24]. Besides, it is open to discussion that how negatively a health professionals' being under the obligation of reporting a crime related to a patient who has the possibility of a victim or perpetrator would affect the patient-doctor relationship particularly in an important area of public service like healthcare. However, as we said, in these areas, individuals at least have the choice not to work in these occupations.

On the other hand, it is not possible to say the same for the crime of not reporting crime, which has been accepted in Article 278 as a crime as of the the new Turkish Penal Code. With this regulation, individuals are not given the chance of not falling into the position of an informer in terms of the crimes that they witness being committed. This article is one of the most important reflection of the understanding that "if you are an individual living in this country, you have to be the eyes of the power"[25]. Consequently, for individuals who do not want to commit a crime or be in the position of an informer, there is no other chance in terms of the crimes that are being committed or those whose outcomes cannot be restricted. In this regard, in any case where they do not inform the authorities about a crime of which they have knowledge, they will have committed a crime. With this regulation, as Bentham states in his work Panopticon, "every citizen becomes an observer."[26]

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[24] ADLİ TIP UZMANLARI DERNEĞİ BİLDİRİSİ (Forensic Science Experts' Declaration): "TCK'nın 530. Maddesi Ortadan Kaldırılıyor!..," Türk Ceza Kanunu Reformu İkinci Kitap: Makaleler, Görüşler, Raporlar, (Ed: Teoman Ergül), Publication of Türkiye Barolar Birliği, Ankara 2004, p.241

[25] YARSUVAT, Duygun et al: "Türk Ceza Kanunu Tasarı'sı Hakkında Galatasaray Üniversitesi'nin Görüşü," Türk Ceza Kanunu Reformu İkinci Kitap: Makaleler, Görüşler, Raporlar, (Ed: Teoman Ergül), Publication of Türkiye Barolar Birliği, Ankara 2004, p.316.

[26] FOUCAULT, (2003) p. 92

At first glance, with Article 278 on not informing authorities about crimes, it can be thought that individuals are imposed such an obligation in order to call for help to those who are in need due to the crime (e.g. a person who is the victim of reckless injury as a result of a traffic accident). However, to impose criminal sanctions to not fulfilling one's humanitarian obligations, the crime of *not fulfilling the obligation of help and informing* was regulated under Article 98 of the Turkish Penal Code. Therefore, it is clear that the regulation related to crime in Article 278 do not have such a purpose. In our opinion, this type of crime is of great importance in terms of showing the extent of surveillance in today's Turkey.

RESULTS

There is a close relationship between power and information. As it is often stated, all individuals who are in power need information. Information legitimises power and makes it effective. Possessing information means having power. If you aim to control an object, an individual or society, you first need to know them well, which this is possible by surveillance into their lives. In this sense, there is a close relationship between power and information. Although this aspect of the power-information relationship is often emphasized, the other aspect, which is the information production of the power, is relatively neglected. In fact, as information serves power, power serves information. Therefore, there is a bidirectional connection between the two concepts.

Surveillance can be described as monitoring individuals, groups or the society in general for the purpose of acquiring information or disciplining people, or both. Contrary to what is believed, this monitoring does not usually come out in the form of directly observing the movements of individuals or groups, or social preferences and events. It can also be done by storing information and private data about individuals. For this reason, the concept of surveillance comprises a much broader meaning than its daily usage.

Both in the macro level and in the micro level, it is observed that surveillance has two primary purposes as "acquiring information" and "disciplining". The surveillance for acquiring information is mostly due to the information-power relationship. As a matter of fact, all individuals in power need information. Information legitimises power and makes it effective. Possessing information means having power. In this regard, if

you aim to control an object, an individual or society, you first need to know them well. It should also be noted that surveillance can be done not only for acquiring information, but also for disciplining together with or independently from the first purpose.

Although surveillance has many aspects that can be criticised, it should be stated that especially public surveillance conducted by the state appears as a need for society. In terms of organising the social life and fighting against crime effectively, surveillance is indispensable in today's societies. Moreover, it is not only states that make use of advanced technology for surveillance purposes. Criminals can develop new methods of committing crimes by using the advantages of the modern world. Technology has not only provided ease in communication, transportation and production, but also enables stealing more easily and in greater quantities, breaking down and killing. In this sense, the state's increasing surveillance to an extent and developing it by using new techniques can be regarded as reasonable. On the other hand, surveillance activities, which are closely related to the concepts of basic rights and especially the privacy of private life, should have certain limits. Otherwise, it would be indispensable to turn into a society of individuals who pass every moment of life with the psychology of being pried. In addition, giving those in power the authority of surveillance redundantly would lead to informing them excessively which would result in giving them excessive power.

For public surveillance, the state is observed to often use the law as a means. In this sense, on the one hand, the state completely legitimises its activities such as tapping phones, following individuals' actions in the public space and gathering personal data through legal regulations; on the other hand, it imposes individuals the obligation of being an observer for the state by means of some rules prescribed in criminal laws.

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